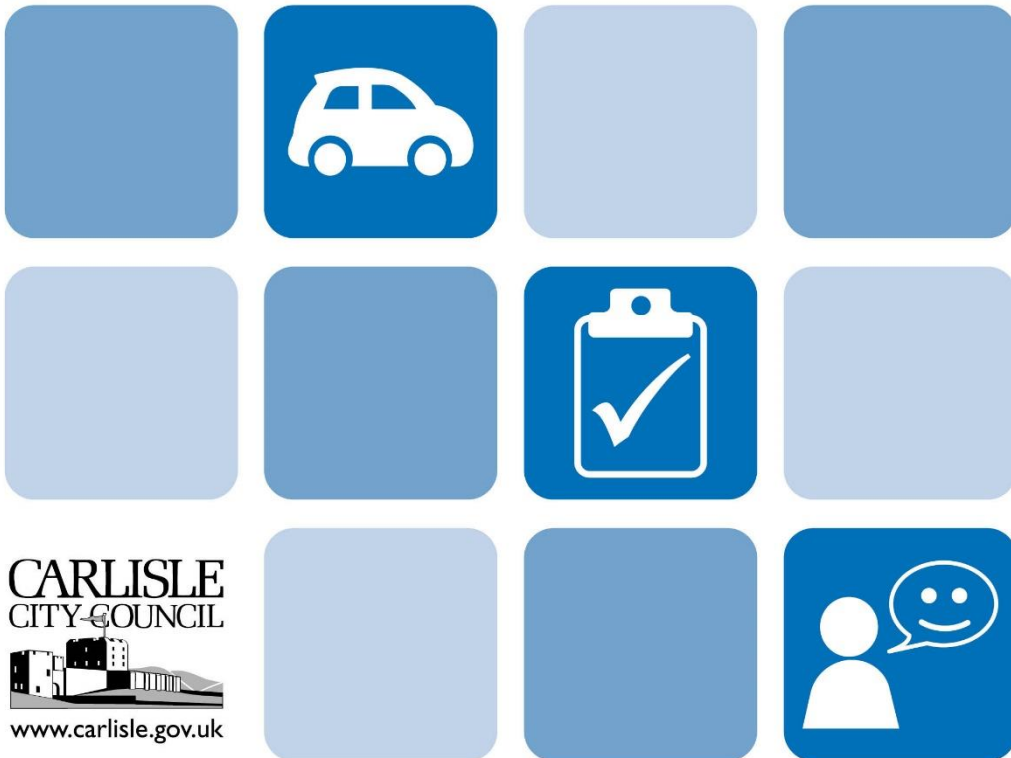


# Hackney Carriage and Private Hire Licensing Policy 2022-2027



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## PART 1. INTRODUCTION

### 1.1. Powers and Duties

Carlisle City Council (the Council) is responsible for the licensing of Hackney Carriage and Private Hire Vehicles, their Drivers, Operators and Proprietors in the District.

This Policy sets out the standard that the Council will use to inform its decisions on applications for licences, their renewal and consideration of their continuance. This Policy will also be useful for members of the hackney carriage and private hire trades, those seeking licences, the travelling public and others in the community.

Licence holders and applicants for licences will find guidance on the application processes in the Appendices to this Policy and on the Council website. If a member of the public has a concern or question about the taxi or private hire trade, they should get in touch with The Licensing team at the Council at: [licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk)

This Statement of Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Carlisle City Council (“the Council”) the duty to carry out its licensing functions in respect of Taxis, Drivers, Operators and Proprietors in the District

When developing this policy, the following have been taken into consideration:

- The aims and objectives of this policy (see below)
- Current legislation
- The Department for Transport “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” March 2010
- Regulators Code 2014
- Institute of Licensing Guidance on determining the suitability of applicants and licencees in the hackney and private hire trades April 2018
- Department of Transport Statutory Taxi & Private Hire Vehicle Standards July 2020

This policy sets out application requirement and standards that must be met by the hackney carriage and private hire trade licenced by Carlisle City Council. When carrying out its regulatory functions, the Council will have regard to this policy. Each application or enforcement measure will be considered on its own merits however where it is necessary to depart substantially from the policy, clear and compelling reasons will be given.

The policy has immediate effect and will be applied to existing licences and new applications received after the date that the policy is adopted by the Council.

The Policy will be evaluated 12 months after it has been adopted, this will be to determine whether the policy is effective and has achieved the aims set out in paragraph 1.2 of this document. Following its initial evaluation, the Council will formally review every 5 years.

## 1.2. Policy Objectives

Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They can provide safe, secure and comfortable transport, providing an on-request door to door service in various circumstances, including where public transport may not be available or for those with mobility difficulties.

The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. The Council's aim is to facilitate well run and responsible businesses which display sensitivity to the wishes and needs of the general public.

In setting out its policy, the Council seeks to promote the following objectives:

- a) The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder;
- b) The protection of the environment;
- c) Ensuring an efficient and effective hackney carriage and private hire provision;
- d) To provide and maintain a professional and respected hackney carriage and private hire trade by continued monitoring and improvement of standards of service.

The Council aims to ensure that the hackney carriage and private hire services offered within the district are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced. The Council will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council.

## 1.3. Departure from the Policy

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out therein.



Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits with regard to the licensing objectives. However, it is likely that departures from policy will be restricted to exceptional circumstances, not used to circumvent the reasonable requirements of the Policy.

### **Substantial departure from Policy**

Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so must be given. The Regulatory Panel may authorise a departure from the Policy in accordance with this section if they consider it necessary in the specific circumstances.

### **Minor departure from Policy**

Where an applicant is able to demonstrate that a minor departure from this Policy, based on the individual circumstances of that application, would still ensure that the policy objectives are achieved, the Licensing Manager may authorise a licence to be issued. An example of this could be a short delay within the admin process whereby we are waiting for an updated insurance certificate to be sent.

## **1.4. Policy Duration**

This Policy will take effect from 1<sup>st</sup> January 2022.

Administrative amendments to this Policy (required by virtue of legislative changes, revised statutory guidance, a Council restructure or administrative procedural changes) may be made by the Licensing Manager. Amendments under this section are restricted to those required to accurately reflect the current legal or administrative position rather than amendments that change the focus of local policy.

In the event of any significant amendment to the Policy, a full consultation will be undertaken prior to consideration by the Regulatory Panel.

For the purpose of this section, a significant amendment is defined as one that:

- a. will have significant financial impact on applicants, licence holders or the public,
- b. will have a significant procedural impact on applicants, licence holders or the public, or

- c. may not be perceived by the trade or the public to be consistent with the policy objectives.

It does not relate to mandatory changes in legislation and/or statutory guidance.

### 1.5. Licences issued by the Council

- (a) Hackney Carriage Driver's Licence (HCD)
- (b) Hackney Carriage Vehicle Licence (HCV)
- (c) Private Hire Driver's Licence (PHD)
- (d) Private Hire Vehicle Licence (PHV)
- (e) Private Hire Operator's Licence (PHO)

Note that the licence the Council issues to individuals who wish to drive taxis or private hire vehicles are referred to as a '**driver's licence**', and the licence issued to all motor road vehicle drivers by the DVLA is referred to as a '**driving licence**'.

The Council does not issue school transport permits, these are issued by Cumbria County Council.

Any badge, licence or vehicle plate issued to any person remains the property of the Council.

### 1.6. Hackney carriages and private hire vehicles; what's the difference?

The licences, fares, insurance and working practices of the vehicles are different.

Only hackney carriages may use the word 'Taxi' or 'Cabs' in their name, advertising or signage.

Other differences are set out in the following table:

		Private Hire	Hackney Carriage
<b>BOOKINGS</b>	Can be pre booked	✓	✓
	Can wait in a hackney carriage rank	✗	✓
	Can be hailed	✗	✓
<b>FARES</b>	Set by the council	✗	✓
	Uses a taximeter	✗	✓
	Set by Operator	✓	✗
<b>VISUAL DIFFERENCES</b>	Colour	Any colour except white	Non WAV – White  WAV – any colour
	Illuminated roof sign	✗	✓
	'Black cab' type allowed	✗	✓
	Cab or Taxi in name	✗	✓
	Licence plate position	✓  Rear	✓  Rear

## PART 2. VEHICLES

### 2.1. Limitation of Numbers

The Council currently has no limit on the number of hackney carriages which may be licenced within the District and has no intention of introducing one unless evidence of 'no significant unmet demand' can be provided. The cost of any 'unmet demand' survey would need to be borne by the existing licence holders and re-evaluated every three (3) years to maintain a cap.

To assess the unmet demand for Hackney Carriage vehicles, this would be carried out through an independent survey, of which the results data would be analysed, and a decision made if as a Council we had sufficient licenced vehicles to cope with the demand.

No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

### 2.2. Specifications and Conditions

Licensing authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles and The Best Practice Guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible.

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 licence. Hackney carriage and private hire vehicles provide a necessary service to the public; however, it is appropriate to set standards for the external and internal condition of the vehicle, provided that the standards are reasonable and proportionate.

Part 2 of this Policy sets out the Council's minimum standards of vehicle specification, which apply in respect of all licenced vehicle applications. This specification will need to be met prior to licensing and maintained throughout the duration of the licence. This will be achieved by attaching the following licence condition to all hackney carriage and private hire vehicle licences:

"This licence is granted subject to compliance with the Council's Hackney Carriage and Private Hire Licensing Policy vehicle specification requirements (Part 2 of the Policy) throughout the duration of the licence period."

### 2.3. Disclosure & Barring Service (DBS) Disclosures

Vehicle proprietors cannot be required to produce an Enhanced DBS disclosure therefore a Basic Disclosure from the Disclosure & Barring Service, or a certificate of good conduct from the relevant embassy for overseas applicants, is considered appropriate in promoting the policy objectives.

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

Applicants that hold a current hackney carriage or private hire driver licence with the Council will be exempt from this requirement.

### 2.4. Accessibility

In regulating the hackney carriage and private hire trade the Council aim to meet the diverse needs of all accessibility requirements in the district. This includes wheelchair users, the visually impaired, the elderly and other groups that may be disabled or otherwise have accessibility requirements.

The Council do not place any restrictions on PHV types.

The Council will only issue a **new** Hackney Carriage Vehicle licence for wheelchair accessible vehicles.

The reason that different accessibility considerations should apply between hackney carriages and private hire vehicles is that hackney carriages can be hired in the street or at a rank, by the customer dealing directly with a driver whereas private hire vehicles can only be booked through an operator.

### 2.5. List of Wheelchair Accessible Vehicles (WAV's)

Section 167 of the Equality Act 2010 allows the Council to designate accessible vehicles as subject to the requirements of the Act making it a criminal offence to refuse a passenger with a wheelchair or charge an additional fare. In support of the Council's desire to provide accessible transport for those with disabilities, all wheelchair accessible hackney carriages and private hire vehicles will be designated for this purpose.

Section 165 – 167 of the Equalities Act 2010 (the 2010 Act) came into force 7th April 2017 and allows local authorities to create a list of designated wheelchair accessible vehicles (a S167 List).

The Council will publish a S167 List of wheelchair accessible vehicles. This means that any vehicle that meets the Council's definition of a wheelchair accessible vehicle will be designated on the list.

By the Council creating the S167 List, this brings into effect the duties placed on drivers under section 165 of the 2010 Act, making it a criminal offence if the driver of a designated vehicle fails to comply with the duties specified under section 165

Some drivers may have a medical condition or a disability or a physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties required. Details on exemption from this duty can be found at paragraph 3.8

## 2.6. Assistance Dogs

Under The Equality Act 2010 there is a duty on licenced drivers to carry guide, hearing and other prescribed assistance dogs in their vehicles without an additional charge.

Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds and evidence must be provided from a medical practitioner to support the application. Details of exemption from this duty can be found at paragraph 3.8.

## 2.7. Environmental Considerations

The Hackney Carriage and Private Hire trade members have an important role to play in raising awareness of environmental issues.

The Council encourages the use of cleaner, low emission vehicles as hackney carriages or private hire vehicles.

In the interest of the environment, consideration will be given to how this policy can introduce tougher emissions standards as it is reviewed over the next 12 months and recommendations included in the 2022 review.

## 2.8. Vehicle Idling

Clearly emissions from hackney carriages and private hire vehicles could be further reduced through education and raised awareness of environmental issues. Simple measures such as:

- (a) better and more frequent vehicle maintenance and servicing; or
- (b) switching off engines when stationary or idling, particularly at hackney carriage ranks and schools can make a significant environmental impact considering the number of licenced vehicles.

The Hackney Carriage and Private Hire trade members have an important role to play in raising awareness of environmental issues.

## 2.9. Maximum Age of Vehicles

Hackney Carriage non-Wheelchair Accessible Vehicles have to be 3 years old or less when first licenced and have an upper limit of 5 years on relicensing.

Hackney carriage Wheelchair Accessible Vehicles have to be 3 years old or less when first licenced and have an upper limit of 10 years on relicensing.

Private Hire Vehicles have to be 8 years or less when first licenced and have an upper limit of 8 years on relicensing.

Those vehicles that have reached the upper age limit can continue to be licenced if it is deemed that they are maintained in an exceptional condition. In order to ascertain whether a vehicle over the maximum age limit will have its licence renewed, Licensing Officers will take into account the compliance tests history, referrals made from the nominated garage due to non-compliance and also undertake an inspection **one month prior to the renewal date**. If the Licensing Officer recommends that the vehicle licence should not be renewed due to not being maintained in the exceptional condition required then this will be referred to the Regulatory Panel to consider.

All other vehicles will be inspected at renewal by a Licensing Officer to ensure continued compliance.

## 2.10. Vehicle Testing

In order to comply with the Council's vehicle testing requirements a vehicle must undergo a compliance check from the Council's nominated testing facility. If the

vehicle is one year old or over it must also have a current MOT which can also be obtained from the testing station at request or can be obtained from any authorised MOT station.

Vehicles that are less than one (1) year old will be exempt from producing a current MOT pass certificate but will be required to undergo a compliance check from the Council's nominated garage. A new vehicle will not be required to undergo a mechanical test but must be inspected by a Licensing Officer to ensure compliance with who will issue a Certificate of Compliance.

All vehicles will be tested at six monthly intervals until the vehicle reaches 5 years old and thereafter will be subject to a four monthly testing requirement.

All vehicles will be subject to annual testing requirements (MOT and Compliance Test) until they reach five (5) years old.

Once a vehicle reaches five (5) years old it will be subject to four-monthly testing requirement of a Compliance Test.

Each application for a grant or renewal of a vehicle licence must have their compliance tests up to date.

This periodical compliance test comprises of two elements; firstly, it is a mechanical inspection of the vehicle to ensure it is roadworthy and safe to use as a taxi or private hire vehicle and secondly it includes items concerned with passenger comfort and safety and compliance with hackney carriage and/or private hire specific requirements.

In relation to the roadworthiness and safety of the vehicle the compliance test is based on the standards contained in the DVSA MOT test as a minimum. However, for certain items a higher standard than those contained in the MOT test may be required. For example, in assessing the mechanical condition of a vehicle it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the compliance test. The compliance test should not be regarded as a substitute for a regular preventative maintenance.

In relation to the second element, passenger comfort and safety, this is concerned with matters such as internal condition and cleanliness of the vehicle and the external appearance of the bodywork. Specific requirements for licenced vehicles will include the licence plate, door signs, CCTV and advertising. If the nominated testing facility has concerns regarding the compliance on this element, then they will make a referral to a Licensing Officer who shall undertake an inspection and if



appropriate, instruct the proprietor to remedy any non-compliance issues before the compliance test will be signed off.

The Regulatory Panel retains the right to increase the number of tests to three per year in respect of vehicles under the age of 5 years if there are concerns about the routine maintenance of a licenced vehicle.

The Council's nominated testing facility is:

a) MOT

Any testing facility currently registered with the Department for Transport to undertake MOT testing (including the nominated testing facility below)

b) Compliance Test

City of Carlisle Garage, Boustead Grassing, Rome Street,  
Carlisle, CA2 5LX

## 2.11. Vehicle Failures

Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 provides a power for the inspection and testing of vehicles and their taximeters and the suspension of licences if they are found unsatisfactory.

Under this power suspensions remain in place until the vehicle has been re-inspected and found to be satisfactory. The licence shall be deemed to have been revoked if such re-inspection has not been completed within a period of two months from the initial inspection.

The licence of any vehicle which fails its testing requirements will be subject to either an automatic suspension as detailed above or a time limited period for the vehicle failure to be rectified and re-examined. Until such time as the vehicle has been re-examined and the necessary pass certificates obtained, the Council, or its nominated testing facility, may retain the vehicle licence plate until such time as the inspection requirements are met.

### MOT advisories

With public safety being a significant objective of this Policy, the Council expects licenced vehicles to be of the highest possible standard. Accordingly, any MOT advisory relating to tyres or brakes must be rectified before a licence is granted. The

Council also reserve the right to extend this requirement to other MOT advisories where they deem it necessary for the protection of the public.

## 2.12. Vehicle Type

Left-hand drive vehicles will not be considered suitable for licensing, save for stretched limousines which will be subject to the specification requirements detailed in **Appendix D**. This is to ensure that passengers travelling in the front passenger seat can exit the vehicle directly onto the footway rather than directly into the carriageway.

## 2.13. New Vehicles

### *Hackney carriages*

All vehicle applications for a new hackney carriage licence, must be either:

- a) a 'London' type hackney carriage, or
- b) a suitable wheelchair accessible vehicle (WAV), approved by the Council.

### *Private hire vehicles*

All vehicles for new private hire licence applications must be either:

- a) a saloon, estate, MPV or hatchback vehicle or
- b) a purpose-built minibus designed to carry not less than (4) nor more than eight (8) passengers. Or
- c) a suitable wheelchair accessible vehicle (WAV), approved by the Council.

### *Renewal applications*

Any hackney carriage or private hire vehicle with a valid licence as at 1 April 2021 may be renewed or transferred to a new vehicle without having to meet the new vehicle requirements.

## 2.14. Vehicle Category write-off's

An application for a vehicle licence will not be accepted if the category is showing as S. This means the vehicle has been previously written off with structural damage and is deemed to be not suitable to be a licenced vehicle.

## 2.15. Vehicle Specification

All hackney carriage and private hire vehicles must:

- a) be capable of carrying not less than four (4) nor more than eight (8) passengers,
- b) have no damage affecting the structural safety of the vehicle,
- c) not have been written off for insurance purposes with structural damage (category S) at any time,
- d) have sufficient means by which any passenger in the vehicle may communicate directly with the driver,
- e) be maintained in sound and roadworthy condition at all times,
- f) serviced in accordance with manufacturers' recommendations.

## 2.16. Vehicle Roof Sign and Door Signage

### *Hackney Carriage Vehicles*

All Hackney carriage vehicles must be fitted with an illuminated external sign mounted on or above the roof of the vehicle or have a built-in illuminated roof sign.

Roof signs fitted upon a Hackney Carriage Vehicle must be white in colour and shall be securely fitted to the vehicle. Roof signs must be of a design and shape approved by the District Council. To maintain uniformity, roof signs fitted to non WAVs must be fitted centrally between the door pillars.

All Hackney Carriage Vehicle roof signs shall display the wording 'City of Carlisle Taxi' on the front and the company's telephone number on the rear. If the telephone number is not used the word TAXI, to match that on the front must be substituted.

The sign shall be capable of being illuminated internally in such a manner that the it is always illuminated when the vehicle is plying for hire, but not otherwise.

The roof sign must be 30 inch Aero or 30 inch Streamline and the rear of the sign must be white.

All wordings shall be black in colour and the word 'TAXI' must not be less than 90mm in height. Wording on the rear of the roof light must not be less than 25mm in height.

Door signs of a type approved by the council must be fitted to the front doors of white non-wheelchair accessible vehicles.

### *Private Hire Vehicles*

A private hire vehicle must not carry a roof sign of any description, mounted or built-in, or any markings that may give the impression that it is a hackney carriage.

Door signs of a type approved by the Council must be fitted to both rear doors of the vehicle. The signs shall be approximately 14ins x 9ins (35cms x 23cms) and bear black lettering on a white background with the company name and phone number and the words "City Of Carlisle Pre-Booking Only - Insurance invalid unless booked with the operator."

Once a licence has been issued for a new Operator/Vehicle licence the Licensing Department will supply a PDF document which will allow the holder to have the signage printed and affixed by their chosen sign writer.

### **2.17. Identification of vehicles as Private Hire Vehicles or Hackney Carriage Vehicles**

The Council requires Hackney Carriage and Private Hire vehicles to clearly indicate to the public that they are licenced vehicles. Therefore, they must be clearly distinguishable from other vehicles and each other. The Council believes that clear signage, types of vehicle, together with colour of the vehicle can achieve this.

#### *Hackney Carriage*

The exterior colour of all Hackney Carriages non-WAV must be White.

Wheelchair Accessible Hackney Carriages can be any colour.

#### *Private Hire*

Can be any colour except White.

The Council will not issue a Private Hire Vehicle licence in respect of a “London Taxi” type vehicle.

### 2.18. Vehicle Livery

The Council believes that the requirements of this policy ensure that hackney carriages and private hire vehicles are easily distinguishable and that there is no current requirement for specific vehicle livery.

However, the Council will keep the issue of livery under review and if it believes that livery would be of benefit to the public, either in terms of specific vehicle colours and/or a Council logo, then a public consultation will be undertaken prior to any livery being introduced.

### 2.19. Licence plates

At all times when a vehicle is licenced as a hackney carriage or private hire vehicle, unless an exemption has been granted, the vehicle must display the licence plate provided by the Council, securely fixed externally in a prominent position on or above the rear bumper of the vehicle and should not obscure the vehicles registration mark.

The plate should be fitted in such a manner as to be easily removable by an authorised officer of the Council or a Constable.

The Council will issue a licence plate on issue and at each renewal of a vehicle licence. The plate will show the expiry date of the licence and the holder will be required to return expired plates to the Council.

The licence plate remains the property of the Council and the licence holder is required to return the plate to the Council within seven days of the suspension or revocation of or refusal or failure to renew the vehicle licence.

The licence plates must always be clearly identifiable and legible to the public.

### 2.20. Private Hire Plate and Door Sticker Exemptions

This may be given to private hire vehicles used for executive hire, corporate contracts, or work of a similar nature. In order to qualify for an exemption, you must complete the template form stating why you are requesting this. Once you have received approval the following must take place;

- a) a written letter of exemption issued by the Council must always be carried in the vehicle,
- b) the licence plate must always be carried in the vehicle,
- c) the vehicle must be undertaking the nature of work for which the exemption was granted. If any of these three criteria are not met, then an exception will not be granted.

For the avoidance of doubt, vehicles that are used for a combination of 'exempt' work and normal private hire work will always be required to display external licence plates when the exemption does not apply.

### 2.21. Third Party Advertising

Third Party advertising is only permitted with prior written approval of the Council.

The following advertising will not be permitted:

- those with political, ethnic, religious, sexual or controversial texts;
- those for escort agencies, gaming establishments or massage parlours;
- those displaying nude or semi-nude figures;
- those which seek to involve the driver as an agent of the advertiser;
- those likely to offend public taste (including material depicting bodily functions and genitalia and the use of obscene or distasteful language)
- those which seek to advertise more than one company/service or product;
- those which detract from the integrity and/or identity of the vehicle.

The content of any advertising on the vehicle shall be legal, decent and truthful.

No words, letters or graphics may be displayed on any windows of the vehicle.

No advertisement will be permitted which impedes the vision of the driver.

The Council reserves the right to require the licensee to remove the advertisement from display on the vehicle if the content of the advertisement changes without written permission of the Council or for any reason affecting the appearance of the advertisement.

All materials used and affixed for advertising purposes on Hackney Carriage Vehicles must comply with current legislation which includes the Motor Vehicle (Construction

and Use) Regulations and must not provide any risk of injury to drivers /passengers or pedestrians.

No secondary advertising of any kind will be permitted including the name of the company preparing the vehicle or the name of the advertising agency.

All advertisements must comply with the UK Advertising Standards Authority (ASA) Codes and it is the responsibility of the vehicle proprietor to ensure that they do so.

Advertising to do with crime and disorder or public safety issues such as advertising “Crime Stoppers” or Crime Prevention Matters will be permitted.

### *Exterior Advertising*

#### *Purpose built Hackney Carriages and all People Carriers/Mini Buses*

Full Livery i.e. the advertising material may cover the complete exterior body shell except for:

- the windows and any other glass areas with the exception of the rear screen which, subject to approval, may carry an advertisement made from a perforated window marking film or similar transparent material
- the wheels
- the bumpers

#### *Saloon/estate/hatchback (White) Hackney Carriages and saloon/estate/hatchback Private Hire vehicles*

Rear doors and rear quarter panel only i.e. the advertising material may cover the whole of the rear door panel and rear quarter panel, below window height, on both sides of the vehicle.

There will be no advertising on the windows or other glass areas with the exception of the rear screen which, subject to approval, may carry an advertisement made from a perforated window marking film or similar transparent material. This advert may only include the name and telephone number of the proprietor’s company/operator and will be no greater than 6cm x 60cm max. in size and will be positioned at the bottom of the rear screen.

Where advertising is displayed on the rear doors of Private Hire vehicles, the approved Council “City of Carlisle Pre-Booking only” sign shall be fitted to the front doors of the vehicle,

## *Interior Advertising*

London Style Cabs or similar Hackney Carriages

- On the base of the two lift up seats

### **Advertising is not permitted on any interior surface in any other vehicle**

For the purpose of this section, the display of 'no smoking' signage as required by legislation, passenger information signage provided by the Licensing Department or signage indicating that the vehicle is able to convey passengers in wheelchairs is not considered to be advertising.

Any advertising or signage on a private hire vehicle must not include the words "taxi", "cab", "hackney carriage" or "for hire", save for the word "taxi" being part of the company name.

## **2.22. Doors**

All licenced hackney carriages or private hire vehicles must have at least three side-opening passenger doors, which must be easily opened from the inside and the outside.

All vehicles must have sufficient, safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door (with the exemption of WAV vehicles).

## **2.23. Tyres**

The licenced vehicle must be fitted with either all radial or all cross-ply tyres, including the spare wheel. All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.

Run-flat tyres and 'space-saver' tyres are acceptable on licenced vehicles provided they conform to the Original Manufacturers Specification.

If a 'space-saver' spare tyre is used on a licenced vehicle it must only be for completing the current fare (limited to a reasonable distance) and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'spacesaver' spare tyre is being used on the vehicle.



Original Manufacturers' Specification 'tyre repair kits / compressor' are permitted within licenced vehicles provided they comply with the relevant British Standards. If a 'tyre repair kit / compressor' is used on a licenced vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare (limited to a reasonable distance) and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit / compressor' is being used on the vehicle.

## 2.24. Seats - Minimum Interior Dimensions

The following minimum dimensions are applicable to both Hackney Carriage and Private Hire vehicles.

Proprietors should bear in mind that the manufacturers' claimed seating capacity may not always be the same as the Council's licenced seating capacity scheme as detailed below.

Height - From the top of the seat cushions to the roof at the lowest part (inside) must not be less than 865 mm (34 inches approx).

Seat Depth - fixed passenger seats (measured from the back of the seat to the front edge of the seat cushion) must be no less than 406 mm (16 inches approx).

Seat Width - fixed passenger seats (measured along the front edge of the seat) must allow at least 406 mm (16 inches approx.) per person. There must also be a minimum of 1371mm (54 inches) between the inner door handles.

Facing seats - the distance between the seat backs measured in a horizontal plane along the top surface of the seating cushion must be not less than 1300 mm (51 inches approx.). The distance between the front edges of the seat cushions must be not less than 425 mm (16 ¾ inches approx).

Access to every passenger seat must be unobstructed and be easily accessible to passengers without the need for seats to be folded or removed and without the need for more than one (1) passenger to move.

Unless the Original Manufacturers' Specification states otherwise, the front seat of the vehicle next to the driver will be regarded as a seat for one (1) passenger only.

## 2.25. Seat Belts & Child Seats

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

In relation to the carriage of all passengers, including children, the requirements of all relevant legislation must be complied with. As a guide a child over 12, or over 135 cm (approx. 4' 5") in height may ride in the front seat of a Licenced vehicle providing they wear the fitted seatbelt.

In a licenced hackney carriage or private hire vehicle:

- children under 3 can travel without a child's car seat or seat belt, but only on a rear seat
- children aged 3 or older can travel without a child's car seat if they wear an adult seat belt

If a suitable child seat or booster seat is available, it must be used by all children under 12 years of age or under 135 cm tall.

Please see the [GOV.UK](https://www.gov.uk) or [RoSPA](https://www.rospa.co.uk) websites for further information on carrying children in vehicles.

## 2.26. Fire Extinguishers

All licenced vehicles must have a 1.0kg dry powder fire extinguisher of the stored pressure type. This should be securely fitted in the boot/luggage compartment of the vehicle and be kept in good working order at all times.

## 2.27. First Aid Kits

In line with the Health & Safety legislation, all licenced vehicles must carry a first aid kit, this shall be used in an emergency to treat minor injuries and therefore must always be easily accessible.

The contents of the first aid kit must be in date and comply with health & safety requirements.

## 2.28. Ventilation

Windows must be provided to all passenger compartments along with adequate means of opening and closing, not less than one (1) window on either side of the vehicle, in both the front and rear passenger compartments.

## 2.29. Luggage

Adequate storage for passenger luggage must be available and all luggage carried must be suitably secured in place without obstructing any emergency exits.

If the licenced vehicle is an estate, hatchback, or multi-passenger type vehicle, it must be fitted with a guard-rail or manufacturer's specification.

compartment cover to prevent luggage from entering the rear passenger compartments.

### 2.30. Maintenance and Condition of the Vehicle

The exterior of all licenced vehicles shall be maintained in a clean, safe and proper manner always. In particular, the exterior of the vehicle shall: a) be free of large and/or sharp-edged dents,

- be free of visible rust,
- be free of unrepaired accident damage,
- have uniform paintwork equivalent to that applied by the manufacturer, and
- be maintained in an acceptable state of cleanliness.

The interior of all licenced vehicles shall be maintained in a clean, safe and satisfactory manner always. In particular, the interior of the vehicle shall:

- be free of all stains to the upholstery or seat covers if fitted.
- be free of all splits and tears to the seats,
- be maintained in an acceptable state of cleanliness, and
- provide seats functioning in accordance with the Original Manufacturers' Specification.

### 2.31. Modifications

No material alteration or change in the specification, design, condition or appearance of any licenced vehicle may be made without compliance with road traffic legislation, insurance requirements, and written approval for the change(s) from the Council.

### 2.32. Meters

#### *Hackney carriages*

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.

The taximeter must not be capable of being manually overridden to ensure that the correct tariff is charged based on the actual date and time of the journey and must be set at the correct date and time at all times throughout the period of the vehicle licence.

The taximeter shall be positioned so that the display on the face of the meter may always be clearly visible to any person being conveyed in the vehicle. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring including during the hours of darkness and at any time at the request of the hirer.

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

An official copy of the Council's fare tariff must be clearly displayed and legible in the vehicle to be plainly visible to passengers carried therein.

The vehicle taximeter must be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by this Council in connection with the fare tariff for the hire of hackney carriages. For the avoidance of doubt, the taximeter should not be started until the passenger is in the vehicle ready to commence the journey.

In the event of such a journey commencing in but ending outside the District, the customer may be charged for the journey of such fare as was agreed before the hiring was affected. 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.

On occasions, a journey will commence during one tariff period and end within another tariff period. For the avoidance of doubt, the tariff that is in operation at the time of the commencement of a journey must remain throughout that journey.

### *Private Hire*

Private hire vehicles are not required to be fitted with a taximeter however where a taximeter or other device for recording fares is fitted, it must be of a type approved by the Council.

Private hire operators must agree the cost of the journey with the passenger(s) prior to undertaking the journey. At the conclusion of the journey, the fare charged should not exceed the amount previously agreed. If the operator intends to use the taximeter to calculate the fare, they must seek agreement from the passenger(s) at the time of accepting the booking, including the agreed point at which the meter would be engaged.

### 2.33. Trailers

Trailers may only be used with the prior approval of the Council and then subject to the following requirements:

- a) the driver's DVLA driving licence must cover the categories that allow the towing of trailers,
- b) the trailer must always comply with all requirements of road traffic legislation and the current Road Vehicles (Construction and Use) Regulations,
- c) The trailer must be serviced annually by an approved workshop and the applicant is required to produce a copy of the service certificate,
- d) the vehicle insurance must include cover for towing a trailer,
- e) trailers must not be left unattended anywhere on the highway,
- f) a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use,
- g) trailers must display an identical licence plate to the licenced vehicle,
- h) trailers cannot be used on a hackney carriage rank and should only be used for specific pre- booked journeys requiring a trailer, not whilst plying for hire.

### 2.34. Disability Access

In the case of all licenced vehicles which are built or adapted for disabled passengers, the design of the vehicle must ensure that any wheelchair is loaded from the side or the rear of the vehicle.

Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:

- a) access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus,

- b) internal wheelchair anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit,
- c) a suitable restraint must be available for the occupant of a wheelchair,
- d) access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper,
- e) ramps and lifts must be securely stored in the vehicle before it may move off,
- f) access ramps and/or lifts must be maintained in full working order at all times when the vehicle is available for hire.

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) during the 6 months prior to being first licenced and at each subsequent renewal. The applicant is required to produce a certificate of testing.

Where a vehicle is designed or adapted to carry a wheelchair, the driver is required to have passed a practical wheelchair assessment by a provider nominated by the Council in order to safely load and convey wheelchair bound passengers.

A hackney carriage vehicle should not stand or ply for hire on any space designated or marked out as a wheelchair user's safe loading space, unless the hackney is wheelchair accessible.

### 2.35. Vehicles Powered by Liquid Petroleum Gas (LPG)

An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association Code of Practice.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that a reasonable amount of space shall remain free for the stowage of passenger luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

### 2.36. Tinted Windows

With regard to tinted windows:

- Light Transmission through the windscreen must be at least 75%
- Light through both front side windows must be at least 70%
- All other windows including the rear windscreen must be fitted with the standard manufactured glass regardless of the darkness of the tint
- After being licensed vehicles must not have additional tinted windows fitted that were not fitted at the time of being licensed
- Any tinted film fitted on any windows before or after being licensed must be removed.

This section does not preclude or supersede any requirements provided for in any relevant legislation relating to road traffic vehicles.

### 2.37. Insurance

There shall be a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1972, throughout the duration of the vehicle licence including appropriate cover for hackney carriage or private hire (as applicable).

Certificates of Insurance or cover notes that do not provide appropriate cover for a minimum of the first calendar month of a licence period will not be accepted by the Council. Failure to comply with this requirement will preclude a licence from being issued.

Where a cover note is provided as part of a licence application, a full Certificate for a twelve (12) month period of Insurance must be provided prior to the expiry of the cover note.

The registered owner of the licenced vehicle shall ensure that it is always adequately insured to the satisfaction of the Council and all relevant legislation that it is available for the carrying of passengers. In the absence of appropriate insurance, the licenced vehicle cannot be used for the carrying of passengers.

As case law has established that a vehicle licenced as a hackney carriage or private hire vehicle always remains a licenced vehicle until the licence expires or is surrendered, only appropriately licenced hackney carriage or private hire drivers may

drive the vehicle. The Council will not, therefore, accept any Certificate of Insurance that includes persons that do not hold a valid hackney carriage or private hire driver licence (as appropriate) for the vehicle.

### 2.38. Change of Ownership

Any change to the person(s) or company named on a vehicle licence must be notified to the Council within seven (7) days of such change.

When the holder of a vehicle licence wishes to transfer the vehicle and licence to another person he must notify the Council, in writing, using the prescribed application form and paying the appropriate fee before such change takes place. Transfer of the licence will not be granted until such time as the prescribed procedure has been completed and a new vehicle licence has been issued.

### 2.39. Inspection

All hackney carriage and private hire vehicles must be available for inspection, at any location within the District, at all times when requested by an Authorised Officer of the Council or a Police Officer.

All vehicle documentation must be produced within twenty-four (24) hours, or such other time as specified, when requested by an Authorised Officer of the Council or a Police Officer.

### 2.40. Unauthorised Use

The proprietor of a hackney carriage or private hire vehicle shall not allow the vehicle to be driven and/or used for hire by any person who does not hold an appropriate current hackney carriage or private hire driver licence issued by the Council.

For the avoidance of doubt, case law has established that once licenced as a hackney carriage or private hire vehicle, the vehicle always remains a licenced vehicle until the licence expires, is surrendered, is suspended or is revoked. Even if a licenced vehicle is being used for private purposes, it must still meet all the requirements of a licenced vehicle, for example displaying a licence plate, complying with all requirements of this Policy and being driven by a licenced driver.

### 2.41. Accident Reporting

If at any time a licenced vehicle is involved in an accident, however minor, the driver must inform the licensing service as soon as possible and in any event within one



working day. An accident report form must then be completed and submitted to the licensing service within 72 hours of the accident occurring (except in exceptional circumstances when the licensing service may agree to the report being filed outside of that time limit).

Following an accident or damage to a licenced vehicle, if it is the intention of the owner or operator to continue licenced use, the vehicle must immediately be inspected by an authorised council officer to determine its fitness for continued use.

On some occasions it may be required for a vehicle compliance test to be undertaken to ascertain any damage. If the Council's nominated testing facility determines that the vehicle is fit for continued use, the timescale for cosmetic repairs must be agreed with a Council Licensing Officer. Failure to present the vehicle for inspection may result in the vehicle licence being suspended until such time as the vehicle is produced for examination.

Upon inspection following an accident, any vehicle that would fail to meet the vehicle testing requirements will be automatically suspended until such time as the vehicle has been re-examined and the necessary approval given.

If the vehicle is so damaged that it cannot be driven, the licensing service must be informed of this fact. In such cases, the vehicle proprietor is advised to take photographic evidence of the vehicle's condition to clearly illustrate the reason why the vehicle cannot be driven or be presented for examination.

A licenced vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle of a similar type, provided:

- a) the damage to, or defect in, the vehicle has been reported to the Council,
- b) an application is made in the prescribed manner,
- c) the replacement vehicle meets the requirements of this Policy and is suitable to be used for hire purposes.

#### 2.42. Miscellaneous

The proprietor of a hackney carriage or private hire vehicle shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose.

### 2.43. Security/CCTV

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 and CCTV cameras can be a valuable deterrent.

If CCTV is installed in a vehicle, it will be the responsibility of the operator/proprietor to handle relevant data gathered in a secure manner and register with the Information Commissioner's Office (ICO). You will also be required to display the correct signage to notify customers accordingly.

The Council will be reviewing the CCTV policy in due course in order to determine whether CCTV in licenced vehicles will be a mandatory requirement.

### 2.44. Stretched Limousines & Novelty Vehicles

Stretched limousines are generally used for all private hire work plus special occasions such as days at the races, proms, stag/hen parties and children's birthday parties.

For the purposes of this Policy, a stretch limousine is defined as follows: "A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that;

- a) *can carry up to but not exceeding 8 passengers;*
- b) *is not a decommissioned military or emergency service vehicle."*

Any stretched limousines capable of carrying eight (8) passengers or less which are offered for private hire does require a licence from the Council. In accordance with the Best Practice Guidance, all applications to licence stretched limousines as private hire vehicles will be treated on their own merits. Any stretched limousine capable of carrying more than eight (8) passengers requires licensing by the Traffic Commissioners as a public service vehicle.

Any stretched limousine approved for licensing as a private hire vehicle will be subject to specification set out in **Appendix D**, which will be attached as conditions to all limousines licenced as a private hire vehicle.

It would be an offence under the Licensing Act 2003 to provide facilities for the sale of alcohol within a limousine. If a limousine is to be provided whereby part of the

booking includes “free alcohol”, the premises which accepts the booking and supplies the alcohol within the vehicle would need an appropriate licence under the Licensing Act 2003, otherwise a criminal offence would be committed.

#### 2.45. Funeral and Wedding Vehicles

There is no requirement for a vehicle to be licenced 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.

A vehicle does not need to be licenced whilst it is being used in connection with a wedding. For clarity, the exemption applies only to services directly relating to the wedding service itself, for example transporting the bride and/or groom to the wedding service, from the service to the reception and from the service/reception to home. Transporting the married couple to other locations such as the airport would be considered a licensable activity.

#### 2.46. Voluntary Sector Transport

The Council will assess each individual organisation on its own merits to determine whether it will require licensing as a private hire business.

To make an initial enquiry and discuss your query please contact the licensing team.

#### 2.47. Dual Plating

The Council will not grant a hackney carriage or private hire vehicle licence for any vehicle already licenced by another licensing authority.

## PART 3. DRIVERS

### 3.1. Licences

Due to similarity of a hackney carriage and private hire driver, this section will apply equally to private hire and hackney carriage drivers unless otherwise stated.

The Council requires that separate driver licences be ordinarily held in respect of hackney carriage and private hire vehicles.

### 3.2. Fit and Proper Person Test

The Council considers that licenced drivers are in a position of trust, and therefore the Council must ensure that applicants and licence holders are and remain fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

Whilst there is no definition of a fit and proper person for the purposes of taxi and private hire licensing, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences and applications are effectively asking the following question of themselves:

“Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”

If the answer to the question is an unqualified “yes”, then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

Applicants should not be given the benefit of the doubted licences should not be issued on a ‘probationary’ basis.

During the application process the Council will undertake a number of checks to gather the information necessary to assess the suitability of the applicant.

Factors that will be taken into account when reaching a decision include:

- Criminality (whether the applicant has any criminal convictions or cautions).
- Driving licence – length held and penalty points endorsed.
- Right to work in the UK.

- Medical Fitness.
- Standard of driving/driving ability.
- General conduct/standards of behaviour, including online behaviour.
- Conduct of the applicant during the application process, eg whether they have acted with honesty and integrity during the application process.
- Previous licensing history.
- Knowledge of Carlisle and theoretical knowledge of issues and matters related to the work of a licenced driver.
- Ability to communicate and understand oral and written English.

This is not an exhaustive list of matters that will be considered and further information will be sought from other agencies such as the Police, Safeguarding Boards, the national NR3 database, other licensing authorities and statutory agencies as appropriate.

### 3.3. Age and Experience

A licence will not be granted to anyone who has not held a full driving licence, for a period of at least twelve (12) months immediately prior to the application.

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 (12) months of the issue of the hackney carriage or private hire driver licence. Where this requirement is not satisfied, the hackney carriage or private hire driver licence will be automatically suspended pending compliance.

### 3.4. Driver Knowledge Tests & Language Tests

Applicants for a new driver licence are required to have passed the Council's knowledge test. This test will ensure that the applicant has sufficient knowledge in relation to:

- A basic level of English language
- Child/Adult safeguarding awareness\*
- Disability awareness\*
- Local knowledge
- Taxi/private hire regulations and policy

\*mandatory training is provided for applicants and acquired knowledge and understanding is tested

If an applicant fails 3 successive knowledge tests their application will be rejected and a period of twelve months must elapse before a new application is permitted.

It is important that licenced drivers are able to communicate in English with passengers and other road users. They must be able to discuss the fare or route with passengers, to occasionally discuss safety issues such as the use of a seat belt or talk about matter that could arise in an emergency. Drivers must also be aware of any safeguarding issues and be able to respond and report accordingly.

It is also particularly important that licenced drivers are able to read and understand information provided to them by the Council.

Applicants will be required to demonstrate that they have abilities in English at least to Level B1 standard on the CEFR Scale. This is defined as the ability to understand the main points of clear standard input on familiar matters regularly encountered in work, school, leisure etc.

All applicants will undertake an assessment and if necessary the applicants' abilities in English will be assessed by an appropriately qualified individual that will be independent of the Council (such as a local college). Any costs associated with an external assessment will be met by the applicant.

Applicants who do not meet Level B1 standard in English will be provided with details of courses that they can attend to improve these skills. When the applicant has successfully completed a relevant course they may then reapply for a licence.

### 3.5. Driving Proficiency and Qualifications

The Council believes that as a profession, hackney carriage and private hire drivers have a special responsibility for the safe transportation of fare paying passengers and therefore they must complete a taxi driving assessment by the Council's nominated provider.

Whilst the Council has no current plans to make it a mandatory requirement for a driver to obtain a professional qualification, for example a BTEC Level 2 Award in Transporting Passengers by Taxi and Private Hire, the Council would encourage drivers to consider completing this.

### 3.6. Medical Examination including Eyesight Test

The Council is of the opinion that it is appropriate for licenced drivers to be subject to more stringent medical standards than those applicable to normal car drivers because:

- They carry members of the public who expect a safe journey
- They are on the road longer than most car drivers
- They have to assist disabled passengers and handle luggage.

For this reason, the Group 2 standards of medical fitness as applied by the DVLA to the licensing of lorry and bus drivers is the appropriate standard for licenced hackney carriage and private hire drivers.

It will be a requirement to produce a medical assessment from a registered medical practitioner confirming the applicant/licence holder's fitness to drive at Group 2. A new medical certificate will be required at the following intervals:

- a) The applicant is a new driver,
- b) Every subsequent three years for licence holders under the age of sixty-five (65),
- c) The licence holder is aged sixty-five (65) years of age and every subsequent twelve (12) months; or
- d) The applicant/licence holder has a health condition that may impact upon their ability to drive a hackney carriage or private hire vehicle.

Applicants may still apply for a three-year licence, however, must produce further medical certification at the required age period or at a shorter period where recommended by the medical practitioner. In these circumstances the Council will refer to the DVLA's Assessing Fitness to Drive – a guide for medical practitioners<sup>1</sup>, to advise licence holders and applicants of their requirements.

The medical assessment required by this section must:

- a) be completed on the Council's prescribed medical form (available on the Council website),

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<sup>1</sup> <https://www.gov.uk/government/publications/assessing-fitness-to-drive-a-guide-for-medical-professionals>

- b) be completed by the applicant's GP or a GMC register doctor, having access to the applicant's summary medical history,
- c) be less than six (6) months old at the licence start date, and
- d) contain an assessment of fitness to drive based on the DVLA Group 2 Medical Standards for Vocational Drivers.
- e) A separate Eye test examination maybe required if the GP is unable to complete this, the date of this must be less than six (6) months old at the licence start date.

If required to obtain a medical certificate, the applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, the confidential assessment must be submitted to the Council accompanied by any relevant supporting documentation.

Holders of current PSV and/or HGV Licences, where the holder can produce proof of a current medical assessment, will not be required to undergo a further medical examination provided the requirements are met.

Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities. For the avoidance of doubt, the following medical conditions must be notified to the Council as soon as reasonably practicable however this list is not exhaustive:

- any heart-related condition
- any eyesight related condition
- diabetes (Type 1 or Type 2)
- epilepsy
- sudden attacks of giddiness or fainting
- conditions causing excessive daytime sleepiness such as sleep apnea
- alcohol or drug dependency
- mental or psychological disorders
- any other condition that may affect the ability to drive

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo further medical assessment, at the applicant's own expense.



### 3.7. Drug Testing

To provide equity with drivers of other forms of public transport, the Council will conduct drug tests on drivers on an intelligence led and random basis. Selected drivers will be expected to attend a medical practitioner chosen by the Council and submit to any tests deemed appropriate.

Positive test results or a failure to comply with a request for a test may result in the immediate suspension or revocation of the driver's licence and referral to the Regulatory Panel.

### 3.8. Medical Exemption Certificates – Equality Act 2010

#### *Carriage of wheelchairs: medical exemption certificates*

Under The Equality Act 2010 there is a duty on licenced drivers to

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

Some drivers may have a medical condition or a disability or a physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties required. Such a driver can apply to the Council for exemption from the duty on medical grounds and evidence must be provided from a medical practitioner to support the application. The Council may refer the driver for an independent assessment where a long-term exemption is to be issued. Any costs incurred for the assessment will be the responsibility of the driver.

If an application is successful, they will be issued with a notice of exemption with the letter W (Wheelchair). The exemption can be valid for as short or long a time as appropriate. The notice of exemption must be exhibited in the vehicle.

### *Carriage of assistance dogs: medical exemption certificates*

Under The Equality Act 2010 there is a duty on licenced drivers to carry guide, hearing and other prescribed assistance dogs in their vehicles without an additional charge.

The main reasons a hackney carriage or private hire vehicle driver may wish to apply for a medical exemption are:

- if they have a condition such as severe asthma, that is aggravated by contact with dogs,
- if they are allergic to dogs; or
- if they have an acute phobia to dogs.

The Council therefore expect the number of drivers likely to be eligible for an exemption to be very low.

Drivers will need to provide medical evidence to support their application. If a driver has severe asthma or a known allergy to dogs, they are likely to have a medical history and an appropriate medical specialist should hold relevant information about their condition. If a driver has a chronic phobia to dogs, the Council expects this to be supported by a report from a psychiatrist or clinical psychologist before a driver is granted an exemption. Most drivers with a medical condition severe enough to warrant an exemption are likely to be under a specialist / consultant medical practitioner and the Council will require evidence of the condition to be provided from them.

If an application is successful, the driver will be issued with a tactile notice of exemption with the letters ED (Exemption Dogs). The tactile symbol assists blind and partially sighted people to identify a genuine certificate. The notice of exemption must be exhibited in the vehicle.

### **3.9. Disclosure & Barring Service (DBS) Disclosures**

A DBS check on a driver is seen as an essential safety measure in assessing whether an applicant is suitable to hold a licence, therefore an Enhanced Disclosure provided by the Disclosure & Barring Service is required by all applicants, whether new or renewal applications.

An enhanced certificate with a barred check includes details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional

information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulating activity with children or adults.

Before an application for a driver licence will be considered, the applicant must provide a current (less than three months old) Enhanced DBS Disclosure; the only exception would be where an applicant has registered with the DBS for the online checking service and the Council has seen the latest DBS to which the online check refers.

We will be carrying out DBS checks on licenced drivers at every six (6) month intervals. Therefore, to ensure this is completed in a timely manner it is a mandatory requirement that all licenced drivers sign up to the DBS online checking service. Failure to have this in place and an adequate check not being completed, will result in either a temporary suspension of the driver's licence or a delay in the renewal process.

The Council will use the update service to monitor the criminal record of licence holders and undertake a check on each licence holder every 6 months to ensure that there are no changes recorded. The update service will also be used when the licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before the licence is renewed.

The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire driving licences; therefore, applicants are required to disclose all convictions, including those that would normally be regarded as spent.

More information about the DBS can be found on their website at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>.

### 3.10. Certificate of Good Conduct

In the case of applicants with less than five (5) years residence in the UK, a Certificate of Good Conduct will be required from the relevant Embassy in addition to an Enhanced DBS Disclosure covering their time in the UK. All Certificates of Good Conduct must be translated into English by an accredited translator and accompanied by a declaration to that effect.

The Council is bound by rules of confidentiality and will not divulge information obtained to any third party. The applicant for a DBS certificate will be sent a certificate to their home address and will need to provide the certificate to the

Council who do not receive a copy. Once the Council have obtained the necessary information from a DBS certificate it will be returned to the applicant.

### 3.11. Relevance of Convictions and Cautions

In assessing whether an applicant is fit and proper to hold a licence the Council will consider each case on its merits having regard to its policy on convictions and cautions which can be found at **Appendix A**. The policy is based on the Institute of Licensing's *Guidance on Determining the Suitability of Applicants and Licencees in the Hackney and Private Hire Trades*<sup>2</sup> which the Council adopted in November 2018.

Those applications or renewals with information indicating a past criminal record or any other concern, will be referred to the Regulatory Panel who will make the assessment of whether or not the applicant is a fit and proper person to hold a licence in line with the above policy.

### 3.12. Convictions during period of licence

Where offences resulting in conviction are committed by licenced drivers in the course of their business or otherwise, it is important, in the interests of consistency and transparency that a procedure should be in place to consider what effect this should have on their hackney carriage or private hire driver's licence.

Driver's licence holders, who are convicted or cautioned for any criminal or motoring offence during the period covered by their existing licence, must disclose the conviction or caution and the penalty involved to the Council within 48 hours of the conviction. In the case of a deferred sentence, the penalty must be disclosed to the Council within 48 hours of sentencing. For these purposes, any offence resulting in the acceptance of a fixed penalty notice will be considered to be a conviction.

Officers will consider the disclosure under the Enforcement Policy detailed at Part 6 of this document.

### 3.13. Safeguarding

One of the aims of this policy is to protect the public and safeguard children and the vulnerable. For this reason, the Council believes that it is appropriate for licenced drivers to undertake basic safeguarding training.

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<sup>2</sup> [Guidance on Determining the Suitability of Applicants and Licencees in the Hackney Carriage and Private Hire Trades](#) – Institute of Licensing April 2018

Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person) receives “something” (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. In all cases, those exploiting the child/young person have the power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources.

Children and young people may be taken to public or private venues, rooms, hotels or houses for the purpose of sexual abuse.

All drivers are expected to report any suspicion or concerns that a child or young person is being transported for the purposes of sexual abuse. Where a driver becomes aware or concerned that they or other drivers are transporting a young person or a number of young people to specific premises or venues either accompanied or alone on a regular basis and they suspect the young person may be subject to exploitation they must report their concerns Cumbria Police, their Private Hire Operator or the Licensing Department.

Failure to report a suspicion or concern that a young person may be being sexually exploited could lead to the licence being revoked and the individual could also be considered complicit in the sexual exploitation in any subsequent criminal investigation.

All existing licenced drivers have attended the mandatory training and new applicants for a Hackney Carriage or Private Hire Driver Licence must attend a training session on Safeguarding, CSE and County Lines before their application will be accepted.

A renewal applicant will be expected to undertake this training if an officer or the Regulatory Panel, feel it necessary for the driver to demonstrate they are safe & suitable to be a licenced driver.

### 3.14. Disability Awareness

Taxis and Private Hire vehicles are an invaluable means of door-to-door transport for many people. For a large and growing number of elderly and disabled people, they are quite literally a lifeline. Often taxis provide the only means of accessible local transport, or the only accessible link to long distance transport, for example, by rail or air.

The Equality Act 2010 gave disabled people enhanced protection from discrimination and legal rights in many areas, including access to transport services and it is important that licenced drivers are made aware of their legal obligations.

All existing licenced drivers have attended the mandatory training and new applicants for a Hackney Carriage or Private Hire Driver Licence must attend a training session on Disability Awareness before their application will be accepted.

A renewal applicant will be expected to undertake this training if an officer or the Regulatory Panel, feel it necessary for the driver to demonstrate they are safe & suitable to be a licenced driver.

### 3.15. Right to Work

The Council will require all applicants for a new licence to provide documentary evidence to confirm that they may legally work in the UK.

The current guidance from Government can be found at **Appendix B** detailing documents that will be accepted.

### 3.16. Conditions of Licence

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

For consistency, conditions will not be attached to driver licences however the Council consider continued compliance with this Policy as an essential requirement of the 'fit and proper' person test. Failure to comply with all policy requirements is likely to result in enforcement action being taken.

### 3.17. Driver Code of Conduct

Adopting a Driver Code of Conduct for hackney carriage and private hire licence holders serves to promote the Council's licensing objectives in respect of the hackney carriage and private hire trades; the standards expected of licence holders are detailed in **Appendix C**. This Code of Conduct is an integral part of the 'fit and proper' assessment.

### 3.18. DVLA Licence Checking

In order to ensure that the Council have a driver's complete driving history, thus enabling a fully informed decision to be made in respect of an application, the Council upon new application and annually thereafter will undertake a check on licenced drivers DVLA driving licence.

This is to be carried out by an external company and applicants are required to complete a mandate authorising access to their DVLA driving licence record. The cost of the service will be incorporated into the licence fee.

### 3.19. National Register - NR3 Checks

On adoption of this policy the Council will subscribe to the National Register of Hackney Carriage and PHV driver licence refusals and revocations, the 'national register of refusals and revocations' or NR3 as it is more commonly known. The council will search the national database in all cases where an application is made for a new hackney carriage or private hire driver licence and when an application is made for the renewal of these licences.

The Council will also place drivers who have been refused a licence or have had their licence revoked on the database.

## PART 4. PRIVATE HIRE OPERATORS

### 4.1. Requirements and obligations

A private hire vehicle may only be dispatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence. All licences must be issued by the same local authority (Operator, Vehicle and Driver).

Applications for operator licences must be made on the form provided by the Council 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.

The Council will grant a Private Hire Operator Licence for 5 years or for a lesser period on request.

### 4.2. Fitness and propriety

In assessing whether the applicant for an operator's licence is a fit and proper person, the Council will have regard to the following:

- Criminal record including convictions, cautions, warnings and reprimands.
- Demeanour, general character, non-criminal behaviour, honesty and integrity.
- Previous conduct.
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices, etc).

### 4.3. Disclosure & Barring Service (DBS) Disclosures

Private hire operators cannot be required to produce an Enhanced DBS disclosure therefore a Basic Disclosure from the Disclosure & Barring Service, or a certificate of good conduct from the relevant embassy for overseas applicants, is considered appropriate in promoting the policy objectives.

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



the case of an overseas applicant. Applicants that hold a current hackney carriage or private hire driver licence with the Council will be exempt from this requirement.

A private hire operator licence may be applied for by a company or partnership. Each director or partner will be subject to the “fit and proper” test detailed above. The operator will be required to advise the Licensing Authority of any changes to directors or partners.

Before an application for a private hire operator licence will be considered, the applicant must provide a current (less than 3 months old) Basic DBS Disclosure of Criminal Convictions, or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant. Applicants that hold a current hackney carriage or private hire driver licence with the Council will be exempt from this requirement.

#### 4.4. Conditions

The Council has power to impose such conditions on a private hire operator licence as it considers reasonable, necessary and proportionate. The following conditions will be attached to all private hire operator licences issued by the Council:

- a) This licence is granted subject to compliance with the requirements of Part 4 of the Council’s Hackney Carriage and Private Hire Licensing Policy throughout the duration of the licence period.
- b) All private hire booking records as per section 4.11 must be kept for a minimum of 24 months.
- c) Any staff member working as a vehicle dispatcher on behalf of the licenced operator must have a valid Basic DBS Disclosure of Criminal Convictions check dated less than 3 months old from commencement of employment.

#### 4.5. Public Liability Insurance

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. Before an application for a private hire operator licence is granted, the applicant must either produce evidence that they have taken out appropriate public liability insurance for the premises to be licenced or sign a declaration that their premises is not open to the public. Where necessary, operators must also hold employer’s liability insurance.

#### 4.6. Licence Duration

The Council will issue a successful applicant for a private hire operator licence with a one or five-year licence from the date of grant, although we do encourage applying for a five-year licence.

#### 4.7. Address from which an Operator may Operate

Upon the grant of a private hire operator licence, the Council will specify on the licence the address from which the operator may accept bookings and dispatch vehicles. This address will ordinarily be the address stated on the application form.

The operator must notify the Council in writing of any proposed change of address during the period of the licence in order that the Council can consider its suitability. The operator may not change operating address until such time as the change has been approved in writing by the Council. The operator must also provide proof of public liability insurance for the new premises or sign a declaration that their new premises is not open to the public prior to the change being approved.

#### 4.8. Operating Bases

A private hire operator licence issued by the Council will be required for any operator with an operating base that is inside the District of Carlisle.

#### 4.9. Right to Work

All applicants will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required unless the right to work is time restricted, in which case further proof will be required to demonstrate continuity of right to work. Further information is available in **Appendix B**.

#### 4.10. Sub-contracting of Private Hire Bookings

Legislation now allows for a licenced private hire operator to sub-contract a booking to another licenced private hire operator, whether in the same district or not. Both operators must be licenced within the area in which their operating base is located and should record details of the booking in the normal way.

All three licences (operator, driver and vehicle) must still be issued by the same local authority. For example, an operator licenced to operate in district A and district B cannot take a booking in district A and use a vehicle and driver licenced in district B.

They can however sub-contract the booking to the operating base in district B using a vehicle and driver licenced in district B.

#### 4.11. Standards of Service

The operator shall:

- a) provide a prompt, efficient and reliable service to members of the public,
- b) ensure that their office staff act in a civil and courteous manner at all times,
- c) ensure that booked vehicles arrive punctually at the appointed place,
- d) ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated with adequate seating facilities,
- e) ensure compliance with legislation regarding the length of employee working hours.

#### 4.12. Records

Booking records shall be kept in a non-erasable form in a suitable log or book, the pages of which are numbered consecutively, or in an appropriate electronic format.

All records shall be kept by the Operator for a period of no less than two years following the date of the last entry.

Prior to each journey, the operator shall record the following particulars of every booking of a private hire vehicle accepted. Where a Hackney Carriage is allocated a private hire booking these terms also apply.

- a) date of the booking,
- b) name, address and contact number of the hirer,
- c) time of pick-up,
- d) address of the point of pick-up,
- e) address of the destination drop off,
- f) licence number (or other identification) of the driver allocated to the booking,
- g) plate number (or other identification) of the vehicle allocated to the booking,
- h) fare agreed between the operator and hirer at the time of booking.

The operator shall keep the following records for all private hire vehicles operated by them:

- a) type, make, model, colour and engine size of vehicles,
- b) year when the vehicle was first licenced for private hire,
- c) vehicle registration numbers,
- d) number of seats for passengers,
- e) owner 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 number.

The operator shall keep the following records for all drivers of private hire vehicles operated by them:

- a) driver's name, address and contact number,
- b) driver's licence number issued by local authority,
- c) date employment commenced,
- d) date employment ceased,
- e) any change of address, including the date the address changed,
- f) any illness, disability or condition which may affect the driver's ability to safely carry out his duties,
- g) expiry date of both the DVLA & driver licence issued.

All records maintained by the operator shall be kept for at least 24 months after entry and shall be produced for inspection, on request, by any Authorised Officer of the Council or any Police Officer.

The operator shall be required to register their details with the Information Commission's Officer (ICO), this is a requirement under GDPR as they will be retaining personal data.

#### 4.13. Complaints

The operator shall notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from their

business. Such notification must include the action taken, or proposed, as a result of the complaint.

#### 4.14. Safeguarding and Disability Awareness

All Private Hire operators must attend a training session on Safeguarding and Disability Awareness prior to application.

#### 4.15. Disclosure of Convictions

The operator shall notify the Council within 48 hours of an arrest and release, charge or conviction, during the licence period of their operator licence. If the operator is a company or partnership, this requirement shall equally apply if any of the directors or partners is arrested, charged or receives a conviction or fixed penalty.

#### 4.16. Private Hire Insurance

The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by them under the operator licence.

#### 4.17. Private Hire Driver Licences

The operator shall ensure that every driver working under their operator licence has obtained a private hire driver licence from the same licensing authority which issued the private hire operator licence. The operator shall use their best endeavour to ensure that all drivers have a badge issued by the Council and that the drivers always wear or display the Identity Badge issued by the Council whilst available for hire.

#### 4.18. Planning Consent

To operate a private hire business from home, planning permission may be required. A private hire operator licence will not be granted without evidence that either planning permission has been issued for the premises concerned, or planning permission is not required for the limited use proposed.

## PART 5. APPLICATION PROCEDURE

### 5.1. General

This Part of the Policy is intended to give an indication of the application process relating to all application types. In line with its commitment to smarter ways of working, the Council reserve the right to make changes to the administrative process provided that the focus of the policy objectives are maintained.

Where the administrative process is amended, the Licensing Manager may amend this Part of the Policy in accordance with the delegation set out in part 12.

**All applicants must provide an email address which they access on a regular basis as this will be the preferred method of contact by the Licensing Authority.**

### 5.2. Vehicles

An application for a vehicle licence will only be considered complete when all the following documents have been received:

- a) prescribed application form, fully completed.
- b) appropriate fee.
- c) a basic DBS certificate (if not a licenced driver).
- d) V5 registration document.
  - which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s).
  - once the V5 has been provided for the grant of a new vehicle licence, it need not be re-submitted with subsequent renewal applications unless the details of the vehicle or registered keeper change.
- e) current valid insurance certificate or cover note:
  - the certificate must include the appropriate usage as a hackney carriage or private hire vehicle.
  - the certificate must cover a minimum of one (1) calendar month from the start date of the licence.
  - the certificate must not contain the name(s) of any driver not licenced with the Council.

- if a cover note is provided, a full certificate of insurance (a period of no less than twelve (12) months must be provided before the expiry date of the cover note.

f) MOT certificate

g) Compliance Test (or records of compliance tests up to date for renewals).

h) Hackney Carriage Meter certificate (New Vehicle).

All vehicles will be inspected at renewal by a Licensing Officer to ensure continued compliance.

### 5.3. Drivers

An application for a driver licence will only be considered complete when all the following documents have been received:

- a) prescribed application form, fully completed
- b) appropriate fee
- c) a current valid full driving licence
- d) enhanced Disclosure & Barring Service (DBS) certificate, unless registered with the online DBS checking service
- e) knowledge test passes (new applicants only)
- f) language test passes
- g) Safeguarding & Disability Awareness Training attended and test passed
- h) medical certificate
- i) practical driving test pass certificate
- j) safe wheelchair handling pass certificate
- k) proof of right to work in the UK (new applicants and where applicable)
- l) a passport-sized, clear and easily identifiable photograph of the applicant (an updated photograph **must** be provided at renewal or the application will be returned)

## 5.4. Operators

An application for an operator licence will only be considered complete when all the following documents have been received:

- a) prescribed application form, fully completed
- b) appropriate fee
- c) Copy of public and employers liability insurance (if applicable)
- d) inspection of the operating premises by a licensing officer
- e) basic Disclosure & Barring Service (DBS) disclosure for the applicant or in the case of a company or partnership, all Directors or Partners, unless licenced as a driver with the Council
- f) Safeguarding & Disability Awareness Training attended and test passed

## 5.5. Submitting Applications and Documentation

Renewal application forms, appropriate fees and all supporting documentation should be submitted at **least fourteen (14) days prior to the expiry of the previous licence**. Incomplete applications may be returned to the applicant for resubmission when complete. A licence will not be renewed without all supporting documentation and the correct fee being received and satisfying the requirements of this policy. It is the licence holder's sole responsibility for ensuring they make their application in accordance with this Policy.

When submitting renewal applications, applicants should be aware that it may take up to five (5) working days to process and issue a licence once all relevant information and the fee have been received. If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been received.

Documentation can be posted or emailed to the licensing department via email address [licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk).

Any original documentation for example right to work check, DBS certificate and DVLA licence can be verified during the knowledge test whilst visiting the council offices.



## 5.6. Issue of vehicle plates and driver badges

Once the application has been processed and the licence is issued, all Licence plates, licence badges and paper licences will be posted out to the applicant's home address.

## 5.7. Return of vehicle plates and licence badges

All licence plates and licence badges remain the property of the Council and must be returned:

- a) upon written request within seven (7) days of such a request,
- b) within seven (7) days of expiry or surrender, or
- c) immediately upon suspension or revocation.

A licence plate and a licence badge signify the existence of a current valid licence but are not licences in their own right therefore there is no reason why a renewed licence plate or licence badge cannot be displayed from the point of receipt.

Renewed licence plates and licence badges which are posted to the licence holder, the existing plate or badge must be returned within seven (7) days of receipt. Posted to the Council offices or placed in the post box situated at the Civic Centre, Rickergate, Carlisle.

## 5.8. New Driver Knowledge Tests

Applicants will be tested on their knowledge of Carlisle City and significant locations in the surrounding areas where they are likely to be required to travel to.

Questions for the knowledge test may include:

- a) the shortest route between locations based on the town where the applicant will predominately ply for hire;
- b) the shortest route between prominent locations based on the District as a whole;
- c) the locations of prominent points of interest across the District such as hotels, surgeries, schools, etc;
- d) the highway code;
- e) the Council's Hackney Carriage and Private Hire Licensing Policy and relevant legislation;

- f) customer care; and
- g) basic numeracy, including the calculation of change for a given fare.

### *Driver Test Failure*

If an applicant fails 3 successive knowledge tests their application will be rejected and a period of twelve months must elapse before a new application is permitted.

### *Booking Tests*

To book a knowledge test applicants can email [licensing@Carlisle.gov.uk](mailto:licensing@Carlisle.gov.uk).

## 5.9. Disclosure & Barring Service (DBS) Disclosures

No application for a hackney carriage or private hire driver licence will be considered without an enhanced DBS disclosure satisfying the requirements of this Policy.

If you need to apply for a new DBS you will need to make an appointment for your documents to be verified. You will be required to pay the fee for the DBS when the form is submitted to the Council.

The Council requires applicants to register with the online DBS checking service. This will enable the Council to check an existing DBS every six (6) months during the term of the licence and upon each renewal.

## 5.10. The consideration of applications

Upon receipt of a completed application form, including the fee and all supporting documentation, the Council will consider the application. Where the application is incomplete, it will not be considered until all the missing details or documents are supplied.

For an application to be considered as a renewal application, the fully completed application form and correct fee must be received 14 days prior to the expiry date of the previous licence. Accompanying documentation can then follow as it becomes available.

Failure to comply with this requirement will ordinarily result in the applicant having to re-apply as a new applicant and meet all the requirements of this Policy in respect of new applications.

## PART 6. DISCIPLINARY AND ENFORCEMENT MEASURES

### 6.1. Enforcement Policy & Penalty Points Scheme

Licensed Hackney Carriage Drivers and Proprietors; Private Hire Drivers, Proprietors and Operators are principally governed by the Town and Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Council's own byelaw conditions and policies set by the Regulatory Panel.

The principle of Hackney Carriage and Private Hire Licensing is to protect the public and promote safety.

The Council aims to provide the delivery of efficient, targeted and proportionate regulatory services to provide a positive approach to those regulated.

A range of tools and powers, including test purchasing, to ensure compliance, will be used. Compliance assessment is ultimately to ensure that the driver, vehicle proprietor or operator is a "fit and proper" person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount.

Where appropriate referrals will be made to other Agencies such as Police, HM Customs and Excise, the Driver Vehicle Standards Agency and Child and Adult Safeguarding Teams.

The Council will respond to complaints made by the public and referrals from other Agencies. In addition, Officers will undertake proactive inspections and testing as either a day-to-day activity or as part of programmed operations.

Any breach of the required standards, policies and conditions may lead to suspension and/or revocations of licences or the issuing of penalty points on a licence or even prosecution.

This policy provides guidance for officers, licence holders, prospective licence holders and the general public on the way that we will exercise our enforcement powers to achieve compliance with legislation, bylaws and conditions.

Authorised officers will have regard to this policy when exercising powers however, each matter will be considered on its individual merits and circumstances. Nothing in the policy shall bind the council to a particular action, or otherwise affect the Council's discretion to take legal or other enforcement action, in light of the

circumstances of a particular case, where this is considered to be in the public interest.

## 6.2. Penalty Points Scheme

Should operators, drivers or proprietors of vehicles commit an offence or breach any regulations or conditions imposed on their licence, they and any other persons involved will be required to attend the Council offices for an interview. Once the investigations are completed letters will be sent out detailing the outcome with a permanent record kept on the file of the persons who have committed the above breach. The outcome of investigations may result in:

- No further action being taken,
- Penalty points being awarded,
- A formal warning,
- Referral to the Regulatory Panel, and /or
- A simple caution
- Prosecution.
- A combination of the above

The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of drivers, vehicle proprietors and operator's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.

The primary objective of the penalty point's scheme is to improve levels of compliance and help improve the standards, safety and protection of the travelling public.

Penalty points remain on the licensee's record for two years. The period is a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

### 6.3. Issuing of Penalty Points

Complaints and intelligence received from the public or any other relevant bodies concerning significant breaches of conduct will be subject to investigation by officers and may be reported to the Regulatory Panel for the issue of discretionary points.

Where a licensee accumulates 12 or more penalty points in any 24 month period, the matter will be referred to the Council's Regulatory Panel for that Panel to decide whether the licensee remains a fit and proper person. The Regulatory Panel may then suspend or revoke a licence, or issue a warning to the Licensee, depending on the circumstances.

Periods of suspension of a licence by a Panel will be dependent on the nature of the breaches of the legislation/conditions and the compliance history of the individual.

Penalty Points will remain current for 24 months from the date the penalty points were issued. Points issued to either the proprietor of a vehicle, operator or a driver will be confirmed in writing normally within 10 working days of the conclusion of the investigation into the contravention.

The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations.

Any disputes regarding the issuing of penalty points will be referred to the Regulatory Panel. If Drivers, Vehicle Proprietors or Operators which to appeal against points awarded by officers they must appeal to the Regulatory Panel within 21 days of them being issued.

The Regulatory Panel will have the discretion to reduce, remove or increase the number of points applied to the licence or take any other appropriate decision. A licence holder will retain the right to be represented at any meeting of the Panel either legally or otherwise and to state any mitigating circumstances.

### 6.4. Penalty Points Tariff

The scheme will cover a range of offences, breaches and misdemeanours.

The full list together with the number of points to be applied is set out at **Appendix E**. Where a range of points are available (e.g. 3-6), the number of points given will depend on the individual circumstances.

## 6.5. Appeals

In respect of suspension, revocations and refusals to grant or renew licence the aggrieved person has the right to appeal within 21 days by way of a complaint to the Magistrates Court.

When a decision has been taken to suspend or revoke a driver's licence on the grounds of safety the decision will have immediate effect. There will be no right to continue driving during any appeal period.

## 6.6. Immediate Suspension and Revocation Decisions

Where an allegation has been made or intelligence has been received about a licenced driver that is of such a nature that a real and reasonable concern is raised in terms of public safety or crime and disorder about the suitability of that driver to continue to hold a Local Authority driver licence for the time being, then consideration will be given to the suspension of that licence.<sup>3</sup>

Under the Council's constitution the Corporate Director of Governance and Regulatory Services and the Licensing Manager have the authority to suspend Private Hire and Hackney Carriage Drivers and Operators who contravene the conditions of licence or other relevant legislation until the next meeting of the Regulatory Panel.<sup>4</sup>

Due to the impact on a licenced driver, the decision to issue an immediate suspension notice should not be taken lightly and only those drivers and/or operators who meet the following criteria should have an immediate suspension or revocation imposed. They:

- Committed a serious offence;
- Are alleged to have committed a serious offence;
- Are in breach of the requirement placed upon that type of licence within primary legislation; and/or
- There is intelligence provided which raises a significant concern about the driver/operator and it is necessary to immediately remove that potential risk.

A licence holder will at the first opportunity, and in accordance with any legal requirement, be provided in writing with the details of the allegation and the reasons

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<sup>3</sup> Section 61(2) Local Government (Miscellaneous Provisions ) Act 1976

<sup>4</sup> Constitution of the Carlisle City Council, Section 2B, para 3.1.2

why an immediate suspension is being imposed. In many circumstances the licence holder would be invited for a formal interview prior to such a decision being made.

## 6.7. Section 68 Notices

Licensed vehicles are required to be mechanically tested by the Council's Garage every 6 months for vehicles over 1 year and under 5 years and every 4 months for vehicles over 5 years.

Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 provides a power for the inspection and testing of vehicles and their taximeters and the suspension of licences if they are found unsatisfactory.

Under this power suspensions remain in place until the vehicle has been re-inspected and found to be satisfactory. The licence shall be deemed to have been revoked if such re-inspection has not been completed within a period of two months from the initial inspection.

Alongside periodical mechanical tests, licensed vehicle will be subject to roadside vehicle inspections by Licensing Officers. Inspections will also be organised with Cumbria Police and/or the Vehicle and Operator Services Agency (VOSA).

The areas checked include but is not restricted to;

- Tyres
- Brakes
- Steering
- Lights
- Engine Transmission
- Interior Condition
- Bodywork Conditions
- Driver and Vehicle Badges
- Meters (Hackney carriage vehicles)
- Fire Extinguisher and First Aid Kit
- Rear Plates and Door Signs (Vehicle identifiers)
- Advertising
- CCTV

Authorised Officers can issue Rectification Notices and Section 68 Suspension Notices for minor and major faults respectively.

## 6.8. Simple Cautions

The purpose of a Simple Caution as an alternative to prosecution is to:

- a) deal quickly and efficiently with less serious offences;
- b) divert less serious offences away from the Courts; and
- c) reduce the likelihood of repeat offences.

In the interests of natural justice, the following criteria must be met before a Simple Caution is administered:

- a) there must be sufficient evidence of guilt to give a realistic prospect of a conviction;
- b) the offender must admit the offence; and
- c) the offender must understand the significance of the caution and give informed consent to be cautioned.

Where a person declines the offer of a Simple Caution, it will be necessary to consider taking alternative enforcement action; whilst this would ordinarily mean prosecution, this is not inevitable.

## 6.9. Prosecution

Circumstances where the Council may consider a prosecution of a licenced driver, proprietor or operator include but are not limited to the following:

- the alleged offence committed by the licence holder is a flagrant breach of the law and the health, safety or wellbeing of any person has been put at risk;
- there has been a failure by the licence holder to correct a serious potential risk which has been identified and they have been given a reasonable opportunity to comply with the legislation;
- there is a history of non-compliance or offences by the licence holder.

In cases where prosecution is a consideration, a file containing all the relevant evidence and information will be submitted by the Licensing Department to the Legal



Services Manager for a decision to be made in accordance with the Code of Crown Prosecutors.

Should the Council depart from this policy, in exceptional circumstances, the reasons will be recorded.

### 6.10. Test Purchasing

It is recognised that the majority of licence holders are professional, approachable and a credit to their trade. The Council does, however, receive complaints from members of the public and members of the trade itself about a small minority of licence holders who do not always act in a professional manner. The Council to these complains and also responds to allegations of unlicensed vehicles and drivers operating within the Carlisle District.

In such matters it could be deemed appropriate that the Council, in partnership with other agencies, seek to carry out test purchasing in order to gather the necessary evidence to prove a breach.

If sufficient evidence is gathered indicating further action is necessary, the case will be referred to the Regulatory Panel for the consideration of instigating legal proceedings through the Magistrate's Court as detailed above.

### 6.11. Complaints

The public are able to make complaints to the Council about the conduct and/or service received from licencees and the Council will adhere to the following procedure:-

- Ascertain the facts regarding the complaint and decide if actionable;
- Register the complaint and refer to an investigating officer;
- Contact the complainant within 5 working days;
- Investigate the complaint;
- Make a decision; and
- Inform all parties of that decision.

Licencees who are the subject of a complaint will be informed of the nature of the complaint, including date, time and location of the incident and, if necessary, given sufficient notice to attend any interview.

The outcome of the investigation will be implemented in accordance with this Enforcement Policy.

Disputes between licencees should be resolved between themselves and not through this procedure. If there is evidence relating to alleged serious criminal offence, such as threats of violence, assault etc., this will be referred to Cumbria Constabulary.

## 6.12. Complaints about the service

Any dissatisfaction with the actions of an Officer of the Council will be dealt with under the Council's Corporate Complaints Policy, copies of which are available from offices of the Council, by accessing the Council's website ([www.carlisle.gov.uk](http://www.carlisle.gov.uk)) or by telephoning the Council on 01228 817200.

## PART 7. FARES

### 7.1. Hackney Carriages

Hackney Carriage Fares, set by the Council, are a maximum and can be negotiated downwards by the hirer. The Council considers it good practice to review the fare scales at regular intervals, and will, therefore, consider the fare scales on a bi-annual basis or sooner if a request is received by the trade.

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

The fare for any journey that starts and ends within the Carlisle City cannot exceed the metered fare based on the Council's maximum fare tariff. The meter should only be started when the passenger(s) is/are in the vehicle and the journey commences.

The maximum fares currently prescribed by the Council are set out on the Council's website. A table of authorised fares will be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

The Council will consult with the trade and follow the appropriate procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976.

A hackney carriage driver must, if requested by the passenger, provide a written receipt for the fare paid.

### 7.2. Private Hire Vehicles

The fare for a journey in a private hire vehicle must be agreed with the private hire operator at the time of booking. The driver should charge no more than the fare agreed with the operator at the time of booking.

The agreement between the hirer and the operator can either be for a fixed monetary sum, or an agreement that the fare will be calculated using the meter within the vehicle. In the case of a metered fare, the starting point for engaging the meter must be agreed at the time of booking.

A private hire driver must, if requested by the passenger, provide a written receipt for the fare paid.

## PART 8. LICENCE FEES

### 8.1. Fee Structure

The legislation and established case law provide that licence fees 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. In simple terms, the Council can only set fees on a 'reasonable cost recovery' basis and cannot make a profit from licence fees when analysed over a typical three-year cycle.

The fees currently payable for the grant and renewal of hackney carriage and private hire licences are set out on the Council's website. The fee structure is reviewed annually as part of the Council's budgetary process.

The current table of fees can be found at:

<https://www.carlisle.gov.uk/Business/Licences-and-Permits/Fees-and-Charges>

### 8.2. Payments

The Council can accept payment by debit or credit card, or BACS payments. The Council is unable to accept cash payments.

A payment can be made by accessing our website -

<https://www.carlisle.gov.uk/Residents/Make-a-Payment> or by contacting the Customer Service Team on 01228 817000.

### 8.3. Duplicate Copies

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

## PART 9. HACKNEY CARRIAGE RANKS (STANDS)

### 9.1. Taxi Ranks/Stands

The Council will periodically review the provision of hackney carriage ranks/stands within the District. If there is evidence of the need to amend the existing provisions, a full consultation would be undertaken prior to any amendments. Comments are welcomed from either the trade or the public regarding the suitability of existing provision.

A full list of Hackney Carriage ranks, their exact positioning on each street, the times that they are in use and the maximum occupancy of each is set out at **Appendix F**.

### 9.2. Waiting on Stands

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.

Whilst the law states it is an offence to leave a vehicle unattended on a hackney stand, discretion will be allowed for drivers leaving their vehicles in acceptable circumstances, for example 'comfort breaks'. Leaving a hackney carriage unattended on a stand for any other circumstances, for example shopping, will be dealt with as an offence in accordance with this Policy.

### 9.3. Private Hire Vehicles

Private Hire vehicles are not permitted to park on taxi ranks, nor must they allow customers to alight from their vehicle on a taxi rank.

## PART 10. RIGHT OF APPEAL

### 10.1. Legislation

The Local Government (Miscellaneous Provisions) Act 1976 Sections 48, 52, 60 and 77 detail an applicant's rights of appeal.

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, or impose conditions on a licence the applicant has a right of appeal to the local Magistrates' Court. The only two exceptions are:

- a) in the case of a refusal to grant or renew a hackney carriage vehicle licence where the appeal lies directly to the Crown Court, and
- b) the decision to suspend a hackney carriage or private hire vehicle licence under s68 of the 1976 Act against which there is no right of appeal.

### 10.2. Appeal process

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.

A further right of appeal against the decision of the Magistrates' Court lies with the Crown Court.

## PART 11. DELEGATED POWERS

### 11.1. Authorised Officers

All Officers of the Council, duly authorised under the Council's Scheme of Delegation and supported by specific written delegations, are responsible for the day-to-day operation of the Council's Hackney Carriage and Private Hire Licensing Policy, save for any issues delegated to the Regulatory Panel.

### 11.2. Licensing Manager

The following powers are specifically reserved to the Licensing Manager:

- a) the authorisation of applications that are compliant with this Policy,
- b) minor departures from Policy,
- c) any minor amendment with regards to administration procedures as set out in section 1.3,
- d) the issuing of Stop Notices under s68 of the 1976 Act,
- e) temporary suspension of licenced drivers on the grounds of public safety pending a hearing before the Regulatory Panel.

### 11.3. Regulatory Panel

The following powers are specifically reserved to the Regulatory Panel:

- a) suspension or revocation of existing licences/
- b) refusal to renew existing licences,
- c) refusal of new applications,
- d) any major amendments to this Policy in accordance with section 1.3,
- e) setting of hackney carriage and private hire licensing fees and charges,
- f) setting of hackney carriage fare tariffs.

## PART 12. DEFINITIONS

### List of Policy Definitions

All references in this policy document can be linked to the following definitions

<b>Term</b>	<b>Definition</b>
the 1976 Act	the Local Government (Miscellaneous Provisions) Act 1976
Authorised Council Officer	Any officer of the Council authorised under the Council's Scheme of Delegation as contained within the Constitution of Carlisle City Council
Statutory Guidance	Statutory Taxi & Private Hire Vehicle Standards issued by the Department for Transport (dated July 2020)
IOL Guidance	Guidance on determining the suitability of applicants and licencees in the hackney and private hire trades issued by The Institute of Licensing (dated April 2018)
the Council or the Licensing Authority	Carlisle City Council
the trade	any holder of a current driver, vehicle or operator licence issued by Carlisle City Council
the District	The geographical region contained within the boundaries of Carlisle City Council
the Licensing Manager	The current post-holder (or the manager of the service area following any subsequent restructure) authorised by the Council's Scheme of Delegation
the licence plate or the plate	The vehicle licence plate issued to all vehicles and required to be displayed externally at the rear of all licenced vehicles
this Policy	Carlisle City Council's Hackney Carriage and Private Hire Licensing Policy
Proprietor licence	either a hackney carriage or private hire vehicle licence
<b>Term</b>	<b>Definition</b>



Registered Medical Practitioner	Any person with suitable qualifications in medicine and currently registered with the General Medical Council that is suitably qualified to perform the function of a General Practitioner (Doctor) or higher
Driver Licence	Any reference to the term driver licence, unless prefixed by DVLA, refers to a hackney carriage or private hire driver's licence (within the context of the specific paragraph) issued by the Council
Vehicle licence	Any reference to the term vehicle licence refers to a hackney carriage or private hire proprietor licence (within the context of the specific paragraph) issued by the Council

#### [Hackney Carriage \(as defined by s 38 of the Town Police Clauses Act 1847\)](#)

Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance, and every carriage standing upon any street within the prescribed distance, having thereon any numbered plate required by this or the special Act to be fixed upon a hackney carriage, or having thereon any plate resembling or intended to resemble any such plate as aforesaid, shall be deemed to be a hackney carriage within the meaning of this Act; and in all proceedings at law or otherwise the term "hackney carriage" shall be sufficient to describe such carriage: Provided always, that no stage coach used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and duly licenced for that purpose, and having thereon the proper numbered plates required by law to be placed on such stage coaches, shall be deemed to be a hackney carriage within the meaning of this Act.

#### [Private Hire Vehicle \(as defined by s 80 of the Local Government \(Miscellaneous Provisions\) Act 1976\)](#)

A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

## APPENDIX A THE RELEVANCE OF CAUTIONS AND CONVICTIONS

### General Principals

The over-riding consideration for the Council in its determination of applications is the promotion of the licensing objectives detailed within section 1.2 of this Policy, public safety.

Although regard will be taken of this Policy, each application will be determined on its own merits.

Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons will be given for doing so. The purpose of this Appendix is to formulate guidelines, consistent with national guidance, which detail the Council's current stance on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing licences, for hackney carriage and private hire vehicle, driver and operator licences.

If a court has found an applicant guilty of an offence, that person cannot subsequently claim to the Council that they did not commit the offence. If they seek to do so, their representation will not be considered as this is entirely a matter for the courts. The applicant can, however, offer any mitigating circumstances relating to the offence that they wish the Council to consider.

For the purpose of this Policy, the acceptance of a Fixed Penalty Notice will be treated as a conviction. A caution may be treated as a conviction depending on the individual merits and mitigating circumstances of each case.

### Period free from conviction

Any reference to a period free from conviction relates to the period commencing from either:

- a) where a custodial sentence has been imposed, from the end of the custodial period; or
- b) in any other case, from the date of conviction.

### Consideration of disclosed criminal history

Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers'

licence and/or private hire vehicle operators licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:

- How relevant the offence(s) are to the licence being applied for,
- How serious the offence(s) were,
- When the offence(s) were committed,
- The date of conviction,
- Circumstances of the offence(s) and the individual concerned,
- Sentence imposed by the court,
- The applicant's age at the time of conviction,
- Whether the offences form part of a pattern of offending,
- Any other character check considered reasonable (e.g. personal references).
- Any other factors that might be relevant.

Existing holders of drivers' licences are required to notify the licensing authority in writing within 48 hours of being arrested, receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).

Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing office on 01228 817523 in confidence for advice.

The licensing authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.

Applicants applying for the grant of or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. Applicants for an operator's licence will be required to obtain a standard DBS check at their own expense (unless they are the holder of a current hackney carriage or private hire drivers licence issued by Carlisle City Council). The licensing authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a

licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.

It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

Offences not covered by this Policy will be considered by the Council when determining whether the applicant/licenced driver is a fit and proper person.

#### Outstanding charges or summonses

If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

#### Non-conviction information

If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.

In assessing the action to take, the safety of the travelling public must be the paramount concern.

#### Cautions

Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

#### Drivers

As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a fit and proper person.

In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

#### Crimes resulting in death

Where the applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licenced.

#### Exploitation

Where an application or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licenced. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

#### Offences involving violence

Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

#### Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## Sex and indecency offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

## Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their

professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

[Drink driving/driving under the influence of drugs/using a hand-held telephone or handheld device whilst driving.](#)

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

[Other motoring offences](#)

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

[Hackney carriage and private hire offences](#)

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## Vehicle use offences

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## Private Hire Operators

A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licenced as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be affected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.



## APPENDIX B RIGHT TO LICENCE CHECKS

List of acceptable documents for right to a licence checks. The lists of documents are based on those prescribed to show evidence of a right to work.

<b>List A: No immigration restrictions on right to a licence in the UK. Once the necessary check has been undertaken, it will not require to be repeated on subsequent applications.</b>	
<b>Document (one of the following list required)</b>	
1	A passport(current or expired) showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2	A passport or passport card (current or expired) showing that the holder is a national of the Republic of Ireland.
3	A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom indefinitely
4	A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
5	A current Biometric Immigration Document (biometric residence permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK
6	A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK
7	A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer
8	A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer
9	A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer
10	. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer

**List B: Group 1 – documents where a time-limited statutory excuse lasts until the expiry date of leave**

**Immigration restrictions on the right to a licence in the UK. The licence may be issued (subject to statutory limitations) up to the expiry date of the permission to work in the UK. An immigration status check will be repeated on each subsequent application.**

1	A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question
2	A current Biometric Immigration Document (biometric residence permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3	A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom for a time-limited period and to do the type of work in question
4	A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules
5	A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008, on or before 30 June 2021
6	. A frontier worker permit issued under regulation 8 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020
7	A current immigration status document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person’s permanent National Insurance number and their name issued by a government agency or a previous employer

**List B Group 2 Documents where a time limited statutory excuse lasts for six months**

1	A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service
2	A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey, showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service
3	An application registration card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
4	A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question

## APPENDIX C DRIVER CODE OF CONDUCT

### General Responsibilities of a Licenced Driver

Licenced drivers shall use their best endeavour to promote the image of the trade by:

- a) complying with all aspects of this Policy,
- b) maintaining their vehicles in a safe and satisfactory condition at all times,
- c) attending punctually when undertaking pre-booked hiring,
- d) assisting passengers entering into and alighting from the vehicle,
- e) offering passengers reasonable assistance with luggage, and
- f) behaving in a civil, orderly and responsible manner at all times.

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

- a) not sound the vehicle's horn illegally to attract the passenger's attention,
- b) keep the volume of all audio equipment to a reasonable level, and
- c) switch off the engine when required to wait.

Whilst waiting on hackney carriage ranks, a licenced driver shall:

- a) rank in an orderly manner and proceed promptly along the rank in accordance with rank protocol, and
- b) remain in the vehicle where possible,
- c) no vehicle idling.

Whilst waiting at private hire operator premises, a licenced driver shall:

- a) not undertake servicing or repair of vehicles on the highway,
- b) not undertake servicing or repair of vehicles on the premises unless appropriate planning permission has been obtained, and
- c) take whatever action is necessary to ensure that the business operation does not cause unnecessary disturbance to residents.

## Driver Dress Code

The Council believes that licenced drivers have a responsibility to dress professionally and appropriately whilst undertaking hackney carriage or private hire work to promote confidence amongst members of the public, especially visitors to the District.

In order to raise the profile of the licenced trade, drivers should always operate in a professional manner and conform to minimum standard of dress and personal hygiene.

The following are deemed unacceptable: -

- a) Clothing not kept in a clean condition or which is torn or damaged;
- b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend;
- c) Sportswear (e.g. football/rugby kits, track suits, beach wear etc.);
- d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel;
- e) Drivers not having either the top or bottom half of their bodies suitably clothed;
- f) Shorts, other than tailored shorts.

## Driver Conduct

The driver shall be respectably dressed, clean and tidy in appearance always whilst their vehicle is being made available for hire.

The driver shall always, when acting in accordance with the driver's licence granted to them, wear or display such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times.

The driver shall not lend the badge to any other person or cause or permit any other person to wear it.

On termination or surrender of a driver's licence, the driver shall return the badge to the Council immediately.

The driver shall behave in a civil, polite and orderly manner at all times and shall take all reasonable precautions to ensure the safety of persons conveyed in, or entering or alighting from, the vehicle.

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 information illegible.

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 enough cause, punctually attend with such vehicle at such appointed time and place.

The driver, when hired to drive to a destination, shall proceed to that destination by either the shortest available route, or the believed cheapest route considering all known factors such as roadworks, delays, etc.

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.

The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.

The driver must not solicit, by calling out or otherwise beg any person to hire or be carried for hire.

The vehicle shall be presented in a clean and tidy condition for each journey.

The Health Act 2006 prohibits smoking in enclosed places, all licenced vehicles are designated as an enclosed public space and therefore it is unlawful for any person to smoke in a licenced vehicle at any time, including any time when it is not being used for hire. Therefore, the driver must not smoke or 'vape' in a licenced vehicle at any time.

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.

The driver shall not operate the horn as a means of signalling that the vehicle has arrived.

Drivers must not use a mobile phone whilst driving unless it is designed for hands-free operation.

The driver must notify the Council within a period of 48 hours of:

- a) any arrest, criminal charge, criminal conviction, caution, or fixed penalty notice,
- b) any driving endorsement,
- c) any change of medical condition that may impact on the ability to drive.

### Lost Property

A licenced driver shall diligently search the vehicle after each passenger has left the vehicle for any property which may have been accidentally left therein.

In the event of lost property being found that is identifiable to a known passenger, the driver shall either return the property to the passenger forthwith or contact the passenger to arrange its return.

The following items should be taken to Carlisle Police Station:

- mobile phones, laptops, cameras - anything with an internal memory
- personal ID - such as a passport, driving licence, bank card, utility bills
- Drugs
- significant amount of money

Drivers should report any found property to their Operator (if applicable) and also to the Licensing Department who will record the lost property.

Drivers should keep other items found for at least 28 days before disposing of them (providing arrangements have not been made for their collection). Please note, the council does not provide a facility for the collection or storage of lost and found items.

### Carriage of Animals

A driver may not carry any animal not belonging to a passenger in a licenced vehicle whilst available for hire or carrying passengers.

Animals, other than assistance dogs, in the custody of passengers should be carried, provided they are restrained in a safe manner so as not to cause a nuisance or damage.

## Assistance Dogs

A driver must carry assistance dogs when requested to do so by a passenger unless they have been issued with a medical exemption certificate. Assistance dogs include guide dogs for blind or partially sighted persons, hearing dogs for the hard of hearing or deaf persons, and any other assistance dog which assist a disabled person with a physical or mental impairment.

## Carriages of Passengers with Wheelchairs

If a passenger with a wheelchair prefers to travel in normal saloon, estate or multi-passenger vehicles rather than a specially adapted wheelchair accessible vehicle, a driver **must** carry a passenger with a wheelchair unless the vehicle is unable to accommodate the wheelchair within the luggage compartment.

Drivers of wheelchair accessible vehicles must:

- a) not refuse to carry any passenger with a wheelchair,
- b) not charge any additional fare for passengers with wheelchairs,
- c) be fully conversant with the correct method of operating all ramps, lifts and wheelchair restraints fitted to the vehicle,
- d) ensure that all wheelchairs are firmly secured in the vehicle using an approved restraining system and that the wheelchair brakes have been applied prior to commencing the journey,
- e) ensure that all ramps, lifts and wheelchair restraints fitted to the vehicle are always available in full working order when the vehicle is available for hire.

## Change of Address & contact details

The licensee should notify the Council in writing within seven days of any change of address or change to their contact details.

## APPENDIX D CONDITIONS FOR LICENSING STRETCHED LIMOUSINES

### Permitted Vehicle Types

Left-hand drive limousines will be permitted as private hire vehicles.

Sideways facing seating will be permitted in limousines providing that it conforms to all relevant road traffic vehicle legislation.

All limousines licenced as private hire vehicles must hold a valid Individual Vehicle Approval Certificate and be fitted with tyres of appropriate size and grade for that Approval.

All limousines licenced as private hire vehicles must obtain six-monthly test certificates showing that the vehicle has satisfied the standards of the appropriate MOT Class. The vehicle licence holder is responsible for sourcing a garage approved to carry out such tests and providing documentation attesting to the garage's compliance with the Council's vehicle testing requirements.

All limousines licenced as private hire vehicles must:

- a) reduce their seating capacity to a maximum of eight (8) passengers,
- b) not carry more than eight (8) passengers, including children, at any time,
- c) not carry passengers in any seats in the driver's compartment,
- d) ensure that any advertising of the limousine states the maximum seating capacity.

### Legislation

Seatbelts complying to all relevant legislation must be fitted to all forward and rear facing seats and must always be worn by passengers whilst the vehicle is in motion. There is no legal requirement for seatbelts to be fitted on sideways facing seats, however if they are fitted, they must always be worn by passengers whilst the vehicle is in motion.

If alcohol drinks are to be provided in the vehicle:

- a) an appropriate licence under the Licensing Act 2003 must be in effect,
- b) alcohol may only be sold whilst the vehicle is stationary,



- c) whilst the vehicle is in motion, all receptacles containing alcohol shall be securely stored,
- d) if any occupants of the vehicle are below the age of eighteen (18) years old, the vehicle must not contain any alcohol,
- e) all drinking receptacles used in the vehicle must be made of shatterproof glass, plastic or polycarbonate.

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 youngest passenger in the vehicle.

Limousines licenced as private hire vehicles are not permitted to carry luggage within the passenger compartment of the vehicle.

Limousines licenced as private hire vehicles must carry a safety hammer capable of being used to break the window glass of the vehicle. The hammer must be securely located within the driver's compartment.

Limousines that are licenced private hire vehicles may only be booked from and dispatched by a licenced private hire operator and driven by a licenced private hire driver; all three licences must be issued by the same licensing authority.

## APPENDIX E PENALTY POINTS SCHEME

	<b>Details of the misconduct</b>	<b>Maximum Points Applicable</b>	<b>Driver</b>	<b>Vehicle Owner or Operator</b>
1	Providing false or misleading information on licence application form / failing to provide relevant information	6	✓	✓
2	Failure to notify, in writing, the Council of a change of address within 7 calendar days	3	✓	✓
3	Refusal to accept hiring without reasonable cause	6-12	✓	✓
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6	✓	
5	Plying for hire by Private hire drivers or Hackney Carriage drivers plying for hire outside the district	9	✓	✓
6	Private hire vehicle parking or waiting on a taxi rank	9	✓	✓
7	Inappropriate behaviour at a taxi rank	1-12*	✓	✓
8	Leaving a taxi unattended at a rank	4	✓	
9	Using unlicensed vehicle or using a licensed vehicle without insurance or without a valid periodical vehicle test	12	✓	✓
10	Failure to produce relevant documents within timescales when requested by an Authorised Officer	4	✓	✓
11	Unsatisfactory condition of vehicle, interior or exterior	4	✓	✓
12	Failure to undergo the Council's periodic vehicle test on time	6		✓
13	Failure to provide proof of insurance cover when requested	6	✓	✓
14	Failure to produce Hackney Carriage or Private Hire vehicle for re-testing when required	4		✓
15	Using a vehicle subject to a suspension order issued by an Authorised Officer or a police officer	12	✓	✓
16	Using a vehicle for which the licence has been suspended or revoked	12	✓	✓

	Details of the misconduct	Maximum Points Applicable	Driver	Vehicle Owner or Operator
17	Failure to report, in writing, within 72 hours, accident or damage to licenced vehicle, which would cause the vehicle to breach licence conditions	4	✓	✓
18	Carrying more passengers than stated on the vehicle licence	6	✓	
19	Failure to display external licence plate in a fixed position or failure to display appropriate door signs	6	✓	✓
20	Carrying an offensive weapon in the vehicle	12	✓	
21	Failure to notify a transfer of Private Hire or Hackney Carriage vehicle licence within 14 days of transfer	4		✓
22	Failure to carry fire extinguisher	4		✓
23	Failure to carry first aid kit	3		✓
24	Displaying unsuitable or inappropriate sited signs or unauthorised advertisements in or on the vehicle	3	✓	✓
25	Failure to use authorised roof light	4	✓	✓
26	Failure to maintain records in a suitable form of the commence and cessation of work of each driver each day	4		✓
27	Failure to produce on request records of drivers' work activity	4		✓
28	Using a non approved or non-calibrated taximeter (HC)	6	✓	✓
29	Obstruction of an authorised officer or police officer wishing to examine a licenced vehicle	12	✓	✓
30	Smoking or evidence of smoking or vaping in vehicle	4	✓	✓
31	Displaying any feature on private hire vehicle that may suggest that it is a Hackney Carriage	6	✓	✓
32	Using a vehicle, the appearance of which suggests that it is a Taxi	6	✓	✓

	Details of the misconduct	Maximum Points Applicable	Driver	Vehicle Owner or Operator
33	Failure to carry an assistance dog without requisite medical exemption certificate	12	✓	✓
34	Driver not holding a current DVLA licence	12	✓	✓
35	Failure to have the driver's badge clearly displayed	4	✓	
36	Failure to notify, in writing, a change in medical circumstances	6	✓	✓
37	Failure to observe rank discipline (HC)	3	✓	
38	Failure to maintain proper records of private hire vehicles	3		✓
39	Late payment of periodical vehicle test fee without prior agreement	3		✓
40	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6		✓
41	Misleading use of the words 'Taxi' or 'Cab' on advertising materials	3		✓
42	Failure to issue receipt on request.	6	✓	✓
43	Using a licenced vehicle in a dangerous condition	9	✓	✓
44	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspensions of such licence	4		✓
45	Unsatisfactory behaviour or conduct of a driver.	1-12*	✓	
46	Failure to notify the Council in writing, of any motoring or criminal convictions within 21 days or conviction or cautions during period of current licence	6	✓	✓
47	Failure to behave in a civil and orderly manner, or bringing the trade into disrepute.	1-12*	✓	✓
48	Failure to provide reasonable assistance to a passenger	1-12*	✓	✓

	Details of the misconduct	Maximum Points Applicable	Driver	Vehicle Owner or Operator
49	Failure to display a correct up to date fare card (HC)	3	✓	✓
50	Carrying two or more separate fares without the appropriate consent	9	✓	
51	Failure to carry a legal spare wheel (or appropriate alternative) and the necessary tools to fit the spare wheel	4	✓	✓
52	Failure to attend punctually at appointed time and place without sufficient cause	4	✓	✓
53	A licenced vehicle with a bald or dangerous or defective tyre	4 per tyre	✓	✓
54	Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle	3	✓	
55	Driving whilst using a mobile phone	9	✓	
56	Appeal of points by way of Regulatory Panel	4-12*	✓	✓

\*- discretionary points up to a maximum of 6 points can be issued by officers, but greater awards of points can only be issued by the Regulatory Panel.

Officers may refer any mandatory award of points to Members where there are aggravating features to any case

Ticks indicate potential recipients of points for infringements, but are not limited to those only. Certain cases may result in drivers and/or proprietors and/or operators receiving penalty points. Points may be awarded to one or several persons depending upon the circumstances of the case, but each case will be considered on its individual merits.

## APPENDIX F LIST OF HACKNEY CARRIAGE RANKS

### Schedule 1

Prohibition of waiting except for licenced taxis 24 hours Monday to Sunday

No.	Street Name	Time	Street Side	Restricted Length	No of taxis
1	English Street	24hrs Monday to Sunday	North east side	From a point 5m from its junction with Citadel Row for a distance of 26m in a north westerly direction	5
2	Warwick Road	24hrs Monday to Sunday	South side	From a point 61m from its junction with Cecil Street for a distance of 31m in a westerly direction	6
3	St Nicholas Street	24hrs Monday to Sunday	West side	From a point 18m from its junction with Albion Street for a distance of 10m in a northerly direction	2
4	Court Square Brow(railway station)	24hrs Monday to Sunday	North side	From a point 45m from its junction with English Street for a distance of 68m	13
5	Portland Place	24hrs Monday to Sunday	South east side	From a point 47m from its junction with Cecil Street for a distance of 34m in a south westerly direction	5

### Schedule 2

Prohibition of waiting except for licenced taxis 9pm-6am Monday to Sunday

No.	Street Name	Time	Street Side	Restricted Length	No of taxis
1	English Street	9pm-6am Monday to Sunday	South west side	From a point 21m from its junction with Victoria Viaduct for a distance of 16m in a south easterly direction (in the existing loading bay)	3

### Schedule 3

Prohibition of waiting except for licenced taxis 8.30am-6pm Monday to Sunday

No.	Street Name	Time	Street Side	Restricted Length	No of taxis
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1	Rickergate	8.30am-6pm Monday to Sunday	West side	From a point 40m from its junction with Warwick Street for a distance of 12m in a northerly direction	2
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#### Schedule 4

#### Prohibition of waiting except for licenced taxis Midnight -5am Monday to Sunday

No.	Street Name	Time	Street Side	Restricted Length	No of taxis
1	The Crescent	Midnight - 5am Monday to Sunday	East side	From a point 7m from it's junction with Warwick Road for a distance of 51m in a southerly direction	10
2	English Street	Midnight - 5am Monday to Sunday	West side	From a point 4m from it's junction with Court Square Brow for a distance of 15m in a north westerly direction	3
3	English Street	Midnight - 5am Monday to Sunday	West side	From a point 22m from it's junction with Court Square Brow for a distance of 15m in a north westerly direction	3
4	English Street	Midnight - 5am Monday to Sunday	West side	From a point 46m from it's junction with Victoria Viaduct for a distance of 15m in a south easterly direction	3
5	English Street	Midnight - 5am Monday to Sunday	West side	From a point 67m from it's junction with Victoria Viaduct for a distance of 15m in a south easterly direction	3
6	English Street	Midnight - 5am Monday to Sunday	West side	From a point 87m from it's junction with Victoria Viaduct for a distance of 15m in a south easterly direction	3
7	Court Square Brow	Midnight - 5am Monday to Sunday	South side	From a point 117m from it's junction with Botchergate for a distance of 6m in an easterly direction	1

## APPENDIX G OFFENCES

### HACKNEY CARRIAGE VEHICLE PROPRIETORS' PROVISIONS

Legislation	Code	Offence	Maximum Penalty
s.40 TPCA	H01	Giving false information on an application for HC proprietors licence	Level 1
s. 44 TPCA	H02	Failure to notify change of address of HC proprietor	Level 1
s. 45 TPCA	H03	Plying for hire without a HC proprietor's licence	Level 4
s.47 TPCA	H04	Driving a HC without a HC driver's licence	Level 3
s.47 TPCA	H05	Lending or parting with a HC driver's licence	Level 3
s.47 TPCA	H06	HC proprietor employing an unlicensed driver	Level 3
s.48 TPCA	H07	Failure by HC proprietor to hold a HC driver's licence	Level 1
s.48 TPCA	H08	Failure by HC proprietor to produce HC driver's licence	Level 1
s.52 TPCA	H09	Failure to display HC plate	Level 1
s.54 TPCA	H10	Demanding more than the agreed fare	Level 1
s.49 LGMPA	H11	Failure to notify transfer of HC proprietor's licence	Level 3
s.50(1) LGMPA	H12	Failure to present HC for inspection as required	Level 3
s.50(2) LGMPA	H13	Failure to inform local authority where HC is stored if requested	Level 3
s.50(3) LGMPA	H14	Failure to report an accident involving a HC to local authority within 72 hours	Level 3
s.50(4) LGMPA	H15	Failure to produce HC proprietors' licence or insurance certificate	Level 3
s.57 LGMPA	H16	Making false statement or withholding information to obtain HC vehicle's licence	Level 3



s.58(2) LGMPA	H17	Failure to return plate after notice given after expiry, revocation or suspension of HC proprietors licence	Level 3 plus  daily fine of £10
s.71 LGMPA	H18	Interfering with a taximeter or allowing a vehicle to be used without an approved and tested taximeter	Level 3
s.73(1)( a) LGMPA	H19	Obstruction of authorised officer or constable	Level 3
s.73(1)( b) LGMPA	H20	Failure to comply with requirement of authorised officer or constable	Level 3
s.73(1)( c) LGMP A	H21	Failure to give information or assistance to authorised officer or constable	Level 3
s.73(2) LGMPA	H22	Making a false statement to authorised persons	Level 3

### HACKNEY CARRIAGE DRIVERS' PROVISIONS

<b>Legislation</b>	<b>Code</b>	<b>Offence</b>	<b>Maximum Penalty</b>
s.47 TPCA	D01	Driving a HC without a HC driver's licence	Level 3
s.52 TPCA	D02	Driver refusing to carry the prescribed number	Level 1
s.53 TPCA	D03	Refusal (without reasonable excuse) to take a fare	Level 2
s.54 TPCA	D04	Charging more than the agreed fare	Level 1
s.55 TPCA	D05	Obtaining more than the legal fare	Level 3- and 1months imprisonment until the excess is re- funded

s.56 TPCA	D06	Travelling less than the lawful distance for an agreed fare	Level 1
s.57 TPCA	D07	Failing to wait after a deposit to wait has been paid	Level 1
s.58 TPCA	D08	Charging more than the legal fare	Level 3
s.59 TPCA	D09	Carrying any other person than the hirer without consent	Level 1
s.60 TPCA	D10	Driving a HC without proprietors' consent	Level 1
s.60 TPCA	D11	Person allowing another to drive HC without proprietor's consent	Level 1
s.61 TPCA	D12	Drunken driving of a HC	Level 1
s.61 TPCA	D13	Wanton or furious driving or wilful misconduct leading to injury or danger	Level 1
s.62 TPCA	D14	Driver leaving HC unattended	Level 1
s.64 TPCA	D15	HC driver obstructing other HC drivers	Level 1
s.53(3) LGMPA	D16	Failure to produce HC driver's licence	Level 3
s.54 LGMPA	D17	Failing to wear driver's badge when acting in accordance with a hackney carriage driver's licence	Level 3
s.57 LGMPA	D18	Making false statement or withholding information to obtain HC driver's licence	Level 3
s.61(2) LGMPA	D19	Failure to surrender drivers' licence after suspension, revocation or refusal to renew	Level 3
s.66 LGMPA	D20	Charging more than the meter fare for a journey ending outside the district, without prior agreement	Level 3
s.67 LGMPA	D21	Charging more than the meter fare when HC used as a private hire vehicle	Level 3
s.69 LGMPA	D22	Unnecessarily prolonging a journey	Level 3
s.71 LGMPA	D23	Interfering with a taximeter.	Level 3
s.73(1)( a) LGMPA	D24	Obstruction of authorised officer or constable	Level 3

s.73(1)( b) LGMPA	D25	Failure to comply with requirement of authorised officer or constable	Level 3
s.73(1)( c) LGMP A	D26	Failure to give information or assistance to authorised officer or constable	Level 3
s.73(2) LGMPA	D27	Making a false statement to authorised persons	Level 3

## PRIVATE HIRE VEHICLE PROPRIETORS' PROVISIONS

Legislation	Code	Offence	Maximum Penalty
s.46(1)(a) LGMPA	P01	Using an unlicensed PH vehicle	Level 3
s.46(1)(c) LGMP A	P02	Proprietor of a PH vehicle using an unlicensed driver	Level 3
s.48(6) LGMPA	P03	Failure to display PH vehicle plate in prescribed manner	Level 3
s.49 LGMPA	P04	Failure to notify transfer of PH vehicle licence within 14 days	Level 3
s.50(1) LGMPA	P05	Failure to present PH vehicle for inspection as required	Level 3
s.50(2) LGMPA	P06	Failure to inform local authority where PH vehicle is stored if requested	Level 3
s.50(3) LGMPA	P07	Failure to report an accident involving a PH vehicle to local authority within 72 hours	Level 3
s.50(4) LGMPA	P08	Failure to produce PH vehicle licence and insurance certificate	Level 3
s.57 LGMPA	P09	Making false statement or withholding information to obtain private hire vehicle's licence	Level 3
s.58(2) LGMPA	P10	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence	Level 3 plus daily fine of £10 per day
s.71 LGMPA	P11	Interfering with a taximeter	Level 3

s.73(1)(a) LGMPA	P12	Obstruction of authorised officer or constable	Level 3
s.73(1)(b) LGMPA	P13	Failure to comply with requirement of authorised officer or constable	Level 3
s.73(1)(c)	P14	Failure to give information or assistance to authorised officer or constable	Level 3
s.73(2) LGMPA	P15	Making a false statement to authorised persons	Level 3
s.46(1)(b) LGMPA	D28	Driving a PH vehicle without a PH driver's licence	Level 3
s.48(6) LGMPA	D29	Failure to display PH vehicle plate in prescribed manner	Level 3
s.53(3) LGMPA	D30	Failure to produce PH driver's licence	Level 3
s.54(2) LGMPA	D31	Failure to wear PH driver's badge	Level 3
s.57 LGMPA	D32	Making a false statement or withholding information to obtain a PH driver's licence	Level 3
s.61(2) LGMPA	D33	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Level 3
s.64 LGMPA	D34	Permitting any vehicle other than a HC to wait on a HC stand	Level 3
s.69 LGMPA	D35	Unnecessarily prolonging a journey	Level 3
s.71 LGMPA	D36	Interfering with a taximeter	Level 3
s.73(1)(a) LGMPA	D37	Obstruction of authorised officer or constable	Level 3
s.73(1)(b) LGMPA	D38	Failure to comply with requirement of authorised officer or constable	Level 3
s.73(1)(c)	D39	Failure to give information or assistance to authorised officer or constable	Level 3
s.73(2) LGMPA	D40	Making a false statement to authorised persons	Level 3

**PRIVATE HIRE OPERATORS' PROVISIONS**

<b>Legislation</b>	<b>Code</b>	<b>Offence</b>	<b>Maximum Penalty</b>
s.46(1)(d) LGMPA	O01	Operating a PH vehicle without a PH operator's licence	Level 3
s.46(1)(e)	O02	Operating a vehicle as a PH vehicle when the vehicle or driver is not licenced as a PH vehicle or PH driver	Level 3
s.52(2) LGMPA	O03	Failure by PH operator to keep a record of bookings	Level 3
s.56(3) LGMPA	O04	Failure of PH operator to keep records of PH vehicles operated by him	Level 3
s.56(4)	O05	Failure to produce PH operator's licence on request	Level 3
s.57 LGMPA	O06	Making a false statement or withholding information to obtain a PH licence	Level 3
s.73(1)(a) LGMPA	O07	Obstruction of authorised officer or constable	Level 3
s.73(1)(b) LGMPA	O08	Failure to comply with requirement of authorised officer or constable	Level 3
s.73(1)(c)	O09	Failure to give information or assistance to authorised officer or constable	Level 3
s.73(2) LGMPA	O10	Making a false statement to authorised persons	Level 3

## EQUALITY ACT 2010

<b>Legislation</b>	<b>Code</b>	<b>Offence</b>	<b>Maximum Penalty</b>
s. 168 (2)(a) EA 2010	EA1	Refusal by HC driver to carry an assistance dog unless in possession of an exemption certificate	Level 3
s. 168 (2)(b) EA 2010	EA2	HC driver making an additional charge for carrying an assistance dog accompanying a disabled passenger	Level 3
s. 170 (1)(a) EA 2010	EA3	Refusal by PH operator to accept booking if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person	Level 3
s. 170 (2) EA 2010	EA4	PH operator making an additional charge for carrying an assistance dog accompanying a disabled passenger	Level 3
s. 170 (3)(a) EA 2010	EA5	PH driver failing or refusing to carry out a booking accepted by the operator if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person,	Level 3
s. 170 (3)(b) EA 2010	EA6	PH driver failing or refusing to carry out a booking accepted by the operator if the booking is that the disabled person is accompanied by an assistance dog.	Level 3