



**Guidance Notes and Conditions for Hackney
Carriage and Private Hire Vehicle Owners,
Operators and Drivers**

June 2018

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Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators, Drivers June 2018

1. General

1.1 The legislation relating to Hackney Carriage and Private Hire licensing is contained in the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976, as amended by the Transport Act 1985. This legislation applies throughout the whole of Bracknell Forest Borough.

1.2 In these Guidelines, the following abbreviations have been used:

TPCA	-	Town Police Clauses Act 1847
LG(MP)A	-	Local Government (Miscellaneous Provisions) Act 1976 (Part II)
TA	-	Transport Act 1985
RTA	-	Road Traffic Act 1991
BF(LC)	-	Bracknell Forest Licence Condition
BF(G)	-	Bracknell Forest Guidance

1.3 These notes are issued to define and offer guidance on the legislation in relation to the provision of Hackney Carriages and Private Hire vehicles within the Borough of Bracknell Forest. Any requirements stated as BF(LC) must be regarded as conditions of the relevant licence.

1.4 Information held by the Council is Data Protected, however there is a requirement for a 'Public Register' to be kept available for the free public inspection of licences granted. This should only give information in respect of:

Hackney Carriage Vehicles:

Proprietor's name

Registration and licence number

Date and period for which licence granted

Offences committed by proprietor

Offences committed by driver

Private Hire Drivers:

Name

Date and period for which licence is granted

Licence number

Enforcement Policy

1.5 The purpose of this Policy is to help your business comply with legislation in a manner that is equitable and without placing an unreasonable burden on anyone. The 4 guiding principles enshrined in this Policy are as follows:

- Fairness: to ensure a fair and even-handed approach.
- Proportionality: to ensure that action taken relates directly to the actual or potential risk to health, safety, the environment, or economic disadvantage to the consumer or business.
- Transparency: to ensure that the reasons for taking any form of enforcement action are understood by those having to comply, and that clear distinctions are made between legal requirements and advice or guidance.
- Objectivity: to ensure that decisions are not influenced by the gender, ethnic origin, religious or political beliefs or sexual preferences of the offender, victim or witnesses. Sensitive consideration will be given where persons involved are children, elderly, infirm or suffering from a mental disorder.

1.6 A copy of the Enforcement Policy is available on request.

2. Types of Licence

Hackney Carriage Vehicle

Private Hire Vehicle

Home-to-School Vehicle

Dual Driver - licensed to drive both Hackney Carriages and Private Hire Vehicles

Private Hire Driver

Home-to-School Driver

Chauffeur Driver

Private Hire Operator

2.1 Please note that although reminders are sent, it is the responsibility of the licence holder to ensure that a renewal application is submitted at least one month prior to the expiry of the licence.

3. Fees

3.1 Alterations to vehicle and operator fees are required to be advertised by notice in a local newspaper.

LG(MP)A s70 (3)

3.2 The notice will be displayed in the Council's office for at least 28 days (generally during October to February) to allow for any objections to be made. These fees will apply to all licences due on or after 1 April. No increase in fees can take place until the notice period has expired. No refunds shall be payable in respect of driver licences which have been granted, as the fee paid covers the cost of administration of the application. Where a vehicle licence or operator licence is surrendered, a partial refund may be payable subject to the deduction of the appropriate refund processing fee.

BF(G)

3.3 The Council reviews all fees periodically and the current scale of fees is available on request or at www.bracknell-forest.gov.uk/licensing. Fees can be paid by cash, cheque, or credit/debit card at Reception or by ringing 01344 352000 for credit/debit card payment only. Online payments can be made at <http://www.bracknell-forest.gov.uk/onlinepayments>.

BF(G)

4. How to Apply

4.1 Details are available from the Customer Service Centre at Time Square. Information and forms are also available at www.bracknell-forest.gov.uk/licensing.

BF(G)

4.2 Faxed copies and photocopies of documentation will not be accepted; originals must be produced. Electronic copies may be accepted, provided the Licensing team can verify the information provided.

BF(G)

4.3 To comply with the Immigration Act 2016, the Council is required to check eligibility to live and work in the UK for all applicants for driver and operator licences. Applicants will be required to provide evidence of this on request. Examples of acceptable documentation include a British passport, EC passport with the right to stay and work in the UK, permanent residence permit, work permit with a passport with correct authorisations, a UK birth certificate together with an official document giving the NI number such as a P45 or P60, or a biometric immigration document indicating a right to stay indefinitely in the UK or a right to do the work in question.

For applicants with a limited time to remain in the UK, the licence will only be granted for the period of permission to remain, and may only be granted for a

shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

If an applicant has extended leave to remain (pending a decision) the licence cannot be granted for more than six months, and again may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

If a licence holder loses the right to remain in the UK during the currency of a licence, the licence ceases to have effect and the licence (and badge for drivers) must be returned within 7 days.

Immigration Act 2016

5. Driver Licence - Requirements

5.1 All new applicants will be required to complete an application for an enhanced disclosure from the Disclosure and Barring Service (previously known as the CRB).

LG(MP)A s59

5.2 Only DBS enhanced disclosures with Bracknell Forest Council as the registered body will be accepted.

DBS Code of Practice

5.3 Any DBS enhanced disclosure presented at time of application which is more than 12 months from date of issue will not be accepted. If a disclosure was issued more than 3 months but less than 12 months prior to the date of application, the applicant will be required to sign a declaration regarding convictions or pending cases since the issue of the disclosure.

BF(LC)

5.4 Existing drivers will be required to submit a new DBS disclosure application every 3 years or as required by

the Licensing Section. There is a fee to be paid for checks made by the Disclosure and Barring Service.

BF(LC)

5.5 All licensed drivers are required to report details of **any** convictions, cautions or fixed penalty fines imposed within 28 days of the conviction, acceptance of the caution or issue of the fixed penalty. Details should be entered on the 'Notification of Conviction, Caution or Fixed Penalty' which is available at www.bracknell-forest.gov.uk/licensing and by hard copy on request.

BF(LC)

5.6 All applicants who do not hold a UK passport and have not been resident in the UK for the previous 5 years are required to obtain a certificate of good conduct or equivalent from their relevant Embassy or High Commission.

BF(LC)

5.7 Applicants must have held a full DVLA/EU/EEA driving licence for at least 1 year prior to application. Driving licences (originals only, photocopies will not be accepted) must be produced at the time of each application.

BF(LC)

5.8 All new drivers will be required to provide a DVLA check code so the Council can verify their driving licence details. This check will be required to be provided on each application form and at any other time on request by the Licensing Team.

BF(LC)

5.9 Section 57(2a) requires applicants to produce a certificate signed by a registered medical practitioner to the effect that they are physically fit to be the driver of a Hackney Carriage or Private Hire Vehicle.

LG(MP)A s57(2a)

5.10 A medical certificate on the prescribed BFBC form must be supplied with the first application. On attaining the ages of 50 years, 55 years, 60 years and 65 years of age, and thereafter at yearly intervals a further certificate must be supplied and at any other time that the Council's Medical Adviser shall direct. The DVLA Group 2 Medical Standards apply. In the case of insulin-treated diabetics, the DVLA Group 2 Standards for drivers of category C1 vehicles apply. Further details are available on request from the Licensing Section.

BF(LC)

5.11 A medical will only be valid for the application process for a period of 12 months from its date of issue. Should an application not be completed within that period of time, a new medical declaration must be obtained.

BF(LC)

5.12 All licensed drivers are required to notify the Licensing Section in writing within 7 days of any medical condition which may impact on their fitness to drive a vehicle. The Council may require the driver to undergo a medical to ensure that they are medically fit to drive.

BF(LC)

5.13 All new applicants for driver licences must take and pass the appropriate practical driving assessment(s) from the Council's list of approved providers. The assessment certificate will only be valid for the application process for a period of 36 months from its date of issue.

BF(LC)

5.14 All new licensed drivers are required to attend a First Aid Course run by the Council, unless they can provide proof that they have passed a recognised First Aid course within the last five years.

BF(LC)

5.15 All licensed drivers are required to attend a First Aid course five years after the date of their initial course, or when their current certificate expires.

BF(LC)

5.16 Where a driver fails to attend a First Aid course without reasonable excuse, their licence will be suspended until the course is attended. Failure to attend a booked course will mean a further fee is required to be paid to make a new booking.

BF(LC)

5.17 From 1 April 2017, all new applicants for a driver or operator licence must complete safeguarding training prior to the issue of a licence. Existing drivers and operators must complete the training prior to the next renewal of their licence. Once passed, the training must be retaken by all licensed drivers and operators within a 3 year period.

BF(LC)

5.18 All licensed drivers are required to wear their driver's badge in a prominent position and manner so that it is plainly and distinctly visible.

LG(MP)A s54

5.19 A driver may display the badge within the vehicle in a prominent position and manner so that it is plainly and distinctly visible.

BF(G)

5.20 Any change of details (name or address) must be notified to the Licensing Section within 7 days using the appropriate form, which is available from Reception.

TPCA s44

5.21 Licensed drivers may not initiate any dialogue of a sexual nature with a passenger, including by telephone contact, social media, email or any other form of communication. Licensed drivers are not permitted to have sexual contact, even with consent, with a passenger whilst on duty or in a licensed vehicle.

BF(LC)

5.22 Drivers must not drink or eat whilst driving, nor should they use any hand-held mobile phone, PDA, or any other device which may cause their attention to be distracted.

BF(LC)

5.23 The driver shall at all times be clean and respectable in their dress and person and behave in a civil and orderly manner.

BF(LC)

5.24 Any private hire driver not registered with an operator upon the renewal of their licence shall be permitted to renew their licence, but their badge and licence will be retained by the Council until they are registered with an operator licensed by the Council.

BF(G)

6. Knowledge Test

6.1 All new drivers will be required to take and pass a written knowledge test. Chauffeur driver and Home to School driver applicants will be exempt from the geographical section of the knowledge test only.

LG(MP)A s51

6.2 All applicants will be tested on the laws relating to the licence that they have applied for, the conditions laid down in the Guidance Book, and their geographical knowledge of locations in the area. In addition, Hackney Carriage drivers will be given an oral test of specific routes to destinations in the Borough. If the applicant fails the test, they may re-take it but will be charged for any subsequent test. A pass mark of 80% applies to all sections.

BF(LC)

6.3 Any new private hire operator licence applicant who is not already a licensed driver, or applying to be a licensed driver, must pass the private hire knowledge test (theory section only) prior to an operator licence being granted.

BF(LC)

6.4 Any applicant who may require assistance in reading or understanding the test should notify the invigilator at the beginning of the test.

BF(G)

7. Unauthorised Drivers

7.1 It is an offence to allow an unlicensed driver to drive a Hackney Carriage or a Private Hire vehicle. A licensed vehicle is licensed for 365 days a year and can only be driven by licensed drivers at all times.

LG(MP)A s46

8. Vehicle Licence - Requirements

8.1 All vehicles must be passed as fit by a Vehicle Inspector at an authorised garage.

LG(MP)A s68

8.2 Vehicles submitted for inspection **must** be in a clean condition throughout including the underside and

engine compartments. The authorised garage has the right to refuse inspection if they are of the opinion the vehicle is not in a clean condition. In such circumstances the vehicle will require a new inspection appointment which may necessitate a new inspection fee.

BF(LC)

8.3 The vehicle should be maintained in a clean and comfortable condition at all times.

BF(LC)

8.4 Licensed vehicles are smokefree at all times.

Smoke-free Regulations 2007

8.5 A vehicle may only be licensed by one local authority at any given time.

BF(G)

9. Age of Vehicle

9.1 A vehicle submitted for initial licensing must be less than 5 years old from date of first registration. The maximum age of a vehicle that may continue to be licensed is 8 years from date of first registration for all types of private hire vehicle, and 10 years for hackney carriages.

LG(MP)A s47 and 48

BF(LC)

9.2 A vehicle which meets the criteria to be licensed with a dispensation may be submitted for initial licensing if it is less than 9 years old provided that it meets the “exceptional condition” criteria detailed in Appendix G and has travelled less than 150,000 miles.

LG(MP)A s48

BF(LC)

9.3 In cases where a vehicle has done an abnormally low mileage and is in exceptional condition, it may, on application, be granted an extension on the age limit. Any such application must be received in writing by the Licensing Team at least 3 months prior to the date upon which the vehicle reaches its age of vehicle expiry date. The vehicle may be subjected to a visual inspection. For more details please see Appendix G. The vehicle owner will receive a decision in writing within 10 working days after the inspection. Any extensions granted may be subject to certain conditions.

BF(LC)

10. Type of Vehicle

10.1 All hackney carriages must be wheelchair accessible, i.e. capable of accommodating a disabled person in a DfT reference wheelchair in the passenger compartment.

*LG(MP)A s47
BF(LC)*

10.2 All vehicles that are designed to accommodate wheelchair users must have all modifications and adaptations, including all seats, seat belts and anchorages, retested to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval in the M1 category (evidence of this must be produced). Those taxis which have not been “type approved” to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category. Vehicles may be inspected for suitability by an officer. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.

BF(LC)

10.3 Private Hire Vehicles shall have a minimum of four doors and be capable of carrying at least 4 passengers.

*LG(MP)A s48
BF(LC)*

10.4 A Private Hire vehicle must not be of such design or appearance as to lead any person to believe it is a Hackney Carriage.

LG(MP)A s48

10.5 From 1 April 2014, new vehicle licences shall only be issued for vehicles which fall within the following Euro NCAP categories:

- (i) Large family
- (ii) Executive
- (iii) Small MPV (for 4 passengers only)
- (iv) Large MPV
- (v) Large Off-Road 4x4

Any vehicles which do not fall within the appropriate Euro NCAP may be considered for licensing on a case by case basis. In particular it is envisaged that exceptions could be made for 'green' vehicles such as the Toyota Prius. However these vehicles will only be licensed for an appropriate number of passengers depending on the number of seats and internal dimensions of the vehicle, with a minimum seat width and depth of 16" (41cm) per passenger. It is recommended that prior to purchasing any such vehicle, advice be sought from the Licensing Team.

BF(LC)

10.6 Where the vehicle is an estate car, a guard must be fitted to prevent luggage entering the passenger compartment in an emergency stop. Roof racks may only be used when excess luggage is to be carried. Please see section 15 regarding the use of trailers.

BF(LC)

10.7 A vehicle can only be licensed to carry up to a maximum of 8 passengers. Any licence issued relates to a number of persons to be carried regardless of weight, age or size, and to exceed that number is an offence.

LG(MP)A s30

10.8 Some purpose-built vehicles can carry up to 8 passengers including those seated in wheelchairs. In this case, each seat and person seated in a wheelchair count in respect of seating capacity.

LG(MP)A s80

10.9 A stretched limousine vehicle modified and issued with a certificate under either the

- (i) Lincoln Qualified Vehicle Modifier Scheme or
- (ii) Cadillac Master Coachbuilder Scheme

would be acceptable for presentation and licensing as a Private Hire vehicle.

BF(G)

10.10 All licensed vehicles (except for private hire vehicles with a dispensation) must meet the following requirements:

- (i) Light transmitted through the **windscreen** must be at least 75%
- (ii) **All other windows (both front and rear)** must allow at least 70% of light to be transmitted

Setting an approved level of tint on the rear passenger windows of licensed vehicles ensures that applicants have no doubt as to what vehicles can be purchased as well as maintaining high safety standards. Many vehicles are used for the carriage of children and vulnerable persons and excessively tinted windows may lead to activities taking place in the vehicle not being visible to persons outside,

which poses a risk to both passengers and drivers, and vulnerable passengers such as lone females will feel safer in a vehicle where they can be seen. Officers need to be able to ensure the maximum number of passengers is not being exceeded. In addition, excessively tinted glass may restrict the vision of the driver, especially in dark conditions, which may prevent the driver from seeing other road users or pedestrians.

BF(LC)

10.11 Where currently licensed vehicles as from 11 October 2013 have factory tinted/privacy glass fitted and are able to provide documentary evidence of this, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy.

BF(LC)

10.12 Where currently licensed vehicles as from 11 October 2013 have had a tinted film fitted to the vehicle (i.e. not factory fitted at time of manufacture), they will be required to have the film removed prior to the next vehicle inspection. Failure to do so will result in the vehicle failing the inspection.

BF(LC)

11. Carriage of Goods or Packages

11.1 The driver of a vehicle is under a duty of care to the passengers to ensure that they travel safely. The carriage of goods or packages in the interior of the vehicle may put passengers and drivers at risk of injury if the items are not properly secured. Ideally they should be located in an area outside the passenger compartment, e.g. the boot, or in vehicles with a separate driver area, in the footwell adjacent to the driver. If goods are carried in the passenger compartment and a passenger suffers harm due to the presence of the goods, the driver may be

liable to pay damages to the passenger. Drivers are strongly advised to check with their insurance company, to avoid carrying any loose goods in the passenger compartment, and to explain clearly to passengers the risk they face in having such goods in the compartment.

BF(G)

12. Lost Property

12.1 The driver should carefully search the vehicle for any property which may have accidentally been left behind after each journey. Any items found should be handed into the nearest Police station as soon as practicable. The driver should notify any operator of the vehicle.

BF(G)

13. Insurance and MOT Certificate

13.1 It is the responsibility of the owner of the vehicle to ensure that current insurance and an MOT certificate are in place for a licensed vehicle.

LG(MP)A s57

13.2 Insurance cover must be continuously maintained. A cover note or certificate of insurance must be produced to the Licensing Section prior to or on the day of expiry of the previous certificate.

BF(LC)

13.3 For vehicles insured under a fleet policy or temporary cover note, and temporary replacement vehicles, the vehicle licence holder must ensure that a copy of the vehicle insurance document is retained in the vehicle at all times and made available on demand.

BF(LC)

13.4 A valid MOT certificate must be submitted at the request of an authorised officer. Please note that the

vehicle inspection carried out by the authorised garages include the elements of an MOT.

BF(LC)

14. Vehicle Inspection

14.1 Vehicles up to 5 years old from the date of first registration at DVLA will be subject to an annual inspection. Once a licensed vehicle reaches 5 years old from date of first registration, it will require an inspection within the next 6 months, and will be subject to 6-monthly inspections thereafter.

BF(LC)

14.2 For a vehicle solely engaged in home/school transport, once the vehicle reaches 5 years old from date of first registration, it will require an inspection within the next 6 months and will be subject to 6-monthly inspections thereafter, unless it is demonstrated that the vehicle is covering less than 8000 miles per year.

BF(LC)

14.3 The owner of the vehicle is responsible for ensuring that inspections are carried out as and when required. Details of the authorised garages are available on request or at www.bracknell-forest.gov.uk/licensing.

LG(MP)A s68

BF(LC)

14.4 Any vehicle licence issued contains the date when the next inspection is due. It is the responsibility of the owner to make the necessary arrangements directly with one of the authorised garages to ensure the inspection is carried out. If an inspection is not carried out by the due date, the licence will be suspended until such a test has been passed.

BF(LC)

14.5 Any failure for an MOT matter will be an immediate failure. Non-MOT matters and MOT advisories will be reported to the Licensing Officer who will contact the licence holder and decide on a course of action on a case by case basis.

BF(LC)

14.6 It is a requirement that a spare wheel/wheel-changing equipment must be carried at all times, unless all 4 wheels are using 'run flat' tyres which have been approved by an authorised officer of the Council.

BF(G)

15. Equipment

15.1 Every licensed vehicle shall be fitted with a 1kg BC dry powder type fire extinguisher, which must be kept full and ready for immediate use. It should be securely restrained to prevent damage or accidental discharge and must be marked in permanent ink with the vehicle licence plate number. The extinguisher must comply with BSEN3 (European Standard). It must be serviced in accordance with BS5306 on an annual basis, and a record kept for inspection by authorised officers.

LG(MP)A s48(2)
BF(LC)

15.2 Every licensed vehicle shall carry a first aid kit in such a position as to be readily visible and available for immediate use in an emergency. The First Aid kit shall at a minimum contain the recommended contents for a travelling worker as suggested in the HSE Guidance leaflet L74 "First Aid at Work":

- HSE leaflet " Basic Advice on first aid at work"
- 20 individually wrapped sterile plasters (assorted sizes)
- 2 sterile eye pads

- 6 medium and 2 large individually wrapped unmedicated wound dressings
- 4 individually wrapped triangular bandages (preferably sterile)
- 6 safety pins
- 1 pair of disposable gloves.

It is advised not to include ointments or painkillers in the first aid kit.

*LG(MP)A s48(2)
BF(LC) & BF(G)*

15.3 Every licensed vehicle shall carry a replacement bulb kit appropriate to the vehicle.

BF(LC)

16. Use of Mobile Phones and Radios

16.1 Only one two-way radio with a single frequency may be operational at any one time and this shall be an approved radio used exclusively for the hackney carriage/private hire trade and properly licensed with an effective radio power (ERP) **NOT** exceeding 25 watts.

*Wireless Telegraphy Act 1949
BF(LC)*

16.2 A hand-held mobile phone or radio handset must not be used whilst the vehicle is in motion. It is a criminal offence to use a hand-held mobile phone whilst driving. A driver can also be prosecuted for using a hands-free device if they are not in proper control of their vehicle. Drivers must not stop on the hard shoulder of a motorway to answer or make a call unless it is to dial 999.

RTA

17. Signs

17.1 All licensed vehicles must display 'No Smoking' signs in each compartment.

Smoke-free (Signs) Regulations 2007

17.2 Private hire vehicles must not display a roof sign.

BF(LC)

17.3 Private hire vehicles may display signs on the front doors, provided the sign does not exceed 50cm length and 25cm height, and contains the operator name and telephone number and the words 'Advance Bookings Only'. No other words, devices or logos are permitted.

LG(MP)A s48(2)

BF(LC)

17.4 The sign may be attached by means of adhesive transfer or magnetic catches, and must be submitted for approval by the Licensing Section before being used.

BF(LC)

17.5 Hackney Carriages must display a roof sign with the word "TAXI", which **must** be illuminated when plying for hire. Door signs may be displayed complying with the conditions listed above, but excluding the words "Advance Bookings Only". The TAXI roof sign may only be removed with permission of the Council or when working outside the Borough.

BF(LC)

LG(MP)A s47(2)

17.6 All hackney carriages which display liveried advertising on the vehicle must apply for approval to ensure the advertisement meets the criteria detailed in Appendix F. A fee is payable for this application, and an inspection of the vehicle will be required.

BF(LC)

18. Identification Plates/Screen Stickers

18.1 Licence plates must be securely fixed to the rear of the vehicle either by directly fixing it to the bumper or on a secure bracket. The screen sticker must be displayed in the lower nearside corner of the front windscreen. It is an offence not to exhibit the licence plate and screen sticker.

*TPCA s51
LG(MP)A s48(6)
BF(LC)*

18.2 The vehicle licence must be carried within the vehicle and be available for inspection by an authorised officer.

BF(LC)

19. Private Hire Vehicle Dispensation

19.1 The Council may grant a dispensation to certain private hire vehicles which are engaged **solely** in chauffeur/corporate/executive work. No payments should be made directly to the driver of such vehicles.

BF(LC)

19.2 A licence plate will not be required to be fixed to the vehicle; however, the licence plate and dispensation certificate must be carried at all times.

LG(MP)A s75(3)

19.3 From 1 April 2014, new dispensations shall only be issued to vehicles of the following Euro NCAP categories:

- (i) Executive
- (ii) Large Off Road 4x4

Any vehicles which do not fall within these categories will be considered for dispensation on a case by case basis. It is recommended that prior to purchasing any such vehicle

advice be sought from the Licensing Team, but as a basic guide, officers will look for the following criteria to be met:

- The vehicle interior and exterior shall be of the highest quality in design and use of materials available
- The vehicle should carry no more than:
 - (a) one passenger in the front, and
 - (b) three passengers in the rear unless it is specifically designed or adapted to do so;
- Must have sufficient space for passengers as follows:
 - (a) rear height (seat to roof, measured from point of contact between seat cushion and back of seat) - 36" (91cm)
 - (b) depth of seat - 20" (51cm)
 - (c) knee space - (back of seat squab) with front seats fully back – 29" (73.5cm)
 - (d) seat width for each passenger - at least 19" (48.2cm).

BF(LC)

LG(MP)A s48(1)(a)(i)

19.4 The screen sticker must still be displayed in the front windscreen at all times. Failure to comply will result in the loss of the dispensation.

LG(MP)A s48(2)

BF(LC)

20. Restricted Private Hire Licence Provisions

20.1 All vehicles and drivers operating for hire or reward must be licensed by the local authority.

LG(MP)A s46(1)(a)

20.2 For drivers and vehicles engaged **solely** in the transport of children from home to school, a specific Home to School transport driver licence is available.

BF(G)

20.3 For drivers of private hire vehicles which are engaged **solely** in chauffeur/corporate/executive work **and** have a dispensation issued by the Council, a specific Chauffeur driver licence is available.

BF(G)

20.4 The Council has discretion to allow vehicles that do not conform to certain private hire vehicle requirements to be licensed as Home to School transport vehicles.

LG(MP)A s48

BF(G)

20.5 Drivers and vehicles must comply with all other requirements as stated in this document.

BF(LC)

21. Transfer of Vehicles to New Owners

21.1 The licence is issued in respect of a specific vehicle, and cannot be transferred to another vehicle without notice to the Council.

LG(MP)A s49(2)

21.2 Any owner transferring a licensed vehicle to a new owner must inform the Licensing Section in writing within 14 days of the transfer.

LG(MP)A s49(1)

21.3 It is the responsibility of the new owner to ensure that a transfer application is made, and to provide documentation as required for the issue of a new licence.

LG(MP)A s49(2)

22. Accidents

22.1 If a licensed vehicle is involved in an accident, even if there is only minor damage to the vehicle, the proprietor must inform the Licensing Section in writing

within **72 hours** to allow the vehicle to be inspected and the damage assessed.

LG(MP)A s50(3)
BF(LC)

22.2 A vehicle licence will be suspended where major works are required. These repairs must be completed before the expiration of 2 months otherwise, by virtue of Section 68 of the 1976 Act, the vehicle licence shall be deemed to have been revoked.

LG(MP)A s68

22.3 With regard to minor damage, repairs should be effected within a period of 28 days of the incident otherwise the vehicle licence will be suspended until repairs have been completed to the satisfaction of the Licensing Officer.

BF(LC)

22.4 A temporary replacement vehicle will generally be required to be of a similar specification and standard as the vehicle it is replacing.

BF(G)

22.5 A temporary replacement vehicle will usually only be licensed under the original vehicle licence for a maximum of 2 months, to allow for repairs to be carried out on the original vehicle as mentioned previously in this section. The usual application process applies.

BF(LC)

23. Taximeter

23.1 Licensed vehicles equipped with a taximeter of approved design (compulsory for a Hackney Carriage, but optional for a Private Hire Vehicle) may be required to be submitted for a meter test before a licence is issued, and as and when required by the Council.

BF(LC)

23.2 A certificate of calibration provided by the taximeter installer may be required on issue of a licence or when the seal is damaged or missing.

BF(LC)

23.3 The meter **must not** incorporate any other licensing authority's fare structure.

BF(LC)

23.4 If a meter has to be re-submitted for testing, a charge will be made.

BF(G)

23.5 Where a meter is fitted to **any** licensed vehicle, that meter must be used for the charging of any journeys that start and finish within the Borough. A current tariff card must be displayed within the vehicle.

BF(LC)

23.6 All licensed vehicles must have a programmed calendar date meter fitted. It must not be possible to change the tariff by manual operation.

BF(LC)

24. Authorised Table of Fares

24.1 Under Section 65(1) 'a district council may fix the rates or fares within the district as well as for time and distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table made or varied in accordance with the provisions of this section'.

LG(MP)A s65(1)

24.2 In the case of journeys ending outside the Borough where a prior agreement has been reached with the hirer, a lesser fare may be charged. Any fares charged MUST NOT be higher than that which would have been authorised in the Fares Table.

LG(MP)A s66

24.3 If a Hackney Carriage is used under a contract for private hire, it must not charge more than the fixed rate in the authorised fare table.

LG(MP)A s67

24.4 A charge is to be calculated from the point in the controlled district where the hirer commences his/her journey.

LG(MP)A s67

24.5 Any proposed variation to Hackney Carriage fares will be advertised by a notice published in a local newspaper, stating the proposed fares or variation of the fares. The notice will specify a date not less than 28 days from the date of the notice to allow any objections to be lodged.

LG(MP)A s65(2a)

24.6 A copy of the notice will also be available at the Council offices for inspection, free of charge during council opening times.

LG(MP)A s65(2b)

24.7 If no objections have been received when the 28 days have expired, the new fares will take effect.

LG(MP)A s65(3)

24.8 If objections are made and not then withdrawn, the Licensing and Safety Committee will consider the objections before setting the fare.

LG(MP)A s65(3)

25. Plying for Hire – Hackney Carriages

25.1 The penalty for plying for hire without a Hackney Carriage licence applies to both the owner and person in charge of the vehicle.

TPCA s45

25.2 “Plying for Hire” means either standing at a duly authorised rank in a street, railway station or on railway premises, on private property or driving within the Borough, exhibiting to the public that the vehicle is available for hire. Only licensed Hackney Carriages may “ply for hire”.

TPCA s45

26. Guide and Assistance Dogs

26.1 Drivers of licensed vehicles must carry a disabled person’s assistance dog and allow it to remain with that person. It is an offence for the driver of a licensed vehicle to refuse to carry an assistance dog unless the driver has a medical exemption certificate. It is also an offence to make any additional charge for the carrying of an assistance dog.

Equality Act s168 and 170

26.2 It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle

BF(G)

26.3 It is an offence for the operator of a private hire vehicle to fail or refuse to accept a booking for the vehicle if the reason for the failure or refusal is because the hirer or a person accompanying the hirer is disabled person who will be accompanied by an assistance dog. It is also an offence to make any additional charge for the carrying of an assistance dog.

Equality Act s170

26.4 Medical exemption certificates are issued by the Council and details upon how to apply are available on request from the Licensing Section. Drivers, in making an application for an exemption, will need to provide medical evidence to support it. Drivers must place the notice of exemption in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard.

Equality Act s169

26.5 Evidence must be provided by a medical practitioner; we would normally expect this to be the applicant's GP. If the exemption is being applied for on the grounds of a chronic phobia to dogs, the report must be provided by a psychiatrist or clinical psychologist.

BF(LC)

27. Carrying Disabled Passengers

27.1 Under Section 167 of the Equality Act 2010 the Council publishes a list of designated accessible vehicles which are available to carry passengers in their wheelchair. The duties of the driver of any designated vehicle are as follows:

- (a) to carry the passenger while in the wheelchair;
- (b) not to make any additional charge for doing so;
- (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- (d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- (e) to give the passenger such mobility assistance as is reasonably required.

The driver of any designated vehicle commits an offence by failing to comply with any of these duties.

Equality Act s165

27.2 Upon application to the Council, the driver of a designated vehicle may be issued with a certificate exempting them from these duties on medical grounds or on the grounds that the person's physical condition makes it impossible or unreasonably difficult to comply with these duties.

Equality Act s166

27.3 Drivers, in making an application for an exemption, will need to provide medical evidence to support it. Evidence must be provided by a medical practitioner; we would normally expect this to be the applicant's GP.

BF(LC)

27.4 If the vehicle has a meter, this should not be left running whilst the driver performs duties required by the Act, or while the passenger enters, leaves or secures their wheelchair within the passenger compartment.

Equality Act s165

27.5 Drivers should provide assistance such as folding manual wheelchairs and placing them in the luggage compartment, installing the boarding ramp, or securing a wheelchair within the passenger compartment.

BF(LC)

27.6 Depending on the weight of the wheelchair and the capability of the driver, reasonable mobility assistance could also include pushing a manual wheelchair or light electric wheelchair up a ramp, or stowing a light electric wheelchair in the luggage compartment.

BF(G)

27.7 All rear access wheelchair-accessible vehicles are to only pick up and set down wheelchair users in a location where it is safe to do so.

BF(G)

28. Supervision

28.1 An authorised Officer of the Council has the power at all reasonable times to inspect and test for fitness any vehicle licensed by the Council or any taximeter fitted in a licensed vehicle. If the officer is not satisfied as to the fitness of the vehicle or as to the accuracy of the taximeter, the proprietor or driver will be required to make the vehicle or taximeter available for further inspection and testing and the vehicle licence may be suspended until such time as the officer is satisfied as to its fitness.

LG(MP)A s68

28.2 If the vehicle is not made fit within 2 months, the vehicle licence will be automatically revoked.

LG(MP)A s68

28.3 Vehicles and drivers may be subject to spot checks carried out by authorised Officers.

LG(MP)A s68

28.4 It is an offence to wilfully obstruct an authorised Officer or fail to give such assistance or information as may be required or to comply with any reasonable requirement. It is also an offence to give false information.

LG(MP)A s73(1)

29. Operator Licences

29.1 An Operator Licence is required for the purpose of making provision for the invitation or acceptance of bookings for a private hire vehicle.

LG(MP)A s55

29.2 An operator can only use vehicles and drivers licensed by the same authority as the operator.

LG(MP)A s46

29.3 All bookings must be made through an operator with a fixed base holding the required operator licence (not through a mobile phone number).

*LG(MP)A s55
BF(LC)*

29.4 Under health and safety legislation, employer's liability insurance is required. Any premises that provide access to members of the public should also be covered by public liability insurance. As a rule of thumb, if the operator supplies the tools of the trade, for example the supply of a vehicle to a driver, or in the case of office-based personnel the radio equipment, they have a liability. The operator is responsible for ensuring that adequate liability insurance is in place. Insurance documentation should be available for inspection at any reasonable time by an authorised Officer.

*LG(MP)A s55
BF(LC)*

29.5 Only trading or company name(s) that are written on the operator licence, or other trading name approved by the Council in writing, shall be used for trading in the Borough of Bracknell Forest. No new operator (licensed from 6 January 2017) shall be permitted to use a trading name containing the words 'Taxi' or 'Cab' unless the firm uses predominantly hackney carriages to fulfil bookings.

BF(G)

29.6 All licensed operators are required to report details of **any** convictions, cautions or fixed penalty fines imposed within 28 days of the conviction, caution or fixed penalty. Details should be entered on the 'Notification of Conviction, Caution or Fixed Penalty' which is available at www.bracknell-forest.gov.uk/licensing and by hard copy on request.

BF(LC)

29.7 The operator shall not knowingly or recklessly employ anyone as a controller to receive bookings and despatch vehicles, who has been deemed 'not fit and proper', by any local authority, to hold a private hire operator, private hire driver or dual/hackney carriage driver's licence, unless approved by the Council.

BF(LC)

29.8 Planning approval may be required for any premises used as a private hire operator base, including residential properties. The applicant or licence holder is responsible for making enquiries to ascertain whether approval is required.

BF(G)

29.9 If an operator wishes to move to a new base, they should ensure the appropriate planning permission is in place and submit an application for a new operator licence for the new address. If the new licence is granted, the old licence may then be surrendered for a pro-rata refund.

BF(G)

30. Responsibility of Proprietor or Operator

30.1 The Council will hold the owner or proprietor of a Hackney Carriage or the owner or operator of a Private Hire vehicle responsible for the general condition and roadworthiness of the vehicle(s), and for ensuring that drivers are familiar with all conditions, legislation and byelaws regulating the operation of vehicles.

BF(G)

30.2 In certain instances therefore the proprietor or operator may be subject to enforcement action as a result of an offence committed by the driver of their vehicle.

LG(MP)A s50

30.3 The Council will take into account the circumstances of each offence and how far the proprietor has carried out their obligations in deciding whether to take any action against the proprietor.

BF(G)

30.4 The records required to be kept by the operator shall be kept in a manner, whether written or on a computer, which enables them to be examined or audited. The operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:

- a) Time and date of booking
- b) Name of the hirer
- c) How the booking was made (e.g. telephone)
- d) Price quoted for booking
- e) Time of pick-up
- f) Point of pick-up
- g) Destination
- h) Time at which a driver was allocated to the booking
- i) Driver's badge number or call sign of the vehicle allocated to the booking
- j) Remarks (including full details of any sub-contract).

LG(MP)A s56(2)

BF(LC)

30.5 All records kept by the operator shall be preserved for a period of not less than 6 months following the date of the last entry.

BF(LC)

30.6 The operator shall at all reasonable times provide authorised officers of the Council and the Police with any information necessary for the purpose of checking booking records. Whenever the company office is open for accepting bookings, the operator shall ensure that there is

an authorised member of staff present who has received suitable and sufficient training and instruction concerning the provision of information required, including the ability to satisfactorily and competently operate any computer system used for the purpose.

BF(LC)

30.7 The operator shall also keep the following records of the drivers and vehicles operated by him, which should be kept available at the base for inspection by an authorised officer or supplied to an authorised officer upon reasonable request:

- a) List of owner and all drivers of each licensed vehicle
- b) Copy of vehicle licence for all vehicles operated
- c) Copy of driver licence for all drivers operated
- d) Copy of insurance/inspection/MOT/DVLA driver licence
- e) List of all radio call signs used with names of drivers.

BF(LC)

30.8 Any changes in drivers or vehicles shall be notified to the Licensing Team in writing within 48 hours.

LG(MP)A s56 (3)

BF(LC)

30.9 The operator shall provide a prompt efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:

- Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall (unless delayed or prevented by sufficient cause) punctually attend at that appointed time and place. Where possible, the operator should contact the customer and inform them of any delay.

- Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public has access whether for the purpose of booking or waiting, and ensure that any waiting area provided by the operator has adequate seating facilities.
- Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- The use of Citizen Band Radio transmitter/ receiver will not be permitted in a licensed vehicle.

*LG(MP)A s55(3)
BF(G)*

31. Suspension, Revocation or Refusal of Licences

31.1 Any contravention will be dealt with in accordance with the Enforcement Policy (see Appendix D).

BF(G)

Vehicle Licences

31.2 The Council may suspend, revoke or refuse to renew a vehicle licence on any of the following grounds:

- The licensed vehicle is unfit for use as a Hackney Carriage or Private Hire vehicle

LG(MP)A s60

- Any offence under, or non-compliance with, the provisions of the 1847 or 1976 Acts by the proprietor, operator or driver.

*TPCA
LG(MP)A s60*

- Any other reasonable cause.

LG(MP)A s60

Driver Licences

31.3 The Council may suspend, revoke or refuse to renew a driver's licence on any of the following grounds:

- That he/she has since the granting of the licence:
 - been convicted of an offence involving dishonesty, indecency, violence, or driving with excess alcohol;
 - been convicted of an offence under or has failed to comply with the provisions of the 1847, 1976 and 1991 Acts as amended; or
 - any other reasonable cause.

LG(MP)A s61

Operator Licences

31.4 The Council may suspend, revoke or refuse to renew an operator's licence on any of the following grounds:

- any offence, misconduct under, or non-compliance with, the provisions of Part II of the 1976 Act as amended;
- any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
- any other reasonable cause.

LG(MP)A s62

32. Appeals Procedure

32.1 Where a new or renewal licence application is refused, the applicant has a right of appeal to the Magistrates' Court, or to the Crown Court for Hackney Carriage vehicle licence applications. Where an existing licence is suspended or revoked, the licence holder has a

right of appeal to the Magistrates' Court. An appeal must be lodged with either Court within 21 days of notification of the refusal, suspension or revocation.

LG(MP)A s52

32.2 Where officers are minded to refuse a new licence application, the applicant will be offered the opportunity for the matter to be determined by a Panel of members drawn from the Licensing and Safety Committee. If referred, the applicant will be informed in writing of the date and time, and will receive information on their rights and the process of the hearing.

BF(G)

32.3 Where a licence has been revoked, but the situation which led to the revocation is resolved, the Council will aim to reinstate the licence as soon as practicable. A new application will be required. Existing documents which remain valid from the previous licence will normally be transferred to the new application, but updated documents may be requested by the licensing officer as determined on a case by case basis. The usual licence fee will be payable and the licence will be issued for the usual licence period. In exceptional circumstances, such as the licence being revoked pending the outcome of a Court Case, no further fee will be payable but the licence will simply be reissued for the period that the revoked licence had left to run.

BF(G)

33. Return of Licences

33.1 On the suspension, revocation or expiry of a vehicle licence, the proprietor must return the licence plate and screen sticker to the Council within 7 days of receipt of notice. Failure to do so can render the proprietor liable on summary conviction to a fine. Any authorised officer of the Council or a Police Officer shall be entitled to remove

and retain the licence plate or screen sticker in such cases.

LG(MP)A s58

33.2 On the suspension, revocation or expiry of a driver's licence, the driver must return the badge and licence to the Council on demand. Any authorised Officer of the Council or a Police Officer shall be entitled to retain the licence in such cases.

LG(MP)A s58

33.3 Where any licensed driver is disqualified from driving for any such reason, he/she shall immediately return his driver's licence and badge to the Council.

LG(MP)A s61(2)

33.4 Badges, plates and licences remain the property of the Council at all times.

BF(LC)

34. Offences

34.1 As well as the suspension or revocation of licences, it may be that the circumstances amount to a criminal offence. In such a case a prosecution for these may also be appropriate.

LG(MP)A and/or TPCA

35. Seat Belts and Child Seats

35.1 Hackney Carriage drivers are exempt by virtue of Regulation 5(h) of the Motor Vehicles (Wearing of Seat Belts) Regulations 1982, providing they are seeking hire, answering a call for hire or carrying a passenger for hire, and the vehicle is carrying a plate showing it is a licensed Hackney Carriage. A similar exemption applies to a Private Hire Vehicle provided it is being used to carry a passenger for hire.

Motor Vehicles (Wearing of Seat Belts) Regulations 1982

35.2 Notwithstanding the legal requirements, where vehicles are fitted with a front passenger seat air bag, the driver must be aware of any manufacturer's instructions in relation to the age and height of the person sitting in the front seat. A failure by a driver to take account of those instructions may be regarded as a breach of their duty of care to customers.

*RTA
BF(G)*

35.3 Children must normally use a child car seat until they're 12 years old or 135 centimetres tall, whichever comes first. At the time of printing this document, children can travel in a licensed vehicle without a child car seat, but only if they travel on a rear seat:

- and wear an adult seat belt if they're 3 or older
- without a seat belt if they're under 3

The current law on the use of child car seats can be found at <https://www.gov.uk/child-car-seats-the-rules/when-a-child-can-travel-without-a-car-seat>.

36. Complaints

36.1 Complaints received from members of the public regarding the service and conduct of drivers/vehicles and operators will be considered, and where appropriate, investigated by the Licensing Officer.

BF(G)

37. Service Standards

37.1 Within 2 clear working days of receipt of all documentation necessary to make a decision upon a licence application, we aim to:

- issue all the necessary documents, badges or plates, and notify you that they are ready for collection; or

- advise you of the reason for a delay or, in some cases, the reason for refusal.

BF(G)

37.2 Some applications require us to make enquiries of other agencies and they may take over 4 weeks to supply the necessary information.

BF(G)

37.3 When making an application, you are required to provide information and documentation as detailed on the application form. A failure by you to provide this will unnecessarily delay the decision on your application. Certain documents must be provided together at the same time and unless they are received as required, they will be returned to you and the application will be delayed until they are provided as requested.

BF(G)

37.4 Information provided on application forms is held on a database and will only be disclosed to other agencies where there is a legal requirement to do so.

BF(G)

37.5 Where new licence conditions are being considered, the Council will look to consult the trade. Where conditions are revised in line with new legislation, every effort will be made to advise the trade. Where a new condition is applied to a licence, the licence holder is entitled to appeal to a Magistrates' Court within 21 days of that application of the condition.

BF(G)

How to contact the department:

If you have any queries about an application or licensing matter, it is recommended that you contact the Customer Service Centre in person or by phone. In some cases they will be able to assist you, but if not then they will make arrangements for you to speak to a member of the Licensing Team to deal with your enquiry. For a definitive answer on licence requirements you should speak to a Licensing Officer.

Visit: Customer Service Centre at Time Square, Market Street, Bracknell. The office is open from 8.30am to 5.00pm Monday to Friday.

Telephone: 01344 352000

Email: licensing@bracknell-forest.gov.uk

Write to: Licensing Section, Time Square, Market Street, Bracknell, RG12 1JD

Find us online: www.bracknell-forest.gov.uk/licensing

Hackney Carriage and Private Hire Licensing Criminal Convictions Policy

1. Introduction

1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the Council when determining whether an **applicant** or an **existing licence holder** is a fit and proper person to hold a hackney carriage and/or private hire vehicle driver's licence or a private hire vehicle operator's licence.

1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public
- That the public are safeguarded from a dishonest person
- That children, young persons and vulnerable adults are safeguarded.

1.3 This policy provides guidance to any person with an interest in hackney carriage and private hire licensing; in particular, but not exclusively:

- Applicants for drivers and operator licences
- Existing licensed persons 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.

1.4 Where licensing officers or the Licensing Panel have delegated powers to grant, revoke or suspend licences, they will utilise these guidelines when making their decision. Whilst officers and the 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.** Clear cogent reasons would be set out in any decision letter where there is a departure from the guidance.

2. General policy

2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances, or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.

2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:

- 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 and simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.3 Where an applicant has been convicted of a criminal offence, the licensing authority cannot

review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

3. Pre-requisites to making an application

3.1 It is the policy of the licensing authority that every application for a licence to drive a hackney carriage and/or private hire vehicle must be accompanied by satisfactory evidence of the following matters and that applications that are incomplete will not be deemed to have been made until such time as they are complete:

- That the applicant has the right to live and work in the country.
- An enhanced criminal record check (DBS) and evidence that they are not on a child and/or vulnerable adult barring list.
- A certificate of their current medical fitness to DVLA Group 2 standard.
- That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive.
- That the applicant meets the required post-qualification driving experience and demonstrates the required level of competency.
- That the applicant has sufficient ability to speak English and understand spoken English to provide the service that they wish to be licensed for.
- That where specified the applicant has completed safeguarding awareness training specific to the service that they wish to be licensed to provide.
- For persons who seek to be authorised to drive a wheelchair accessible vehicle, that the applicant has the ability to safely load and secure wheelchair users in a wheelchair accessible vehicle whilst in their wheelchair.

3.2 If an applicant has spent six continuous months or more overseas the licensing authority will expect to see evidence of a criminal record check from the country/countries covering the period before a licence application can be made.

4. Appeals

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

4.2 Any applicant refused an operator licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.

4.3 Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.

5. Powers

5.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

5.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

5.3 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

6. Consideration of disclosed criminal history

6.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle driver licence and/or private hire vehicle operator licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of caution/conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of

caution/conviction.

- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant.

6.2 Existing licence holders are required to notify the licensing authority in writing within 28 days of being arrested, receiving a driving licence endorsement, fixed penalty notice, caution or criminal conviction.

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

6.4 Applicants for a driver licence will be required to obtain an enhanced disclosure from the Disclosure and Barring Service (DBS). Existing licensed drivers are required to obtain an enhanced disclosure every 3 years or as required by the licensing authority.

6.5 Applicants for an operator licence, where that person is not the holder of a current driver licence issued by the Council, will be required to obtain a basic criminal record disclosure from Disclosure Scotland. Existing licensed operators are required to obtain a basic criminal record disclosure every 3 years or as required by the licensing authority.

6.6 The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information, and the DBS's policy on the secure storage, handling, use, retention and disposal of disclosure information. Copies of these documents are available on request. More information about the DBS can be found at www.gov.uk/government/organisations/disclosure-and-barring-service

- 6.7 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.
- 6.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

7. Serious offences involving violence

- 7.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life or serious injury. Exceptional circumstances may permit the Council to make an exception to this general policy statement.
- 7.2 In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
- 7.3 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
- Murder

- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

7.4 A licence will not normally be granted where the applicant has a conviction for an offence 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
- Actual bodily harm which would be classified as "hate crime"
- Robbery
- Possession of firearm
- Riot
- Assault on a Police officer, or a Council officer acting in the course of their duty
- Common assault which would be classified as "hate crime"
- Violent disorder
- Resisting arrest, when subsequently charged or convicted.
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

7.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 5 years prior to the date of application:

- Criminal damage would be classified as "hate

crime"

- Any other hate crime offence
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

7.6 A licence will not normally be granted where the applicant has a conviction for an offence 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
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

7.7 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

7.8 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

8. Possession of a weapon

8.1 If an applicant has been convicted of possession of a

weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

8.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

9. Sex and indecency offences

9.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period (normally at least 5 years) free of conviction for such offences before a licence will be granted.

9.2 (a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for a serious offence such as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Possession of indecent photographs, child pornography etc.
- Or **any** sex or indecency offence that was committed in the course of employment as a taxi

or PHV driver

- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

9.3 (b) Before an application is allowed, an applicant should be free of conviction for at least 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:

- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit).

9.4 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.

10. Dishonesty

10.1 A licensed driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Licensed drivers are required to deposit such property with the police within 24 hours and inform their operator where applicable. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

10.2 In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- And any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

10.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

11. Drugs

11.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

11.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.

11.3 A licence will not normally be granted where the

applicant has a conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

11.4 An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply) within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

11.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

11.6 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.

12. Driving offences involving the loss of life

12.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences

13. Drink driving/driving under the influence of drugs/using a mobile phone whilst driving

13.1 As licensed drivers are professional vocational drivers, a serious view is taken of convictions for driving or being in charge of a vehicle while under the influence of drink or drugs. Normally at least 3 years after the restoration of the driving licence following a drink/drug drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

13.2 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance <http://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf>) which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:

- Are much less aware of what's happening on the road around them
- Fail to see road signs
- Fail to maintain proper lane position and steady speed
- Are more likely to 'tailgate' the vehicle in front
- React more slowly, take longer to brake and longer to stop
- Are more likely to enter unsafe gaps in traffic
- Feel more stressed and frustrated.

13.3 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In

light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.

13.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

14. Motoring offences

14.1 Where any applicant for a **new** licence has been disqualified from driving, a licence will not be granted until the applicant has (since the period of disqualification has ended) held a full driving licence for a continuous period of 2 years.

14.2 Where any licensed driver is disqualified from driving, the licence will be revoked. On restoration of the entitlement to drive, a licence will not normally be granted for a period of 2 years.

14.3 Should a new applicant or existing licensed driver be convicted of endorseable motoring offences resulting in a total of 9 or more points on his/her DVLA driving licence, it is likely that he/she shall be required to appear before a Panel. In the case of a new application, to show good reason why the Council should grant, or in the case of an existing driver, to show good reason why the Council should not suspend or revoke his/her licence.

15. Licensing offences

15.1 Certain offences which relate to licensing matters such as illegal plying for hire, overcharging and offences under the Equality Act 2010 would normally prevent a licence being granted or renewed until a

period of 3 years has passed since the offence.

15.2 A licence will not normally be granted if an applicant has more than one conviction for such licensing related offences.

16. Insurance offences

16.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years; however a strict warning should be given as to future behaviour.

16.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.

16.3 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have their operator licence revoked immediately and be prevented from holding a licence for at least three years.

17. Outstanding charges or summonses

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

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

18. Non-conviction information

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

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

19. Cautions

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

20. Once a licence has been granted

20.1 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect serious consideration to be given to the suspension or revocation of their licence.

20.2 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]

20.3 A suspension or revocation of the licence of an

operator takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.

21. Licences issued by other licensing authorities

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

21.2 Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

22. Summary

22.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before the stated period free from conviction has elapsed.

22.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.

22.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration must remain the protection of the public.

APPENDIX B

Advice for Drivers when dealing with People with Disabilities

Taxis are an important, and sometimes the only means of transportation for many people with disabilities.

It may be that you drive or operate a vehicle designed to make travelling easier for disabled people, but an accessible vehicle is only part of the answer. Your attitude and understanding of the problems that may be faced by people with disabilities is very important.

Disability comes in many forms – not always visible. Never make assumptions, always ask what help (if any) a passenger may need from you. Make sure that you are familiar with any access and safety equipment in your vehicle. Be ready to help, but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist.

The following is some basic advice to assist you in giving the best service to your passenger.

Wheelchair Users

If a passenger is a wheelchair user, you should:

- Leave the passenger in a safe and convenient place which enables them to move away independently.
- Always ask the customer to make sure that the brakes of the wheelchair are on.
- Secure the wheelchair and suggest that the passenger uses the seat belt provided.

- Avoid sudden braking or acceleration.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able and willing to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile. Some wheelchairs are collapsible and some parts, such as handles and plates may come away easily, so care needs to be taken when folding or loading collapsible wheelchairs.

Ambulant Disabled

Whilst some ambulant disabled may use crutches or sticks, many disabled people who have mobility difficulties will not. People, with arthritis in particular, may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always:

- Offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into vehicles. If in an MPV, ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey.
- If you have used a swivel seat, make sure it is locked back in position once inside the vehicle.

Visually Impaired Passengers

If a passenger is blind or partially sighted, ask what assistance they require and always:

- Look out for the “TAXI” sign which may be held out by some visually impaired people in order to hail a cab.
- If you are knowingly collecting a visually impaired passenger from a pre-booked location, knock at the door on arrival – do not remain in the cab and sound your horn.
- If your customer would like to be accompanied to or from the entrance of a building, offer them your arm (gripping just above the elbow will enable them to be guided more easily).
- Tell your passenger whether they are entering a saloon car or purpose-built cab.
- Demonstrate which way the doors open where appropriate.
- If possible, place a visually impaired person’s hand on the open door and indicate the position of the roof.
- Make sure the passenger(s) know which way the vehicle is facing.
- Make sure the passenger(s) are seated and have secured the seat belt (where applicable) before you move off. They may require assistance with the belt.
- Tell passenger(s) if you are taking a different route from that which they might expect, or if there is a hold-up or diversion.

- Tell passenger(s) the fare and count out the change.
- Set the passenger(s) down in a safe place and make sure they know where they are going.
- Remember guide dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry a guide dog without a medical exception is an offence under the Equality Act 2010 and is in contravention of the conditions of your licence. In saloon cars, there is more room for the dog on the floor in the front of the vehicle.

Hearing Impaired Passengers

If a passenger's hearing is impaired, always:

- Look at them when you are speaking. Speak clearly, but do not shout and do not use your hands to gesticulate in front of your face.
- Have a pad of paper and pen handy, as it is sometimes easier to communicate in writing.
- Make sure that they are aware that you have understood their instructions and that you know where the passenger is going.

Maintenance of Vehicles

- Keep door handles, locks and hinges well lubricated. This reduces the amount of physical (often painful) effort required to operate them.

APPENDIX C

Advice for Drivers and Operators when dealing with Difficult Passengers

It is recognised that taxi drivers do on occasions have to deal with customers who, due to the influence of substances such as alcohol and possibly drugs, can be difficult and dangerous. These passengers can exhibit aggressive and sometimes violent tendencies, which can threaten the safety and welfare of the driver. If the vehicle is in motion, then this behaviour can distract a driver and may lead to the loss of control of the vehicle, with serious consequences for the occupants and other highway users. To assist drivers in dealing with these situations, the following guidelines have been issued:

1. Upon arrival to collect passengers, a driver may make a judgement as to whether the intended passengers are fit to travel in the vehicle. If a person is judged by the driver to represent a risk by their behaviour to the driver or other passengers, the driver may make the decision to refuse entry to the vehicle. The driver must inform the person of the reason for refusal and consider if this action has induced a change in that behaviour. If no change is evident, the driver must inform his base of his decision as soon as possible.
2. If passengers during a journey exhibit behaviour which is likely to threaten the safety or welfare of a driver, the driver must stop the vehicle at the earliest possible moment in a safe location. In deciding upon the location, the driver must take into account the possible risks to the passengers and themselves whilst stationary in that location. For example, is the stopping place likely to be hazardous to other traffic, or should the passengers leave the vehicle will they be at risk

from traffic? The driver should not attempt to continue on the journey until the behaviour has modified.

3. There may be occasions when the threat to the driver's safety is at such a level that it is necessary to stop the vehicle immediately. In doing so, the driver must be aware of the risks to other traffic in taking such action. The driver should take account of the Highway Code, in particular the sections on 'Waiting and Parking' and 'Breakdowns and Accidents', in making their decision. The driver must advise passengers on how and when to leave the vehicle and, if appropriate, where to stand in line with the guidance in the Highway Code.
4. Where the behaviour of passengers has resulted in a refusal to carry or in the stopping of a journey, the driver should contact his operator and advise them of the circumstances and location. The operator or driver should consider if the incident requires police attendance and, if deemed necessary, request it. A record should be kept by the driver or operator of any incident that occurs which they should produce at the request of an authorised Officer or Police Officer.
5. In vehicles where the driving section is separate from the passenger section by a partition, the driver should consider driving directly to a police station or to a public place, such as their operating base. At these locations, the risk to the safety and welfare of the driver can be limited.
6. In cases where the passenger(s) showing threatening behaviour are female, it is advised where possible to take the passenger(s) to a well lit area which is covered by CCTV, such as a 24-hour petrol station.

APPENDIX D

Recording of Contraventions

The Council has agreed a system whereby infringements of the law or licence conditions by a licence holder can be recorded and given a value dependent upon the nature of the infringement. Any licensed person who in the opinion of an authorised officer has committed an infringement will be issued with a notice as shown on the following page.

If the licence holder believes that a notice has been issued in error, or that there are mitigating circumstances not taken into account by the officer, there is a right of appeal to the Public Protection Manager within 14 days of receiving the notice.

Please note that appeals will not be considered where there is a proven breach of construction and use regulations, such as an illegal tyre.

If the appeal is in respect of documentation provided to the Council, the applicant must provide proof that such documentation was submitted in the form of a receipt or similar. Failure to do so may render the appeal invalid.

The licence holder may be invited to a meeting to discuss the appeal.

The licence holder will receive notification of the decision of the appeal within 30 days of receipt of the notice of appeal.

The issue of a notice does not prevent the department from taking any other action in line with its published enforcement policy, including prosecution where this is felt to be appropriate.

Where 12 or more points are issued to a licence holder within a 12-month period, a report may be submitted to a meeting of the Licensing Panel for a decision to be made on whether the licence should be suspended or revoked. The Panel will receive the report from officers and invite representations from the licence holder.

The present list of infringements and points will be reviewed on an ongoing basis.

BRACKNELL FOREST COUNCIL

Licensing Section, Time Square, Market Street, Bracknell, RG12 1JD
 01344 352000 licensing@bracknell-forest.gov.uk

Contraventions	Points	✓	Contraventions	Points	✓
Unlicensed vehicle	12		Overcharging	6	
Driving with no valid insurance	12		Private hire vehicle parked on rank	6	
Unlicensed driver	12		Smoking in vehicle	6	
Driving with no valid MOT/inspection	12		Hackney carriage left unattended on rank	4	
Contravention of Stop Notice/suspension	12		Failure to notify accident	4	
Private Hire plying for hire	12		Failure to comply with traffic sign or signal	4	
Behaving in a disorderly manner	12-4		No smokefree signage	4	
Failure to wear or display driver badge	8		Failure to provide MOT, inspection or insurance document	4	
Illegal tyres (per tyre)	8		Illegal use of bus lane	4	
C&U regulations	8-4		Failure to notify change of details	4	
Too many passengers	8		Horn misuse	3	
Failure to notify conviction, caution or fixed penalty notice	6		Failure to carry required equipment	3	
Failure to display plate or stickers	6		Vehicle in an unclean condition	2	
Use of hand held phone or radio while driving	6		Other:		

Details:

Plate no: Vehicle reg no: Badge no.

Driver's name:

The contravention(s) above mean(s) that you have acquired points.

If you believe that this notice has been issued in error, or that there are mitigating circumstances not taken into account by the officer, there is a right of appeal to the Public Protection Manager within 14 days of receiving this notice. You will receive notification of the decision of the appeal within 30 days of receipt of the notice of appeal.

Date: Officer:

APPENDIX E

Enforcement Table Town Police Clauses Act 1847

Section	Offence
40	Giving false information on application for HC proprietor's licence
44	Failure to notify change of address of HC proprietor
45	Plying for hire without HC proprietor's licence
47	Driving a HC without HC driver's licence
47	Lending or parting with HC driver's licence
47	HC proprietor employing unlicensed driver
48	Failure by HC proprietor to hold HC driver's licence
48	Failure by HC proprietor to produce HC driver's licence
52	Failure to display HC plate
53	Refusal to take a fare
54	Charging more than the agreed fare
55	Obtaining more than the legal fare
56	Travelling less than the lawful distance for an agreed fare
57	Failing to wait after a deposit to wait has been paid
58	Charging more than the legal fare
59	Carrying other person than the hirer without consent
60	Driving HC without proprietor's consent
60	Person allowing another to drive HC without proprietor's consent
61	Drunken driving of HC

61	Wanton or furious driving or wilful misconduct leading to injury or danger
62	Driver leaving HC unattended
64	HC driver obstructing other HCs

**Enforcement Table
Hackney Carriage Provisions
Local Government (Miscellaneous Provisions) Act
1976**

Section	Offence
49	Failure to notify transfer of HC proprietor's licence
50(1)	Failure to present HC for inspection as required
50(2)	Failure to inform local authority where HC is stored if requested
50(3)	Failure to report an accident to local authority
50(4)	Failure to produce HC proprietor's licence and insurance certificate
53(3)	Failure to produce HC driver's licence
57	Making false statement or withholding information to obtain HC driver's licence
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of HC proprietor's licence
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew
64	Permitting any vehicle other than HC to wait on a HC stand
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement
67	Charging more than the meter fare when HC used as private hire vehicle

69	Unnecessarily prolonging a journey
71	Interfering with a taximeter
73(1)(a)	Obstruction of authorised Officer or constable
73(1)(b)	Failure to comply with requirement of authorised Officer or constable
73(1)(c)	Failure to give information or assistance to authorised Officer or constable

**Enforcement Table
Private Hire Provisions
Local Government (Miscellaneous Provisions) Act 1976**

Section	Offence
46(1)(a)	Using an unlicensed PH vehicle
46(1)(b)	Driving a PH vehicle without a PH driver's licence
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver
46(1)(d)	Operating a PH vehicle without a PH operator's licence
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver
48(6)	Failure to display PH vehicle plate
49	Failure to notify transfer of PH vehicle licence
50(1)	Failure to represent PH vehicle for inspection as required
50(2)	Failure to inform local authority where PH vehicle is stored if requested
50(3)	Failure to report an accident to local authority
50(4)	Failure to produce PH vehicle licence and insurance certificate
53(3)	Failure to produce PH driver's licence
54(2)	Failure to wear PH driver's badge
56(2)	Failure by PH operator to keep records of

Section	Offence
	bookings
56(3)	Failure by PH operator to keep records of PH vehicles operated by him
56(4)	Failure to produce PH operator's licence on request
57	Making false statement or withholding information to obtain PH driver's or obtain PH driver's or operator's licence
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew
67	Charging more than the meter fare when HC used as PH vehicle
69	Unnecessarily prolonging a journey
71	Interfering with a taximeter
73(1)(a)	Obstruction of authorised Officer or constable
73(1)(b)	Failure to comply with requirement of authorised Officer or constable
73(1)(c)	Failure to give information or assistance to authorised Officer or constable

APPENDIX F

CRITERIA FOR ADVERTISING ON HACKNEY CARRIAGES

1. All advertisements must comply with the British Code of Advertising Practice, Sales Promotion and Direct Marketing and it is the responsibility of the agency or individual seeking the Council's approval to ensure that they do so.
2. Each application will be considered on its merits, but advertisements containing the following will not be approved:
 - a) Those with political, ethnic, religious, sexual or controversial texts;
 - b) Those for escort agencies or massage parlours;
 - c) Those displaying nude or semi-nude figures;
 - d) Those which seek to involve the driver as an agent of the advertisers;
 - e) Those likely to offend public taste (including material depicting bodily functions and the use of obscene or distasteful language);
 - f) Those which seek to advertise more than one company.
3. All advertisement liveries must be approved by the Council and proposals must be accompanied by full colour, three-view art work.

4. The hackney carriage may be required to attend the Council offices for inspection of the finished livery.
5. The bodywork of the hackney carriage must be maintained in good condition. If any panels on the vehicle are damaged, they must be repaired or replaced within 7 days.
6. No secondary advertising of any kind will be permitted, whether in the form of the logo of the company preparing the vehicle or the name of the advertising agency.
7. No logos or words will be allowed on the boot lid area.
8. If approved, the livery may remain on the vehicle for a period of one year. At the end of that year, the vehicle owner may apply for an extension for a further 12 months which may be granted subject to an inspection of the quality of the livery and bodywork. This would be subject to a renewal application process and fee.

APPENDIX G

AGE LIMITATION ON VEHICLES

Exceptional Condition

A vehicle will not be regarded as in “exceptional condition” except where evidence has been presented to the Council that the vehicle has been regularly serviced and maintained in line with the manufacturer’s servicing schedule.

When considering the exterior and interior of the vehicle the following matters will be taken into consideration in judging if the condition is exceptional. A single item dependant upon the extent of damage or cosmetic appearance will not necessarily result in refusal to extend the use of the vehicle but 2 or more items in all areas will require correction, replacement or repair for an extension to be granted.

Exterior of vehicle

1. The exterior paintwork on the vehicle should not:
 - a) shows signs of rusting
 - b) be faded or show signs of mismatched paint repairs
 - c) have 5 or more stone chips greater than 2mm in length in any direction
 - d) have 8 or more stone chips of any size
 - e) have any scratches, cracks or abrasions where the top layer of paint has been removed.

2. The exterior bodywork of the vehicle should not:
 - a) have 2 or more dents greater than 10mm in length in any direction

- b) have 4 or more dents less than 10mm in length in any direction
 - c) have fittings that are missing, broken or damaged.
3. Have wheels and wheel trims that have significant damage which detracts from the overall excellent condition of the vehicle.
 4. The vehicle must be submitted for inspection in a clean state such that an effective inspection is possible. Should the vehicle be submitted in an unclean state then the application shall be refused.
 5. The engine compartment must not be in a dirty condition or have evidence of leaks including water, oil or hydraulic fluids.

Interior of vehicle

6. The seating and carpet areas of the vehicle shall not show signs of:
 - a) staining
 - b) damp
 - c) fraying or ripping of the material
 - d) seat covers that are loose or badly fitted.
7. The seats should provide sufficient support for comfortable travel and should not demonstrate excessive compression of the seating area or wear within the support mechanism.
8. Interior panels and fittings within the vehicle should not be damaged nor show excessive wear, or staining.
9. The interior of the vehicle should not have damp or other obnoxious smells.

Abnormally Low Mileage

The Council will not regard a vehicle as having travelled an abnormally low mileage in the following circumstances:

1. A vehicle intended for normal private use with a mileage in excess of 200,000 miles, or
2. A vehicle purposely built for use as a licensed vehicle with a mileage in excess of 300,000 miles, or
3. A private hire vehicle which meets the criteria to be licensed with a dispensation with a mileage in excess of 300,000 miles.

APPENDIX H

Conditions relating to the use of CCTV in licensed vehicles

There is no requirement to install CCTV in vehicles licensed by this authority. However, should you wish to install such a system, you must comply with the following conditions.

Minimum System Requirements

1. The power for the CCTV system must be linked to the vehicle ignition, and is not to be independently turned on or off.
2. Recordings made must be clear in all light conditions, whether in bright sunlight or at night and must be of sufficient quality and of suitable angle to enable the facial identification of individuals in the vehicle.
3. All recordings must be time and date stamped, with the full date displayed and time in hours, minutes and seconds.
4. The system must be capable of storing recordings for a minimum of 7 days.

Audio Recordings

1. Audio recordings shall not be made unless in exceptional circumstances, e.g. when triggered by a 'panic button'.
2. If audio recordings are made following the triggering of a 'panic button', a reset function must be present that returns the system to normal after a set period of time.

3. If the system is capable of recording audio, then the signage within the vehicle must confirm that audio recordings may be made.
4. If a dash cam is fitted to record images outside of the vehicle then any audio recording must be switched off whilst passengers are being carried.

Conditions

1. A CCTV system capable of recording images and sound within the vehicle shall not be installed without prior permission from the Licensing Section. . Any such request must be made with full details of the proposed system; the Licensing Section may also request evidence to confirm that such system meets the minimum requirements.
2. Any CCTV system used must be professionally installed to the satisfaction of the Licensing Section. Any damage caused to the fixtures, fittings or trim of the vehicle during installation must be repaired to ensure no loose wires, sharp edges or ill-fitting trim remain.
3. Any CCTV system installed must be permanent to that vehicle and not temporarily fitted (e.g. with suction cups).
4. Any camera fitted must be installed in a conspicuous manner; concealed cameras will not be permitted.
5. There should be no facilities within the vehicle to view recordings.
6. CCTV cameras, control boxes or any other feature of the CCTV system must be securely installed so as to

not cause any harm or injury to the driver, passengers or any other person. This includes injury from electric shock from any wire or component as well as any injury resulting from physical contact with the system during day to day use of the vehicle or during an accident.

7. The proprietor/licence holder of the vehicle shall ensure that the CCTV system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions
8. The proprietor/licence holder of the vehicle must notify the Licensing Section in writing within 24 hours of any fault identified within the CCTV system that would prevent its normal operation.
9. The proprietor/licence holder of the vehicle will be the data controller, responsible for personal data captured in recordings and for ensuring compliance with applicable legislation.
10. The data controller must be registered with the Information Commissioners Office, and drivers or proprietors of vehicles with CCTV shall make themselves aware of the law relating to data protection and subject access requests.
11. Recordings of images and/or audio of the interior of the vehicle shall only be viewed/downloaded for one of the following reasons:
 - When the Police have formally requested the data.
 - As part of an investigation by the Licensing Section.
 - Following a Subject Access Request compliant with the Data Protection Act.

Drivers should not post footage on the internet, any social media or similar nor should they permit any persons not detailed above to view the recordings.

12. The proprietor/licence holder of the vehicle shall notify the Licensing Section in writing within 24 hours on each occasion that they have had cause to view recordings captured, detailing the reasons why.
13. The proprietor/licence holder of the vehicle shall not refuse any reasonable request to view footage made by the police or the Licensing Section, and shall make footage available as soon as reasonably practicable, and in any event within 7 days of the request.
14. Recordings must be kept for a minimum of 7 days and shall be kept for no longer than 31 days, unless there is an incident in the vehicle that may lead to a prosecution, in which case the driver may request permission in writing from the Licensing Section to retain the footage for a longer period.
15. The proprietor/licence holder of the vehicle shall maintain a record concerning the CCTV system, including the following:
 - The make and model number(s) of all components comprising the system
 - The date the system was installed and the dates of all services to the system, including the nature of any faults identified.
 - The dates, times and reasons for any occasion where any 'panic button' is used.
 - A record of any occasions in which recordings are downloaded or viewed, including the date the

recordings were accessed, and the reason for the footage being accessed.

Such records shall be maintained for as long as the CCTV system is installed within the licensed vehicle plus an additional 31 days, and shall be made available upon request to any authorised officer of the Council or a police officer.

16. The proprietor/licence holder of the vehicle shall ensure that signage is displayed in the vehicle confirming that CCTV is in operation. Such signage must be clearly visible from the exterior and interior of the vehicle and must provide the name and contact details of the data controller.
17. Failure to adhere to these conditions may result in the removal of permission for the use of CCTV.