

HACKNEY CARRIAGE  
AND PRIVATE HIRE

Licensing  
Policy

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## 1. INTRODUCTION AND GENERAL PRINCIPLES

1. This policy and the documents in the attached appendices was agreed by the Planning and Regulation Committee of North Somerset Council on the 27 March 2008 and the 7 May 2008.
2. North Somerset Council is the Licensing Authority under the Local Government (Miscellaneous Provisions) Act 1976 (as amended) and the Town Police Clauses Act 1847. It has the responsibility for granting and enforcing licences in the North Somerset area for:
  - Hackney Carriage Vehicle Licences
  - Hackney Carriage Drivers Licences
  - Private Hire Vehicle Licences
  - Private Hire Drivers Licences
  - Private Hire Operators Licences
3. The Department for Transport's best practice guidance on Taxi and Private Hire Vehicle Licensing has been taken into account when formulating this policy.
4. In setting out its policy, the Licensing Authority shall promote the following objectives:
  - (i) Protection of the public;*
  - (ii) Provision of an effective public transport service;*
  - (iii) Delivery of a regulatory service proportionate to the risks involved*
5. In exercising its discretion in carrying out its licensing functions, the Licensing Authority shall have regard to this policy document and the objectives set out above.
6. Despite the existence of this policy, each application or enforcement measure shall be considered on its own merits. Where it is necessary for the Licensing Authority to depart from its policy, reasons shall be given for so doing.
7. The aim of the licensing process is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is the Licensing Authority's wish to facilitate well-run and responsible businesses that are responsive to the wishes and needs of the general public.
8. The Council, in undertaking its licensing functions, shall have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.
9. The following principles will be adhered to when carrying out enforcement activities:
  - Openness:** The Council shall be open about how it enforces the legislation in relation to taxi licensing. It will consult with interested parties and ensure that officers discuss compliance failures or problems with persons experiencing difficulties.
  - Helpfulness:** The Council will work with people to advise on and assist with compliance of the relevant legislation. It will also strive to provide a courteous and efficient service to its customers.
  - Proportionality:** The Council will minimise the cost of compliance for businesses and individuals by ensuring that any action taken is proportionate to the risk or wider public benefit. Officers shall have regard to the human rights of all parties involved in its enforcement activities.

**Consistency:** The Council shall carry out its duties in a fair, equitable and consistent manner. Officers shall have regard to national legislation and guidance; local byelaws; corporate policies and procedures: the contents of this document.

10. In drawing up this policy, the Licensing Authority has consulted with the following:

1. Representatives of the hackney carriage and private hire trade;
2. Avon and Somerset Constabulary;
3. North Somerset Council (Vehicle Contracts);
4. Western Traffic Commission;
5. Vehicle and Operator Services Agency;
6. Disabled Persons Transport Advisory Committee;

11. This policy shall take effect from 1<sup>st</sup> April 2008 and shall remain in existence for a period of three years, during which it shall be kept under review and revised as appropriate.

## 2. Hackney Carriage and Private Hire Vehicles

12. The Licensing Authority has no limitation policy for the number of hackney carriages which may be licensed within the North Somerset Council area. This does not imply that there is to be no regulation of hackney carriages, as the Licensing Authority intends that quality controls shall be rigorously maintained in relation to both vehicles and drivers.
13. Before North Somerset Council shall consider licensing a vehicle for the first time it shall meet the vehicle specification set out in **Appendix A**.
14. The Licensing Authority shall not grant first time vehicle licences for vehicles older than 8 years from the date of first registration of the vehicle. This provision shall not apply to non-motorised vehicles and special categories of vehicles detailed at Appendix A.
15. Conditions shall be applied to vehicle licences granted by North Somerset Council. The agreed standard conditions are shown at the following appendices:
  - Appendix B** – hackney carriages
  - Appendix C** – private hire vehicles
  - Appendix D** – conditions applicable to horse drawn vehicles
  - Appendix E** – additional conditions for stretched limousines
16. A licensed vehicle shall be tested once per year until it is 8 years old. A vehicle older than 8 years of age shall be tested twice per year after the 1<sup>st</sup> April 2009. The twice yearly testing will commence from the renewal date of a hackney carriage or private hire vehicle licence expiring after the 1<sup>st</sup> April 2009. The twice yearly testing will consist of a full annual certificate of compliance test with the six monthly test being either a certificate of compliance test, or an MOT test.
17. All annual vehicle tests shall take place at a garage approved by North Somerset Council, and shall be conducted against the vehicle inspection manual, which is a separate document supplementing this policy. The test shall also include all the elements of a Ministry of Transport (MOT) Vehicle Test.
18. The Council operates a Certificate of Compliance scheme in lieu of the MOT vehicle certification scheme and all licensed vehicles are required to hold a valid North Somerset Council Certificate of Compliance.
19. Detailed provisions as to permitted vehicle markings which relate to the proprietor's business and commercial advertising on licensed vehicles is shown at **Appendix F**.
20. The Council has made byelaws in relation to hackney carriages and these are shown at **Appendix G**.
21. In relation to hackney carriages the Council has decided that all vehicles shall be fitted with calendar controlled taximeters of a type that has been approved by the London Public Carriage Office.
22. With effect from 1<sup>st</sup> April 2008 the dual plating of North Somerset licensed vehicles with other council areas shall not be allowed. If a North Somerset licensed vehicle is found to be licensed by another authority, the North Somerset licence will be revoked.
23. Vehicles that fall into category A or B insurance losses will not be licensed other than in exceptional circumstances. No vehicle will be licensed as either a hackney carriage or a private hire vehicle where a condition report obtained from an approved organisation indicates that the vehicle has been previously classified as a category C, D or F insurance loss, unless a Motor Vehicle Repairers Association (MRVA) inspector appointed by the Council indicates that the vehicle is safe to be licensed. The cost of the MVRA inspection report and any subsequent re-assessment must be met by the applicant. The council will conduct its own insurance history checks on vehicles and bear the cost of the same.
24. Hackney Carriage and Private Hire Vehicle Licences shall be issued for a period of one year.

### 3. Hackney Carriage and Private Hire Drivers Licences

- 25 The Licensing Authority is not permitted to attach conditions to a hackney carriage driver's licence. However, those drivers who are also licensed to drive private hire vehicles shall be subject to conditions attached to their private hire driver's licence and expected to comply with a Code of Good Conduct, as set out in paragraph 27 below.
- 26 Conditions shall be attached to private hire drivers licences granted by North Somerset Council. The agreed standard conditions are shown at **Appendix H**.
- 27 The Licensing Authority considers that a professional driver shall not charge above the maximum fare, adopts safe and passive driving techniques and sets a good example to other road users. The standards expected are set out in the Code of Good conduct, which is shown at **Appendix I**.
- 28 The Licensing Authority shall not grant a licence to drive a hackney carriage or private hire vehicle unless it is satisfied that the applicant is a fit and proper person. In order to determine such fitness, the applicant shall be required to undertake the following:
- (1) Both Hackney Carriage and Private Hire Drivers will be required to undertake an applicant suitability test.
  - (2) Driving assessment test by the Council's nominated contractor
  - (3) Capability assessment for drivers who will operate vehicles specially adapted to carry passengers in wheelchairs.
  - (4) Oral tests (Hackney Carriage Drivers and Private Hire Drivers) as to the applicant's knowledge of or skills in:
    - (a) Local geography;
    - (b) The Highway Code;
    - (c) The Hackney Carriage Byelaws (hackney carriage drivers only);
    - (d) Numeracy
    - (e) Legislation relevant to the type of licence being applied for
  - (5) Medical examination
  - (6) Enhanced criminal records check
  - (7) DVLA driving licence check
- 29 All new drivers licensed after the 1<sup>st</sup> April 2008 shall undertake a medical examination in line with the DVLA Group 2 medical standards prior to the grant of a licence.
- 30 All current licensed drivers who have not undergone a Group 2 medical examination will be required to undergo a medical examination to Group 2 standards after the 1<sup>st</sup> April 2009. After the 1<sup>st</sup> April 2009 existing drivers, that is those persons holding licences prior to the 1<sup>st</sup> April 2008, will be required to meet the Group 2 standards when they reach age of 45/50/55/60/65. Persons older than 65 years of age will be required to undergo annual medical examinations.
- 31 For persons who have undergone a Group 2 medical examination at the time of the first grant of a driver's licence, no further medical examination is normally required until he/she reaches 45 years of age then a medical is required every five years to the age of 65, after which a medical should be taken every year.
- 32 If a licensee develops a medical condition that may impair his/her ability to act as a licensed driver, the Council retains the right to request the licensee to undertake a medical examination outside the periods mentioned in paragraphs 30 and 31 above.

- 33 Medical examinations shall be conducted by the applicants own medical practitioner or a medical practioner nominated by the Council, at the applicant's own expense. The Council are though proposing that medical examinations will be carried out by a nominated medical provider after the 1<sup>st</sup> April 2009.
- 34 Applicants will be required to produce at their own expense a current Enhanced Criminal Record Bureau Records (CRB) when submitting a first time licence application. Previous CRB Disclosures will not be accepted by the Licensing Authority.
- 35 Persons holding a hackney carriage or private hire vehicle driver's licence will be required to provide a CRB Enhanced Disclosure every three years at the applicants own expense.
- 36 The Licensing Authority shall require a criminal record background check for all applicants. If an applicant has lived abroad for any period in the last five years or is from an EU member state or overseas then a certificate of good conduct authenticated and translated by the relevant embassy is required. This will be in addition to a CRB Enhanced Disclosure as detailed in paragraph 33 above.
- 37 The Driving Licences (Community Driving Licence) Regulations 1996 allow full driving licences issued by European Economic Area(EAA) states to count towards the qualification requirements for the grant of hackney carriage and private hire drivers licences. Persons holding an EEA community driving licence are eligible to acquire a hackney carriage or private hire drivers licence provided they have held an ordinary driving licence for 12 months which was issued by the acceding state.
- 38 The current EAA states are Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden and the United Kingdom.
39. New applicants and renewals of existing licences will be subject to a Driver Vehicle Licensing Agency (DVLA) drivers licence check at the applicants or licensees own expense.
40. Hackney carriage drivers are required to comply with the requirements of the Hackney Carriage Byelaws as shown at **Appendix G**.
41. Hackney Carriage and Private Hire Drivers Licences shall be issued for a period of three years.

#### 4. Private Hire Operators Licences

42. Any person who operates a private hire service (who is not also a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the Licensing Authority for a private hire operator's licence.
43. Conditions shall be applied to private hire operator's licences granted by North Somerset Council. The agreed standard conditions are shown at **Appendix J**.
44. It is the responsibility of the applicant to ensure that all necessary planning consents are obtained in relation to the provision of an operational base for private hire services. The granting of a private hire operators licence does not deem planning permission has been authorised by the Council.
45. Applicants shall produce at their own expense a fresh Enhanced Criminal Record Bureau Records (CRB) when submitting a first time licence application. Previous CRB Disclosures will not be accepted by the Licensing Authority.
46. Persons holding a private hire operators licence shall be required to provide a CRB Enhanced Disclosure every three years at the applicants own expense.
47. Applicants for first time licences shall be required to provide a business reference from their bank as to the financial standing.
48. Applicants who are disqualified from running a business or have been declared bankrupt shall not be granted a private hire operator's licence. This requirement shall also apply to persons currently licensed by the Licensing Authority.
49. The licensing authority will not grant an operator's licence for an operator with an operating base outside the authority's area. This is to ensure that the proper regulation and enforcement measures may be taken by the authority and is in no way intended to be a restraint of trade.
50. Private Hire Operators Licences shall be issued for a period of 3 years.

## 5. Enforcement Policies

### 5.1 Criminal Records Disclosures

51. The Council is an approved Criminal Records Bureau body and applicants can obtain criminal record disclosures from the Criminal Records Bureau through the Council. Applicants shall be charged an appropriate fee determined by the Criminal Records Bureau (CRB).
52. The Council is bound by rules of confidentiality, and shall not divulge information obtained to any third parties. The applicant for a CRB disclosure shall be sent a separate disclosure report to their home address, while the Council shall also receive a copy of the report.
53. The Council shall operate policies and procedures in accordance with guidance and codes of practice issued by The Criminal Records Bureau. The Council's policy statement on secure storage, handling, use, retention and disposal of disclosures and disclosure information is shown at **Appendix K**.

### 5.2 Relevance of Convictions and Cautions

54. In assessing whether the applicant is a fit and proper person to hold a licence, the Licensing Authority shall take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of disclosure from the Criminal Records Bureau, an Officer of the Licensing Authority shall assess whether any or all of the convictions are capable of having a relevance as to whether the applicant is a fit and proper person to hold a licence.
55. The presence of past or acquired criminal convictions by a person will not automatically prevent a person holding a licence and will be assessed against the Licensing Authority's Criminal Convictions policy shown at **Appendix L**.

### 5.3 Enforcement Measures

56. In order to encourage responsible licensed businesses, the Licensing Authority shall operate a firm but fair enforcement regime. To balance the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Licensing Authority as a general principle shall only intervene where it is necessary and proportionate to do so.
57. The Council shall though in order to discharge its role as the licensing authority carry out routine and unannounced inspections of individuals, vehicles and businesses to ensure compliance with the relevant legislation.
58. The Licensing Authority may take any of the steps below upon receipt of evidence that an offence has been committed in relation to legislation or byelaws enforced by the Council:
  1. Informal verbal or written advice
  2. Suspension of the Licence;
  3. Service of Notice;
  4. Revocation of the Licence;
  5. Refusal to Renew;
  6. Issue of a Formal Caution
  7. Prosecution of an individual or company
59. Minor or first-time transgressions are likely to attract either an oral or written warning.

60. Where public safety is deemed to be in imminent danger the further use of a licensed vehicle shall be suspended by notice until the defects have been remedied. The suspension notice shall not be lifted until the vehicle has undergone a further inspection and passed fit for use as a hackney carriage or private hire vehicle.
61. The Licensing Authority may exercise its discretion to suspend the operation of a driver's licence for a specified period. Such action shall only be taken after a hearing before the appropriate Licensing Sub-Committee.
62. A licence holder shall be referred to the appropriate Licensing Committee when either he/she has been found to be in breach of a licence issued, convicted of a serious criminal offence, The Committee shall consider the evidence and may either take no action, issue a warning or suspend or revoke a licence.
63. As an alternative to revocation, the Licensing Authority may decide that the appropriate action, in a situation where the licence is shortly to expire, not to renew the licence.
64. As an alternative to instigating a prosecution the Council shall consider the issuing of a formal caution where:
  1. There is sufficient evidence to justify a prosecution;
  2. The licence holder admits his/her guilt;
  3. The licence holder agrees to be cautioned
65. The Licensing Authority shall consider the prosecution licence holders for relevant offences in the following circumstances:
  1. Where the allegation is of a serious or repeated offence, or
  2. Where the Licensing Authority proposes to issue a formal caution to the licence holder, but the offence is not admitted, or the caution accepted

## 6. General Arrangements

### 6.1 Licensing Committee and Hearings

66. The Planning and Regulatory Committee of North Somerset Council has responsibility for the hackney carriage and private hire licensing regime in the district, along with the formulation and review of policy.

67. The Committee has delegated its functions in the following way:

1. A licensing sub-committee shall deal with applications and disciplinary matters referred to it by Licensing Officers.
2. Licensing Officers have delegated powers to grant or refuse licences; to suspend or revoke licences in situations requiring immediate action; to issue oral and written warnings, notices, formal cautions; to instigate prosecutions where appropriate.

68. Licensing Hearings in relation to applicants and licensees shall be carried out to an agreed procedure that allows an individual the ability to present his/her case to the Committee, be represented and ask questions. In certain circumstances the Committee shall hold licensing hearings without the public being present, where it is legally allowed to do so, for cases where personal matters are to be considered.

### 6.2 Licence Applications

69. An application for a vehicle, driver or operator's licence shall be made on the specified application form issued by the Licensing Authority.

70. Applications will not be processed unless all the required documentation is produced and the licence fees have been paid.

71. No refunds will be given for unsuccessful applications or renewal applications for licences.

72. Holders of existing vehicle, drivers and operators licences shall be reminded, in the month preceding the expiry, when their licences are due to be renewed. It is though the responsibility of the individual licensee to renew an existing licence and the absence of a reminder letter will not discharge the licensee of his/her individual responsibility as set out in paragraph 74 below.

73. Application forms, appropriate fees, and supporting documentation should be submitted in sufficient time to allow processing of the application. It is recommended that applications are made at least at least 28 days prior to the expiry of the previous licence.

74. A licence that is not renewed by its expiry date will be deemed to have not been renewed and a fresh application for a new licence will be required, unless exceptional circumstances can be demonstrated to the Licensing Authority.

### 6.3 Table of Tariffs and Licence Fees

75. The Licensing Authority shall review the prescribed hackney carriage fares each year between January and March and any change shall be implemented on 1<sup>st</sup> April following. The Licensing Authority shall also consider any requests in the interim for fare increases which dictate that a variation would be appropriate (for example, where a sharp rise in petrol/diesel prices occurs).

76. Annual increases in the table of fares shall be the same rate of increase as those published by the London Public Carriage Office unless local and unique circumstances

can be demonstrated to the Licensing Authority.

77. The Licensing Authority shall annually review its licence fees and charges and implement any changes on the 1<sup>st</sup> April each year.

#### 6.4 Taxi Ranks

78. North Somerset Council has established a number of public taxi ranks in the district and these are shown at **Appendix M**.
79. Where a genuine demand can be demonstrated for the establishment of additional public taxi ranks the Council will consider establishing new ranks subject to them being approved by the local Highway Authority.

#### 6.5 Disability Discrimination Act

80. Since 31 March 2001 licensed taxi drivers in England and Wales have been under a duty (under S37 of the Disability Discrimination Act 1995) to carry guide, hearing and other prescribed assistance dogs in their taxis, without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to the licensing authority for an exemption from the duty on medical grounds. Any other driver who fails to comply with this duty is guilty of an offence and liable to prosecution. Similar duties covering private hire operators and drivers have been in force since March 2004.
81. On 1st January 2010 the Disability Discrimination Act will apply to the North Somerset Council area with regards to hackney carriage vehicles. For any hackney carriage to be licensed after this date the vehicle will have to comply with the Government specification for disabled access vehicles. The exact requirements have not yet been announced by the Government.
82. The Disability Discrimination (Transport Vehicles) Regulations 2005 came into force on 4th December 2006. The result of these regulations is to lift the previous exemption for transport vehicles. The effect of the regulations is to prevent any discrimination against providing transport services to disabled people.
83. The Council shall encourage the licensing of vehicles for the carriage of disabled persons and has included within the vehicle specification at Appendix A guidelines for suitably adapted and accessible vehicles.
84. The Council will also work with local groups and forums to promote accessibility issues in relation to licensed vehicles.

#### 6.6 Service Standards

85. The Council has published standards for the delivery of services and wherever possible these will be maintained in relation to the processing licence applications, dealing with service requests and complaints made to the Licensing Team.

#### 6.7 Complaints

86. The Council will investigate complaints against licensed or unlicensed vehicles, persons or businesses and take action proportionate to the matter being investigated. Complainants shall though be encouraged in the first instance to raise their concerns directly with the licensee to seek a local resolution.
87. If a person making a complaint is not satisfied with the investigation of a complaint, the North Somerset Council's formal complaint procedure shall be followed.

## VEHICLE SPECIFICATION POLICY

### 1. Introduction

A vehicle must meet the following standards to be considered for licensing either as a Hackney Carriage or a Private Hire Vehicle. These standards define the type of vehicle that is suitable for licensing. A more detailed specification regarding equipment, maintenance, documentation, markings and other requirements is contained in the Council's Vehicle Inspection Manual.

***Before embarking on the purchase of a vehicle for use as a Private Hire Vehicle or Hackney Carriage you should check that it meets this specification. If the vehicle does not meet the specification you are advised to discuss the areas of difference with a Licensing Officer before making the purchase.***

### 2. VEHICLE APPROVAL AND CERTIFICATION

1. The Licensed vehicle must comply in all respects with:
  - (a) Road Vehicles (Construction and Use) Regulations 1986
  - (a) The requirements of the Motor Vehicle (Type Approval) Regulations 1980;
  - (b) Motor Vehicle (Type Approval) (Great Britain) Regulations 1984
2. In addition, the licensed vehicle must comply in all respects with British and European vehicle regulations and be "type approved" to the requirements of the M1 or M1 (low volume) category of the European Whole Type Approval Directive 70/156/EEC, as amended.
3. Imported vehicles that cannot meet the requirements of 2 above will need to have been approved under the British Single Vehicle Approval Scheme (SVA) and have the required documentation.
4. If the vehicle has been converted to run on liquefied petroleum gas (LPG) then a certificate issued by a member of the LPG Association will be required by the Licensing Authority to confirm satisfactory installation, examination and testing of the vehicle has been carried out in accordance with the LPG Associations Code of Practice.

### 3. Vehicle specification

5. A vehicle must be less than 8 years of age (taken from the date of the first registration in the Vehicle Registration Document) at the date of the first application for licence in respect of that vehicle.
6. The maximum age for accepting a vehicle for first time licensing by the Council may be extended for vintage or specialist built vehicles. The vehicle shall though be in good condition and capable of passing the Council's Certificate of Competency vehicle test.
7. The vehicle must have a passenger seating capacity of not less than 4 persons as determined by the method of assessing vehicle capacity described in section 3 below.
8. For each passenger carried in the licensed vehicle there shall be available a properly fitted and maintained seat belt.
9. All saloons, estates or purpose built taxi vehicles shall have at least 4 side-opening doors, which may be opened from the inside and the outside. Minibuses, transits and people

carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors.

10. Highly tinted and blacked out windows are not permitted. The vehicle must be able to comply with the relevant standards contained within the vehicle testing manual.
11. The vehicle must be right hand drive, but left hand drive will be permitted where the vehicle is only exclusively manufactured as a left hand drive vehicle e.g. imported limousines.

#### 4. Vehicle dimensions and seating capacity

##### 4.1 Vehicles licensed to carry up to 4 passengers (saloons, estates)

12. Operators should bear in mind that the manufacturers claimed seating capacity may not always be the same as the Council's licensed seating capacity scheme as detailed below.
13. **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.)
14. **Knee Space: Front Seat** - there must be not less than 750 mm (29 ½ inches approx.) unobstructed space between the leading edge of the dash board and the back of the seat being measured.  
**Rear seats** - there must be not less than 750 mm (29 ½ inches approx.) unobstructed space between the front surface of all rear seat backs and the back of the seat in front, measured with the front seat located as specified above.
15. **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.)
16. **Seat Width:** fixed passenger seats (measured along the front edge of the seat) must allow at least 406 mm (16 inches approx.) per person.

##### 4.2 Vehicles licensed to carry between 5 and 8 passengers

17. **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.)
18. **Knee Space: Front Seat** - there must be not less than 750 mm (29 ½ inches approx.) unobstructed space between the leading edge of the dash board and the back of the seat being measured.
19. **Rear/middle seats** - there must be not less than 650 mm (25 ½ inches approx.) unobstructed space between the front surface of seat backs and the back of the seat in front, measured with the front seat located as specified above.
20. **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.)
21. **Seat Width:** fixed passenger seats (measured along the front edge of the seat) must allow at least 406 mm (16 inches approx.) per person.
22. **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.).

#### 5. DISABILITY ACCESS

23. In the case of all hackney vehicles, which are built or adapted for disabled passengers, the design of the vehicle should ensure that any wheelchair is loaded from the side or rear of the vehicle.
24. 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) Wheelchair internal 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.
25. Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must comply with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order, tested at the required intervals and be available for use at all times.

***The Council on an individual basis, prior to licensing, will assess the overall suitability of a vehicle for the carriage of disabled passengers. Applicants therefore should discuss the purchase of a vehicle adapted to carry disabled passengers with the Council, prior to purchase.***

## 6. TRAILERS

26. Trailers may only be used with the prior approval of the Authority and subject to the following requirements:
  - (a) Trailers can only be used in connection with private hire bookings and cannot be used for plying for hire on a rank;
  - (b) The trailer must at all times comply with all requirements of Road Traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986;
  - (c) The vehicle insurance must include cover for towing a trailer;
  - (d) Trailers must not be left unattended anywhere on the highway;
  - (e) The speed restrictions applicable to trailers must be observed at all times;
  - (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.

### HACKNEY CARRIAGES CONDITIONS OF LICENCE

The holder of the licence shall comply with the provisions of The Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976, The North Somerset Council Hackney Carriage Byelaws and the conditions detailed below:-

References to the "Council" in these conditions mean North Somerset Council.

1. Single Licensing of Vehicle

This Licence is issued on the condition that the hackney carriage to which it relates is not licensed as either a hackney carriage or private hire vehicle by another authority. If North Somerset Council becomes aware of other vehicle licences (hackney carriage or private hire) running concurrently with this licence, then this licence shall be revoked.

2. Alterations of Vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made at any time while the licence is in force, without the prior approval of the Council.

3. Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times, when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition. All relevant statutory requirements including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986, as amended by the Road Traffic Acts 1988 and 1991, or any statutory modification or re-enactment thereof shall be fully complied with.

4. Roof Signs and Licence Plates

4.1 A roof sign bearing the word "TAXI" shall be carried on the roof of the vehicle in such a manner as to be easily visible and capable of being removed by an authorised officer of the Council, or a Police Officer.

4.2 The roof sign must be connected to the vehicles electrical system and should be illuminated when the vehicle is standing or plying for hire within the North Somerset District.

4.3 A rear licence plate identifying the vehicle as a hackney carriage shall be securely fixed by screws, bolts or other approved means externally to the rear of the vehicle in a conspicuous position and in such a manner as to be easily removed by an authorised officer of the Council or a Police Officer.

4.3 The licence plates shall remain the property of the Council and must be returned within 7 days of a vehicle ceasing to be licensed or used as a hackney carriage.

5. Passengers

5.1 The licence holder shall not convey or permit to be conveyed in the licensed vehicle any greater number of persons than that prescribed in the Licence and on the Plate issued by the Council and affixed to the vehicle.

5.2 For the purpose of the Table of Fares, two children below the age of 10 years shall be counted as one person where the use of the rear seating only is concerned.

5.3 The driver shall not allow there to be conveyed in the front of the hackney carriage any child below the age of 10 years.

## 6. Vehicle Markings

6.1 Subject to the approval of the Council the details of the name, address, telephone number and company logo (or any combination thereof) of the proprietor of the hackney carriage may be displayed on front doors, of the vehicle. Words, numbers and graphics used in connection with this requirement shall comply with the specification in paragraph 6.2 below

6.2 All words, numbers and graphics placed on the vehicle shall comply with the following specification:-

6.2.1 Only one set of details of the vehicle's proprietor may be displayed per door on the vehicle.

6.2.2 Lettering should not be more than 6 inches high

6.3 The licence holder shall display inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the maximum number of persons who may be carried by the vehicle.

6.4 There shall be displayed within the vehicle for the information of passengers, a table of fares provided by the Council and a notice stating the office to which any complaints respecting the vehicle and the driver should be addressed, and any other notice reasonably required by the Council.

6.5 No signs, notices, advertisements, plates, marks, numbers, letter figures, symbols, emblems or devices whatsoever shall be displayed on, or in or from the vehicles except as may be required by statutory provision or required or permitted by these conditions.

6.6 The licence holder may display on suitably adapted vehicles a form of words or a symbol indicating that the vehicle has been adapted for use by disabled persons. The Council will however require evidence of the acceptability of such adaptation and shall approve the form of words or symbols.

## 7. Commercial Advertising on Vehicles

Advertising will be allowed on the licensed vehicle subject to it being in accordance with the Council's Vehicle Advertising Policy.

## 8. Change of Address

The licence holder shall notify the Council in writing of any change of address, within 7 days of such a change taking place.

## 9. Convictions

That within seven days of having been cautioned or convicted of a criminal offence the licence holder shall notify the licensing authority of that event and if the licensing authority is not notified within the requisite period the licence may be automatically revoked.

## 10. Deposit of Driver's Licences

If the Licence Holder permits or employs any other person to drive the vehicle as a hackney carriage, he shall, before that person commences to drive the vehicle, cause the driver to deliver to him his hackney carriage driver's licence for retention, until such time as the driver ceases to be permitted or employed to drive the vehicle, or any other vehicle of his.

## 11. Vehicle Insurance

- 11.1 At all times during the currency of the licence, the licence holder shall keep in force in relation to the use of the vehicle as a hackney carriage a policy of insurance covering the vehicle for use for hire or reward, and complying with the requirements of the relevant legislation. The Licence Holder shall produce vehicle insurance documents on demand to the Council at any time during the period of the licence, and allow retention of a copy of the insurance on file.
- 11.2 Before permitting any licensed hackney carriage driver to drive the vehicle, the licence holder shall ensure that the driver is adequately insured to do so.

## 12. Accidents

Any accident or damage involving the licensed vehicle must be reported to the Council during the next working day or within 72 hours, whichever is the sooner. This may be an oral report in the first instance but must be followed up in writing.

## 13. Certificates of Compliance

- 13.1 All vehicles shall have a current Certificate of Compliance that has been issued by a Council approved Testing Station.
- 13.2 The Licence Holder is required to produce on demand to a duly authorised Officer of the Council or a Police Officer a current Certificate of Compliance.

## 14. Vehicle Road Fund Licence

The Licence Holder must ensure that at all times the vehicle is covered by a current vehicle road fund licence.

## 15. Taximeters

All hackney carriages shall be fitted with a taximeter, which conforms to the following specification:-

- 15.1 The taximeter shall be an automatic date controlled meter of a type approved by the Council.
- 15.2 The meter shall be capable of displaying the various tariffs as approved by the Council, including extra charges recoverable under the approved Table of Fares.
- 15.3 The meter shall be located within the vehicle in such a position that any fares and charges displayed are visible to persons travelling in the vehicle.
- 15.4 The taximeter shall be calibrated and set to the Council agreed charging distances and tariffs currently in force. The taximeter must be sealed with an official Council seal by a person authorised by the Council to seal taximeters. The taximeter must also be sealed in such a way that the fares and tariffs set into the meter cannot be tampered with.
- 15.5 The proprietor of the vehicle shall present to the Council upon grant of a licence, a change in the table of fares, or any other re-calibration, adjustment, repair or replacement of a taximeter, a signed certificate stating that the taximeter fitted to the licensed vehicle has been set and calibrated to the Council agreed charging distances and tariffs currently in force.
- 15.6 Any Council seal, which is tampered with without good reason, will render this licence liable to suspension or revocation.

16. Radio Communications Equipment

All radio transceiving equipment, except cellular telephones, fitted to the vehicle shall be type approved mobile radio equipment as licensed by the Radio Communications Agency under the Wireless Telegraphy Act 1949.

17. Guide/Hearing Dogs

No driver shall refuse (unless specifically exempted by the Council) to convey a guide dog or hearing dog with its owner or keeper. The Guide or Hearing Dog shall be carried in the rear of the vehicle, free of charge.

18. Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher that complies with the current national standards specification.

19. Seat Belts

For each passenger carried in the licensed vehicle there shall be available a properly fitted and maintained seat belt.

20. Licence Documents

The Licence and attached conditions must be kept at a place from where the vehicle is operated. and must be readily available for inspection by a duly authorised Council Officer or Police Officer. This licence must be returned to the Council upon its revocation, suspension, discontinuance or for annual renewal.

21. Vehicle Inspections

The licensed vehicle shall be tested and examined at a Council appointed garage on an annual basis.

22. Smokefree Vehicle

The whole of the vehicle shall be kept smokefree at all times and no smoking signs of a type required by the legislation currently in force shall be prominently displayed within each passenger compartment of the vehicle.

22. Suspension or Revocation of Licences

The Council reserves its right to take such action, which it is entitled to take, including (without limitation) suspension or revocation of the licence, where it deems it necessary.

23. Revocation and Modification of Conditions

The Council reserves the right, (at its own behest and at any time), to revoke, vary, or modify any of these conditions and/or to make such additional conditions as it may deem requisite, either generally or in respect of any particular licence or occasion.

24. Grievances

By virtue of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 any person who is aggrieved by any condition attached to the licence may appeal to the Magistrates' Court within 21 days of receipt of the licence

## PRIVATE HIRE VEHICLES CONDITIONS OF LICENCE

The holder of the licence shall comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the conditions detailed below:-

References to the "Council" in these conditions mean North Somerset Council.

### 1. Single Licensing of Vehicle

This Licence is issued on the condition that the private hire vehicle to which it relates is not licensed as either a Hackney Carriage or Private Hire Vehicle by another authority. If North Somerset Council becomes aware of other vehicle licences (hackney carriage or private hire) running concurrently with this licence, then this licence shall be revoked.

### 2. Alterations of Vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made at any time while the licence is in force, without the prior approval of the Council.

### 3. Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times, when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition. All relevant statutory requirements including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986, as amended by the Road Traffic Acts 1988 and 1991, or any statutory modification or re-enactment thereof shall be fully complied with.

### 4. Licence Plates

4.1 Front and rear licence plates identifying the vehicle as a private hire vehicle shall be securely fixed by screws, bolts or other approved means externally to the front and rear of the vehicle in a conspicuous position and in such a manner as to be easily removed by an authorised officer of the Council or a Police Officer.

4.2 The plates shall remain the property of the Council and must be returned within 7 days of a vehicle ceasing to be licensed.

### 5. Passengers

5.1 The licence holder shall not convey or permit to be conveyed in the licensed vehicle any greater number of persons than that prescribed in the Licence and on the Plate issued by the Council and affixed to the vehicle.

5.2 The driver shall not allow there to be conveyed in the front of the Private Hire Vehicle any child below the age of 10 years.

### 6. Vehicle Markings

6.1 Vehicle proprietors shall display on both front doors the name of the company or the name of the licence holder, together with the appropriate telephone number. The lettering must be between 50mm (2 inches approx) and 150mm (6 inches approx) high. Before a display is applied to a vehicle the Council shall approve it. The word "taxi" or "cab(s)" shall not be used.

6.2 No signs, notices, advertisements, plates, marks, numbers, letter figures, symbols, emblems or devices whatsoever shall be displayed on, or in or from the vehicles except as may be required by statutory provision or required or permitted by these conditions.

- 6.3 The licence holder may display on suitably adapted vehicles a form of words or a symbol indicating that the vehicle has been adapted for use by disabled persons. The Council will however require evidence of the acceptability of such adaptation and shall approve the form of words or symbols.
- 6.4 There shall be displayed in all private hire vehicles a sign supplied by the Council, comprising a Council logo and telephone number for customer complaints. This sign shall be affixed to the rear near or offside passenger door windows or quarter lights.
- 6.5 There shall be displayed inside the inside the vehicle a licence plate supplied by the Council. The licence plate shall be visible to passengers in the vehicle.

7. Commercial Advertising on Vehicles

Advertising will be allowed on the licensed vehicle subject to it being in accordance with the Council's Vehicle Advertising Policy.

8. Change of Address

The licence holder shall notify the Council in writing of any change of address, including the name and address of any Company from whom bookings are taken, within 7 days of such a change taking place.

9. Convictions

That within seven days of having been cautioned or convicted of a criminal offence the licence holder shall notify the licensing authority of that event and if the licensing authority is not notified within the requisite period the licence may be automatically revoked.

10. Deposit of Driver's Licences

If the Licence Holder permits or employs any other person to drive the vehicle as a Private Hire Vehicle, he shall, before that person commences to drive the vehicle, cause the driver to deliver to him his Private Hire Vehicle driver's licence for retention, until such time as the driver ceases to be permitted or employed to drive the vehicle, or any other vehicle of his.

11. Vehicle Insurance

11.1 At all times during the currency of the licence, the licence holder shall keep in force in relation to the use of the vehicle as a Private Hire Vehicle a policy of insurance covering the vehicle for use for hire or reward, and complying with the requirements of the relevant legislation. The Licence Holder shall produce vehicle insurance documents on demand to the Council at any time during the period of the licence, and allow retention of a copy of the insurance on file.

11.2 Before permitting any licensed Private Hire Vehicle driver to drive the vehicle, the licence holder shall ensure that the driver is adequately insured to do so.

12. Accidents

Any accident or damage involving the licensed vehicle must be reported to the Council during the next working day or within 72 hours, whichever is the sooner. This may be an oral report in the first instance but must be followed up in writing.

13. Certificates of Compliance

13.1 All vehicles shall have a current Certificate of Compliance that has been issued by a Council approved Testing Station.

13.2 The Licence Holder is required to produce on demand to a duly authorised Officer of the Council or a Police Officer a current Certificate of Compliance.

14. Vehicle Road Fund Licence

The Licence Holder must ensure that at all times the vehicle is covered by a current vehicle road fund licence.

15. Radio Communications Equipment

All radio transceiving equipment, except cellular telephones, fitted to the vehicle shall be type approved mobile radio equipment as licensed by the Radio Communications Agency under the Wireless Telegraphy Act 1949.

16. Guide/Hearing Dogs

No driver shall refuse (unless specifically exempted by the Council) to convey a guide dog or hearing dog with its owner or keeper. The Guide or Hearing Dog shall be carried in the rear of the vehicle, free of charge.

17. Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher that complies with the current national standards specification.

18. Seat Belts

For each passenger carried in the licensed vehicle there shall be available a properly fitted and maintained seat belt.

19. Licence Documents

The Licence and attached conditions must be kept at a place from where the vehicle is operated and must be readily available for inspection by a duly authorised Council Officer or Police Officer. The licence must be returned to the Council upon its revocation, suspension, discontinuance or for annual renewal.

20. Vehicle Inspections

The licensed vehicle shall be tested and examined at a Council appointed garage on an annual basis.

21. Smokefree Vehicle

The whole of the vehicle shall be kept smokefree at all times and no smoking signs of a type required by the legislation currently in force shall be prominently displayed within each passenger compartment of the vehicle.

20. Suspension or Revocation of Licences

The Council reserves its right to take such action, which it is entitled to take, including (without limitation) suspension or revocation of the licence, where it deems it necessary.

Revocation and Modification of Conditions

The Council reserves the right, (at its own behest and at any time), to revoke, vary, or modify any of these conditions and/or to make such additional conditions as it may deem requisite, either generally or in respect of any particular licence or occasion.

Grievances

By virtue of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 any person who is aggrieved by any condition attached to the licence may appeal to the Magistrates' Court within 21 days of receipt of the licence.

### CONDITIONS APPLICABLE TO HORSE-DRAWN VEHICLES

- 1 The Licence holder shall be responsible for the safe handling and proper care of the horses employed in the operation of the licensed vehicle.
- 2 The Licence holder must satisfy the Licensing Authority that he is competent to drive horses. The Licence holder must produce satisfactory proof of his driving ability and any expense incurred in producing such proof shall be met by the Licence holder.
- 3 The Licence holder shall be responsible, when in charge of the vehicle, for the collection and satisfactory hygienic disposal of horse excrement.
- 4 The Licence holder shall, at all times when acting in accordance with the driver's licence, wear the official badge issued by the Licensing Authority in such a position as to be plainly and distinctly visible.
- 5 The Licence holder shall notify the Licensing Authority of any change of address and, if not self employed any change of employer.
- 6 The Licence holder shall, at the request of any authorised Officer of the Licensing Authority or of any Police Officer, produce his licence for inspection.
- 7 On the surrender, revocation or suspension of the licence the official driver's badge must be returned to the North Somerset Council Licensing Office.
- 8 Any change in the medical condition of the Licence holder, which could impair his driving ability, shall be notified immediately to the Licensing Authority.
- 9 Any change in the physical condition of the horse must be notified to the Licensing Authority.
10. The licensee shall ensure the feet of the horse are properly trimmed and if shod, the shoes must be properly fitted and in good condition.
- 11 Details of any offence of which the Licence holder has been convicted shall be notified to the Licensing Authority.
- 12 The proprietor of a hackney carriage shall not, when standing or plying for hire, wash such carriage in any street or public place.
- 14 The proprietor or driver of a hackney carriage shall not while standing, plying or driving for hire, drive or allow to be driven, or harness or allow to be harnessed to the carriage any animal in such condition so as to expose any person conveyed or being in such carriage, or any person traversing any street, to risk or injury.
- 14 The driver of a hackney carriage drawn by an animal or animals shall, while standing, plying or driving for hire, cause every part of the harness of the animal or animals drawing the carriage to be kept in order, so that the animal or animals shall be properly and securely attached to the carriage and under due control.
- 15 A proprietor or driver of a horse drawn hackney carriage shall not, in any street, feed or allow to be fed any horse harnessed or otherwise attached to such carriage, except with food contained in a proper bag or other receptacle suspended from the head of such horse or from the centre pole of the carriage or which is held in and delivered with the hand of the person feeding such horse.

- 16 The official licence plate, issued by the Licensing Authority, must be affixed to the rear of the vehicle. Such licence plate shall be returned to the Licensing Authority if the vehicle licence is surrendered, revoked or suspended.
- 17 The official fare card must be displayed inside the vehicle so as to be clearly visible to passengers in the vehicle at all times subject to any specific exemption granted by the Licensing Authority.
- 18 When the vehicle is being used for hire, no person shall be authorised to drive the vehicle other than a person currently licensed as a horse-drawn hackney carriage driver and wearing the official badge.
- 19 No horse shall be harnessed to, or used in connection with the vehicle hereby licensed unless, within the preceding twelve months, a veterinary surgeon has examined the horse and issued a certificate of fitness. Such certificate shall be delivered to the Licensing Authority immediately.
- 20 No horse shall be in harness for more than seven hours in any one day and if in harness for seven consecutive hours, shall during that period have a break of not less than one hour and shall be fed and watered.
- 21 A horse in which in any one day is harnessed to, or used in connection with a licensed hackney carriage shall not be used at any time during that day for any other purpose.
- 22 In any other respects, the provisions and conditions relating to hackney carriages, as set out in the attached conditions, apply to horse-drawn carriages except in so far as the context of the provisions or conditions clearly dictates that reference is being made to motor vehicles or the driving of such motor vehicles.

### Additional conditions attached to Licences for Stretched Limousines

1. The private hire vehicle must be fitted with tyres that meet both the size and weight specification for the vehicle at all times for the duration of the licence.
2. Before accepting a booking, the operator must make it clear to the hirer that the vehicle is licensed for no more than 8 passengers.
3. If passengers are under the age of 18, there should be no alcohol in the vehicle for consumption or otherwise.
4. The licence holder shall not supply any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.
5. The operator of the vehicle shall ensure that a performing rights licence is held where recorded music is played for the entertainment of the passengers being carried in the licensed vehicle.
6. The vehicle must contain two fully functional portable multipurpose powder type fire extinguishers approved to BS EN 3. Separate extinguishers shall be provided in the driver and passenger compartments. A sign indicating the presence of the fire extinguisher in the passenger compartment shall be prominently displayed.
7. Use of fog machines, lasers, fibre optics, disco balls and other equipment should comply with relevant Health and Safety regulations and should not be used in a manner which is likely to distract the private hire vehicle driver or other road users.
8. Where strobe lights are to be used, those hiring the vehicle should be notified in advance both verbally and in writing. Strobe lighting should not be used or turned off if so requested. Use should comply with relevant Health and Safety regulations and should not be used in a manner which is likely to distract the private hire vehicle driver or other road users.
9. The Proprietor of the private hire vehicle shall:
  - 9.1 Provide sufficient means by which any person in the private hire vehicle may communicate with the driver during the course of the hiring.
  - 9.2 Provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment.
  - 9.3 Provide at least two doors for the use of persons conveyed in the private hire vehicle and separate means of ingress and egress for the driver.

## Licensed Vehicle Advertising Policy

1. Subject to the approval of the Council, the following advertising is allowed on a licensed vehicle:-
  - 1.1 Details of the name, address, telephone number and company logo (or any combination thereof) of the proprietor of the licensed vehicle may be displayed on a bonnet, front door, rear facing door, hatch or boot of the vehicle. Words, numbers and graphics used in connection with this requirement shall comply with the specification in paragraph 2 below.
  - 1.2 An advertisement affixed to the rear doors only of the vehicle and not to exceed 600mm x 450 mm (24 inches x 18 inches approx.)
  - 1.3 Full vehicle advertising is permitted on licensed vehicles provided that it forms part of a full vehicle livery scheme advertising a single product, service or company.
2. All words, numbers and graphics placed on the vehicle in relation to the vehicle proprietors details shall comply with the following specification:-
  - 2.1 No words, letters or graphics may be displayed on the front or rear windows of the vehicle.
  - 2.2 Only one set of details of the vehicle's proprietor may be displayed per location on the vehicle. Location on the vehicle is defined as the front, side (left and right) and rear of the vehicle.
  - 2.3 Lettering should not be more than 6 inches high unless a dispensation has been granted by the Council based on a proven need from the applicant.
  - 2.4 Graphics may be displayed on the outside of the vehicle as follows:-
    - a) On bonnets, front or rear facing doors, hatch or boot, maximum size to be not greater than 150 mm high by 150 mm wide (6 inches by 6 inches approx.)
    - b) On front passenger doors and sides of the vehicle, no size restriction.
3. No reflective materials shall be used in the lettering or graphics of any advertising placed on the vehicle
4. The content of any advertising on the vehicle shall be legal, decent and truthful.

## Hackney Carriage Byelaws (as amended and adopted by North Somerset Council)

Byelaws made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by Woodspring District Council with respect to hackney carriages in the district of Woodspring.

### INTERPRETATION

1. Throughout these byelaws 'the Council' means the District Council of Woodspring and 'the District' means the District of Woodspring.

### **Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed.**

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage or on plates affixed thereto.
- (b) A proprietor or driver of a hackney carriage shall:
  - (i) Not wilfully or negligently cause or suffer any such number plate to be concealed from public view while the carriage is standing or plying for hire;
  - (ii) Not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or materials particular is illegible.

### **Provisions regulating how hackney carriages are to be furnished or provided.**

3. The proprietor of a hackney carriage shall:
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept water-tight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher which shall at all times be carried in such a position as to be readily available for use;

- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver;
  - (j) provide and maintain an electric light in the interior of the carriage for the use of any person hiring or being driven therein.
  - (k) not to cause or permit any signs, advertising material or printed matter to be displayed on the exterior of the carriage without the approval of the Council or unless required by these byelaws.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that's is to say.
- a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
  - b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter if not in action and that no fare is recorded on the face of the taximeter;
  - c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the fare scale approved by the Council and in force for the district;
  - d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking damaging or permanently displacing the seals or other appliances.

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments and determining whether such drivers shall wear any and what badges.**

5. The driver of a hackney carriage provided with a taximeter shall:-
- a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;

- c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the period beginning one hour before sunset and ending at sunrise and also at any other time requested by the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired;
  - a) proceed with reasonable speed to one of the stands appointed by the Council;
  - b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - d) from time to time when any other carriage immediately in front has driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage;
  - a) convey a reasonable quantity of luggage;
  - b) afford reasonable assistance in loading and unloading;
  - c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such a person.

15. a) the proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- b) the proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is playing for hire or being used for hire.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages and fixing the charges to be made in respect thereof.**

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have conveyed in the carriage be found by or handed to him;
  - a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
  - b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

**Penalties**

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

THE COMMON SEAL of the  
WOODSPRING DISTRICT  
COUNCIL was hereunto affixed )  
the 14<sup>th</sup> day of November 1979 )  
In the presence of:-

TW Cox                      Chairman of the Council  
RH Moon                    Chief Executive and Clerk

The forgoing byelaws are hereby confirmed  
by the Secretary of State and shall come into  
operation on the 2<sup>nd</sup> day of January 1980.

R. F. D. Shuffrey  
An assistant Under Secretary of State  
28 December 1979

The COMMON SEAL of  
WOODSPRING DISTRICT COUNCIL ) L.S.  
was hereunto affixed on the  
18<sup>th</sup> day of September 1985  
in the presence of:-

RL Harrison – Chairman  
RH Moon – Chief Executive and Clerk

The forgoing byelaw is hereby confirmed by the  
Secretary of State and shall come into operation  
on the 16<sup>th</sup> day of January 1986.

P. E. Pickering  
An assistant Secretary in the Department of  
Transport on behalf of the Secretary of State for  
Transport.  
4 December 1985

## PRIVATE HIRE DRIVER'S LICENCE CONDITIONS OF LICENCE

The holder of this licence shall comply with the Provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976

### 1. Conduct of Driver

The driver shall comply with North Somerset Council's licensed driver's code of conduct.

### 2. Passengers

2.1 The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle

2.2 The driver shall not allow there to be conveyed in the front of a private hire vehicle:-

- (a) Any child below the age of 10 years
- (b) More than one person above that age.

### 3. Lost Property

3.1 The proprietor or driver of a private hire vehicle shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.

3.2 The proprietor or driver of a private hire vehicle shall, if any property is accidentally left therein by a person who may have been conveyed in the carriage be found by or handled by him:

3.2.1 Carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it, and

3.2.1 Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the council, whichever is the greater) but not more than five pounds.

### 4. Written Receipts

The driver shall if requested by the hirer of a private hire vehicle provide him with a written receipt for the fare paid.

### 5. Animals

The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle and he/she will ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle. The driver shall accept guide dogs and hearing dogs at no extra charge.

6. Prompt Attendance

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

7. Deposit of Licence

If the driver is permitted or employed to drive a private hire vehicle, of which the proprietor is someone other than himself, he shall, before commencing to drive that vehicle, deposit this licence with the proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle, or any other vehicle of his.

8. Taximeter

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

9. Fare to be demanded

The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and operator or, if the vehicle is fitted with a taximeter and there has been a previous agreement as to the fare, the fare shown on the face of the taximeter.

10. Change of Address

The driver shall notify the Council in writing of any change of address, including the name and address of any Company from whom bookings are taken, within 7 days of such a change taking place.

11. Convictions

That within seven days of having been cautioned or convicted of a criminal offence the licence holder shall notify the licensing authority of that event and if the licensing authority is not notified within the requisite period the licence may be automatically revoked.

12. Change of Medical Circumstances

If the licence holder experiences an adverse change of medical circumstances that will affect his/her ability to perform as a licensed driver, the licence holder shall forthwith notify the Licensing Authority. Failure to notify the Licensing Authority of an adverse change of medical circumstances will render this licence subject to suspension or revocation.

13. Assistance with Passengers Luggage

The driver of a private hire vehicle so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the vehicle:

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading;

(c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such a person

14. Return of Badge

The driver shall upon the expiry (without further renewal), revocation or suspension of this licence forthwith return to the Council the driver's badge and licence document issued to him by the council when granting this licence.

15. Insurance

The driver shall produce for inspection, upon request by an authorised Council Officer, a current certificate of insurance or cover note.

16. Revocation and Modification of Conditions

The Council reserves the right, (at its own behest and at any time), to revoke, vary, or modify any of these conditions and/or make such additional conditions as it may deem requisite, either generally or in respect of any particular licence or occasion.

17. Grievances

By virtue of Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 any person who is aggrieved by a condition attached to a licence may appeal to a Magistrates' Court within 21 days of receipt of the licence.

## LICENSED DRIVER CODE OF GOOD CONDUCT

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

### 1. Responsibility to the Trade

Licence holders shall endeavor to promote the image of the Hackney Carriage and Private Hire trade by:

- (a) complying with this Code of Good Conduct;
- (b) complying with all the Conditions of their Licence, Hackney Carriage Byelaws and the Councils Hackney Carriage and Private Hire Licensing Policy;
- (c) behaving in a civil, orderly, non-discriminatory and responsible manner at all times

### 2. Responsibility to Clients

Licence holders shall:

- (a) maintain their vehicles in a safe and satisfactory condition at all times;
- (b) keep their vehicles clean and suitable for hire to the public at all times;
- (c) attend punctually when undertaking pre-booked hiring;
- (d) assist, where necessary, passengers into and out of vehicles;
- (e) offer passengers reasonable assistance with luggage and other personal effects
- (f) when requested provide receipts to passengers

### 3. Responsibility to Residents

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

- (a) not sound the vehicle's horn illegally;
- (b) keep the volume of radio/cassette player and VHF radios to a minimum;
- (c) switch off the engine if required to wait;
- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood

3.2 At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- (a) rank in an orderly manner and proceed along the rank in order and promptly;
- (b) remain in the vehicle.

3.3 At private hire offices a licence holder shall:

- (a) not undertake servicing or repairs of vehicles;
- (b) not allow their radio/cassette players or VHF radios to cause disturbance to residents of the neighbourhood;
- (c) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business

### 4. General

Drivers shall:

- (a) pay attention to personal hygiene and dress so as to present a professional image to

the public;

- (b) wear the badge provided by the Council on his person at all times when in charge of a licensed vehicle, such badge to be worn in a position and manner as to be plainly visible;
- (c) be polite, helpful and fair to passengers;
- (d) unless otherwise directed by the hirer the driver shall proceed to the destination by the shortest possible route;
- (e) not without the express consent of the hirer drink or eat in the vehicle;
- (f) not without the express consent of the hirer play any radio or sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle
- (g) drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving;
- (h) obey all Traffic Regulation Orders and directions at all time;
- (i) not to smoke in the vehicle or to allow fare paying passengers to smoke in the vehicle;
- (k) not to carry more passengers in a vehicle than it is licensed to carry.
- (l) not to consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (m) not drive while having misused legal or illegal drugs;

**PLEASE NOTE:**

**The Council shall take a very serious view of any driver being found to have had any alcohol or having misused any drugs whilst in charge of a licensed vehicle.**

## PRIVATE HIRE OPERATORS LICENCE CONDITIONS

### 1. STANDARD OF SERVICE

- 1.1 The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- 1.2 Ensure that office staff, employed by operator, act in a civil and orderly manner at all times.
- 1.3 The operator must ensure, when a vehicle has been hired, that it arrives punctually at the appointed place, unless delayed by unforeseen circumstances.
- 1.4 The operator must ensure that premises provided for the purpose of booking or waiting are kept clean, and are adequately lit, heated and ventilated.
- 1.5 The operator shall also ensure that any waiting area provided has adequate seating facilities, and telephone facilities are in good working order.

### 2. RECORDS

- 2.1 The records which must be kept by operators under the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable log or book, the pages of which are numbered consecutively. The records alternatively may be kept on a computer system in a form that can be easily accessed and interrogated by an authorised officer of the Council or a Police Officer.
- 2.2 Prior to each journey, the operator shall record the following particulars of each private hire booking:
  1. The date of the booking
  2. The name of the hirer
  3. The time of the pick-up
  4. The location of the pick-up
  5. The destination
  6. The time at which the driver was allocated to the booking
  7. The plate number (or other identification) of the vehicle allocated
- 2.3 . The operator shall keep a record of the following details in respect of each private hire vehicle operated by him/her: -
  1. The vehicles make, model, colour and engine size
  2. The registration number
  3. The vehicle licence number
  4. The number of seats for passengers
  5. Whether a meter is fitted
- 2.4 The operator shall keep a record of the following details in respect of each private hire driver employed by him/her: -
  1. Name and current address
  2. Private Hire Vehicle Driver's Licence Number
  3. Date of commencement of employment
  4. Date of termination of employment

2.4 All records required to be maintained by the operator by these conditions shall be kept for at least 12 months after entry and shall be made available for inspection when requested by an authorised officer of the Council, or a Police Officer.

### 3. COMPLAINTS

The operator shall notify the Licensing Office in writing of any complaints concerning a contract for hire arising from his/her business. The notification should be made within 24 hours (or 72 hours if the complaint is received on a weekend) and shall include the action taken or proposed as a result of the complaint made.

### 4. CHANGE OF ADDRESS

The operator shall notify the Licensing Office in writing of any change of address (including any address from which he operates or otherwise conducts his business) which takes place during the currency of the licence. Such notice shall be given within 7 days of the change of address.

### 5. DISCLOSURE OF CONVICTIONS

That within seven days of having been cautioned or convicted of a criminal offence the licence holder shall notify the licensing authority of that event and if the licensing authority is not notified within the requisite period the licence may be automatically revoked.

### 6. INSURANCE

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

8.2 Where an operator provides a public office for customers, all areas to which the public are allowed access shall be covered by public liability insurance.

### 7. PRIVATE HIRE DRIVER'S LICENCES

The operator shall satisfy himself that every driver engaged by him has a valid private hire driver's licence issued by North Somerset Council.

### 8. RETENTION OF TERMS AND CONDITIONS

The operator shall, at all times, keep a copy of these conditions at any premises used by him/her for a private hire business, and shall make the same available for inspection by fare paying passengers or an authorised officer of the Council.

#### Revocation and Modification of Conditions

The Council reserves the right, (at its own behest and at any time), to revoke, vary, or modify any of these conditions and/or make such additional conditions as it may deem requisite, either generally or in respect of any particular licence or occasion.

#### Grievances

By virtue of Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 any person who is aggrieved by a condition attached to a licence may appeal to a Magistrates' Court within 21 days of receipt of the licence.

# POLICY STATEMENT ON SECURE STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION.

As an organisation using the Criminal Record Bureau (CRB) disclosure service to help assess the suitability of applicants for positions of trust, **North Somerset Council – Environmental & Consumer Services** complies fully with the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

## Storage & Access

Disclosure information is never kept on an applicant's personal file and is always kept separately and securely, in a lockable, non portable, storage container with access strictly controlled and limited to those who are entitled to see it as part of their duties.

## Handling

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and we recognise that it is a **criminal offence** to pass this information to anyone who is not entitled to receive it.

## Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

## Retention

Once a decision has been made to grant the relevant licence, we do not keep disclosure information any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six-months, we will consult the CRB about this and will give full consideration to the Data Protection and Human Rights individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

## Disposal

Once the retention period has elapsed, we will ensure that any Disclosure information is suitably destroyed by secure means, i.e. by shredding. We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the reason for which the Disclosure was requested, the unique reference number of the Disclosure and the details of any licensing decision taken.

## **Acting as an Umbrella Body**

Before acting as an Umbrella Body (one which countersigns applications and receives Disclosure information on behalf of other employers), we will take all reasonable steps to ensure that they comply fully with the CRB Code of Practice. We will also take all reasonable steps to satisfy ourselves that they will handle, store, retain and dispose of Disclosure information in full compliance with the CRB Code and in full accordance with this policy.

**Keith Taylor**

**Licensing Manager  
Development & Environment**

## CRIMINAL CONVICTIONS POLICY

### General Principles

1. In relation to cautions, the Licensing Authority shall have regard to the type and age of the offence and the age of the applicant when the offence occurred, when considering their relevance to an application. Cautions given more than 5 years before the date of application shall be treated as irrelevant.
2. In relation to previous convictions, the Licensing Authority shall have regard to the following:
  1. Whether the convictions are spent or unspent;
  2. The type and relevancy of the offences;
  3. The age of the offences;
  4. The apparent seriousness, as gauged by the penalty.
3. The Licensing Manager or Group Service Manager may deal directly with less serious first offences without referring the matter to the relevant licensing sub-committee. They may choose to take no action or may issue warnings as to future conduct in accordance with this policy.
4. In particular, applicants and current licensees shall be referred to the Licensing Sub-Committee where one or more of the following apply:
  1. Any term of imprisonment or custody;
  2. Any conviction for a sexual offence;
  3. Any conviction for violence or dishonesty which is of a serious nature;
  4. Any serious motoring offence, such as dangerous driving, driving whilst disqualified, or more than one conviction for drink driving;
5. The following guidelines are used to determine the relevance of criminal convictions in relation to applications for hackney carriage and private hire driver's licenses. In so stating, this Licensing Authority has adopted the guidelines set out in the Department of Transport Circular 2/92 and Home Office Circular 13/92, subject to certain limited modifications.

### General Policy

- 6 Each case shall be decided on its own merits.
- 7 A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years according to the circumstances before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However the overriding consideration should be the protection of the public.
- 8 The following examples afford a general guide on the action to be taken where convictions are admitted.

## Minor traffic offences

9. Convictions for minor offences e.g. obstruction, waiting in a restricted street, speeding etc., should not prevent a person from proceeding with an application. However, the number, type and frequency and repetition of these types of offences may be taken into account. If sufficient points have been accrued to require a period of disqualification of the applicants DVLA driving licence then a hackney carriage/private hire drivers licence may be granted after its restoration but a warning should be issued as to future conduct. Holders of council issued drivers licences convicted during the period of licence of such offences may be warned as to future conduct, and any disqualification from driving will lead to an automatic suspension of any hackney carriage/private hire drivers licence issued by the council. Reinstatement of a drivers licence may be made following a review by the licensing sub-committee.

## Major motoring offences

10. An isolated conviction for reckless driving or driving without due care and attention etc should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and PHV drivers. More than one conviction for this type of offence within the last 2 years should merit refusal and no further application should be considered until a period of 3 years free from conviction has elapsed. Similarly, any conviction during the period of a council issued licence will lead to a warning as to future conduct and repeated offences within a two year period shall merit consideration of the revocation of that licence. No further application shall be considered until a period of 3 years free from conviction has elapsed.

## Drunkenness

### (a) With a motor vehicle

11. A serious view shall be taken of convictions for driving or being in charge of a motor vehicle under the influence of drink. An isolated incident in the past should not necessarily debar an applicant but a strict warning should be given as to future behaviour. More than one conviction for these offences shall raise grave doubts as to the applicant's fitness to hold a hackney carriage/private hire drivers licence. At least 3 years should elapse after the restoration of the DVLA driving licence before an application can be considered for a Council issued drivers licence. A licensed driver found guilty of driving whilst under the influence of alcohol shall have their council issued drivers licence revoked. Re-consideration of the granting of a new licence shall not be entertained for a minimum period of three years after restoration of the DVLA driving licence.
12. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 3 years must elapse after treatment is complete before a further licence is considered.

### (b) Not in motor vehicle

13. An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination. In some cases, a warning would be sufficient. A conviction of this type of offence during the period of a council issued licence could warrant a warning as to future conduct, with subsequent convictions possibly leading to suspension and/or revocation of any licence held.

## Drugs

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

influence of drugs, or found guilty of any drug related offence shall have their council issued drivers licence suspended and consideration given for the revocation the licence. Re-consideration of the granting of a new licence shall not be entertained for a minimum period of three years, free from conviction.

#### Indecency offences

15. As hackney carriage and private hire drivers often carry unaccompanied and/or vulnerable passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, shall be refused a licence until they can show a substantial period free of such offences. Each case shall be treated on its merits. A conviction of this kind shall preclude consideration for at least five years. If a licence is issued by the council then a strict warning as to future conduct should shall be issued. A licensed driver found guilty of indecency offences during the period of the council issued licence shall have their council issued drivers licence suspended and consideration given for the revocation the licence. Re-consideration of the granting of a new licence shall not be entertained for a minimum period of five years free from conviction.

#### Violence

16. As hackney carriage and private hire drivers maintain close contact with the public, a firm line shall be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and a strict warning shall be administered. A licensed driver found guilty of violence related offences shall have their council issued drivers licence suspended and consideration given for the revocation the licence. Re-consideration of the granting of a new licence shall not be entertained for a minimum period of three years, free from conviction.

#### Dishonesty

19. Hackney carriage and private hire drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday is indicative of the trust people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any convictions involving dishonesty. In general, a period of at least 3 years free of conviction shall be required before entertaining an application. Any existing driver convicted of offences of dishonesty shall have their council issued drivers licence suspended and consideration given for the revocation the licence. Re-consideration of the granting of a new licence shall not be entertained for a minimum period of three years, free from conviction.

#### Insurance Offences

19. A serious view will be taken of convictions for driving or being in charge of a vehicle without the correct type of insurance. An isolated incident in the past will not necessarily debar an applicant provided he/she has been 3 years free of conviction unless there are exceptional circumstances. A strict warning shall be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to the applicant's fitness to hold a hackney carriage and private hire drivers licence unless there are exceptional circumstances. At least three years free from conviction shall elapse before an applicant is considered for a council issued licence. A driver found guilty of driving passengers for hire and reward without the appropriate insurance will have his licence suspended and consideration given for the revocation the licence. A new application from a person whose licence has been revoked will not be considered for a period of three years, free of conviction.

## PRINCIPLES OF THE REHABILITATION OF OFFENDERS ACT 1974

The following offers guidance only and the Act should be consulted for definitive interpretation of the legislation.

- (1) Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely.
- (2) The possibility of rehabilitation and the length of time before rehabilitation occurs depends on the sentence imposed, and not the offence committed.
- (3) Where a person is sentenced to imprisonment for a period exceeding 30 months, the conviction can never become spent.
- (4) Despite the above, the principles of the Act do not apply to applicants for hackney carriage and private hire drivers' licences. This is because the driving of taxis is listed as a "Regulated Occupation" in relation to which questions may be asked as to the suitability of individuals to be granted a licence.
- (5) Although the Act does not prevent judicial authorities (inclusive of the Licensing Authority) from taking spent convictions into account; such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a fit and proper person to hold a licence.

<b>Sentence</b>	<b>Becomes Spent After</b>
Prison sentences <sup>1</sup> of 6 months or less	7 years
Imprisonment of between 6 months and 30 months	10 years
Borstal (abolished in 1988)	7 years
Detention centers (abolished in 1988)	3 years
Fines <sup>2</sup> , compensation, probation <sup>3</sup> , community service <sup>4</sup> , combination <sup>5</sup> , action plan, curfew, drug treatment and testing and reparation orders	5 years
Absolute discharge	6 months
Probation order or conditional discharge	1 year or until order expires whichever is the longer
Detention centre order	3 years
Remand home, attendance centre or approved school order	The period of the order plus 1 year
Hospital order under the Mental Health Act	The period of the order plus 2 years
Cashiering, discharge with ignominy, or dismissal with disgrace from the Armed Forces	10 years
Dismissal from Armed Forces	7 years

<sup>1</sup> Including suspended sentences, youth custody (abolished in 1988) and detention in a young offenders institution (abolished for those under 18 in 2000 and for those aged 18-21 in 2001)

<sup>2</sup> Even if subsequently imprisoned for fine default.

<sup>3</sup> For people convicted on or after 3 February 2005. These orders are now called community rehabilitation orders.

<sup>4</sup> These orders are now called community punishment orders.

<sup>5</sup> These orders are now called community punishment and rehabilitation orders.

For convictions imposed when under the age of 17 years, halve the period shown for when convictions become spent.

