

# **HACKNEY CARRIAGE AND PRIVATE HIRE**

## **LICENSING POLICY**

**Blackburn with Darwen Borough Council**

## **CONTENTS**

### **PAGE**

<b>1. Introduction</b>	<b>5</b>
<b>2. Objectives</b>	<b>5</b>
<b>3. General Matters</b>	<b>6</b>
3.1 Delegations	6
3.2 Partnership Working	6
3.3 Sharing Information	6
3.4 Licensing Profile	6
3.5 Application Procedure	7
<b>4. Vehicles</b>	<b>7</b>
4.1 Vehicle Specification	7
4.2 Private Hire Vehicles	7
4.3 Hackney Carriage	7
4.4 Stretched Limousines	7
4.5 Exemptions from Control	7
4.6 Limitations of Numbers	8
4.7 Vehicle Age Limits	8
4.8 Duration of Licences	8
4.9 Individual Vehicle Approval	8
4.10 Insurance	9
4.11 Passenger Numbers	9
4.12 Hackney Carriage Ranks	9
4.13 Fares	9
4.14 Taximeters	9
4.15 Accident and car Hire Procedure	9
<b>5. Hackney Carriage and Private Hire Drivers</b>	<b>10</b>
5.1 Duration of Driver Licences	10
5.2 Entitlement to drive in the UK	10
5.3 Right to work in the UK	10
5.4 Disclosure and Barring Checks (DBS)	10/11
5.5 Medical Fitness	11
5.6 Knowledge Test	11/12
5.7 Safeguarding and Child Sexual Exploitation (CSE) Training	12
5.8 Private Hire driver Conditions	12
5.9 Hackney Carriage Bye-Laws	13
<b>6. Private Hire Operators</b>	<b>13</b>
6.1 Duration of Licences	13
6.2 Application Procedure	13
6.3 Insurance/Records	14
6.4 Premises	14

## **7. Non Standard Operator Licences (eg Limousines, Chauffer or Executive Hire)**

7.1 Business Plan	14
7.2 Dress Policy	14
7.3 Specialist Skills	14
7.4 Business Operations	14

## **8. Penalty Point Scheme**

## **9. Advertising**

## **10. Fees**

### **APPENDICES**

**Appendix 1** Conditions attached to private Hire Vehicle Licences

**Appendix 2** Conditions attached to Hackney carriage Vehicle Licences

**Appendix 3** Bye laws

**Appendix 4** Licensing of Limousines

**Appendix 5** Supplementary Testing Manual – Licensing of Hackney Carriage and Private Hire Vehicles

**Appendix 6** Statement of Policy and Guidelines Relating to the Relevance of Convictions

**Appendix 7** Private Hire Vehicle Driver Conditions

**Appendix 8** Hackney Carriage vehicle Driver

**Appendix 9** Private Hire Operator Conditions

**Appendix 10** Penalty Point Scheme

**Appendix 11** Policy relating to requests for information, disclosure of information and use of information as a result of an entry on NR3

## **Introduction**

1. Blackburn with Darwen Borough Council is responsible for the regulation of the hackney carriage and private hire trades within the Borough.

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

Applicants for licences are particularly encouraged to read the contents carefully.

The Town Police Clauses Act 1847 regulates the licensing of hackney carriages and for private hire (outside London) The Local Government (Miscellaneous Provisions) Act 1976, as amended ('the 1976 Act') gives Blackburn with Darwen Borough Council, as the Licensing Authority ('The Council'), the duty to carry out its licensing functions in respect of the hackney carriage and private hire trades ("taxi trade").

The Council will keep this policy under review and will, where appropriate, consult on any proposed revisions.

From the effective date this policy will override and supersede all existing policies in relation to hackney carriage and private hire licensing.

## **2. OBJECTIVES**

The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety.

Blackburn with Darwen Borough Council will carry out this licensing function with a view to promoting the following:

- The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder,
- The safety and health of the public and drivers
- Vehicle safety, comfort and access
- Providing a quality service to the public

The Council aims to ensure that the hackney carriage and private hire services offered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

This policy assists the Council in fulfilling its duties under the Children Act 2004 to make arrangements to ensure that its functions are discharged having regard to the need to safeguard and promote the welfare of children.

## **3. GENERAL MATTERS**

### **3.1 Delegations**

Under the Council's Constitution, the General Licensing Sub-Committee has the authority to discharge non-executive regulatory functions with respect to hackney carriage and private hire licensing. The Sub-Committee will determine applications, contraventions, suspensions and revocations.

The Director of Environment and Operations has delegated powers to grant licences where there are no criminal or other concerns that give rise to doubts over the suitability of the applicant to hold a licence.

The Director of Environment and Operations or duly authorised officer, after consultation with the Chair or Vice-Chair of the General Licensing Sub-Committee may:

- Issue warning letters on behalf of the Sub-Committee
- Suspend hackney carriage or private hire drivers with immediate effect

Hackney carriage/private vehicle licences may be suspended by the Director of Environment and Operations or duly authorised officer, if it cannot be established that the vehicle is suitably insured.

### **3.2 Partnership Working**

The Council will work in partnership with the following agencies to promote the policy objectives:-

- local hackney carriage and private hire trades
- private hire and hackney carriage trade associations
- Lancashire Constabulary
- local residents
- Driver and Vehicle Standards Agency (formally VOSA)
- HM Revenues and Customs
- UK Border Agency
- Lancashire County Council
- other licensing authorities

### **3.3 Sharing Information**

The Licensing Service will share with other departments or regulatory bodies information supplied by applicants or acquired in the course of exercising licensing functions, where it is lawful to do so.

Personal information will only be disclosed in accordance with Data Protection legislation.

Information sharing may include requests from the Audit Commission or other regulatory agencies where this is necessary for the detection or prevention of crime, or required by law, or in connection with legal proceedings. Where applicable, it will be under the relevant information sharing protocol.

**The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence**

**Therefore:**

- **Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.**
- **All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek**

further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for/being granted, a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read the policy at Appendix 11.

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [accesstoinformation@blackburn.gov.uk](mailto:accesstoinformation@blackburn.gov.uk). This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

### **3.4 Licensing Profile**

Hackney carriage and private hire vehicles are vehicles licensed to carry no more than 8 passengers, but may be licensed to carry fewer persons. Hackney carriage vehicles may be used to ply for hire in the street, at ranks or stands and may take bookings over the telephone. Private hire vehicles must be booked in advance by the customer, through a private hire operator; and cannot be hailed in the street or stand at a rank.

### **3.5 Application Procedure**

For specific details of the application procedures for any of the licences mentioned in the policy please go to [blackburn.gov.uk/licensing](http://blackburn.gov.uk/licensing)

## **4. VEHICLES**

The Council has differing vehicle specifications for hackney carriage vehicles, private hire vehicles, stretched limousines and adapted vehicles. Blackburn with Darwen Borough Council limits the number of hackney carriage vehicle licences issued. This limit is reviewed periodically. The Council has no power to limit or otherwise restrict the number of private hire vehicles.

### **4.1 Private Hire Vehicles**

All private hire vehicles licences issued by the Council are subject to Private Hire Vehicle Licence Conditions at Appendix 1.

### **4.2 Hackney Carriages**

All hackney carriage vehicles licences issued by the Council are subject to the Hackney Carriage Vehicle Conditions at Appendix 2 and the Hackney Carriage Bye-Laws at Appendix 3.

All hackney carriages must be purpose built, wheelchair accessible taxis.

Non- London style taxis must be black in colour.

All Hackney Carriages must comply with Hackney Carriage Specification detailed in the Supplementary Testing Manual at appendix 5.

### **4.4 Stretched Limousine**

For the purposes of this policy and licence conditions a stretch limousine is defined as follows:

- a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures and is capable of carrying up to but not exceeding 8 passengers;
- that prior to the introduction of this policy could not currently be licensed by the Council as a Private Hire Vehicle;
- that is not a decommissioned military or emergency service vehicle

The stretched limousines policy can be viewed at Appendix 4.

### **4.5 Exemptions from Control**

The 1976 Act exempt the following vehicles from control under the Act:-

- Vehicles while being used in conjunction with a funeral or used wholly or mainly for the purpose of funerals by a funeral director and
- Vehicles while being used in connection with a wedding

### **4.6 Limitations of Numbers**

No powers exist for licensing authorities to limit the number of private hire vehicles they licence. In relation to hackney carriage vehicles, the current legal provision on quantity restrictions is set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence

may be refused, for the purpose of limiting the number of licensed hackney carriage 'if, but only if, the local authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet.'

Blackburn with Darwen Borough Council is satisfied that there is no significant unmet demand for the services of hackney carriages; therefore the Council has set a limit of the number of hackney carriages it licences to 70.

The council will determine where there is any significant unmet demand at regular intervals.

#### **4.7 Vehicle Age Limits**

The Authority does not have an age limit on private hire and hackney carriage vehicles.

#### **4.8 Duration of Vehicle Licences**

A test will be carried out at the Council's approved Motor Vehicle Service Station, located on Davyfield Road, Blackburn, once a year for any vehicle less than 3 years old and twice a year for any vehicle over 3 years old.

In addition to the standard annual MOT requirements for vehicles, the Council must be satisfied that any vehicle licensed is safe and fit for purpose. The vehicles must therefore comply with the Council's Supplementary Testing Manual which can be viewed at Appendix 5.

Hackney carriage and private hire vehicle licences will be issued for a period of six months for a vehicle above three years of age and twelve months for a vehicle under three years of age. A plate for life will be issued and subsequent licence discs attached following a pass of the vehicle test. The test can be undertaken up to four weeks prior to the expiry of the existing licence. The licence fee and all the relevant documents i.e. vehicle licence application form signed by the proprietor/operator and insurance document must be emailed to the following email address before a test can be booked.

Email: [taxirenewals@blackburn.gov.uk](mailto:taxirenewals@blackburn.gov.uk)

If you do not have access to an email account, your documents can be handed in to the licensing service before the booking of the test.

#### **4.9 Individual Vehicle Approval (IVA)**

In order to be satisfied of the safety of vehicles which have been converted after registration an Individual Vehicle Approval will be required.

The vehicles which require approval, are those defined as an N1 category – a van or minibus on the V5 document. Once the vehicle is registered, if there are any alterations to modify a van to a passenger vehicle (M1 category), then IVA approval needs to be submitted at the time of application. Existing N1 vehicles already licensed by this Council will need to provide evidence of IVA approval, within 6 months of the adoption of this policy.

For further information on how to obtain a certificate please visit <https://www.gov.uk/vehicle-approval/individual-vehicle-approval>

#### **4.10 Insurance**

Hackney carriage and private hire vehicle proprietors must ensure that appropriate insurance is in force at all times that the vehicle is licensed. Any failure to ensure that a vehicle is not adequately insured for public hire/private hire will result in the immediate suspension of the vehicle licence.

#### **4.11 Passenger Numbers**

Hackney carriage and private hire licences will normally be issued for the carriage of between 4 and 8 passengers in reasonable comfort and have not less than three doors through which passengers may enter and leave the vehicle conveniently, safely and comfortably. In addition there must be accommodation for luggage. Passenger numbers must not be exceeded under any circumstances.

#### **4.12 Hackney Carriage Ranks**

The Council has provided a number of designated hackney carriage ranks throughout the Borough. Drivers must not leave a vehicle unattended on a rank at any time.

#### **4.13 Fares**

The Council is responsible for setting the hackney carriage tariff which is a table of the maximum fares that may be charged for a journey. Each hackney carriage must have its taximeter calibrated to the current tariff and in addition must display the table of fares provided by the Council where it can easily be read by a passenger.

The Council has no ability to control the fares charged by the private hire trade and it is for the hirer to negotiate an appropriate fee or method of charging for each journey.

#### **4.14 Taximeters**

All hackney carriages must be fitted with a taximeter which is sealed and maintained as to comply with the hackney carriage licence conditions. A private hire vehicle may be fitted with a taximeter, and it should be so constructed, attached and maintained as to comply with the private hire vehicle licence conditions.

#### **4.15 Accident and Hire Car Procedure**

Should a licensed hackney carriage or private hire vehicle be involved in an accident, details of such must be reported to the Council within 72 hours of the accident taking place.

An accident report form must be completed with details of the accident. If a hire car is to be used then details of the car must also be entered onto the form. The accident vehicle will then be inspected by a member of the licensing team. If the vehicle is found to be unfit to be used for hackney carriage or private hire purposes then the licence will be suspended and remain so until the damage has been rectified and the vehicle has been re-inspected by a suspension lift at the Council's Motor Vehicle Service Station or a full MOT at a garage of choice. The identification plate(s) must be returned to the Licensing Service during the period of suspension.

### **5 HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS**

## **5.1 Duration of Driver's Licences**

Private Hire and Hackney Carriage Driver Licences can be issued for a period of one or three years. Any licence which has lapsed for a period of six months or more must undertake the full application process again.

## **5.2 Entitlement to Drive in the UK**

Applications must have held a valid, full UK driving licence for a minimum of 12 months immediately before making their application.

Applications may also be accepted from people who have held a full driving licence, issued by a country within the European Community (EC) or in the European Economic Area (EEA) for a minimum of 12 months immediately before making their application. A DVLA GB counterpart document must also be submitted.

All applicants are required to authorise the Council to undertake checks with the DVLA to verify the existence of any motoring convictions and restrictions on their licence.

## **5.3 Right to Work in the UK**

All applicants must have the right to work in the UK. Verifications of this right will be undertaken by the Licensing Service with the UK Border Agency where appropriate, before a hackney carriage or private hire driver's licence is granted.

## **5.4 Disclosure and Barring Service Checks (DBS)**

Safeguarding of children and vulnerable adults is a primary goal of the Council. We need to ensure drivers are fit and proper people to hold licences.

Applicants for a hackney carriage or private hire driver licence are required to provide a DBS enhanced disclosure certificate. This must be applied for via the Council.

Enhanced disclosure certificates made through other organisations will not be accepted. No licence will be issued or renewed unless there is a valid up to date DBS check in place. Any DBS which exceeds a period of six months from date of issue will not be valid.

The Rehabilitation of Offenders Act 1974 does not apply to applicants for a hackney carriage or private hire driver licences and applicants are required to disclose all convictions, cautions and motoring offences, including those that would normally be regarded as spent.

The Council expects drivers to sign up to the DBS updating service and consent to the Licensing Authority checking the DBS system as to whether there has been any change to their status since the last disclosure certificate was issued. No licence will be renewed unless a check for a change in status has been carried out. Licensees are expected to maintain this registration and nomination throughout the duration of their licence.

More information about the DBS can be found on their website at

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

Where there is evidence of criminal activity or motoring convictions, the applicant may be referred to the General Licensing Sub Committee in line with the Council's Policy on convictions which forms Appendix 6 of this policy.

**Certificate of Good Conduct** – where an applicant has been living in the UK for less than 5 consecutive years at the time of application for a new licence a Certificate of Good Conduct from the Embassy/High commission in the country or countries in which the applicant has resided must be submitted with the application. This document must be a certified translation if the original Embassy Certificate is not in English. The document must also be current - within 3 months of the date of issue.

Note: Asylum seekers who hold Home Office issued application registration documents, together with a verification letter from the Home Office's Employer Checking Service stating that the named individual is permitted to work in the UK, will be exempt from the requirement to submit a Certificate of Good Conduct.

Please see the Home Office guide for overseas applicants.

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

## **5.5 Medical Fitness**

The Council recognises that licensed drivers should meet more stringent medical standards than is expected of people who drive a vehicle for social, domestic and pleasure purposes.

Licensed drivers are entrusted with the safety of the travelling public and may drive for much longer hours than non-professional drivers. To this end the Council requires all licensed drivers to meet the Group 11 medical standard used by the DVLA when licensing public service vehicle drivers.

Medical certificates, completed by the driver's own GP are required on first application, every five years after reaching the age of 45 and every three years after the age of 70. Where a driver develops a medical condition they will be requested to visit their General Practitioner who will assess their fitness to drive the general public. Should they not be able to drive the public after visiting their GP then their private hire or hackney carriage licence must be surrendered to the Council.

Where there is doubt as to the medical fitness of a licensed driver, including circumstances where a medical certificate has expired, the Licensing Authority reserves the right to suspend the driver's licence until such time as it can be satisfied that the driver is fit. No applicant will be issued a licence until medical fitness has been established.

## **5.6 Knowledge Test**

All applicants will be required to pass a 'Knowledge Test' before being issued with a licence. A fee is payable to undertake the test, or retest. Any applicant cancelling the test with less than 24 hours notice will be liable to pay a cancellation fee. The guidance pack for the test can be viewed on the Councils website at [www.blackburn.gov.uk](http://www.blackburn.gov.uk)

The topics in the test include:

- Safeguarding children and vulnerable persons
- Vehicle maintenance
- Customer care
- Disability Awareness
- The Law and Conditions attached to licenses.
- A topographical test

Applicants will also be required to have knowledge of how to use a map book and possess a good knowledge of the local area. A pass standard is required before applicants can be issued with a licence.

Applicants who cannot demonstrate a basic level of English language will be provided with information on relevant courses that can bring them to the relevant standard.

## **5.7 Safeguarding and Child Sexual Exploitation (CSE) Training**

The Council recognises that licensed drivers are an integral part of modern life and as such play an important role in providing a safe means of transport to all members of society.

Their role within our communities places them in direct daily contact with some of the most vulnerable members of our society and as such they are ideally placed to assist all those agencies who have a statutory responsibility to safeguard vulnerable people.

In order for them to recognise the signs of Safeguarding concerns and to enable them to report suspicious behaviour appropriately, all applicants for a hackney carriage or private hire driver's licence shall have completed basic safeguarding awareness training provided via the Council.

The Safeguarding training has been a module on the Councils Driver training programme since January 2015 and also forms part of the knowledge test questions. Drivers whose licence has lapsed for a period of more than six months and have undertaken the knowledge test prior to January 2015 must attend the training again.

Provision will be made for all existing drivers to undertake safeguarding training; it is a requirement that all drivers attend this training. Failure to attend will result in drivers being referred to sub-committee for a review of their licence.

## **5.8 Private Hire Driver's Conditions**

All private hire driver licences are issued subject to conditions which can be found at Appendix 7.

## **5.9 Hackney Carriage Bye-Laws**

All hackney carriage driver licences are issued subject to the Council's hackney carriage bye-laws which can be found at Appendix 3.

## **6 PRIVATE HIRE OPERATORS**

Anyone wishing to invite private hire bookings in Blackburn with Darwen and dispatch a licensed vehicle and driver to fulfil those bookings must hold a private hire operator's licence.

Private hire operators are responsible for ensuring that the vehicles and drivers they dispatch hold valid, appropriate licences to undertake those journeys.

All private hire operator licences are issued subject to conditions which can be found at Appendix 8.

### **6.1 Duration of Licence**

Private Hire Operator Licences can be issued for a period of one or five years.

### **6.2 Application procedure**

All private hire operator licences clearly indicate the expiry date of the licence and it is the responsibility of the operator to ensure that a valid application is submitted to the Council before the licence expires.

Applications will not be determined until the applicant is able to produce original evidence of the following:

- Evidence of appropriate planning permission
- Business Plan
- Sample door sign
- Payment of the appropriate fee

The Council recognises that private hire operators and their dispatchers play an important role in providing access to a safe means of transport to all members of society.

Their role, alongside that of the licensed drivers they dispatch, places them in daily contact with some of the most vulnerable members of our society and as such they are ideally placed to assist all those agencies who have a statutory responsibility to safeguard the vulnerable. Private Hire operators will therefore be required to undertake safeguarding training.

### **6.3 Insurance/Records**

Private hire operators are required to provide evidence of employer's liability insurance for the premises to be licensed if the public have access. All operators are required to keep comprehensive records. These are detailed in Private Hire Operator Conditions at Appendix 9.

### **6.4 Premises**

Where a private hire operator provides premises for the public they shall be maintained in a clean and tidy condition, be adequately lit, heated and ventilated and where a waiting area is provided have adequate seating facilities.

## **7 Non Standard Operator Licences ( Eg Limousine, Chauffeur or Executive Hire)**

The council recognises that some types of private hire operator provide services which do not fit with the traditional style of business. To facilitate this, a number of alternative, non-standard operator licences are available. Additional information and standards are required for these and are detailed below.

### **7.1 Business Plan**

A business plan will be required detailing the way it is proposed the business will operate. Officers will consider the business plan and make a decision on whether the vehicles are considered to be non -standard private hire. Non- standard private hire operator's licence holders will be exempt from the requirement of displaying Council issued door stickers and plates to their vehicles. Window discs will be provided which must be displayed in the front windscreen.

### **7.2 Dress Policy**

If a Company specifies a dress code, this may be an indication of the use of the vehicle. The Council will take into account matters such as whether drivers are required to wear a full chauffeur uniform or other dress code.

### **7.3 Specialist Skills**

All drivers of non -standard private hire vehicles must hold a private hire driver's licence.

Drivers of non - standard private hire may require specialist skills dependant on the nature of the business specified in the business plan. The Council will take into account such matters as whether the drivers have to undertake any defensive driving or other additional driver courses, or whether their drivers are to be members of a professional body.

### **7.4 Business Operation**

The way in which a business operates may be an indication of how the vehicle is used. The Council will take into account matters such as the type of customers targeted by the business; details of any website; customer methods of payment; method used by customers to book a vehicle; details of records kept.

## **8. Penalty Point Scheme**

The Council is currently operating a penalty point scheme details of which are at Appendix 9. Penalty points will be issued to drivers or proprietors for breaches of licence conditions. Either 5 or 10 points will be issued depending on the seriousness. If a threshold of 20 points is accrued in any 12 month period the licence holder will be referred to the General Licensing sub – Committee for consideration. The panel members have the authority to impose a range of sanctions dependant on the circumstances. Sanctions include a simple warning, the requirement to pay for and attend driver training, or in some cases the suspension or revocation of the licence.

## **9 Advertising on Hackney Carriage Vehicles**

Applications for approval of advertisements on licensed vehicles must be made in writing to the Licensing Service. The application must be accompanied by a copy of the proposed advertisement in full colour.

All advertisements must comply with the British Code of Advertising Practice issued by the Advertising Standards Authority and must be legal, decent, honest and truthful. Each application will be considered on its own merits but advertisements will not be approved if they contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products or alcohol products.

## **10 Fees**

The Council sets and regularly reviews its fees for taxi and private hire licensing in line with the Government's requirements, in that fees should only cover the costs involved in the administration and regulation of licensed operators, drivers and vehicles.

A list of the current fees can be found on the Council's website.

## APPENDIX 1

### CONDITIONS ATTACHED TO PRIVATE HIRE VEHICLE LICENCES

- 1 (a) unless required by statute, order, or as mentioned in paragraphs (b) and (c), no signs, lights, advertisements or other fittings shall be displayed on or from the vehicle except a radio aerial which is to be fitted in such a manner as to satisfy the council.
- (b) the proprietor shall display suitable signage on the vehicle to the satisfaction of the Council, the sign to include the business name of the operator, but not to include the word 'taxi' in any form. The suitability of all signs to be approved by the Principal Licensing Officer
- (c) "The proprietor of a private hire vehicle shall display within the upper half panel on each of the rear side passenger doors\* of a private hire vehicle a vinyl notice, (which shall have the text "Licensed Private Hire Vehicle" and the text "Advance Booking Only") approved by the Council, identifying the vehicle as a private hire vehicle, and also the plate number. No other letter, numbers or any other type of livery may be displayed on the signage of these doors.  
\*On MPV's (Multi passenger vehicle) licensed as private hire vehicles, the signs must be displayed on the rear near side passenger door and on the opposite panel on the offside of the vehicle.
2. The vehicle shall contain a statement of fares to be fitted and maintained in such a position so to be clearly visible to the hirer. The statement shall clearly show the following:
  - (a) the minimum charge of each hiring if applicable
  - (b) the fare tariff
  - (c) the retention charge per minute or portion thereof
  - (d) any additional charges
- 3 The vehicle shall at all times for the duration of the licence comply with the requirements of the supplemental test manual.  
If the vehicle has a space saver tyre it should only be used in an emergency to get you directly to a location where the regular tyre can be repaired or replaced. You should not exceed the speed restriction of 50 miles per hour or the maximum speed specified by the tyre manufacturer if that maximum speed is less than 50 miles per hour. Please refer to the vehicle handbook for specific guidance.
- 3 b 4. The vehicle licence plate and holder issued by the council identifying the vehicle as a private hire vehicle shall be securely fixed to the exterior of the rear of the vehicle in a position to be clearly visible and should be capable of being easily removed by an authorised officer of the council or a police officer.
5. A notice indicating the number of passengers allowed to be carried shall be securely fixed in such a place in the interior of the vehicle so as to be clearly visible to passengers.
6. The vehicle shall be submitted for inspection at the council's motor vehicle service station at the required frequency for the age of the vehicle, and at any other time at the discretion of the council.
7. Without prejudice to the obligations imposed by the general conditions of the licence, and without prejudice to other inspections of the vehicle which may be required to comply with such regulations, the proprietor of the vehicle shall ensure that the:
  - (a) the vehicle is inspected every week for such matters as may be prescribed by the council; a written record of such inspections, and any additional inspections or service(s) undertaken on the vehicle (in respect of such matters), is made at the time in the form prescribed by the council;
  - (b) such written records are retained safely and are made available for production to an authorised officer of the council, or any police officer, within 72 hours of the request.
- 8 Where the proprietor of a licensed private hire vehicle has been requested by an authorised officer of the council, he shall produce for inspection the vehicle licence and/or certificate of insurance within 7 days.
- 9 If the vehicle is fitted with a taximeter, that taximeter must be so constructed, attached and maintained as to comply with the following requirements
  - (a) the taximeter shall be fitted with a key, flag, or other device, the turning of which will operate the taximeter 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 taximeter does not operate and that no fare is recorded on the face of the taximeter;
  - (c) when the taximeter is in operation, there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare with the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance;
  - (d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply the fares recorded on it;
  - (e) the taximeter shall be so placed that all letters and figures on the face of it are at all times plainly visible to all passengers 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 its fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging, or permanently displacing the seals or other appliances

10) Individual Vehicle Approval (IVA). A vehicle which has been converted after registration requires an Individual Vehicle Approval. IVA approval must be submitted at the time of application/renewal.

## **APPENDIX 2**

### **CONDITIONS ATTACHED TO HACKNEY CARRIAGE VEHICLE LICENCES**

1. The vehicle may not be fitted with roof signs other than a radio aerial which is fitted in such a position as to satisfy the Council.
2. No signs or advertisements other than approved door signs shall be displayed on hackney carriage vehicles unless:
  - (a) the advertisement may be extended across both front and rear doors; and
  - (b) the advertisement is no greater than 180cm x 60cm; and
  - (c) the advertisement is subject to the approval of Officers, acting under delegated powers and in consultation with the Chair and Vice Chair of the Licensing Committee.

- Any radio equipment installed in the vehicle shall be fitted in such a position that its use by the driver would not impair his control of the vehicle when it is in motion.
4. The vehicle shall be provided with a taximeter which must be so constructed, attached and maintained so as to comply with the following requirements:
- (a) the taximeter so fitted with a flag, key or other device, the turning of which will bring the taximeter into operation and cause the word 'HIRED' to appear on its face
  - (b) such flag, key or other device shall be capable of being locked in such a position that the taximeter will not operate and that no fare is recorded on the face of the taximeter
  - (c) when the taximeter is in operation 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
  - (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 on it
  - (e) the taximeter shall be so placed that all letters and figures on the face of it 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 illuminated during any period of hiring
  - (f) the taximeter and associated fittings shall be fixed in such a way 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
5. The carriage shall contain a statement of fares, to be fitted and maintained in such a position so as to be clearly show the following:
- (a) the minimum charge of hiring, if any
  - (b) the fare tariff
  - (c) the retention charge per minute or portion thereof
  - (d) any additional charges
- 6a The vehicle shall at all times for the duration of the licence comply with the requirements of the supplementary testing manual
- 6b If the vehicle has a space saver tyre it should only be used in an emergency to get you directly to a location where the regular tyre can be repaired or replaced. You should not exceed the speed restriction of 50 miles per hour or the maximum speed specified by the tyre manufacturer if that maximum speed is less than 50 miles per hour. Please refer to the vehicle handbook for specific guidance.
- 7 Without prejudice to the obligations imposed by the general conditions of the licence, and without prejudice to any other inspections of the vehicle which may be required to comply with such regulations, the proprietor of the vehicle shall ensure that the:
- (a) the vehicle is inspected every week for such matters as may be prescribed by the Council;
  - (b) a written record of such inspections, and any additional inspections or service(s) undertaken on the vehicle (in respect of such matters), is made at the time in the form prescribed by the council; and
  - (b) such written records are retained safely and are made available for production to an authorised officer of the council, or any police officer, within 72 hours of the request
8. The vehicle licence plate and holder issued by the council identifying the vehicle as a hackney carriage vehicle shall be securely fixed to the exterior of the rear of the vehicle in a position to be clearly visible and should be capable of being easily removed by an authorised officer of the council or a police officer.
9. A plate indicating the number of passengers allowed to be carried shall be securely fixed in the interior of the vehicle so that the information on the plate is facing the rear of the vehicle and is clearly visible to all passengers.
10. The vehicle shall be submitted for inspection to the council's motor vehicle service station at the required frequency for the age of the vehicle, and at any other time at the discretion of the council.
11. The vehicle shall be kept in good order and condition at all times.
12. Hackney carriage vehicle licences shall be granted for a period of 12 months or until the renewal date specified by the Council, whichever is the shorter period.
13. Where the proprietor of a licensed hackney carriage has been requested by an authorised officer of the council, he shall produce for inspection the vehicle licence and/or certificate of insurance within 7 days.
14. The vehicle shall be equipped at all times with suitable wheelchair ramps clearly marked with the registration number of the vehicle.
15. Individual Vehicle Approval (IVA). A vehicle which has been converted after registration requires an Individual Vehicle Approval. IVA approval must be submitted at the time of application/renewal The proprietor shall ensure that the vehicle is equipped with apparatus for the securing of a wheelchair in the vehicle.



## **APPENDIX 3**

### **BLACKBURN WITH DARWEN BOROUGH COUNCIL**

#### **BYE-LAWS**

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the BOROUGH OF BLACKBURN WITH DARWEN COUNCIL with respect to Hackney Carriages in the BOROUGH OF BLACKBURN WITH DARWEN.

#### **Interpretation**

1. Throughout these Bye-laws "the Council" means the BOROUGH COUNCIL OF BLACKBURN WITH DARWEN and "the District" means the BOROUGH OF BLACKBURN WITH DARWEN.

#### **Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its Licence shall be displayed**

2. A proprietor or driver of a Hackney Carriage shall:

- (i) not wilfully or negligently cause or suffer any Licence Plate issued by the Council 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 Plate so defaced that any figure or material 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;  
TAXI/BYE-LAWS
- (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 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.

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 is to say:

- (a) the taximeter shall be fitted with a key, flag or other device, the operation of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter or some other indication to show that the taximeter is no longer registering 'FOR HIRE';
- (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is 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 TAXI/BYE-LAWS driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the tariff fixed by the Council in that behalf;
- (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 shall:

(a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the Bye-law 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 hours of

TAXI/BYE-LAWS

darkness, this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of 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 fixed by the Bye-law in that behalf;

(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 is 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.

TAXI/BYE-LAWS

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. (a) 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 provided however, that for this purpose, two children below the age of ten years may be counted as one person in so far as the rear seating only is concerned;

(b) the driver shall not allow there to be conveyed in the front of a Hackney Carriage:

(i) any child below the age of ten years, or

(ii) more than one person above that age.

12. The drivers badge provided by the Council shall be worn by the driver of a Hackney Carriage in such position and manner as to be plainly visible at all times when standing or plying for hire and when hired.

13. 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 person.

**Provisions fixing the rates or fares to be paid for Hackney Carriages within the district, and securing the due publication of such fares**

**TAXI/BYE-LAWS**

14. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage, the rate or fare prescribed by the Council the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15.(a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by the Council in that behalf 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 Bye-law 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 plying 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 been 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 a Police

**TAXI/BYE-LAWS**

Station in the district and either leave it in the custody of the Officer in Charge of the Station on his giving a receipt for it, or at the option of the Police, give to the Officer in Charge his name and an address where the property may be reclaimed by the owner.

(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 Police Station, whichever be the greater) but not more than five pounds.

**Penalties**

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

**Appendix 4**

**Association of Greater Manchester Authorities**

**Licensing of Limousines**

**Licensing Procedure and Conditions of Licence**

**January 2007**  
**Reaffirmed 2017**

## **Contents**

1. Foreword
2. Legal Framework and Background
3. Definition of a Limousine
4. Pre Licensing Requirements and Licensing Conditions
5. Driver and Operator Licensing Requirements
6. Rights of Appeal
7. Vehicle Testing Stations
8. Relevant Contact Details

## **1. FOREWORD**

This document sets out the Council's framework and requirements for the licensing of limousines. The Association of Greater Manchester Authorities (AGMA) following consultation with trade representatives, Greater Manchester Police and VOSA, has developed this policy document and the standards contained within it.

This document aims to provide a standard consistent framework for the licensing of limousines throughout the Greater Manchester Region and also includes the Unitary Authorities of Blackburn, Blackpool and Warrington. It is accepted that as a result of established local practice there may be slight variations on small elements of the Policy across the AGMA Authorities.

The Policy was approved and adopted by Blackburn with Darwen Borough Council at its Council/ Committee meeting on 5<sup>th</sup> March 07

## **2. LEGAL FRAMEWORK AND BACKGROUND**

The Licensing of Private Hire Vehicles within the Association of Greater Manchester Authorities is undertaken by individual Unitary Authorities i.e. Local Councils.

Private Hire Vehicles are licensed under the Local Government (Miscellaneous Provisions) Act 1976 which in general terms allows Councils to licence vehicles which are suitable to be used for private hire and which have less than 9 passenger seats. Historically each Council has developed its own set of Private Hire Vehicle Licence conditions, which provide a framework for determining vehicle suitability. For example licence conditions cover issues such as the accessibility of the vehicle, internal condition of the vehicle, luggage space, etc., some Councils also impose an age limit restriction on vehicles.

It has become clear that many Council's Private Hire Licence conditions effectively prohibit the licensing of limousines, issues such as tinted windows, seating capacity and side facing seats have meant that limousines cannot comply with traditional licensing conditions.

It is recognised that in recent years there has been rapid growth in demand for the hire of limousine vehicles. Prior to the introduction of this policy the industry had been largely unlicensed and unregulated in terms of either drivers or vehicles being licensed.

This document provides a transparent and consistent framework for the Licensing of Limousines within the AGMA region and has been finalised following the publication of the Department of Transport's Taxi and Private Hire Vehicle Licensing – Best Practice Guidance.

### 3. DEFINITION OF A LIMOUSINE

For the purposes of this policy and licence conditions a stretch limousine is defined as follows:

A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures

- that is capable of carrying up to but not exceeding 8 passengers;
- that prior to the introduction of this policy could not currently be licensed by the Council as a Private Hire Vehicle;
- that is not a decommissioned military or emergency service vehicle

### 4. PRE- LICENSING REQUIREMENTS AND LICENSING CONDITIONS

	Issue	Licence Condition	Justification
1	Left Hand Drive Vehicles	Permit Left Hand Drive limousines to be considered for PHV licensing.	The majority of stretched limousines are imported from the U.S. and are left hand drive. The Department for Transport has recommended that Councils should not refuse to licence limousines simply because they have characteristics which contravene their existing policy, i.e. left hand drive.
2	Sideways Seating	Permit limousines with sideways facing seating to be considered for PHV licensing.	A main characteristic of stretched limousines is their sideways facing bench seats. In line with the Department for Transport's guidance outlined above, the Council will consider the suitability of limousines with sideways seating for licensing.
3	Signage	The signage on limousines will need to meet local requirements. In Blackburn with Darwen Borough Council, those requirements are as follows	Signage serves to distinguish PHVs from ordinary saloon cars and to make them clearly identifiable to the public. However, the naturally distinctive appearance of stretched limousines means that they are very unlikely to be confused with a private road user's vehicle.
4	Tinted Glass	Permit limousines with heavily tinted glass in the rear offside/nearside windows to be considered for licensing. However, heavily tinted glass in the driver cockpit would remain prohibited in line with legal requirements.	It is recognised that the privacy provided by tinted glass in the passenger compartment is a central characteristic of a limousine. However, glass in the driver cockpit must satisfy the standards within the Road Vehicles (Construction and Use) Regulations 1986 as amended.
5.	Fare Table/ Taximeter	Limousines are not required to display a fare table or contain a taximeter.	Stretched limousines often do not operate under a fare system as journeys are generally pre-paid in advance based on the length of time they are hired for.
6	Roadworthiness	The stretched limousine must hold a valid Single Vehicle Approval (SVA) Certificate.	The SVA test comprises a visual examination of a vehicle and certifies its safety and roadworthiness.

	<b>Issue</b>	<b>Licence Condition</b>	<b>Justification</b>
7	Vehicle Age	Stretched limousines to be licensed in accordance with the Council's current PHV age policy.	To ensure that the limousines licensed by the Council are in a good and safe condition.
8.	Insurance	An appropriate insurance policy must be in place which covers use of the vehicle for hire and reward.	The Council has concerns that some limousines may be operating under insurance policies which do not cover use for hire and reward or take into account that the vehicle has been stretched.
9.	Tyres	The limousine must be fitted with tyres that meet both the size and weight specification.	Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times.
10	Vehicle Testing	Licensed limousines must be submitted for testing twice a year to the appropriate Class MOT standard.	To ensure that limousines licensed by the Council are maintained to high standards and remain safe.
11	Maximum Passengers	The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers.	Councils can only licence vehicles with a maximum seating capacity of 8.
		Any seats in the driver's compartment other than the driver's seat shall not be used to carry passengers	This is to ensure that passengers are not carried in the front of the vehicle to improve driver and passenger safety.
		The vehicle must not carry more than 8 passengers at any time. (A babe in arms is classed as a passenger no matter what their age).	This condition will be enforced by Council officers performing spot checks on licensed vehicles, and is in line with legislative requirements.
		In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry 8 passengers.	To inform customers of the maximum carrying capacity of the vehicle.
12	Seat Belts	Seatbelts must be fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion. There is no legal requirement for seatbelts on sideways facing seats.	As per construction and use regulations.
13	Fire Extinguisher	The vehicle must contain a fully functional portable multi-purpose powder type fire extinguisher which bears a kite mark and a last service sticker. The extinguisher must be securely fitted, accessible and ready for use at all times.	For the safety of the vehicle occupants.

	<b>Issue</b>	<b>Licence Condition</b>	<b>Justification</b>
14	Alcohol	Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale and supply of alcohol Alcohol shall only be served while the vehicle is stationary and afterwards, the bottle shall be placed in a secure receptacle. If the occupants are below the age of 18, there should be no alcohol in the vehicle for consumption or otherwise. Any glassware in the vehicle must be made of either shatterproof glass or plastic.	To comply with alcohol licensing requirements and safeguard public safety.
15	Entertainment	The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle. The limousine operator shall ensure that a performing rights licence is held where appropriate. If the limousine parks to provide some form of entertainment to its passengers, an entertainment licence must be in place in accordance with the Licensing Act 2003.	To safeguard child passengers from viewing unsuitable material. Many limousines have the capability of playing recorded media for the entertainment of customers and so the operator must ensure the appropriate royalties are paid. Entertainment regulated under the Act includes TV, video, video games, loudspeakers, or any other activity provided for the passenger's enjoyment.
16	Council Notices	The proprietor shall when directed by the Council, display and maintain any notices in a conspicuous position.	To convey information to passengers where appropriate.
17	Advertisements	No other signs, notices or any other markings will be displayed on or in the vehicle without the written permission of the Council.	To ensure that any material displayed in the limousine is suitable for public viewing.

## 5. DRIVER AND OPERATOR LICENSING REQUIREMENTS

In addition to the limousine being licensed as a private hire vehicle with Blackburn with Darwen Borough Council, the limousine operator is required to hold a private hire operators' licence with Blackburn with Darwen Borough Council.

All bookings for a limousine licensed as a private hire vehicle must be booked through the licensed private hire operator.

Once licensed as a private hire vehicle the limousine can only be driven by a licensed private hire driver (this licence must also be issued by Blackburn with Darwen Borough Council).

Details in respect of applications for private hire drivers' licences and Private Hire Operators' Licences can be obtained from the Licensing Office.

## **6. RIGHTS OF APPEAL**

The Local Government (Miscellaneous Provisions) Act 1976 sections 48 and 77 detail an applicant's right of appeal. In general terms where an applicant is aggrieved by the Council's decision to refuse to grant a private hire vehicle licence or by any conditions imposed on a private hire vehicle licence the applicant has a right of appeal to Blackburn Magistrates Court within 21 days of the applicant being notified of the Council's decision.

## **7. VEHICLE TESTING STATIONS**

Stretch limousines will normally be required to provide 6 monthly ( ie 2 per annum) MOT certificates from a VOSA goods vehicle testing station, or alternatively a local authority VOSA approved class 5 testing station, that has appropriate facilities.

If you propose to obtain an MOT from any other vehicle testing station other than those listed below you are advised to contact the licensing section before submitting the vehicle for an MOT, otherwise you may find that the certificate cannot be accepted

For information the relevant local premises for the provision of MOTs for licensed stretch limousines are listed below.

Motor Vehicle Service Station  
Davyfield Road  
Blackburn  
BB1 2LX

## **8. CONTACT DETAILS**

**Licensing Section**  
**Town Hall**  
**Blackburn**  
**BB1 7DY**  
**TEL: 01254 267666 or Email: [publicprotection@blackburn.gov.uk](mailto:publicprotection@blackburn.gov.uk)**

**APPENDIX 5**



**The Licensing of Hackney Carriages & Private Hire Vehicles**

# Supplement Testing Manual

## 4th Amendment

### Elements of the vehicle Test in addition to M.O.T standards

First approved at a meeting of the Licensing Sub Committee held on 11<sup>th</sup> April 1991

1<sup>st</sup> amendment approved at a meeting of the Licensing Sub Committee held on 30<sup>th</sup> September 1993

2<sup>nd</sup> amendment approved at a meeting of the Licensing Sub Committee held on 24<sup>th</sup> March 1997

3<sup>rd</sup> amendment / revision approved by Executive Member on 10<sup>th</sup> April 2007 (revised 1/4/10 re door signage)

4<sup>th</sup> amendment / revisions approved by Executive Member on 8<sup>th</sup> April 2011

5<sup>th</sup> amendment /revisions approved by Executive Member on .....

Martin Eden

Director of Environment and  
Leisure

*Where the test is of the opinion that the overall standard of the vehicle is inadequate they should in the first instance contact the Council's Licensing Section, where a joint inspection will take place*

**1. EXTERIOR OF VEHICLE**

<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
1.1 The exterior of the bodywork, the underside of the vehicle and the engine compartment must be in a suitable clean condition to allow for proper inspection of these areas (see Notes).	1. Contamination preventing proper inspection.	If the vehicle is presented for inspection in such a condition to prevent a full examination of items for inspection, the test will not be carried out.
1.2 Check all door check straps to ensure that doors are held in place when fully opened.	2. Door check straps which fail to hold the doors in place when fully opened.	
<b>1.3 SEE APPENDIX A FOR NEW BODYWORK STANDARD</b>		
1.4 Examine the external paintwork for damage which adversely affects the appearance of the vehicle.		

(Examination of bodywork for poor or shoddy repairs or a mismatch of paint shall be undertaken from a distance of 3 metres from the vehicle)

**EXTERIOR OF VEHICLE (Contd.)**

METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
1.5 Ensure that the front and rear bumpers are in good order and are securely fixed to the vehicle.	5a inadequately secured front or rear bumpers	<b>2<sup>nd</sup> opinion will be obtained from Licensing</b>
1.6 Examine the rubber seals to every door for serious damage, looseness or absence.	5b cracked or parts missing	
1.7 Check that every reversing light fitted by the manufacturer of the vehicle:	6 A door seal which is damaged or worn to the extent that air/water penetration may occur, constitutes a fail.	Some vehicles have reversing lights fitted as an extra. If this is so then check that the switch provided for its use is fitted in such a position capable of indicating to the driver of the vehicle that the reverse light(s) have been activated or deactivated. All other light checks still apply.
a) operates when reverse gear is selected	Any sharp edges arising from door seal defects constitutes a fail:	
b) is complete, in good working order and in clear condition	7 A reversing light which:	
c) emits a steady white light	7a does not operate when reverse gear is selected	
d) is securely fitted and provides adequate illumination to the rear of the vehicle	7b is incomplete, not in good working order or in clean condition, i.e. so damaged or deteriorated that its function is impaired	
	7c emits other than a steady white light when reverse gear is selected remains on when reverse gear is deselected	
	7d insecure or does not provide adequate illumination to the rear of the vehicle	

**EXTERIOR OF VEHICLE (Contd.)**

<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
1.8 Operate the washers and the wipers and note the swept area of the rear window	8a a wiper or washer control missing or inaccessible to the driver  8b a wiper does not automatically operate when switched on  8c a wiper installed for the use of the driver does not operate over an area of the rear window enough to give the driver an adequate view	This inspection only applies to a vehicle that is manufactured with a windscreen wiper and washer(s) fitted to the rear window of the vehicle.  Removal of the rear washer unit will not be permitted.
1.9 Examine the condition, security and effectiveness of the wiper blade and its contact with the rear window	9 A wiper blade unsecure, missing, deteriorated or which does not clear the rear window effectively to give the driver an adequate view to the rear from the drivers seat.	
1.10 Check the function of the rear window washer	10 The window washer does not provide enough liquid to clear the rear window in conjunction with the wiper	
1.11 Check the driver and front passenger window	11 Obscured view	The driver and passenger must be visible through the windows

**THIS SECTION DOES NOT APPLY TO VEHICLES PRESENTED FOR INSPECTION WHERE AN INITIAL APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE IS TO BE MADE**

**2. SIGNS – PRIVATE HIRE VEHICLE SIGNS**

<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
a. Examine the signs displayed on the front doors of the vehicle to ensure that they comply with those approved by the Council.	Failure to display the name of the Private Hire Company and/or its telephone number in the manner prescribed (i.e. position of sign, size of lettering etc.)	The Borough Councils conditions require that  "The proprietor shall display a sign on the front doors of the vehicle to the Councils uniform design and specification, the sign to incorporate the business name of the operator, but such name is not to include the word "taxi" Hackney or Cab in any form".
2.2 A vinyl notice (which shall have the text "Licensed Private Hire Vehicle" and the text "Advanced Booking Only") approved by the Council, identifying the vehicle as a private hire vehicle, and also the plate number, shall be displayed on the upper panels of the rear doors.	Failure to display signs	
2.3 On MPVs (Multi Passenger Vehicle) licensed as private hire vehicles the signs must be displayed on the rear near side passenger door and on the opposite panel on the offside of the vehicle.		
2.4 No Smoking signs compliant with the Health Act 2006 (70 mm in diameter) on rear passenger windows	Failure to display signs	



### **3. LICENCE PLATES**

<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
3.1 Inspect the vehicle licence plate fixed to the rear of the vehicle for signs of damage or excessive wear, and ensure that the licence detail is clearly legible.	1. A damaged plate or a plate with licence number not clearly legible.	The vehicle licence plate and holder issued by the council identifying the vehicle as a private hire vehicle/hackney carriage vehicle shall be securely fixed to the exterior of the vehicle in a position to be clearly visible and should be capable of being easily removed by an authorised officer.
3.2 Examine the plate that is fitted to the vehicle to ensure that it is securely fixed. Ensure that the plate is fixed in a prominent position. (See Notes)	2. A plate which is not adequately secured to the vehicle or is not fitted in a prominent position.	

**THIS SECTION DOES NOT APPLY TO VEHICLES PRESENTED FOR INSPECTION WHERE AN INTIAL APPLICATION FOR A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE LICENCE IS TO BE MADE**

#### 4. TYRES AND SPARE WHEEL

METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
4.1 Ensure that the tyre provided on the spare wheel is of the same size and construction as those fitted to the road wheels (see Notes). Space saver – refer to condition	1 A spare wheel not provided with the vehicle. A tyre which is of a different size or construction.	<p><b>SEE APPENDIX B</b></p> <p>If a vehicle has tyres in a combination which conforms to current legal requirements (e.g. radial and cross ply), the carrying of one spare wheel/tyre cannot be accepted, since it can only be used in limited circumstances. The vehicle must therefore fail the test, even if the spare tyre is in good condition and matches one pair of the tyres fitted to the vehicle. A mix of steel and cord radials on one axle will not be accepted.</p> <p>Exemption = Minibuses where there is no provision to store safely.</p> <p>A remould will only be accepted if it carries a clearly legible manufacturer’s mark that the tyre conforms to the current British Standard.</p>
4.2 Examine the tyre which is fitted to the spare wheel for signs of damage or excessive wear and ensure that it complies with all legal requirements for tyres when fixed to the vehicle.	2 Damaged, worn, sub standard or otherwise illegal tyres.	
4.3 Check that the tyre is not seriously over inflated or under inflated.	3 Excessively under or over inflated spare tyre.	
4.4 Examine the jack and wheel brace provided with the vehicle to ensure that they are in good working order.	4 Failure to provide a suitable jack and/or wheel brace with the vehicle.	
4.5 Check the spare wheel fixing bracket (or similar securing device) to ensure that the wheel is properly secured in the correct position.	5 Failure to satisfactory secure the spare wheel.	
4.6 Check the rim of the spare wheel for any signs of distortion or damage.	6 A damaged or distorted spare wheel rim to such extent that it renders it unserviceable.	

## 5. BOOT

METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
5.1 Examine the boot interior for evidence of corrosion or water penetration.	1 Corrosion to the floor of the boot, inner wing panels or lid.	
5.2 Ensure that there is adequate boot floor covering and that it is in good condition and offers adequate protection to luggage stored in the boot.	2 Inadequate floor covering.	
5.3 Examine the interior of the boot for accumulations of dirt, dust, grease, litter, etc. Or staining of any surface which luggage may come into contact.	3 Accumulations of dirt, grease, rubbish etc. In the boot which could soil or damage luggage stored therein.	For Hackney Carriage Vehicles exemption where boot is not used for passenger goods.
5.4 Check the boot for the presence of containers of any flammable or corrosive materials (e.g. oil, petrol).	4 Containers for the storage of oil, petrol or any flammable or corrosive material shall not be carried in the vehicle.	
5.5 Check boot for loose tools and other items.	5 Any tools or other items not adequately secured, or would hinder the storage of luggage.	The materials could contaminate passengers luggage, taint food etc.
5.6 Check that the vehicle boot supports and opening mechanism adequately support the lid when it is in the 'lifted' position.	6a Defective opening mechanism	
	6b Defective boot supports which prevent the lid from being properly secured in the 'lift' position.	
5.7 Check that the vehicle is equipped with suitable wheelchair ramps and they are permanently legibly marked with the registration mark of the vehicle that they are carried in.	7a Vehicle not equipped with suitable wheel chair ramps.	
	7b Ramps not marked with the registration mark of the vehicle they are being	

This section only applies to Hackney Carriages.

## **6. ENGINE COMPARTMENT**

<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
6.1 Carry out a visual inspection of the engine compartment for signs of oil leaks.	1. Excessive oil leaks.	
6.2 Ensure that the battery is properly secured in position.	2. A battery which is not adequately secured.	
6.3 Check the fan belt for signs of incorrect adjustment and/or deterioration.	3. An incorrectly adjusted or deteriorated fan belt.	
6.4 Examine the engine mountings for signs of deterioration.	4. Insecure or excessively deteriorated engine mountings.	
6.5 Ensure that the radiator is properly secured to the vehicle and check the cooling system for signs of any leaks.	5. An inadequately radiator or leaks from the cooling system.	
6.6 Check the clutch mechanisms for correct operation.	6. Fluid leakage or mechanical components wear in the clutch mechanism.	

## 7. INTERIOR OF VEHICLES

METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
7.1 Examine the floor and upholstery inside the vehicle for accumulations of dust, dirt, litter, general debris, cigarette ash, staining or excessive wear.	1 A vehicle which is in a dirty condition with an excessive accumulation of dust, litter, debris etc. Or staining to the carpets or upholstery.	
7.2 Examine the upholstery provided to ensure that they are not worn, holed or torn.	2 Upholstery which is excessively worn, holed or torn.	
7.3 Examine each of the passenger seats within the vehicle to ensure that all seat cushions and back rests are in good condition and offer proper support to passengers.	3 Seat cushions or back rests which are in a poor condition and/or offer support to passengers.	
7.4 Examine the rear seats to ensure that the seat base is secure.	4 Inadequately secured rear seat bases.	
7.5 Check the operation of the interior light within the vehicle, both the manual switch and the door operated switches if fitted by the manufacturer.	5a Faulty interior light fitting.	
	5b Faulty interior light switch.	
	5c Faulty interior light door switches.	b) and c) are only applicable where they are fitted by the manufacturer.
7.6 Check the operation of the heater/windscreen de-mister to ensure that it is in satisfactory working order.	6 Defective heater/windscreen de-mister.	
7.7 The anti slip face on the clutch pedal.	7 The anti slip provision on the clutch pedal is missing, loose or worn smooth.	

**INTERIOR OF VEHICLES (Contd.)**

<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
7.8 Check the operation of the rear screen heater to ensure that it is functioning properly.	8 A defective rear screen heater.	
7.9 Check the operation of all window winder mechanisms ensuring that they allow all windows to be fully lowered or raised.	9 Window winder mechanisms that do not allow windows to be easily lowered or raised.	Vehicles fitted with electric windows must comply to this standard of operation.
7.10 Check the operation of all rear doors from the interior of the vehicle.	10a A rear passenger door that cannot be opened from the inside using the interior handles.	If child locks are released for the purpose of the test, ensure they are reapplied.
	10b Missing or damaged handles which prevent the opening of the rear doors from the interior.	
7.11 Check that a mirror is fitted to the interior and near side of the vehicle.	11 Missing, insecure or defective mirrors which do not give a clear view to the rear from the driver's seat.	
7.12 Check that there are no excessive unpleasant odours noticeable inside the vehicle.	12 Unacceptable smells including vomit, waste food or other similar contaminants.	

## **INTERIOR OF VEHICLES (Contd.)**

<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
7.14 Ensure that all emergency exits provided on the vehicle are clearly marked, in letters not less than 25mm high, on both the inside and outside, the words "EMERGENCY DOOR" or "FOR EMERGENCY USE ONLY" adjacent to that exit.	14a Less than 25mm high. 14b The words "EMERGENCY DOOR" or "FOR EMERGENCY USE ONLY" are not displayed on either the inside or outside. 14c They are not adjacent to the exits.	Sections 7.14 and 7.15 are only applicable to vehicles which are licensed or intended to be licensed for the carriage of eight passengers not including the driver.
7.15 Check that the means of operation for the emergency exits are clearly indicated on or near the door.	15 The means of operation are not clearly indicated.	
7.16 Check that the vehicle is equipped with the apparatus for securing a wheelchair in the vehicle.	16 Vehicle not equipped with the apparatus.	This section only applies to Hackney Carriage Vehicles. <b>(see additional specification at rear of this booklet for detailed specification for hackney carriage vehicles)</b>

## 8. FIRST AID KIT

METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
8.1 Check that there is a first aid kit provided in the vehicle.	1 Failure to provide a first aid kit.	First aid kit to contain at least the following:-
8.2 Check that there is a sign clearly displayed in the interior of the vehicle indicating to any other person than the driver of that vehicle the location of the first aid kit in the vehicle.	2 No sign clearly displayed indicating the position of the first aid kit in the vehicle.	a) 6 individually wrapped sterile adhesive dressings;
8.3 Check that the first aid kit is permanently and legibly marked with the registration mark of the vehicle that it is being carried in.	3 First aid kit not marked with the registration mark of the vehicle it is being carried in.	b) One medium sized sterile unmedicated dressing (approx. 10cm x 8cm; examples of suitable dressings currently available are the Standard Dressings No.8 and No.13 B.P.C);
8.4 Check the first aid kit to ensure that the contents conform to the requirements laid down in the Councils specification (see notes)	4 Contents do not conform to the Councils specification.	c) One triangular bandage (this should, if possible, be sterile: if not a sterile covering appropriate for serious wounds should also be included);
		d) 6 Safety pins.
		N.B. The First Aid Kit must not be opened by the Vehicle Examiner. This function will be performed by Enforcement Officers on spot checks

**THIS SECTION DOES NOT APPLY TO VEHICLES PRESENTED FOR INSPECTION WHERE AN INITIAL APPLICATION FOR A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE LICENCE IS TO BE MADE**

**9. FIRST AID KIT**

	<b>METHOD OF INSPECTION</b>	<b>REASON FOR REJECTION</b>	<b>NOTES</b>
9.1	The carriage of a fire extinguisher is optional.	1 A fire extinguisher which does not conform, to the Councils standard.	Extinguishers of the dry powder type will require regular shaking to remain effective.
9.2	If a fire extinguisher is carried it must be of the 2.2kg a dry powder type.	2 A fire extinguisher which is not in a conspicuous and readily accessible position within the vehicle.	
9.3	Examine the fire extinguisher to ensure that it is not empty or has been damaged as to prevent it functioning properly.	3 A leaking, empty or damaged extinguisher.	Ensure that the position of the fire extinguisher is clearly displayed on the dashboard.
9.4	Check whether the fire extinguisher is permanently legibly marked with the Registration number of the vehicle.	4 A fire extinguisher which is not permanently, and legibly marked with the registration of the vehicle.	N.B. Fire Extinguishers became optional following a Licensing Sub Committee decision of 1.10.92 (Minute 1162 refers).

The Hackney Carriages Vehicles that this authority will licence must comply with the following specifications in addition to having a positive disability impact assessment.

- 1) Every Taxi Cab submitted for approval as a hackney carriage must be designed and developed exclusively for use as a wheelchair accessible vehicle ( therefore incorporating a built-in taxi light as an integral part of the structure) have M1 classification and comply in all respects to **EC Whole Vehicle Type Approval (ECWVTA)** and be unaltered since type approval.
- 2) If a vehicle has been registered with DVLA and issued with an appropriate registration index number, no change, structural alteration or rearrangement of detail shall be carried out to the vehicle unless such change shall be subsequently granted **M1 Whole Vehicle Type Approval**.
- 3) The exterior colour of all authorised hackney carriages must be black, unless the vehicle is a London Type cab, in which case it may be any colour.
- 4) **Wheelchair Access Equipment - Ramp:** A purpose – designed wheelchair single plate access ramp which must be permanently installed in the vehicle and be lightweight and easy to deploy. An add-on removable section would be deemed to meet this requirement. The installed ramp must have a minimum safe working load of 300 kgs. Ramps and fittings must comply with British Standards 6109.
- 5) **General Entry and Exit Requirements**  
The vehicle shall have a minimum of 2 means of exit from the passenger compartment behind the driver for emergency situations. The means of exit shall be free of any obstructions, reachable from all parts of the rear passenger compartment. Any gap through which a passenger can be expected to pass shall be a minimum of 400mm through an adult can pass freely in a normal manner without any undue difficulty.
- 6) **Floor Height, Steps and Handrails -**  
At the main access door into the passenger area of the vehicle, steps shall be provided to aid ingress/egress as follows:

Where the internal floor height of the vehicle exceeds 300mm an intermediate step shall be fitted every 250mm from the road level up to the internal floor height. All steps must be capable of supporting a minimum weight of 150kg

Handrails must be fitted in appropriate positions in all passenger access doors so as to assist (intending) passengers and facilitate the use of steps where provided. All handrails shall be highlighted in a contrasting high-visibility colour to match handrails and seat markings.

**Prior to purchasing any alternative vehicle that, please consult firstly with Licensing and the vehicle supplier to ensure that the vehicle can comply with the specifications.**



## **APPEALS PROCEDURE**

- 1 If a vehicle proprietor is dissatisfied with the decision of a vehicle examiner to refuse to issue a test certificate in respect of a vehicle and the item(s), which are found to be defective, has/have been inspected in accordance with the Ministry of Transport Inspection Manual for Far and Light Commercial Vehicle Testing, then the appeal shall be in accordance with Regulation 18(1) of the Motor Vehicles (Test) Regulations 1981 which states:

*A person to whom a notice of the refusal of a test certificate has been issued may appeal to the Secretary of State and, save as may be otherwise permitted by the Secretary of State, any such appeal shall –*

- (a) *be on a form approved by the Secretary of State and contain the particulars required by that form;*
- (b) *be sent to the office of any traffic area within 14 days from the date of the said notice.*

# APPENDIX A

## Condition of Bodywork and Paintwork

### 6.1 Topside Body Condition/ Glass Section

Information	Method of Inspection	Reason for Refusal
<p><b>Significant means:</b> One or more body panels having sustained disproportionate amount of damage and / or poses a potential risk to the passengers, driver or other road users. Visual inspection of all body panels.</p> <p><b>Satisfactory appearance means:</b> No panel should show the base primer, should not show signs of body filler Do not attempt to make holes in the body work or enlarge any hole that already exists.</p> <p><b>Door handles and locks:</b> Panel damage around the immediate area of door handles and locks should be given further consideration to ensure the locking/latching mechanisms operate correctly cont'd</p>	<p><b>Inspection</b> Inspection conducted with the vehicle standing on a level surface</p> <p><b>Examination</b> Topside body examination Check that:-</p> <ol style="list-style-type: none"><li>1. There is no evidence of significant damage to the external body panels.</li><li>2. Ensure that where there is only one passenger door that door is on the nearside (kerbside) of the vehicle.</li><li>3. There is no evidence of crudely repaired or, insecure body panels. (visual examination).</li><li>4. That there is no evidence of significant rusting or corrosion resulting in sharp protruding edges</li></ol>	<ol style="list-style-type: none"><li>1. a. there is evidence of significant damage to the external body panels.</li><li>2. a. single passenger door is not on the nearside of the vehicle.</li><li>3. a. there is evidence of crudely repaired or insecure body panels.</li><li>4. a. there is evidence of significant rusting or corrosion with sharp protruding edges</li></ol>

**SEE ATTACHED PHOTOGRAPHS FOR GUIDANCE ON WHAT WOULD CONSTITUTE A PASS / FAIL.**

**(Some vehicles will be issued with a certificate however they will need to repair the vehicle in a time decided by the enforcement team)**

### SPARE TYRE

- B1 The vehicle shall have four road wheels of uniform standard, size and style, which conform to construction and use regulations. The vehicle must also be provided with a spare wheel.
- B2 Space-saver spare wheels, unless fitted as standard equipment to the vehicle, will not be accepted. In all other cases, provision shall be made for a standard road wheel to be secured in the vehicle for use as a spare. A vehicle presented for examination and test with a space saver spare wheel in use as a road wheel will fail the test.
- B3 Any spare wheel shall conform to construction and use regulations and be of the same standard and size as the existing road wheels unless exempted by paragraph B2 above. Any spare wheel not to the same style as the existing road wheels must only be used as an intermediate measure whilst the original road wheel is repaired.
- B4 A wheel brace and jack to enable the effective change of a tyre and wheel shall be carried except where paragraph B5 applies.
- B5 If a vehicle is fitted with 'run flat' tyres by the manufacturer, the vehicle shall also be fitted with a tyre pressure sensor / warning device. Where the vehicle has been manufactured without a spare wheel well, the requirement to carry a spare wheel will not apply. If the vehicle is manufactured with a spare wheel well, a spare wheel (as detailed above) must be provided

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**STATEMENT OF POLICY AND GUIDELINES  
RELATING TO THE RELEVANCE OF  
CONVICTIONS, FORMAL / SIMPLE CAUTIONS,  
COMPLAINTS AND OTHER MATTERS WHICH  
MAY IMPACT ON THE GRANTING OF A  
LICENCE**

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## **STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS**

NOTE: In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.

**This document aims to provide guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:**

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed
- Applicants for operators licences
- Existing licensed operators whose licences are being reviewed
- Licensing Officers
- Members of the Licensing Committee/ Panel (or other relevant decision making body)
- Magistrates hearing appeals against local authority decisions
- Lancashire Constabulary

Thereby providing transparency and consistency across the AGMA region, in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes.

**Where Licensing Officers have delegated powers to grant or refuse licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Licensing Committee/ Panel (or other relevant decision-making body). Whilst Officers and the Committee/ Panel will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Committee/Officer may depart from the guidelines.**

## Background

1. In this policy the word “individual” includes an existing licence holder, an applicant for a new licence, and an applicant for the renewal of an existing licence.
2. Licences for drivers of hackney carriages, private hire vehicles or private hire operator may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
3. In this policy the word “issue” is used. This includes complaints made to the Council, Police, Operators or any other agency, breaches of licensing conditions and intelligence received from other agencies (including circumstances which have not resulted in a criminal conviction, caution or other disposal). E.g. incidents which have resulted in a police investigation where there has been no further action due to the criminal burden of proof will still be considered if Committee/panel is satisfied that the incident occurred based on the balance of probabilities)
4. Licences for operators of private hire vehicles may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
5. The document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has previous convictions and cautions.
6. The Council is concerned to ensure:
  - a. That a person is a fit and proper person.
  - b. The public are not exposed to persons with a history of dishonesty, indecency or violence.
  - c. The safeguarding of children and young persons and vulnerable adults.
7. The public are not normally permitted to attend Committee hearings for private hire, hackney carriage driver applications or private hire operator applications or reviews, however, in determining whether to grant a licence the committee or Officers will take into account the human rights of the wider public and balance these against the human rights of the applicant.
8. When submitting an application for a licence to drive a hackney carriage or private hire vehicle, or for an operator’s licence, individuals are required to declare all previous convictions they may have. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice and all fixed penalties and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.

9. The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a fit and proper person to hold a licence for the purposes of sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Council should exercise any of its powers under section 61 and 62 of the Act (i.e. suspension, revocation or refusal to renew a licence).
  
10. Applicants for a licence to drive a hackney carriage or private hire vehicle should be aware that the Council is empowered by law to check with the Disclosure Barring Service for the existence and content of any criminal record and other intelligence held in their name. Officers from the licensing section will where appropriate contact other agencies for any other information which they may hold for instance, Housing Service, Children's Services and Lancashire Constabulary. Information received from the Disclosure Barring Service or other agency will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the application is determined or any appeal against such determination is decided.
  
11. The disclosure of a criminal convictions/fines or cautions or other relevant information relating to an individual's conduct will not necessarily debar an individual from being granted, retaining or renewing a licence. It will depend on whether or not the individual can satisfy the Council that they are a fit and proper person to hold such a licence.
  
12. The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence or an operator's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.
  
13. In considering evidence of an individual's good character and fitness to hold a driver's licence or operator's licence, where previous convictions/cautions or other information relating to criminal matters/character is disclosed, the Council will consider the nature of the offence/issue and penalty. When it was committed/took place, the date of conviction/issue and the length of time which has elapsed, the individual's age when the offence was committed/issue took place whether or not it is part of a pattern of criminal behaviour, the intent, the harm which was, or could have been caused and any other factors which might be relevant. Where an individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq (1998)*].

14. The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining new/renewal applications for drivers' licences and operators licences and when considering whether to take any action against an existing licence holder.

15. The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an individual. If an individual has a conviction for an offence not covered by the guidelines regard will be had to the factors at paragraph 10 when deciding whether any action should be taken.

Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines

16. The guidelines are not an attempt to define what is a "fit and proper person".

17. Any individual who is refused a driver's licence or has such a licence suspended or revoked on the ground that the Council is not satisfied he/she is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

18. Any individual who is refused an operator's licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

19. The guidance will be used for the determination of new applications, the renewal of existing licences and the review of existing licences in relation to hackney carriage drivers, private hire drivers and operator licences.

20. It is common practice for individuals to submit simultaneous applications for Hackney Carriage and Private Hire Driving Licence(s). Licensing Authorities may use the same application form that allows the individual to specify if they are applying both types of driver's licences or only one type. This provides an efficient service for the customer and saves needless duplication. For dual applications the Licensing Committee/Panel are asked to apply the fit and proper test to each individual application. Similarly where an existing driver who holds both Private Hire and Hackney Carriage Licences is referred to Committee/Panel the fit and proper test will be applied individually to each Licence.

### **GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS and OTHER INFORMATION**

#### **General Policy**

1. Each case will be decided on its own merits.
2. The Council has a duty to ensure so far as possible that drivers and operators are fit and proper persons to hold licences. One aspect of that is the extent to which previous convictions, including but not limited to convictions for offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.
3. Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal court system. The Council recognises that restorative justice and other out of court disposals tend to be applied in less serious cases or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.
4. A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
  - a. Remain free of conviction for an appropriate period; and
  - b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). A person with a conviction for a single serious offence or a number of separate offences is not barred from applying for a private hire or hackney carriage driver licence, but would normally be expected to remain free from conviction for an appropriate period (which will depend on the nature of the offence.
  - c. Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
5. Amongst situations where it may be appropriate to depart from the general policy, for example, may be situations where the offence is an isolated one with mitigating circumstances or where a

conviction defaults outside of the policy between the application and determination date. Applicants who have a serious criminal history of offending may pose a significant risk to the public and are likely to be refused a licence even after the stated period expressed as being “free from offending” has expired. A serious criminal history of offending is likely to include applicants who have multiple relevant offences involving violence or dishonesty for which there has been a cumulative term of imprisonment of 6 months or more within the licensing history. In any case which involves certain specified sexual offences, murder or manslaughter a licence will normally be refused.

6. The Council through the Licensing Committee/ Panel will convene to consider any information/ representations received that a person is not/ no longer a “fit and proper” person or a breach of a condition of a licence has been proved they may refuse, revoke or suspend a licence for any specified period.
  - a. Hearing with notice – Where a committee/panel is to be convened to consider whether or not a person is a “fit and proper” person, notice of the time and date when a committee/ panel will be convened will then be given ahead of the date listed in order to allow the person to seek independent legal advice and to attend and be represented at the hearing. The procedure to be followed is at Appendix 2.
  - b. Ex-parte hearing – Where a committee/ panel is convened as a result of sensitive information being received by the Council an assessment will be undertaken in balancing a person’s right to a fair hearing against whether or not it is in the public interest to hold the hearing ex-parte.
  - c. Where new offences are created or existing offences are consolidated or re-enacted etc they will be treated in a manner appropriate to their severity whether or not this guidance has been updated to reflect the changes.

7. The following examples afford a general guide on the action, which might be taken

Where convictions are disclosed:

### **(Section 1)**

#### **a. Offence of Dishonesty**

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.

Passengers may include especially vulnerable people and children.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing, passengers may include especially vulnerable people. In certain situations drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station.

The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.

For these reasons a serious view is taken of any convictions involving dishonesty. In general an applicant with convictions for dishonesty, which

Are less than 5 years old, is unlikely to be considered favourably and are to be referred to panel/committee for determination.

In particular, an application will normally be refused where the individual has a conviction for an offence or similar offences or offences which replace the below offences and the conviction is less than 3 years prior to the date of application

- i. Theft
- ii. Burglary
- iii. Fraud
- iv. Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- v. Handling or receiving stolen goods
- vi. Forgery (e.g. producing false insurance policy)
- vii. Conspiracy to defraud
- viii. Obtaining money or property by deception
- ix. Other deception
- x. Blackmail

## **(Section 2)**

### **b. Violence**

Members of the public and in particular, the elderly, infirm and children or vulnerable adults entrust their personal safety to private hire and hackney carriage drivers whenever they take a journey.

Passengers often travel alone and are vulnerable to physical attack etc.

Users of private hire and hackney carriage vehicles have a right to expect that drivers are not individuals with a predisposition towards or a propensity for violent behaviour at any level.

### **1. Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)**

Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young persons.

It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence involve children or young persons.

Where the commission of an offence involved loss of life a licence will normally be refused. In other cases the matter is to be referred to the Panel for determination where the conviction is less than 10 years prior to the date of application. A conviction less than 5 years old will generally be refused.

### **2. Offences against Other Persons**

As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused.

In other cases where the conviction is less than 10 years prior to the date of the application will be referred to the panel for determination. A conviction less than 3 years old will generally be refused.)

In particular:

- i. *An application will normally be refused where the individual has a conviction for an offence or similar offence(s), or similar offence(s) which replace the below offences:*
  - Murder
  - Manslaughter
  - Manslaughter or culpable homicide while driving
  
- ii. An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:
  - Arson
  - Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
  - Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
  - Grievous bodily harm with intent (s.18 Offences Against the Person Act)
  - Grievous bodily harm with intent (s.20 Offences Against the Person Act)
  - Robbery
  - Possession of firearm
  - Riot
  - Assault Police
  - Common assault with racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
  - Violent disorder
  - Resisting arrest
  
- iii. An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences and the conviction is less than 5 years prior to the date of application:
  - Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
  - Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
  - Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)

- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
  - Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
  - Racially-aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- iv. An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences and the conviction is less than 3 years prior to the date of application:
- Common assault
  - Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
  - Affray
  - S5 Public Order Act 1986 offence (harassment, alarm or distress)
  - S.4 Public Order Act 1986 offence (fear of provocation of violence)
  - S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
  - Harassment- breach of restraining order- on conviction Protection from Harassment Act 1997 s5(5) = s. 5(6)
  - Obstruction
  - Possession of offensive weapon
  - Criminal damage

### **(Section 3)**

#### **C Drugs**

An application will normally be refused where the individual has a conviction for an offence related to the supply of drugs and the conviction is less than 5-10 years prior to the date of application.

After 5 years, consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

An application will normally be refused where the individual has more than one conviction for offences related to the possession of drugs and the convictions are less than 5 years prior to the date of the application.

An offence related to the supply of drugs and the conviction is less than 10 years prior to the date of application will be referred to the Panel for determination. A conviction less than 5 years old will generally be refused.

An application from an individual who has an isolated conviction for an offence related to the possession of drugs within the last 5 years will be referred to the Panel for determination. A conviction less than 3 years old will generally be refused).

If any applicant was an addict then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment as required by the Council.

#### **(Section 4)**

#### **D Sexual and Indecency Offences**

Any individual currently on the sex offenders' register would not normally be granted a licence.

##### **1. Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)**

Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.

##### **2. Intelligence and other information which has not resulted in a criminal conviction**

The Council will sometimes be made aware of other intelligence or low level information about an individual which has not resulted in the conviction of that person but is relevant in relation to their character. Officers will give appropriate consideration to this information and will seek

to consult with other appropriate agencies in order to ensure that they have a comprehensive understanding. Where appropriate, officers will refer such information/ intelligence to the Allegations Management process. Any additional information gathered through this process may then be taken into account at any subsequent licensing panel.

### **3. Offences against persons other than children / young persons**

As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, individual with a conviction for rape, indecent assault, or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence.

Individuals with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be referred to the Panel for determination where the conviction is less than 10 years prior to the date of the application. Applicants on the sex offenders register or with a conviction less than 5 years old will generally be refused)

After 5 years, consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

Amongst circumstances, which the Council may wish to consider, are circumstances, which if they occurred at the time of the consideration of the application would not be a criminal offence.

## **(Section 5)**

### **E. Drunkenness**

Driving whilst under the influence of drink is unacceptable under any circumstances and puts not only the driver, but passengers and other road users at risk. Such irresponsible behaviour is not conducive with the responsibilities of a private hire or hackney carriage driver.

#### **i. With a motor vehicle (No Disqualification)**

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink.

An application will normally be refused where the individual has a conviction, which does not result in disqualification, for an offence within 2 years of the date of the application.

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

ii. **With a motor vehicle (Disqualification)**

Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should normally elapse from the date of the restoration of the DVLA licence before an applicant is considered for a licence.

In addition, individual will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

iii. **Not in a motor vehicle**

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate.

More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

In addition, individual will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

**(Section 6)**

**MOTORING CONVICTIONS**

**MAJOR TRAFFIC OFFENCES**

New applicants and existing licensed drivers with a conviction for a 'Major Traffic Offence' as defined below, which is less than 5 years prior to the date of the application (the present date in relation to existing licensed drivers) will be referred to the Panel for determination. A conviction less than 2 years prior to the date of the application will generally be refused.

Where the conviction resulted in a period of disqualification, an application will normally be refused unless a period of 3 years free from conviction has lapsed from the restoration of the DVLA licence and 5 years where the disqualification relates to driving whilst unfit through drink or drugs.

In addition, applicants will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

**For the purposes of these guidelines the following motoring offences are classed as 'Major Traffic Offences':**

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of Court
BA30	Attempting to drive while disqualified by order of Court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for alcohol analysis

CD71	Causing death through careless driving the failing to supply a specimen for drug analysis
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive when unfit through drugs
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide specimen for analysis in circumstances other than driving / attempting to drive
DR61	Failure to provide specimen for drug analysis in circumstances other than driving / attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle

### **Aiding, Abetting, Counselling or Procuring**

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

### **Causing or Permitting**

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

### ***Inciting***

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16).

Or similar offences or offences which replace the above offences.

## **INTERMEDIATE TRAFFIC OFFENCES**

**Any Intermediate Traffic Offence, which has attracted 4 or more penalty points, will be treated as though it were a Major Traffic Offence.**

### **One Conviction**

Where an individual has a single Intermediate Traffic Offence within the 12 months immediately preceding the date of application, they will normally be expected to show a period of at least 6 months free from conviction before an application is considered.

### **Two or more Convictions**

Where an individual has 2 or more Intermediate Traffic Offences in the 12 months immediately preceding the date of application, the individual will normally be expected to show a period of at least 12 months free from conviction before an application is considered.

If any conviction for an Intermediate Traffic Offence results in a disqualification, individual should refer to the section of these guidelines entitled “disqualification”.

New applicants and existing licensed drivers with a Conviction / Fine / Simple Caution/ Fixed Penalty Points for an offence which falls under the headings of ‘Minor’ or ‘Intermediate’ Traffic Offences and where the total number of accumulated points on their drivers licence is less than 12 or does not result in a period of disqualification, can have their applications granted without the application being referred to the Panel. A disqualification owing to the totting up system or in relation to an offence under these two group headings for any period of disqualification, will not normally be granted a licence unless they have held a DVLA licence for at least 12 months following the expiry of the period of the disqualification.

**For the purposes of these guidelines the following motoring offences are classed as ‘Intermediate Traffic Offences’:**

CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Breach of requirements as to control of the vehicle mobile phones etc
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration of other road users
SP10	Exceeding goods vehicle speed limit

SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road – not resulting in a fixed penalty
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Exceeding speed limit offence

**Aiding, Abetting, Counselling or Procuring**

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12).

**Causing or Permitting**

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

**Inciting**

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

Or similar offences or offences which replace the above offences.

**MINOR TRAFFIC OFFENCES**

Any Minor Traffic Offence which has attracted 4 or more penalty points will be treated as though it were an Intermediate Traffic Offence

**Single conviction**

Where an individual has a single Minor Traffic Offence in the 12 months immediately preceding the date of application, the application will normally be granted with a letter of warning being placed on the file.

## Two or more Convictions

Where an individual has two or more Minor Traffic Offences in the 12 months immediately preceding the date of application an individual will normally be expected to show a period of at least six months free from conviction before an application is considered.

**For the purposes of these guidelines the following motoring offences are classed as ‘Minor Traffic Offences’:**

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
SP30	Exceeding statutory speed limit on a public road resulting in a fixed penalty
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a “Stop” sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding “Stop” sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

## **Aiding, abetting, counselling or procuring**

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

### **Causing or permitting**

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

### **Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)

Or similar offences or offences which replace the above offences.

### **Plying for Hire**

In the case of a private hire driver found guilty of an offence of plying for hire, the Committee/ Panel would normally order the licence to be revoked or suspended.

## **(Section 7)**

### **Breach of Conditions, Bye-laws and complaints**

Any breach of conditions, breach of bye-laws or complaint relating to a licence holders conduct may be referred to the Panel. A licence holder brought before the Panel will be dealt with by no further action, a formal warning, period of suspension or revocation.

### Guidance

Licence holders will be brought before Panel in situations where it is clear that the holder's behaviour is not influenced by verbal or written warnings administered by Licensing Officers. Any licence holder who receives a third warning [verbal or written] in respect of a breach or complaint occurring within a 12 month period [calculated by reference to the date of the breach/complaint] will be brought before the Panel.

All complaints are investigated. Some investigations and breaches will result in prosecution and in those cases the prosecution outcome will be the deciding factor in the decision to refer to Panel as will other prosecutions and cautions administered by other enforcing agencies.

Where this authority administers a caution to a licence holder this does not preclude a referral to panel for the matter for which the licence holder has been cautioned.

In other cases an investigation may result in a warning, such warnings will be relevant to the rolling 12 month period.

In certain situations the breach or complaint may be deemed so serious that an immediate referral to Panel is warranted. In those cases the reasoning for the decision for the immediate referral will be recorded within the formal report to Panel.

### **Reapplication**

Individuals are advised that Council guidelines are that where an individual has had an application refused or a licence revoked, the Committee/ Panel would normally refuse any subsequent application made within 12 months of the date of the previous refusal or revocation unless there are substantial material changes in the individual's circumstances.

## **DISQUALIFICATION**

### **Disqualification – Major Traffic Offence**

An application will generally be refused unless a period of 3 years free from conviction has elapsed from the restoration of the DVLA licence, and 5 years where the disqualification relates to driving whilst unfit through drink or drugs.

### **Disqualification – Intermediate Traffic Offence**

An application will generally be refused unless the individual can show a period free from conviction has elapsed from the restoration of the DVLA licence which is twice the period of disqualification imposed by the court. e.g 3 month disqualification = 6 month period free from

conviction. Where no disqualification has been given the period free from conviction will be determined by reference to the period(s) free from conviction for an intermediate traffic offence(s).

### **Disqualification – Minor Traffic Offence**

An application will generally be refused unless the individual can show a period free from conviction has elapsed from the restoration of the DVLA licence which is equal to the period of disqualification imposed by the court i.e. 3 month disqualification = 3 month period free from conviction. Where no disqualification has been given the period free from conviction will be determined by reference to the period(s) free from conviction for a minor traffic offence(s).

### **TOTTING UP**

TT99 Totting up – if the total of penalty points reaches 12 or more within 3 years the driver is liable to disqualification by the Court.

### **Totting up With Disqualification**

An application will generally be refused unless the individual can show a period of 12 month free from conviction has elapsed from the restoration of the DVLA licence, which is equal to the period of disqualification imposed by the court.

Where any of the offences which contribute to a totting up disqualification are a Major Traffic Offence the Council will consider the application under “Disqualification – major traffic offence”

### **Totting up without Disqualification**

An individual who has accrued sufficient points for disqualification, under totting up, to be considered by the Court, may argue exceptional hardship and not receive a disqualification from them.

In these circumstances the Council will consider the application as a disqualification for the most serious of the offences, that contributed to the totting up (e.g. where the offences contributing to the totting up are SP30, SP80 and IN10 the Council would consider IN10 under 'Disqualification – Major Traffic Offence').

There may be occasions where an applicant has accrued sufficient points under totting up for the court to consider disqualification, but successfully argues that exceptional hardship should apply and the court has not, therefore, imposed a disqualification. In these circumstances the Council expects the individual to supply full details of each of the matters that led to the totting up. The Council will take those matters into account in accordance with this policy when deciding whether to grant or refuse an application or whether to take action against an existing licence. Should the individual not supply full details of each of these matters then the Council will take the failure to supply such information into account when deciding whether to take any such action.

### **SPENT CONVICTIONS**

By virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 taxi drivers are an exempted occupation for the purposes of the 1974 Act and convictions are therefore never spent.

The Council will only consider spent convictions if it appears to be relevant for deciding whether the individual is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction. The council will in its consideration the nature of the offence(s), the history or pattern of offending, the lapse of time and whether all the convictions have previously been considered

### **FORMAL/ SIMPLE CAUTIONS AND ENDORSABLE FIXED PENALTIES**

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

### **MULTIPLE CONVICTIONS FROM SINGLE INCIDENT**

Where an individual has multiple convictions arising from a single incident, the convictions will generally be treated as one conviction for the purposes of these guidelines.

In these circumstances the period for which the individual would normally be expected to show free from conviction will be the longest applicable period calculated by reference to each offence.

#### **OTHER OFFENCES**

Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws and Section 167 Criminal Justice and Public Order Act 1994.

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (“the Acts”) and Hackney Carriage Byelaws, is to ensure the protection of the public.

For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an individual is to be treated as a fit and proper person to hold a licence.

In particular, an individual will normally be refused a licence if (s)he has been convicted of an offence under the Acts at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.

## APPENDIX 7

### CONDITIONS ATTACHED TO PRIVATE HIRE VEHICLE DRIVERS LICENCES

1. The driver of a private hire vehicle provided with a taximeter shall:
  - (a) as soon as the vehicle is hired by distance, and before beginning the journey, bring the taximeter into operation by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter in operation until the termination of the hiring;
  - (b) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1988 and also at any other time at the request of the hirer
  
2. The driver shall:
  - (a) behave in a civil and orderly manner, shall be appropriately dressed and shall take reasonable precautions to ensure the safety of persons conveyed in the vehicle;
  - (b) not play music except with the consent of the hirer;
  - (c) who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place, shall, unless delayed or prevented by sufficient cause, punctually attend with such vehicle at that time and place;
  - (d) not convey or allow to be conveyed in such vehicle any greater number of persons than the number of persons specified on the plate affixed to the outside of the vehicle;
  - (e) not permit any person to be conveyed in the vehicle without the consent of the hirer;
  - (f) not wilfully or negligently cause any licence plate to be concealed from public view whilst the vehicle is being used for the purpose of hire
  - (g) notify the council, in writing, of any change of home address within 14 days of moving
  - (h) notify the Council, in writing without delay, or in any case within 72 hrs of any change of operator
  - (i) if he finds property that has been accidentally left by any person who may have been conveyed in the vehicle, or is handed such property, and if it is not claimed by or on behalf of its owner, carry it as soon as possible, and in any event within 48 hours, to a police station within the district and leave it in the custody of the officer in charge of the station on his giving a receipt for it.
  
3. If the licensed vehicle is so constructed so as to carry luggage, when requested by any person hiring or seeking to hire the vehicle, the driver shall:
  - (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 to any building, station or place at which he may take up or set down such a person.
  
4. Whilst the person is the holder of a private hire vehicle drivers licence he shall inform the council without delay of the following:
  - (a) cautions administered to him by the police,
  - (b) convictions for criminal offences,
  - (c) convictions for motoring offences,
  - (d) penalty points recorded on his statutory driving licence,
  - (e) any pending court proceedings for the above type of offences.

5. Whilst the person is the holder of a private hire vehicle drivers licence he shall inform the council, without delay, about the onset or worsening of any health condition likely to cause him to be a source of danger to the public when driving now or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, angina, coronaries, high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug taking, the loss of the use of a limb or the permanent loss of a limb.  
***The above list does not include all of the conditions that must be reported and are only included as examples.***  
  
***Drivers who are in doubt about whether or not their health condition is one that should be reported should consult their doctor.***  
Temporary conditions, other than recurrent ones, not expected to last longer than three months, such as a sprained ankle or broken arm, need not be reported.
6. A medical certificate signed by a registered medical practitioner shall be produced at the time of the initial application. The licence holder shall produce on attaining the age of 45 years, a further medical certificate duly signed by a medical practitioner when making an application for a licence, and every 5 years thereafter until attaining the age of 70 years when a medical certificate will need to be produced every 3 years thereafter.  
***This will not apply to the holders of passenger carrying or goods vehicle licences during the validity of such a licence.***
7. A licensed driver must inform the Council without delay or in any case within 72 hours after the event if he or she changes operator.
8. Licensed private hire drivers are required to maintain a subscription to the online DBS update service, with a requirement that a full DBS would only be required following a change in status in the DBS certificate

For information

### **Smoking in private hire vehicles**

It is an offence under Section 7 (2) of the Health Act 2006. The penalty for this offence is **£200** the person who has control of the smoke free vehicle, would commit a further offence under Section 8 (4) - allowing smoking to take place in a smoke free place. The maximum penalty for this offence is **£2,500**.

### **Carriage of guide, hearing and assistance dogs**

Licensed drivers are required to carry guide, hearing and assistance dogs accompanying disabled people and to do so without any additional charge, if you fail to comply with this duty without holding the required medical exemption certificate, you will be guilty of an offence and liable for a fine of up to £1000.

## Appendix 8

### CONDITIONS ATTACHED TO HACKNEY CARRIAGE DRIVERS LICENCES

1. The drivers identity badge issued by the council shall be worn by the driver of a hackney carriage in such a \*position and manner as to be plainly visible at all times whilst in the course of his duty as a hackney carriage driver and must be shown if required to the hirer of a vehicle and to any authorised officer of the council or police officer.\*
  
2. The driver of a hackney carriage vehicle provided with a taximeter shall:
  - (a) as soon as the vehicle is hired by distance, and before beginning the journey, \*bring the taximeter into operation by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter in operation until the termination of the hiring;\*
  
  - (b) cause the dial of the taximeter to be kept properly \*illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1988 and also at any other time at the request of the hirer\*
  
3. The driver shall:
  - (a) behave in a civil and orderly manner, shall be appropriately dressed and shall take reasonable precautions to ensure the safety of persons conveyed in the vehicle;
  
  - (b) not smoke or play music except with the consent of the hirer;
  
  - (c) who has agreed or has been \*hired to be in attendance with the vehicle at an appointed time and place, shall, unless delayed or prevented by sufficient cause, punctually attend\* with such vehicle at that time and place;
  
  - (d) not convey or allow to be conveyed in such vehicle any greater number of persons than the number of persons specified on the plate affixed to the outside of the vehicle;

use the equipment provided for securing wheelchairs and the ramps for safe access and egress.

**When a passenger has a wheelchair always use the equipment provided.**
  
4. If the licensed hackney carriage vehicles is so constructed so as to carry luggage, when requested by any person hiring or seeking to hire the vehicle, the driver shall:

- (a) convey a reasonable quantity of luggage.
  - (b) afford reasonable assistance in loading and unloading, afford reasonable assistance in removing it to or from the entrance to any building, station or place at which he may take up or set down such a person.
  - (c) up or set down such a person.
5. Whilst the person is the holder of a hackney carriage vehicle drivers licence he shall inform the council of the following:
- (a) cautions administered to him by the police,
  - (b) convictions for criminal offences,
  - (c) convictions for motoring offences,
  - (d) penalty points recorded on his statutory driving licence,
  - (e) any pending court proceedings for the above type of offences.
6. Whilst the person is the holder of a hackney carriage vehicle drivers licence he shall inform the council, without delay, about the onset or worsening of any health condition likely to cause him to be a source of danger to the public when driving now or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, angina, coronaries, high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug taking, the loss of the use of a limb or the permanent loss of a limb.

Temporary conditions, other than recurrent ones, not expected to last longer than three months, such as a sprained ankle or broken arm, need not be reported

7. A medical certificate signed by a registered medical practitioner shall be produced at the time of the initial application. The licence holder shall produce on attaining the age of 45 years, a further medical certificate duly signed by a medical practitioner when making an application for a licence, and every 5 years thereafter until attaining the age of 70 years when a medical certificate will need to be produced every 3 years thereafter.
8. Licensed drivers are required to maintain a subscription to the online DBS update service, with a requirement that a full DBS would only be required following a change in status in the DBS certificate

For information

### **Smoking in private hire vehicles**

It is an offence under Section 7 (2) of the Health Act 2006. The penalty for this offence is **£200** the person who has control of the smoke free vehicle, would commit a further offence under Section 8 (4) - allowing smoking to take place in a smoke free place. The maximum penalty for this offence is **£2,500**.

### **Carriage of guide, hearing and assistance dogs**

Licensed drivers are required to carry guide, hearing and assistance dogs accompanying disabled people and to do so without any additional charge, if you fail to comply with this duty without holding the required medical exemption certificate, you will be guilty of an offence and liable for a fine of up to £1000

## APPENDIX 9

### CONDITIONS ATTACHED TO A PRIVATE HIRE VEHICLE OPERATOR'S LICENCE.

You are the licence holder (licensee)

#### 1. NOTICES

You must display these notices on your premises:

- a. a copy of your Operator's Licence (Personal address of licensee will not be shown)
- b. a chart showing fares and charges
- c. a customer information notice (The Council will give you one of these)
- d. a certificate of employer's liability insurance.

**You must display all these notices in an area where the public will see them e.g. a waiting room.**

#### 2. NOTIFICATIONS

- a You must tell the Council **in writing within 7 days**
  - i if you are due to appear in court for a motoring offence or a criminal offence
  - ii if the Police have given you a caution
  - iii if you are convicted of a criminal offence or a motoring offence.
- b. Whenever a Private Hire **Vehicle** starts or finishes work with you, you must fill in an **Operator's Private Hire Vehicle notification form**. The Council will give you this form. You must return it to the Council.
- c. If any Private Hire Vehicle **Driver** starts or finishes work with you, you must fill in an **Operator's Private Hire Driver notification form**. The Council will give you this form. You must return it to the Council.
- d. You must write to the Council and give them an address and telephone number where they can contact you at all reasonable times. **If any of these details change you must tell the Council in writing within 7 days.**
- e. If you change your home address you must tell the Council in writing within 7 days.

NB These notifications can be emailed to the licensing service

- f. If someone makes a serious complaint about anyone who has a licence from the Council you must tell the licensing section immediately. You must give them the name of the person involved and tell them what the complaint is.  
**A serious complaint includes dishonesty, violence, indecency, racism or any complaint which involves drugs.**

- g. If any of the private hire vehicles working from your premises is damaged, you must tell the Council within 72 hours of that damage happening.
- h. No-one else is allowed to use your Private Hire Vehicle Operators Licence.

**If the owner of the business changes:**

- you must tell the Council, in writing, within **7 days**. (You must include a letter from the previous owner or some other written proof that the owner of the business has changed.)
- the new owner must make a new application for a Private Hire Vehicle Operator's licence.

**If the firm still has a licence, the Council will only give a new one if they are sure that the interests of the original licence holder have been respected. The Council will need to have written proof of this from the original licence holder or from someone else who can give them this proof.**

- i. You must tell the Council, in writing, what fares your drivers will charge. If you are going to change your fares or the way you work them out you must give the Council 7 working days' notice of this.

### **3. COMPLAINTS**

- a. Your company must keep a complaints book that is available for authorised officers to view upon request. All your staff must be made aware of the existence of this book, in particular desk operators. You must use this book to write down any complaints you receive. You must also write down what you are going to do about the complaint or what you have already done about it. **If anyone makes a complaint, you must give them the telephone number and address of the Council's Licensing Section.**
- b. The Council will investigate all complaints immediately and tell the person who has complained what they have found out. The Council will do this within 14 days.
- c. When an authorised officer of the Council has investigated a complaint, he/she will tell you what you must do about it.
- d. You must keep this book of complaints for at least 12 months. You might have to keep it for longer if an authorised officer of the Council or a Police Officer tells you to.

### **4. ILLEGAL PLYING FOR HIRE**

- a. Any private hire vehicle owned by yourself or working from your premises, must not try to pick up or offer the vehicle as available for fare paying passengers to any person in a road or public place other than if that person has pre booked.
- b. You must not ask anyone else to pick up passengers in a road or public place that has not pre booked a vehicle

### **NOTE**

**Section 167 of the Criminal Justice and Public Order Act 1994 makes touting a criminal offence. ('Touting' in this section means offering a vehicle as available to persons who have not pre booked a journey.)**

**'Public place' means any road or other property which at the time the touting occurs members of the public are allowed to be whether they have paid to be there or not.**

## **5. NAMES OF OPERATORS AND DOOR SIGNS**

All company names and company door signs are subject to approval by the Council. No door sign shall display the word "taxi" in any form.

## **6. INSPECTIONS**

If an authorised officer of the Council or a Police Officer wants to enter your business premises at a reasonable time, you must allow them in. 'A reasonable time' means when you are open for business.

## **7. PREMISES**

### **Facilities for passengers**

#### a. Waiting rooms

If you have a waiting room for passengers, try to keep it separate from the drivers' rest area and the operator's room.

#### **A waiting room should have:**

- enough seating for passengers
- It should be clean, tidy and well maintained
- It should be well lit.
- It should have enough heating and ventilation
- It should have clean toilets with washing facilities

#### **NOTE**

**You must not have any gaming machines on your premises that need a permit under the Gaming Act 2005.**

#### b. Planning consent

You must have planning permission for your Private Hire business premises. If there are any conditions or restrictions with the planning permission, you must abide by them.

## **8. RECORDS**

You must keep well organised and up to date records, especially of all your vehicles and drivers. You must be able to prove your record system is working if asked by a police officer or an authorised officer of the Council.

### **These records must be kept on your business premises:**

Vehicle Records

You must keep a written record of all vehicles including Hackney Carriage Vehicles acting as private hire. These details must include the following:

- a. The name and address of the owner of the vehicle
- b. The make and model of the vehicle
- c. The registration number
- d. The plate number of the vehicle
- e. The expiry date of the licence
- f. The date the vehicle started working from your premises
- g. The date any vehicle finished working from your premises
- h. The insurance details of the vehicle

**You must show these records to an authorised officer of the Council or a Police Officer if they ask to see them.**

Driver records

You must keep a written record of all drivers working from your firm on your business premises. This must include all drivers including Hackney Carriage drivers acting as private hire. These details must include the following :-

- a. The name and address of every private hire vehicle and hackney carriage driver
- b. A record of which Council issued the licence
- c. The issue and expiry date of the licence
- d. The drivers' call sign.

**You must show these records to an authorised officer of the Council or a Police Officer if they ask to see them.**

## **10. CONDITION OF PRIVATE HIRE VEHICLES**

- a. You must make sure the vehicles are always kept clean, inside and outside
- b. All the vehicles must carry all the correct notices and identification. Full details of requirements can be found on the private hire vehicle licence.
- c. All the vehicles must be well maintained both mechanically and structurally, so that they meet the standards of the Council's testing procedures.

## **11. CONDUCT**

- a. You must make sure that all your drivers are fit to drive and that they are not too tired for any reason.
- b. You must make sure that all your drivers are polite towards customers, the general public and other road users.

## **12. HIRINGS**

Standards of service

You must provide a prompt, efficient and reliable service for members of the public. You must provide the service you have advertised.

- a. When someone hires a vehicle, the driver must arrive at the correct time unless he/she has been delayed for a good reason.

- b. If you send out any vehicle to a hiring, it must be licensed for use as a private hire vehicle or hackney carriage ,
- c. The person who is driving the vehicle must hold a current Private Hire Vehicle Driver's or Hackney Carriage Vehicle Driver's Licence.

### **13. ACCEPTING HIRINGS**

- a. When someone makes a booking, they may ask you about your charges and how much the charge for the journey will be. If they do, you must give them this information before you accept their booking or arrange a journey for them.
- b. Only people who are employed to take bookings at the premises are allowed to give information on charges.

### **14. CHILD SAFETY SEATS**

You must have a child safety seat available in the event of a customer asking for one. The seat must be suitable for use in a private hire vehicle/hackney carriage vehicle so that the child seat meets the **Motor Vehicle (Wearing of Seatbelts) Regulations 1993**.

### **15. RECORDS OF HIRINGS**

Whenever someone makes a booking for a private hire vehicle, you must record the details either in a written or computerized format. Written records must be in a book with pages numbered consecutively. **Do not use a loose-leaf book.**

The details you must record include:

- a. The date and time of the booking.
- b. How the booking was made (by telephone or in person or via subcontract from another operator).
- c. The time of the pick up.
- d. The place of the pick up.
- e. The destination.
- f. The name of the person making the booking.
- g. Where the journey is subcontracted from another operator the name of that operator.
- h. The name of the driver and the vehicle he was driving.
- i. The drivers' call sign
- j. The fare (if this has been agreed before the journey)
- k. The name of the operator where the journey has been subcontracted.
- l. Any other remarks.

**You must keep these records for at least 12 months. You must keep them longer if a Council Officer or a Police Officer asks you to.**

### **16. APPEALS**

If you are not happy with any of the terms and conditions of the Private Hire Vehicle Operator's Licence, you have the right to appeal to a Magistrates Court. You must do this no more than 21 days after the Council has issued the licence. Further information is available in Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 300 of the Public Health Act 1938.

## **DEFINITIONS**

“The Act of 1976” is the Local Government (Miscellaneous Provisions) Act 1976.

“Authorised Officer” means the same as in Section 80 of the Act of 1976 and Section 19 of the ‘Health and Safety at work Act 1974.’

The Council means the Borough of Blackburn with Darwen.

“The Operator” means a person who holds a licence to operate private hire vehicles issued under Section 55 of the ‘Local Government (Miscellaneous Provisions) Act 1976.’

“Private Hire Vehicle” means the same as it does in Section 80 of the Act of 1976.

“Employ” means to use the services of somebody, for any reason.

## **IMPORTANT**

**You must make sure:**

- **All your vehicles are properly maintained**
- **All your vehicles are insured and licensed**
- **All your drivers follow the Council’s rules**

## APPENDIX 10

### PENALTY POINTS SCHEME

#### 1. The Scheme

- 1.1 Points will be issued by authorised officers of the Authority to licence holders who are found to be in breach of legislation, byelaws, this policy or conditions of licence.
- 1.2 The maximum number of points that can be imposed in respect of any particular matter is 10 but it is possible for one incident or inspection to result in more than one set of points being issued.
- 1.3 If a licence holder accumulates 20 points or more within a rolling period of 12 months then their licence will be subject to a review by the Taxi and Miscellaneous Sub-Committee.
- 1.4 Any licence holder aggrieved by the imposition of penalty points on their licence may appeal to the Taxi and Miscellaneous Sub-Committee where they will have the opportunity to explain why the points should not have been imposed.
- 1.5 Notice of the appeal must be submitted in writing to the Authority within 14 days of **receiving** the penalty points notice.
- 1.6 The tables below list the breaches of legislation that attract penalty points.

#### PRIVATE HIRE

<b>A.</b>	<b><u>Offences under the Local Government (Miscellaneous Provisions) Act 1976</u></b>	<b><u>Penalty Points</u></b>
1.	Vehicle not displaying plates. (Sec.48(6)(a))	10
2.	Failure to notify vehicle transfer within 14 days. (Sec.49(1))	10
3.	Failure to present vehicle for inspection. (Sec.50(1))	5
4.	Failure to inform Authority where the vehicle is stored. (Sec.50(2))	5
5.	Failure to report an accident within 72 hours.(Sec.50(3))	10
6.	Failure to produce a vehicle licence and insurance certificate.(Sec50(4))	5
7.	Failure to produce Private Hire driver licence.(Sec.53(3))	5
8.	Failure to wear driver badge.(Sec.54(2))	10

9.	Failure by Operator to keep records of bookings.(Sec.56(2))	10
10.	Failure by Operator to keep records of vehicles.(Sec.56(3))	10
11.	Failure to produce a Private Hire Operators licence.(Sec56(4))	5
12.	Making false statement or withholding information to obtain a licence.(Sec.57(2))	10
13.	Failure to return vehicle plate within 7 days after notice given.(Sec.58(2))	5
14.	Failure to surrender driver licence after suspension.(Sec.61(2))	5
15.	Charging more than the meter fare when HV used as a PV.(Sec.67)	10
16.	Unnecessarily prolonging a journey.(Sec.69)	10
17.	Obstruction of an authorised officer or constable.(Sec.73(1)(a))	10
18.	Failure to comply with requirement of an authorised officer or constable.(Sec73(1)(b))	10
19.	Failure to give information or assistance to an authorised officer or constable.(Sec.73(1)(c))	10

**B. Offences under the Transport Act 1980**

<b><u>Section</u></b>	<b><u>Offence</u></b>	<b><u>Penalty</u></b>
64 (2) (a)	Driving a vehicle with a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word	10
64 (2) (b)	Causes or permits a vehicle to have a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word.	10

**C. Policy and Conditions of Licence**

All non compliance with the policy and breaches of licence conditions shall attract 10 penalty points.

**HACKNEY CARRIAGE**

<b>A. <u>Offences under the Local Government (Miscellaneous Provisions) Act 1976</u></b>	<b><u>Penalty Points</u></b>
1. Failure to notify vehicle transfer (Sec.49(1))	10
2. Failure to present vehicle for inspection. (Sec.50(1))	5
3. Failure to inform Authority where the vehicle is stored. (Sec.50(2))	5

4.	Failure to report an accident.(Sec.50(3))	10
5.	Failure to produce a vehicle licence and insurance certificate.(Sec50(4))	5
6.	Failure to produce HD driver licence.(Sec.53(3))	5
7.	Making false statement or withholding information to obtain a licence.(Sec.57(2))	10
8.	Failure to return vehicle plate within 7 days after notice given.(Sec.58(2))	5
9.	Failure to surrender driver licence after suspension.(Sec.61(2))	5
10.	Charging more than the fare shown on the meter for a journey ending outside the district without prior agreement (Sec.66)	10
11.	Charging more than the meter fare when HV used as a PH.(Sec.67)	10
12.	Unnecessarily prolonging a journey.(Sec.69)	10
13.	Obstruction of an authorised officer or constable.(Sec.73(1)(a))	10
14.	Failure to comply with requirement of an authorised officer or constable.(Sec73(1)(b))	10
15.	Failure to give information or assistance to an authorised officer or constable.(Sec.73(1)(c))	10

<b>B. <u>Offences under the Town Police Clauses Act</u></b>		
<b><u>Section</u></b>	<b><u>Offence</u></b>	<b><u>Penalty</u></b>
48	Failure by HC proprietor to hold a copy of HC driver licences of persons who use the vehicle	10
	Carrying other person than the hirer without consent	10

<b>C. <u>Offences under the Byelaws</u></b>
All breaches of hackney carriage byelaws shall attract 10 penalty points.

<b>D. <u>Policy and Conditions of Licence</u></b>
All non compliance with the policy and breaches of licence conditions shall attract 10 penalty points.

## Appendix 11

### Policy for Blackburn with Darwen Borough Council in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3

In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

#### I. Overarching principles

This policy covers the use that this authority will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers' licence<sup>8</sup>. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

This authority has signed up to the NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, Blackburn with Darwen Borough Council will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application<sup>9</sup>.

Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated<sup>10</sup>. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court,

the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined<sup>11</sup>.

The data will be held securely in accordance with this authority's general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with this authority's general policy on the erasure and destruction of personal data [which is available at https://www.blackburn.gov.uk/Data%20protection/Records-Management-Policy.pdf](https://www.blackburn.gov.uk/Data%20protection/Records-Management-Policy.pdf)

[The Taxi Licensing Privacy Notice is published at https://www.blackburn.gov.uk/Pages/Environment-and-leisure-privacy-notice.aspx](https://www.blackburn.gov.uk/Pages/Environment-and-leisure-privacy-notice.aspx)

## **II. Making a request for further information regarding an entry on NR3<sup>12</sup>**

When an application is made to this authority for the grant of a new, or renewal of, a taxi driver's licence, this authority will check the NR3.

Blackburn with Darwen Borough Council will make and then retain a clear written record<sup>13</sup> of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

If this authority discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the form seen at the end of this appendix. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

## **III. Responding to a request made for further information regarding an entry on NR3<sup>14</sup>**

When Blackburn with Darwen Borough Council receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years<sup>15</sup>.

This authority will then determine how to respond to the request. It is not lawful to

simply provide information as a blanket response to every request.

This authority will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If this authority is satisfied that the other authority's (the 2<sup>nd</sup> authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed<sup>16</sup>. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but this authority (the 1<sup>st</sup> authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

Blackburn with Darwen Borough Council will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within appendix 6 of this Policy. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IoL guidance) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IoL guidance) which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. This authority will make and then retain a clear written record<sup>18</sup> of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

#### **IV. Using any information obtained as a result of a request to another authority**

When Blackburn with Darwen Borough Council receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications.

This authority will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this authority will make in relation to the application.

<sup>8</sup> Throughout this policy reference is made to 'taxi drivers licence.' This generic term covers a hackney carriage drivers licence, a private hire drivers licence and a combined/dual licence.

<sup>9</sup> The appeal period is 21 days from the date on which the written notification of the decision was received by the applicant/licensee. An appeal must be lodged within that time period, and no extension of that period is permissible (see *Stockton-on-Tees Borough Council v Latif* [2009] LLR 374). However, to ensure that the information is available if an appeal is lodged and there is a dispute over time periods, a period of 35 days is specified.

<sup>10</sup> Any appeal by way of case stated must be lodged within 21 days of the decision of either the magistrates court all the Crown Court (see The Criminal Procedure Rules R35.2). To ensure that the information is available if an appeal is lodged by way of case stated and there is a dispute over time periods, a period of 35 days is specified.

<sup>11</sup> Decisions of the local authority, magistrates' Court and Crown Court are also susceptible to judicial review. Generally any right of appeal should be exercised in preference to judicial review, but there are occasions when leave has been granted for judicial review in the circumstances. Any application for judicial review must be made "promptly; and in any event not later than 3 months after the grounds to make the claim 1st arose" (see The Civil Procedure Rules R54.5). If an application for judicial review is made after any relevant data has been destroyed, this authority will request the information again and then retain that information until all court proceedings relating to that judicial review (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

<sup>12</sup> This section of the template policy relates to the submission of a request by the second authority.

<sup>13</sup> This can be electronic, rather than "pen and paper" hard copy.

<sup>14</sup> This section of the template policy relates to the handling by the first authority of a request for information by the second authority.

<sup>15</sup> This record can be combined with the written record of the action taken as a result of the request.

<sup>16</sup> If the 1<sup>st</sup> authority is not satisfied that the 2nd authority's data protection policy is satisfactory, no disclosure can be made. In such circumstances it is essential that discussion takes place as a matter of urgency between the data protection officers of the 1<sup>st</sup> authority and the 2nd authority.

<sup>17</sup> This can be electronic, rather than "pen and paper" hard copy.

**Appendix 1 - information disclosure form**

**This form is submitted following a search of the National Register of Refusals and Revocations (NR3).**

***(For completion by requestor authority)***

**Name of licensing authority requesting information: ..... Requestor authority reference number: .....**

**Name of licensing authority from which information is sought: .....**

**Name of individual in respect of whom the request is made: .....**

**Decision in respect of which the request is made: Refusal / revocation**

**Other details for this record: ..... Address: .....**

**Driving licence #: ..... NI #: .....**

**Reference number: .....**

**Declaration by requesting authority:**

***The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi / PHV licences are fit and proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest.***

***The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and PHV licences, and will be retained in accordance with the Authority's retention policy relating to the provision of such information.***

***To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request is attached to this document/can be accessed at ??.***

**Signed:**

**Name: .....**

**Position: ..... Date.....**

***(For completion by providing authority)***

***Further information to support the decision recorded on NR3 in respect of the above named individual***

**Declaration by providing authority**

***The authority hereby confirms that it has conducted a data protection impact assessment.***

***It also confirms that the information above is accurate, and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this***

***information is no longer accurate, we will advise the above named authority accordingly.***

***The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / PHV licence, the above named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements***

**Signed:**

**Name:** .....

**Position:** .....

**Date:** .....