



West  
Northamptonshire  
Council

# West Northamptonshire Hackney Carriage and Private Hire Policy 2023

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## Consultees

Internal	External
School Transport	All Hackney Carriage and Private Hire Drivers
Highways	All Private Hire Operators
All Councillors	Hackney Carriage Association
Parish Councillors	Northants Police
	Northants Police and Crime Commissioner
	All neighbouring Local Authorities
	Chamber of Commerce

## Distribution List

Internal	External

## Links to other documents

Document	Link
Statutory taxi and private hire vehicle standards	<a href="https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards">https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards</a>

**West Northamptonshire Council**  
**Private Hire Vehicle and Hackney Carriage Policy**  
**2023**

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DRAFT

# West Northamptonshire Council

## Private Hire Vehicle and Hackney Carriage

### Policy

#### 1. Definitions

##### **Applicant**

Person or business who has submitted an application for either a grant or renewal of a licence.

##### **Application**

A completed application made by an individual (or individuals) for the grant or renewal of a licence.

##### **Acquired Rights**

The term used to cover the situation where when a non-WAV has been licensed as a Hackney Carriage previously, similar vehicles can be licensed in the future under the same continuing licence. Often referred to as "grandfather rights".

##### **Assistance Dog**

1. a dog which has been trained to guide a blind person;
2. a dog which has been trained to assist a deaf person;
3. a dog which has been trained to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;

##### **Authorised Council Officer**

A Council officer who is authorised by the Council to exercise powers and duties conferred by legislation.

##### **Badge**

Issued to all licensed drivers and must be worn at all times when working as a licensed driver.

##### **Best Practice Guidance**

DfT guidance: 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' available at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>). This dates from 2010 and a revised version is expected in 2023.

**Byelaws**

Locally adopted laws applicable to Hackney Carriages and drivers. Breach is a criminal offence.

**Committee**

The Taxi and General Licensing Committee which determines taxi licensing matters as set out in the Council constitution.

**Conditions**

Conditions applied by the Council to driver, operator and vehicle licences. Non-compliance will lead to penalty points being imposed or action against any such licence.

**Controlled District Boundary**

Area of a local authority which has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976. This is the area of West Northamptonshire Council.

**Conventional partnership**

An arrangement where 2 or more people are in business together, but which is not a Limited Liability Partnership.

**Council**

West Northamptonshire Council.

**Councillor**

An elected Member of West Northamptonshire Council.

**Date of First Registration**

The date of first registration on the vehicles V5 logbook issued by DVLA.

**DBS**

Disclosure and Barring Service.

**DfT**

Department for Transport.

**District**

This is the terminology used in the Local Government (Miscellaneous Provisions) Act 1976 to refer to the area of the Council. As West Northamptonshire Council is a unitary authority, it is the area of the Council.

**Door Signage**

Council approved door signage which must be affixed to the rear doors of all licensed vehicles.

**Driving licence**

Full UK driving licence issued by DVLA, Northern Ireland driving licence, EEA driving licence or exchangeable driving licence as defined in section 108 of the Road Traffic Act 1988.

**DVLA**

Driver and Vehicle Licensing Agency.

**DVSA**

Driver and Vehicle Standards Agency (which replaced VOSA in 2014).

**Equality Act**

Equality Act 2010.

**Fare Card**

A card which must legally be displayed in Hackney Carriage Vehicles that are fitted with a taximeter which indicates the maximum authorised fare to be charged for distance travelled, waiting time and additional charges determined by the Council under section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and the licence plate number. This is issued by the Council

**Guidance**

Guidance published or issued by the Government via DfT or any other government department

**Hackney Carriage**

A vehicle licensed under the Town Police Clauses Act 1847. Often referred to as a taxi.

**Hirer**

Any person or persons who from time-to-time hires or books a Private Hire Vehicle or Hackney Carriage.

**H.M.R.C**

His Majesty's Revenue and Customs.

**ICO**

Information Commissioner's Office.

**IoL**

Institute of Licensing.

**LGA**

Local Government Association.

## **Legislation**

Acts of Parliament and secondary legislation, such as Regulations. For the purposes of this policy, it also includes decisions of the Senior Courts, including the High Court and Supreme Court, as well as the European Court of Justice and European Court of Human Rights.

## **Licensing Authority**

The licensing function within the Council.

## **Licensed Driver**

A driver licensed under the Town Police Clauses Act 1847 to drive a Hackney Carriage and under the Local Government (Miscellaneous Provisions) Act 1976 to drive a Private Hire Vehicle.

## **Licensed Operator**

A person, persons or company holding a licence to operate Private Hire Vehicle vehicles issued pursuant to section 55 of the Local Government (Miscellaneous Provisions) Act 1976. A Private Hire Vehicle operator licence is required to enable a person to accept or invite bookings for Private Hire Vehicle vehicles.

## **Licensee(s)**

The person(s) or company/firm named in the licence.

## **Licence Plate**

The plate that licensed vehicles must display showing the licence number, maximum number of persons to be carried, expiry date, vehicle registration number, and make and colour of vehicle.

## **Licensed Vehicle**

Vehicle licensed by the Council under either the Town Police Clauses Act 1847 as a Hackney Carriage Vehicle or the Local Government (Miscellaneous Provisions) Act 1976 as a Private Hire Vehicle.

## **Limited Company**

A company registered with Companies House.

## **Limited Liability Partnership**

An incorporated partnership registered with Companies House

## **Member**

See Councillor. The terms "Councillor" and "Member" are effectively interchangeable.

## **NR3**

A database of refusals and revocations for driver licences. This may be updated or

replaced when the Government introduces the relevant provisions of the Taxi and Private Hire Vehicle Vehicles (Safeguarding and Road Safety) Act 2022.

**Officer**

An employee of the Council or another individual authorised by the Council to act in the same capacity as an employee, e.g., an independent contractor.

**Operator**

See licensed operator.

**Policy**

This policy document and all associated documents.

**Private Hire Vehicle**

A vehicle licensed by the Council under the section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

**Proprietor**

Registered owner or part owner of a vehicle.

**PSV**

Public Service Vehicle.

**Road Traffic Acts**

Road Traffic Act 1988 and all associated legislation.

**Statutory Standards**

DfT's supplementary guidance: 'Statutory taxi and Private Hire Vehicle standards' available at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>. This dates from 2020.

**Stretched Limousine**

Any vehicle that has been modified after manufacture with an additional body section, extending the vehicle length.

**Tax Conditionality**

The requirement for renewing drivers and Private Hire Vehicle operators must demonstrate that they are registered for tax. New applicants must acknowledge the need to be registered for tax.

**Taximeter**

Device used for calculating the fare to be charged for the journey by measuring distance travelled plus any time waiting. This must be fitted in all Hackney Carriage Vehicles and may be fitted in Private Hire Vehicle Vehicles.



## **The 1847 Act**

The Town Police Clauses Act 1847 and the provisions within.

## **The 1976 Act**

The Local Government (Miscellaneous Provisions) Act 1976 and the provisions within.

## **WAV**

Wheelchair Accessible Vehicle. Certain Hackney Carriage and Private Hire Vehicle Vehicles that are suitable for carrying wheelchair-bound passengers.

## **Working day**

Any day other than a Saturday, a Sunday, Christmas day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom

## **2. Introduction**

- 2.1. This policy has been published and adopted by the Council to inform and assist the discharge of its functions in relation to Hackney Carriage and Private Hire Vehicle licensing under the powers and duties contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and all associated and related legislation. This includes byelaws in relation to Hackney Carriages. The Council is responsible for the licensing of Hackney Carriage and Private Hire Vehicle Vehicles, drivers and operators.
- 2.2. In common with all other Council documentation, this policy is written in plain English, as far as possible. Where technical terms are used, they will be explained clearly and there is a list of definitions at the beginning. Any reference to external material (legislation, guidance, court decisions etc.) will be clear and should be easily accessible.
- 2.3. This policy has been drawn up with reference to the following sections of the Council's Plan 2020 – 2024:
  - Green and Clean
  - Connected Communities
  - Thriving Villages and Towns
  - Economic Development
- 2.4. This policy will be kept under review and revised as necessary. The Assistant Director – Regulatory Services is authorised to make minor amendments to the policy. In addition, amendments to this policy may be authorised by the Council without consultation.

- 2.5. In carrying out these functions, the Council will comply with the law and also have regard to this policy document and any relevant guidance published by DfT and/or any other government department. In any situation where the Council departs from this policy, clear reasons will be given for doing so. In any case where a situation or matter is not covered by this policy, the matter will be considered from first principles i.e., as if this policy did not exist, and the decision will be based on the Councils' interpretation of the law and Guidance.
- 2.6. The DfT Statutory Standards guidance requires the Council to review all existing Hackney Carriage and Private Hire Vehicle licences (drivers, vehicles and operators) in the light of this new revised policy and the Council will undertake that.
- 2.7. The Council is committed to ensuring that members and officers involved in Hackney Carriage and Private Hire Vehicle licensing are fully trained, and such training is regularly updated.
- 2.8. This policy contains "bright lines". These are firm statements of intent which may appear to be absolute. Such statements are lawful and allow the Council to provide robust guidance to itself, applicants, licensees and citizens on the approach that will be taken. They do not fetter the discretion of the Council because each case will be considered on its merits but in the light of this policy.
- 2.9. The Council will consider all new and renewal applications in the light of this policy. There will be situations where a licence was granted under a previous Hackney Carriage and Private Hire Vehicle policy made by the Council, or a predecessor Council and this policy may differ from that previous policy. In those circumstances, the fact that a licence was granted previously will be a factor that will be taken into account when the Council consider an application to renew, but there is no guarantee that any licence will be renewed. There is no legitimate expectation that any Hackney Carriage or Private Hire Vehicle licence will be renewed (*See R. (on the application of Wilcock) v Lancaster City Council [2014] L.L.R. 388 CA*) This policy will also be used to inform action that may be taken against any existing licence.
- 2.10. Hackney Carriage and Private Hire Vehicle law is long overdue for wholesale revision, but the government has indicated that at present it has no intentions of embarking on that task, although some limited developments have been announced. As and when these become law the policy will be amended to take account of their effects. In recent years there have been a number of minor amendments to the legislation and other legislation that impacts upon Hackney Carriage and Private Hire Vehicle licensing.
- 2.11. The Deregulation Act 2015 introduced some amendments to the 1976 Act, the

most significant of which was the ability for a Private Hire Vehicle operator to subcontract to another Private Hire Vehicle operator licensed anywhere in England, Wales, Scotland or Greater London.

- 2.12. The introduction in 2016 of more of the provisions relating to Hackney Carriages and Private Hire Vehicle Vehicles contained within the Equality Act, and the expansion of those responsibilities and duties by the provisions of the Taxi and Private Hire Vehicle Vehicles (Disabled Persons) Act 2022 has improved the access to and use of these vehicles for those with disabilities, and the Council works actively to support both those who require and provide such transport.
- 2.13. The Policy refers to guidance that is available to applicants, drivers, operators and proprietors to assist them with the application processes and the running of their business under their licence. This guidance, application forms and current fees are available on the Council's Website.
- 2.14. Council staff involved in Hackney Carriage and Private Hire Vehicle licensing and other associated functions will always be polite, courteous, civil and professional. The same standards of behaviour are expected from applicants and licensees and the Council has a policy of zero tolerance to any abuse, bullying, violence or similar behaviour towards staff or Councillors. Any such behaviour on the part of an applicant or licensee will be taken into account when considering whether a licence should be granted, or whether action should be taken against any existing licensee.
- 2.15. The Council recognises its duties and responsibilities under the Data Protection Act 2018 and the UK General Data Protection Regulation (EU 2016/679). Full details of the privacy policy and the specific policy for taxi licensing are detailed on the Council's website
- 2.16. Any legislation is pointless without enforcement of its provisions, and in doing so the Council will have regard to its enforcement policy.

### **3. Council Service Standards**

- 3.1. Subject to unforeseen circumstances beyond the control of the Council, the Council will endeavour to maintain the following service levels.
- 3.2. Licensees and applicants should be able to contact the licensing team by email, through the website, by appointment in person, or by phone. However, the preferred method of contact is via email to reduce the need for licensees to travel to the Council's offices and to allow the team to deal with enquiries as effectively as possible.

- 3.3. The Licensing Sections contact details can be found at [www.westnorthants.gov.uk](http://www.westnorthants.gov.uk)
- 3.4. The Council will always aim to issue a driver, vehicle or operator licence within 28 days from the application process being complete but will always attempt to issue them more quickly.
- 3.5. If you have any concerns or complaints about the service you have received, please visit [www.westnorthants.gov.uk](http://www.westnorthants.gov.uk) where the corporate complaints procedure can be found.

#### **4. Background**

- 4.1. Hackney Carriage and Private Hire Vehicle Vehicles have an important role to play in the transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas or outside "normal" hours of operation, such as in the evenings or on Sundays) and/or for those with mobility difficulties.

#### **5. Practice, guidance and legislation**

- 5.1. DfT has national responsibility for Hackney Carriage and Private Hire Vehicle legislation and policy in England. They also provide guidance for local licensing authorities. Their principal document is the Best Practice Guidance supplemented by the Statutory Standards and they have been taken into account in preparing this policy. Additional and revised guidance is anticipated, and this policy may require amendments in the light of that.
- 5.2. The DfT guidance recognises and emphasises that licensing authorities can reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances.
- 5.3. This policy takes account of the law which forms the basis of the Council's taxi licensing functions. The principal pieces of legislation are the 1847 Act and the 1976 Act, both as amended. In addition, the senior courts ( such as the High Court and Court of Appeal) have handed down judgments which explain and interpret this legislation.

#### **6. Purpose of Hackney Carriage and Private Hire Vehicle Licensing**

- 6.1. The sole consideration in relation to the licensing of Hackney Carriage and Private Hire Vehicle Vehicles is public safety (*See DfT Best Practice Guide Para 8 and Statutory Standards Para 3.2*). Public safety includes the safety of drivers, operators, vehicle proprietors and their staff as well as the users of

Hackney Carriage and Private Hire Vehicle Vehicles, and the wider public. The public must have confidence in the safety of Hackney Carriage and Private Hire Vehicle Vehicles as a form of transport and as a consequence the highest standards will be expected from all applicants and licensees.

- 6.2. Public safety includes safeguarding which also includes prevention of child sexual abuse and exploitation. All licensees will be expected to demonstrate an understanding of public safety and safeguarding and ensure that their actions do not infringe those requirements at any time. Any member of the public, licensee, officer or member who becomes aware of any safeguarding issues, or any other criminal behaviour related to Hackney Carriage and Private Hire Vehicle licensing should inform the Council and be secure in the knowledge that the Council's whistleblowing policy will be used to take all reasonable steps to protect them.

## **7. Policy objectives and aims**

- 7.1. As already stated, this policy is intended to enable the Council to provide a robust licensing regime which enables the Hackney Carriage and Private Hire Vehicle trades to provide the best possible service to the public with the overriding aim of maintaining and improving public safety.

## **8. Objectives**

- 8.1. The objectives of this policy are:
- a) the protection of the public
  - b) the maintenance and development of professional and respected Hackney Carriage and Private Hire Vehicle trades
  - c) enabling access to an efficient and effective local transport service
  - d) the protection of our local environment
  - e) to support all Hackney Carriage and Private Hire Vehicle businesses by ensuring a consistent and fair approach.

## **9. Aims**

- 9.1. The Council will aim to achieve these objectives in the following ways:
- a) by ensuring that licensed drivers are fit and proper persons and achieve and maintain the highest standards of professional practice.
  - b) by ensuring that licensed vehicles are safe for passengers, drivers and other road users, and properly insured.
  - c) by ensuring that licensed vehicles comply with all Council standards at all

times.

- d) by checking all documents provided as part of an application for authenticity, including contacting the maker of the document and other tests.
- e) by specifying emissions standards and encouraging the use of low polluting vehicles.
- f) by encouraging the use of more vehicles that are accessible to disabled people.
- g) by ensuring that licensed vehicles are comfortable.
- h) by working across the Council to ensure that Hackney Carriage and Private Hire Vehicle Vehicles form part of wider strategic transport and local transport plans.
- i) by working in partnership with a variety of other agencies to support the Council's objective in relation to both the public and the trade.
- j) by reducing the frequency with which licensees are required to attend the Council's offices.
- k) by ensuring online accessibility to allow remote application by new and existing licensees, so far as is permissible under the legislation.
- l) by utilising electronic and mobile communication methods including the use of SMS messaging and other technological methods including web sites.

## **10. Methods**

10.1. The methods the Council will use to achieve this will include (but this is not an exhaustive list):

- a) working with the Hackney Carriage and Private Hire Vehicle trades to deliver continuing improvements, encourage innovation, and deal with emerging issues.
- b) setting the standards for the licensing of vehicles, drivers and operators.
- c) use of the NR3 database (The National Register of Refusals and Revocations) and other relevant statutory databases.
- d) assessing knowledge of the West Northamptonshire authority area, highway code and licensing policy as well as driving ability (at the time of application).
- e) annual licensing and routine inspection of vehicles, with appropriate follow-up action including enforcement.
- f) routine inspection of documents, with appropriate follow-up action

including enforcement.

- g) routine checks of driver's medical fitness and criminal record history during the time the licence is in force.
- h) timely investigation of complaints with appropriate follow-up action.
- i) liaison with Northamptonshire Police and other Police forces as required, neighbouring local authorities and other agencies concerning issues of concern relating to public safety.
- j) robust enforcement (taking account of the Regulators' Code) including monitoring of contraventions, suspension or revocation of licences for breach of conditions or legislation and prosecution.
- k) regular training and development of Council officers and members.
- l) meeting continuing performance and efficiency targets for the service.
- m) provision of information to licensees about good practice and what to expect from any inspection or assessment.
- n) provision of mandatory training (not necessarily at no cost) for applicants and licensees when considered necessary.
- o) promotion of training courses and information for licensees.
- p) promotional activities to inform and encourage and maintain high standards.

10.2. To achieve this the Council will actively cooperate with, assist and provide and obtain advice from a wide range of agencies including (but not limited to):

- a) Northamptonshire Police and other Police forces. including British Transport Police.
- b) DVSA.
- c) Other local authorities
- d) Town and Parish Councils.
- e) National Rail and other railway companies.
- f) Disclosure and Barring Service.
- g) DfT.
- h) DVLA.
- i) Home Office.
- j) Department for Work and Pensions.
- k) Other relevant agencies and departments.
- l) Hackney Carriage/Private Hire Vehicle trades (as appropriate).
- m) H.M.R.C

## **11. Uniformity**

11.1. The Council will conduct its functions in relation to Hackney Carriage and Private Hire Vehicle licensing in a consistent and uniform manner and will take a reasonable and proportionate approach to enforcement action.

## **12. Applications and licences**

12.1. Hackney Carriage and Private Hire Vehicle licences can be granted for a maximum period of time. Those maximum periods are

- a) Hackney Carriage vehicle - 1 year;
- b) Private Hire Vehicle - 1 year;
- c) Hackney Carriage driver - 3 years;
- d) Private Hire Vehicle driver - 3 years;
- e) Private Hire Vehicle operator - 5 years;

and in general, licences of those durations will be granted.

12.2. The Council will issue dual or combined driver licences. This will constitute a licence to drive both a Hackney Carriage and a Private Hire Vehicle.

12.3. Applicants for licences must submit a complete application. A complete application means that the application form has been properly completed, with all required information provided, all supporting documentation that is required has been submitted, and the fee has been paid.

12.4. If an application is made which is not complete, the applicant will be contacted and given an opportunity to rectify the problems. The application will be held on file for 3 months, if the applicant fails to make contact the application will be destroyed and a new application will be required.

12.5. Applications for renewals of licences must be received before the expiry of the current licence. Any application received after that date will be treated as a new application. This will extinguish any acquired rights and the applicant will have to comply with all requirements for a new licence.

12.6. As part of the application process, applicants will have to attend certain appointments. If the date and time provided is inconvenient, the applicant should contact the Council as soon as possible to arrange an alternative date and time. Failure to attend an appointment without having notified the Council in advance will lead to the entire application being cancelled and a fresh application will have to be commenced.



- 12.7. The Council will aim to issue a licence within 28 days of a completed application being received, but this may be delayed due to circumstances beyond the control of the Council. Where an application has to be considered by the Committee this will extend this timescale.
- 12.8. Licensees must ensure that they notify the Council within 72 hours of any change of address, change of name, or alterations to means of contact (change of telephone numbers or email addresses). Failure to do this may lead to important communications not being received which in turn may lead to licences expiring or action being taken in respect of licences without the knowledge of the licensee. Any notice required to be served by the Council in respect of a licence or under any statutory provision shall be deemed to have been properly served if sent by email, pre-paid post to, or left at the last known address of, the licensee.
- 12.9. All information held on files and databases about an applicant is confidential, under the Data Protection Act 2018 and the UK General Data Protection Regulation (EU 2016/679). However, this information can be used ("processed") by the Council as part of the application process and used within the Council. This will include communicating information to relevant officers and members who are involved in any decision-making process. In addition, the Council is under a duty to protect the public and to protect the public funds it administers and may use any information provided by an applicant for this purpose. This may include sharing this information with other agencies where that is lawful.
- 12.10. The legislation requires the Council to maintain public registers, which will be available for inspection at the Council's offices and also via the Council's website. That duty overrides any data protection protections.
- 12.11. Full details of the Council's privacy policy and the specific privacy policy for Hackney Carriage and Private Hire Vehicle licensing can be found [here](#)
- 12.12. It is a privilege to hold a Hackney Carriage or Private Hire Vehicle licence and licensees have responsibilities to their passengers (drivers) and customers (drivers, operators and proprietors), other road users (drivers and vehicle proprietors) and the public generally. The requirement to satisfy the Council that the applicant is a fit and proper person continues throughout the duration of the licence. If at any time a licensee falls below the standards expected of a new applicant, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence.
- 12.13. Licensees must be aware of this and be familiar with the requirements placed upon them by the legislation, the conditions of their licence and this policy.

### **13. Fees for Licences**

- 13.1. The Council can charge a fee for each of these licences. Those fees are calculated in accordance with the legislation, and there are 2 fee levying powers, depending on the particular licence in question.
- 13.2. Section 53 of the 1976 Act covers driver licences and section 70 covers Private Hire Vehicle and Hackney Carriage licences and Private Hire Vehicle operator licences.
- 13.3. Fees are calculated on a cost recovery basis, so far as the law allows that to occur.
- 13.4. The costs include the costs of:
  - a) processing applications;
  - b) issuing licences;
  - c) providing badges and vehicle plates (as required);
  - d) providing additional vehicle signage; and
  - e) ensuring compliance with the requirements of the licence.
- 13.5. Additional costs will apply to various pre-application requirements. The requirements are detailed at the relevant sections below. The details of any situations in which refunds can be made are detailed in each section below.
- 13.6. All licence fees must be paid by credit/debit card. A partial refund may be issued if a licence isn't granted.
- 13.7. If a licence is surrendered, revoked or suspended, no refund of the licence fee will be made.

### **14. Appeals**

- 14.1. There are statutory rights of appeal contained within the legislation. These are against decisions to refuse an application, refuse to renew a licence, suspension or revocation of a licence and also against any conditions that the Council has attached to a licence. The rights will be detailed on any decision notice which is issued where there is such a right of appeal.
- 14.2. In almost every case the right of appeal is to the Magistrates' Court and contact should be made with that Court for details on how the appeal is commenced. The one exception to that is a refusal to grant a new Hackney Carriage proprietor licence where the right of appeal is directly to the Crown Court. Again, in those

circumstances contact should be made with the Court for details on how the appeal is commenced.

- 14.3. The appeal period is 21 days from the date on which the written notice of the Council's decision was received. That period cannot be extended so anybody who is considering appealing should ensure that the appeal is lodged with the Court as soon as possible.
- 14.4. Such appeals are fresh hearings, with the Court in the position that the Council was and the Court will reconsider the decision. In such appeals, the Council will resist the appeal as they have already made a decision on the matter. As part of the appeal, the Court will take account of the decision that the Council made, but other evidence can be presented by both the appellant and the Council. The Court will come into its own independent decision but should not readily overturn the Council's decision. If the appeal is unsuccessful the Council will make an application to the court for its full costs to be paid by the unsuccessful appellant. If the appeal is successful, the Council will resist any application that is made to the court for an award by the appellants that the Council should pay their costs (*This follows the ruling of the Court of Appeal in R (app Perinpanathan) v Westminster Magistrates' Court [2010] 1 W.L.R. 1508 CA and the Supreme Court in Competition and Markets Authority v Flynn Pharma Ltd and Pfizer [2022] UKSC 14*)

## **15. Suitability of applicants**

- 15.1. The legislation makes it quite clear that the Council cannot grant a Hackney Carriage or Private Hire Vehicle driver licence or a Private Hire Vehicle operator licence unless they are satisfied that the applicant is a fit and proper person. It is for the applicant to prove that they are a fit and proper person, and not for the Council to prove that they are not.
- 15.2. In relation to a Hackney Carriage or Private Hire Vehicle (proprietor) licence there is no statutory requirement for the Council to be satisfied that the applicant is a fit and proper person. However, the Council has an absolute discretion as to whether or not to grant such a licence and in addition to considering the vehicle itself, the Council will also take into account the suitability of the applicant.
- 15.3. The Council has taken guidance produced by the IoL into account in producing this policy (*Guidance on determining the suitability of applicants & licensees - hackney & Private Hire Vehicle trades* Institute of Licensing 2018 available at <https://www.instituteoflicensing.org/Publications.aspx>) This suggests that the phrase "fit and proper" can be explained and be more easily understood by using the term "safe and suitable". This is the term that the Council will use throughout this document and it should be read to mean fit and proper.

- 15.4. That guidance also contains guidelines on suitability which are almost identical to the DfT guidance in Statutory Standards. These have been incorporated into this policy and form the basis of the previous convictions policy.
- 15.5. Ideally, all those involved in the Hackney Carriage and Private Hire Vehicle trades (Hackney Carriage and Private Hire Vehicle drivers, Hackney Carriage and Private Hire Vehicle owners and Private Hire Vehicle operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 15.6. However, it is recognised that some applicants and licensees will have criminal convictions or other matters in their personal history which may affect their safety and suitability to hold a Hackney Carriage or Private Hire Vehicle licence.
- 15.7. The previous convictions policy provides guidance in some cases. These standards will be used in relation to all licences; driver, operator and proprietor. This is to ensure that the standards are maintained across the trades and to reassure the public that only safe and suitable people are licensed for any role in the Hackney Carriage or Private Hire Vehicle industry.
- 15.8. In all cases every application will be considered on its own merits, but in the light of the previous convictions policy. If the previous convictions policy does not cover the particular matter then a decision will be made from first principles where the question will be whether, in the light of that information the Council can be satisfied that the applicant is a safe and suitable or fit and proper person to be granted that licence.
- 15.9. The decision as to whether or not a licence should be granted is made on the facts at the time of that decision but the Council has powers to take action against any licence that has been granted (the licence can be suspended, revoked, or the Council can refuse to renew it). It is vitally important that licensees understand that the test of safety and suitability is not simply to be met when the application has been granted. It is a continuing situation and if at any time during the currency of the licence the behaviour or conduct of the applicant falls below that which would be acceptable for a new applicant, the Council will consider whether or not action should be taken against that licence.
- 15.10. At all times the sole consideration will be public safety.

## **16. Behaviour of licensees**

- 16.1. All licensees (drivers, operators and vehicle proprietors) are professionals undertaking a highly responsible activity which protects and ensures the safety of their passengers, customers, other road users and the public at large.
- 16.2. The highest standards of integrity and behaviour are expected, and these must be maintained at all times. The Council is concerned with the overall character of licensees, and not simply when the licence is being used. As a result, any behaviour at any time which falls short of the standards expected will lead to the Council considering whether that licensee should be allowed to retain their licence.
- 16.3. Where unacceptable behaviour occurs in connection with the use of the licence, that will be regarded as an aggravating feature, and behaviour which is not connected with the use of the licence will not be seen as less serious.
- 16.4. The overall aim of this policy is to ensure that the Hackney Carriage and Private Hire Vehicle trades continue to provide a safe and satisfactory service to the public, and actions or behaviour that affect or reduce those standards will not be tolerated by the Council.

## **17. Enforcement**

- 17.1. In any situation where there has been non-compliance with any requirement, or behaviour which falls short of the requirement to remain a safe and suitable person to hold a licence, the Council will consider enforcement action. In addition, action will be taken in respect of vehicles that do not comply with either the Council's requirements or road traffic laws. Any enforcement action will be guided by the Council's enforcement policy, and may result in one or more of the following (this is not an exhaustive list):
  - a) Take no action,
  - b) Issue penalty points,
  - c) Use statutory notices (e.g., suspension of a vehicle licence using section 68 of the 1976 Act),
  - d) Suspension of a licence,
  - e) Revocation of a licence,
  - f) Issue of a simple caution in respect of criminal offences or
  - g) Prosecution in respect of criminal offences.
- 17.2. The Council's Penalty Points Scheme, mentioned above, is detailed in a separate document.

## **18. Decision Making**

- 18.1. Responsibility for Hackney Carriage and Private Hire Vehicle licensing is split between the Council and the Executive (Cabinet).
- 18.2. Most functions relating to Hackney Carriage and Private Hire Vehicle licensing are the responsibility of the Council but have been delegated by it to the Taxi and General Licensing Committee. As a general rule, most matters will be dealt with by Officers under delegated authority from the Committee.
- 18.3. The following matters will be reserved to the Taxi and General Licensing Committee:
- a) Applications for new licences where approval would be outside of this policy.
  - b) An appeal by a licensee against the award of penalty points under the Penalty Points Scheme.
  - c) Imposition of a sanction for exceeding the threshold of points allowed to be accumulated in a rolling year under the Penalty Points Scheme.
  - d) Revocation of the following:
    - i. Hackney Carriage Proprietors (Vehicle) Licences
    - ii. Private Hire Vehicle (Proprietors) Licences
    - iii. Private Hire Vehicle Operators Licences
  - e) Any other matter referred by Officers to the Committee for decision.
- 18.4. The decision to revoke a Driver Licence will be delegated to Officers in consultation with the Chair of the Committee (or their nominee).
- 18.5. There is no difference in the decision-making process between Officers and the Committee. In both cases the applicant or licensee will be given an opportunity to make representations and those will be taken fully into account. There may be occasions when a very short timescale will be provided for representations to be made. This is likely to occur where action needs to be taken quickly in relation to a driver licence. In those circumstances, the licensee will be contacted by all practicable means to be informed of the date and time of the decision and given an opportunity to attend. If, however, the licensee cannot be contacted or does not attend, then the decision will be taken in their absence.
- 18.6. In all cases the matter will be considered entirely on its own merits, in the light of this policy and any guidance issued by the DfT.
- 18.7. Full and detailed reasons for all decisions will be provided to the applicant or

licensee, together with details of the rights of appeal.

## **19. Equality of treatment and discrimination**

- 19.1. The Council will treat all applicants and licensees equally and fairly. There will be no discrimination on any ground and each and every application and subsequent decision will be considered on its merits in the light of the legislation, guidance and this policy.
- 19.2. The Council will not accept or tolerate any discriminatory behaviour on the part of any applicant or licensee. This includes any discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation, but that is not an exhaustive list.
- 19.3. All licensees must at all times treat people courteously, civilly and decently.
- 19.4. Any complaints that are received by the Council that indicate that the licensee has failed to uphold the standards will be investigated thoroughly, and if substantiated will lead to action being taken against that licence.

## **20. Safeguarding**

- 20.1. The Council is committed to safeguarding and promoting the welfare of children, young people, adults at risk, vulnerable persons and all other members of society. We take our responsibilities seriously and expect all our licensed drivers, proprietors and operators to share this commitment.
- 20.2. Licensed driver, proprietors and operators must consider the safety, security and welfare of their passengers, customers and the public generally when determining what safeguarding measures, they should put in place in relation to their activities as a licensee.
- 20.3. All new applicants for taxi driver licences, Private Hire Vehicle operator licences and Hackney Carriage and Private Hire Vehicle proprietor (vehicle) licences will be required to attend and successfully pass a safeguarding course and test, as required by the Council, in order to obtain a pass certificate. There is no limit for the number of attempts to complete the test, to be undertaken at the applicant's own expense, however no licence will be issued until the applicant provides a valid certificate showing they have passed the safeguarding course.
- 20.4. All existing licensed drivers, proprietors and operators will be required to attend and successfully pass a safeguarding course and test, as required by the Council, in order to obtain a pass certificate which must be produced within 1 calendar

year of adoption of this policy or on renewal, whichever is sooner. Failure to do so may result in suspension of the licence until successful completion of the test.

20.5. As part of the licence renewal application process, renewal applicants will be required to submit a current safeguarding pass certificate, no older than 3 months, issued by a provider approved by the Council. That must be provided:

- a) Every 3 years for drivers.
- b) Every 3 years for vehicle proprietors (unless also licensed as driver with the Council).
- c) Every 5 years for Private Hire Vehicle operators (unless also licensed as driver with the Council).

20.6. It is the duty of the applicant to ensure that they have completed the course and passed the test in sufficient time before applying for a renewal licence. There is no limit for the number of attempts to complete the test, to be undertaken at the applicant's own expense, however no licence will be issued until a certificate is produced.

## **21. Equality Act and Disability Discrimination.**

21.1. All licensees must ensure that they comply with their statutory duties in relation to disabled people under the Equality Act which includes not charging disabled people any more for a particular journey than an able-bodied person would be charged.

21.2. Drivers of vehicles designated by the Council in the list of wheelchair accessible vehicles must:

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

21.3. Mobility assistance is assistance:

- a) to enable the passenger to get into or out of the vehicle;
- b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- c) to load the passenger's luggage into or out of the vehicle;



- d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

21.4. Drivers of all vehicles (whether listed or not) must carry any disabled passenger and provide assistance to them, and not make any additional charge for doing so.

21.5. Assistance for disabled persons is:

- a) carrying the wheelchair (if the passenger has one);
- b) carrying any mobility aids (if the passenger has any);
- c) taking reasonable steps to ensure the passenger is carried safely and in reasonable comfort;
- d) providing such mobility assistance as is reasonably required

21.6. The requirement to provide mobility assistance does not apply if the driver has a certificate of exemption and the specified notice is displayed in the vehicle at the time, but that does not permit a driver to refuse to carry any disabled person.

21.7. Drivers of Hackney Carriages must not refuse to carry an assistance dog and must allow it to remain with their owner unless they have a certificate of exemption issued by the Council. They must not make any additional charge for doing so. When an assistance dog is being carried, the driver must allow it to be carried wherever the owner requires i.e., the driver cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (section 168 of the Equality Act 2010). The same requirements apply to drivers of Private Hire Vehicle Vehicles when the operator has accepted a booking for a passenger with an assistance dog (whether or not the driver is aware of the existence of the dog) unless they have a certificate of exemption issued by the Council. The operator cannot make any additional charge for the carriage of the dog.

21.8. When a Hackney Carriage has been pre-booked or any Private Hire Vehicle has been booked and the driver is aware that the passenger is disabled, the driver must take reasonable steps to enable the passenger to identify the vehicle and not make any additional charge for doing so.

## **22. Complaints about licensees**

22.1. If any person has any complaint about the behaviour or actions of a licensee (driver, operator or proprietor) they should read the guidance and complete the complaints form at [www.westnorthants.gov.uk](http://www.westnorthants.gov.uk)

To enable a complaint to be investigated that person must provide their name, address and contact details to the Council but these will not necessarily be

passed on to the licensee. The licensing officers will consider all complaints. If the complaint is taken forward by the Council, there will be full discussion with the complainant and agreement as to whether or not their identity can be revealed to the licensee. Depending on the outcome of the investigation, the Council may take appropriate action against the licensee. The Council will keep complainants informed of the progress of the investigation, any subsequent action taken and outcome of any subsequent court proceedings.

## **23. Hackney Carriage and Private Hire Vehicle Driver Licences**

- 23.1. The Council issues combined driver licences. That means that the licence is issued under both section 46 of the 1847 Act to drive a Hackney Carriage, and section 51 of the 1976 Act to drive a Private Hire Vehicle. In both cases the vehicle must be licensed by the Council.
- 23.2. To be licensed as a driver, the following requirements must be met by the applicant (full details are set out in a separate document on driver licences):
1. must be aged at least 21;
  2. must have held a full (not provisional) valid driver's licence for at least 3 years. This must be a UK, Northern Ireland, EU or exchangeable licence. But before your licence is granted you must have a driving licence with your current address on it;
  3. must have the right to live and work in the UK;
  4. must be registered with Her Majesty's Revenue and Customs (HMRC) for tax (in the case of a renewal) or must acknowledge the need to be registered for tax (new applicants).
  5. must pass the approved driver skills assessment (this applies to all new applicants and all existing drivers who on renewal cannot demonstrate that they have passed any previous test to the same standard);
  6. provide a medical certificate from a GP with access to full medical records;
  7. pass the Council's approved knowledge test;
  8. attend the Council approved child sexual abuse and exploitation (CSAE) and safeguarding training.
  9. Council approved vulnerability training
- 23.3. The applicant must obtain an enhanced DBS certificate with a check of both the adult and child barred lists. This is applied for in conjunction with the Council and will include a check of both the adult and children barred lists. The application must be made within one month of the date on the certificate.

A completed application must have been received by the Council, the application must have been processed, and the Council must be satisfied that the applicant has the right to remain and work in the UK, holds a valid driving licence (and has done so for at least 1 year) and is a fit and proper person (as required by sections 51(1) (a) (i) and 59(1) (a) (i) of the 1976 Act).

- 23.4. As part of that process the Council will check the National Register of Refusals and Revocations (NR3) ( Full details are available at <https://www.local.gov.uk/topics/licences-regulations-and-trading-standards/national-register-taxi-and-private-hire-licence>) undertake checks with DVLA, and where an applicant lives outside the district, contact will also be made with the authority in whose area they ordinarily resident. In addition, information may be shared with other departments of the Council, other local authorities, HMRC, the police and immigration services. As a user of the NR 3, the Council will check the name of every applicant for a driver licence against the database and will add to the NR3 database the required details of any driver whose licence application is refused or whose licence is revoked.
- 23.5. The Council will also require applicants for renewals to obtain the 9-character tax check code from HMRC and provide it to the Council.
- 23.6. Applicants can complete the application form, satisfy the immigration checks, provide the DBS certificate and tax check code without undertaking the driving test, safeguarding training or medical if they wish. This is referred to as a provisional application and will enable them to be satisfied that the Council will regard them as being a fit and proper person, subject to the additional requirements. This will save expenditure on the part of the applicant in situations where there is doubt as to whether or not a licence will be granted based upon their previous convictions.
- 23.7. The Council does not attach conditions to a taxi driver licence. Although the legislation allows conditions to be attached to a Private Hire Vehicle driver licence, they cannot be attached to a Hackney Carriage driver licence. To ensure that the standards of behaviour are the same when drivers are driving either type of vehicle, the Council has decided to adopt a Code of Conduct. These are not conditions attached to the licence but rather this is the standard of behaviour expected from all taxi drivers.
- 23.8. If there is any non-compliance with this Code of Conduct, or the driver's behaviour falls short of these requirements, the Council will then consider whether or not that person remains a safe and suitable person to hold a licence. The consequences of not complying with the Code of Conduct include penalty points being awarded, suspension of the licence, revocation of the licence or non-renewal of the licence.

## **24. Hackney Carriage Proprietor (Vehicle) Licences**

- 24.1. Once a vehicle has been licensed as a Hackney Carriage, it retains that status all day, every day for the duration of that proprietor (vehicle) licence. That means that it can only be driven by a person who holds a West Northamptonshire Council taxi driver licence entitling them to drive a Hackney Carriage licensed by the Council. The exception to this is when the vehicle is being tested.
- 24.2. Full details are set out in a separate document on Hackney Carriage proprietor (vehicle) licences.
- 24.3. Applicants for a Hackney Carriage proprietor licence must provide a basic DBS at the time of first application and on every renewal. Unless the applicant is already licensed as a driver with the Council.
- 24.4. The council sets fares for Hackney Carriages. The mechanism for doing so is contained in section 65 of the 1976 Act. A fare review/increase will be initiated by the Council when it is required.

## **25. Private Hire Proprietor (Vehicle) Licences**

- 25.1. Once a vehicle has been licensed as a Private Hire Vehicle, it retains that status all day every day for the duration of that proprietor (vehicle) licence. That means that it can only be driven by a person who holds a West Northamptonshire taxi driver licence entitling them to drive a Private Hire Vehicle licensed by the Council. There is no exception to this, even when the vehicle is being tested.
- 25.2. Full details are set out in a separate document on Private Hire Vehicle (proprietor) licences.
- 25.3. Applicants for a Private Hire Vehicle proprietor licence must provide a basic DBS at the time of first application and on every renewal. Unless the applicant is already licensed as a driver with the Council.

## **26. Private Hire Vehicle Operator Licences**

- 26.1. A Private Hire Vehicle must be booked via a Private Hire Vehicle operator before the journey carrying passengers (the hiring) commences. A West Northamptonshire Private Hire Vehicle operator can only operate (i.e., dispatch) a Private Hire Vehicle driven by a Private Hire Vehicle driver, both licensed by the Council.

A West Northamptonshire operator can subcontract to another operator licensed

anywhere in England (including Greater London), Wales or Scotland, and can also accept a subcontract from any other operator. When discharging a subcontract, the vehicle and driver used must be licensed by the Council.

- 26.2. A West Northamptonshire licensed operator can advertise their services anywhere, not only within the area of the County.
- 26.3. Full details are set out in a separate document on Private Hire Vehicle operator licences.
- 26.4. Applicants for a Private Hire Vehicle operator licence must provide a basic DBS at the time of first application and on renewal thereafter. Unless the applicant is already licensed as a driver with the Council.

DRAFT

## Penalty Points Scheme

Penalty points system is seen as an open and transparent way of dealing with breaches of policy of legislation issues, ultimately each case will be dealt with on its own merits

We are not proposing any alternative to this proposal

Re: D1 Concerns raised at meetings about the dress code and questions raised about what constitutes "offensive", examples given that this may include clothing bearing swear words, hate speech and offensive/graphic images etc.

Re: V19 The current requirements is 3 "no smoking" signs – this can be amended to the standard legal requirements of one clearly visible sign.

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  5. Daventry, Northampton and South Northamptonshire Hackney Carriage Zone Byelaws relating to Hackney Carriages
1. Penalty Points Scheme
    - 1.1. Hackney Carriage and Private Hire Vehicle operators, drivers and vehicles are principally governed by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, Byelaws relating to each of the 3 Hackney Carriage zones (until 31 December 2025, and to the whole council area from 1 January 2026) (in respect of Hackney Carriages) and the policy and conditions set by the Council.
    - 1.2. The primary objective of the penalty points scheme is to improve the levels of compliance and to help improve the standards, safety and protection of the travelling public.
    - 1.3. The penalty points scheme works in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of licensees' behaviour and conduct so as to ascertain whether they remain a safe and suitable person to be a vehicle driver or operator and/or suitable to hold a vehicle licence. It does not prejudice the Council's ability to take other action.
    - 1.4. The scheme will be used where operators, drivers or proprietors of vehicles fail to comply with any legislative requirement, commit a criminal offence (under legislation or byelaws) or breach conditions of licence, and following complaints from the public.

- 1.5. Licensees involved will be asked to attend an interview. Once the investigation is completed, letters will be sent out detailing the outcome and a permanent record will be kept on the person's file. The outcome of the investigation may result in officers determining that: no further action be taken; penalty points be imposed; a formal warning be issued, and/or prosecution.
- 1.6. If a licensee wishes to challenge the imposition of penalty points, an appeal will be referred to a Taxi and General Licensing Sub-Committee. At that hearing a Sub-Committee can remove the penalty points, uphold the penalty points, increase the

penalty points (and this includes imposing more points than displayed on the tariff), suspend or revoke the licence, or recommend prosecution. Drivers must appeal any points issued by Officers to a Sub-Committee within 21 days. Details of the appeal mechanism will be contained in the letter confirming the imposition of points.

- 1.7. Penalty points remain live or current for twelve months from the date the penalty points were imposed. If the decision was appealed to a Sub-Committee, and it upholds an imposition of points, those points will remain live for 12 months from the date of the Sub-Committee's decision. The 12-month period is on a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.
  - 1.8. Where a licensee accumulates more than 12 penalty points in any 12-month period, the matter will be referred to a Sub-Committee for it to decide whether the driver remains a fit and proper person. The Sub-Committee may then suspend or revoke a licence, or issue a warning to the Licensee, depending upon the circumstances. Periods of suspension of a licence by a Sub-Committee will be dependent on the nature of the breaches of the legislation, conditions, behaviour and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.
  - 1.9. The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and conditions.
  - 1.10. If points are issued to a proprietor or driver for a matter which is also a criminal offence which the council could prosecute for e.g. not wearing a driver's badge, failure to maintain operator records, those person(s) will not then be the subject of a prosecution by the Council.
2. List of Offences / Breach of Vehicle Licence Conditions

<b><u>Offence / Breach</u></b>	<b><i>Code</i></b>	<b><i>Points</i></b>
Failure to supply interim MOT test when vehicle is over 5 years of age	<b>V1</b>	<b>4</b>
Failure to have or maintain illuminated markings at entrances and exits	<b>V2</b>	<b>2</b>
Failure to have/maintain grab handles	<b>V3</b>	<b>2</b>
Failure to have a means of loading wheelchairs into the vehicle available at all times.	<b>V4</b>	<b>2</b>
Failure to supply a current mechanical tail lift safety certificate to the Licensing Authority	<b>V5</b>	<b>4</b>
Failure to keep a wheelchair access vehicle available without modification at all times	<b>V6</b>	<b>2</b>



Failure to provide an annual LPG safety compliance Certificate	<b>V7</b>	<b>4</b>
Failure to maintain seat belts in a safe condition	<b>V8</b>	<b>4</b>
Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent	<b>V9</b>	<b>4</b>
Failure to display approved roof sign	<b>V10</b>	<b>2</b>
Failure to maintain roof sign in working order	<b>V11</b>	<b>2</b>
Failure to display roof sign on the front part of the roof, unless the vehicle type does not facilitate this, in which case it must be as near to the front as possible.	<b>V12</b>	<b>2</b>
Failure to display front door signs.	<b>V13</b>	<b>4</b>
Displaying incorrect signs i.e., wrong wording or magnetic	<b>V14</b>	<b>4</b>
Displaying other sign on front door	<b>V15</b>	<b>4</b>
Private Hire Vehicle vehicles advertising incorrectly	<b>V16</b>	<b>4</b>
Display sign that does not comply with policy	<b>V17</b>	<b>4</b>
Display web site address large lettering than permitted	<b>V18</b>	<b>4</b>
Failure to display three or more "no smoking" signs in the vehicle	<b>V19</b>	<b>4</b>
Private Hire Vehicle displaying the word "taxi"	<b>V20</b>	<b>4</b>
Incorrectly displaying licence plate	<b>V21</b>	<b>4</b>
Failure to return plate on expiry of licence if requested to do so by Licensing Staff	<b>V22</b>	<b>4</b>
Failure to report loss or damage of a vehicle plate, following discovery of loss or damage.	<b>V23</b>	<b>2</b>
Failure to surrender vehicle licence and plate if proprietor does not wish to retain vehicle licence	<b>V24</b>	<b>2</b>
Advertising on vehicle without written authorisation from the Licensing Authority	<b>V25</b>	<b>4</b>
Failure to submit taximeter for testing when requested to do so by Licensing Authority	<b>V26</b>	<b>2</b>
Tampering or allowing an unauthorised person to tamper with taximeter	<b>V27</b>	<b>4</b>
Failure to display a statement of fares inside the HC	<b>V28</b>	<b>2</b>
Willfully or neglectfully causing letters or figures in the statement to be obscured	<b>V29</b>	<b>2</b>

Failure to deposit copy of statement of fares which differ from the approved fares	<b>V30</b>	<b>2</b>
Failure to notify Licensing of accidents or damage affecting the safety, performance or appearance of the vehicle	<b>V31</b>	<b>2</b>
Failure to supply steering geometry and alignment reports following an accident if required	<b>V32</b>	<b>2</b>
Failure to get authorisation for a temporary transfer vehicle or leaving the vehicle on for more than two weeks	<b>V33</b>	<b>2</b>
Failure to have insurance for the licensed vehicle	<b>V34</b>	<b>12</b>
Failure to provide evidence of insurance prior to expiry	<b>V35</b>	<b>6</b>
Failure to keep copy of insurance/cover note in the vehicle	<b>V36</b>	<b>2</b>
Failure to notify Licensing Authority of change of insurer or particulars within 2 working days.	<b>V37</b>	<b>2</b>
Failure to produce details to the Licensing Authority of drivers permitted to drive	<b>V38</b>	<b>2</b>
Failure to notify change of drivers	<b>V39</b>	<b>2</b>
Failure to notify Licensing Authority of change of address or other contact details	<b>V40</b>	<b>2</b>
Failure to carry a suitably marked approved fire extinguisher within the vehicle (if specified in policy)	<b>V41</b>	<b>2</b>
Failure to carry marked first aid equipment as specified in conditions (if specified in policy)	<b>V42</b>	<b>2</b>
Failure to obtain written permission to use trailers on Licensed vehicles	<b>V43</b>	<b>12</b>
Failure to present vehicle and trailer for inspection	<b>V44</b>	<b>4</b>
Using a driver without the appropriate DVLA category code to tow a trailer	<b>V45</b>	<b>6</b>
Failure to maintain radio equipment in safe condition which poses a risk of injury to passengers	<b>V46</b>	<b>2</b>
Proprietor/Operator allowing a greater number of persons to be conveyed than is specified on the licence	<b>V47</b>	<b>2</b>
Failure to maintain a reasonable standard of behaviour	<b>V48</b>	<b>2</b>

Failure to provide information requested by an authorised officer	<b>V49</b>	<b>4</b>
Failure to provide assistance to an authorised officer	<b>V50</b>	<b>4</b>
Failure to provide evidence of insurance or interim MOT/compliance test prior to expiry (1 <sup>st</sup> instance)	<b>V51</b>	<b>6</b>
Failure to provide evidence of insurance or interim MOT/compliance test prior to expiry (2 <sup>nd</sup> instance)	<b>V52</b>	<b>12</b>
Failure to show evidence of continuous MOT, interim MOT or insurance.	<b>V53</b>	<b>12</b>
Using CCTV equipment not in accordance with the provisions of the conditions and the data protection Act (if installed)	<b>V54</b>	<b>4</b>
Fail to have 3 CCTV signs (if installed)	<b>V55</b>	<b>2</b>
Fail to check CCTV weekly (if installed)	<b>V56</b>	<b>2</b>
Disconnecting CCTV system (if installed)	<b>V57</b>	<b>4</b>
Obstructing CCTV Camera (if installed)	<b>V58</b>	<b>2</b>
Providing alcoholic drinks not in accordance with the sale or supply of alcohol legislation	<b>V59</b>	<b>12</b>

3. List of Offences/Breaches of Driver Code of Conduct

<b><u>Offence / Breach</u></b>	<b><u>Code</u></b>	<b><u>Points</u></b>
Driver not clean and respectable in their dress	<b>D1</b>	<b>2</b>
Driver not complying with the Driver Dress Code	<b>D2</b>	<b>2</b>
Driver not behaving in a civil and orderly manner	<b>D3</b>	<b>3</b>
Driver allowing noise from radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle	<b>D4</b>	<b>2</b>
Driver smoking/vaping/similar whilst in the vehicle	<b>D5</b>	<b>4</b>
PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre booking	<b>D6</b>	<b>3</b>
Driver of PH vehicle plying for hire	<b>D7</b>	<b>4</b>
Driver calling out or influencing person to travel in the vehicle for gain without a prior appointment	<b>D8</b>	<b>3</b>

Fail to have in possession driver badge whilst driving a licensed vehicle	<b>D9</b>	<b>2</b>
Not wearing driver badge on the upper left arm in the vehicle which is visible to passengers being conveyed in the vehicle	<b>D10</b>	<b>2</b>
Failure to surrender driver badge to the Licensing Authority upon expiry, revocation or suspension of their licence when requested by Licensing Staff	<b>D11</b>	<b>2</b>
Failure to carry evidence of insurance cover, this can be a cover note, in the vehicle whilst on duty	<b>D12</b>	<b>2</b>
Failure of driver to check vehicle proprietor has insurance on the vehicle	<b>D13</b>	<b>2</b>
Driver carrying greater number of persons than the number specified on the licence	<b>D14</b>	<b>12</b>
Carrying other persons in the vehicle without the consent of the hirer	<b>D15</b>	<b>2</b>
Carry a member of family/friend in a licensed vehicle when it is for hire/hired	<b>D16</b>	<b>2</b>
Failing to carry or ensure safety of passenger luggage	<b>D17</b>	<b>4</b>
Failing to offer reasonable assistance with luggage	<b>D18</b>	<b>2</b>
Failing to take steps to ensure passenger safety	<b>D19</b>	<b>6</b>
Failing to ensure passengers are dropped off safely, at the correct destination	<b>D20</b>	<b>2</b>
Fail to search vehicle after journey	<b>D21</b>	<b>2</b>
Fail to hand found property to the police	<b>D22</b>	<b>2</b>
Fail to operate taxi meter correctly	<b>D23</b>	<b>4</b>
Fail to use taximeter on pre booked journey or fail to charge fee less than meter fee	<b>D24</b>	<b>2</b>
Charging more than the metered fare	<b>D25</b>	<b>4</b>
Tampering or allowing tampering of a taximeter	<b>D26</b>	<b>4</b>
Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare	<b>D27</b>	<b>2</b>

Demanding more than the previously agreed fare	<b>D28</b>	<b>4</b>
Demanding more than the fare shown on the taxi meter or scale of charges on the tariff sheet	<b>D29</b>	<b>4</b>
Starting the fare before the hirer enters the vehicle unless specified in the tariff sheet	<b>D30</b>	<b>4</b>
Failure to notify proprietor of complaints made by the passengers	<b>D31</b>	<b>2</b>
Failure to notify passengers of their right to refer their complaint to the Licensing Authority	<b>D32</b>	<b>2</b>
Failure to attend at appointed time or place without sufficient cause	<b>D33</b>	<b>2</b>
Unnecessarily prolonging journey in distance or time	<b>D34</b>	<b>4</b>
Failure to provide copy of driver licence to operator	<b>D35</b>	<b>2</b>
Failure to ensure insurance cover for them to drive vehicle	<b>D36</b>	<b>4</b>
Failure to ensure vehicle is licensed by Licensing Authority for the purpose used	<b>D37</b>	<b>2</b>
Failure to notify Licensing Authority of change of address/telephone number/email address within 7 days	<b>D38</b>	<b>4</b>
Failure to notify Licensing Authority of motoring offences over 3 penalty points or criminal convictions during the period of licence	<b>D39</b>	<b>12</b>
Failure to notify Licensing Authority of motoring convictions up to 3 penalty points during the period of licence	<b>D40</b>	<b>6</b>
Failure to notify Licensing Authority of involvement in incidents which the Police are involved and may lead to a caution/conviction	<b>D41</b>	<b>12</b>
Failure to notify Licensing Authority in writing within 7 days of serious injury or illness	<b>D42</b>	<b>12</b>
Failure to notify the Licensing Authority of a DVLA notifiable condition	<b>D43</b>	<b>12</b>
Failure to carry assistance dog without exemption	<b>D44</b>	<b>4</b>
Making additional charge for carrying assistance dog	<b>D45</b>	<b>4</b>

Failure to apply for or provide an exemption certificate on medical grounds for not being medically fit to carry an assistance dog	<b>D46</b>	<b>4</b>
Not using mobile phone in accordance with The Road Vehicle (construction and use) (Amendment) (No.4) Regulation 2003	<b>D47</b>	<b>2</b>
Failure to keep vehicle reasonably clean	<b>D48</b>	<b>2</b>
Failure to notify Licensing Authority of vehicle damage within 72 hours or present vehicle if requested to do so	<b>D49</b>	<b>4</b>
Failure to provide a written receipt for the fare paid if requested to do so by the passenger	<b>D50</b>	<b>2</b>
Failure to co-operate with any authorised officer of the Licensing Authority, Constable or any other clearly identifiable person nominated by the Licensing Authority	<b>D51</b>	<b>4</b>
Failure to keep a record of bookings in the Private Hire Vehicle. This can be computerised/electronic or written	<b>D52</b>	<b>2</b>
Failure to comply the regulations governing the wearing of seat belts	<b>D53</b>	<b>4</b>

#### 4. Offences / Breaches of Operator Licence Conditions - Private Hire Vehicle

<b><u>Offence</u></b>	<b><u>Code</u></b>	<b><u>Points</u></b>
Operating more vehicles than stated on licence	<b>01</b>	<b>2</b>
Failure to obtain and maintain insurance on vehicle	<b>02</b>	<b>12</b>
Failure to produce evidence of insurance cover to the Licensing Authority	<b>03</b>	<b>6</b>
Fail to provide valid insurance on expiry for any premises where the public have access	<b>04</b>	<b>6</b>
Failure to notify the Licensing Authority of change of insurer within 2 days	<b>05</b>	<b>2</b>
Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises	<b>06</b>	<b>2</b>

Failure to provide a prompt, efficient or reliable service	<b>07</b>	<b>2</b>
Failure to attend a booking at appointed time or place without sufficient cause	<b>08</b>	<b>2</b>
Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence	<b>09</b>	<b>12</b>
Fail to have necessary documents and equipment	<b>010</b>	<b>2</b>
Operating the business from a premises outside the district	<b>011</b>	<b>12</b>
Failure to have in place planning permission if required at operators address	<b>012</b>	<b>2</b>
Failure to comply with planning permission or licence conditions for number of vehicles permitted	<b>013</b>	<b>2</b>
Failure to supply written confirmation within seven days of changes to the particulars shown on the application form relating to the licence	<b>014</b>	<b>4</b>
Fail to notify Licensing Authority of change of address	<b>015</b>	<b>2</b>
Failure to notify the Licensing Authority within seven days of any convictions imposed on them, during the period of the licence	<b>016</b>	<b>6</b>
Failure to keep proper records for a period of not less than six months	<b>017</b>	<b>3</b>
Failure to keep proper records	<b>018</b>	<b>2</b>
Fail to keep entries correctly	<b>019</b>	<b>2</b>
Fail to notify details of security arrangements	<b>020</b>	<b>2</b>
Fail to keep records of Private Hire Vehicle vehicles operated	<b>021</b>	<b>2</b>
Displaying the word Taxi or Cab on a Private Hire Vehicle vehicle or any other advertising without permission from the Council	<b>022</b>	<b>2</b>
Failure to keep records of all drivers employed or failure to produce details of the drivers	<b>023</b>	<b>2</b>



Failure to notify Licensing Authority within seven days of the particulars of any driver who is no longer employed by the operator	<b>024</b>	<b>2</b>
Failure to maintain telephone or radio equipment in sound condition or failure to repair defects promptly	<b>025</b>	<b>2</b>
Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment	<b>026</b>	<b>2</b>
Using unlicensed drivers to drive a West Northants Council licensed vehicle	<b>027</b>	<b>12</b>
Failure to keep a written record of all complaints or failure to make available to the Licensing Authority	<b>028</b>	<b>2</b>
Late to provide evidence of insurance or interim MOT (1 <sup>st</sup> Occasion)	<b>029</b>	<b>6</b>
Late to provide evidence of insurance or interim MOT (2 <sup>nd</sup> Occasion)	<b>030</b>	<b>12</b>
Failure to carry out or provide the required DBS checks on dispatch staff	<b>031</b>	<b>12</b>
Failure to record, maintain or provide details of checks on dispatch staff in a register	<b>032</b>	<b>12</b>
Failure to make appropriate checks of any operator for which work is outsourced	<b>033</b>	<b>12</b>
Failure to establish, maintain or provide a policy on employing ex-offenders to the licensing authority	<b>034</b>	<b>12</b>
Failure to require notification of convictions as part of the contract of employment	<b>035</b>	<b>12</b>
Failure to notify licensing authority of any conviction information relating to booking and dispatch staff in accordance with condition	<b>036</b>	<b>12</b>

5. Breaches of Daventry zone, Northampton zone, South Northamptonshire zone or West Northamptonshire Council Byelaws Relating To

### Hackney Carriages

<b><u>Byelaw number</u></b>	<b><u>Offence</u></b>	<b><u>Code</u></b>	<b><u>Points</u></b>
2 (b) (I)	Willfully or negligently causing licence number to be concealed from public view while the carriage is standing or plying for hire	<b>B1</b>	<b>2</b>
2 (b) (ii)	Causing or permitting the carriage to stand or ply for hire with an illegible plate	<b>B2</b>	<b>2</b>
3	Failure to furnish the Hackney Carriage in accordance with requirements of the Byelaw	<b>B3</b>	<b>2</b>
4.	Failure to provide a taximeter in accordance with the requirements of the Byelaw	<b>B4</b>	<b>2</b>
5.	Failure to operate taximeter in accordance with requirements of the Byelaw.	<b>B5</b>	<b>2</b>
6.	Driver or proprietor tampering with meter or permitting any unauthorised person to tamper with meter	<b>B6</b>	<b>4</b>
7. (b)	Failure to proceed to another rank when at the time of arrival rank is full	<b>B7</b>	<b>2</b>
7. (c) (d)	Failure to station or move the carriage immediately behind the carriage or carriages in front on the rank	<b>B8</b>	<b>2</b>
8.	A proprietor or driver using the services of a person to importune a person to hire the vehicle	<b>B9</b>	<b>2</b>
10.	Failure by driver to take reasonable precautions to ensure the safety of passengers	<b>B10</b>	<b>4</b>
11.	Driver or proprietor allowing more persons to be conveyed than the licence allows	<b>B11</b>	<b>12</b>
12.	Failure by driver to carry the badge provided by the Licensing Authority when plying for hire	<b>B12</b>	<b>2</b>
13.	Failure to provide when requested reasonable assistance with luggage	<b>B13</b>	<b>2</b>
15.	Failure to display statement of fares inside the carriage in a legible state	<b>B14</b>	<b>2</b>

17.	Failure to notify lost property to the Police within 48 hours of discovery	<b>B15</b>	<b>2</b>
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## Previous Convictions policy.

The Institute of Licensing (IoL) published its '[Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#)' in April 2018. The document was produced by a working party commissioned by the IoL, in recognition that in the absence of any recent Statutory or Ministerial Guidance, decision making across the country was inconsistent, leading to licence shopping where drivers refused licences in one area may subsequently be granted a licence in another area. The intention of the IoL's guidance was to provide licensing authorities with a national set of standards which they could then consider using as a basis for their own local policies, and in doing so provide a more consistent approach across the country. The Guidance was produced in partnership with the Local Government Association (LGA), National Association of Licensing and Enforcement Officers (NALEO) and Lawyers in Local Government (LLG). [Institute of Licensing](#)

- 4.1 The sole purpose of Hackney Carriage and Private Hire Vehicle licensing is to protect the public. That is the only consideration the council can take into account when determining applications for a licence and whether to take action against an existing licence (suspend, revoke or refuse to renew).
- 4.2 Ideally, all those involved in the Hackney Carriage and Private Hire Vehicle trades (drivers, vehicle owners and Private Hire Vehicle operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.3 The purpose of this this policy is to lay down guidelines as to what West Northamptonshire Council regard as unacceptable previous conduct on the part of an applicant or licensee. This will then assist the council in determining whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence.
- 4.4 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.5 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a Hackney Carriage or Private Hire Vehicle proprietor's licence.
- 4.6 "Fit and proper" means that the individual (or in the case of a Private Hire Vehicle operator's licence or vehicle proprietors' licence, the limited company together with its directors and secretary, or all members of a partnership<sup>1</sup>) is "safe and suitable" to hold the licence.
- 4.7 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the Hackney Carriage or

Private Hire Vehicle trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.

4.8 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction<sup>2</sup>.

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<sup>1</sup> Section 57(1) and 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

<sup>2</sup> This is because a caution can only be imposed following an explicit admission of guilt.

Fixed penalties and community resolutions will also be considered in the same way as a conviction<sup>3</sup>.

- 4.9 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.10 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 4.11 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.12 Any offences committed, or unacceptable behaviour reported whilst driving a Hackney Carriage or Private Hire Vehicle, concerning the use of as such or in connection with an operator of the same, will be viewed as aggravating features, and the fact that any other offences were not connected with the Hackney Carriage and Private Hire Vehicle trades will not be seen as mitigating factors.
- 4.13 As the council will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.14 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.15 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

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<sup>3</sup> This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

- 4.16 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The council has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.17 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.18 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 4.19 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 4.20 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 4.21 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

### **Drivers**

- 4.22 As the Council issues dual licences (permitting the licensee to drive either a Hackney Carriage or Private Hire Vehicle and referred to as a taxi driver's licence) and the criteria for determining whether an individual should be granted or retain a Hackney Carriage driver's licence are identical to the criteria for a Private Hire Vehicle driver's licence, the two are considered together.
- 4.23 A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

- 4.24 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.25 In relation to single convictions, before a licence will be granted the following time periods should elapse following completion of the sentence. "Sentence" means the period of imprisonment imposed (not simply the time served), or the date of conviction if a fine was imposed, completion of any disqualification from driving, or the end of whichever lasts longer if more than one penalty was imposed.

### **Crimes resulting in death**

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

### **Exploitation**

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

### **Offences involving violence**

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

### **Possession of a weapon**

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

### **Sex and indecency offences**

- 4.30 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
- 4.31 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.



## **Dishonesty**

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

## **Drugs**

- 4.33 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 4.34 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## **Discrimination**

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

## **Motoring convictions**

- 4.36 Hackney Carriage and Private Hire Vehicle drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions may indicate the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

## **Drink driving/driving under the influence of drugs/using a hand-held telephone or hand-held device whilst driving**

- 4.37 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 4.38 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## **Other motoring offences**

- 4.39 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- 4.40 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance, or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **Hackney Carriage and Private Hire Vehicle offences**

- 4.41 Where an applicant has a conviction for an offence concerned with or connected to Hackney Carriage or Private Hire Vehicle activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **Vehicle use offences**

- 4.42 Where an applicant has a conviction for any offence which involved the use of a vehicle (including Hackney Carriages and Private Hire Vehicle vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **Private Hire Vehicle Operators**

- 4.43 A Private Hire Vehicle operator ("an operator") does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the Private Hire Vehicle (except where they are also licensed as a Private Hire Vehicle driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.
- 4.44 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.45 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying

the required standards and using staff that do not meet the licensing authority's overall criteria, that will lead to the operator's licence being revoked.

- 4.46 As public trust and confidence in the overall safety and integrity of the Private Hire Vehicle licensing system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

### **Vehicle proprietors**

- 4.47 Vehicle proprietors (both Hackney Carriage and Private Hire Vehicle) have two principal responsibilities.

- 4.48 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

- 4.49 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

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

- 4.51 As public trust and confidence in the overall safety and integrity of the Private Hire Vehicle system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

## **Dual Driver Licence Policy and Code of Practice**

### **Driver Licenses (Hackney Carriage and Private Hire**

#### **Vehicle) Town Police Clauses Act 1847**

#### **Local Government (Miscellaneous Provisions) Act 1976**

Vehicle specifications to include number of passengers, tinted glass, seat widths and concerns around certain models no longer being licensable – the requirements for vehicle specifications is to consider public safety and passenger comfort, it is considered reasonable that existing licensed vehicles are granted grandfather rights until the purchase of a new vehicle is necessary. The licensing team will continue to review amendments to the vehicle specifications to be amended in line with any developments in makes and models of vehicles. Existing licensed vehicles will continue to be renewed until they are replaced or no longer meet the required standards.

The policy has been amended for tinted glass to conform with the national DFT standards

Emission Standards – An emissions policy is aimed to meet with the Councils corporate objectives for cleaner, greener communities and has previously been in place in the Northampton area.

1. West Northamptonshire issues dual driver's licences. That means that once you hold a driver's licence, you can drive any West Northamptonshire licensed Hackney Carriage or Private Hire Vehicle.
2. This reduces the burden on drivers who may wish to drive either type of vehicle, reduces the costs to the drivers and the Council, and as the criteria for issue and retention of both Hackney Carriage and Private Hire Vehicle driver's licences are identical, there is no practical or legal reason not to do so.
3. This document contains the policy, Code of Conduct, legislation and Byelaws and relating to your licence.
4. The Council has the power to make byelaws relating to Hackney Carriage drivers under the legislation, and it has done so. The byelaws only apply when you are using your licence to drive a Hackney Carriage.
5. There is also a power to attach conditions to Private Hire Vehicle driver's licences, but the Council has decided not to attach standard conditions to these licences.
6. As it issues dual licences, it has a Code of Conduct for Taxi Drivers which applies to both Hackney Carriage and Private Hire Vehicle activity. This Code is not a condition: it is a standard of behaviour which it expects drivers to maintain. Any failure to comply with the Code will lead to the Council

questioning whether you remain a fit and proper person to drive a Hackney Carriage or Private Hire Vehicle.

7. A dual driver's licence is referred to as a "taxi drivers' licence" and drivers are referred to as "taxi drivers" within the Council and for the remainder of this document.

## **Introduction**

8. The purpose of licensing taxi drivers is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous drivers.
9. It is a privilege to hold a taxi drivers' licence and licensees have responsibilities to their passengers and customers, other road users and the public generally. The council has been satisfied that when you applied for your licence you were a fit and proper person to have that licence granted. In assessing that, the Council took into account your entire character and behaviour. This not only includes times when you are working as a taxi driver, but it all other times as well. This can include your use of social media as well as other forms of communication.
10. The requirement to satisfy the council that you are a fit and proper person continues throughout the duration of the licence. If at any time you as a licensee fall below the standards expected of a new applicant, the council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. It is no defence to argue that your actions took place when you are not working as a taxi driver. You should appreciate that under the previous convictions policy if the unacceptable or criminal behaviour took place whilst you were driving as a taxi driver that will be viewed as an aggravating feature by the Council.
11. In many cases a taxi driver is the first person that a visitor to the county will encounter following arrival at an airport, railway station or bus station. Taxi drivers are ambassadors for the county and that first impression can affect a person for their entire visit. Taxi drivers should be aware of this and act accordingly at all times.
12. Taxi drivers can also be the eyes ears of their communities. In addition to travelling far and wide around the area they also have close contact with people from every part of society. This means they can quickly establish when situations are not normal. Taxi drivers are also very aware of the movements of people. They are in a position to recognise where children may be being used for criminal purposes (for example County lines drug trafficking) or being moved for the purposes of abuse or exploitation. They may also recognise similar movements of adults in relation to modern slavery

and other forms of abuse.

13. By working closely with the Council and other agencies the role of the taxi driver can be vital in protecting vulnerable people within the community.
14. Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
15. You must understand and comply with the legal requirements relating to your taxi Driver Licence and the legal requirements and conditions attached to the Hackney Carriage or Private Hire Vehicle Licence of the vehicle you drive. Failure to comply with the requirements may result in your taxi Driver Licence being suspended or revoked.

#### **Power to take action against a taxi drivers' licence**

16. Under section 61 Local Government (Miscellaneous Provisions) Act 1976, the Council may suspend or revoke or refuse to renew a Taxi Drivers' Licence on the following grounds –
  - (a) that the licensee has, since the date of the grant of the licence –
    - (i) been convicted of an offence involving dishonesty, indecency or violence; or
    - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
  - (aa) been convicted of an immigration offence or required to pay an immigration penalty; or
  - (b) any other reasonable cause.
17. The Council may suspend or revoke your licence with immediate effect where it is of the opinion that the interests of public safety require such a course of action under section 61(2A) Local Government (Miscellaneous Provisions) Act 1976. That power is delegated to an authorised officer. As this is likely to be an urgent situation, you will be contacted by telephone, text and email and notified of the time the decision will be made and you opportunity to make representations. If you do not avail yourself of that opportunity, the decision will be taken in your absence.
18. Failure to comply with any Hackney Carriage or Private Hire Vehicle legislation, or other road traffic legislation is an offence, and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action

against your licence which may also result in your taxi drivers' licence being suspended or revoked.

19. If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may be prosecuted under s57(3) Local Government (Miscellaneous Provisions) Act 1976.
20. The Taxi Drivers Licence, badge and armband remain the property of the Council.
21. In the event that you lose your licence, badge or armband, or they are damaged or defaced, you must get a replacement on payment of a fee determined by the Council, and you cannot drive a Hackney Carriage or Private Hire Vehicle until such a replacement is obtained.

### **Duration**

22. The drivers' licence expires 3 years (36 months) from the date of issue, unless an application was made for a licence for a year or where the Right to Work/Reside of the licence holder expires sooner.

### **Renewal**

The 40-day renewal window is a reasonable period for the applicant to declare any matters that require further investigation before a licence is renewed. This could include for example any arrests, motoring offences that will not appear on a DBS at the time of renewal.

The Council will accept a DBS/Medical that is dated within a 3-month window at the time of the renewal application date.

23. Any application for renewal must be made no earlier than 40 working days before the expiry of the licence and should be made no later than 20 working days before the expiry of the licence.
24. If you do not apply to renew your licence in time there may be a period when you will be unable to drive a Hackney Carriage or Private Hire Vehicle. If the renewal application is not received before the expiry of your current licence, it will be treated as a new application rather than a renewal and you will have to provide all the information that is required for renewal application (e.g. a new DBS check, up-to-date medical etc).
25. Renewals are generally dealt with by Council officers under delegated powers and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (for example if you have been convicted or cautioned for any offence, received a fixed penalty notice, Community Protection Notice (CPN), Criminal Behaviour Order (CBO), been required to

attend a speed awareness course or there have been a complaint or concerns about your behaviour, but this is not an exhaustive list) the renewal application may need to be considered by the licensing Taxi and General Licensing Committee.

26. The renewal of the licence will be at the Council's discretion.

## **Applications**

27. All applications must be made online via the council's website.

28. An application will not be processed unless it is complete.

## **Photographs**

29. All new applications must be accompanied by a passport standard and sized photographs of the applicant with the applicant's full name written in block capitals on the reverse. An updated photograph should be supplied should the licence holder's appearance significantly change.

## **Driving Licence**

30. Applicants must hold a full DVLA driving licence for a Category B vehicle for a period of at least 3 years. Where an applicant (or an existing licensed driver) has been disqualified from driving for any period, as a result of a conviction, a Taxi Drivers' Licence will not be granted to that applicant until at least 1 year has elapsed following the end of the period of disqualification.

31. If an applicant does not hold a UK driving licence, an application can be made provided the applicant holds a Northern Ireland, European Economic Areas or a driving licence issued by a country which is defined as an "Exchangeable" driving licence and has done so for at least 1 year at the date of application but a licence will only be granted with the home address on the driving licence. Countries which issue licences recognised as exchangeable are currently Gibraltar, Jersey, Guernsey, Isle of Man, Australia, Barbados, British Virgin Islands, Canada, Falkland Islands, Faroe Islands, Hong Kong, Japan, Monaco, New Zealand, Republic of Korea, Singapore, South Africa, Switzerland, Zimbabwe (This list may change as a result of changes to the legislation).

32. The driving licence must be produced at the assessment interview and consent to access DVLA records must be given. A copy will be taken of the licence and retained together with the application form and all other supporting documents.



## **Immigration requirements**

33. An applicant for a driver's licence must have the right to remain and work in the UK. This will be evidenced on application by the driver providing documentation which complies with the Home Office guidelines. At the time this policy was adopted those are detailed in Appendix 1 to the Home Office document *"Guidance for Licensing Authorities to prevent Illegal Working in the Taxi and Private Hire Vehicle Sector in England and Wales"* (available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/675533/A\\_Licensing\\_Authority\\_guide\\_to\\_right\\_to\\_work\\_checks\\_-\\_England\\_and\\_Wales.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/675533/A_Licensing_Authority_guide_to_right_to_work_checks_-_England_and_Wales.pdf)) The list of acceptable documents is also detailed on the council's website.
34. Where an applicant has an unqualified right to remain and work, that will be noted, and this process will not be repeated on renewal.
35. However, where there is a qualifications to either of the rights, the required documentation must be provided each time the licence is renewed. In those cases a licence for a shorter period than the usual 3 years may be granted.
36. If at any time during the currency of a licence, the right to remain all work is lost, that licence will cease to have effect and the licensee must immediately notify the Council and return the licence, badge and armband.

## **Tax Conditionality**

37. Existing licensees applying for the renewal of a licence must obtain their unique 9- character code from HMRC and provide this to the council. If this cannot be provided the application cannot proceed.
38. The council will advise new applicants of the need to register with HMRC for tax and must sign an acknowledgement that they have received this information.

## **Criminal records check**

39. All applicants (new and on renewal) will be required to provide an enhanced Disclosure and Barring Service check with a check of both the Adult and Children Barred Lists, at their own expense, as part of the application process. This is conducted via a third-party provider, but the Certificate is sent to the applicant's home address. Once a licence has been granted, all licensees will be required to subscribe to the DBS Update Service.
40. The application will then be considered in the light of the council's convictions policy.

41. Applicants who are foreign nationals and who have not been continuously resident in the UK for more than 5 years since the age of 18 must obtain and produce (at their expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 3 months old, and the council will verify the authenticity of any documentation that is provided.
42. UK citizens who have lived outside the UK for more than 3 months at a time since the age of 18 must obtain and produce (at their expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 3 months old, and the council will verify the authenticity of any documentation that is provided.

The proposed policy of 3 months follows the recommended government guidance, it is recognised that some other local authorities have adopted a 6 month approach to allow for the high number of trade that may frequently travel abroad, ultimately it is for members to decide what is an appropriate timescale.

## **Driving Standards**

43. In order to establish that an applicant reaches an acceptable driving standard, new applicants will be required to successfully undertake and pass an approved Driver Skills Assessment (current providers are listed on the website [www.westnorthants.gov.uk](http://www.westnorthants.gov.uk)) before a licence will be granted. Applicants must arrange and pay for this test themselves.
44. If there are any doubts about the driving standards of an existing licence holder, they may be required to take a Driver Skills Assessment test at their own expense.

## **Medical requirements**

Current requirement is for medicals to be carried out by GP's with access to full medical history. According to the Licensed Private Hire Car Association (LPCHA) over a 100 local authority allow summary records to be used. Ultimately it is for members to be decided on the best approach.

45. Applicants are required to pass a medical examination (at their own expense) and provide a Council issued medical certificate completed by their own GP who must have full access to all of their medical records to meet PSV/HGV Group 2 (vocational licence) medical standards of fitness, as defined and updated by the Driver and Vehicle Licensing Agency.
46. An applicant can also provide a PSV/HGV Group II medical certificate which has been completed by a GP with access to their full medical records within the previous four

months.

47. Medical certificates are required at the initial application; thereafter on renewal and every year from the age of 60.
48. The Council reserves the right to seek a second opinion (at the expense of the applicant) in any case where it has any concerns about the medical fitness of an applicant, both on application and at any time during the duration of the licence. The Council may revoke or suspend a licence if the requested information is not submitted within 4 weeks of the request, and also where the information provided raises further concerns as to the applicant's fitness to carry out their duties as a licensed driver.

### **Driver's licence and badges**

The identification of drivers is considered important information for passengers to report any concerns to the licensing team.

49. Successful applicants will be issued with their licence and a badge which must be worn in a way which is visible to the public on receipt of the licence fee.

### **Equality Act Exemption Certificates**

Ultimately it is a legal requirement for all assistance dogs to be carried unless a driver has a specific medical exemption from their GP.

50. Taxi drivers must carry assistance dogs, provide mobility assistance to all disabled passengers at all times and when driving a listed wheelchair accessible vehicle provide mobility assistance to wheelchair-using passengers, (detailed below).
51. Applications can be made to the council for exemption from the assistance dogs' requirements under sections 169 and 171 of the Equality Act 2010. Similar applications for exemptions from the requirement to provide mobility assistance can be made under section 166 of the Equality Act 2010. It must be recognised that the exemption certificate only removes the need to provide mobility assistance and does not allow a driver to refuse to carry a disabled person.
52. Application forms are available on the Council's website [www.westnorthants.gov.uk](http://www.westnorthants.gov.uk) together with details of the criteria that will be used to determine whether or not any such exemption certificate should be issued, and if so on what terms.
53. Exemption certificates will only last until the driver is required to provide their next general medical certificate. This means that an exemption certificate will last for a maximum of 5 years, but if it is being granted subsequent to the last medical, it will not run beyond the renewal date for the general medical certificate.

## **SANCTIONS AGAINST BREACHES OF THE CODE OF CONDUCT AND FOR ACQUIRING DRIVING LICENCE POINTS.**

54. Where a driver acquires 6 or more penalty points on their DVLA licence, or who breaches any legislation, Byelaw or requirement of the Code of Conduct, they may be referred to the Taxi and General Licensing Committee or dealt with by an authorised officer.
55. The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for taxi drivers. Each year (running from 1<sup>st</sup> January to 31<sup>st</sup> December) a maximum of 20 Council penalty points can be accrued on a licence. Any taxi driver who accrues 20 or more points may be brought before the Taxi and General Licensing Committee or be dealt with by an authorised officer where their fitness and propriety to retain a driver's licence will be considered.
56. When a driver is brought before the Taxi and General Licensing Committee for whatever reason, the Committee will decide each case on its merits, after hearing the facts.
57. The Taxi and General Licensing Committee may also suspend or revoke the driver's licence or impose further penalty points. Suspension or revocation of your licence can be with immediate effect where the Council is of the opinion that the interests of public safety require such a course of action. (Section 61(2A) Local Government (Miscellaneous Provisions) Act 1976).
58. It must be understood that a decision to grant you a licence was made on the basis that you were a fit and proper person to drive a Hackney Carriage and Private Hire Vehicle on the particular facts of the case on the day of the decision. That status can be lost at any time in the future and you must ensure that your behaviour remains of the highest standard to protect your drivers' licence and therefore your livelihood.

### **Taxi Drivers Code of Conduct**

59. This code of conduct relates to you as a licensed taxi driver. It outlines the standards of behaviour which are expected of you whilst you hold a taxi driver's licence. Failure to comply with these requirements may lead to enforcement action being taken. This could be by way of penalty points attached to your taxi drivers' licence, suspension, revocation or refusal to renew your licence.
60. You are a licensed taxi driver for the duration of the licence, and at all times you should ensure that your conduct and behaviour is that of a fit and proper person. You must ensure that you do not act in any way, at any time, that might affect that. The council will consider all your behaviour, and that is not limited to the times when you are driving a Hackney Carriage or Private Hire Vehicle.

61. When you are driving a Hackney Carriage or Private Hire Vehicle, that remains a West Northamptonshire Council licensed vehicle and you remain a West Northamptonshire Council licensed taxi driver wherever you may be located, and for whatever purpose you are using the vehicle (this includes social and domestic use) . This Code of Conduct applies across the whole of the United Kingdom.

### **Your taxi drivers Licence and Badge**

62. You have been issued with your drivers badge which must be worn in a way which is visible to the public when driving or working with a Private Hire Vehicle or Hackney Carriage and failure to do so is a criminal offence [under s54 of the 1976 Act when using a Private Hire Vehicle and the relevant byelaw when using a Hackney Carriage]. You must return your licence and badge to the Licensing Section of the Council **within 72 hours** if

- (a) You change your home or business address
- (b) the licence expires, is suspended, revoked
- (c) you lose the right to work in the UK, or the right to remain in the UK
- (c) You wish to surrender your Taxi Driver Licence
- (d) required to do so by an "Authorised Officer of the Council".

63. You must inform the Licensing Section of the Council in writing (can be by email), within **seven days** if you change your address.

64. In the event of the loss of your licence or badge you must report the loss to the Council immediately.

### **Deposit of Taxi Driver Licence when working for others**

65. You must give your taxi Driver Licence\* to the Private Hire Vehicle operator when driving Private Hire Vehicle, or proprietor of any Hackney Carriage which you will be using. They will keep your licence while you are driving for them. (\*this can be an electronic copy).

### **Production of Documents**

66. If an Authorised Officer of the Council, an Authorised Officer of another Council with which West Northamptonshire Council has a reciprocal arrangement or a police constable or PCSO asks you, you must produce:

- (a) Your DVLA driving licence
- (b) Your Taxi Driver Licence
- (c) The vehicle registration document

(d) A valid certificate of insurance

within **five days** of the request being made at the location that they specify.

### **Medical condition**

67. You must notify the Council, in writing within 14 days of any change in your medical condition that may adversely affect your ability to drive Private Hire Vehicle or Hackney Carriage vehicles.
68. You must ensure that when you are working you are sober and not under the influence of any illegal drugs. If you are taking any prescription medication, you must ensure that it does not impair your driving ability.
69. If at any time you feel unwell you must discontinue work until such time as you feel better and able to return to work.
70. You may be required to provide a new Group 2 medical at your own expense if the Council has concerns over your fitness to hold a licence.

### **Declaration of conviction / caution / penalty**

71. You must declare all convictions, cautions, fixed penalty notices, CBO's (Criminal Behaviour Orders) CPNs (Community Protection Notices), requirements to attend a speed awareness course, injunctions and restraining orders to West Northamptonshire Council on your initial application form.
72. If you are convicted of any offence, or accept a formal caution for an offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or are made the subject of an CBO or CPN, are required to attend a speed awareness course, are made the subject on any injunction or restraining order, or you are arrested for any matter, you must give the Council details, in writing and within **72 hours** of the event.

### **Driving**

73. You must comply with all road traffic regulations at all times.
74. You must comply with all legislation and conditions relating to the Hackney Carriage or Private Hire Vehicle that you are driving at all times. Those conditions are available on the council website.
75. You must not sound your vehicle horn –

(a) unnecessarily, i.e. unless in an emergency or to let other road users or pedestrians know you are there

(b) when your vehicle is stationary on a road, at any time, other than at times of danger due to another moving vehicle on or near the road

(c) on any road in a built-up area between 11.30 p.m. and 7.00 am.

76. You must not drive any Hackney Carriage or Private Hire Vehicle in a dangerous or inconsiderate manner and in addition to complying with all road traffic regulations you must ensure that your driving and behaviour on the road is of the highest standard.

77. When parking, or otherwise waiting for either a hiring (Hackney Carriage), a booking to be communicated to you (Private Hire Vehicle and Hackney Carriage) or attending for a pre-booked hiring (Private Hire Vehicle and Hackney Carriage) you must ensure that you do not obstruct other road users including pedestrians on pavements and in pedestrianised streets. You must also ensure that you do not block vehicle entrances, or any emergency exits for buildings. You must also comply with parking and waiting restrictions (if any).

78. When stopping to set passengers down you must do so in a manner which minimises the risk to those passengers as their light from the vehicle. You must warn passengers clearly of any unusual or unexpected dangers within the vicinity.

79. When driving a Hackney Carriage, you must not demand a fare greater than that shown on the meter for a journey within the council's area. Where a journey ends outside the council's area, you must not demand a fare greater than that shown on the meter unless an agreement was made between yourself and the hirer before the hiring commenced.

80. When driving a Private Hire Vehicle you must not demand a fare greater than that shown on the meter (if that is how your operator calculates fares) or as agreed between the hirer and the operator.

81. You must stop the engine of the vehicle at all times when the vehicle is stationary otherwise than through the necessities of traffic.

82. It is a criminal offence to hold and use a mobile phone or other handheld device whilst driving. In addition, this will be regarded as a serious breach of the Code of Conduct.

### **Data protection**

83. You must ensure that you have the correct safeguards for storing personal data that

comply with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). This will include details of hirers (pre-booked Hackney Carriages) and also any dash cam footage (the use of dash cams is considered in relation to vehicle licences).

## **Conduct and Behaviour**

84. You must be honest and trustworthy at all times.
85. You must be polite and courteous to your passengers, other road users and the public generally.
86. You must not use abusive or foul language, spit or smoke in or near the vicinity of your vehicle.
87. You must not use aggressive language or behaviour or engage in any violent conduct.
88. You must not carry any form of weapon on your person or in your vehicle at any time and under no circumstances must you ever take the law into your own hands.
89. If the hirer requests, you must provide a written receipt for the fare paid for the hiring, including the amount of VAT (if applicable) shown separately if so requested. That receipt must also contain details of the journey including the date, pick up point and destination, vehicle licence number, operators name and driver name or licence number. You must then sign the receipt.
90. You must not cause or allow noise emitted by any radio or sound equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person or persons, whether inside or outside the vehicle.
91. If a passenger objects, you must not play any radio or sound reproducing instrument or equipment in the vehicle.
92. You must treat everybody decently, equally and fairly.
93. You must at all times treat passengers, any potential passenger, members of the public, Police Officers and PCSOs, Council officers, Taxi Marshals and all other public servants (NHS staff, fire fighters, HMRC staff etc) with courtesy and respect.
94. You must not discriminate against any person because of their race, colour, creed, age, gender, sexuality, or disability.
95. You must not use abusive, racist, sexist, or any other offensive language or terms



with passengers or other members of the public (remember that not everybody shares your sense of humour, or views).

96. You must protect passengers and yourself. Be wary about entering any premises, especially domestic premises unless you know the person an established customer. Even then make sure that you take all steps to minimise any risk to yourself or your reputation.
97. You must not obtain the telephone numbers of or engage on any form of social media with anybody under the age of 18.
98. You must not engage in any kind of sexual activity within or in the vicinity of your licensed vehicle.
99. You must behave in a civil and reasonable manner at all times and must comply with any reasonable request made by the hirer.
100. You must always pick up your passengers on time unless unavoidably delayed.
101. You must always assist your passengers with their luggage. If they do not request this, you must ask whether they need help. This includes picking it up from the point of booking, removing it from your vehicle at the end of the journey and setting it down.
102. You must maintain a logbook in which to record any incidents that you feel are of concern (including but not limited to concerns about child abuse, abuse of any other person, people trafficking, drug carrying, violence or criminal behaviour) or which may result in a complaint being made about you. Such incidents must be recorded promptly with as much detail as possible (date, time, location, nature of the incident, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a Private Hire Vehicle all such incidents must be reported to your operator as soon as possible. If you are driving a Hackney Carriage that has been booked via a booking agent, all such incidents must be reported to that agent as soon as possible. Where you suspect that the incident involves criminal behaviour you must report this to the police and council immediately.
103. You must maintain a logbook of any complaints that are made to you as a driver. All complaints must be recorded promptly with as much detail as possible (date, time, location, nature of the complaint, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When

you are driving a Private Hire Vehicle all such complaints must be reported to your operator as soon as possible. If you are driving a Hackney Carriage that has been booked via a booking agent, all such complaints must be reported to that agent as soon as possible.

### **Personal Appearance**

104. You must always be clean and respectable in your dress (as a **minimum standard** long-legged trousers, or knee length style shorts, skirt or dress and tee shirts which have a full body and short sleeves).
105. You must maintain good standards of personal hygiene at all times.

### **Use of the Vehicle**

106. Private Hire Vehicle vehicles and Hackney Carriages are smoke free vehicles at all times under the Health Act 2006. It is a criminal offence to smoke in a Private Hire Vehicle at any time (section 7) or to allow a person to smoke in a Private Hire Vehicle (section 8) and you can be prosecuted for either or both offences. In addition this will be regarded as a serious breach of the Code of Conduct.
107. Under the Code of Conduct you must not use or allow to be used within the vehicle any e-cigarette or vaping device.
108. You must not eat in the vehicle at any time or allow passengers to eat in the vehicle at any time.

Can be amended to reflect that this should be down to the driver's discretion

109. Animals must not be carried in Private Hire Vehicle vehicles or Hackney Carriages other than those belonging to or in the care of passengers. You may refuse to carry a hirer's animal at your discretion. However, you must not refuse to carry an assistance dog, unless you have a valid Exemption Certificate issued by the Council. Any must be kept under the hirer's control and must be carried in the rear of the vehicle animal (except assistance dogs). No animals can be carried in the luggage compartment of a vehicle unless the vehicle is an estate car or hatchback and the animal can be seen from outside the vehicle through a window.
110. You must not carry any additional passengers not already accompanying the hirer in the vehicle without the hirer's permission.
111. You must not carry more than one person in the front seat unless the vehicle is furnished with manufacturer fitted seats for more than one passenger in the front of the vehicle and provided with seat belts for all front seat passengers. In this case no more than 2 passengers may be carried.

112. You must not carry any child below the age of ten years in the front of the vehicle.

113. Hackney Carriages and Private Hire Vehicle vehicles are not expected to carry a range of child seats. If you are carrying children under the age of 14 you must make any adult with responsibility for the child aware that the correct restraints may not be available and the carriage of the child in those circumstances it at the adult's own risk. Children under 3 years of age can travel unrestrained in a Hackney Carriage or Private Hire Vehicle if the appropriate restraint is not available. Children over 3 years of age and below 11 years of age or shorter than 135cms (approx. 4ft 6in) can use adult seat belts if the appropriate restraint is not available. Children over 11 years of age or taller than 135cm (approx. 4ft 6in) must use adult seat belts.

### **Vehicle Checks**

114. It is your responsibility to ensure that the correct policy of insurance is in force for any Hackney Carriage or Private Hire Vehicle that you are driving.

115. Before using a Hackney Carriage or Private Hire Vehicle for the first time each day, you must undertake a "walk around check". This requires that you ensure that the vehicle is roadworthy and fit for use as a Hackney Carriage or Private Hire Vehicle. The check must include the tyres (pressure and tread depth), checking the lights are functioning (so far as is possible with one person – all lights except brake lights), checking all glass (lights and windows) is intact and ensuring there is no obvious damage to the vehicle. Any defects that are detected must be rectified before the vehicle is used to carry passengers.

116. Every time you commence driving the vehicle you must ensure that the rear identification plate, supplied by the Council, is securely fixed to the outermost rear of the vehicle, so that it can be clearly read by pedestrians and other road users. You must also ensure that any other identifying information (whether supplied by the Council or not) is correctly and securely attached to the vehicle.

117. If you have been issued a certificate of exemption from carrying assistance dogs or providing wheelchair assistance you must ensure that that notice is correctly placed on the nearside of the front windscreen.

118. You must not offer or accept any hire of the vehicle except where the hiring has been pre-booked via your Private Hire Vehicle Operator [does not apply to Hackney Carriages].

### **Lost Property**

119. After every hiring, you must check the vehicle for any misplaced or lost property. If

any property is found or handed to you, you must, unless it is claimed, take it to Campbell Square Police Station within 48 hours. Following agreement with the owner of any lost property (and you must take reasonable steps to ensure the person concerned is the rightful owner) you may agree to return the property personally to the owner and charge the metered fare to an agreed meeting point, or £10.00, whichever shall be greater.

### **Taximeters in Private Hire Vehicle [taximeter use in Hackney Carriages is governed by the byelaws]**

120. You may use a meter in the Private Hire Vehicle only if it is constructed, attached and maintained in compliance with the Private Hire Vehicle Licence Conditions.
121. Unless the fare is agreed in advance, you must switch the meter on at the point the hirer's journey commences and keep the meter working until the termination of the hiring.
122. You must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless a lesser fare has been agreed).
123. You must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.
124. You must ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.
125. You must ensure that the meter is sufficiently illuminated when in use and is visible to passengers.
126. You must not (nor may you allow anyone else) to tamper with the meter or any seal on the meter without lawful excuse or alter any meter with the intent to mislead.

### **Plying for hire when driving a Private Hire Vehicle [does not apply when driving a Hackney Carriage]**

127. You must not pick up passengers who have not pre-booked with your operator.
128. You must not offer or accept an offer for the immediate hire of a vehicle while it is being used in a public place.
129. You must not park or wait on or near any Hackney Carriage Rank or drop passengers off on a Hackney Carriage rank.

## **Fares when a Hackney Carriage is used for pre-booked work**

130. A Hackney Carriage can be used for pre-booked work both within the zone and elsewhere. When the journey is wholly within the West Northants area, or commences or ends in the West Northants area, the fare charged cannot be greater than that displayed on the meter or in accordance with the table of fares. Where a pre-booked journey commences and ends outside the West Northants area the table of fares and the meter do not control the maximum fare that can be charged. In these circumstances the fare to be charged must be negotiated between the hirer and the driver or booking agent.

## **Legal requirements (contained in national legislation) when driving a Hackney Carriage**

### **Your taxi Driver Licence and Badge**

131. You must wear your badge so it can be seen by the public whilst you are working as a Hackney Carriage Driver. and you commit a criminal offence if you do not do so, for which you might be prosecuted.

### **Disability Discrimination**

132. You must carry an assistance dog and allow it to remain with their owner unless you have a certificate of exemption issued by the Council. You must not make any additional charge for doing so. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 168 Equality Act 2010).

133. When you are driving a Hackney Carriage that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010 unless you have a certificate of exemption issued by the Council. It must be recognised that a certificate of exemption only exempts you from providing mobility assistance and does not allow you to refuse to carry a passenger using a wheelchair.

134. The duties are—

- 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.

And mobility assistance is assistance—

- a) to enable the passenger to get into or out of the vehicle;
- b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- c) to load the passenger's luggage into or out of the vehicle;
- d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

135. When you are driving any Hackney Carriage you must carry and provide mobility assistance to any disabled passenger unless you have a certificate of exemption issued by the Council. It must be recognised that a certificate of exemption only exempts you from providing mobility assistance and does not allow you to refuse to carry a disabled passenger.

136. The duties are—

- a) to carry the passenger;
- b) if the passenger is in or has with them a wheelchair, to carry the wheelchair;
- c) if the passenger has with them any mobility aids, to carry the mobility aids;
- d) to take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort;
- e) to give the passenger such mobility assistance as is reasonably required;
- f) not to make, or propose to make, any additional charge for complying with the duties.

137. Mobility aids means any item the passenger uses to assist with their mobility but does not include a wheelchair or an assistance dog.

138. Mobility assistance is assistance

- a) to enable the passenger to get into or out of the vehicle;
- b) to load the passenger's luggage, wheelchair or mobility aids into or out of the vehicle.

139. When you are driving any Hackney Carriage that has been pre-booked, and you are aware or have been made aware that the passenger is disabled, you must take all reasonable steps to assist that passenger to identify your particular vehicle.

## **Conduct**

140. You must not drive a Hackney Carriage at any time if you do not hold a taxi drivers' licence, or if your licence has been suspended (section 47 Town Police Clauses Act 1847).

141. You must not lend your taxi drivers licence to anybody else (section 47 Town Police Clauses Act 1847)

142. You must accept a hiring for from a Hackney Carriage stand (taxi rank) or when you are stationary on the highway for a journey within the council's area unless you have a "reasonable excuse" to refuse (section 53 Town Police Clauses Act 1847)
143. If you agree to charge a fare lower than that shown on the meter for a journey in a Hackney Carriage then you cannot charge more than that agreed fare (section 54 Town Police Clauses Act 1847)
144. You must not charge more than the fare shown on the meter of a Hackney Carriage for a journey wholly within the council's area, irrespective of how the journey was arranged (s55 1847 Act)
145. If you have agreed to accept a fixed amount of money for a journey, you must ensure that the journey lasts until that amount is shown on the meter (section 56 Town Police Clauses Act 1847).
146. If you have been hired and are asked to wait, and either a deposit has been paid or the meter is running, you must wait until that hirer returns to your Hackney Carriage (section 57 Town Police Clauses Act 1847).
147. You must not charge more than the fare shown on the meter for a journey within the district (section 58 Town Police Clauses Act 1847).
148. You must not carry anyone apart from the hirer and their companions without the express consent of that hirer (section 59 Town Police Clauses Act 1847).
149. You must not drive any Hackney Carriage without the consent of the Hackney Carriage proprietor (if that is not yourself) (section 60 Town Police Clauses Act 1847)
150. You must not leave a Hackney Carriage unattended at a Hackney Carriage stand (section 62 Town Police Clauses Act 1847)
151. You must not prevent any other driver of a Hackney Carriage from taking a fare, or obstruct them in picking up or sitting down passengers (section 62 Town Police Clauses Act 1847)
152. You must produce your taxi driver's licence if requested to do so by an authorised officer of the Council (another Council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976).
153. You must return your driver's license to the Council within 7 days if you lose the right to remain or work in the UK (s53A(9) Local Government (Miscellaneous

Provisions) Act 1976).

154. You must not make any false statement or withhold any information when applying to renew your taxi carriage driver's licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976).
155. You must return your licence and drivers badge to the Council within 14 days of any suspension, revocation or refusal to renew your licence (s61(3) Local Government (Miscellaneous Provisions) Act 1976).
156. You must not charge more than the fare shown on the meter of a Hackney Carriage for a journey that ends outside the council's area unless a different fare was agreed in advance (s66 Local Government (Miscellaneous Provisions) Act 1976)
157. You must not charge more than the metered fare for a pre-booked journey which is wholly within or starts or finishes within the council's area. (s66 Local Government (Miscellaneous Provisions) Act 1976)
158. You must use the shortest available reasonable route for all journeys by Hackney Carriage, subject to any directions given by the hirer. (Section 69 Local Government (Miscellaneous Provisions) Act 1976).
159. You must not tamper with any seal on a taximeter or alter the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Bylaw 6??).
160. You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976).
161. You must not conceal obscure the number of the Hackney Carriage whilst standing or plying for hire (this contravenes the relevant byelaw).
162. You must not activate the taximeter when standing or plying for hire, but you must activate the meter before the journey commences but not until passengers are properly seated and secured. At the end of the journey you must stop the meter. This should be before passengers alight from the vehicle. (byelaws).
163. When you are plying for hire you must proceed to a Hackney Carriage stand (rank) and if that rank is full, proceed to another stand. When you arrive at a stand that is not full, you must position the vehicle behind the rearmost vehicle on the stand and move forward as space becomes available (byelaws).



164. You must not use the services of any other person to importune (encourage forcefully) anyone to hire your Hackney Carriage (this contravenes the relevant byelaw).
165. You must behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons entering, carried in or alighting from the Hackney Carriage (byelaws).
166. If you have been pre-booked you must attend at the appointed time and place (byelaws).
167. You must not carry more passengers in the Hackney Carriage than the conditions attached to the vehicle licence permit (byelaws).
168. You must carry a reasonable quantity of luggage for the hirer and the system in loading and unloading, including taking it from or to any building (byelaws)
169. You must search the vehicle for lost property after every hiring (byelaws)
170. You must take any lost property which is not claimed within 48 hours to the council offices or police station (byelaws)

## **Legal requirements (contained in national legislation) when driving a Private Hire Vehicle.**

### **Your Private Hire Vehicle Driver Licence and Badge**

171. Your badge which must be worn in a way which is visible to the public whilst you are working as Private Hire Vehicle Driver and you commit a criminal offence if you do not do so, for which you might be prosecuted (s54 Local Government (Miscellaneous Provisions) Act 1976)

### **Disability Discrimination**

172. When your operator has accepted a booking for a passenger with an assistance dog (whether or not the existence of the dog has been communicated to you), you must carry that assistance dog and allow it to remain with their owner unless you have a certificate of exemption issued by the Council. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 170 Equality Act 2010).

173. When you are driving a Private Hire Vehicle that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010, unless you have a certificate of exemption issued by the Council. It must be recognised that a certificate of exemption only exempts you from providing mobility assistance and does not allow you to refuse to carry a passenger using a wheelchair.

174. The duties are—

- (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.

175. And mobility assistance is assistance—

- (a) to enable the passenger to get into or out of the vehicle;
- (b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- (c) to load the passenger's luggage into or out of the vehicle;
- (d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

176. When you are driving any Private Hire Vehicle you must carry and provide mobility assistance to any disabled passenger unless you have a certificate of exemption issued by the Council. It must be recognised that a certificate of exemption only exempts you from providing mobility assistance and does not allow you to refuse to carry a disabled passenger.
177. The duties are—
- a) to carry the passenger;
  - b) if the passenger is in or has with them a wheelchair, to carry the wheelchair;
  - c) if the passenger has with them any mobility aids, to carry the mobility aids;
  - d) to take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort;
  - e) to give the passenger such mobility assistance as is reasonably required;
  - f) not to make, or propose to make, any additional charge for complying with the duties.
178. Mobility aids means any item the passenger uses to assist with their mobility but does not include a wheelchair or an assistance dog.
179. Mobility assistance is assistance
- a) to enable the passenger to get into or out of the vehicle;
  - b) to load the passenger's luggage, wheelchair or mobility aids into or out of the vehicle.
180. When you are driving any Private Hire Vehicle, and you are aware or have been made aware that the passenger is disabled, you must take all reasonable steps to assist that passenger to identify your particular vehicle.
181. You must not drive a Private Hire Vehicle at any time when your taxi drivers' licence has been suspended (s46(1)(b) Local Government (Miscellaneous Provisions) Act 1976).
182. You must produce your taxi driver's licence if requested to do so by an authorised officer of the Council (another Council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976).
183. You must return your driver's licence to the Council within 7 days if you lose the right to remain or work in the UK (s53A(9) Local Government (Miscellaneous Provisions) Act 1976).
184. You must not make any false statement or withhold any information when applying to renew your taxi driver's licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976).
185. You must return your licence and drivers badge to the Council within 14 days of any suspension, revocation or refusal to renew your licence (s61(3) Local Government

(Miscellaneous Provisions) Act 1976).

186. You must use the shortest available reasonable route for all journeys by Private Hire Vehicle, subject to any directions given by the hirer. (Section 69 Local Government (Miscellaneous Provisions) Act 1976).
187. You must not tamper with any seal on a taximeter also the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976)
188. You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976)
189. You must not drive any Private Hire Vehicle with any roof sign which includes the words "taxi", "cab" or "hire", any similar words or anything which would indicate the vehicle is a Hackney Carriage (section 64 Transport Act 1980).

# **Hackney Carriage Proprietor (Vehicle) Licenses**

## **Town Police Clauses Act 1847**

## **Local Government (Miscellaneous Provisions) Act 1976**

1. This document contains the policy, byelaws, conditions and legislation relating to a Hackney Carriage proprietor (vehicle) licence. The legislation refers to Hackney Carriage proprietor licences, but as these are often referred to as Hackney Carriage vehicle licences, for the avoidance of doubt the term "Hackney Carriage proprietor (vehicle)" will be used throughout this policy.
2. As Hackney Carriage proprietor (vehicle) licences can be held by limited companies, limited liability partnerships (LLP) and conventional partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a "person", "you", "licensee" or "proprietor" is taken to mean the proprietor of the Hackney Carriage.
3. As a result of the creation of the new authority, West Northamptonshire has 3 Hackney Carriage zones based on the previous district council areas: Daventry; Northampton and South Northamptonshire. Each of these is a separate area for Hackney Carriage licensing purposes and this policy will reflect the current differences. The requirement for zones will be reviewed 3 years after the introduction of this policy.
4. The Council has the power to make byelaws relating to Hackney Carriages under the legislation, and it has done so.
5. There is also a power to attach conditions to Hackney Carriage proprietor (vehicle) licences, and the Council has standard conditions which attach to these licences. These are contained within this document.
6. There is also a list of the main law and byelaws that apply to Hackney Carriage proprietors.

### **Introduction**

7. The purpose of licensing Hackney Carriage vehicles is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous vehicles.
8. It is a privilege to hold a Hackney Carriage proprietor (vehicle) licence and licensees have responsibilities to their drivers, passengers and customers, other road users and the public generally. The Council has to have been satisfied that when you applied for your licence the vehicle was suitable and safe for use as a Hackney Carriage and that you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account the type of the vehicle, the condition of the vehicle and your entire character and behaviour.

9. As a vehicle proprietor this assessment of your character not only includes times when you are working within the Hackney Carriage trade, but at all other times as well. This can include use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence. If at any time the standard of the vehicle or your behaviour falls below the standards expected for new applications, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the Hackney Carriage trade. You must appreciate that under the Previous Convictions Policy, if the unacceptable or criminal behaviour took place whilst working within the Hackney Carriage trade, that will be viewed as an aggravating feature by the Council.
10. In many cases a Hackney Carriage is the first vehicle that a visitor to the county will encounter following arrival at a railway station or bus station. As a consequence, the appearance of Hackney Carriages can affect a person for their entire visit. Hackney Carriage proprietors should be aware of this and ensure that their vehicle is maintained to the highest standard at all times.
11. Please note, this section reminds you of some of the important legal requirements with which they must comply. This is not a comprehensive list. You should familiarise yourself with the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
12. The Council has decided to attach conditions to Hackney Carriage licences that it considers reasonably necessary under the powers contained in section 47(1) of the 1976 Act. The conditions are in addition to the statutory requirements of the legislation. Section 47(3) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.
13. You must understand and comply with the legal requirements relating to the Hackney Carriage licensed in your name, a limited company in which you are a director or secretary, a limited liability partnership in which you are a partner, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your Hackney Carriage proprietor (vehicle) licence being suspended or revoked.

### **Sanctions against the Hackney Carriage Proprietor (Vehicle) Licence**

14. Where a proprietor/licensee breaches any legislation, byelaw or condition of the licence, they may be dealt with by an authorised officer or referred to the Taxi and General Licensing Committee.
15. The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for Hackney Carriage and Private Hire Vehicle licensees.

16. Whenever, and in what circumstances a proprietor/licensee is brought before the Taxi and General Purposes Committee, the Committee will decide each case on its merits, after hearing the facts.
17. The Committee may also suspend or revoke the Hackney Carriage proprietor (vehicle) licence or impose further penalty points.

### **Power to take action against a Hackney Carriage Proprietors (Vehicle) Licence**

18. Under section 60 of the 1976 Act, the Council may suspend, revoke or refuse to renew a Hackney Carriage proprietor (vehicle) licence on the following grounds:
  - a) that the Hackney Carriage vehicle is unfit for use as a Hackney Carriage;
  - b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
  - c) any other reasonable cause.
19. An authorised officer of the Council, an authorised officer of another council where there is a reciprocal arrangement, or a police constable can immediately suspend a Hackney Carriage proprietor (vehicle) licence under section 68 of the 1976 Act on the grounds of:
  - a) the vehicle is unfit
  - b) the taximeter is inaccurate
20. Failure to comply with any Hackney Carriage legislation (including byelaws), or other road traffic legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action which could lead to your Hackney Carriage proprietor (vehicle) licence being suspended, revoked or the renewal refused.
21. Failure to comply with the Council's conditions may result in your Hackney Carriage proprietor (vehicle) licence being suspended, revoked or the renewal refused.
22. If any information given on the application form for this licence proves to be false, or you fail to disclose any relevant information on the application form, the licence may be revoked, and you may also be prosecuted under section 57(3) of the 1976 Act.
23. The Hackney Carriage proprietor (vehicle) licence remains the property of the Council.
24. In the event that the Hackney Carriage proprietor (vehicle) licence, licence plates or additional signage is lost, or if they are damaged or defaced, you must get a replacement licence or plates on payment of a fee determined by the Council, and the Hackney Carriage cannot be used until such replacements are obtained and fitted.

25. It must be understood that a decision to grant a Hackney Carriage proprietor (vehicle) licence is made on the basis of the condition and suitability of the vehicle and the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that the condition of your vehicle and your behaviour remains of the highest standard to protect your livelihood and the vehicle licence

## **Applicants**

26. Hackney Carriage proprietor (vehicle) licences can be held by individuals, limited liability partnerships (LLP), conventional partnerships (two or more people in business together) or limited companies. Usually the vehicle must be registered to one of those, but there will be occasions where the vehicle is leased or hired. In all cases the applicant(s) must demonstrate that they have ownership of the vehicle, a financial interest in the vehicle or permission to use the vehicle on an extended basis (in the case of a lease or hire). A V5 registration document is not proof of ownership and other documentation will be required. This can include, but is not limited to:
- a) Receipt for the purchase of the vehicle
  - b) Lease/hire contract
  - c) Partnership agreement between 2 or more individuals.

## **Character of the applicant**

27. The licensee of a Hackney Carriage can exert control over those who drive that vehicle, and as a consequence it is essential that they satisfy the Council that they are a suitable person to hold a Hackney Carriage proprietor (vehicle) licence.
28. All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service check at their own expense, as part of the application process, unless they are licensed as driver with the Council. The same will be required of all partners in a limited liability or conventional partnership and all directors and secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company.
29. The application will then be considered in the light of the Council's Previous Convictions Policy.
30. In addition, the Council will take into account the compliance and maintenance history of previous and existing vehicles licensed by the applicant. The Council does not regard licensees whose vehicles fail regular tests as being a safe and suitable person to have responsibility for Hackney Carriages. All vehicles must be maintained to a satisfactory standard all times and should pass any test at any point.



## **Convictions**

31. If the licensee or anybody else with an interest in the vehicle or who is named on the licence is arrested in connection with, charged with or convicted of any criminal offence, that must be reported to the Council within 48 hours (including weekends and bank holidays). The same requirement applies in relation to any fixed penalty notices, speed awareness courses, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you/the licensee receive or have to attend.

## **Vehicles**

32. It is the applicant's responsibility to ensure that any vehicle presented for licensing as a Hackney Carriage meets the Council's criteria which are detailed below for each Hackney Carriage zone. As the Council will not be liable for any loss as a result of a vehicle not being licensed, it is vital that applicants ensure that any vehicle that they are considering purchasing meets these criteria.
33. Although there are some differences between the policies for the 3 Hackney Carriage zones, the overall aim remains the same: to ensure that the vehicles are safe and suitable for use as Hackney Carriages.
34. The following paragraph details the specific requirements for each zone till 31 December 2025. Those are followed by the overall requirements for all Hackney Carriages licensed by West Northamptonshire.
35. From 1 January 2026 all Hackney Carriages must be wheelchair accessible vehicles (WAV), meeting the Northampton zone emissions requirements. There will be no acquired rights for licenses currently relating to non-WAV vehicles. No limit will be placed on Hackney Carriage numbers.

## **Daventry Zone**

### **Limits on the numbers of Hackney Carriages**

36. At present there is no limit on the number of Hackney Carriages that are licensed by the Council for the Daventry Zone. The Council has no plans to alter that approach whilst the Hackney Carriage Zones are maintained.

### **Licensed Vehicle Type**

37. The Council will licence both wheelchair accessible vehicles (WAV) and non-wheelchair accessible vehicles as Hackney Carriages in the Daventry zone (the specifications for both types of vehicle are detailed below).

### **Licensed Vehicle Age and Emissions Policy**

38. Any vehicle submitted to be licensed as a Hackney Carriage must be of Category M1 (as shown on the registration document) unless either of the following apply:

Category M2 or N1 vehicles (as shown on the registration document) will be acceptable provided the vehicle has passed an IVA test and there is evidence to show that no modification to be made to that vehicle since the date of that test.

39. Vehicles are constantly being improved by manufacturers, and improved standards are imposed by the Government. Newer vehicles are safer, less environmentally damaging and less likely to break down. Vehicles deteriorate due to a combination of age and use.
40. In order to reduce emissions it is important to set standards that are common to all within the Hackney Carriage fleet, to ensure consistency and a level playing field for proprietors. The age of vehicles and the exhaust emissions are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the Hackney Carriage fleet, the following standards will apply.
41. From 1 April 2023<sup>4</sup>, licences will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 4 years prior to the date that the application was made, or which have travelled more than 100,000 miles as registered on the odometer (evidenced by service records).
42. From 1 April 2023<sup>5</sup>, licences will not be renewed in respect of any licensed vehicle that was first registered (or, in the case of imported vehicles, manufactured) more than 7 years prior to the date of renewal, or 11 years in the case of a wheelchair accessible vehicle. This applies to the renewal of licences only. All such vehicles will therefore meet Euro 5 standards
43. A vehicle that does not comply with these emissions requirements may be considered for licensing if it is in 'exceptional condition'. The criteria for 'exceptional condition' are set out below. Any vehicle licensed under this exception will be tested every 4 months<sup>6</sup>.

## **Northampton Zone**

### **Limits on the numbers of Hackney Carriages**

44. At present there is no limit on the number of Hackney Carriages that are licensed by the Council for the Northampton Zone. The Council has no plans to alter that approach whilst the Hackney Carriage Zones are maintained.
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## Licensed Vehicle Type

45. The Council will only licence wheelchair accessible vehicles (WAV) as Hackney Carriages in the Northampton zone (the specifications for wheelchair accessible vehicles (WAV) are detailed in paragraph?? to ?? below).

## Licensed Vehicle Age and Emissions Policy

46. Any vehicle submitted to be licensed as a Hackney Carriage must be of Category M1 (as shown on the registration document) unless either of the following apply:

Category M2 or N1 vehicles (as shown on the registration document) will be acceptable provided the vehicle has passed an IVA test and there is evidence to show that no modification to be made to that vehicle since the date of that test.

47. Vehicles are constantly being improved by manufacturers, and improved standards are imposed by the Government. Newer vehicles are safer, less environmentally damaging and less likely to break down. Vehicles deteriorate due to a combination of age and use.
48. In order to reduce emissions it is important to set standards that are common to all within the Hackney Carriage fleet, to ensure consistency and a level playing field for proprietors. The age of vehicles and the exhaust emissions are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the Hackney Carriage fleet, the following standards will apply.
49. From 1 April 2023<sup>7</sup>, new licences (first grant) will only be granted in respect of vehicles that meet or exceed Euro 6+ emission standards.
50. From 1 April 2025, licences will not be granted or renewed in respect of any licensed vehicle that does not meet or exceed the following requirements:
- ULEV (Ultra Low Emission Vehicle <75 g/km and 10 KM zero emission capability);
  - petrol hybrid vehicles Euro 5+;
  - petrol vehicles Euro 6+;
  - diesel vehicles Euro 6+ (all these categories include vehicles adapted with a retrofit to an agreed approved standard<sup>8</sup>)
51. From 31<sup>st</sup> December 2028, licences will not be granted or renewed in respect of any vehicle that does not meet or exceed the following requirements:
- ULEV (Ultra Low Emission Vehicle <75 g/km and 10 KM zero emission capability);

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<sup>7</sup> This is in accordance with the current Northampton Policy. The Council will need to determine what the policy for the future is in relation to age/emissions and amend this accordingly.

<sup>8</sup> The "agreed approved standard" for retrofits needs to be detailed. I cannot find any reference to it in the documentation that I have to hand.

- petrol hybrid vehicles Euro 5+; (both these categories include vehicles adapted with a retrofit to an agreed approved standard<sup>9</sup>)

## **South Northamptonshire Zone**

### **Limits on the numbers of Hackney Carriages**

52. At present there is no limit on the number of Hackney Carriages that are licensed by the Council for the South Northamptonshire Zone. The Council has no plans to alter that approach whilst the Hackney Carriage Zones are maintained.

### **Licensed Vehicle Type**

53. The Council will licence both wheelchair accessible vehicles (WAV) and non-wheelchair accessible vehicles as Hackney Carriages in the South Northamptonshire zone (the specifications for both types of vehicle are detailed in paragraph 64 to 67 below).

### **Licensed Vehicle Age and Emissions Policy**

54. Any vehicle submitted to be licensed as a Hackney Carriage must be of Category M1 (as shown on the registration document) unless either of the following apply:

Category M2 or N1 vehicles (as shown on the registration document) will be acceptable provided the vehicle has passed an IVA test and there is evidence to show that no modification to be made to that vehicle since the date of that test.

55. Vehicles are constantly being improved by manufacturers, and improved standards are imposed by the Government. Newer vehicles are safer, less environmentally damaging and less likely to break down. Vehicles deteriorate due to a combination of age and use.
56. In order to reduce emissions it is important to set standards that are common to all within the Hackney Carriage fleet, to ensure consistency and a level playing field for proprietors. The age of vehicles and the exhaust emissions are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the Hackney Carriage fleet, the following standards will apply.

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<sup>9</sup> The standards are those detailed in the proposed overall Hackney Carriage policy that I have to hand.

<sup>10</sup> Again, this accords with the current Northampton policy. However there is no detailing of exceptional condition in that policy so this may be more useful.

57. From 1 April 2023<sup>11</sup>, licences will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 6 years prior to the date that the application was made.
58. From 1 April 2023, licences will not be renewed in respect of any licensed vehicle that was first registered (or, in the case of imported vehicles, manufactured) more than 10 years prior to the date of renewal.
59. A vehicle that does not comply with these age limits may be considered for licensing if it is in 'exceptional condition'. The criteria for 'exceptional condition' are set out below. Any vehicle licensed under this exception will be tested every 4 months<sup>12</sup>.

## **Requirements for vehicles in all zones**

60. The remainder of this document applies to all 3 Hackney Carriage zones.

### **Low Emission Vehicles**

61. The Council aims to encourage the uptake of low emission vehicles and will examine the feasibility of introducing differential licensing fees for electric, hybrid and ultra-low emission vehicles.
62. It is anticipated that more Electric Vehicle rapid re-charging points for use by the public will be available at locations in the future

### **Vehicle specification**

63. There are 2 different types of vehicle that can be licensed as Hackney Carriages until 31 December 2025: those which are Wheelchair Accessible Vehicles (WAV) and those which are not. From 1 January 2026 all Hackney Carriages must be WAV.
64. The Council maintains a list of all WAV (both Hackney Carriages and Private Hire Vehicle vehicles). Drivers of those vehicles must then provide mobility assistance to wheelchair-using passengers and other disabled passengers.
65. The following specifications detail the minimum requirements for each type of vehicle, together with the requirements for all Hackney Carriages.

### **Non-Wheelchair accessible vehicles (until 31 December 2025)**

66. If the vehicle is to be licensed as a Non-WAV (saloons, estate cars, people carriers (MPV), sports utility vehicles (SUV) and any other vehicle that cannot carry a passenger whilst they remain in their wheelchair) it must be approved by the Council and comply with the following specification:

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<sup>11</sup> This is in accordance with the current South Northamptonshire Policy. The Council will need to determine what the policy for the future is in relation to age/emissions and amend this accordingly.

<sup>12</sup> Again, this accords with the current South Northamptonshire policy. However there is no detailing of exceptional condition in that policy so this may be more useful.

- a) Be a right-hand drive vehicle.
- b) Have at least four doors that can be opened from both inside and outside the vehicle. Each door (except the driver's door) must be capable of being opened by passengers.
- c) Have a minimum seating capacity for at least four adult passengers based on a width of not less than 410 mm per person across the rear seat.
- d) Must be so constructed as to provide adequate space within its structure for the safe carriage of each passenger's luggage or any equipment. If that is not possible or practical then e. below will apply.
- e) Roof racks and tow bars will be permitted. Any vehicle using a roof rack must be fitted with a second roof sign, with one sign in front of the roof rack, and one behind, allowing the signs to be seen in the same way as a vehicle without a roof rack. Any luggage carried on the roof rack must be protected from the elements by a waterproof cover and properly secured. A properly fitted roof box is an acceptable alternative, subject to the additional signage as detailed above.
- f) Tow bars (if fitted) must be fitted in accordance with the manufacturer's instructions.
- g) Trailers can be used, but only when fulfilling a pre-booked hiring. Any trailer that is used must meet the following requirements and be tested by the Council (the charge to be paid by the licensee) and will be issued with a "trailer plate" which must be displayed on the rear of the trailer and clearly visible whenever the trailer is being used by the Hackney Carriage. The trailer can only be used on the specified Hackney Carriage. Trailers must comply with the following standards:
  - i. Unbraked trailers must be less than 750kgs gross weight.
  - ii. Trailers over 750kgs gross weight must be braked, acting on at least two road wheels.
  - iii. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
  - iv. A suitable lid or other approved means of enclosure must be fitted to secure the contents within the trailer whenever in use.
  - v. The maximum permissible length of the trailer cannot exceed 7 metres, including the drawbar and coupling.
  - vi. The width of the trailer must not be greater than the width of the towing vehicle, subject to no trailer being wider than 2.3m.
  - vii. The maximum length for braked twin axle trailers is 5.54m.
  - viii. The trailer must at all times comply with all Road Traffic legislation requirements
  - ix. The vehicle insurance must cover towing a trailer.
  - x. Trailers must not be left unattended anywhere on the highway.
  - xi. The speed restrictions applicable to trailers must be observed at all times.
  - xii. The registration number plate of the Hackney Carriage and the Council issued "trailer plate" must be attached to the rear of the trailer.

- xiii. The trailer must be inspected annually and must be considered to be satisfactory by the Licensing Authority.
- xiv. Only drivers with the appropriate DVLA driving licence category may drive a vehicle with a trailer. The vehicle proprietor must check any driver's DVLA licence for the required category, prior to allowing the use of a trailer.
- g) Passengers must be able to communicate with the driver via a sliding screen, mesh or hole in any division between the drivers and passenger compartments
- h) Any vehicle which is a convertible must meet all other requirements and have a waterproof roof and side windows which must be raised at the request of any passenger.

### **Additional requirements for minibus and MPV type vehicles**

- 67. In order to be licensed as a Hackney Carriage, any Minibus/MPV-type vehicles must be fitted, in addition to the front driver and passenger doors, with at least:
  - a) one other side loading door plus a rear door/doors or tailgate that can be opened from inside the vehicle, or
  - b) two side loading doors that can be opened from the inside.

### **Wheelchair Accessible Vehicles (WAV)**

- 68. The vehicle must be a purpose-built Hackney Carriage capable of carrying a wheelchair bound passenger which complies with the current Transport for London "Conditions of Fitness" or it meets the following specification.
- 69. Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as a minimum standard.
- 70. In addition:
  - a) The interior of the vehicle must be able to accommodate a wheelchair and its user riding seated within the wheelchair itself.
  - b) The passenger compartment must have a minimum unobstructed available width of 0.74 metres (including at the point of entry)
  - c) The passenger compartment must have a minimum unobstructed available length of 1.2 metres for a wheelchair and user
  - d) The passenger compartment must have a minimum unobstructed available height for a wheelchair and user of 1.3 metres at the point of entry and 1.4 metres when in the travelling position.
  - e) The passenger compartment must be fitted with suitable wheelchair anchorages, either chassis or floor linked.
  - f) The passenger compartment must be fitted with a suitable 3-point belt or harness, either chassis or floor linked, for a wheelchair and its user. The belt/harness must be independent of the wheelchair anchorages.

- g) The vehicle must have suitable ramps for a wheelchair user. The vehicle must have a secure and safe place for the ramps to be stored when they are not being used. Alternatively, the vehicle may be fitted with a tail lift or some other mechanical means of access, approved by the Council.
- h) Where the vehicle is a rear loading wheelchair accessible vehicle a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement. Alternatively, the vehicle may be fitted with a tail lift or some other mechanical means of access, approved by the Council.
- i) At least one door entrance must be designed and constructed to help elderly and disabled passengers get in and out of the vehicle. The door entrance and any steps must be conspicuously marked where appropriate, to help visually impaired passengers.
- j) All passenger door entrances must have grab handles or rails suitably located to help elderly and disabled passengers. All handles/rails must be conspicuously marked to help visually impaired passengers.
- k) To assist elderly and disabled passengers, at least one passenger seat must be of a "swivel" or other design and construction, approved by the Council.

### **All vehicles**

71. The following are the minimum requirements for all Hackney Carriages, irrespective of their type:
- a) The vehicle must be wind and water tight.
  - b) The vehicle must have a floor properly covered with carpet or other suitable covering.
  - c) The vehicle must have an adequate internal light to enable passengers to enter and leave the vehicle safely.
  - d) The vehicle's bodywork and paintwork must be in good condition, free from dents or other damage or rust.
  - e) The vehicle must not be fitted with any additional external accident protection devices (e.g. bull bars or additional bumpers).
  - f) The vehicle must carry a spare wheel and tyre of the correct size to fit the vehicle, together with equipment to change the wheel including a spare wheel and tyre, jack and wheel brace, all of which must be securely stored. If the manufacturer's specification when the vehicle was new did not include a spare wheel, the manufacturer's alternative (e.g. spray can) will be acceptable.
  - g) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. They must have at least 2 mm of tread across the entire contact surface.
  - h) The vehicle must be fitted with nearside and offside exterior rear-view mirrors
  - i) The vehicle must have at least one window on each side of the passenger



compartment which is capable of being opened and closed

- j) All seats must be permanently fixed to the vehicle and must be factory fitted with a 3-point seat belt or, where that was not a manufacturer's option when the vehicle was manufactured, a factory fitted lap belt. Any retrospectively fitted seat belts must be approved by the Council
- k) The vehicle must be fitted with glass which complies with current Construction and Use Regulations (the Road Vehicles (Construction and Use) Regulations 1986 as amended). These regulations require that the front windscreen allows 75% of light to be transmitted and the front door windows allow 70% of light to be transmitted. In addition, the remaining glass within the vehicle must have a minimum light transmittance of not less than 70%. The rear of the vehicle must be fitted with at least one window (or one window per rear door fitted), the light transmission capacity of which must be a minimum of 70%. No self-adhesive material (tinted or clear) can be affixed to any part of the glass without the approval of the Council.
- l) The vehicle's power output must not be less than 100 bhp or 74.5 kw.
- m) The vehicle must carry a 1kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number painted on it. The fire extinguisher must have been properly maintained in accordance with BS 5306: Part 3 and be secured in such a position in the vehicle as to be accessible for immediate use in an emergency. There must also be adequate signage visible to all passengers to identify the location of the fire extinguisher.
- n) The vehicle must carry a first aid kit in a suitable container, with the licence number painted on it. There must also be adequate signage visible to all passengers to identify the location of the first aid kit.
- o) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Council.
- p) The minimum unobstructed distance between the uncompressed seat cushion and the roof must be 0.9 metres (measured 0.25 metres from and parallel with the seat back) in relation to the front passenger and driver seats, and 0.84 metres in relation to any other passenger seats.
- q) The minimum unobstructed distance between the seat back and the footwell bulkhead/facing seat back must be 0.95 metres in relation to the front passenger and driver seats, and 0.6 metres in relation to any other passenger seats.
- r) The minimum unobstructed interior width of the vehicle must be 1.3 metres (excluding any arm rests).
- s) Any vehicle that has been converted to run on liquid petroleum gas (LPG) must be accompanied by a certificate stating that the conversion was undertaken in accordance with the LPG gas Association's code of practice, and if the conversion was undertaken more than one month before the application for the licence, an annual installation check which is not more than one month old.

72. In addition, in all types of Hackney Carriage the following requirements must be met.

### **Seating**

73. In any vehicle all exits must be easily accessible and not obstructed by another seat. Access to all doors must be free from obstruction. Any seats that require passengers to move any part of another seat to gain access or egress will not be licensed for carrying passengers. The seating configuration and number of passengers that can be carried is subject to assessment by the Council.

### **Documents**

74. A vehicle licence will only be issued where the vehicle has evidence of:
- A valid vehicle insurance certificate specifically stating that the vehicle is to be used for public hire/Hackney Carriage use.
  - An MOT Certificate issued by a garage approved by the Council which is less than 2 weeks old.
  - A V5 vehicle registration document. In the case of a new vehicle, the sales invoice which must show engine and chassis numbers, shall be produced at the time of application and the registration document when it is received from DVLA. The registration document must in all cases be produced within 6 weeks of the licence being issued.
  - The complete service history for the vehicle.
75. Before or on the date of expiry of any certificate, the certificate about to expire must be produced together with the relevant renewal certificate to the Council.
76. All documentation must be originals.

### **Engine/Chassis Numbers**

77. The Chassis/Vehicle Identification Number Plates and engine numbers must match the numbers recorded with the DVLA as detailed on the V5 Document. Vehicle applications cannot be accepted without a copy of the vehicle registration document, or in the case of new vehicle purchase, the sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police Vehicle Identification Section who may undertake checks to ensure the vehicle is not stolen. If the engine is changed at any time whilst the vehicle is a licensed Hackney Carriage, the Council must be notified within 72 hours of that change and the updated V5 must be produced as soon as it is received from DVLA.

### **Maintenance and servicing**

78. Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations. The service history of the vehicle will be inspected at first application and on every renewal of the licence

## Vehicle tests

There are currently 3 operating models in the sovereign areas for testing licensed vehicles;

Northampton – use two approved contracted testing stations. Officer checks are undertaken at spot checks

Daventry – use one approved contracted testing station and Licensing Officers arrange checks.

South – accept an MOT from any garage along with the service history of the vehicle and Licensing Officers check vehicles.

Having reviewed the comments regarding testing stations and vehicle service history the proposal is to move to the Northampton model and procure contracts for testing stations across the West

79. A licence will be granted or renewed only if the vehicle is considered by the Council to be roadworthy, fit for purpose and meets the criteria specified.
80. Vehicles will be tested before the licence is initially granted, then after 6 months.
81. Tests in relation to new applications, renewals and interims are carried out at the Council's testing centre at Insert test station details/an approved test centre<sup>13</sup>.
82. The vehicle must have an MOT certificate [from one of the Council's approved garages (a list is available from the Licensing Section) - if appropriate]<sup>14</sup> which is less than 1 month old.
83. The applicant or licensee must make an appointment for the vehicle to be tested as part of the application process. It is the responsibility of the applicant/licensee to do this and then to ensure that the vehicle is presented at the specified location and time. If the vehicle is presented late, there is no guarantee that the test will be able to be conducted on that day and a further test must be arranged. In that case the initial test fee will be forfeited, and a second fee must be paid for the rearranged test.
84. If the consequence of missing the test means that the licence cannot be renewed before expiry, this will prevent the vehicle being used until such time as the licence is renewed, with loss of income to the licensee. If the delay is considerable, this may result in the renewal application being treated as a new application for a Hackney Carriage proprietor licence, in which case any acquired rights will be lost.

## Dual Plating

85. Once a vehicle has been licensed as a Hackney Carriage by the Council, it cannot be licensed as a Hackney Carriage (or Private Hire Vehicle vehicle) by any other local authority or Transport for London during the duration of the licence.
86. The Council will not licence a vehicle that is licensed as a Hackney Carriage or Private Hire Vehicle by another local authority or Transport for London

## **Insurance “write-offs”**

87. The Council will not licence any vehicle as a Hackney Carriage that has been written off by an insurance company.

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## **Vehicle Use**

88. You must maintain a policy of insurance for the licensed vehicle in accordance with section 143 of the Road Traffic Act 1988.
89. If the vehicle has an accident which results in damage which may affect its safety, performance, appearance or the comfort or convenience of passengers, you must report this to the Council within 72 hours (including weekends and bank holidays) (section 50(3) of 1976 Act). The vehicle must not be driven, apart from to a garage for assessment, repair or testing until the council confirm that it is satisfactory
90. You must not obstruct any Authorised Officer or Police Officer. You must provide any assistance or information they may reasonably require (section 73) of the 1976 Act).
91. Any person driving a Hackney Carriage vehicle at any time, for any purpose and anywhere in the United Kingdom, must be licensed to drive a Hackney Carriage under section 46 of the 1847 Act, even if the vehicle is not being used for Hackney Carriage or pre-booked purposes. Any person driving a Hackney Carriage without the required Hackney Carriage driver licence will be committing an offence under section 47 of the 1847 Act. The only exceptions to this are when the vehicle is being tested by the Council or a mechanic in connection with vehicle maintenance and driving the vehicle to and from any such test.
92. If any Hackney Carriage proprietor permits a person who does not hold a Hackney Carriage driver licence to drive the vehicle at any time (other than in accordance with the exceptions detailed above) the proprietor commits an offence and the Council will consider this a serious matter and action may be taken against the Hackney Carriage proprietor (vehicle) licence (whether or not a criminal prosecution or conviction ensued).
93. Once a vehicle has been licensed as a Hackney Carriage by the Council, it retains that status at all times for the duration of the licence (24 hours a day, 7 days a week). In addition to the requirement that it is only driven by a Hackney Carriage driver licensed by the Council (see above) the proprietor must ensure that at all times and wherever it may be located it complies with all requirements contained within the legislation and conditions. This includes the cleanliness of the vehicle, display of licence plates and additional signage.
94. If the Hackney Carriage proprietor (vehicle) licence is suspended, revoked or not renewed, the proprietor must return the licence plates and additional signage to the Council. This must be done immediately after the end of the appeal period (21 days from the written notification of the decision, or after any

such appeal is determined or abandoned). If the suspension is immediate (under section 68 of the 1976 Act) this requirement must be complied with immediately.

95. If the proprietor refuses to surrender the vehicle plates and additional signage, tamperproof "Vehicle Licence Suspended" stickers will be affixed to the vehicle plates. These will destroy the plates, and replacements must be purchased from the Council if and when the suspension is lifted.

### **Warning notice**

96. If there is anything in the design, construction, form or working appearance of a vehicle which, in the opinion of the Council or its Authorised Officers or testers renders the vehicle unfit for Hackney Carriage use (which includes pre-booked work), then the Council will not licence that vehicle.
97. The Council is not liable for any expense incurred in preparing or testing a vehicle which cannot be licensed for whatever reason.
98. Any unauthorised modifications made since a previous licence was issued may lead to the suspension, revocation or refusal to renew a licence.

### **Taximeters**

99. All vehicles must be fitted with a Council approved taximeter.

### **Duration and renewal of the licence**

100. The licence expires 12 months from the date of issue. Any application for renewal must be made at least one month before the licence expires. If you do not apply to renew the vehicle licence in time there may be a period when you will be unable to use the vehicle as a Hackney Carriage. If the renewal application is not received before the expiry of the current Hackney Carriage proprietor (vehicle) licence, it will be treated as a new application rather than a renewal and you will have to provide all the information that is required for a new application. In that case any acquired rights will be lost.
101. Renewals are generally dealt with by officers under delegated powers and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (e.g. if the vehicle's age or emissions exceed the policy or you or any of your joint proprietors (or directors or secretary in the case of a limited company) have been convicted of any offence, or there have been complaints or causes for concern about your behaviour) the renewal application may need to be considered by the Taxi and General Licensing Committee. If this is the case, then a 2-month temporary licence may be issued, without prejudice to any decision the Committee might make.
102. The licence is issued to you but it can be transferred to another individual,

partnership or limited company. Notification of any transfer must be made in writing and indicate the consent of all interested parties. The Council will then issue a revised licence identifying the new licensee(s).

103. Following any transfer of licence to another person, on expiry of that licence, renewal will be at the Council's discretion.

## **Plates and Additional Signage**

104. The licence plates and other additional signage required must be displayed on the vehicle at all times. You must pay a deposit for the licence plates which will only be refunded if the plates are returned to the Council in a satisfactory condition. In addition, wheelchair accessible Hackney Carriages will be required to display "Wheelchair" stickers at all times. Non-wheelchair accessible Hackney Carriages will be required to display "No wheelchair" stickers at all times.
105. If you lose or damage the plates or additional signage, replacements must be purchased from the Council.
106. The Council has produced a guidance leaflet for customers explaining the complaints procedure. The notice referring to this must be displayed in the vehicle where it can be clearly seen by all passengers, and copies of the leaflet must be available in the vehicle.

## **Vehicle substitution**

107. If you wish to change the vehicle that is licensed the following procedures must be followed:
  - a) If the licence relates to a wheelchair accessible vehicle, the replacement vehicle must also be a wheelchair accessible vehicle. Non-wheelchair accessible vehicles will only be accepted as replacements for licences which have acquired rights.
  - b) You must pay the stated fee for a 12-month period.
  - c) You must surrender the original licence. Any refund against a licence will be calculated by the Council.
  - d) Your replacement vehicle must be presented for test and subsequently pass.
  - e) Written proof of consent to the change of vehicle must be provided from all interested parties.
  - f) You must maintain and produce evidence of a continuous policy of insurance, which clearly states that the vehicle is to be used as a Hackney Carriage. All such policies must be in the name of the licensee of the vehicle.

## **Letting/leasing of vehicles**

108. You must not lease or let or hire a licensed Hackney Carriage to any other person, other than a fare paying passenger, without first notifying the Council in writing. If you do enter into a leasing arrangement you will remain the licensee and will still be responsible for the vehicle.
109. You must notify the Council in writing of anyone no longer having an interest in the vehicle within 72 hours of the event.

## **Advertisements**

110. No advertisements may be displayed in or from the vehicle unless prior written approval of the Council has been obtained. Any advertising must comply with all legislation and the British Code of Advertising Practice.

## **Maps and navigational devices**

111. Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is moving. No handheld devices can be used unless they are securely located in a suitable cradle or other mounting device.

## **The taximeter and table of fares**

112. The vehicle must be fitted with a calendar controlled and sealed taximeter that has been approved by the Council. It must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all letters and figures displayed on the meter are clearly visible to any passenger. The letters and figures must therefore be illuminated when in use.
113. The Council must approve the location and fixing and test the meter before the vehicle can be used as a Hackney Carriage.
114. The meter must be set to ensure that the charge will never exceed the amount specified in the Council's Hackney Carriage Table of Fares.
115. The meter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a key or other device that, when turned, will operate the meter and display the word "HIRED". This key or device must be capable of locking the meter, so it does not work and no fare is recorded on it.
116. When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and must not exceed the fare permitted by the Table of Fares.
117. The word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.
118. A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passengers can easily read it.

## **Radios and other equipment**

119. Any radio, booking systems/data heads and/or GPS equipment provided must be maintained in a safe condition and any defects must be repaired promptly. The licensed operator/booking agent must ensure that the licence issued by Ofcom for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the Ofcom licence and the licensed



operator/booking agent must allow the Council access to inspect all equipment and Ofcom licenses.

120. Any radio, booking systems/data heads and/or GPS equipment provided must not interfere with any other radio or telecommunication equipment.
121. Where apparatus for the operation of a two-way radio, booking system/data heads and/or GPS systems are fitted, no part of the apparatus can be situated in a way which could cause accident or injury to a passenger, nor can it be placed in the rear boot compartment if LPG tanks are situated in there.

## **Signs**

122. No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing (see above in relation to advertisements).
123. The vehicle (apart from purpose-built Hackney Carriages with a built-in roof sign) must be fitted with the roof sign approved by the Council. The sign must be illuminated when the vehicle is available for hire and switch off automatically when the meter is operating.
124. An adhesive sign must be permanently fixed to both front doors. These signs must be a minimum of 60 cm high by 19 cm wide and all lettering must measure at least 6 cm in height. It must incorporate the Council's logo and display the vehicle licence number.
125. You may display the name and telephone number of the company operating your vehicle in its front and rear windows. However, the display must be no more than 10 cm high, must not contravene the Road Traffic (Construction and Use) Regulations, and must not be illuminated.

## **Seating Arrangements**

126. Any seating arrangement other than the manufacturers original specification, or as approved by the Council will result in the suspension of the licence until such time as either the original or approved arrangement is restored, or the new arrangement is approved by the Council.

## **Incident logs**

127. The proprietor must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). This must be used to record all incidents affecting the use of the Hackney Carriage including, but not limited to,
  - a) collisions or accidents
  - b) damage to the vehicle
  - c) problems with the meter

- d) refusals by any driver to carry a passenger (including the date, time, location, and reason for the refusal)
  - e) any events, circumstances or incidents which lead the driver or proprietor to suspect that a passenger is involved in or is a victim of child sexual abuse or exploitation or any other abuse, modern slavery or trafficking of people, County Lines movements of drugs, any other abuse or supply of drugs, involvement in terrorism or any other criminal activity.
128. Incidents must be recorded immediately, or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.
129. This log must be available for inspection by an Authorised Officer of the Council or a police constable at all times on request.

### **Conditions**

130. The following Conditions are attached to the Hackney Carriage vehicle licence and must be complied with at all times. Failure to comply with conditions may lead to penalty points being imposed on your Hackney Carriage proprietor (vehicle) licence, suspension, revocation or refusal to renew the Hackney Carriage proprietor (vehicle) licence.
131. You must return your licence (and the plates and additional signage if requested by the Council) to the Council immediately if:
- a) You change your home or business address
  - b) If the licence expires, or is suspended or revoked
  - c) You wish to surrender your Hackney Carriage licence
  - d) When required to do so by an Authorised Officer of the Council.
132. You must notify the Council within 48 hours of the event (including weekends and bank holidays) if you or anybody named on the licence as a joint proprietor (or any director or secretary of a limited company, or partner in a Limited Liability Partnership when the licence is held by such a body) is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that you receive or you have to attend.
133. If your vehicle has an accident which results in damage which may affect its safety, performance or appearance or the comfort or convenience of your passengers, you must report this to the Council within 72 hours (including weekends and bank holidays). If you are in doubt as to whether the vehicle is affected you must notify the Council.
134. You must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). In this you must record all incidents affecting the use of the Hackney Carriage including, but not limited to:
- a) collisions or accidents

- b) damage to the vehicle
  - c) problems with the meter
  - d) refusals by any driver to carry a passenger (including the date, time, location, and reason for the refusal)
  - e) any events, circumstances or incidents which lead the driver or proprietor to suspect that a passenger is involved in or is a victim of child sexual abuse or exploitation or any other abuse, modern slavery or trafficking of people, County Lines movements of drugs, any other abuse or supply of drugs, involvement in terrorism or any other criminal activity.
135. Incidents must be recorded immediately, or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.
136. This log must be available for inspection by an Authorised Officer of the Council or a police constable at all times on request.

### **Drivers**

137. You must notify the Council of the details (name, address and taxi driver licence number) of any person who is permitted by you to drive the Hackney Carriage for any purpose (this does not include mechanics undertaking vehicle maintenance). This notification must be made as soon as possible and in any event within 72 hours of that permission being given. If you no longer permit that person to drive the Hackney Carriage you must notify the Licensing Section in writing, using the Council's approved forms, within 72 hours.
138. Before you allow anyone to drive the Hackney Carriage you must ask that person for their taxi driver licence and retain it whilst that person is permitted to drive your vehicle. You must ensure that they understand and will observe the law, byelaws and Code of Conduct that regulate their conduct and the conditions attached to the vehicle licence.
139. Note - No person may drive a Hackney Carriage, unless they hold a Hackney Carriage driver licence issued by the Council. Anyone found driving a Hackney Carriage without a Hackney Carriage driver licence, may be prosecuted.

### **Insurance**

140. You must ensure that a valid policy of comprehensive insurance for Hackney Carriage work/public hire is in place for the vehicle and covers anyone who drives the Hackney Carriage.

### **Production of Documents**

141. You must not obstruct any Authorised Officer of the Council or Police Officer. You must provide any assistance or information they may reasonably require.

142. If an Authorised Officer of the Council (or another council with whom a reciprocal arrangement is in place) or a police officer asks you, you must produce:
- a) The Hackney Carriage proprietors (vehicle) licence
  - b) The taxi driver licence of any person authorised to drive the Hackney Carriage
  - c) The vehicle registration document
  - d) A valid certificate of insurance

within 5 days of the request being made.

### **Licence Plates**

143. The licence plates and additional signage remain the property of the Council and must be returned to the Council whenever the vehicle is not licensed as a Hackney Carriage.
144. You must secure and display the exterior licence plates permanently to the outmost front and rear part of the vehicle using the fittings provided by the Council. The method of fixing must prevent the plates being removed without the need for tools. Both plates must at all times be displayed so that it can be clearly read by pedestrians and road users. The licence plates must not be displayed in any window of the vehicle.
145. You must display the additional signage on the near side and off side front doors and the internal signs issued by the Council inside the vehicle so that they are visible to front and rear passengers at all times. All wheelchair accessible vehicles must display a wheelchair sticker on the near side and off side rear doors.
146. You must report the theft or loss of the licence plates or additional signage to the Police immediately and as soon as possible, and in any event within 24 hours of becoming aware of the theft or loss, to the Council by email. You must also obtain a crime or lost property number from the Police and present this to the Council. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made.
147. You must not willfully or negligently cause or suffer any plates or additional signage on your vehicle to be concealed from public view at any time.
148. You must return the licence plates and additional signage to the council If the Hackney Carriage proprietor (vehicle) licence is suspended, revoked or not renewed.

### **Vehicle inspection**

149. You must allow an Authorised Officer of the Council, or Police Officer, to inspect the vehicle at any reasonable time.

150. You must ensure the vehicle is presented for test in accordance with instructions from the Council
151. You must produce the vehicle registration document and last MOT, and certificate of insurance to the Authorised Officer at the test.

### **Specification to be maintained during the currency of a licence for a Hackney Carriage**

152. No change in the specification, design, condition or appearance, or any modification, conversion or alteration of the vehicle can be made unless prior written approval has been given by the Council.
153. The vehicle must fully comply with all relevant Road Traffic legislation and in addition:
  - a) All doors must function correctly and be capable of being opened from outside and within the vehicle.
  - b) All opening windows must function correctly and be capable of being opened from within the vehicle.
  - c) All luggage must be properly secured inside a vehicle that does not have a separate and self-contained boot.
  - d) If a roof rack (or roof box) is being used it must be securely fitted to the roof in accordance with the manufacturer's instructions. The additional signs must be correctly fitted to the front and rear of the roof rack (or roof box). All luggage must be properly secured and in the case of a roof rack a waterproof cover must be fitted. Any roof box must be correctly closed before moving off.
  - e) If a trailer is being used (and a trailer can only be used in connection with pre-booked hirings) the driver must ensure that the lights on the trailer are working correctly and that the trailer plate is properly displayed on the rear of the trailer. A waterproof cover must be used to protect any luggage.
  - f) Passengers must be able to communicate with the driver via a sliding screen, mesh or hole in any division which may be fitted between the drivers and passenger compartments.
  - g) If the vehicle is a convertible, the driver must close the roof and raise the side windows if requested to do so by any passenger.
  - h) The vehicle and all seats, door handles and trim, and all internal and external parts of the vehicle must be maintained at all times in a clean, comfortable, safe, and mechanically sound condition and be in every way suitable for public service.
  - i) The floor covering must not be torn or frayed.
  - j) The vehicle must have an adequate functioning internal light to enable passengers to enter and leave the vehicle safely.
  - k) The vehicle's bodywork and paintwork must be maintained to an acceptable standard free of dents or rust.

- l) The vehicle must carry a spare wheel to fit the vehicle, and the wheel together with equipment to change the wheel, jack and wheel brace must be securely stored. This does not apply if the manufacturers' specification when new did not include a spare wheel, in which case the manufacturer's alternative (e.g. spray can) will be acceptable.
- m) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. All tyres must have at least 2 mm of tread across the entire contact surface.
- n) The vehicle must be fitted with nearside and offside exterior rear-view mirrors which must be maintained in a serviceable condition
- o) The glass in the vehicle must not be replaced with glass that is different from the glass fitted when the vehicle passed the Council's vehicle test. Any unapproved (by the Council) self-adhesive material (tinted or clear) must not be affixed to any part of the glass
- p) The vehicle's power output must not be less than the power output when the vehicle was new, and any replacement engine must be of the same or greater power output. In the case of a replacement engine, the Council must be notified of that within 72 hours of the fitting, and the revised V5 must be presented to the Council as soon as it is received.
- q) At all times the vehicle must carry a 1 kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number painted on it. The fire extinguisher must be properly maintained in accordance with BS 5306: Part 3 and be secured in such a position in the vehicle as to be fit for immediate use in an emergency.
- r) At all times the vehicle must carry a first aid kit in a suitable container, with the licence number painted on it.
- s) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Council.

### **Additional conditions for wheelchair accessible Hackney Carriages**

- 154. At all times, the vehicle must carry in a safe, usable condition suitable ramps for a wheelchair user. If the alternative tail lift or some other mechanical means of access is fitted it must be maintained in a safe, functioning condition.
- 155. The driver must ensure before the commencement of the journey that the passenger is correctly seated and the wheelchair is correctly secured and the passenger is correctly restrained, and at the end of the journey must ensure that the passenger is delivered safely on to the pavement.
- 156. The door entrance and any steps must always be conspicuously marked where appropriate, to help visually impaired passengers.
- 157. All grab handles or rails must always be conspicuously marked to help visually impaired passengers.

## **Sliding doors**

158. Where sliding doors are an integral part of a vehicle and a locking device has not been fitted, the child locking systems must be engaged by the driver at all times when the vehicle is in motion and carrying passengers.

## **Lost property**

159. The driver must search the vehicle after each hiring has been completed, and any lost property found must be recorded. If the driver knows the identity and/or whereabouts of the last passenger, they can return the property to them. If not it must be delivered to the Council's offices within 48 hours.

## **The meter/table of fares**

160. The vehicle must be fitted with a calendar controlled and sealed taximeter that has been approved by the Council. It must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all letters and figures displayed on the meter are clearly visible to any passenger. The letters and figures must therefore be illuminated when in use.
161. The meter must be set to ensure that the charge will never exceed the amount specified in the Council's Hackney Carriage Table of Fares.
162. The meter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a key or other device that, when turned, will operate the meter and display the word "HIRED". This key or device must be capable of locking the meter so it does not work and no fare is recorded on it.
163. When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and must not exceed the fare permitted by Table of Fares.
164. The word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.
165. The meter must only be brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.
166. If the meter fails or does not comply with the conditions, you must ensure the vehicle is not used as a Hackney Carriage.
167. A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passengers can easily read it.

## **Maps and navigational devices**

168. The vehicle must be equipped with a road atlas of the UK, which is not more than 5 years old, which must be readily accessible to the driver.
169. Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is moving. No handheld devices can be used unless they are securely located in a suitable cradle or other mounting device.

## **Signage**

170. No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing.
171. The vehicle must at all times be fitted with a sign with the word "TAXI" (minimum size 35 cm wide and 10 cm high) on its roof. This can be combined with a "For Hire" sign, but that can be a separate sign. In either case, a "For Hire" sign must be fitted, in a conspicuous position on the roof of the vehicle. The sign(s) must be illuminated when the vehicle is available for hire and switch off automatically when the meter is operating.

## **No Smoking**

172. The vehicle must have at least 3 "no smoking" signs displayed inside the vehicle clearly visible to passengers.

## **Daventry zone**

### **Byelaws**

173. There are byelaws relating to the use of Hackney Carriages in the Daventry zone. They can be found on the council website.

### **List of Hackney Carriage stands**

174. The details of the Hackney Carriage stands in the Daventry zone are available on the council website.

### **Table of Hackney Carriages fares**

175. Details of the Hackney Carriage fares in the Daventry zone are available on the council website.



## **Northampton zone**

### **Byelaws**

176. There are byelaws relating to the use of Hackney Carriages in the Northampton zone. They can be found on the council website.

### **List of Hackney Carriage stands**

177. The details of the Hackney Carriage stands in the Northampton zone are available on the council website.

### **Table of Hackney Carriage fares**

178. Details of the Hackney Carriage fares in the Northampton zone are available on the council website.

## **South Northamptonshire zone**

### **List of Hackney Carriage Stands**

179. The details of the Hackney Carriage stands in the South Northamptonshire zone are available on the council website.

### **Table of Hackney Carriage fares**

180. Details of the Hackney Carriage fares in the South Northamptonshire zone are available on the council website.

### **Legal requirements (contained in national legislation) relating to a Hackney Carriage**

181. It is an offence to provide false information when applying for a Hackney Carriage proprietors licence (section 40 of the 1847 Act).
182. The Hackney Carriage proprietor must notify the Council of any change of address of yourself or any other Hackney Carriage proprietor (section 44 of the 1847 Act).
183. The proprietor of a Hackney Carriage commits an offence if the vehicle is used to ply or stand for hire other than in the zone or district in which it is licensed (section 45 of the 1847 Act).
184. The Hackney Carriage proprietor must not employ an unlicensed driver (section 47 of the 1847 Act).
185. The Hackney Carriage proprietor must hold the driver licence of those driving the vehicle and must produce that licence if requested to do so by a magistrates' court (section 48 of the 1847 Act).

186. The Hackney Carriage proprietor must ensure that at all times the vehicle displays the Hackney Carriage plate (section 52 of the 1847 Act).
187. The Hackney Carriage proprietor must notify any transfer of the vehicle licence to another proprietor within 14 days (section 49 of the 1976 Act).
188. The Hackney Carriage proprietor must present the Hackney Carriage for inspection as required by the Council (section 50(1) of the 1976 Act).
189. The Hackney Carriage proprietor must inform the Council where the Hackney Carriage is stored if requested to do so (section 50(1) of the 1976 Act).
190. The Hackney Carriage proprietor must report any collision that has caused damage to the safety performance or appearance of the vehicle to the Council within 72 hours (section 50(3) of the 1976 Act).
191. The Hackney Carriage proprietor must produce the vehicle licence and insurance if requested to do so by an Authorised Officer of the Council (sections 50(4) of the 1976 Act).
192. The Hackney Carriage proprietor must return the plate to the Council once you receive notice to do so after expiry, revocation or suspension of the proprietor licence (section 58(2) of the 1976 Act).
193. It is an offence to interfere with a taximeter (section 71 of the 1976 Act).
194. The Hackney Carriage proprietor must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an Authorised Officer of the Council, an authorised officer of another council with which there is a reciprocal enforcement arrangement, or a police constable (section 73 of the 1976 Act).
195. The Hackney Carriage proprietor must not conceal or obscure the number of the Hackney Carriage whilst standing or plying for hire or use the vehicle with a defaced or damaged plate (Hackney Carriage Byelaw 2).
196. The Hackney Carriage proprietor must provide a means of communication between passenger and driver (Hackney Carriage Byelaw 3).
197. The Hackney Carriage proprietor must ensure that the vehicle is watertight (Hackney Carriage Byelaw 3).
198. The Hackney Carriage proprietor must ensure that the windows open and close (Hackney Carriage Byelaw 3).
199. The Hackney Carriage proprietor must ensure that the seats are properly covered (Hackney Carriage Byelaw 3).

200. The Hackney Carriage proprietor must ensure that the floor is properly covered (Hackney Carriage Byelaw 3).
201. The Hackney Carriage proprietor must ensure that the vehicle is clean well maintained and fit for public service (Hackney Carriage Byelaw 3).
202. The Hackney Carriage proprietor must ensure that there is a means for securing luggage if required (Hackney Carriage Byelaw 3).
203. The Hackney Carriage proprietor must ensure that the fire extinguisher is a readily available location (Hackney Carriage Byelaw 3).
204. The Hackney Carriage proprietor must ensure that the taximeter is plainly visible to passengers and illuminated (Hackney Carriage Byelaw 4).
205. The Hackney Carriage proprietor must not tamper with the taximeter (Hackney Carriage Byelaw 6).
206. The Hackney Carriage proprietor must display the table of fares in the vehicle and not conceal it or render it illegible (Hackney Carriage Byelaw 15).
207. The Hackney Carriage proprietor must search the vehicle after every hiring (usually the responsibility of the driver, but also applies to the proprietor) (Hackney Carriage Byelaw 16).
208. The Hackney Carriage proprietor must deliver any lost property to the Council or the police station within 48 hours of finding it (Hackney Carriage Byelaw 17).

# Private Hire Proprietor (Vehicle) Licenses

## Local Government (Miscellaneous Provisions) Act 1976

Vehicle specifications to include number of passengers, tinted glass, seat widths and concerns around certain models no longer being licensable – the requirements for vehicle specifications is to consider public safety and passenger comfort, it is considered reasonable that existing licensed vehicles are granted grandfather rights until the purchase of a new vehicle is necessary. The licensing team will continue to review amendments to the vehicle specifications to be amended in line with any developments in makes and models of vehicles. Existing licensed vehicles will continue to be renewed until they are replaced or no longer meet the required standards.

The policy has been amended for tinted glass to conform with the national DFT standards

Emission Standards – An emissions policy is aimed to meet with the Councils corporate objectives for cleaner, greener communities and has previously been in place in the Northampton area.

1. This document contains the policy, conditions and legislation relating to your Private Hire Vehicle (proprietor) licence. The legislation uses both of the terms “vehicle” and “proprietor” in relation to Private Hire Vehicle licences, but as these are often referred to as Private Hire Vehicle licences, for the avoidance of doubt the term “Private Hire Vehicle (proprietor)” will be used throughout this policy.
2. As Private Hire Vehicle (proprietor) licences can be held by limited companies, limited liability partnerships (LLP) and conventional partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a “person”, “you”, “licensee” or “proprietor” is taken to mean the proprietor of the Private Hire Vehicle .
3. There is a power to attach conditions to Private Hire Vehicle (proprietor) licences, and the Council has standard conditions which attach to these licences. These are contained within this document.
4. There is also a list of the main legislation that applies to Private Hire Vehicle proprietors.

### Introduction

5. The purpose of licensing Private Hire Vehicle is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous vehicles.
6. It is a privilege to hold a Private Hire Vehicle (proprietor) licence and licensees have responsibilities to their drivers, passengers and customers, other road users and the public generally. The Council has been satisfied that when you applied for your licence the vehicle was suitable and safe for use as a Private Hire

Vehicle and that you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account the type of the vehicle, the condition of the vehicle and your entire character and behaviour.

7. As a vehicle proprietor this assessment of your character not only includes times when you are working within the Private Hire Vehicle trade, but it all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence. If at any time the standard of the vehicle or your behaviour falls below the standards expected for new applications, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the Private Hire Vehicle trade. You should appreciate that under the Previous Convictions Policy, if the unacceptable or criminal behaviour took place whilst you were working within the Private Hire Vehicle trade that will be viewed as an aggravating feature by the Council.
8. In many cases a Private Hire Vehicle is the first vehicle that a visitor to the County will encounter following arrival at an airport, railway station or bus station. As a consequence, the appearance of Private Hire Vehicle can affect a person for their entire visit. Private Hire Vehicle proprietors should be aware of this and ensure that their vehicle is maintained to the highest standard at all times.
9. Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
10. The Council has decided to attach conditions to Private Hire Vehicle (proprietor) licences that it considers reasonably necessary under the powers contained in section 48(2) of the 1976 Act. The conditions are in addition to the statutory requirements of the legislation. Section 48(7) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.
11. You must understand and comply with the legal requirements relating to the Private Hire Vehicle licensed in your name, a limited company in which you are a director or secretary, a limited liability partnership in which you are a partner, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your Private Hire Vehicle (proprietor) licence being suspended or revoked.

12. Where a proprietor breaches any legislation or condition of the licence, they may be referred to the Taxi and General Purposes Committee.
13. The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for Private Hire Vehicle licensees.

14. Whenever, and in what circumstances a proprietor is brought before the Taxi and General Purposes Committee, the Committee will decide each case on its merits, after hearing the facts.
15. The Committee may also suspend or revoke the Private Hire Vehicle(proprietor) licence (see below) or impose further penalty points.

### **Power to take action against a Private Hire Vehicle (proprietor) licence**

16. Under section 60 of the 1976 Act, the Council may suspend, revoke or refuse to renew a Private Hire Vehicle (proprietors) licence on the following grounds:
  - a) that the Private Hire Vehicle is unfit for use as a Private Hire Vehicle;
  - b) any offence under, or non-compliance with, this Part of this Act by the operator or driver; or
  - c) any other reasonable cause.
17. An Authorised Officer of the Council, an authorised officer of another council where there is a reciprocal arrangement, or a police constable can immediately suspend a Private Hire Vehicle (proprietor) licence under section 68 of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds of
  - a) the vehicle is unfit
  - b) the taximeter is inaccurate
18. Failure to comply with any Private Hire Vehicle legislation or other road traffic legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which could lead to your Private Hire Vehicle (proprietor) licence being suspended revoked or the renewal refused.
19. Failure to comply with the Council's conditions may result in your Private Hire Vehicle (proprietor) licence being suspended, revoked or the renewal refused.
20. If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under section 57(3) of the 1976 Act.
21. The Private Hire Vehicle (proprietor) licence remains the property of the Council.
22. In the event that you lose your proprietor licence, Private Hire Vehicle (proprietor) licence plates or additional signage, or if they are damaged or

defaced, you must get a replacement licence or plates on payment of a fee determined by the Council, and you cannot use the Private Hire Vehicle until such replacements are obtained and fitted.

23. It must be understood that a decision to grant a Private Hire Vehicle (proprietor) licence is made on the basis of the condition and suitability of the vehicle and the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that the condition of your vehicle and your behaviour remains of the highest standard to protect your vehicle licence and therefore your livelihood.

## **POLICY**

### **General Applicants**

24. Private Hire Vehicle (proprietor) licences can be held by individuals, limited liability partnerships (LLP), conventional partnerships (two or more people in business together) or limited companies. Usually the vehicle must be registered to one of those, but there will be occasions where the vehicle is leased or hired. In all cases the applicant(s) must demonstrate that they have ownership of the vehicle, a financial interest in the vehicle or permission to use the vehicle on an extended basis (in the case of a lease or hire). A V5 registration document is not proof of ownership and other documentation will be required. This can include, but is not limited to
- a) Receipt for the purchase of the vehicle
  - b) Lease/hire contract
  - c) Partnership agreement between 2 or more individuals

### **Character of the applicant**

25. The licensee of a Private Hire Vehicle can exert control over those who drive that vehicle, and as a consequence it is essential that they satisfy the Council that they are a suitable person to hold a Private Hire Vehicle (proprietor) licence.
26. All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service check at their own expense, as part of the application process. This doesn't apply to those applicants that are licensed as drivers with the Council. The same will be required of all partners in a limited liability or conventional partnership and all directors and secretary of a limited company when the application is made, or the licence is held, by a limited liability or



conventional partnership or limited company.

27. The application will then be considered in the light of the Council's Previous Convictions Policy.
28. In addition, the Council will take into account the compliance and maintenance history of previous and existing vehicles licensed by the applicant. The Council does not regard licensees whose vehicles fail regular tests as being a safe and suitable person to have responsibility for Private Hire Vehicle vehicles. All vehicles must be maintained to a satisfactory standard at all times and should pass any test at any point.

### **Convictions**

29. If you or anybody else with an interest in the vehicle or who is named on the licence is arrested in connection with, charged with or convicted of any criminal offence, that must be reported to the Council within 72 hours (including weekends and bank holidays). The same requirement applies in relation to any fixed penalty notices, speed awareness courses, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you receive or have to attend.

### **Vehicles**

30. It is the applicant's responsibility to ensure that any vehicle presented for licensing as a Private Hire Vehicle meets the Council's criteria which are detailed below. As the Council will not be liable for any loss as a result of a vehicle not being licensed, it is vital that applicants ensure that any vehicle that they are considering purchasing meets these criteria.

### **Licensed Vehicle Type, Age and Emissions**

31. Any vehicle submitted to be licensed as a Private Hire Vehicle must be of Category M1 (as shown on the registration document) unless either of the following apply:

Category M2 or N1 vehicles (as shown on the registration document) will be acceptable provided the vehicle has passed an IVA test and there is evidence to show that no modification to be made to that vehicle since the date of that test.

32. Vehicles are constantly being improved by manufacturers, and improved standards are imposed by the Government. Newer vehicles are safer, less environmentally damaging and less likely to break down. Vehicles deteriorate due to a combination of age and use.
33. In order to reduce emissions it is important to set standards that are common to

all within the Private Hire Vehicle fleet, to ensure consistency and a level playing field for proprietors. The age of vehicles and the exhaust emissions are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the Private Hire Vehicle fleet, the following standards will apply

34. From 1 April 2023, new licences will only be granted in respect of vehicles that meet or exceed Euro 6+ emission standards.
35. From 31<sup>st</sup> December 2025, licences will not be granted or renewed in respect of any vehicle that does not meet the following requirements:
  - ULEV (Ultra Low Emission Vehicle <75 g/km and 10 KM zero emission capability);
  - petrol hybrid vehicles Euro 5+;
  - petrol vehicles Euro 6+;
  - diesel vehicles Euro 6+ (all these categories include vehicles adapted with a retrofit to an agreed approved standard)
36. From 31<sup>st</sup> December 2028, licences will not be granted or renewed in respect of any vehicle that does not meet or exceed the following requirements:
  - ULEV (Ultra Low Emission Vehicle <75 g/km and 10 KM zero emission capability);
  - petrol hybrid vehicles Euro 5+; (both these categories include vehicles adapted with a retrofit to an agreed approved standard)

### **Low Emission Vehicles**

37. The Council aims to encourage the uptake of low emission vehicles in the County, and in the future will examine the feasibility of introducing differential licensing fees for electric, hybrid and ultra-low emission vehicles.
38. It is anticipated that more Electric Vehicle rapid re-charging points for use by the public will be available at locations across the area at some point in the future.

### **Vehicle specification**

39. There are 3 different types of vehicle that can be licensed as Private Hire Vehicle vehicles: those which are Wheelchair Accessible Vehicles (WAV), those which are not and stretched limousines.
40. The Council maintains a list of all WAV (both Private Hire Vehicle vehicles and Hackney Carriages). Drivers of those vehicles must then provide mobility assistance to wheelchair-using passengers and other disabled passengers.

41. The following specifications detail the minimum requirements for each type of vehicle, together with the requirements for all Private Hire Vehicle vehicles.

### **Non-Wheelchair accessible vehicles**

42. If the vehicle is to be licensed as a Non-WAV (saloons, estate cars, people carriers (MPV), sports utility vehicles (SUV) and any other vehicle that cannot carry a passenger whilst they remain in their wheelchair excluding stretched limousines) it must be approved by the Council and comply with the following specification:
- a) Be a right-hand drive vehicle.
  - b) Have at least four doors that can be opened from both inside and outside the vehicle. Each door (except the driver's door) must be capable of being opened by passengers.
  - c) Have a minimum seating capacity for one adult passenger, and vehicles that seat more passengers must provide at least four adult passengers based on a width of not less than 410 mm per person across the rear seat.
  - d) Must be so constructed as to provide adequate space within its structure for the safe carriage of each passenger's luggage or any equipment. If that is not possible or practical then d. below will apply
  - e) Roof racks, tow bars and trailers will be permitted. Any luggage carried on the roof rack must be protected from the elements by a waterproof cover and properly secured. A properly fitted roof box is an acceptable alternative.
  - f) Tow bars (if fitted) must be fitted in accordance with the manufacturer's instructions.
  - g) Any trailer that is used must meet the following requirements and will be issued with a "trailer plate" which must be displayed on the rear of the trailer and clearly visible whenever the trailer is being used by the Private Hire Vehicle. The trailer can only be used on the specified Private Hire Vehicle. Trailers must comply with the following standards:
    - iv. Unbraked trailers must be less than 750kgs gross weight.
    - v. Trailers over 750kgs gross weight must be braked, acting on at least two road wheels.
    - vi. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
    - ix. A suitable lid or other approved means of enclosure must be fitted to secure the contents within the trailer whenever in use.
    - x. The maximum permissible length of the trailer cannot exceed 7 metres, including the drawbar and coupling.

- xi. The width of the trailer must not be greater than width of the towing vehicle, subject to no trailer being wider than 2.3m.
  - xii. The maximum length for braked twin axle trailers is 5.54m.
  - xiii. The trailer must at all times comply with all Road Traffic legislation requirements.
  - xiii. The vehicle insurance must cover towing a trailer.
  - xiv. Trailers must not be left unattended anywhere on the highway.
  - xv. The speed restrictions applicable to trailers must be observed at all times.
  - xvi. The registration number plate of the Hackney Carriage and the Council issued "trailer plate" must be attached to the rear of the trailer.
  - xv. The trailer must be inspected annually and must be considered to be satisfactory by the Licensing Authority.
  - xvi. Only drivers with the appropriate DVLA driving licence category may drive a vehicle with a trailer. The vehicle proprietor must check any driver's DVLA licence for the required category, prior to allowing the use of a trailer.
- h) Passengers must be able to communicate with the driver via a sliding screen, mesh or hole in any division between the drivers and passenger compartments.

### **Additional requirements for minibus and MPV type vehicles**

43. In order to be licensed as a Private Hire Vehicle, any Minibus/MPV-type vehicles must be fitted, in addition to the front driver and passenger doors, with at least:
- a) one other side loading door plus a rear door/doors or tailgate that can be opened from inside the vehicle; or
  - b) two side loading doors that can be opened from the inside.

### **Wheelchair Accessible Vehicles (WAV)**

44. The vehicle must be capable of carrying a wheelchair bound passenger which meets the following specification. It cannot look like a Hackney Carriage.
45. Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as **a minimum standard:**
- a) The interior of the vehicle must be able to accommodate a wheelchair and its user riding seated within the wheelchair itself.

- b) The passenger compartment must have a minimum unobstructed available width of 0.74 metres (including at the point of entry).
- c) The passenger compartment must have a minimum unobstructed available length of 1.2 metres for a wheelchair and user.
- d) The passenger compartment must have a minimum unobstructed available height for a wheelchair and user of 1.3 metres at the point of entry and 1.4 metres when in the travelling position.
- e) The passenger compartment must be fitted with suitable wheelchair anchorages, either chassis or floor linked.
- f) The passenger compartment must be fitted with a suitable 3-point belt or harness, either chassis or floor linked, for a wheelchair and its user. The belt/harness must be independent of the wheelchair anchorages.
- g) The vehicle must have suitable ramps for a wheelchair user. The vehicle must have a secure and safe place for the ramps to be stored when they are not being used. Alternatively, the vehicle may be fitted with a tail lift or some other mechanical means of access, approved by the Council.
- h) Where the vehicle is a rear loading wheelchair accessible vehicle a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement. Alternatively, the vehicle may be fitted with a tail lift or some other mechanical means of access, approved by the Council.
- i) At least one door entrance must be designed and constructed to help elderly and disabled passengers get in and out of the vehicle. The door entrance and any steps must be conspicuously marked where appropriate, to help visually impaired passengers.
- j) All passenger door entrances must have grab handles or rails suitably located to help elderly and disabled passengers. All handles/rails must be conspicuously marked to help visually impaired passengers.
- k) To assist elderly and disabled passengers, at least one passenger seat must be of a "swivel" or other design and construction, approved by the Council.
- l) All WAVs will be tested at a Council approved garage.

### **Stretched Limousines**

46. The term "stretched limousine" in this policy will be taken to mean any vehicle that has been modified after manufacture with an additional body section, extending the vehicle length.

Any vehicle, before it can be considered to be licensed as a stretched limousine,

must have European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as a minimum standard.

47. Any stretched limousine must be no older than 6 years from the date of first registration. In the case of an imported vehicle which has been used abroad, that period of time runs from the date of first registration abroad.
48. Stretched limousines will only be licensed to carry a maximum of 8 passengers.
49. All passenger seats must be equipped with a 3-point seat belt.

### **All vehicles**

50. The following are the minimum requirements for all Private Hire Vehicle Vehicles, irrespective of their type:
  - a) The vehicle must be wind and water tight.
  - b) The vehicle must have a floor properly covered with carpet or other suitable covering.
  - c) The vehicle must have an adequate internal light to enable passengers to enter and leave the vehicle safely.
  - d) The vehicle's bodywork and paintwork must be in good condition, free from dents or other damage or rust.
  - e) The vehicle must not be fitted with any additional external accident protection devices (e.g. bull bars or additional bumpers).
  - f) The vehicle must carry a spare wheel and tyre of the correct size to fit the vehicle, together with equipment to change the wheel including a spare wheel and tyre, jack and wheel brace, all of which must be securely stored. If the manufacturer's specification when the vehicle was new did not include a spare wheel, the manufacturer's alternative (e.g. spray can) will be acceptable.
  - g) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. They must have at least 2 mm of tread across the entire contact surface.
  - h) The vehicle must be fitted with nearside and offside exterior rear-view mirrors.
  - i) The vehicle must have at least one window on each side of the passenger compartment which is capable of being opened and closed.
  - j) All seats must be permanently fixed to the vehicle and must be factory fitted with a 3-point seat belt or, where that was not a manufacturer's

option when the vehicle was manufactured, a factory fitted lap belt. Any retrospectively fitted seat belts must be approved by the Council.

- k) The glass in the vehicle must not be replaced with glass that is different from the glass fitted when the vehicle passed the Council's vehicle test. Any unapproved (by the Council) self-adhesive material (tinted or clear) must not be affixed to any part of the glass
- l) No self-adhesive material (tinted or clear) can be affixed to any part of the glass without the approval of the council.
- m) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Council.
- n) The minimum unobstructed distance between the uncompressed seat cushion and the roof must be 0.9 metres (measured 0.25 metres from and parallel with the seat back) in relation to the front passenger and driver seats, and 0.84 metres in relation to any other passenger seats.
- o) The minimum unobstructed distance between the seat back and the footwell bulkhead/facing seat back must be 0.95 metres in relation to the front passenger and driver seats, and 0.6 metres in relation to any other passenger seats.
- p) The minimum unobstructed interior width of the vehicle must be 1.29 metres (excluding any arm rests).
- q) Any vehicle that has been converted to run on liquid petroleum gas (LPG) must be accompanied by a certificate stating that the conversion was undertaken in accordance with the LPG gas Association's code of practice, and if the conversion was undertaken more than one month before the application for the licence, an annual installation check which is not more than one month old.

In addition, in all types of Private Hire Vehicle the following requirements must be met.

### **Seating**

- 51. In any vehicle all exits must be easily accessible and not obstructed.
- 52. The seating configuration and number of passengers that can be carried is subject to assessment by the Council.

### **Documents**

- 53. A vehicle licence will only be issued where the vehicle has evidence of:
  - a) A valid vehicle insurance certificate specifically stating that the vehicle is

to be used for Private Hire Vehicle use.

- b) An MOT Certificate issued by any garage in the Council area which is less than 4 weeks old.
  - c) A V5 vehicle registration document. In case of a new vehicle, the sales invoice, which must show engine and chassis numbers, shall be produced at the time of application and the registration document when it is received from DVLA. The registration document must in all cases be produced within 6 weeks of the licence being issued.
  - d) The complete service history for the vehicle. (If this wasn't required previously service history from the date of implementation)
54. Before or on the date of expiry of any certificate, the certificate about to expire must be produced together with the relevant renewal certificate to the Council.
55. All documentation must be originals.

### **Engine/Chassis Numbers**

56. The Chassis/Vehicle Identification Number Plates and engine numbers must match the numbers recorded with the DVLA as detailed on the V5 Document. Vehicle applications cannot be accepted without a copy of the vehicle registration document, or in the case of new vehicle purchase, the sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police Vehicle Identification Section who may undertake checks to ensure the vehicle is not stolen. If the engine is changed at any time whilst the vehicle is a licensed Private Hire Vehicle, the Council must be notified within 72 hours of that change and the updated V5 must be produced as soon as it is received from DVLA.

### **Maintenance and servicing**

57. Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations. The service history of the vehicle will be inspected at first application and on every renewal of the licence (If this wasn't required previously service history from the date of implementation of this policy will apply)

### **Vehicle tests**

The policy is adopting a 1 Year Vehicle Licence with additional testing at specified intervals during the licence period.

58. A licence will be granted or renewed only if the vehicle is considered by the



Council to be roadworthy, fit for purpose and meets the criteria specified.

59. Vehicles will be tested before the licence is initially granted, then every 6 months.
60. Tests in relation to new applications, renewals and interims are carried out at any MOT testing station in the Council area.
61. The vehicle must have an MOT certificate from any MOT testing station in the Council area which is less than 2 weeks old. Any advisories must have been dealt with relevant receipts supplied.
62. The applicant or licensee must make an appointment for the vehicle to be tested as part of the application process. It is the responsibility of the applicant/licensee to do this and then to ensure that the vehicle is presented at the specified location and time. If the vehicle is presented late, there is no guarantee that the test will be able to be conducted on that day and a further test must be arranged. In that case the initial test fee will be forfeited and a second fee must be paid for the rearranged test.
63. If the consequence of missing the test means that the licence cannot be renewed before expiry, this will prevent the vehicle being used until such time as the licence is renewed, with loss of income to the licensee. If the delay is considerable, this may result in the renewal application being treated as a new application for a Private Hire Vehicle (proprietor) licence.

### **Dual Plating**

Once a vehicle has been licensed as a Private Hire Vehicle by the Council, it cannot be licensed as a Private Hire Vehicle (or Hackney Carriage) by any other local authority or Transport for London during the duration of the West Northamptonshire licence.

64. The council will not licence a vehicle that is licensed as a Private Hire Vehicle or Hackney Carriage by another local authority or Transport for London.

### **Insurance "write-offs"**

65. The Council will not licence any vehicle as a Private Hire Vehicle that has been written off by an insurance company.

### **Vehicle Use**

66. You must maintain a policy of insurance for your licensed vehicle in accordance

with section 143 of the Road Traffic Act 1988.

67. If your vehicle has an accident which results in damage which may affect its safety, performance, appearance or the comfort or convenience of your passengers, you must report this to the Council within 72 hours (including weekends and bank holidays) (section 50)(3) of the 1976 Act).
68. You must not obstruct any Authorised Officer of the Council or police officer. You must provide any assistance or information they may reasonably require (section 73 of the 1976 Act).
69. Any person driving a Private Hire Vehicle at any time, for any purpose and anywhere in the United Kingdom, must be licensed to drive a Private Hire Vehicle under section 51 of the 1976 Act, even if the vehicle is not being used for Private Hire Vehicle purposes. Any person driving a Private Hire Vehicle without the required Private Hire Vehicle driver's licence will be committing an offence under section 46(1)(b) of the 1976 Act. There are no exceptions to this even in relation to testing the vehicle.
70. If any Private Hire Vehicle proprietor permits a person who does not hold a Private Hire Vehicle driver licence to drive the vehicle for any hiring the proprietor commits an offence under s46(1)(c) of the 1976 Act and the Council will consider this a serious matter and action may be taken against the Private Hire Vehicle (proprietor) licence (whether or not a criminal prosecution or conviction ensued).
71. Once a vehicle has been licensed as a Private Hire Vehicle by the Council, it retains that status at all times for the duration of the licence (24 hours a day, 7 days a week). In addition to the requirement that it is only driven by a Private Hire Vehicle driver licensed by the Council (see above) the proprietor must ensure that at all times and wherever it may be located it complies with all requirements contained within the legislation and conditions. This includes the cleanliness of the vehicle, display of licence plates and additional signage.
72. If the Private Hire Vehicle (proprietor) licence is suspended, revoked or not renewed, the proprietor must return the licence plates and additional signage to the Council. This must be done immediately after the end of the appeal period (21 days from the written notification of the decision, or after any such appeal is determined or abandoned). If the suspension is immediate (under section 68 of the 1976 Act) this requirement must be complied with immediately.
73. If the proprietor refuses to surrender the vehicle plates and additional signage, tamperproof "Vehicle Licence Suspended" stickers will be affixed to the vehicle plates. These will destroy the plates, and replacements must be purchased from

the Council if and when the suspension is lifted.

### **Warning notice**

74. If there is anything in the design, construction, form or working appearance of a vehicle which, in the opinion of the Council or its authorised officers or testers, renders the vehicle unfit for use as a Private Hire Vehicle then the Council will not licence that vehicle.
75. The Council is not liable for any expense incurred in preparing or testing a vehicle which cannot be licensed for whatever reason.
76. Any unauthorised modifications made since a previous licence was issued may lead to the suspension, revocation or refusal to renew a licence.

### **Taximeters**

77. There is no requirement for a Private Hire Vehicle to be fitted with a taximeter. As there is equally no prohibition on meters being fitted to Private Hire Vehicle vehicles, any meter that is fitted must be approved and tested by the Council.

### **Duration and renewal of the licence**

The licence expires 12 months from the date of issue. Any application for renewal must be made at least one month before the licence expires. If you do not apply to renew the vehicle licence in time there may be a period when you will be unable to use the vehicle as a Private Hire Vehicle. If the renewal application is not received before the expiry of the current Private Hire Vehicle (proprietor) licence, it will be treated as a new application rather than a renewal and you will have to provide all the information that is required for a new application.

78. Renewals are generally dealt with by officers under delegated powers and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (e.g. if the vehicle's age or emissions exceed the policy or you or any of your joint proprietors (or directors or secretary in the case of a limited company) have been convicted of any offence, or there have been complaints or causes for concern about your behaviour) the renewal application may need to be considered by the Taxi and General Purposes Committee.
79. The licence is issued to you but it can be transferred to another individual, partnership or limited company. Notification of any transfer must be made in

writing and indicate the consent of all interested parties. The Council will then issue a revised licence identifying the new licensee(s).

80. Following any transfer of licence to another person, on expiry of that licence, renewal will be at the Council's discretion.

### **Plates and Additional Signage**

81. The licence plates and other additional signage required by the Council must be displayed on the vehicle at all times. In addition, wheelchair accessible Private Hire Vehicle Vehicles will be required to display "Wheelchair" stickers at all times.
82. If you lose or damage the plates or additional signage, replacements must be purchased from the Council.
83. The Council has produced a guidance leaflet for customers explaining the complaints procedure. The notice referring to this must be displayed in the vehicle where it can be clearly seen by all passengers, and copies of the leaflet must be available in the vehicle.

### **Vehicle substitution**

84. If you wish to change the vehicle that is licensed the following procedures must be followed:
  - a) You must complete an application form for the "replacement" vehicle.
  - b) You must pay the stated fee for a 12-month period.
  - c) Your replacement vehicle must be presented for test and subsequently pass. Written proof of consent to the change of vehicle must be provided from all interested parties (joint proprietors).
  - d) You must maintain and produce evidence of a continuous policy of insurance, which clearly states that the vehicle is to be used as a Private Hire Vehicle. All such policies must be in the name of the licensee of the vehicle.

### **Letting/leasing of vehicles**

85. You must not lease or let or hire a licensed Private Hire Vehicle to any other person, other than a fare paying passenger, without first notifying the Council in writing. If you do enter into a leasing arrangement you will remain the licensee and will still be responsible for the vehicle.
86. You must notify the Council in writing of anyone no longer having an interest in

the vehicle within 72 hours of the event.

### **Advertisements**

87. No advertisements may be displayed in or from the vehicle unless prior written approval of the Council has been obtained. Any advertising must comply with all legislation and the British Code of Advertising Practice.

### **Maps and navigational devices**

88. Every Private Hire Vehicle must be equipped with a road atlas of the UK, which is not more than 5 years old, which must be readily accessible to the driver.
89. Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is moving. No handheld devices can be used unless they are securely located in a suitable cradle or other mounting device.

### **The taximeter (if fitted)**

90. The meter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a key or other device that, when turned, will operate the meter and display the word "HIRED". This key or device must be capable of locking the meter so it does not work and no fare is recorded on it.
91. When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous.
92. The word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.

### **Radios and other equipment**

93. Any radio, booking systems/data heads and/or GPS equipment provided must be maintained in a safe condition and any defects must be repaired promptly. The licensed operator/booking agent must ensure that the licence issued by Ofcom for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the Ofcom licence and the licensed operator/booking agent must allow the Council access to inspect all equipment and Ofcom licenses.
94. Any radio, booking systems/data heads and/or GPS equipment provided must not interfere with any other radio or telecommunication equipment.

95. Where apparatus for the operation of a two-way radio, booking system/data heads and/or GPS systems are fitted, no part of the apparatus can be situated in a way which could cause accident or injury to a passenger, nor can it be placed in the rear boot compartment if LPG tanks are situated in there.

## **Signs**

Signage in other neighbouring local authorities is mostly door signage with no roof signs. Consistency is a key factor in raising educational awareness around the difference between taxi and private hire vehicles. Members will need to decide on the signage required for private hire vehicles. Ideally any signage will make it clear that the vehicle is licensed by WNC

96. No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing (see above in relation to advertisements).
97. The vehicle must not be fitted with any sign on the roof of the vehicle.
98. An adhesive/magnetic sign must be permanently fixed to both front doors. These signs must be a minimum of 19 cm high by 60 cm wide and all lettering must measure at least 6 cm in height. It must incorporate the Council's logo and display the vehicle licence number.
99. You may display the name and telephone number of the company operating your vehicle in its front and rear windows. However, the display must be no more than 10 cm high, must not contravene the Road Traffic (Construction and Use) Regulations, and must not be illuminated.

## **Seating Arrangements**

100. In any vehicle all exits must be easily accessible. Access to all doors must be free from obstruction. The seating configuration and number of passengers that can be carried is subject to assessment by the Council.

## **Incident logs**

101. The proprietor must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). This must be used to record all incidents affecting the use of the Private Hire Vehicle including, but not limited to:
- a) collisions or accidents.
  - b) damage to the vehicle.

- c) problems with the meter.
  - d) refusals by any driver to carry a passenger (including the date, time, location, and reason for the refusal).
  - e) any events, circumstances or incidents which lead the driver or proprietor to suspect that a passenger is involved in or is a victim of child sexual abuse or exploitation or any other abuse, modern slavery or trafficking of people, County Lines movements of drugs, any other abuse or supply of drugs, involvement in terrorism or any other criminal activity.
102. Incidents must be recorded immediately, or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.
103. This log must be available for inspection by an Authorised Officer of the Council or a police constable at all times on request.

### **Stretched limousines**

104. Any stretched limousine (any vehicle which has been modified to be longer than the manufacturer's original specification) which is presented for licensing as a Private Hire Vehicle must be covered by:
- a) A UK Single Vehicle Approval Certificate; or
  - b) A European Whole Vehicle Approval Certificate; or
  - c) A UK Low Volume Type Approval Certificate; or

### **Conditions**

105. The following Conditions are attached to your Private Hire Vehicle (Proprietor) licence and must be complied with at all times. Failure to comply with conditions may lead to penalty points being imposed on your Private Hire Vehicle (Proprietor) licence, suspension, revocation or refusal to renew the Private Hire Vehicle (Proprietor) licence.
106. You must return your licence (and the plates and additional signage if requested by the Council) to the Council immediately if:
- a) You change your home or business address.
  - b) If the licence expires or is suspended or revoked.
  - c) You wish to surrender your licence
  - d) When required to do so by an Authorised Officer of the Council.
107. You must notify the Council within 48 hours of the event (including weekends

and bank holidays) if you or anybody named on the licence as a joint proprietor (or any director or secretary of a limited company, or partner in a Limited Liability Partnership when the licence is held by such a body) is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that you receive or have to attend.

108. If your vehicle has an accident which results in damage which may affect its safety, performance or appearance or the comfort or convenience of your passengers, you must report this to the Council within 72 hours (including weekends and bank holidays). If you are in doubt as to whether the vehicle is affected you must notify the Council.
109. You must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). In this you must record all incidents affecting the use of the Private Hire Vehicle including, but not limited to:
  - a) collisions or accidents.
  - b) damage to the vehicle.
  - c) problems with the meter.
  - d) refusals by any driver to carry a booked passenger (including the date, time, location, and reason for the refusal).
  - e) any events, circumstances or incidents which lead the driver or proprietor to suspect that a passenger or passengers is involved in or is a victim of child sexual abuse or exploitation. or any other abuse, modern slavery or trafficking of people, County Lines movements of drugs, any other abuse or supply of drugs, involvement in terrorism or any other criminal activity.
110. Incidents must be recorded immediately, or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.
111. This log must be available for inspection by an Authorised Officer of the Council or a police constable at all times on request.

## **Drivers**

112. You must notify the Council of the details (name, address and Private Hire Vehicle driver licence number) of any person who is permitted by you to drive your Private Hire Vehicle for any purpose (this does not include mechanics undertaking vehicle maintenance). This notification must be made as soon as possible and in any event within 72 hours of that permission being given. If you



no longer permit that person to drive your Private Hire Vehicle you must notify the Licensing Section in writing, using the Council's approved forms, within 72 hours.

113. Before you allow anyone to drive your Private Hire Vehicle you must ask that person for their taxi driver licence and keep it in your possession whilst that person is permitted to drive your vehicle. You must ensure that they understand and will observe the law, conditions and Code of Conduct that regulate their conduct and the conditions attached to the vehicle licence.
114. Note - No person may drive a Private Hire Vehicle, unless they hold a taxi driver licence issued by the Council. Anyone found driving a Private Hire Vehicle without a taxi driver licence, may be prosecuted.

### **Insurance**

115. You must ensure that a valid policy of comprehensive insurance for Private Hire Vehicle work is in place for the vehicle and covers anyone who drives your Private Hire Vehicle.

### **Production of Documents**

116. You must not obstruct any Authorised Officer of the Council or police officer. You must provide any assistance or information they may reasonably require.
117. If an Authorised Officer of the Council (or another council with whom a reciprocal arrangement is in place) or a police officer asks you, you must produce:
  - a) Your licence
  - b) The taxi driver licence of any person authorised to drive your Private Hire Vehicle
  - c) The vehicle registration document
  - d) A valid certificate of insurancewithin 5 days of the request being made.

### **Licence Plates**

118. The licence plates and additional signage remain the property of the Council and must be returned to the Council whenever the vehicle is not licensed as a Private Hire Vehicle.
119. You must secure and display the exterior licence plate securely to the outmost

rear part of the vehicle using the fittings provided by the Council (or fittings approved by the Council). The plate must always be displayed whilst the vehicle is in use as a PHV so that it can be clearly read by pedestrians and road users. The licence plate must not be displayed in any window of the vehicle.

120. You must display the additional signage on the near side and off side front doors and the internal signs issued by the Council inside the vehicle so that they are visible to front and rear passengers at all times. All wheelchair accessible vehicles must display a wheelchair sticker on the near side and off side rear doors.
121. You must display the notice referring to the complaint's procedure in the vehicle where it can be clearly seen by all passengers, and copies of the complaint's procedure leaflet must be available in the vehicle.
122. You must report the theft or loss of the licence plates or additional signage to the Police immediately and as soon as possible, and in any event within 24 hours of becoming aware of the theft or loss, to the Council by email. You must also obtain a crime or lost property number from the police and present this to the Council. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made.
123. You must not willfully or negligently cause or suffer any plates or additional signage on your vehicle to be concealed from public view at any time.
124. You must return the licence plates and additional signage to the Council If the Private Hire Vehicle (Proprietor) licence is suspended, revoked or not renewed.

### **Vehicle inspection**

125. You must allow an Authorised Officer of the Council, or police officer, to inspect your vehicle at any reasonable time.
126. You must ensure the vehicle is presented for test in accordance with instructions from the Council
127. You must produce the vehicle registration document and last MOT, and certificate of insurance to the Council Officer at the test.

### **Specification to be maintained during the currency of a licence for a Private Hire Vehicle**

128. No change in the specification, design, condition or appearance, or any

modification, conversion or alteration of the vehicle can be made unless prior written approval has been given by the Council.

129. The vehicle must fully comply with all relevant road traffic legislation and in addition:
- a) All doors must function correctly and be capable of being opened from the outside and within the vehicle.
  - b) All opening windows must function correctly and be capable of being opened from within the vehicle.
  - c) All luggage must be properly secured inside a vehicle that does not have a separate and self-contained boot.
  - d) If a roof rack (or roof box) is being it must be securely fitted to the roof in accordance with the manufacturer's instructions. All luggage must be properly secured and in the case of a roof rack a waterproof cover must be fitted. Any roof box must be correctly closed before moving off.
  - e) If a trailer is being used the driver must ensure that the lights on the trailer are working correctly and that the trailer plate is properly displayed on the rear of the trailer. A waterproof cover must be used to protect any luggage.
  - f) Passengers must be able to communicate with the driver via a sliding screen, mesh or hole in any division which may be fitted between the drivers and passenger compartments.
  - g) The vehicle and all seats, door handles and trim, and all internal and external parts of the vehicle must be maintained at all times in a clean, comfortable, safe, and mechanically sound condition and be in every way suitable for public service.
  - h) The floor covering must not be torn or frayed.
  - i) The vehicle must have an adequate functioning internal light to enable passengers to enter and leave the vehicle safely.
  - j) The vehicle's bodywork and paintwork must be maintained to an acceptable standard free of dents or rust.
  - k) The vehicle must carry a spare wheel to fit the vehicle, and the wheel together with equipment to change the wheel, jack and wheel brace must be securely stored. This does not apply if the manufacturers specification when new did not include a spare wheel, in which case the manufacturer's alternative (e.g. spray can) will be acceptable.
  - l) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. All tyres must have at least 2 mm of tread across the entire contact surface.
  - m) The vehicle must be fitted with nearside and offside exterior rear-view

mirrors which must be maintained in a serviceable condition

- n) The glass in the vehicle must not be replaced with glass that is different from the glass fitted when the vehicle passed the Council's vehicle test. Any unapproved (by the Council) self-adhesive material (tinted or clear) must not be affixed to any part of the glass
- o) The vehicle's power output must not be less than power output when the vehicle was new, and any replacement engine must be of the same or greater power output. In the case of a replacement engine, the Council must be notified of that within 72 hours of the fitting, and the revised V5 must be presented to the Council as soon as it is received.
- p) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Council.

### **Additional Conditions for wheelchair accessible Private Hire Vehicle**

- 130. At all times, the vehicle must carry in a safe, usable condition suitable ramps for a wheelchair user. If the alternative tail lift or some other mechanical means of access is fitted it must be maintained in a safe, functioning condition.
- 131. The driver must ensure before the commencement of the journey that the passenger is correctly seated and the wheelchair is correctly secured and the passenger is correctly restrained, and at the end of the journey must ensure that the passenger is delivered safely onto the pavement
- 132. The door entrance and any steps must always be conspicuously marked where appropriate, to help visually impaired passengers.
- 133. All grab handles or rails must always be conspicuously marked to help visually impaired passengers.

### **Sliding doors**

- 134. Where sliding doors are an integral part of a vehicle and a locking device has not been fitted, the child locking systems must be engaged by the driver at all times when the vehicle is in motion and carrying passengers.

### **Lost property**

- 135. The driver must search the vehicle after each hiring has been completed, and any lost property found must be recorded. If the driver knows the identity and/or whereabouts of the last passenger, they can return the property to them. If not it must be delivered to the operator within 24 hours.

## **The meter**

136. Any taximeter that is fitted to the vehicle must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all letters and figures displayed on the meter are clearly visible to any passenger. The letters and figures must therefore be illuminated when in use.
137. The meter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a key or other device that, when turned, will operate the meter and display the word "HIRED". This key or device must be capable of locking the meter so it does not work and no fare is recorded on it.
138. When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and the word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.
139. If this is the arrangement for charging for a Private Hire Vehicle journey (as agreed between the operator and the hirer), the meter must only be brought into action and the fare or charge must only commence from the point at which the hirer starts their journey.
140. If the meter fails or does not comply with the conditions, the meter must be removed from the vehicle before it is used as a Private Hire Vehicle.

## **Maps and navigational devices**

141. The vehicle must be equipped with a road atlas of the UK, which is not more than 5 years old, which must be readily accessible to the driver.
142. Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is moving. No handheld devices can be used unless they are securely located in a suitable cradle or other mounting device.

## **Signage**

143. No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing.
144. No sign can be displayed on or above the roof of the vehicle.

## **No Smoking**

145. The vehicle must have at least 3 “no smoking” signs displayed inside the vehicle clearly visible to passengers.

## **Legal requirements (contained in national legislation) relating to a Private Hire Vehicle**

146. The Private Hire Vehicle proprietor must ensure that the vehicle is always displaying the plate in accordance with the conditions (section 48 (6) of the 1976 Act).
147. The Private Hire Vehicle proprietor must notify any transfer of the vehicle licence to another proprietor within 14 days (section 49 of the 1976 Act).
148. The Private Hire Vehicle proprietor must present the Private Hire Vehicle for inspection as required by the Council (section 50(1) of the 1976 Act).
149. The Private Hire Vehicle proprietor must inform the Council where the Private Hire Vehicle is stored if requested to do so (section 50(1) of the 1976 Act).
150. The Private Hire Vehicle proprietor must report any collision that has caused damage to the safety performance or appearance of the vehicle to the Council within 72 hours (section 50(3) Local Government (Miscellaneous Provisions) Act 1976).
151. The Private Hire Vehicle proprietor must produce the vehicle licence and insurance if requested to do so by an Authorised Officer of the Council (section 50(4) of the 1976 Act).
152. The Private Hire Vehicle proprietor must return the plate to the Council once you receive notice to do so after expiry revocation or suspension of the proprietor’s licence (section 58(2) of the 1976 Act).
153. The Private Hire Vehicle proprietor must ensure that the vehicle is not permitted to stop or wait on any Hackney Carriage stand (section 64 of the 1976 Act).
154. It is an offence to interfere with a taximeter (section 71 of the 1976 Act).
155. The Private Hire Vehicle proprietor must not obstruct, fail to comply with any

requirement made by, or fail to give any information to, an Authorised Officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (section 73 of the 1976 Act).

# Private Hire Vehicle Operator Licenses

## Local Government (Miscellaneous Provisions) Act 1976

1. This document contains the policy, conditions and legislation relating to your Private Hire Vehicle Operator licence.
2. As Private Hire Vehicle Operator licences can be held by limited companies, limited liability partnerships (LLP) and conventional partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a "person", "you", "licensee" or "operator" is taken to mean the Private Hire Vehicle operator.
3. There is a power to attach conditions to Private Hire Vehicle Operator licences, and the Council has standard conditions which are attached to these licences. These are contained within this document.
4. There is also a list of the main legislation that applies to Private Hire Vehicle Operators.

### Introduction

5. The purpose of licensing Private Hire Vehicle Operators is to protect the public, ensuring that passengers are not exploited, abused or otherwise affected by unlicensed and potentially unscrupulous or dangerous booking agents.
6. It is a privilege to hold a Private Hire Vehicle Operator licence and licensees have responsibilities to their passengers and customers, drivers, vehicle proprietors and the public generally. The Council has been satisfied that when you applied for your Private Hire Vehicle Operator licence you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account your entire character and behaviour.
7. As a private operator this assessment of your character not only includes times when you are working within the Private Hire Vehicle trade, but at all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence. If at any time your behaviour falls below the standards expected for new applications, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the Private Hire Vehicle trade. You should appreciate that under the Council's Previous Convictions Policy, if the unacceptable or criminal behaviour took place whilst you were working within the Private Hire Vehicle trade that will be viewed as an aggravating feature by the Council.
8. In many cases a Private Hire Vehicle Operator is almost the first person that a visitor to West Northamptonshire will encounter following arrival at a railway station or bus station. As a consequence, the experience of booking a Private Hire Vehicle via the



operator can affect a person for their entire visit. Private Hire Vehicle Operators should be aware of this and ensure that their business is conducted to the highest standard at all times.

9. Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
10. The Council has decided to attach conditions to Private Hire Vehicle Operator licences that it considers reasonably necessary under the powers contained in section 55(3) of 1976 Act. The conditions are in addition to the statutory requirements of the legislation. Section 55(4) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.
11. You must understand and comply with the legal requirements relating to the Private Hire Vehicle Operator licence in your name, a limited company in which you are a director or secretary, a limited liability partnership in which you are a partner, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your Private Hire Vehicle Operator licence being suspended or revoked.

### **Sanctions against the Private Hire Vehicle Operator Licence**

12. Where a Private Hire Vehicle Operator breaches any legislation or condition of the licence, they may be referred to the Regulatory Committee.
13. The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for Private Hire Vehicle operators.
14. Whenever, and in what circumstances a Private Hire Vehicle Operator is brought before the Regulatory Committee, the Committee will decide each case on its merits, after hearing the facts.
15. The Committee may also suspend or revoke the Private Hire Vehicle Operator licence (see below) or impose further penalty points.

### **Power to take action against a Private Hire Vehicle Operator licence**

16. Under section 62 of the 1976 Act, the Council may suspend, revoke or refuse to renew a Private Hire Vehicle Operator licence on the following grounds:
  - a) any offence under, or non-compliance with, the provisions of this Part of this Act;
  - b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;
  - c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was

granted;

- d) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- e) any other reasonable cause.

17. Failure to comply with most Private Hire Vehicle Operator legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which could lead to your Private Hire Vehicle Operator licence being suspended, revoked or the renewal refused.
18. Failure to comply with the Council's conditions may result in your Private Hire Vehicle Operator licence being suspended, revoked or the renewal refused.
19. If any information given by you on the application form for a Private Hire Vehicle Operator licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under section 57(3) of the 1976 Act.
20. The Private Hire Vehicle Operator licence remains the property of the Council.
21. It must be understood that a decision to grant a Private Hire Vehicle Operator licence is made on the basis of the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that your behaviour remains of the highest standard to protect your Private Hire Vehicle Operator licence and therefore your livelihood.

## **POLICY**

### **General Applicants**

22. Private Hire Vehicle Operator licences can be held by individuals, limited liability partnerships (LLP), conventional partnerships (two or more people in business together) or limited companies.

### **Character of the applicant**

23. A Private Hire Vehicle Operator will receive personal information from those who book a Private Hire Vehicle through that operator. That information may be sensitive or relate to people's movements or activities and as a consequence it is essential that a Private Hire Vehicle Operator satisfies the Council that they are a suitable person to hold a Private Hire Vehicle Operator licence.

All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service check at their own expense, as part of the application process. The same will be required of all partners in a limited liability or conventional partnership

and all directors and the secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company. This will not apply if an applicant is already licensed as a driver with the Council.

24. The application will then be considered in the light of the Council's Previous Convictions Policy.
25. In addition, the Council will take into account the compliance history in relation to previous Hackney Carriage or Private Hire Vehicle licences held by the applicant or any partners in a partnership, all directors and secretary of a limited company and any limited company itself.

### **Certificate of Good Conduct**

26. As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than 6 months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The Council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided then the application will be refused.
27. Note - Nothing in this policy precludes a licence holder from being required to undergo a further DBS check at any time as directed by the Council.

### **Convictions**

28. If you, any partner in a limited liability partnership or conventional partnership, or any director or secretary of a limited company is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence, that must be reported to the Council within 48 hours (including weekends and bank holidays). The same requirement applies in relation to any fixed penalty notices, speed awareness courses, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you receive or have to attend.

### **Maintenance of the Licence and Renewals**

29. Once the licence has been granted, you (including all partners in any form of partnership and all directors and secretary of a limited company) will be required to provide a Basic Disclosure and Barring Service Certificate annually.
30. A valid application for the renewal of a licence, including all the required original documentation, must be made at least 30 days prior to the expiry of the current licence or it will be treated as a new application. A valid application is one which is complete in all respects and can be processed immediately. Photocopies of documents will not be accepted. If the application is not made in time to enable all the relevant processes to be completed before the expiry of the current Private Hire Vehicle Operator licence, there will be a period of time during which you will be unlicensed and cannot make a provision for the invitation of bookings for a Private Hire Vehicle. If the application is not made before the expiry of the current Private Hire Vehicle Operator licence but is made within 5

working days after the expiry, the licence will only be renewed in exceptional circumstances.

31. Operating Private Hire Vehicle drivers and vehicles without a valid licence is a criminal offence.
32. Where a Private Hire Vehicle Operator licence is found to have been obtained using false or incomplete information enforcement action may be taken.

## **Identity**

33. To prove their identity, all applicants (including all partners in a partnership and all directors and secretary of a limited company) must provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).
34. Applicants from outside the UK must provide:
  - a) a passport with a valid stamp from the Home Office to say that they have leave to remain in the Country indefinitely; or
  - b) a passport with a valid UK visa, which allows the holder to work as a Private Hire Vehicle Operator (student visas will not be accepted) and which has at least six calendar months remaining at the time of application.
35. A Private Hire Vehicle Operator licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. The Council reserves the right to verify, at any time, a Licensee's entitlement to remain in the UK. The Council will not accept letters issued by the Home Office when a visa application is pending.
36. 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, EU 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.
37. For applicants with a limited time to remain in the UK, the Private Hire Vehicle Operator's licence will only be granted for the period of permission to remain and may only be granted for a shorter period. The Private Hire Vehicle Operator licence may be extended should the applicant's right to remain in the UK be made permanent.
38. If an applicant has extended leave to remain (pending a decision) the Private Hire Vehicle Operator licence cannot be granted for more than six months, and

again may only be granted for a shorter period. The Private Hire Vehicle Operator licence may be extended should the applicant's right to remain in the UK be made permanent.

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

## **Tax Conditionality**

40. Existing licensees applying for the renewal of a licence must obtain their unique 9-character code from Her Majesty's Revenue and Customs (HMRC) and provide this to the council. If this cannot be provided the application cannot proceed.
41. The council will advise new applicants of the need to register with HMRC for tax and must sign an acknowledgement that they have received this information.

## **Use of the Licence**

### **Operator's Base**

42. Your Private Hire Vehicle Operator licence relates to one or more addresses (bases) within the Council area. Every address that is being used will be detailed on the Private Hire Vehicle Operator licence, and if a Private Hire Vehicle Operator licence does not relate to the address or addresses being used, that licence is void. Continued use of that Private Hire Vehicle Operator licence will be a criminal offence.
43. If you have more than one operating office or base within West Northamptonshire, that does not mean that you require a separate Private Hire Vehicle Operator licence for each premises, but you must submit a list to the Council containing all the addresses from which you run your business, and all addresses will be detailed on the Private Hire Vehicle Operator licence. You must inform the Council within 24 hours of any change of any address (ceasing to use an address, moving to a new address or adding an additional address).
44. Planning permission or a Certificate of Lawful Existing Use or Development for the use or change of use of premises, whether home or commercial, is not required before an application can be made for a Private Hire Vehicle Operator licence. However it may be unlawful to use those premises as an operator's base and advice should be sought from the Council's Planning Department if required.
45. Anyone who is making a provision for the invitation of bookings (evidenced by a Private Hire Vehicle office or base) in more than one local authority area will be required to hold a Private Hire Vehicle Operator licence with the local authority in each of those areas.

46. The Council has produced guidance for customers explaining the complaints procedure. This can be found on the Council's website so should you receive any complaints can you please direct your customers here [www.westnorthants.gov.uk](http://www.westnorthants.gov.uk).

## **Manager**

47. As a Private Hire Vehicle Operator, you (unless you are an individual) must identify a person as the manager who has day-to-day responsibility for the Private Hire Vehicle operation. There must also be a nominated deputy to act as holiday cover etc. You will have to ensure that one individual is responsible at any particular time. If you have multiple offices you must identify a senior person for each location.

## **Drivers and Vehicles**

48. As a Private Hire Vehicle Operator, you must ensure that any Private Hire Vehicle driver or Private Hire Vehicle operated, employed or used by you holds a current Private Hire Vehicle driver or vehicle licence issued by the Council. You must hold the Private Hire Vehicle Operator licence for the duration of the time that you operate that driver or vehicle.
49. If at any stage you propose dispatching a public service vehicle (PSV) to fulfil a booking, you must make the customer aware that the driver of that vehicle may only hold a PCV driver's licence and therefore not have been subjected to the same checks (criminal records and character) as a Private Hire Vehicle driver.

## **Staff**

50. As a Private Hire Vehicle Operator, you must maintain a record of all staff (employees, independent contractors and others engaged by or utilised by you as a Private Hire Vehicle Operator).
51. You must create, maintain and apply a policy in relation to previous convictions of your staff. This should be the same as the Council's Previous Convictions Policy. You should apply this policy to all staff who are involved in making bookings for or dispatching Private Hire Vehicle vehicles, or who have access to your operator's records, and you should not engage any person in contravention of that policy unless there are truly exceptional circumstances. The reasons for such a decision must be recorded in your staff records.
52. You must require all staff to notify you within 48 hours (including weekends and bank holidays) if they are arrested in connection with, being investigated for, charged with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that they receive or have to attend. You must then determine what action to take in relation to that staff member. You must also notify the Council of the event and the action that you have taken within 48 hours of your decision and record that in the staff records.

53. All such records of staff must be available for inspection by an Authorised Officer of the Council or police constable at any reasonable time.

### **Booking Records**

54. You must create and maintain records of all bookings received for Private Hire Vehicle as detailed in the conditions of licence. These records must be maintained for the 6 months and must be available for inspection by an Authorised Officer or police constable at any reasonable time. You must inform the Council of the method that you intend to use to record this information. Depending on the scale of your operation this could be handwritten records (in a bound book with sequentially numbered pages) or a computerised system. In either case the records must not be capable of being altered after they have been compiled.

### **Standards of service**

55. You must provide a professional and reliable service to customers at all reasonable times.

### **Complaints**

56. You must maintain and utilise a comprehensive complaints process.

### **Insurance**

57. You must maintain public liability insurance for all premises that are open and accessed by the public. You must also ensure that all walk ins book a vehicle and that this is recorded in the standard way.

### **Conditions**

58. In these conditions, which are imposed under the provisions of section 55(3) of the 1976 Act, unless otherwise indicated;

“the Council” means West Northamptonshire Council

“You” means the operator as holder of Private Hire Vehicle Operator licence issued by the Council under section 55 of the 1976 Act.

59. The following Conditions are attached to your Private Hire Vehicle Operator licence and must be complied with at all times. Failure to comply with conditions may lead to penalty points being imposed on your Private Hire Vehicle Operator licence, suspension, revocation or refusal to renew the Private Hire Vehicle Operator licence.
60. You must return your Private Hire Vehicle Operator licence to the Council immediately if:
- a) You change your home or business address.

- b) You add or alter any addresses detailed on the Private Hire Vehicle Operator licence.
  - c) If the Private Hire Vehicle Operator licence expires or is suspended or revoked.
  - d) You wish to surrender your licence.
  - e) When required to do so by an Authorised Officer of the Council.
61. You must notify the Council within 48 hours of the event (including weekends and bank holidays) if you (or any partner in the case of a partnership or director or secretary of a limited company) is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that you receive or have to attend.

## **General**

62. You (unless you are a single person operator/driver/proprietor) must identify a person as the individual with day-to-day managerial responsibility (referred to in these conditions as "the manager") and notify the Council of their identity and contact details, including a mobile telephone number. The manager will be the first point of contact between the Council and the Private Hire Vehicle Operator. You must identify another person as a deputy for holiday and sickness cover and the identity of the deputy, together with their contact details including a mobile telephone number must also be provided to the Council. You must ensure that it is clear to all managers and deputies who is responsible for discharging that responsibility at any particular time. All references to the manager include references to the deputy when they are acting in that capacity. If you have multiple offices you must identify a senior person for each location

## **DBS Checks**

63. You (where the operator is a partnership or limited company, all partners or directors and secretary of the company) must submit a Disclosure & Barring Service basic disclosure (dated within one month of the submission) on or before the anniversary of the granting of the Private Hire Vehicle Operator licence. Failure to do so will result in the Private Hire Vehicle Operator licence being suspended until such time as the DBS certificate is provided.
64. The cost of these checks will be covered by you.
65. Where you (or any partners or directors and secretary of the company where the operator is a partnership or limited company) hold a dual driver licence or Private Hire Vehicle driver licence you are not required to submit a yearly basic disclosure, but the requirement will continue to apply to any partners or directors of a company who do not hold a driver's licence.



## Staff Policy

66. Where you employ or intend to employ persons involved in taking bookings or the dispatch of vehicles, you must produce and apply a policy on the employment of ex-offenders in those roles. This policy must be based on the Council's Previous Convictions Policy. The policy must be available for inspection on request of an Authorised Officer of the Council. Failure to act in accordance with this requirement, and any subsequent engagement of a person who falls outside the Council's Previous Convictions Policy standards will lead to consideration by the Council as to whether you as operator remain a fit and proper person.
67. The Private Hire Vehicle Operator must require that all staff employed in taking bookings or dispatching vehicles to report to them within 48 hours of any conviction, binding over, caution, warning, reprimand, fixed penalty notice, civil injunction or arrest for any criminal matter whilst they are employed in this role.
68. You must view a basic DBS certificate (dated within one month of the check) of any staff that have access to booking records or dispatch vehicles.
69. You must maintain a register of all such staff which must include a record of when each DBS check has been undertaken. This register must be available for inspection by an Authorised Officer of the Council upon request. The register should include the following:
  - a) the date that person's employment in that role commenced.
  - b) the date the Private Hire Vehicle Operator checked the DBS certificate.
  - c) the name of the person that checked the DBS certificate.
  - d) the date the person ceased to perform that role.
70. The register must be retained for 6 months in line with the booking records.
71. Should an employee cease to be on the register and later re-enter the register, a new basic DBS certificate (or use of the Update Service) must be provided to the Private Hire Vehicle Operator.
72. You must require all staff to notify you within 48 hours (including weekends and bank holidays) if they are arrested in connection with, being investigated for, charged with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that they receive or have to attend. You must then determine what action to take in relation to that staff member. You must also notify the Council of the event and the action that you have taken within 48 hours of your decision and record that in the staff records.
73. You must ensure that any outsourced booking and dispatch functions have adequate safeguarding measures in place for the protection of children and vulnerable adults. You must have obtained evidence of this from the outsourced

firm/company before outsourcing these functions.

## **Vehicle and driver licences**

74. You must inspect and record that you have seen all the Private Hire Vehicle licences and driver licences of vehicles and drivers operated, engaged or otherwise utilised by you. This record must be available for inspection by an authorised officer.

## **Records**

75. You are required to keep records of bookings received and journeys undertaken under section 56(2) of the 1976 Act (referred to hereafter as the "booking records") and the following are the conditions relating to those records,
76. Booking records must be recorded in English and kept in a suitable book or in any other manner as approved by the Council.
77. You must ensure that, the following details of every Private Hire Vehicle booking that you invite or accept are recorded before the commencement of each journey:
- a) the name of the passenger or other identifying features; e.g. hotel room number
  - b) the time of the request
  - c) the time the vehicle is required
  - d) the pick-up point
  - e) the destination (if known at that time)
  - f) the name of the driver
  - g) the driver's licence number
  - h) the vehicle registration number of the vehicle
  - i) the vehicle licence number
  - j) the name of any individual that responded to the booking request
  - k) the name of any individual that dispatched the vehicle.
78. You must keep these records for a period of not less than 6 calendar months from the date of the entry.
79. You must also keep records of all vehicles that you operate. These details must include:
- a) details of the proprietor(s)/licensee.
  - b) registration number.
  - c) any radio call sign used.
  - d) maintenance history of the vehicle.

80. You must keep these records for a period of not less than 6 calendar months from the date that you cease operating that vehicle.
81. You must also keep records of the names and addresses of all licensed drivers that you use. You must notify the Council of the following:
  - a) when any driver begins working for or being available to be operated by you.
  - b) when any driver's activity above detailed ceases.
  - c) any change of address of any driver in service.
  - d) if you become aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out their duties.
82. If at any time you become aware of any reason which would or may prevent a driver from safely carrying out their duties (including but not limited to illness or disability) you must immediately cease using that driver until such time as the driver can demonstrate that they can drive a Private Hire Vehicle without risk to the public.
83. You must keep these records for a period of not less than 6 calendar months from the date when you cease to be engaged or otherwise use the driver to drive Private Hire Vehicle vehicles.
84. All records and retained licences must be available for inspection at any reasonable time by an Authorised Officer of the Council or a police constable.

### **Standards of Service**

85. You must provide a prompt, efficient and reliable service to members of the public at all reasonable times.
86. In particular you must (but this is not an exhaustive list):
  - a) Ensure that all Private Hire Vehicle that have been booked, attend at the appointed time and place unless delayed or prevented by reasonable cause.
  - b) Ensure the vehicle dispatched is a Council licensed Private Hire Vehicle and the driver of the vehicle is a Council licensed Private Hire Vehicle driver.
  - c) Keep any premises which you control and which are open to the public clean, adequately heated, ventilated and lit.
  - d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
  - e) Ensure that the correct licences are in place for any radio equipment.
  - f) Ensure that it is established at the time of booking how many

passengers are to be carried and that the vehicle dispatched to fulfil the booking has an adequate number of passenger seats.

### **Ride Sharing/Car-pooling**

87. If you arrange ridesharing/carpooling journeys you must offer the option to hirers to only share with other passengers of the same sex. If hirers select this option passengers of the opposite sex may not be added to the same booking.

If the journey is to be part of a ride sharing/carpooling journey, that must be made clear to the hirer before the booking is accepted, and you must ensure that individual hirers explicitly consent to that ridesharing/carpooling arrangement.

### **Public Service Vehicles**

88. Public Service Vehicles (PSVs) may not be used to undertake a Private Hire Vehicle booking, unless with the informed consent of the hirer. To obtain such informed consent you must make the customer aware that the driver of that vehicle may only hold a PCV driver's licence and therefore not have been subjected to the same checks (criminal records and character) as a Private Hire Vehicle driver.

### **Complaints**

89. You or the manager must initiate an investigation into any complaint received from the public within 48 hours from receipt of the complaint.
90. You must maintain a register of complaints (digital or hard copy), which must include the following information:
- a) Complainant's name, address/email address
  - b) Details of the complaint
  - c) Time and date of the alleged incident
  - d) Time and date the complaint was received by you or the manager
  - e) How the complaint was received e.g. phone, email, etc.
  - f) Name of person that received the complaint
  - g) Name of the alleged perpetrator
  - h) If the complaint was referred to the Council – time and date of when it was referred and by whom
  - i) Details of the action taken to resolve the complaint and by whom
  - j) Date the complaint was resolved.
91. A copy of the complaints register must be available for inspection upon request of an Authorised Officer of the Council. The records must be retained for a period of 6 months.

92. You must, on receipt of a complaint concerning a licensed driver, immediately notify the complainant of their right to direct their complaint to the Council.
93. You must ensure that details of how a customer can contact yourself as the Private Hire Vehicle Operator in the event of any complaint relating to a booking or other contract, are displayed on your website, booking app and (in the absence of online booking platform), at any booking office.
94. Where a complaint is received by the Council, you must comply with any reasonable request for information and/or follow any reasonable directions/instructions made by an Authorised Officer or police officer in respect of the complaint.
95. You must notify the Council within 48 hours if you receive a complaint about a driver operated by you when it has been identified that the complaint relates to any of the following:
  - a) allegations of sexual misconduct (including the use of sexualised language).
  - b) racist behaviour.
  - c) violence (including verbal aggression).
  - d) dishonesty including theft.
  - e) Equality breaches.
  - f) any other serious misconduct (including motoring related for example dangerous driving or drink driving).

### **Change of Address**

96. You must notify the Council in writing of any change of address (including any address or addresses from you operate or otherwise conduct your business as a Private Hire Vehicle Operator) within 7 days of such change taking place.

### **Convictions**

97. You must notify the Council in writing if you have been convicted or cautioned for any offence, been arrested or are under investigation for any offence, received a fixed penalty notice, Community Protection Notice (CPN), Criminal Behaviour Order (CBO), been required to attend a speed awareness course or there have been a complaint or concerns about your behaviour or other matter imposed on you, which might affect your continuing safety within 7 days. The same requirement applies to any partners in the case of a partnership holding an operator's licence and to any directors and secretary of any limited company in the case of a limited company holding a Private Hire Vehicle Operator licence. The same requirement applies to any manager or deputy manager.

## Advertising

It is accepted with the advancement of technology and a high volume of bookings being taken over the internet, the word "Taxi" is accepted as a layman's term by members of the public when looking online to book a journey with a private hire operator.

The word "Taxi" should not be permitted on private hire vehicles to differentiate between hackney carriages that can be "hailed" and picked up at ranks without a booking and those private hire vehicles which must be booked

The Local Government (Miscellaneous Provisions) Act 1976 s48(1)(a)(ii) prescribes that a vehicle cannot be licensed as a private hire vehicle unless the licensing authority is satisfied that the vehicle is "not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage"

The Transport Act 1980 s64 prohibits the word taxi to be displayed on or above the roof of a private hire vehicle, although there is no legislation prohibiting the word Taxi being displayed anywhere else on the vehicle

98. You must not display or permit to be displayed on or from your premises or from any other place, any sign or notice which consists of or includes the word "Taxi" or "CAB" whether in the singular or plural or any word of a similar meaning unless you also take bookings for Hackney Carriages.

## Insurance

99. You must maintain public liability insurance for all premises that are open and accessed by the public. You must also ensure that all walk ins book a vehicle and that this is recorded in the standard way.
100. This insurance policy (or a summary) must be clearly displayed at the premises where it can be seen by the public.
101. You must ensure that at all times there is in force a policy of insurance covering Private Hire Vehicle use or such security as complies with the requirements of Part VI of the Road Traffic Act 1988 for all Private Hire Vehicle vehicles operated.
102. You must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. You must keep a record, signed by the driver, within each individual's record file when this has been completed. A copy of any individual's records must be produced, on request, to any Authorised Officer of the Council.

## Personal data

103. You must be registered with the Information Commissioner's Office as you will be holding personal data for customers and any staff that you engage.
104. You must report any loss of personal data, whether by theft or otherwise, to the

Council in writing within 24 hours of the loss or discovery of the loss (whichever is sooner), and also immediately to the police in the event of suspected theft. You may also need to report any such incident to the Information Commissioner's Office.

## **Working hours**

In light of the comments received – we have decided that this would be difficult to monitor by licensing officers. Unlike HGV's, private hire vehicles and hackney carriages are not fitted with tachographs which would make enforcement of working hours almost a matter of trust. We recommend this section is now removed.

105. You must take steps to ensure that drivers do not work excessively long hours. You must not permit drivers to drive for more than 10 hours per day and must have a break lasting at least 30 minutes after driving for 5½ hours. The driver must also have a break at the end of this period unless it is the end of the working day.

## **Display of Conditions**

106. You must display a copy of these conditions in any premises which you control and are open to the public. In addition, copy of the conditions attached to vehicle and driver licences must be available for inspection on request by a member of the public.

## **Subcontracting**

107. If you subcontract any booking to another Private Hire Vehicle Operator licensed in England (including Greater London), Wales or Scotland, you, as the operator who initially accepted the booking, remain liable under the contract.
108. If you do subcontract any booking, you must inform the hirer of the subcontract before the hiring commences.

## **Information**

109. You must understand that a booking that has been accepted by whatever means, is a contract and failure to uphold that (whether by non-attendance by the vehicle, late attendance or any other shortfall in performance) may lead to a claim for breach of contract. The accurate recording of booking details is a means of protecting you if such circumstances arise.
110. Failure to adhere to any of the conditions of this licence may result in enforcement action. Any enforcement action taken will be in accordance with the Council's enforcement policies.

## **Legal requirements (contained in national legislation) relating to a Private Hire Vehicle operator**

111. A Private Hire Vehicle Operator must only operate Private Hire Vehicles and Private Hire Vehicle drivers licensed by the same council as the operator (section 46(1) (e) of the 1976 Act).
112. A Private Hire Vehicle Operator can subcontract a booking to another Private Hire Vehicle operator licensed in England (including Greater London but excluding Plymouth), Wales or Scotland but remains liable to the hirer under the contract (section 55A of the 1976 Act).
113. A Private Hire Vehicle Operator who initially accepted booking from a hirer remains liable under that contract even if they do not ultimately fulfil that contract as a result of a subcontract (section 56(1) of the 1976 Act).
114. A Private Hire Vehicle Operator who accepted a booking must maintain records of that booking in accordance with the conditions attached to the Private Hire Vehicle Operator's licence and must produce those records if requested to do so by an Authorised Officer of the Council or police constable (section 56(2) of the 1976 Act).
115. A Private Hire Vehicle Operator must maintain a record of all vehicles operated by him and must produce those records if requested to do so by an Authorised Officer of the Council or police constable (section 56(3) of the 1976 Act).
116. A Private Hire Vehicle Operator must produce their Private Hire Vehicle Operator licence if requested to do so by an Authorised Officer of the Council or police constable (section 56(4) of the 1976 Act).
117. A Private Hire Vehicle Operator must not refuse to accept a booking for a Private Hire Vehicle because the passenger will be accompanied by an assistance dog and no additional charge can be made for any such booking (section 170 (1) & (2) of the Equality Act 2010).