



Private Hire And Hackney Carriage Licensing Policy 2021 - 2026

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Version Control

This policy was reviewed in 2021 to incorporate the Department for Transport 'Statutory Taxi and Private Hire Vehicle Standards' 2020 which the Government recommended all Local Authorities adopt.

Introduction

This Policy shall apply in respect of applications, renewals, transfers and any other matter connected to the following licences:

- Private hire vehicle, private hire driver, private hire operator
- Hackney carriage driver, hackney carriage vehicle
- Combined hackney carriage and private hire driver

This Policy shall also apply in respect of disciplinary and enforcement measures and sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.

The Department for Transport recommends all licensing authorities make publicly available a cohesive Policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards. In formulating a Private Hire And Hackney Carriage Licensing Policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated and it is vital to review policies and reflect changes in the industry both locally and nationally. The Council, as the licensing authority, will review this Policy every five years but will also consider interim reviews should there be significant issues arising in the area and performance annually. Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver licence is a 'fit and proper' person to hold a licence.

Whilst there is no definition of a fit and proper person, the Department for Transport guidance suggests that the Council is effectively asking the following question:

Without any prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from the Policy, clear and compelling reasons will be given for doing so.

Powers And Duties

The Council has adopted Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 as amended (Minute 2012, 20th December 1977). This legislation, together with the provisions of The Town Police Clauses Act 1847, places on the Council the powers and duties to carry out licensing functions in respect of hackney carriage and private hire licensing. As such the Council is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles, functions can be delegated to a committee, or an officer as detailed in the scheme of delegation.

Objectives

The objective of the Policy is to ensure the safety of the public by ensuring that safe, clean, reliable and accessible hackney carriage and private hire vehicles are available for all who require them and

- Ensure that drivers, proprietors and private hire operators are fit and proper persons,
- To encourage high standards of service and competence in the hackney carriage and private hire trade,
- To provide clarity for licensees with respect to the Council's expectations and the decision making process,
- To encourage environmental sustainability.

In formulating this Policy consideration has been given to:

Statutory Taxi & Private Hire Vehicle Standards issued by the Department for Transport 2020
<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

Best Practice Guidance issued by the Department for Transport 2010
<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>

The Local Government Miscellaneous Provisions Act 1976
<https://www.legislation.gov.uk/ukpga/1976/57/part/II>

The Town & Police Clauses Act 1847
<https://www.legislation.gov.uk/ukpga/Vict/10-11/89>

This Policy should be read in conjunction with the Private Hire & Hackney Carriage Licensing Procedural Guidance which will be updated when required and can be found on the Councils website.

Licensed Drivers

The Council is responsible for licensing hackney carriage drivers (currently 45), private hire drivers (currently 358) and combined hackney carriage and private hire drivers (currently 346) operating within the Borough.

When an application is made for a hackney carriage or private hire driver licence the Council must be satisfied that the applicant is a fit and proper person before issuing the licence. By law the Council shall not grant a drivers licence unless they are satisfied of this (S.51 & S.59 Local Government (Miscellaneous Provisions) Act 1976 refer).

The legislation is worded in such a way as to put the onus on the applicant to provide evidence that they are a fit and proper person, rather than for the Council to prove that they are not.

- Private hire driver licence conditions refer to Appendix A.
- Hackney carriage drivers notes refer to Appendix B.
- Code of conduct for all licensed drivers refer to Appendix C.
- Dress code for all licensed drivers refer to Appendix D.
- Consideration of Convictions, Cautions, Reprimands, Warnings, Complaints and Character refer to Appendix E.
- Enforcement, Discipline & Offences refer to Appendix F.
- Staying Safe Guidance for Passengers refer to Appendix Q.

Drivers and applicants are required to make themselves aware of and adhere to the above documents, so they are properly informed of what is expected of them and the repercussions for failing to do so.

Application Procedure

In assessing whether an applicant is a fit and proper person to hold a licence, the Council will consider as full a range of information available, when deciding whether to grant a licence and to meet the ongoing obligation to ensure a licensee remains suitable to hold a licence.

Driver New Grant Application

Apply online with the following documents:

- Application form
- Proof of Right To Work documentation
- Passport style colour photograph – full face, no hats, caps, sunglasses etc – uploaded
- Medical examination report unless the applicant is able to provide evidence that they hold a group 2 driving entitlement on their DVLA licence e.g. an HGV driver.
- Knowledge Test Pass Certificate
- Disclosure and Barring Service (DBS) application form with appropriate identity documents or DBS update service details
- Certificate Of Good Conduct or equivalent if applicant has spent 3 months or more living abroad or has not lived in the UK for a continuous five-year period
- Tees Valley Taxi Driving Assessment test pass certificate
- DVLA driving licence check code
- Safeguarding awareness training pass certificate
- Licence fee

Knowledge Test Only Application

Apply online with the following documents:

- Knowledge test application form.
- Passport style colour photograph – full face, no hats, caps, sunglasses etc - uploaded
- DVLA driving licence check code
- Test fee

Driver Renewal Application

Holders of existing driver licences should apply to renew their licence in the month preceding the expiry date and ideally renewal applications should be submitted at least 15 working days prior to the expiry of the current licence so as to allow for the production of the new licence. The legislation does not allow for continuity of a licence. Drivers who expect to be out of the country at the time their licence expires must contact the Council before they leave so that renewal arrangements can be made.

The Council will accept driver renewal applications submitted up to seven days after the expiry date. Renewal applications received after this time will not be accepted for processing and a new licence application will need to be made.

Apply online with the following documents:

- Application form
- DVLA driving licence check code
- DBS update service details
- Medical examination report, if required
- Passport style colour photograph – full face, no hats, caps, sunglasses etc – uploaded
- Licence fee

DVLA Licence Checks

The Council will conduct checks on a driver's DVLA licence to ensure that it is valid and that there are no endorsements on the licence which would make that person a risk to the public. These checks will be carried out for each new driver licence application and at least annually thereafter.

Disclosure And Barring Service (DBS) Criminal Records Check

DBS enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a Chief Officer of Police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults are required.

Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows the Council to check the status of a certificate online at any time using the Multiple Status Check Facility (MSCF). Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.

Drivers will be required to undertake an enhanced disclosure status check every 6 months. All licensed drivers are required to evidence continuous registration with the DBS update service to enable the Council to routinely use the MSCF to check for new information. Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested at an extra cost to the licensee if they do not subscribe to the DBS update service. More information can be found at:

www.gov.uk/government/publications/dbs-update-service-multiple-status-checking-guide

National Register of Taxi and Private Hire Vehicle Driver Refusals and Revocations (NR3)

The Council will conduct checks on the NR3 to ensure new and renewal applicants disclosure of relevant information. The Council will keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared with other licensing authorities, if requested and appropriate to do so. The Council will also add any revoked driver or refused applicant to the NR3. Further information can be found at:

www.local.gov.uk/topics/licences-regulations-and-trading-standards/national-register-taxi-and-private-hire-licence

Driver Experience/ Knowledge/Locality Test/Training

A driver licence cannot be granted to anyone who has not held a full driving licence for a period of at least twelve months. Only full driving licences issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) or from some designated countries that have exchange agreements with the UK, will count towards this qualification requirement. Equal recognition can now also be given to Northern Ireland driving licences. Further details can be found at www.dvla.gov.uk

New applicants are required to have passed the Tees Valley Taxi Assessment Driving Test, operated by Hartlepool Borough Council and approved by Stockton Borough Council and produce a pass certificate.

New applicants are required to sit and pass a knowledge test, including oral and written English language skills. If a driver does not renew their licence and 6 months lapses before re-applying, a new test certificate will be required. Guidance on knowledge tests requirements can be found on the Council website.

In order to enhance the professional image of the private hire and hackney carriage trade and to enhance related skills and knowledge, all drivers and private hire operators (or a representative of the licensed company) are encouraged, if they have not already done so, to successfully complete a level 2 course when funding is available examples can be found at www.edexcel.com

Safeguarding And County Lines Training

Those in the taxi and private hire vehicle industry can play an important role in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

New applicants are also required to undertake safeguarding training which also includes county lines exploitation which includes information on:

- Providing a safe and suitable service to vulnerable passengers of all ages
- Recognising what makes a person vulnerable; and
- Understanding how to respond, including how to report safeguarding concerns and where to get advice

County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of "deal line". The national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations. The licensed trade should be aware of the following warning signs:

- Children and young people travelling in hackney carriage or private hire vehicles alone;
- Travelling at unusual hours (during school time, early in the morning or late at night;
- Travelling long distances
- Unfamiliar with the local area or do not have a local accent
- Paying for journeys with cash or prepaid

If anyone believes a child or a vulnerable person is at immediate risk of harm, they should contact the Police, if the risk is not immediate, they should call Crime stoppers on 0800555111 and use the local safeguarding process.

Drug Testing

The Council will conduct drug tests on drivers on an intelligence led and random basis. Positive drug test results or a failure to comply with a request for a drug test may result in the suspension or revocation of a drivers licence.

No Smoking Policy

Drivers should not smoke cigarettes, tobacco products or e-cigarettes whilst in a licensed vehicle. In addition, cigarettes, tobacco products or e-cigarettes should not be smoked in a private hire operator's premise which is open to the public. This is in line with the requirements of the Council's own No Smoking Policy which includes e-cigarettes.

Applicants Who Have Spent Time Abroad

Where an applicant has spent 3 months or more living abroad or has not lived in the UK for a continuous five year period at the time of the application, they will be required to provide a Certificate of Good Conduct or an equivalent document, translated into English, from each county where they have been resident/domiciled. Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the Appendix E of this document, they are advised to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

Voluntary Return Of Licence

Any request to return a licence shall be made in writing and the Council will consider each case on its merits. The Council is unlikely to accept the voluntary return of the licence and will continue with the proposed disciplinary action.

Duties And Obligations Under Equality Act 2010

The Council has agreed that it will maintain a list of "designated vehicles", (that is, a list of licensed wheelchair accessible HCVs and PHVs) under the provisions of Section 167 of the Equality Act 2010. The consequence of being on this list is that the driver of the vehicle must undertake the duties to assist passengers who use wheelchairs and comply with other obligations, unless an exemption has been issued by the Council.

Licensed drivers are also under a duty under this legislation to carry guide, hearing and other prescribed Assistance Dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs, may apply to the Council for an exemption from this duty, under medical grounds. A medical certificate must be provided at the driver's expense, from the driver's own GP, stating the details of their medical condition. A register will be kept of exempt drivers.

Medical Assessment

In line with DVLA guidelines, the Council applies the DVLA Group 2 driver standards for the medical fitness of hackney carriage and private hire drivers. This is a higher medical standard than that required of drivers of other motor vehicles and is required due to the length of time the driver may spend at the wheel and the responsibility they have for the safety of their passengers and the public.

Licensed Vehicles

The Council is responsible for licensing hackney carriages (currently 258), private hire vehicles (currently 347) and wheelchair accessible vehicles (15 HCVs and 2 PHVs) operating in the Borough.

Private Hire Vehicles

A private hire vehicle is a motor vehicle constructed or adapted vehicle with no more than 8 passenger seats, which is provided for hire with the services of a driver for the purpose of carrying passengers.

Private hire vehicles include a range of vehicles including executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. A private hire vehicle cannot legally stand at a hackney carriage stand or be hailed in the street by members of the public

- Private hire vehicle specifications refer to Appendix G, H and I.
- CCTV in vehicles refer to Appendix L.
- Consideration of Convictions, Cautions, Reprimands, Warnings, Complaints and Character refer to Appendix E.
- Enforcement, Discipline & Offences refer to Appendix F.

Hackney Carriage Vehicles

A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to "ply for hire". This means that it may stand at a hackney carriage stand or be hailed in the street by members of the public. A hackney carriage vehicle is required to have a numbered plate fixed upon it and are commonly referred to as 'Taxis'.

- Hackney carriage vehicle specifications refer to Appendix G, J, I and K.
- CCTV in vehicles refer to Appendix L.
- Consideration of Convictions, Cautions, Reprimands, Warnings, Complaints and Character refer to Appendix E.
- Enforcement, Discipline & Offences refer to Appendix F.

Hackney Carriage Stands

The stand is the only situation where a hackney carriage may ply for hire in a stationary position. It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any hackney carriage stand. Drivers who park on a stand and leave their hackney carriage vehicle unattended commit an offence. A full list of current stands can be found on the Council website.

Wheelchair Accessible Vehicles (WAV)

All new applications for hackney carriage vehicle licences are required to be wheelchair accessible vehicles. WAV's that are currently licensed may only be replaced with a like for like vehicle e.g. another WAV that complies with current Policy. The private hire trade will continue to be encouraged to licence a proportion of their fleet as Wheelchair Accessible Vehicles.

- Wheelchair accessible vehicle specifications refer to Appendix G, H, J and I.
- CCTV in vehicles refer to Appendix L.
- Consideration of Convictions, Cautions, Reprimands, Warnings, Complaints and Character refer to Appendix E.
- Enforcement, Discipline & Offences refer to Appendix F.

Novelty Vehicles And Stretched Limousines

Applications in respect of novelty vehicles and stretched limousines will be determined on their individual merits.

- Novelty and stretched limousine vehicle specifications refer to Appendix G, H and I.

- CCTV in vehicles refer to Appendix L.
- Consideration of Convictions, Cautions, Reprimands, Warnings, Complaints and Character refer to Appendix E.
- Enforcement, Discipline & Offences refer to Appendix F.

Application Procedure

New Vehicle Licence Application

Apply online with the following documents:

- Vehicle application form, this must be from a named person(s)
- Proprietorship requisition form
- Vehicle test certificate – pass (Certificate Of Compliance). An application for a new or replacement vehicle will only be accepted with a certificate of compliance issued by the testing centre, dated no more than 28 days prior to the submission of the application.
- DVLA vehicle registration document (V5C) bearing the applicant's correct name and address
- A certificate of motor insurance, which must be valid on the commencement date of the licence
- A current MOT certificate if applicable, depending on the age of the vehicle, which must be valid on the commencement date of the licence. Note that once a vehicle is 12 months old, a valid MOT is required
- DBS Basic Disclosure of proprietor / directors / partners (for applicants who are not licensed drivers)
- Licence fee

Once an application has been received a Private Hire Certification Form will be sent direct to the nominated Private Hire Operator (for private hire vehicles only).

Vehicle Renewal Application

Apply online with the following documents:

- Vehicle renewal application form in the name of the vehicle proprietor
- Proprietorship requisition form
- A certificate of motor insurance, which must be valid on the commencement date of the licence
- DBS Basic Disclosure of proprietor / directors / partners (for applicants who are not licensed drivers)
- Licence fee

Trailers And Tow Bars

Applications to permit the use of trailers for the carriage of luggage and/or personal effects will be considered on their individual merits. Any trailer authorised for the carriage of luggage and/or personal effects must display the authorised towing vehicle registration plate and the licence plate issued by the Council.

Insurance

Vehicles that have been deemed to be an insurance "write off" (i.e. in accident damage category A, B, C, or S) and/or endorsed as being "accident damaged" on their V5 document will not be licensed. Licenced vehicles deemed to be an insurance "write-off" (i.e. in accident damage category A, B, C, or S) and/or have their V5 document endorsed as being 'accident damaged' will have their licence revoked.

Vehicle And Meter Testing

All vehicles shall undergo an inspection by the Council's appointed vehicle examiners at initial application and thereafter every six months. Any vehicles failing this test will be required to have a retest, unless it has been agreed by an Authorised Officer that it is not necessary. A test failure will result in either the issuing of a Vehicle Defect Rectification Notice or if appropriate the suspension of the vehicle licence.

- Vehicle testing arrangements refer to Appendix M.

Exemptions From Displaying Licence Plates On A Private Hire Vehicle

Proprietors of private hire vehicles used mainly for executive hire or novelty vehicles and stretched limousines will be permitted to apply for a 12-month exemption from the requirement to display a licence plate and the driver from wearing a driver's badge.

- Vehicle licence plate exemptions refer to Appendix N.

Horse Drawn Hackney Carriages

Applications for horse drawn hackney carriages will be considered on their individual merits. The Council will follow the Code of Practice for Horse Drawn Vehicles:

<https://www.gov.uk/government/publications/code-of-practice-for-horse-drawn-vehicles>

- Horse drawn hackney carriage conditions refer to Appendix O.
- Consideration of Convictions, Cautions, Reprimands, Warnings, Complaints and Character refer to Appendix E.
- Enforcement, Discipline & Offences refer to Appendix F.

Horse Drawn Hackney Carriage Application Procedure

Apply online with the following documents:

- Application form
- DBS Basic Disclosure of proprietor / directors / partners (applicants who are not licensed drivers)
- Approved road driving assessment by either the British Driving Society or the Heavy Horse Training Committee pass certificate (fee responsibility of applicant)
- Proof of Council approved vet inspection of carriages, tack and horses (fee responsibility of applicant)
- Suitable horse related qualification certificate
- Hackney carriage vehicle and public liability insurance
- Licence fee

Private Hire Operators

The Council is responsible for licensing Private Hire Operators (currently 24). Any person who operates private hire vehicles must apply to the Council for a private hire operator licence which permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator licence. A private hire operator must ensure that every private hire vehicle despatched is licensed and driven by a person who holds a private hire driver licence issued by the Council. It is a criminal offence to operate a private hire vehicle without an operator licence.

As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operator premises and trusting that the drivers and vehicles dispatched are above all else safe and the private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

- Private Hire Operator Licence Conditions refer to Appendix P.
- Consideration of Convictions, Cautions, Reprimands, Warnings, Complaints and Character refer to Appendix E.
- Enforcement, Discipline & Offences refer to Appendix F.

Application Procedure

Apply online with the following documents:

- Application form, including signed statutory declaration.
- Proof of right to work documentation (applicants who are not licensed drivers)
- DBS Basic Disclosure of proprietor / directors / partners (applicants who are not licensed drivers)
- Planning consent, where necessary, for the premise they intend to operate from. Any planning conditions will be included on the licence.
- Licence fee appropriate to the number of vehicles to be operated.

Officers may require a site visit prior to the determination of the licence application. Applicants will be interviewed regarding their knowledge of the legislation and conditions relating to private hire work.

General

Limitation Of Numbers

The Council has decided that it will not place a limit on the number of hackney carriages it licences but will rely on market forces to dictate the number of applications it receives.

Term Of Licences

Driver licences are available for a period of one or three years.

Vehicle licences are available for a period of one year.

Private Hire Operator licences are available for up to five years.

Any shorter duration licence will only be issued when the Council thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they will not be issued on a 'probationary' basis.

Fares

The Council have the powers to set hackney carriage fares for journeys within their area. Hackney carriage fares, set by the Council, are the maximum and can be negotiated downwards by the hirer.

When a journey ends outside the Council's area a fare greater than that shown on the meter may be charged but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare can be charged. Failure to comply is an offence.

Overcharging

All meters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare shown on the meter or agreed at the time of hiring with certain exceptions.

Fee Structure

A current fee list is available on the Council's website at www.stockton.gov.uk/our-people/licensing/

Payments

Payments can be made online or by calling 01642 524802.

Payment Refunds

Fees paid in relation to licences are subject to a partial refund on the unexpired portion of the licence should a live licence be surrendered and accepted by the Council. Refunds shall be determined by the Council and an administration fee will be levied. Refunds totalling less than an administration fee will not be processed.

Should the application be refused by the Licensing Committee or the refusal appealed to the Magistrates Court, then depending on the outcome, the administration charge will be higher and may result in no refund being given.

Complaints Procedure

The Council is proud of its private hire and hackney carriage trade and expects them to uphold high standards at all times. However, it is recognised that there may be occasions for transport users and other members of the trade to make complaints. All complaints will be considered, and appropriate action will be taken in accordance with the Council's Regulatory Services Enforcement Policy.

Complainants may be asked to put their complaint in writing or provide a witness statement if the complaint is such that formal action may be taken. The Council recognises that some complaints can be frivolous or vexatious. These complaints will not be taken further. Licensees are expected to assist Officers in their investigations and make themselves available for interview when reasonable requests have been made. At the conclusion of the investigation all parties concerned will receive confirmation of the result and action to be taken (if any). If any party is not satisfied as

to the outcome of the complaint investigation the Council has a corporate complaints procedure in place to deal with these issues.

Complaints about the licensed trade provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. The Council have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees. This system will help the Council to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that the Council must take.

Licensees with a high number of complaints made against them will be contacted by the Council and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

- Consideration of Convictions, Cautions, Reprimands, Warnings, Complaints and Character refer to Appendix E.
- Enforcement, Discipline & Offences refer to Appendix F.
- Staying Safe Guidance for Passengers refer to Appendix Q.

Appendix A

Private Hire Driver Licence Conditions

1. Conduct Of Driver

The driver shall at all times when acting as a driver of a licensed vehicle:-

- a) unless exempted in writing, wear the driver badge and display the dash display badge issued to by the Council inside the vehicle in such a position as to be visible at all times to persons conveyed therein;
- b) afford all reasonable assistance with passenger's luggage;
- c) comply with the Council's Dress Code and Code of Conduct;
- d) behave in a civil and orderly manner at all times and in particular shall not engage in any activities of a sexual nature whilst acting as a driver of any vehicle licensed by this Council;
- e) when requested by the Council attend a medical practitioner and/or submit to any drugs tests deemed appropriate;
- f) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them;
- g) not without the express consent of the hirer drink or eat whilst driving the vehicle;
- h) not without the express consent of the hirer play any radio or sound reproducing instruments or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- i) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle; and
- j) apply for the renewal of licence in advance to ensure continuity, there is no automatic period of grace.
- k) submit any notifications, applications or statutory declarations required in this Policy via online forms or email to licensing.administration@stockton.gov.uk

2. Passengers

- a) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- b) The driver shall not allow there to be conveyed in the front of a private hire vehicle
- c) any child below the age of ten years; or
- d) more than one person above that age (except where separate seats are provided).
- e) The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in the vehicle, other than a person permitted by the licensed proprietor of the vehicle.

3. Lost Property

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

- b) If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver the property shall be returned to the owner if known or handed in at a Police Station as soon as possible.

4. Written Receipts

The driver shall if required by the hirer of a private hire vehicle provide a written receipt for the fare paid. The receipt shall contain:

- Date of issue
- Time of issue
- Vehicle licence plate number
- Driver name and licence number
- Metered fare (when applicable)
- Metered extras (when applicable)
- Total fare

5. Animals

- a) The driver shall not whilst hired, carry in a private hire vehicle any animal belonging to or in the custody of themselves or the proprietor or operator of the vehicle.
- b) Any animal belonging to or in the custody of any passenger may at the driver's discretion be conveyed in the vehicle but shall only be conveyed in the rear of the vehicle.

Note:

This discretion does not apply to a disabled person's guide, hearing or assistance dog which must be carried in a private hire vehicle without any additional charge, unless the driver holds a Certificate of Exemption on medical grounds issued under the Equality Act 2010.

6. Prompt Attendance

The driver of a private hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at any appointed time and place punctually attend at the appointed time and place, unless unavoidably delayed or prevented from doing so when he shall inform the Operator of his delay.

7. Copy Of Conditions

The driver shall at all times when driving a private hire vehicle carry a copy of these conditions and shall make it available for inspection by the hirer or any other passenger on request.

8. Deposit Of Licence Record Card

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

9. Taximeter

If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

10. Fare To Be Demanded

The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator (unless a deviation of the route is requested by the hirer) or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

11. Change Of Address

The driver shall notify the Council in writing of any change of his address that appears on the licence during the period of the licence within seven days of such change taking place.

12. Convictions

- a) Drivers will be required to undertake an enhanced DBS disclosure status check every 6 months. All licensed drivers are required to evidence continuous registration with the DBS update service to enable the Licensing Authority to routinely use the Multiple Status Check Facility (MSCF) to check for new information.
- b) Drivers are required to notify the Council in writing, within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
- c) Drivers shall notify the Council in writing, within seven days of an arrest and release, charge or conviction of any other offence not detailed above.
- d) A failure by a driver to disclose an arrest that the Council is subsequently advised of may be seen as behaviour that questions honesty and therefore the suitability of the driver regardless of the outcome of the initial allegation.

13. Return Of Badges

The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the driver's badges and record card issued by the Council when granting his licence.

14. Loss/Theft Of Identification Badges

Loss or theft of the driver's licence or identification badges must be reported to the Council using the appropriate online form or email, as soon as the loss becomes known and in any case within two working days.

15. Medical Fitness

Drivers must inform the licensing service immediately if they suffer from a medical condition or disability or a condition or disability previously notified worsens that may alter their ability to drive a vehicle.

- a) A driver who receives medical treatment or medical consultation shall confirm with their medical attendant whether they are at that time fit to undertake the duties of a licensed driver in accordance with the DVLA's Guide to Medical Standards of Fitness for a Group 2 licence holder. Where any medical attendant specifies that a driver or prospective driver should not drive for a determinate or indeterminate period, the driver or prospective driver shall notify the Council immediately in writing of such medical opinion.
- b) Existing licensees aged over 45 years must provide a medical examination report as evidence of their medical fitness to hold a licence every five years and after the age of 65 years, annually.

16. Time Spent Abroad

Drivers shall notify the Council in writing when they intend to spend more than 3 months out of the country. Such notification shall include details of the country to be visited and relevant dates of departure and anticipated return. On return the driver shall complete and submit to the Council a statutory declaration.

Appendix B

Hackney Carriage Driver Licence Notes

(Please Refer To The Conditions Of Hackney Carriage Vehicle Licence, The Byelaws With Respect To Hackney Carriages And The Council's Private Hire And Hackney Carriage Licensing Policy)

1. Conduct Of Driver

The driver shall:-

- a) unless exempted in writing, wear the driver badge and display the dash display badge issued by the Council inside the vehicle in such a position as to be visible at all times to persons conveyed therein;
- b) the holder of a hackney carriage driver licence shall at all times when a vehicle is standing, plying for hire or being driven, carry the badge associated with the licence, which should be worn in such a manner as to be clearly visible by passengers at all times;
- c) the holder of a hackney carriage driver licence shall produce the badge on request, to an Authorised Officer of the Council or a Police Constable;
- d) afford all reasonable assistance with passenger's luggage;
- e) at all times be clean and respectable in his dress and person and comply with the Council's Dress Code;
- f) behave in a civil and orderly manner and comply with the Council's Code of Conduct;
- g) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from their vehicle;
- h) not without the express consent of the hirer, drink or eat whilst driving the vehicle;
- i) not without the express consent of the hirer, play any radio or sound reproducing instruments or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- j) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle; and
- k) apply for the renewal of licence in advance to ensure continuity, there is no automatic period of grace.
- l) Submit any notifications, applications or statutory declarations required in this Policy via online forms or email to licensing.administration@stockton.gov.uk

2. Passengers

- a) The driver shall not convey or permit to be conveyed in a hackney carriage vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- b) The driver shall not allow there to be conveyed in the front of a hackney carriage vehicle, any child below the age of ten years; or more than one person above that age.

3. Lost Property

- a) The driver shall immediately after the termination of any hiring of a hackney carriage vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.

- b) If any property accidentally left in a hackney carriage vehicle by any person who may have been conveyed therein is found by or handed to the driver the property shall be returned to the owner if known or handed in at a Police Station as soon as possible.

4. Written Receipts

The driver should if required by the hirer of the hackney carriage vehicle provide a written receipt for the fare paid. The receipt shall contain:

- Date of issue
- Time of issue
- Vehicle licence plate number
- Driver name and licence number
- Metered fare (when applicable)
- Metered extras (when applicable)
- Total fare

5. Animals

- a) The driver shall not carry in a hackney carriage vehicle any animal belonging to or in the custody of themselves or the proprietor or operator of the vehicle.
- b) Any animal belonging to or in the custody of any passenger may at the driver's discretion be conveyed in the vehicle but shall only be conveyed in the rear of the vehicle.

Note:

This discretion does not apply to a disabled persons' guide, hearing or assistance dog which must be carried in a hackney carriage vehicle without any additional charge, unless the driver holds a Certificate of Exemption on medical grounds issued under the Equality Act 2010.

6. Prompt Attendance

The driver of a licensed vehicle shall ensure that if he has arranged to attend an appointed time and place, he shall attend punctually at the appointed time and place, unless unavoidably delayed or prevented from doing so when the hirer should be informed.

7. Deposit Of Licence

If the driver is permitted or employed to drive a hackney carriage vehicle he shall before commencing to drive that vehicle, deposit the licence record card with the proprietor for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

8. Taximeter

Drivers of hackney carriage vehicles must use the taximeter as prescribed in the Byelaws at all times. Hackney carriage vehicles used for private hire purposes must always use the meter for journeys within the district.

9. Fare To Be Demanded

Drivers of hackney carriage vehicles must use the taximeter as prescribed in the Byelaws at all times. No fare greater than appears on the meter can be charged, this includes private hire use.

10. Change Of Address

The driver should notify the Council in writing of any change of his address that appears on the licence during the period of the licence.

11. Convictions

- a) Drivers will be required to undertake an enhanced DBS disclosure status check every 6 months. All licensed drivers are required to evidence continuous registration with the DBS

update service to enable the Licensing Authority to routinely use the Multiple Status Check Facility (MSCF) to check for new information.

- b) Drivers are required to notify the Council in writing, within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
- c) Drivers shall notify the Council in writing, within seven days of an arrest and release, charge or conviction of any other offence not detailed above.
- d) A failure by a driver to disclose an arrest that the Council is subsequently advised of may be seen as behaviour that questions honesty and therefore the suitability of the driver regardless of the outcome of the initial allegation.

12. Return Of Badges

The driver should upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the driver's badges issued by the Council when granting this licence.

13. Loss/Theft Of Identification Badges

Loss or theft of the driver's licence or identification badges must be reported to the Council using the appropriate online form or email, as soon as the loss becomes known and in any case within two working days.

14. Medical Fitness

- a) Drivers must inform the licensing service immediately if they suffer from a medical condition or disability or a condition or disability previously notified worsens that may alter their ability to drive a vehicle.
- b) A driver who receives medical treatment or medical consultation shall confirm with their medical attendant whether they are at that time fit to undertake the duties of a licensed driver in accordance with the DVLA's Guide to Medical Standards of Fitness for a Group 2 licence holder. Where any medical attendant specifies that a driver or prospective driver should not drive for a determinate or indeterminate period, the driver or prospective driver shall notify the Council immediately in writing of such medical opinion.
- c) Existing licensees aged over 45 years must provide a medical examination report as evidence of their medical fitness to hold a licence every five years and after the age of 65 years, annually.

15. Time Spent Abroad

Drivers shall notify the Council in writing when they intend to spend more than 3 months out of the country. Such notification shall include details of the country to be visited and relevant dates of departure and anticipated return. On return the driver shall complete and submit to the Council a statutory declaration.

Appendix C

Code Of Conduct For All Licensed Drivers

1. Responsibility To The Trade

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:

- a) complying with this Code of Conduct;
- b) complying with all the conditions of their licence and the Council's Hackney Carriage and Private Hire Licensing Policy;
- c) behaving in a professional manner at all times.

2. Responsibility To Clients

Licence holders shall:

- a) maintain their vehicles in a safe and satisfactory conditions at all times;
- b) keep their vehicles clean and suitable for hire to the public at all times;
- c) attend punctually when undertaking pre-booked hiring;
- d) assist, where necessary, passengers into and out of vehicles (unless medically exempt); and
- e) offer passengers reasonable assistance with luggage.

3. Responsibility To Residents

To avoid nuisance or disturbance to residents when picking up or waiting for a fare, or waiting to be allocated a booking, a driver shall;

- a) not sound the vehicle's horn;
- b) keep the volume of audio equipment low;
- c) switch off the engine if required to wait;
- d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood;
- e) not deposit any litter; and
- f) not urinate in the street.

At hackney carriage ranks, drivers shall, in addition to the requirements above:

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

At private hire offices a licence holder shall;

- a) not allow their audio equipment to cause disturbance to residents of the neighbourhood; and
- b) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

4. General

Drivers shall:

- a) pay attention to personal hygiene and dress in accordance with the Dress Code;
- b) be polite, helpful and respectful to passengers;
- c) drive with care and due consideration for other road users and pedestrians;
- d) obey all Traffic Regulation Orders and directions at all times;
- e) ensure that they do not smell of alcohol or consume alcohol at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- f) not drive while having misused legal or illegal drugs;
- g) behave in a civil and orderly manner at all times; and
- h) when requested by the Council attend a medical practitioner and/or submit to any drugs tests deemed appropriate.

Please Note:

Any amount of alcohol or drugs can affect a driver's judgment. The Council will take a very serious view of any driver being found to have had any alcohol or having misused any drugs whilst in charge of a licensed vehicle.

Appendix D

Licensed Driver Dress Code

The purpose of the Dress Code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Stockton-on-Tees, to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

Acceptable Standards Of Dress

Tops

- Shirts, blouses, t-shirts or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.
- Shirts or blouses may be worn with a tie or open necked.

Footwear

- Footwear for all drivers shall fit around the heel of the foot.

Unacceptable Standard Of Dress

The following are deemed unacceptable:

- Clothing not kept in a clean condition, free from holes and rips.
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- Sportswear (e.g. football/rugby kits, track suits, beach wear etc.).
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- Drivers not having either the top or bottom half of their bodies suitably clothed (see above).

Appendix E

Consideration Of Convictions, Cautions, Reprimands, Warnings, Complaints And Character

The Council will consider each case on its merits but will take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.

In order to achieve consistency, and to mitigate the risk of successful legal challenge, the Council have a clear Policy for the consideration of criminal records, this includes which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences this Policy considers the number of years required to have elapsed since the commission of particular kinds of offences before a licence will be granted.

These guidelines will be taken into account and in general will be followed, when dealing with a new application, a renewal application and when considering whether to issue a warning, suspend or revoke an existing licence. It should be noted that the Council will consider it extremely serious when existing licence holders receive criminal convictions, cautions, reprimands, or warnings or receive complaints which result in disciplinary action.

Existing licence holders who commit criminal offences or receive complaints about their behaviour which result in disciplinary action may expect the Council to consider revoking their licence or refusing their renewal application. These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. The Council are however reminded that applicants are entitled to a fair and impartial consideration of their application.

The following guidelines are used to make fair and consistent decisions when considering disciplinary action against licensed private hire or hackney carriage proprietors, drivers and operators, or which are disclosed at the time of new applications, renewal applications or on notification of conviction during the period of licence.

The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, Courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.

When determining the fitness and propriety of drivers, Council Officers and Members may consider whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a vehicle with the applicant/licensee alone. If the answer to this question is an unqualified yes, then the test is probably satisfied. If the Officers or Members have doubts, then further consideration will need be given as to whether the individual is a fit and proper person.

The Council may fail to be satisfied that an applicant is a fit and proper person to hold a driver licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

The issuing and holding of a licence is a privilege not a right and persons who hold a licence are expected to conduct themselves in a manner that does not bring their profession or the Council into disrepute.

The Council uses the enhanced disclosure service from the Disclosure and Barring Service (DBS) and will use their vetting and barring scheme, when appropriate, to determine the suitability of applicants for hackney carriage and private hire driver licences. Any information disclosed as

being considered relevant by the Police on the DBS disclosure will be considered on its merits. However, any person on the DBS Barred List will normally be refused a licence.

The Council will comply fully with the DBS's Code of Practice and the requirements of the Data Protection Act 1998. Disclosure information will be used fairly, stored securely and only be handled by authorised persons. Please see guidance on the DBS website for further information: <https://www.gov.uk/government/publications/dbs-code-of-practice>

The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council itself or by other Licensing Authorities and information disclosed by the Police.

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

For the purpose of these guidelines, simple cautions, endorsable fixed penalties and public order fixed penalties shall be treated as though they were convictions and they shall be disclosed to the Council accordingly.

Hackney carriage and private hire drivers as an occupation are excluded from the provisions of the Rehabilitation of Offenders Act 1974. All relevant convictions, including spent convictions, may therefore be considered. Each case will be decided on its merits. The Council will endeavour to make consistent decisions but is not bound by or obliged to follow previous decisions made by them in relation to applications or existing licence holders.

It may be appropriate to depart from the general guidelines in some cases, for example, situations where the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time, which when taken individually may meet these guidelines, are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.

In considering evidence of an applicant's good character and fitness to hold a licence, where previous convictions or other information relating to criminal matters is disclosed, the Council will consider the nature of the offence, when it was committed, the applicant's age when the offence was committed and any other factors which might be relevant. However, where an applicant has been convicted of a criminal offence, the Licensing Authority cannot review the merits of the conviction [Nottingham City Council v Mohammed Farooq (1998)].

Where an applicant has served a custodial sentence, the Council will consider the number of years since their release and the period for which they have been free of conviction when determining their fitness to be licensed. Time spent in custody will generally be discounted from the conviction free period. A person with a current conviction, caution, reprimand or final warning need not be permanently barred from obtaining a licence but should be expected to remain free from conviction for an appropriate period, according to the circumstances, before an application is considered. The onus is on the applicant to produce adequate evidence that he or she is a fit and proper person to hold a licence and simply remaining conviction free may not generally be regarded as adequate evidence that an applicant is a fit and person to hold a licence. Applicants should also demonstrate evidence of good character.

However, whilst, the Council may exercise its discretion, the overriding consideration should be the protection of the public and someone who has committed an offence and has to wait before being accepted as a driver is more likely to value their licence and act accordingly.

The guidelines are not an attempt to define what is a fit and proper person. The guidelines do not deal with every type of offence. However, offences described in the guidelines and similar

offences, though perhaps differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

Motoring Convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

(A) Minor Traffic Offences

Convictions, cautions, reprimands or final warnings for minor traffic offences will not normally prevent a person from being considered for a licence. If an applicant has up to six "live" penalty points on their driving licence for such offences, then the application may be granted subject to a written warning. If an applicant has between 7 and 9 live points on their licence for such offences, then the application will be referred to the Licensing Committee who may decide to refuse the application. At the very least a severe warning will be given that further offences will result in revocation of the licence. Where an applicant has more than 9 live penalty points for such convictions, they must normally show a period of 12 months free from conviction, caution, reprimand or final warning before their application is considered. Even then the application will be referred to the Licensing Committee and may be refused. In this context 'live' means live for the purposes of the totting up procedure, which for most minor traffic offences means a period of 3 years from the date of the offence.

(B) Major Traffic Offences

Major traffic offences include those on the attached list of offences given overleaf that have the associated codes. Please note that the Council appreciates there is a difference in the level of seriousness of these offences and will consider each on its merits.

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. Unless there are exceptional circumstances, a licence will normally be refused where an applicant has a conviction for an offence such as:-

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving whilst unlicensed, disqualified or uninsured

If an applicant has an endorsement in respect of a major traffic offence then the application will normally be refused until at least four years after the most recent conviction, caution, reprimand, final warning or if the person was disqualified, after the restoration of their driving licence, whichever is the later.

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 five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Even if the Courts decide not to disqualify a driver under the totting up procedure, the Council may still consider that the driver is not a fit and proper person and may consider revocation of their private hire and/or hackney carriage driver licence.

DVLA CODE	DESCRIPTION OF OFFENCE
AC10	Failing to stop after an accident

AC20	Failing to give particulars or to report an accident within 24 hours
BA10	Driving whilst disqualified by order of Court
BA30	Attempting to drive while disqualified by order of Court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for analysis
CU80	Driving a motor vehicle while using a hand-held mobile telephone or other hand-held interactive communication device
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
IN14	Causing or permitting the use of a vehicle uninsured against third party risks
UT50	Aggravated taking of a vehicle
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 years, the driver is liable to be disqualified

(C) Alcohol Related Offences

A person who has been disqualified from driving as a result of a drink driving offence must show at least seven years free from conviction after the restoration of their driving licence before their application will be considered.

A licence will normally be refused if an applicant has more than one conviction for driving under the influence of alcohol.

A person with a conviction, caution, reprimand or final warning for an alcohol related non-driving offence would be required to show a period of at least three years free from such conviction, caution, reprimand or final warning or three years from completion of any custodial sentence imposed.

If there is evidence of persistent alcohol misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant has been alcohol dependent, then they would normally be required to show evidence of at least five years free from alcohol use after successfully completing an approved treatment programme.

(D) Drug Related Offences

An applicant with a conviction, caution, reprimand or final warning for a drug-driving related offence should be required to show a period of seven years free of such conviction, caution, reprimand or final warning before an application is considered or, if the person was disqualified from driving, five years after the restoration of their driving licence, whichever is the later.

An applicant with a conviction, caution, reprimand or final warning for a drug related non- driving offence for example possession of drugs, or related to the possession of drugs they should be required to show a period of at least five years free of conviction, caution, reprimand or final warning before an application is considered or five years from completion of any custodial sentence imposed, whichever is the later.

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.

A licence will normally be refused if an applicant has more than one conviction for drugs related offences. If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant has been an addict, then they would normally be required to show evidence of five years free from drug taking after successfully completing detoxification treatment.

In all circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

(E) Sexual And Indecency Offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period (normally at least ten years) free of conviction for such offences before a licence will be granted and even then the application may be referred to the Licensing Committee for Members to look at the individual circumstances of the case.

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

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Possession of indecent photographs, child pornography etc.
- Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

An applicant should be free of conviction for at least ten years since the completion of the sentence, if he/she has a conviction for an offence such as:

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

However, a licence will normally be refused if an applicant has more than one conviction for such sexual or indecency offences as mentioned in the paragraph above.

In addition to the above the Council will normally refuse a licence to any applicant who is currently on the sex offenders register or on any barred list.

(F) Violence

Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

In other cases, anyone of a violent disposition will normally be refused to be licensed until at least three years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.

Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction 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, offences such as:-

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

A licence will normally be refused where the applicant has a conviction for an offence or similar offence(s) which replace the below offences, until a period of at least ten years free of such conviction has elapsed:-

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Riot
- Assault on Police
- Common assault which is racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will normally be refused where the applicant has a conviction for an offence or similar offence(s) which replace the below offences, until a period of at least five years free of such conviction has elapsed:-

- Racially aggravated criminal damage
- Other racially aggravated offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will normally be refused where the applicant has a conviction for an offence or similar offence(s) which replace the below offences, until a period of at least three years free of such conviction has elapsed:-

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction

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

A licence will normally be refused if an applicant has more than one conviction in the last ten years for an offence of a violent nature.

Please note that the Council deems incidents of domestic violence to be extremely serious because if an individual is prepared to assault an individual in a domestic or home environment, then they would have concerns over the person's ability to maintain their temper when working in an environment dealing with members of the public.

(G) Dishonesty

A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

In general, for offences involving dishonesty, a minimum period of seven years free from conviction is required before granting a licence. Offences involving dishonesty include:-

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent and any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will normally be refused if an applicant has more than one conviction for a dishonesty offence in the last ten years.

(H) Exploitation

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 abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

(I) Possession of a Weapon

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

(J) Discrimination

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

(K) Immigration

Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. Guidance for licensing authorities to prevent

illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

The following examples afford a general guide as to what action the Council may take in relation to existing licence holders who breach any of the licence conditions or bylaws made under the relevant legislation.

Proprietor Offences

Any person convicted, cautioned, reprimanded or given a final warning of an offence relating to a hackney carriage or private hire vehicle of which they are the proprietor may have their licence(s) suspended or revoked.

Driver Offences

Any person convicted, cautioned, reprimanded or given a final warning of an offence whilst acting as the driver of a Hackney Carriage or Private Hire vehicle may have their driver licence suspended/suspended with immediate effect or revoked.

Operator Offences

Any person convicted, cautioned, reprimanded or given a final warning for an offence relating to their operation of private hire vehicles or drivers may have their private hire operator licence suspended or revoked.

Should the Council choose to take action short of revocation then more than one such conviction, caution, reprimand or final warning will normally lead to the licence being revoked.

If a driver or operator licence is revoked as the result of breaches of licensing legislation, then that person would normally be expected to show a period of at least three years free from conviction, caution, reprimand or final warning before a new application is considered.

Outstanding Charges/Summonses/Investigations

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

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

Non-Conviction Information

Criminal convictions are not the only criteria used when considering whether an individual is a fit and proper person to be licensed. Other factors, including the applicant's demeanour and appearance (dress) may be taken into account in determining fitness and propriety. The Council may require an applicant to submit additional information it reasonably considers necessary to enable it to determine whether a licence should be granted or whether conditions should be attached [S.57 LG(MP)Act 1976 refers].

The Courts have found that one purpose of licensing powers is to prevent licences being given to, or used by, those who are not suitable, taking into account their driving records, driving experience, sobriety, mental and physical fitness, honesty and ensuring that they would not take advantage of their employment to abuse or assault passengers [Leeds City Council v Hussain (2002) refers]. The Council can consider circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.

The Council's focus is the impact of the applicant or licence holder upon members of the public. This does not require any consideration of the personal circumstances of the applicant or licensee, which are irrelevant, except perhaps in very rare cases to explain or excuse some conduct of the driver.

If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. In assessing the action to take, the safety of the travelling public must be the paramount concern.

Once A Licence Has Been Granted

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

A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

A suspension or revocation of the licence of an operator takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.

Appendix F Enforcement, Discipline And Offences

An overview of enforcement and disciplinary action and the main offences concerned with the private hire and hackney carriage trade. It is not intended to be an exhaustive list and does not constitute legal advice. All enforcement action will be carried out having due regard to the requirements of the Council's Regulatory Services Enforcement Policy.

Council Officers

Whilst the operation of a successful hackney carriage and private hire vehicle service is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use the service. Enforcement of hackney carriage and private hire matters is undertaken by the Council. The Police may also take action in certain circumstances.

Council Officers can be authorised to undertake enforcement work and may take appropriate disciplinary action against licensees. In undertaking such work, Officers will abide by this Policy and the appropriate Regulatory Services Enforcement Policy. Enforcement work includes routine checks and inspections, investigating complaints made about drivers, vehicles and operators, in addition to matters observed by Officers e.g. vehicle defects. The Council can consider all circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.

The Council have effective internal 'whistleblowing' Policy and procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.

The General Licensing Committee

The Council's General Licensing Committee exercises the Council's functions in relation to the licensing of hackney carriage vehicle, hackney carriage drivers, private hire vehicle, private hire operators and private hire drivers under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation.

When the Committee considers such matters concerning a licensee/applicant it is operating in a quasi-judicial capacity and the rules of natural justice must be observed. The licensee/applicant must be treated fairly and be seen to be treated fairly. The Committee must be impartial, unbiased and act in good faith.

The Committee is required to make judgements based on the evidence submitted to it. It is not the Members' role to sit as advocates of either Council Officers, the Police or the licensee/applicant but to weigh the merits of the case as presented – ensuring that the proper considerations are taken into account and irrelevant factors are ignored, thereby reaching a balanced decision. The Committee must also state the reasons for its decisions.

Only Committee Members who have heard the entire application, appeal, or disciplinary matter are able to take part in the decision-making process.

Committee Members should not participate in the hearing of a matter if there is apparent bias. This can arise where a Member's outside connections make it appear that there is a real danger of bias or a Member has a prejudicial interest. Personal interest in a matter under consideration must be declared. Where a prejudicial interest exists, the Member must withdraw from the meeting room. A prejudicial interest exists where a Member has a personal interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest and it either:

- Affects the financial position of the relevant person or body; or
- Relates to the determination for any approval, consent, licence, permission or registration in relation to that person or body.

All members of the General Licensing Committee that determine whether a licence is issued are required to undertake sufficient training. All training is formally recorded by the Licensing Authority and requires a signature from the person that has received the training.

Disciplinary Or Referred Matters

In accordance with Council's constitution, the Committee is authorised to:

- Determine the appropriate disciplinary action (if any) to take against licensees referred to it by Officers.
- Determine any licensing application or other matter concerning individual licensees referred to it by Officers.

When considering a referred matter e.g. an application for a licence, the Committee will have regard to the appropriate section of this Policy.

Appropriate disciplinary action can take a number of forms, for example:

- Revocation of a licence.
- Refusal to renew a licence.
- A warning letter expressing the Council's dissatisfaction with the licensee's behaviour, whilst also advising that future conduct incompatible with that expected of a licensee could lead to a revocation or refusal to renew.
- Additional conditions if considered reasonably necessary may be attached to a licence when it is renewed. It is noted that conditions cannot be attached to a hackney carriage driver licence.

The action to be taken in any particular case will depend on the seriousness of the conduct/conviction/medical condition etc. concerned.

Appeal To Court

- There is a statutory right of appeal to the Magistrates Court in relation to:
- A refusal to grant a private hire or hackney carriage driver licence.
- Any conditions attached to a private hire driver licence.
- A decision to suspend, revoke or refuse to renew a private hire or hackney carriage driver licence.
- A refusal to grant a private hire vehicle licence or against any conditions specified in the licence.
- A refusal to grant an operator licence or any conditions attached to the grant of an operator licence.
- A decision to suspend, revoke or refuse to renew an operator licence.

An appeal against a refusal to grant a hackney carriage vehicle licence lies straight to the Crown Court. Any appeal must be lodged with the appropriate Court within 21 days of notification of the decision in writing. Costs may be awarded by the Court against an unsuccessful appellant and therefore a licensee may wish to take independent legal advice with regard to the merits of an appeal.

Usually, when an appeal has been lodged, any action against the licence is stayed pending the outcome of the Court appeal (S.77(2) LG(MP) Act 1976 refers) and the driver, operator or vehicle can continue to operate. However, in cases where, in the interests of public safety, a decision has been made that a suspension or revocation of a driver licence should take immediate effect S.77(2) shall not apply and a driver is not allowed to continue driving pending the outcome of the appeal. In such cases the driver must be notified in writing, with an explanation as to why such action has been taken.

Decisions may also be challenged by way of judicial review in the High Court. Independent legal advice should be sought.

New evidence may be produced at an appeal hearing that may result in the Court reaching a different decision to that reached by the Council or an appeal may be settled by agreement between the Council and the licensee on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, a fast-track re-licensing process used.

- Enforcement/Disciplinary Options
- There are various options to take depending upon the circumstances including:
 - Take no action
 - Take informal action
 - Use statutory and other notices/requests
 - Offer of training
 - Suspend a licence
 - Revoke a licence
 - Refuse to renew a licence
 - Issue a simple caution
 - Prosecute
 - Obtain an injunction

The Council may fail to be satisfied that an applicant is a fit and proper person to hold a driver licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there are grounds to question or doubt the evidence provided, then that could amount to good reason to refuse a licence. The Council may under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a Licensing Authority with the ability to suspend or revoke a driver licence on the following grounds:-

- a) that he has since 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;
- a) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- b) any other reasonable cause

Reasonable cause encompasses a wide variety of issues, including other convictions, cautions, medical fitness and conduct.

Where an applicant or holder of a licence fails to comply with this Policy's requirements an Authorised Officer may refuse to grant or renew licences and may suspend or revoke licences. Officers also have delegated powers in consultation with the Licensing Committee Chair or Vice Chair, to grant licence applications where such applications do not comply with this Policy and it is considered that sufficient exceptional reasons have been submitted as to why the Council should depart from the Policy. An Authorised Officer may suspend or revoke a drivers licence with immediate effect if public safety is deemed to be a relevant consideration. Before such action is taken the holder of a drivers licence will be informed in writing that suspension or revocation with immediate effect is being considered and will be invited to provide their response. Action to suspend a driver with immediate effect will only be taken after consultation and agreement with the Director of HR, Legal and Communication. Action to revoke a driver with immediate effect will only be taken after consultation and agreement with the Chair or Vice Chair of the Licensing Committee and the Director of HR, Legal and Communication.

If it appears to be in the interests of public safety to do so, then a suspension or revocation will have immediate effect and the driver will be given notice of that decision. The effect of this decision will mean that a driver cannot continue to drive licensed vehicles should an appeal be made against the decision.

A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

New evidence may be produced at an appeal hearing that may result in the Court reaching a different decision to that reached by the Council or an appeal may be settled by agreement between the Council and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, a fast track re-licensing process used.

A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the Licensing Authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Joint Authorisation Of Officers

The Council may, where the need arises, jointly authorise Officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise Officers enables the use of enforcement powers regardless of which authority within the agreement the Officer is employed by and which issued the licence. A model for agreeing joint authorisation is contained in the LGA Councillors' handbook.

Partnership Working

The Council will adopt a multiagency approach to ensure effective and efficient information sharing procedures and protocols are in place and are being used. It is vital that the Council have a partnership with the Police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the Licensing Authority and the Police, action taken by the Council as a result of information received will be fed-back to the Police.

Appendix G

Private Hire and Hackney Carriage Vehicle Specifications

All vehicles must comply with the requirements of Section A. In addition, private hire vehicles must comply with the requirements of Section B and F as appropriate, novelty vehicles and stretched limousines must comply with Sections B and C, and hackney carriage vehicles must comply with the requirements of Section D and E.

All vehicles must be 'exceptionally well maintained'.

All vehicles must be 'type approved'.

The vehicle specification shall be complied with during the licence period unless any changes have been given prior approval by the Council.

It must be understood that, although the requirements set out in this document have been complied with, each application will be dealt on its merits and approval will be withheld if the Council is of the opinion that a vehicle is unsuitable for public use.

Section A - General Specification For All Vehicles

General Construction

1. The vehicle shall comply fully with all relevant statutory provisions relating to the construction of motor vehicles and including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986.
2. No modification may be carried out on a vehicle (e.g. alteration of the original seat configuration or any other 'adaptation') without prior approval from the Council and/or the appropriate certificate produced.
3. No fittings, other than those approved by the Council, may be attached to, or carried on the inside or outside of, the vehicle.
4. The steering must be on the offside of the vehicle (unless exempted by the Council).
5. All tyres must comply with the relevant legislation and tyres must be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer. Re-treaded tyres must be marked accordingly.
6. The vehicle shall be capable of carrying in reasonable comfort a minimum of four passengers unless the Council approves a smaller number.
7. The body shall be of the fixed head type.

Passenger Comfort

1. The rear seat dimensions must be adequate to carry the appropriate number of passengers and must provide a minimum:
 - Seat width of 44cm for each person
 - Headroom measured from centre of seat to underside of roof – 75cm
2. The vehicle shall have an adequate heating and ventilation system for the comfort of all passengers.
3. The vehicle shall have interior lighting fitted in the passenger compartment sufficient to illuminate the whole of that compartment. The light(s) shall be switched such that they may be turned on and off both from the driving and passenger compartments and shall operate automatically when a door is opened.

Passenger Safety

1. The windows should maximise passenger visibility into and out of the vehicle. If tinted glass is fitted, it shall have minimum light transmittance of 75% for the front windscreen, 70% for the front windows and 30% for all rear window glass (unless previously exempted by the Council).

A proportion of the window area in the passenger compartment must be available for opening by the seated passenger.

2. The vehicle shall have at least 4 doors which open sufficiently wide so as to allow safe and easy access and egress and provide the following minimum opening measurements:
 - Door width 712mm (28")
 - Door height 875mm (33")

Each passenger, other than a front-seated passenger, must have access to at least two doors.

3. Lap and diagonal seatbelts must be fitted to all seats.
4. Head restraints must be fitted for all (forward and rear facing) seats. The design of headrests should maximise rear sightlines for the driver when any of the passenger seats are not occupied.

Luggage Capacity

Suitable dedicated provision for the secure carriage of luggage must be made separated from the passenger compartment. Estate models of vehicles must provide a fixed grill between the luggage and passenger compartments. Each vehicle model will be determined on its merits.

Age/Emission Standards

Vehicles in respect of applications for new and replacement hackney carriage and private hire licences shall be no older than five years from the date of first registration, this is for all vehicles.

Any renewal of an existing hackney carriage or private hire saloon vehicle will only be granted if the vehicle does not exceed the maximum age limit of twelve years. For wheelchair accessible vehicles the maximum age limit is fifteen years.

Meters

Meters, where fitted, shall be of a type approved by the Council and shall be calendar controlled and locked and sealed by the manufacturer/supplier so that tariff rates change automatically and cannot be changed or tampered with manually by the driver. Meters shall be positioned so that passengers in the vehicle can easily read the display.

Advertisements

No advertising on vehicles shall be allowed or affixed without prior approval of the Council and specifically shall not be affixed to any window door or panel on which the Council issued roundel or sign is located.

Section B - Specification For New And Replacement Saloon Private Hire Vehicles

1. The vehicle must have M1 European Whole Vehicle Type Approval (EWVTA) and be of an approved type and which is not black in colour.
2. Private hire vehicles must not have a roof sign.

Section C – Additional Specifications For Novelty Vehicles And Stretched Limousines Private Hire Vehicles

1. The vehicle must have passed the Single Vehicle Approval (SVA) (before 29 April 2009) or the Individual Vehicle Approval (from 29 April 2009) scheme test requirements.
2. The vehicle shall have Qualified Vehicle Modifier or Cadillac Coach Builder approval where appropriate.

Section D – Specification for Saloon Hackney Carriage Vehicles

1. The vehicle must have M1 European Whole Vehicle Type Approval (EWVTA) and be of an approved type and be black in colour.
2. Hackney carriage vehicles must have fitted on the roof, an internally illuminated TAXI top sign meeting a specification in relation to size approved by the Council (min. width of 60cm).
3. Hackney carriage vehicles must be fitted with an approved calendar-controlled taximeter in accordance with the requirements of this Policy and the Byelaws with Respect to Hackney Carriages.

Section E – Specification For New And/Or Replacement Wheelchair Accessible Hackney Carriage Vehicles

1. The vehicle shall accommodate a passenger with a disability confined to a wheelchair and shall have been tested, or retested after any modification, to meet the M1 European Whole Vehicle Type Approval (EWVTA).
2. Certification from the Vehicle Certification Agency (VCA) shall be required in all instances. This must bear the VCA authentication stamp.
3. The vehicle must comply fully with Section A and the applicable parts of Section D of the preceding specifications.
4. The vehicle must be capable of accommodating one or more wheelchairs in either a forward or rear facing position allowing adequate space to ensure the safety and comfort of the wheelchair user, without interfering with the safety and comfort of any other passengers.
5. Approved anchorages must be provided for wheelchair tie-downs and the wheelchair passenger restraint. These anchorages must either be chassis or floor linked and shall comply with the strength requirements for M1 standards and any current European directives. Restraints for wheelchair and occupant must be independent of each other. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
6. The design of the vehicle must allow safe access and egress of passengers including elderly and disabled passengers.
7. The door and doorway must be constructed as to permit an unrestricted opening across the doorway of at least 75cm.
8. The clear height of the doorway must not be less than 1.2 metres.
9. Wheelchair access may be from the rear or the side of the vehicle.
10. Grab handles must be placed at one or more passenger door entrances as appropriate, to assist the elderly and disabled. Grab handles must be in a contrasting colour.
11. At the main access door into the passenger area of the vehicle, steps shall be provided to aid ingress/egress as follows:
 - where the internal floor height of the vehicle exceeds 300mm an intermediate step shall be fitted every 250mm from road level up to the internal floor height. All steps must be capable of supporting a minimum weight of 150kg.
 - The tread area of all steps must have a minimum depth of 150mm and shall have a slip resistant surface. All steps, both internally and externally shall have all open edges highlighted in a contrasting high-visibility colour.

- Not be capable of operation when the vehicle is in motion
 - If automatic powered, be fitted with a safety device which stops the motion of the step if that motion could cause injury to the passenger
 - Can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.
12. A means of illuminating the entrance step at all access doors shall be fitted and switched such that they operate automatically when a door is opened.
 13. The vertical distance between the highest part of the floor and the roof in the wheelchair passenger area must be no less than 1.3 metres.
 14. A ramp for the loading of a wheelchair and occupant must be available at all times for use at either the nearside or offside passenger door. The ramp must have a safety lip, be at least 70cm wide as a minimum, and comprise a single non-slip surface. The ramp shall have a visible reference to safe working load of 250 kgs and certified to BS 6109. Provision must be made for the ramp to be stowed safely when not in use.
 15. Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front seat and any part of any other seat which faces it, provided there is adequate leg room.
 16. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.
 17. When fitted occasional seats must be at least 40cm in width and the distance from the back of the upholstery to the front edge of the seat must not be less than 35.5cm
 18. Occasional seats must be so arranged as to rise automatically when not in use. They must be placed at least 4cm apart. When not in use, they must not obstruct doorways.
 19. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.
 20. Colour contrasting sight patches are required on all passenger seats.
 21. An induction loop system or (equivalent) must be fitted and clearly signed.
 22. A swivel facility may be fitted to the nearside rear tip seat to assist disabled passengers.
 23. Every vehicle must be provided with an approved means of communication between the passenger and the driver. If a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 12cm.
 24. Where a single-piece glazed partition is fitted, a facility must be provided for making payment to the driver.

Section F – Specification For New And/Or Replacement Wheelchair Accessible Private Hire Vehicles

The vehicle must comply fully with Section A and E and the applicable parts of Section B of the preceding specifications.

Appendix H

Conditions Of Private Hire Vehicle Licence

1. Maintenance Of Vehicles

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an exceptionally well-maintained condition and all relevant statutory requirements shall be fully complied with.

2. Alteration Of Vehicle

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

3. Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances. Such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

Where a ramp or ramps are used to facilitate access into the vehicle, they must be fitted/carried in the vehicle at all times and must be identified with the vehicle registration number.

4. Interior Identification Marking

The proprietor shall cause to be clearly displayed inside the vehicle in such a position as to be visible at all times to persons conveyed therein, the internal comment card and at the top of each rear passenger door window a window sticker as supplied by the Council indicating the vehicle identification number and contact details for the Council.

5. Interior Lighting

There shall be maintained in the vehicle adequate internal lighting to enable passengers to enter and leave the vehicle with safety.

6. Convictions

An annual basic DBS disclosure certificate is required for each proprietor/partner/director of a licensed vehicle, unless they are already a licensed driver, subject to bi-annual DBS enhanced disclosure checks.

The proprietor shall within seven days disclose to the Council in writing details of any convictions and/or caution imposed on them or, if the proprietor is a company or partnership, on any of the directors or partners during the period of the licence.

7. Change Of Address

The proprietor shall notify the Council in writing of any change of his address that appears on the licence during the period of the licence within seven days of such change taking place.

8. Identification Plate

The plate, loaned by the Council, identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant of Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall unless exempted in writing be securely fixed to the rear of the vehicle in a conspicuous position duly approved by the Council and in such manner using the fixings supplied by the Council so as to be easily removable by an Authorised Officer of the Council or a Constable.

9. Signs, Notices Etc.

No signs, notices, advertisements, video or audio display, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these

conditions, provided however, that this condition shall not apply to any indication on a taxi meter fitted to the vehicle.

The proprietor shall unless exempted in writing cause to be affixed and maintained in or on the vehicle in a conspicuous position in accordance with the directions of the Council any roundel, sign or notice relating to private hire vehicles, which the Council may from time to time require.

Without prejudice to the generality of the foregoing, the proprietor shall unless exempted in writing cause to be affixed and maintained on the outside of the vehicle:-

A door sign of such design and appearance as may be approved and supplied by the Council to be located on the nearside and offside front doors of the vehicle.

A front identification sign as may be approved and supplied by the Council.

Note: The use of magnetised signs is only permitted when the vehicle has been exempted in writing from the general requirement to display the roundel or sign in i) above but the proprietor wishes to display such signs on occasional basis.

Without prejudice to the generality of the foregoing condition any advertisement shall not be allowed or affixed without the prior approval of the Council and specifically shall not:

be affixed to any window of the vehicle; and

be affixed to any door or panel on which the door sign referred to in paragraph 9 3) i) of these conditions, is located.

The proprietor or such person in charge of the vehicle when requested to do so by an Authorised Officer of the Council shall return to them, any identification plate, sign, door sign, badge, emblem or device.

If any proprietor or such person in charge of the vehicle fails without reasonable excuse to comply, an Authorised Officer of the Council shall be entitled to remove and retain any identification plate, sign, door sign, badge, emblem or device.

There may be displayed within the vehicle for the information of passengers a table of fares in a form and printing previously submitted to and approved by the Council.

The proprietor shall notify the Council of the loss or theft of any identification plate, door sign, sign, or notice relating to the private hire vehicle as soon as the loss becomes known and in any case within two working days.

10. Deposit Of Drivers Licence

If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle, he shall before that person commences to drive the vehicle cause the driver to deliver their private hire driver licence record card for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

11. Transfer Of Interest

The proprietor shall notify the Council in writing online, giving the name and address of the new proprietor, within 14 days if he transfers his interest in the vehicle to another person.

12. Accident Notification

The proprietor shall notify the Council as soon as practicable, or in any case within 72 hours of any accident which results in damage to the vehicle. The Council's online 'Notification of Accident' form must be completed for each notification.

13. Insurance

The vehicle shall have a current valid Policy of insurance at all times appropriate to the use authorised by this licence. If the vehicle is off the road and uninsured at any time, the proprietor must inform the Council in writing as soon as practicable but in any event with 72 hours.

14. Change Of Engine

The proprietor must notify the Council, in writing, within 7 days if the vehicle engine is changed. Such notification shall include details of the new engine number.

15. Change Of Private Hire Operator

This vehicle may only be operated under the provisions of one private hire operator licence at any moment in time and the proprietor shall notify the Council of any change to the licensed operator during the period of this licence within 72 hours.

16. Letting/Leasing Of Vehicles

The proprietor shall not let or hire the vehicle identified in this licence to any other person, other than a fare paying passenger, without first notifying the Council in writing. Note: the proprietor will still be jointly responsible for the vehicle should a leasing arrangement be entered into.

Additional Conditions To Be Applied To Novelty Vehicles And Stretched Limousines

1. Vehicles must not carry front seat passengers
2. All passengers must remain seated at all times and must wear seat belts and any other safety restraint when the vehicle is in motion.
3. Where passengers in the vehicle consist of any persons under the age of 14 years they must be accompanied by a responsible adult, other than the driver, who must be over the age of 18 years.
4. No more than eight passengers may be carried in the vehicle.
5. If all the occupants of the vehicle, save for the driver and responsible adult, are under the age of 18, then there shall be no alcohol at all in the vehicle for consumption or otherwise.
6. Advertisements will not be allowed on the vehicle's windows.
7. The operator of a novelty vehicle fitted with side facing seats shall provide a declaration that they will never be used to carry passengers under 16 years of age regardless of whether the vehicle is fitted with or without seatbelts.
8. Notices forbidding children to be carried in side facing seats, must be clearly displayed in prominent positions and be visible at all times on entrance doors to the passenger compartment and on the inside of the vehicle on either side of the passenger compartment.

Appendix I

Exceptionally Well-Maintained Interior

- All seats to be of manufacturer's original design (unless a rotating seat is fitted) should all match and be securely fitted no dirt, stains, holes or tears. No loose covers allowed.
- Front and rear (where fitted) seat belts should be clean and in good working order and condition. All anchorage point covers should be properly fitted and match original trim.
- All panels should be clean, properly fitted and match original trim.
- Carpets should be as manufacturer's original, clean with no stains or holes and securely fitted.
- All instrument and accessory covers to be securely fitted and match original trim.
- Headlining to be clean, free from stains, holes and tears and be as originally fitted.
- All window winder handles to be as originally fitted, clean and easy to operate.
- All door handles and arm rests to be secure, clean and as originally fitted.
- Brake, clutch and accelerator pedal rubbers to be fitted and in good condition.
- The inside of the vehicle should be free from loose or trailing wires.
- The boot should be tidy with a clean, unstained carpet/cover to manufacturer's specification. All panelling should be secure, clean and in good condition.
- In hatchback vehicles the boot cover should be to original specifications, in good condition with both lifting straps fitted. A cargo guard should also be fitted in estate vehicles.
- Gear lever gaiters (where fitted) should be to manufacturer's specifications, in good condition and properly fitted.
- A rear-view mirror must be properly fitted and in good condition.
- All manufacturers fittings should be as original (i.e. speaker covers, etc.).
- All lights should be in proper working order with appropriate covers securely fitted.
- Window locks and handles, where provided by the manufacturer, should be in good working order.

Exceptionally Well-Maintained Exterior

- All bodywork to be clean and sound, free from rust, dents, scrapes, significant scratches or loose panels.
- All paintwork to be in first class condition - no "egg-shell" finish, or different shades or colours on either external or interior areas which are visible to the public.
- All wheel trims to be fitted according to manufacturer's specifications and to match.
- Aerials where fitted to be in good condition and free from rust.
- Door or wing mirrors to be in good condition, no broken glass or surrounds.
- Front and rear number plates to be clean, clear and unbroken.
- Front and rear bumpers to be in first class condition, no rust, dents, scrapes (including any over-riders and end surrounds) and should be securely fitted.
- Mud flaps (if fitted) should be maintained.
- No broken or missing glass or surrounds on all front and rear lights and indicators (including repeater indicators where fitted).
- Radiator grills should be secure and of original specification.
- Front and rear (where fitted) windscreen wiper heads and arms should be in good condition, free from rust and properly fitted.
- Door and boot locks should be fitted and in good working order.
- Doors should be easily opened and closed from the outside and inside.
- All door handles should be properly fitted, easily operated and of original colour specification.
- A spare wheel, which conforms to legal requirements, should be provided and properly fitted in the vehicle.
- All tyres should conform to legal requirements.
- All road wheels to be clean and free from rust (where trims are not fitted).

Appendix J

Conditions Of Hackney Carriage Vehicle Licence

1. Maintenance Of Vehicles

The vehicle and all its fitting and equipment shall at all times when the vehicle is in use or available for hire be kept in an exceptionally well-maintained condition and all relevant statutory requirements shall be fully complied with.

2. Alteration Of Vehicle

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

3. Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances. Such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

Where a ramp or ramps are used to facilitate access into the vehicle, they must be fitted/carried in the vehicle at all times and must be identified with the vehicle registration number.

4. Interior Identification Marking

The proprietor shall cause to be clearly displayed inside the vehicle in such a position as to be visible at all times to persons conveyed therein the internal comment card and at the top of each rear passenger door window a window sticker as supplied by the Council indicating the vehicle identification number and contact details for the Council.

5. Interior Lighting

There shall be maintained in the vehicle adequate internal lighting to enable passengers to enter and leave the vehicle with safety.

6. Convictions

An annual basic DBS disclosure certificate is required for each proprietor/partner/director of a licensed vehicle unless they are already a licensed driver subject to bi-annual DBS enhanced disclosure checks.

The proprietor shall within seven days disclose to the Council in writing details of any convictions and/or caution imposed on them or, if the proprietor is a company or partnership, on any of the directors or partners during the period of the licence.

7. Change Of Address

The proprietor shall notify the Council in writing of any change of his address that appears on the licence during the period of the licence within seven days of such change taking place.

8. Identification Plate

The plate, loaned by the Council, identifying the vehicle as a hackney carriage and required to be exhibited on the vehicle pursuant to the Byelaws With Respect To Hackney Carriages shall be securely fixed to the rear of the vehicle in a conspicuous position duly approved by the Council and in such manner, using the fixings supplied by the Council, unless the vehicle has a purpose built plate display/fixing location, so as to be easily removable by an Authorised Officer of the Council or a Constable.

9. Signs, Notices Etc.

No signs, notices, advertisements, video or audio display, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision (including Byelaws) or required or

permitted by these conditions, provided however, that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign, approved and located in accordance with the directions of the Council which is displayed in, on, or from the vehicle.

Without prejudice to the generality of the foregoing, the proprietor shall unless exempted in writing cause to be affixed and maintained on the outside of the vehicle:-

- A door sign of such design and appearance as may be approved and supplied by the Council to be located on the nearside and offside front doors of the vehicle.
- A roof sign displaying the word TAXI in letters of a minimum height of 79mm (standard vehicle number plate lettering) shall be fixed to the roof of the vehicle and shall be maintained and connected to the taxi meter and "for hire" sign and capable of being illuminated in such a manner as to indicate clearly to persons outside the vehicle whether or not the vehicle is for hire. The roof sign shall be of a minimum width of 60cms (24") except in the case of vehicles where the roof sign is incorporated into the design and structure of the vehicle.
- A front identification sign as may be approved and supplied by the Council.

Note: The use of magnetised signs is not permitted

Without prejudice to the generality of the foregoing condition any advertisement shall not be allowed or affixed without the prior approval of the Council and specifically shall not:

- be affixed to any window of the vehicle; and
- be affixed to any door or panel on which the roundel or sign referred to these conditions is located.

The proprietor or such person in charge of the vehicle when requested to do so by an Authorised Officer of the Council shall return to them, any identification plate, sign, door sign, badge, emblem or device.

If any proprietor or such person in charge of the vehicle fails without reasonable excuse to comply, an Authorised Officer of the Council shall be entitled to remove and retain any identification plate, sign, roundel, badge, emblem or device.

The proprietor shall notify the Council of the loss or theft of any identification plate, door sign, sign, or notice relating to the private hire vehicle as soon as the loss becomes known and in any case within two working days.

10. Table Of Fares

There shall be displayed within the vehicle for the information of passengers a current table of fares approved and supplied by the Council and kept in such a position as to be easily visible to passengers.

11. Transfer Of Interest

The proprietor shall notify the Council in writing online, giving the name and address of the new proprietor, within 14 days if he transfers his interest in the vehicle to another person.

12. Accident Notification

The proprietor shall notify the Council as soon as practicable, or in any case within 72 hours of any accident which results in damage to the vehicle. The Council's online 'Notification of Accident' form must be completed for each notification.

13. Insurance

The vehicle shall have a current valid Policy of insurance at all times appropriate to the use authorised by this licence.

If the vehicle is off the road and uninsured at any time, the proprietor must inform the Council in writing as soon as practicable but in any event within 72 hours.

14. Change Of Engine

The proprietor must notify the Council, in writing, within 7 days if the vehicle engine is changed. Such notification shall include details of the new engine number.

15. Letting/Leasing Of Vehicles

The proprietor shall not let or hire the vehicle identified in this licence to any other person, other than a fare paying passenger, without first notifying the Council in writing. Note: the proprietor will still be jointly responsible for the vehicle should a leasing arrangement be entered into.

Appendix K Byelaws With Respect To Hackney Carriages

BYELAWS made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Council of the Borough of Stockton-on-Tees with respect to hackney carriages in the Borough of Stockton-on-Tees.

Interpretation

Throughout these Byelaws "the Council" means the Council of the Borough of Stockton-on-Tees and "the district" means the Borough of Stockton-on-Tees.

Provisions Regulating The Manner In Which The Number Of Each Hackney Carriage Corresponding With The Number Of Its Licence, Shall Be Displayed

- a) The proprietor of a hackney carriage shall cause plates displaying the number of the licence granted to him in respect of the carriage to be affixed on the inside of the carriage and at the rear on the outside thereof.
- b) A proprietor or driver of a hackney carriage shall:
 - not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

Provisions Regulating How Hackney Carriages Are To Be Furnished Or Provided

The proprietor of a hackney carriage shall provide an efficient fire extinguisher, which shall be carried in such a position as to be readily available for use.

The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached, and maintained as to comply with the following requirements, that in to say

- (a) the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word. "HIRED" to appear on the face of the taximeter;
- (b) such key or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions Regulating The Conduct Of The Proprietors And Drivers Of Hackney Carriages Plying Within The District In Their Several Employments And Determining Whether Such Drivers Shall Wear Any And What Badges

The driver of a hackney carriage provided with a taximeter shall:-

- a) when standing or plying for hire, keep the key or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer.

A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

The driver of a hackney carriage shall, when plying for hire in any street and not actually hired,

- a) proceed with reasonable speed to one of the stands appointed by the Council under the provisions of Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.
- b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
- c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
- d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than specified on the plate affixed to the outside of the carriage.

If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

The driver of a hackney carriage shall:

- a) afford all reasonable assistance with the luggage of any person hiring or seeking to hire the carriage;
- b) at all times behave in a civil and orderly manner;
- c) take all reasonable steps to ensure the safety of persons conveyed in, entering or alighting from the carriage driven by him;
- d) not without the express consent of the hirer, smoke, drink or eat whilst driving the carriage;
- e) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the carriage other than for the purpose of sending or receiving messages in connection with the operation of the carriage;
- f) at no time cause or permit the noise emitted by any radio or other said instrument or equipment in the carriage which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the carriage, and
- g) not convey in the carriage any animal belonging to him or in his custody or in the custody of the proprietor of the carriage.

Provisions Concerning The Rates Or Fares To Be Paid For Hackney Carriage Within The District And Securing The Due Publication Of Such Fares

The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council under the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

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

- a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council under the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions Securing The Safe Custody And Re-Delivery Of Any Property Accidentally Left In A Hackney Carriage

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

The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him, carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner to a Police Station in the District.

Penalties

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

Repeal Of Byelaws

The Byelaws relating to hackney carriages which were made by the Mayor Lidermen and Burgesses of the Borough of Teesside on the 14th day, of January 1969 and which were confirmed by one of Her Majesty's Principal Secretaries of State on the 12th day of March 1969 are hereby repealed.

This is a true copy of the Byelaws with respect to Hackney Carriages made by the Council of the Borough of Stockton-on-Tees and confirmed by the Secretary of State for the Home Department on 13th February 1981 and that the date fixed by him for the coming into operation of the Byelaws was 1st April 1981.

Appendix L CCTV In Vehicles

The hackney carriage and private hire trades are encouraged to build good links with the local Police force, including participation in any Crime and Disorder Reduction Partnerships and the Council look sympathetically on, and actively encourage, the installation of security measures such as a screen between driver and passenger or CCTV systems as a means of providing some protection for drivers.

It is not proposed that such measures should be mandated as part of the licensing regime at this time, it is considered that they are best left to the judgment of the proprietors and drivers themselves.

The proprietor of any vehicle with inward facing CCTV must notify the Council and display a sign approved by the Council advising passengers that a CCTV system is in operation in the vehicle. Where CCTV is in place there is an expectation that it is in working order when passengers are being carried.

As CCTV is not currently mandatory it shall be the proprietor's responsibility to comply with Data Protection legislation and the vehicle proprietor will be the data controller.

The CCTV recording must be available for viewing by a Police Officer or an Authorised Officer of the Council on request. Any failure to comply with this request will be reported to the Council for consideration of the appropriate action to be taken.

Any reports of misuse of CCTV or recorded images may result in the immediate suspension of both the vehicle and driver licences and/or referral to the Licensing Committee for consideration as to any disciplinary action.

The Department for Transport have issued the following guidance on the use of CCTV in licensed vehicles. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime
- reducing the fear of crime;
- assisting the Police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

CCTV systems that are able to record audio as well as visual data should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers) drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

It is important that data controllers fully consider concerns regarding privacy and should consider how systems are configured. For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Data controllers should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the Police if investigating an alleged crime or the Licensing Authority if investigating a complaint or data access request. Encryption of the recording to which the vehicle proprietor, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other

potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

The Home Office 'Surveillance Camera Code of Practice' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and
- compliant with any relevant legal obligations.

The Code also sets out 12 guiding principles under section 33(5) of the Protection of Freedoms Act 2012, vehicle proprietors must have regard to as the 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in Court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its 'Passport to Compliance' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code.

The Information Commissioner's Office (ICO) has also published a code of practice which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles.

The SCC provides a self-assessment tool to assist operators to ensure compliance with the principles set of in the Surveillance Camera Code of Practice. The SCC also operate a certification scheme; system operators that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The Data Protection Act 2018 regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Vehicle proprietors, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access and to erasure. The ICO has provided detailed guidance on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in guidance that if there is any doubt

as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

Appendix M

Vehicle Testing Arrangements

Note: This document is for guidance only and should be read together with the current Policy and vehicle conditions and the Driver and Vehicle Standards Agency (DVSA) publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing'.

It shall be the proprietor's responsibility to ensure that their licensed vehicle(s) is roadworthy, maintained to the Council's standards and specifications and is fit for hire and reward purposes at all times. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. If in the opinion of the vehicle examiner the vehicle has not been fully prepared, the test will be terminated and the vehicle failed. Proprietors failing to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended or revoked by the Council.

The following parts of the vehicle will be examined and records made:

- Vehicle Identification Number - Not more than one different identification number should be present on a vehicle first used on or after 1st August 1980. However, the same number may be displayed in more than one place.
- Engine Number - Recorded
- Registration Plate - Condition, security, legibility and format of letters/numbers.
- Lighting And Signalling Equipment - Condition, operation, security and correct colour. Aim of headlamps correct.
- Steering and Suspension - Correct condition and operation.
- Wipers/Washers - Operate to give the driver a clear view of the road.
- Windscreen - Condition and driver's view of the road.
- Horn - Correct operation and type.
- Seatbelts - All seatbelts installed are checked for type, condition, operation and security. All compulsory seatbelts must be in place.
- Seats (including any swivel seat when fitted) - Security and condition. Front and rear backseats can be secured in the upright position. Clean, free from rips or tears. Colour match.
- Fuel System - No leaks, fuel cap fastens correctly and seals securely. The fuel cap will need to be opened so make sure the key is available.
- Exhaust Emissions - Meets the requirement for exhaust emissions. These vary on the age and fuel type of the vehicle
- Exhaust System - Complete, secure, without serious leaks and silences effectively.
- Vehicle Body And Structure - Free from corrosion or damage. No sharp edges. Exceptionally well maintained.
- Doors - Open and close. Latch securely in closed position. Front doors should open from inside and outside the vehicle. Rear doors may need to be opened to gain access to testable items.
- Mirrors - Presence, condition and security.
- Wheels and Tyres (includes spare) - Condition, security, tyre size/type and tread depth.
- Brakes - Condition, operation and performance (efficiency test). Wheels are not removed during the test. The tester only examines what they can see, reach or feel.
- Vehicle Interior - Clean and exceptionally well maintained.
- Vehicle Exterior - Uniform colour. No sharp edges. Exceptionally well maintained.
- Glass - Windscreen and front windows - minimum 75% & 70% light transmittance (unless exemption certificate issued).
- Fire Extinguisher - Present, correct type, gauge fitted, BS / EN number present. Identification mark.
- First Aid Kit - Present, complete and suitable identification mark.
- Meter (if fitted) - Must be sealed. Meter number is recorded. Accuracy is checked.

- Spare Wheel - Present, above legal limit. Same tyre size as other tyres. Space-saver of approved type.
- Wheel-brace & Jack - Present.
- Luggage Accommodation - Compartment clean, empty and appropriate luggage grill / guard fitted.
- Interior Trim - Clean, free from rips or tears.
- Floor Covering - Clean. No obstructions.
- Licence Plates - Present. Securely attached to vehicle. Correct location on vehicle. In satisfactory condition.
- Signs / Window Stickers - Present. Fitted correctly. In satisfactory condition, information legible.
- For Hire Sign - Present. Works in conjunction with meter and roof-sign
- Roof Sign (if required) - Present. Correct type and size for type of vehicle. Lettering correct size. Works in conjunction with meter and for-hire sign.
- Advertising - Must be approved. Present on body panels other than front doors only.
- Fare Table (Dashboard/Partition) - Present. In satisfactory condition. Most recent issue.
- Interior Door Locks (Purpose built cabs only) - Work in conjunction with footbrake.
- Ramps - Present. Stored securely. Marked with vehicle identification.
- Odometer - Connected. Working. Reading recorded.
- Oil And Water Leaks - No oil or water leaks.
- Towbars and Trailers - Conditions and Suitability.

Appendix N

Private Hire Vehicle Exemption Notice Conditions

General Conditions

The proprietor shall be exempt from the requirement to display the private hire vehicle identification plates and door signs issued by the Council during the period of exemption.

Any driver of the private hire vehicle subject to this exemption notice shall be exempt from the requirement to wear the private hire driver badge issued by the Council whilst acting as the driver of the vehicle.

The private hire driver badge shall be carried on the driver's person at all times and be produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.

The proprietor shall ensure that the small private hire vehicle licence identification plate issued by the Council is displayed within the nearside of the front windscreen at all times.

The 'Exemption Notice' issued by the Council in respect of the licensed private hire vehicle shall be carried within the vehicle at all times and presented for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.

Other than the Council's small licence identification plate, internal comment card and driver identification badge; the proprietor shall not display in, on or from the vehicle any advertisement, sign, logo or insignia advertising the operating company or promoting the vehicles' status as a licensed private hire vehicle, without the prior written approval of the Council.

The private hire vehicle licence identification plate issued by the Council shall be carried in the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.

No taximeter shall be displayed within the vehicle at any time.

No table of fares/tariff cards shall be displayed in the vehicle at any time.

The proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a chauffeur's uniform or 'business type' suit when the vehicle is hired.

The proprietor shall inform the hirer that an exempted vehicle will be used for each individual booking.

The proprietor shall notify the Council within 7 days in writing if there is any material change in the nature of the use of the vehicle during the period of exemption.

The Exemption Notice shall not be granted for a period of more than one year and shall expire upon the expiry of the private hire vehicle licence.

Additional Conditions

The proprietor of any executive hire vehicle wishing to take advantage of the exemption limiting the window tint should not be engaged in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years). The driver must not act as the accompanying adult. Further, the operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle with tinted windows will be supplied.

Appendix O

Horse Drawn Carriages (Landaus) And Drivers Conditions

1. The proprietor of any licensed carriage shall ensure that the Conditions of Hackney Carriage Vehicle Licence are complied with together with the following additional conditions:-

The Vehicle - External Construction And Markings

2. The vehicle shall be purpose built and suitable for the carriage of passengers.
3. The vehicle and tack shall be inspected and approved as appropriate for use as a hackney carriage prior to licensing and then at six monthly intervals by an examiner approved by the Council.
4. Licensed carriages including all its fittings and equipment must at all times be maintained in a good condition and be kept clean and tidy. This includes the following examples which are for reference only and does not constitute a definitive list of matters that may be considered to evaluate whether a carriage is in a good condition:
 - Body shell/paintwork – free from rust, broken metal and other visible damage.
 - Door hinges – shall be in good working order and to be seated correctly when closed.
 - The carriage/horse must be fitted with such equipment as to be able to collect and retain horse manure, water and feed for the animal.
 - All tack and fixtures must be kept in good order and be available for inspection by Authorised Officers.

The Vehicle - Internal Construction And Markings

5. The carriage shall meet the following minimum measurements:-
 - Seats (length) – the shortest distance between the front and back of a seat (i.e. from the back rest to the front edge) must not be less than 450mm.
 - In the case of rear facing seats, the distance between the backs of facing seats shall not be less than 1520mm. In all other cases the distance between the back rest of the seat and any facing obstruction must not be less than 760mm.
 - Seats (width) – The shortest distance between the edges of a seat shall be no less than 400 mm. Where the rear passenger seating area is divided into individual seats by way of formed cushions or other similar divide and, in the opinion of an Authorised Officer , affect the comfort of a passenger, the above measurement shall be ascertained by measuring the distance between seatbelt anchorages (if applicable).
6. Floor and seat coverings shall be kept in good condition and be free of holes, stains or other damage at all times.
7. A safe means of access and egress from the vehicle (e.g. a step and secure hand holds) shall be provided
8. Blankets shall be provided for the comfort of passengers.

The Vehicle - Additional Conditions

9. A vehicle licence applies solely to the vehicle specified on the licence and will be valid for a period of one year.
10. Each carriage shall be fitted with a tag, mark or similar device carrying a unique identification number.
11. The licensed carriage shall display a front and rear licence plate as instructed by the Council.
12. The licence and associated plates shall remain the property of the Council at all times.
13. The proprietor of a licensed vehicle shall:

- Produce the licensed vehicle for inspection at the request of any Authorised Officer or Police constable.
- Comply with any reasonable request made by an Authorised Officer or Police constable in respect of that vehicle.
- The carriage must have a valid Policy of insurance in respect of use as a hackney carriage; third party risks and a minimum of £5,000,000 public liability insurance.
- The carriage may only be used on previously approved routes and waiting and pick up locations will be subject to approval by the Council.

The Horse

14. The horse(s) must be a minimum of three years old.
15. A Veterinary Certificate signed by a Veterinary Surgeon approved by the Council stating that each horse is fit to carry out the work required of it, shall be submitted to the Council as part of the application process.
16. Horses must be appropriately shod at all times.
17. If a horse is considered to be lame, or in any other way unwell so as to affect the ability of the horse to carry out the function, it shall be removed from service immediately.
18. Horses must be provided with regular access to drinking water and food.
19. The horse(s), and its associated tack, must be examined and passed as fit for the task involved, by a Council appointed qualified veterinary surgeon who may also advise the authority on the maximum number of hours that a horse may work.
20. The Local Authority shall require the horse(s) to be examined by a Council appointed qualified veterinary surgeon on an annual basis, at time of renewal of the licence and at the licence holder's expense.
21. Certified horses should be easily identified by means of microchip or permanent marking.
22. The horse(s) must have a current passport.
23. The horse(s) should be stabled in appropriate accommodation with access for inspection at all reasonable times.
24. Any horse used in any one day as a horse drawn carriage horse shall not be used during that day for any other purpose.
25. No horse(s) shall be used for drawing a carriage during the hours of darkness.
26. Sufficient horses must be provided to draw the licensed carriage for the period of intended use.

The Driver

27. The driver of the carriage must be a licensed hackney carriage driver and produce the following additional certificates before driving the carriage:
 - Suitable qualification demonstrating a knowledge of the most common horse ailments and basic knowledge of the horses general needs/requirements
 - Road Driving Certificate issued by either the British Driving Society or the Heavy Horse Training Committee, passing the driver as capable of handling the horse and carriage under highway conditions.

Fares

28. The Council must be notified of and agree the fares to be charged for each approved route.
29. Fares shall not be varied without prior approval of the Council.
30. A table of authorised maximum fares shall be displayed in each carriage so that it is easily visible to the hirer.

Appendix P

Private Hire Operator Licence Conditions

1. Planning Approval

The Operator shall ensure that any premise from which he intends to operate has been granted the appropriate planning approval for such operation prior to commencing business. If the planning consent is time restricted, it is the operator's responsibility to ensure that a new permission is applied for prior to the current planning permission expiring.

2. Records

The record required to be kept by the Operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall either be kept in a suitable book duly approved by the Council, the pages of which shall be numbered consecutively and dated, or on a suitable computerised record system previously approved by the Council, and the Operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him/her, such entries to be made in strict chronological order with each entry immediately following the preceding entry;

- The time and date of the booking and how made (i.e. telephone, personal call etc.).
- The name and address of the hirer (if given), date and time of pick-up.
- The point of pick-up.
- The destination.
- The time at which a driver was allocated and the registration number of the vehicle allocated for the booking and the name of the driver.
- Number of passengers to be carried (when known).
- Amount to be charged for hiring where requested or agreed.
- Any variation in the original contract must be recorded

The Operator shall also keep records of the particulars of all private hire vehicles operated by him/her, which particulars shall include details of the proprietors, registration numbers and drivers of such vehicles, together with any radio call sign used. The Operator shall also keep records of all desk clerks employed by him/her.

The Operator shall notify the Licensing Section within two working days when any vehicle ceases to be in his/her employ, or any vehicle commences in his/her employ.

All records kept by the Operator shall be preserved for a period of not less than one year following the date of the last entry.

3. Standard Of Service

The Operator shall provide a prompt, efficient and reliable service to members of the public and for this purpose shall in particular:

- Ensure that when a private hire vehicle has been hired to attend an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
- Keep clean, adequately heated, ventilated and lit any premises which the Operator provides and to which the public have access, whether for the purpose of booking or waiting.
- It is not considered appropriate for novelty vehicles and/or stretched limousines to be used for standard hirings and Operators shall only send such a vehicle when it has been specifically requested by the hirer.

4. Fares

The fare to be charged and/or the method of determining the same by Private Hire Operators shall be agreed with the hirer at the time of booking.

The method of calculation of fares shall not consist of the "round trip" or "office to office" method. The Council expects Operators to charge a reasonable fare for each hiring.

When taximeters are to be used the Operator must notify the Council of the fare rate and any subsequent changes made to that fare rate during the period of this licence.

5. Taximeters

Where any vehicle operated by him/her is fitted with an approved taximeter, the Operator shall ensure that the taximeter is set to the fare rate notified to the Council and properly sealed in accordance with Council Policy.

6. Facilities For Passengers

The Operator shall ensure that where any passenger waiting area or room is provided, it is kept physically separate from any driver rest area and operations room.

The Operator shall, where a waiting area or room is provided for the use of passengers or prospective passengers:

- Provide adequate seating for the use of those passengers or prospective passengers.
- Ensure that such a room or area is kept clean, adequately heated, ventilated and lit.
- Ensure that the interior and exterior of the premises is kept in good repair, to the satisfaction of the Council.
- Ensure appropriate public liability insurance has been taken out for premises that are open to the public and produce evidence of this on request.

7. Animals

The Operator shall ensure that a driver shall not carry in a private hire vehicle any animal belonging to, or in the custody of, themselves or the proprietor or operator of the vehicle.

The Operator shall advise the driver that any animal belonging to or in the custody of any passenger may, at the driver's discretion, be conveyed in the rear of the vehicle.

NOTE:

This discretion does not apply to a disabled persons' guide, hearing or assistance dog which must be carried in a private hire vehicle without any additional charge, unless the driver holds a Certificate of Exemption on medical grounds issued under the Equality Act 2010.

8. Complaints

The Operator shall immediately upon receipt, notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the Operator has taken or proposes to take in respect thereof. The Operator shall also notify the complainant of his/her right to forward the complaint to the Council.

All complaints shall be investigated immediately by the Operator, and the complainant notified of the outcome within a reasonable time. Where a complaint is investigated by an Authorised Officer of the Council, the Operator shall conform to any reasonable directions of the Officer in respect of that complaint.

9. Change Of Address

The Operator shall advise the Council in writing of any change of any correspondence address that appears on the licence within 7 days of such a change taking place. If an Operator wishes to change the base from which they operate they shall obtain written approval from the Council prior to any change taking place.

10. Convictions

An annual basic DBS disclosure certificate is required for Operators or if the operator is a company or partnership each partner/director of that company unless they are already a licensed driver subject to bi-annual DBS enhanced disclosure checks.

The Operator shall within seven days disclose to the Council in writing details of any conviction or caution imposed on him/her (or if the Operator is a company or partnership, on any of the directors or partners) during the period of the licence.

11. Vehicle And Driver Licences

The Operator shall not operate any private hire vehicle if a current licence issued by the Council is not:

- in force for the vehicle under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976; or
- held by the driver under Section 51 of the said Act.

12. Touting Etc.

The Operator shall not:-

- tout or solicit on a road or other public place any person to hire or be carried out for hire in any private hire vehicle; or
- cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle.
- In this condition, road means any highway and any other road to which the public has access, including bridges over which a road passes.

13. Parking

Where adequate off-street parking is not available at the address identified on this licence the Operator shall identify in writing to the Council specific locations as bases where they would park their vehicles when waiting for bookings.

14. Operator Licence

Operators shall operate wholly from those premises specified on the licence. These premises must be in the controlled district of the Council. If an operator wishes to change the base from which they operate they shall seek written approval from the Council prior to any change taking place.

The Operator shall display a copy of this licence in a conspicuous position at the licensed premises.

A private hire operator licence is not transferable and operators must notify any proposed changes, substitution or removal of the person(s) authorised to operate under the terms of the licence to the Council immediately in writing prior to the changes taking place.

15. Booking And Dispatch Staff

Operators are required to keep a register of all staff that take bookings or dispatch vehicles. Operators are required to evidence that they have had sight of a Basic DBS check on all individuals on the register upon commencing appointment and then once every 3 years. DBS certificates provided by the individual should be no more than 28 days old when submitted and this should be evidenced. A record that the operator has had sight of a basic DBS certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate shall be requested and sight of this recorded.

16. Policy On Employing Ex-Offenders

Operators are required to produce and provide a Policy on employing ex-offenders in booking and dispatch roles. This should include as part of their employment contract, a requirement on staff to advise the operator of any convictions while they are employed in this role. Operators shall ensure any staff employed are compatible with their policy on employing ex-offenders. Operators shall have regard to the assessment of previous convictions annexed to the Statutory Taxi and Private Hire Vehicle Standards when preparing their policy on the employment of ex-offenders.

17. Outsourcing Booking And Dispatch Functions

Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators are required to evidence that comparable protections are applied by the company to which they outsource these functions.

18. Use Of Passenger Carrying Vehicles (PCV) Licensed Drivers

The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking is not permitted without the informed consent of the booker.

Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

19. Data Protection

Operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Appendix Q

Staying Safe - Guidance For Passengers

To contact the Licensing Service please telephone 01642 524802 or email licensing.administration@stockton.gov.uk

What Is The Difference Between A Taxi And A Private Hire Vehicle?

- Taxis are Hackney Carriages and are licensed to pick people up from the roadside, i.e. hailing a cab and can operate from any designated Hackney Carriage Stand (ranks) within the Borough.
- Private Hire Vehicles are only permitted to pick up pre-arranged bookings and are not permitted to pick people up from the side of the road.
- Both vehicle and driver must be licensed, with the same Local Authority and a Private Hire Vehicle must operate through a licensed Private Hire Operator.

How To Identify A Licensed Vehicle In Stockton On Tees?

All licensed vehicles in Stockton on Tees display Stockton Council Logo door stickers, on both front doors, a front identification plate and a rear identification plate. The rear identification plate will also show the expiry date of this licence.

A Stockton Council licensed taxi/hackney carriage is:

- All black in colour.
- Displays yellow front door stickers.
- Displays yellow front and rear identification plates.
- Has a roof sign, showing the word 'Taxi'.
- A Stockton Council licensed private hire vehicle is:
- Any colour, other than black.
- Displays white front door stickers.
- Displays white front and rear identification plates.
- Does NOT have a roof sign.

Driver and vehicle numbers are displayed in the front windscreen of all Stockton licensed vehicles and on window stickers in all passenger windows.

How To Use A Taxi / Hackney Carriage Within The Borough Of Stockton

- Go to a designated rank, there are ranks throughout the Borough.
<https://www.stockton.gov.uk/our-council/public-and-community-transport/taxi-and-private-hire-cars/>
- Hail a licensed vehicle in the street.
- Pre-book directly with the driver or through a licensed operator.
- The fare will be charged based on the meter reading. When a journey ends outside the Council's area a fare greater than that shown on the meter may be charged but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare can be charged. Failure to comply with this is an offence.
- Ensure the meter is not running when you enter the vehicle.
- Confirm your destination point before you enter the vehicle.
- Note the vehicle and driver licence numbers when you enter the vehicle.

How To Use A Private Hire Vehicle

- Pre-book with a licensed operator via phone, app, online or at their office.
- A register of licensed operators can be found at <https://www.stockton.gov.uk/our-people/licensing/>
- A record is kept of your journey, your driver and the vehicle.
- Confirm the pick-up point and drop off points at the time of booking.
- Confirm the fare to be charged at the time of booking.
- When the driver arrives confirm your booking, before you enter the vehicle.

- Note the vehicle and driver licence numbers when you enter the vehicle.

Safety Points When Travelling, Especially Alone

- Sit in the back of the vehicle, behind the driver.
- Let a third party know details of your journey, when you set off and when you expect to arrive.
- Confirm the vehicle and driver licence numbers to the third party, if possible.
- It's not safe to get in an un-booked Private Hire Vehicle and it's illegal for the driver to pick you up if you haven't booked in advance. There is no record of the journey and you could be putting yourself at risk.

Remember:

- Charge your phone before you go out so you can call a taxi/private hire operator.
- Ask the price of the fare when booking. If you've confirmed a price over the phone, the driver shouldn't charge you anymore.
- Don't wait for your taxi alone, make sure your friends wait with you.
- Don't let a drunk friend travel alone, even in a pre-booked private hire vehicle.

Making A Comment/Complaint About A Driver/Vehicle/Operator

If you wish to make a complaint about a driver, vehicle or operator then you need to contact the Local Council, with whom they are licensed. You can submit your comment/complaints regarding a Stockton licensed driver, vehicle, or operator by telephone or via email as detailed above.

An online comment/complaint form is also available on our website at;

<https://www.stockton.gov.uk/our-people/licensing/>

We will ask you for your name, address and contact details. This information is not disclosed.

Please try to have as much information as possible to allow the Council Officers to fully identify the driver/vehicle/operator and conduct a comprehensive investigation.

Note down as much information as you have, including:

- Vehicle number - This is on the front and rear plates, front door stickers, inside the windscreen and on all passenger windows of the vehicle.
- Driver badge number - This is on the driver's person and inside the windscreen.
- Date and time of booking and journey.
- Document an account of the incident as soon as possible to ensure an accurate account of what happened and when.

When you make your complaint, the details will be referred to an Officer, who will contact you to discuss the complaint further. You may be asked to provide written statement; the purpose of a witness statement is to provide written evidence to support the complaint that may be used as evidence.

Depending on the severity, it is possible that the complaint may be escalated to the Licensing Committee for them to determine what action to take. If this is the chosen route, then you may be asked to attend the committee hearing to provide your evidence in person.

The Licensing Committee have the powers to revoke a driver, vehicle or operators licence, which means that they will no longer be able to carry out licensable activity within the Borough of Stockton-on-Tees.

If this is deemed the appropriate course of action, then the driver does have a right of appeal to the Magistrates Court. If the driver exercises his/her right of appeal, you will be asked to attend Court as a witness to your complaint.