



# Hastings Borough Council Hackney Carriage & Private Hire Licensing Policy



Hastings Borough Council

Hackney Carriage and Private Hire Licensing Policy

Hastings Borough Council (HBC) licences Hackney Carriage (taxi) and Private Hire drivers, vehicles and operators. HBC has adopted the relevant provision of the Local Government (Miscellaneous Provisions) Act 1976 together with the Town Police Clauses Act 1847 and the Public Health Act 1875

Implementation date: 2021 Review 2026

Table of contents	
1.0	<a href="#">Introduction</a>
2.0	<a href="#">Definitions</a>
3.0	<a href="#">Vehicles</a>
4.0	<a href="#">Drivers</a>
5.0	<a href="#">Private Hire Operators</a>
6.0	<a href="#">Fees</a>
7.0	<a href="#">Fares</a>
8.0	<a href="#">Disciplinary &amp; Enforcement Measures</a>
APPENDICES	
A	<a href="#">Licence application procedures</a>
B	<a href="#">Transfer of a licensed vehicle to new proprietor</a>
C	<a href="#">Vehicle specifications and conditions</a>
D	<a href="#">Dual driver conditions</a>
E	<a href="#">Operator licensing conditions</a>
F	<a href="#">Guidelines relating to the relevance of Previous convictions</a>
G	<a href="#">Hackney Carriage and Private Hire licensing enforcement policy</a>
H	<a href="#">Additional conditions relating to stretch Limousines</a>
I	<a href="#">Standards for insulin treated diabetes</a>
J	<a href="#">Scale of Penalty points</a>
K	<a href="#">Hackney Carriage Byelaws</a>
L	<a href="#">Dress Code</a>

Environmental Health and Licensing Team [Licensing@Hastings.gov.uk](mailto:Licensing@Hastings.gov.uk)

## 1. INTRODUCTION

1.1.1 Hackney Carriage (HC) and Private Hire Vehicles (PHV) have a specific role to play in an integrated transport system. They can provide services in situations where public transport is either not available (for example in rural areas), or outside “normal” hours of operation (such as in the evenings or on Sundays), and / or for those with mobility difficulties. Taxi and Private Hire Vehicles play an integral part in the dispersal of customers and staff of the night-time economy. Many also undertake contract work transporting vulnerable people to schools and colleges.

Licensing requirements which are unduly stringent may hinder the supply of HC and PHV services, by increasing the cost of operation or restricting entry to the trade. Hastings Borough Council recognises that an unduly restrictive approach may be detrimental to the public interest and could have adverse safety implications.

For example, it is important that a member of the public using a HC or PHV to travel alone late at night, can be confident the driver is “fit and proper” and the vehicle is safe. However, on the other hand if the supply of HC or PHVs has been unduly constrained by onerous licensing conditions, then that person’s safety might be put at risk by having to wait on streets late at night for a HC or PHV to become available.

1.1.2 The Council’s authority to regulate the Hackney Carriage and Private Hire trade is through the adoption of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) and the Town and Police Clauses Act 1847 (as amended).

1.1.3 The Council licenses the following;

- Hackney Carriage Vehicles and Drivers
- Private Hire Vehicles and Drivers
- Private Hire Operators

1.1.4 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 ranks or be hailed in the street by members of the public.

1.1.5 Private Hire Vehicles (PHV) must also have no more than 8 passenger seats but these must be booked in advance by customers through an operator and may not ply for hire in the street or stand at ranks.

1.1.6 A Private Hire operator makes provision for the acceptance of bookings for Private Hire Vehicles.

1.1.7 The requirements of the Acts are that the Council must be satisfied that a vehicle is suitable in type, size and design for use as a Hackney Carriage or Private Hire Vehicle and is in a suitable mechanical condition, safe and comfortable.

1.1.8 Concerning drivers, the 1976 Act requires the Council to be satisfied that the applicant is a fit and proper person to hold a licence.

1.1.9 The Policing and Crime Act 2017, enables the Secretary of State for transport to issue statutory guidance on taxi and Private Hire licensing functions for the purpose of

protecting children and vulnerable adults from harm when using taxi and Private Hire services.

1.1.10 In July 2020, the Secretary of State for Transport issued such statutory guidance, in the form of Statutory Standards. Licensing Authorities are expected to implement these unless there is a compelling local reason not to do so.

1.1.11 In addition to statutory requirements, the Council may attach conditions to licences as it considers reasonably necessary.

## **1.2 Aims of policy**

1.2.1 The fundamental aim of this policy is the protection of the public. It aims to ensure that licensed vehicles are safe, comfortable, insured and are driven by safe, professional and competent drivers.

1.2.2 The Council looks to well-run and responsible businesses that provide a professional service to the public.

1.2.3 The policy sets out the minimum requirements for licensing drivers, vehicles and operators that will be implemented through the licensing regime to achieve these aims. In setting conditions, it is recognised that these should not be unduly stringent, to the extent that entry to the trade is restricted or operational costs are increased such that supply of Hackney Carriage and Private Hire services is restricted. Such a restrictive approach may have a detrimental impact on the public, including safety.

1.2.4 For example, it is clearly important that somebody using a taxi to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or Private Hire Vehicles has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

1.2.5 The cost of a licensing requirement therefore needs to be considered in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment is undertaken, but that broadly the costs of introducing a licensing condition is weighed against the benefit it is intended to achieve.

1.2.6 Enforcement matters will be addressed with transparency and fairness but robustly when dealing with serious and / or repetitive issues of non-compliance and enforcement.

1.2.7 All decisions are made "on the balance of probability", given that public safety is paramount, applicants and licensees will not be given the benefit of the doubt in 50/50 cases.

1.2.8 In exercising its discretion in carrying out its regulatory functions, the Council shall have regard to this policy document as an aid to consistent decision making.

1.2.9 The policy represents the Council's view on the best approach to achieving its aims, and so in normal cases it is expected that this policy will be followed. However,

each case will be considered on its merits. Should a decision depart from this policy then there will be clear, documented reasons for doing so.

1.2.10 Licence holders and potential applicants are strongly advised to be familiar with this policy as it sets out considerations and criteria the Council uses when determining applications, as well as the standards that are expected of licence holders. This should help minimise the likelihood of refused applications or enforcement action.

### **1.3 Preparation, implementation and review of this policy**

1.3.1 In preparing this policy, account was taken of the following:

- “Taxi and Private Hire Vehicle Licensing – Best Practice Guidance” (Department of Transport (DfT)– 2010).
- Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades (Institute of Licensing April 2018).
- Access for wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance (Department for Transport 2017).
- Statutory Taxi and Private Hire Vehicle Standards (Department for Transport DfT July 2020).

1.3.2 Consultation was also undertaken for a six week period, published on the council’s website and advertised on all council social media. An email containing the policy and other information was also sent to all members of the taxi trade

**The Policy was presented to Environment and Safety Committee on 20th May 2021**

**This Policy Comes into effect on XXXXXXXXXXXXXXXX under a transitional period**

1.3.3 The Council will review its policy at least every 5 years, and at other times should an issue arise that gives need for a review.

[Minor amendments to this Guidance/Policy required for example by virtue of legislative change or administrative procedural change may be made by the Environmental Health and Licensing Manager / Lead Officer - Licensing in consultation with the Chair of the Environment & Safety Committee and the Lead Portfolio holder with responsibility for Licensing. The term Environmental Health and Licensing Manager should be considered as applying to powers conferred to the manager or their nominated representative.](#)

Significant amendments to the Guidance will require a full public consultation prior to consideration by the Environment & Safety Committee. Significant amendments include those that will have a significant procedural or financial impact on applicants, licence holders or the public and those which are inconsistent with the Guidance objectives. [Any changes to the licensing requirements will be followed by a review of the licences currently issued. If requirements are changed regarding vehicle specification or licence holders will need to undertake additional training, then reasonable time will be allowed for these changes to take place. Where a more subjective change has been introduced, for example an amended policy on previous convictions, the licensing authority will consider each case on its own merits. Where there are exceptional, clear, and compelling reasons to deviate from a policy, the licensing authorities will consider doing so.](#)

## 1.4 Publication of Information

1.4.1 The Council is under a duty to publish its driver, vehicle and operator licensing data in such form as the Secretary of State may require.

1.4.2 The Council may publish details of licensed vehicles, drivers and operators on its website, including licences recently suspended or revoked.

1.4.3 Under the Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019, the local authority is required to submit details of licensed vehicles to- DEFRA

1.4.4 HBC will share information in relation to refused licence applications and revoked licences through the National Antifraud Network.

1.4.5 The Council may share information concerning decisions to refuse, suspend or revoke a licence with the Police, DBS service or other agencies, particularly where decisions have arisen from safeguarding concerns.

1.4.6 Further information in relation to handling and sharing of information is set out in the Council's privacy notice on Taxi Licensing.

1.4.7 The Council will ensure that these aims are met by setting minimum requirements for the licensing of drivers, vehicles and operators. These requirements include:

- Up to three yearly licensing of drivers including medical checks, [six monthly criminal record clearance](#), an appropriate level of driving ability and a sound knowledge of the area, [including Disability and Child Exploitation awareness](#).
- DVLA checks of all drivers' licences at first application and at renewal.
- Five yearly licensing of Private Hire operators, subject to the power to grant a licence for a shorter period should this be appropriate in the circumstances.
- 'Group 2' medical standards as applied by DVLA to the licensing of lorry and bus drivers and applying the C1 standards to Hackney Carriage and Private Hire drivers with insulin treated diabetes
- Routine inspections of records maintained by Private Hire operators.
- Annual licensing of vehicles will include inspections by authorised officers which will incorporate mechanical vehicle testing and confirmation of appropriate documentation such as insurance certificate.
- Investigation of complaints and enforcement of legislation and licence conditions with appropriate action taken in accordance with the Council's Enforcement Policy statement.
- [Ongoing training and development of Licensing staff and councillors, including Whistleblowing procedures.](#)

Provision of information to the Hackney Carriage and Private Hire trades with members of the public through press releases and publications, the Council's website, and attendance at relevant forums.

## 1.5 Governance

1.5.1 The DfT has national responsibility for Hackney Carriage and Private Hire legislation in England and Wales. As a result of the Office of Fair Trading producing a

report on the UK Hackney Carriage and Private Hire trade, the DfT was asked to produce Best Practice Guidance for local licensing authorities. In 2020 the DfT released the 'Statutory Taxi & Private Hire Vehicle Standards'. The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).

The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010. Where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and Private Hire Vehicle licensing, the standards in this document take precedence.

1.5.2 The document sets out a framework of policies that, under section 177(4), licensing authorities "**must have regard**" to when exercising their functions. These functions include developing, implementing and reviewing their taxi and Private Hire Vehicle licensing regimes. "Having regard" is more than having a cursory glance at a document before arriving at a preconceived conclusion.

1.5.3 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the Working Together to Safeguard Children statutory guidance.

1.5.4 Hastings Borough Council has a comprehensive Whistleblowing Policy which is regularly reviewed.

## 2. Definitions and interpretation

2.1 Throughout this document:

- 'The Council' means Hastings Borough Council
- 'Vehicle' or 'Licensed Vehicle' means both a Hackney Carriage and Private Hire Vehicle
- 'Hackney Carriage' means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council
- 'Private Hire Vehicle' means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward by prior booking

- ‘Private Hire Operator’ means a person who makes provision for the acceptance of Private Hire bookings to undertake themselves or pass to others to undertake.
- ‘Proprietor’ refers to owners of either Hackney Carriage or Private Hire Vehicles, unless expressly stated or the context indicates otherwise and includes a part proprietor
- ‘The DfT’ means the Department for Transport, including previous names under which that Department has been known.
- ‘The DfT Guidance’ means The Department for Transport – Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in November 2006
- The ‘DfT Consultation Guidance’ means the Department for Transport’s Best Practice Guidance Consultation document, published May 2009
- The ‘DfT Statutory Taxi & Private Hire Vehicle Standards’ means the Department for Transport’s Statutory Taxi & Private Hire Vehicle Standards’ guidance document published September 2020
- ‘Sub-Committee’ means the Environment & Safety Sub-Committee of the Council
- The word ‘Taxi’ has no meaning in law and is often used generically to describe both Hackney Carriages and Private Hire Vehicles
- The term ‘DVLA driving license’ means a full original GB driving license
- ‘EEA’ means European Economic Area
- ‘Environmental Health and Licensing Manager’ means the Environmental Health and Licensing Manager or their nominated representative.

### **3. Vehicles**

#### **3.1 Limitation on Numbers**

3.1.1 No powers exist for licensing authorities to limit the number of Private Hire Vehicles that they licence.

3.1.2 Section 16 of the Transport Act 1985 made provision for the grant of a Hackney Carriage licence may be refused, for the purpose of limiting the number of licensed Hackney Carriages “if, but only if, the local authority is satisfied that there is no significant demand for the services of Hackney Carriages (within the area to which the licence would apply) which is unmet”. In the event of a challenge to a decision to refuse a licence on these grounds, it would, therefore, must be established that the Council had been reasonably satisfied that there was no significant unmet demand.

3.1.3 Most local authorities do not impose quantity restrictions. The Department for Transport regards this as best practice.

3.1.4 The Council does not currently set a limit on the number of Hackney Carriages which it licenses. A limit of 48 Hackney Carriages was set for many years but removed by a Council decision in 2016. Hackney Carriages numbers 01 to 48 retained “grandfather rights” and can be replaced by any type of acceptable vehicle. New Hackney Carriages (Nos 49 and upwards) must be vehicles fitting an agreed new specification. See **Appendix C**. The council does not intend to set a limit on the number of Hackney Carriages that it licences.

## 3.2 Vehicle Specifications

3.2.1 Local Authorities have a wide range of discretion over the types of vehicles that they can licence as Hackney Carriage or Private Hire Vehicles. Best Practice Guidance is that local authorities should adopt the principle of specifying as many different types of vehicles as possible. This could be done, for example by specifying general criteria, and allowing the Hackney and Private Hire Trades to put forward vehicles that meet those criteria

3.2.2 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a Hackney Carriage or Private Hire Vehicle licence. Hackney Carriages and Private Hire Vehicles provide a necessary service to the public, so it is appropriate to set standards for the external and internal condition of the vehicles, provided that the standards are reasonable and proportionate.

3.2.3 Specifications and licence conditions for vehicles are set out in **Appendix C**

3.2.4 Private Hire Vehicles may be any colour other than BLUE, however Hackney Carriages (Nos 0-48) must be Dark Blue in colour and (Nos 49 upwards) must be either sprayed or wrapped in Dark Blue (Base colour code 8M4KJD6B) as set out in the vehicle specification conditions **Appendix C**

3.2.5 The council will not licence a vehicle which is already licensed with another council or Transport for London. If the council becomes aware that a vehicle is dual licensed, then the licence is likely to be revoked.

3.2.6 [Stretch limousines are sometimes used for Private Hire bookings and special events. These are often imported vehicles, and due to their nature may not meet standard vehicle specifications set out in licensing policy \(for example, to be right hand drive\).](#)

3.2.7 [Imported vehicles may not have certification to EU Whole Vehicle Standards. Such vehicles would normally require certification under the Individual Vehicle Approval \(IVA\) Scheme to demonstrate that they meet appropriate safety standards.](#)

3.2.8 [The Department of Transport view is that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle. A policy of excluding limousines creates an unacceptable risk to the travelling public, as it may lead to higher levels of unlawful operation. Additional Specifications and Conditions relating to stretch limousines are set out in \*\*Appendix H\*\*](#)

3.2.9 Applications for stretch limousines to be licensed as Private Hire Vehicles will be considered on their merits provided, they have no more than 8 passenger seats.

3.2.10 Any vehicle with a 'Q' plate registration will not be licensed as 'Q' plates are issued for vehicles which are either not originally registered in the UK and proof of age was unavailable at registration or for vehicles that have been built using a significant proportion of used parts.

3.2.11 Vehicles will in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles. Applications in relation to smaller vehicles to be licensed for the carriage of less than 4 persons will be considered on an individual basis. Purpose built vehicles are amongst those which the Council will license only as Hackney Carriages in view of the possible confusion in the minds of the travelling public between the two types of licensed vehicle.

### **3.3 Accessibility**

3.3.1 The council is committed to supporting and promoting equality and diversity. The Equality Act 2010 has made provision for the assistance of taxi and Private Hire Vehicle passengers in wheelchairs and to those who have guide dogs and other assistance dogs. The sections relating to wheelchair users (sections 165 and 167) came into force on 06 April 2017 and the provisions relating to assistance dogs (sections 168 – 173) came into force in October 2010. In accordance with sections 168 – 173 taxi and Private Hire Vehicle drivers are under a duty to carry guide, hearing and assistance dogs without additional charge. Drivers must convey assistance dogs and allow it to remain with the passenger.

3.3.2 The Secretary of State has the power to impose accessibility requirements on large operators. In particular, the power could permit the setting of quotas of accessible vehicles which must be available to such operators

3.3.3 This policy does not currently mandate vehicles to be a wheelchair accessible design. However, such vehicles are encouraged, and it is best practice to maintain a mixed fleet. Of the Hackney Carriages currently licensed 15% are reported to be wheelchair accessible.

3.3.4 The council will maintain a list of Designated Wheelchair Accessible Vehicles in accordance with S167 of the Equality Act 2010. A designated wheelchair accessible vehicle is a licensed Hackney Carriage or Private Hire Vehicle which can carry a passenger whilst they remain in their wheelchair. This list will be published on the council website. It will be updated when information becomes available following issue of licences. The Council will therefore require all new Hackney Carriage or Private Hire Vehicle license applications for vehicles that have been manufactured or adapted to carry passengers in their wheelchairs, to have side-loading facilities. Rear-loading shall be normally prohibited unless a compelling case is made to show that no other form of loading is possible.

3.3.5 Drivers of designated wheelchair accessible Hackney Carriage and Private Hire Vehicles have a legal duty under Section 165 of The Equalities Act 2010 to:

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

#### 3.3.6 Mobility assistance is assistance:

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

3.3.7 It is accepted that there will be some specialist or motorised wheelchairs which due to their dimensions may not be able to be loaded or conveyed safely in all designated vehicles and it is not practicable to require vehicles to be able to do so. It may be a reasonable defence if a driver is not able to fulfil duties under the Act due to the size/design of the wheelchair. However, it is expected that if passengers cannot be accommodated for this reason, that it is dealt with sensitively and clearly explained to the passenger.

3.3.8 The legal duties set out in 3.3.5 above do not apply to drivers of vehicles on the voluntary list. However, it is expected that drivers on this list will accept a passenger who is able to transfer onto a seat from their wheelchair and provide reasonable assistance to the passenger, without extra charge.

3.3.9 DfT guidance states that fare meters should not be left running whilst a driver is fulfilling these duties (e.g. loading / unloading wheelchairs, providing assistance to the passenger,) as this would constitute making an extra charge for doing so. Meters left running under these circumstances would be treated as a breach of the Act and this policy.

3.3.10 Drivers who for medical reasons or due to their physical condition make it impossible or unreasonably difficult for them to carry out duties to passengers in wheelchairs, may apply to the council for an exemption certificate. Such certificate will only be issued on production of medical evidence. Exemption Certificates must always be displayed in the vehicle when the driver is working.

3.3.11 Under the Equality Act 2010, licensed drivers of taxis and Private Hire Vehicles are under a duty to carry passengers with guide, hearing, and other assistance dogs. When carrying such passengers, drivers have a duty to:

- Convey the assistance dog and allow it to remain under the physical control of the owner; and
- Not to make any additional charge for doing so.

3.3.12 Drivers who, for medical reasons are unable to accept assistance dogs can apply to the Council for an exemption certificate/Disc. Such a certificate will only be issued on

production of sufficient medical evidence. Exemptions must be displayed in the vehicle at all times the driver is working.

### **3.4 Environmental considerations**

3.4.1 The Best Practice Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they have adopted, bearing in mind the need to ensure that the benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

3.4.2 The age criteria for vehicles within this policy will ensure that over time the fleet will benefit from general improvements in environmental performance.

3.4.3 Vehicle Specifications enable Electric, Hybrid or LPG converted vehicles to be licensed.

3.4.4 Local licensing authorities are encouraged to consider how they can support any local air quality management policies that the local authority may have adopted, particularly where Air Quality Management Areas (AQMAs) or Clean Air Zones have been introduced. At present HBC does not have any Air Quality Management Areas or Clean Air Zones. In addition, HBC undertakes automatic daily air quality monitoring, has an Air quality strategy for the borough and produces an Annual Status report (ASR) on Air quality which is available to view on the council's website. These results have not shown any issues with Air quality standards or emissions. However, should there be any change in the future, then the vehicle emissions standards relating to Clean Air Zones and Hackney Carriage and Private Hire Vehicles should be incorporated into the policy.

3.4.5 Emissions from Hackney Carriages and Private Hire Vehicles could be reduced further, by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at Hackney Carriage ranks. It is proposed that this aspect be tackled through education and promotion.

3.4.6 The Government suggests that by adopting targeted air quality policies for road transport, significant reductions can be achieved for noxious pollutants in the atmosphere. It highlights the impact European-wide emission limits are having on improving air quality. In private cars these standards are introduced for new vehicles as follows:

Vehicle engines shall meet the relevant Euro standards for the maximum age of a new vehicle into the trade: (currently Euro 6 (vehicles from 2015))

Hybrid or Electric vehicles are also acceptable.

### **3.5 Age of Vehicles**

3.5.1 The Council places an age restriction on licensed vehicles and requires a higher frequency of MOT testing for older vehicles.

3.5.2 In normal circumstances no vehicle shall on first application for a licence be older than 5 years from the time of its first registration and on submission for renewal of a licence be more than seven years old since the time of first registration (10 years for purpose-built vehicles).

3.5.3 All vehicles over five years old shall be required to pass two MOT inspections each year.

3.5.4 The Authority will not re-licence a vehicle if it is more than 7 years old (10 years for wheelchair accessible vehicles) – apart from in exceptional circumstances at the discretion of an authorised officer.

### **3.6 Vehicle Testing & Inspection**

3.6.1 An MOT pass certificate, carried out by an authorised MOT testing station must be produced for all vehicles that are over one year old. Subsequent MOT pass certificates must be produced annually until the vehicle reaches five years of age, at that point the Council requires all vehicles to produce an MOT pass certificate every 6 months.

3.6.2. In addition to the MOT testing the vehicle will be subject to an annual check by one of the Councils authorised licensing officers. Any vehicle that fails its inspection may have its licence suspended until such time as it has been re inspected and passed by an authorised Council officer. Ad hoc inspections of vehicles will also take place by officers.

3.6.3. As the safety of the public is a predominate factor of this policy, details of all vehicles involved in an accident must be reported to the Council. Where damage occurs, the vehicle will normally be inspected by an authorised Council officer before continuing to operate. The vehicle will also normally be inspected by an authorised Council officer after completion of any repair work before being returned to operation.

### **3.7 Insurance and Road Tax**

3.7.1 Vehicles must be taxed and have valid insurance which covers the vehicle for carriage of passengers for hire or reward. Insurance will be checked as part of the application process. The certificate of insurance must be provided on request. On renewal of the policy, a copy of the insurance certificate should be provided to the council at the earliest opportunity.

3.7.2 Given the importance of maintaining valid insurance which covers the vehicle for carriage of passengers for hire or reward, licensed vehicles found to have no valid insurance cover or where evidence of valid insurance cover is not provided, will be suspended.

### **3.8 Signage and Livery**

3.8.1 Members of the public can often confuse Private Hire Vehicles with Hackney Carriages, without realising that Private Hire Vehicles are not available for immediate hire or allowed to be hailed in the street. It is therefore important that the public are able to easily distinguish each type of vehicle.

3.8.2 It is possible to prohibit Private Hire Vehicles from displaying any identification at all apart from the local authority license plate or disc. Some clearer identification is however, seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver and secondly because it is quite reasonable (and in the interests of the travelling public) for a Private Hire Vehicle operator to be able to state on the vehicle the contact details for hiring.

3.8.3 The DfT Guidance recommends as best practice, a license condition that requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local authority and which specifies that the vehicle can be 'pre-booked only'. This approach identifies the vehicle as Private Hire and helps to avoid confusion with a Hackney Carriage, but also gives useful information to the public wishing to make a booking.

3.8.4 Roof-mounted signs on Private Hire Vehicles are not seen as best practice even if they indicate 'pre-booked only'. Any roof-mounted sign, however unambiguous its words, is liable to create confusion with a Hackney Carriage.

3.8.5 Within the Council's area, Hackney Carriages and Private Hire Vehicles are required to display a license plate on the vehicle. This is a key feature in helping to identify vehicles that are properly licensed. (A limited number of Private Hire Vehicles are exempted from displaying plates in certain circumstances). The plates shall not be magnetic, as these have been reported to frequently fall off the vehicles when in motion, resulting in an unacceptable hazard to road users and additional costs of replacement for the proprietor. In addition, many new vehicles emerging on the market are made of light non-magnetic materials, making magnetic plates un-workable. Thirdly as magnetic plates are quickly removed their use is open to abuse by both licensed and unlicensed drivers, the latter in particular causing a public safety risk.

3.8.6 All Hackney Carriages licensed by the Council must carry illuminated roof-mounted signs bearing the word "TAXI" and nothing else and these must be lit when plying for hire. In order to differentiate between the two types of licensed vehicle, Private Hire Vehicles must not carry roof-mounted signs of any kind and they must have no signs using the words "Taxi", "Hackney", "Cab" or "For Hire".

3.8.7 In view of the variety of signage allowed in other districts, a specification has been adopted for the colour, size, shape, and content of the signs which identify the vehicle as licensed. The specification is contained within **Appendix C**.

3.8.8 The Council considers that although there does not appear to be a problem in its area in members of the public hailing Private Hire Vehicles and such vehicles do not attempt to ply for hire on ranks, both of which happen in other districts, the Council considered it necessary to bring in a requirement that Private Hire Vehicles display 'Pre-booking only' door stickers. The Council considers that it is the choice of proprietors whether and how they let customers know they charge less than the Council's maximum fare tariffs. This is identified by a fare tariff card within the vehicle.

3.8.9 Those Private Hire Vehicles which have been granted an exemption from displaying their license plate by the Council shall ensure that they carry an exemption certificate (in the form of a Tax disc type certificate) issued by the Council on the vehicle and comply with all the conditions attached to the exemption.

3.8.10 Some licensing authorities require taxis to conform to requirements in terms of livery and markings, in order that they may be easily identified. Such an imposition is considered appropriate in this Council's area. It is felt that the visual distinction between Hackney Carriages and Private Hire Vehicles is enhanced by such a policy. Licensed vehicles are to be finished in a special livery or appearance. All licensed Hackney Carriages must be Dark Blue in colour with Hastings Borough Council crest on the

bonnet area. All licensed Private Hire Vehicles can be any colour other than Blue. Exemptions will be permitted for temporarily licensed vehicles, when used for a short period as a result of an accident or break down or for specialist vehicles with the prior approval of the Environmental Health and Licensing Manager or their nominated representative .

3.8.11 All vehicles will be required to display information on how to make a complaint to the licensing authority. For vehicles holding a licence at the time this policy came into effect, information must be displayed within 3 months of this policy coming into effect.

### **3.9 Advertising**

3.9.1 Advertising the proprietor or operator's business on the rear doors will be permitted, but this will be strictly controlled so that confusion between the two types of vehicle is kept to the minimum. Advertising may be allowed subject to the prior approval of an Officer in the Licensing Team to ensure that it could not be considered inappropriate or offensive.

3.9.2 No advertising to be religious or political in nature or anything likely to cause offence.

### **3.10 Security and CCTV**

3.10.1 The DfT guidance recommends that licensing authorities look sympathetically on the installation of security measures, such as a screen between driver and passengers or CCTV systems. Such measure can act as a deterrent to would be trouble makers. It may also protect drivers from unjustified complaints and provide a source of evidence in the event of a dispute between passenger and driver.

3.10.2 This policy does not require the mandatory installation of CCTV systems (as detailed within Appendix C). Currently it is left to the judgement of the owners and drivers themselves. However, the council will keep the need for requirement of CCTV under regular review. The Hackney Carriage and Private Hire Vehicle trades are however, encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

3.10.3 The Hackney Carriage and Private Hire Vehicle trade is, however encouraged to consider the installation of CCTV cameras in their vehicles on a voluntary basis. It will be the responsibility of the operator to handle relevant data gathered in an appropriate and secure manner. For information and guidance on data protection see Information Commissioners Office (ICO) website <https://ico.org.uk/>

### **3.11 Plate and door sign exemption**

3.11.1 Whilst the legislation requires vehicles to display plates at all times, It also provides for exemptions to be given to Private Hire Vehicles. Not all Private Hire Vehicles will have access to this exemption. It is intended that exemption will apply to only a very small minority of Private Hire Vehicles where it is necessary for commercial or safety reasons – for example, executive chauffeur services.

3.11.2 Proprietors of vehicles who wish to be exempted from displaying licence plates and door signs must apply for an exemption certificate. Applications will be considered where

- the vehicle is used for executive chauffeur type work (evidence of a contract may be requested)
- the vehicle to be exempted is of high quality in terms of brand and condition. Vehicles will normally be an accepted luxury brand, such as Mercedes Benz, BMW, Jaguar, Lexus, Bentley, Rolls Royce. The proprietor must satisfy the licensing officer that the exemption is necessary.

### 3.12 Funeral vehicles

There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

### 3.13 Wedding vehicles

3.13.1 A vehicle does not need to be licensed to be used in connection with a wedding i.e. transport to and from the place of a wedding or venue but not to transport to an airport or dock.

3.13.2 Written certification from the Council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement.

3.13.3 If a licensed Hackney Carriage or Private Hire Vehicle is used for a wedding the license plate, roof sign and door stickers must still be displayed, unless the vehicle holds an exemption certificate.

### 3.14 Temporary Vehicles

Special arrangements exist for the licensing of temporary vehicles. Such vehicles are usually licensed for short time periods (up to 1 month at a time) to cover the loss of a licensed vehicle through damage or repair. The temporary licence to be terminated once the licenced vehicle is repaired and ready for use on the road.

### 3.15 Transfers

3.15.1 A proprietor of a licensed Hackney Carriage or Private Hire Vehicle may transfer their interest in the vehicle to another person but under Section 49 of the Local Government (Miscellaneous Provisions) Act 1976, must ensure that the Council is notified of the new proprietor's name and address within 14 days. The Council requires that applications to transfer a license must be made online in accordance with the application procedure set out in **Appendix B**.

**N.B. A 'transfer' is the sale of a licensed vehicle (including the paper license and license plate) from one person to another as opposed to when a proprietor wishes to license a vehicle as a Hackney Carriage or Private Hire Vehicle which is not currently licensed as such, which is an application for a 'new vehicle license'.**

3.15.2 The license fee payable is subject to annual review and will be published together with other Council licensing fees.

### 3.16 DBS Checks on Vehicle Proprietors

3.16.1 As required by the DfT Statutory Standards, applicants for a vehicle licence will be required to submit a basic DBS check. This will be required annually. If the applicant is a Ltd Company or partnership, it is important that the fit and proper person test is applied to each director/ partner. A DBS check will be required for each director/ partner. Any disclosed convictions will be taken into account when considering the suitability of a person to hold a licence. Our convictions policy is set out in **Appendix F**.

3.16.2 Applicants that also hold a drivers licence with this Council, will not be required to provide the Basic DBS, as they will already provide the Enhanced DBS as required by this policy. However, should they cease to hold a drivers licence then a Basic DBS will be immediately required.

3.16.3 Where an applicant has spent time outside of the UK, a certificate of good conduct will be required from the relevant embassy, as set out in Drivers section of this policy.

3.16.4 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office guidance. ([overseas criminal record checks](#))

3.16.5 If a director / partner changes during the term of the licence, the Council must be notified. Further DBS check may be required.

### 3.17 Application procedure

3.17.1 The Council requires that applications for a Hackney Carriage or Private Hire Vehicle license must be made on the Councils website in accordance with the application procedure set out in **Appendix A**. All parts of the on-line form must be fully completed including the signed declaration.

3.17.2 The license fees payable are subject to annual review and will be published together with other Council licensing fees.

### 3.18 Consideration of applications

The Council will consider all applications on their own merits once it is satisfied that the application is complete. Full details of how applications are considered can be seen at Appendix A.

### 3.19 Grant and renewal of licenses

3.19.1 Legislation limits the maximum length of a vehicle licence to 12 months. Licences will therefore normally be granted for 12 months. There may be circumstances where the council considers a shorter licence to be appropriate. However shorter licences will not be used as a "probationary" tool.

3.19.2 The Council will therefore grant Hackney Carriage and Private Hire Vehicle licenses for a period of one year. However, a license may be granted for a shorter period, should this be appropriate in the circumstances.

3.19.3 It is the proprietor or operator's responsibility to ensure that vehicle re-tests are carried out in sufficient time for a new MOT certificate and other necessary documentation to be available for processing by Council staff in time for the issue of a license.

3.19.4 Council officers will endeavour to send a reminder to the current vehicle proprietor, one month before their existing license expires to assist applicants in their prompt submission of renewal application. However, the Council is not obliged to do this and the responsibility for ensuring licenses do not expire remains with the license holder.

3.19.5 From the date of receipt of a satisfactory and complete vehicle license application, a minimum of five working days is required before the appropriate license can be issued. Failure to do this may result in the license expiring and therefore to grant a new license the vehicle shall comply with all the conditions in Appendix C which it may have previously been exempted from.

3.19.6 Licensing Team Officers will only accept complete applications comprising all the necessary paperwork. Incomplete or missing documentation will result in the application being put on hold. If an application is received late, the license may expire before a new one can be issued, therefore the vehicle will be unlicensed during which time it will be illegal to use it for the carriage of passengers for hire or reward.

### **3.20 Change of details**

The proprietor must notify the Council in writing of any change of his/her address or telephone number during the period of the license, immediately after or preferably before the change takes place. Section 44 of the Town Police Clauses Act 1847 states that a Hackney Carriage Proprietor must give notice of a change of address, in writing within 7 days.

## **4 DRIVERS**

### **4.1 Licences**

4.1.1 Hastings Borough Council issue one type of Licence - Dual (combined Hackney Carriage and Private Hire)

4.1.2 Licences are normally granted for a period of three years. A licence may be granted for a shorter period where appropriate. For example, where a driver has a limited right to work period. Note: A driver cannot receive a licence for a period longer than their "right to work". Shorter licences will not be granted on a "probationary" basis.

4.1.3 Before granting a driver's licence, the council must be satisfied that the applicant is a 'fit and proper person' to hold a licence.

### **4.2 Age and Experience**

4.2.1 Department for Transport (DFT) Guidance recommends that maximum age limits for drivers should not be set, providing that regular medical checks are undertaken. It also considers minimum age limits (beyond the statutory age for holding a full drivers licence) as inappropriate. Therefore, the council will not set minimum or maximum age limits for drivers. However, in accordance with legal requirements, applicants must have held a valid full UK (OR EU/EAA driving licence) for a minimum of 12 months prior to their application.

### **4.3 Driver & Vehicle Licensing Agency disclosure**

The grant of a licence is subject to a check being made with the DVLA in respect of any relevant convictions. The check is carried out annually or at other times if the council believes that there is reason to do so. Each applicant must supply a DVLA check code for officers to make appropriate checks via gov.uk

### **4.4 Driving Proficiency**

4.4.1 New applicants will be required to provide evidence that they have, within the 12 months prior to their application, passed a Driving Standards Assessment (DSA) specifically designed for Hackney Carriage and Private Hire drivers.

4.4.2 The assessment must be carried out by the Council's nominated provider.

4.4.3 Where there is any doubt as to the driving ability of the licence holder, or any significant changes to the driver's circumstances, since the grant of the licence, the Authority may require the applicant to pass a further DSA test. Any fees must be met by the applicant.

### **4.5 The Knowledge Test**

4.5.1 Hackney Carriage and Private Hire drivers clearly need a good working knowledge of the area for which they are licensed. Members of the public deserve to be transported by the most direct and therefore cheapest route. Hackney Carriages can be hired immediately, directly with the driver, at Hackney Carriage stands or hailed on the street, whereas Private Hire Vehicle drivers will normally have time to check the shortest or quickest route on a map/GPS and discuss the options with the hirer prior to the hire commencing. The DfT recognises that most authorities require prospective drivers to pass a test of local topographical knowledge as a condition of first grant of a license. (The stringency of the test reflecting the complexity or otherwise of the local geography, on the principal of ensuring that barriers to entry into the trade are not unnecessarily high).

4.5.2 The DfT's Consultation Guidance refers to drivers who wish to carry out school contracts being deterred from the role because of a local authority's requirement for them to sit a knowledge test. This Council will continue to require those who wish to carry out school contracts to undergo a knowledge test on the grounds that it is still important for them to have a knowledge of the area in case of road closures or accidents, and is also still important for them to have an awareness of the requirements of the Highway Code, licensing legislation and the Council's Conditions. There would also be difficulties in enforcing that any driver issued a license in order to carry out a

school contract did purely that and tracking the employment of a driver to ensure this would be unduly onerous on Council officers.

4.5.3 In order to maintain the high standards that the Council expects of drivers, a license to drive a Hackney Carriage or Private Hire Vehicle will not be granted unless the Council is satisfied that the applicant is a “fit and proper” person, one of the criteria for which includes a test of the area in which they wish to operate and knowledge of safety matters, basic maths, taxi/Private Hire licensing law and Child Safeguarding awareness.

4.5.4 Possibly due to the change in the make-up of the local population and the current economic climate, there has been an increase in the number of applicants, specifically those whose first language may not be English. It is considered that sitting the test is a good enough test of English language proficiency and therefore no additional language test is necessary at this time. The Council will offer applicants struggling to comprehend written English or write the answers in English, along with those who may have other difficulties, such as dyslexia, the opportunity to sit a verbal test. All officers and members receive equality and diversity training and offer applicants additional help in understanding the test process. If a driver is not able to satisfactorily complete the topographical and other tests due to difficulties with spoken English, they may be required to take language instruction as a pre-requisite to re-sitting these tests.

4.5.5 Test failure and re-sits. Applicants can re-sit the tests 3 times before the Authority considers his/her application void. Help will be provided to persons requesting it, in the form of an officer reading the questions or clarifying matters to the applicant. Each retest will incur a fee.

#### 4.6 English assessment

Applicants must have a reasonably adequate standard of spoken English to be a Hackney Carriage or Private Hire driver. This will be assessed throughout the application process and during the knowledge test.

#### 4.7 Disclosure and Barring Service (DBS) check

4.7.1 A DBS check on a driver is an essential measure in determining whether an applicant is a suitable person to hold a licence. An enhanced disclosure with barred list check provided by the Disclosure and Barring Service is required for all applicants. Enhanced disclosures include details of spent convictions, police cautions and other information. [These checks will be required every six months in line with the DFT ‘Statutory Taxi and PHV Standards 2020.](#)

4.7.2 The Rehabilitation of Offenders Act 1974 **does not apply** to applicants for drivers licences. They are required to disclose all convictions, including those that would normally be regarded as spent.

4.7.3 DBS checks are carried out at the applicant’s expense.

4.7.4 [As part of our policy, we will require licensed drivers to maintain an online certificate through the DBS update service. This is available at \[www.gov.uk/dbs-update-service\]\(http://www.gov.uk/dbs-update-service\) and enable the Council to access this certificate on renewal or at other times as reasonably necessary. Drivers must pay an annual fee to the DBS for the on-line update facility.](#)

4.7.5 The advantage of the online update service is:

- Drivers maintaining an up to date online certificate will not need to apply for and submit a paper DBS certificate when renewing their licence. (providing that the information on the online DBS is up to date) This will result in a quicker process.
- The Online Certificate can be checked by the licensing authority at renewal and as required during the term of the licence.
- Maintaining an online certificate through annual subscription may cost the driver less than obtaining a paper certificate every 3 years.

4.7.6 Drivers who already hold a licence on the date that this policy comes into effect and have not already signed up to the update service, will be required to provide a paper DBS certificate at their next renewal then sign up to the online update service. Should the council have to undertake a manual Enhanced check via the DBS then a further administrative charge of £40 will apply.

4.7.7 If an applicant has within the last 10 YEARS lived outside the UK for a continuous period of 3 months or more, a certificate of good conduct from the relevant embassy or equivalent document, issued and authenticated by the relevant embassy will also be required. This must either be in English or translated by an approved translator at the applicant's expense.

4.7.8 If an officer has any doubt as to the validity, completeness or accuracy of the document, then an applicant may not proceed to the next step of process. The burden to establish validity lies with the applicant.

#### **4.8 Medical Assessment**

4.8.1 The DfT guidance states that it is clearly good practice for drivers to undergo medical checks prior to grant or renewal of a licence. The Group 2 Medical Standards adopted by the DVLA for lorry and bus drivers are considered best practice for Hackney Carriage and Private Hire Drivers.

4.8.2 All applicants must undergo a medical examination to assess their fitness to work as a Hackney Carriage / Private Hire Driver. A group 2 medical standard will be required. A request form will either be sent as part of an application pack or can be obtained from the Council. The assessment must be carried out either by the applicant's General Practitioner or by a suitably qualified GMB registered medical practitioner who has access to the applicant's medical records. The completed form must be submitted as part of the application.

4.8.3 The applicant is responsible for paying the fee for the assessment.

4.8.4 A medical assessment is required for all new driver applications. A new medical assessment is required every 6 years for drivers aged up to 45, every 3 years for drivers aged up to 65. Drivers aged 65 or over are required to undergo a medical assessment annually. More frequent checks will be required if considered necessary by the Medical Practitioner. Certificates provided must be less than 3 months old.

4.8.5 In order to streamline processes, it is intended that the submission of routine medical certificates is synchronised with, and part of, the licence renewal process, as far as possible. To facilitate this, drivers aged between 45 and 65 who hold a licence at the

time this policy comes into effect, must submit a new medical certificate at next renewal. However, if their last medical was carried out within 12 months of the renewal date, they will not need to submit a new routine medical until the following renewal.

4.8.6 The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (i.e. 3500-7500 KG lorries as suggested best practice), This authority will also apply criteria based on the C1 standards to taxi and PHV drivers with insulin treated diabetes. These are set out in **Appendix I**

4.8.7 Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities within 7 days. Licence holders may be required to undergo a further medical assessment to confirm their fitness to drive a licensed vehicle.

4.8.8 Should concerns arise regarding the health of a licensed driver, the council at any time may request further information or a further medical examination to be carried out and certificate submitted.

4.8.9 The council reserves the right to revoke or suspend a licence if requested information is not submitted within 4 weeks of the request and a satisfactory explanation is not given for the failure to provide such information or where the information provided raises further concerns as to the applicant's fitness to carry out his/her duties as a licensed driver.

#### **4.9 Driving proficiency, qualifications and giving assistance**

4.9.1 It is believed that a taxi test is the most appropriate method of testing competency for the drivers of Hackney Carriage and Private Hire Vehicles in the Council's area and we use the Blue Lamp Trust test for this purpose.

4.9.2 Similarly there are nationally recognised vocational qualifications for the Hackney Carriage and Private Hire trades. These cover customer care, including how best to meet the needs of people with disabilities and there may be advantages in encouraging drivers to obtain one of these qualifications in the future. The Council shall require training on Disability, Child Sex Exploitation and Safeguarding for all new drivers via a course approved by the council as identified in 4.10.

4.9.3 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a Hackney Carriage or Private Hire Vehicle driver's license must have held a full ordinary GB driving license for at least 12 months in order to be granted a Hackney Carriage/Private Hire Vehicle driver's license. This requirement has subsequently been amended by the Driving Licenses (Community Driving License) Regulations 1996 to allow full driving licenses issued by EEA states to count towards the qualification requirements for the grant of a Hackney Carriage/Private Hire Vehicle driver's license. The DfT takes the view that drivers from Accession States are eligible to acquire a Hackney Carriage/Private Hire driver's license under the 1976 Act if they have held an ordinary driving license for 12 months which was issued by an Accession State. In addition, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 gave equal recognition to Northern Ireland driving licenses.

4.9.4 It is possible to convert any existing driving license to a UK driving license, either by straight transfer or by undertaking an appropriate driving test.

4.9.5 Upon application, this Council requires ALL applicants to convert their existing driving license to a UK DVLA driver's license. Those applicants whose driving licenses were not issued by an EEA state, an Accession State or Northern Ireland will be required to hold the converted UK license for 12 months prior to being issued with a Hackney Carriage/Private Hire Vehicle driver's license. However, those who have held a driving license issued by an EEA state, an Accession state or Northern Ireland for 12 months will be eligible to apply immediately post conversion.

4.9.6 Before the grant or renewal of a driver's license, the applicant will be required to submit to a DVLA check. This brings to light any driving offences committed that may not appear on the license submitted.

#### **4.10 Child Sexual Exploitation and Safeguarding Training**

4.10.1 People working in the taxi trade may have a role to play in spotting and reporting the abuse, exploitation or neglect of children or vulnerable adults. However, this is only possible if they are aware of and alert to the signs of abuse and who they should contact if they suspect a child or vulnerable adult is at risk of harm or in immediate danger.

4.10.2 Therefore, the DfT expect local authorities to require Hackney Carriage and Private Hire drivers to undertake appropriate safeguarding awareness training.

4.10.3 New applicants for driver licences will be required to provide evidence that they have completed a safeguarding training course approved by HBC.

4.10.4 Existing licensed drivers will be required to undertake approved training within 8 months from the date that this policy comes into effect.

4.10.5 The council will look to promote awareness of safeguarding issues among all licence holders through other information and education campaigns.

4.10.6 All drivers will be required to undertake renewal training every 3 years.

#### **4.11 Immigration Checks – Right to Work**

4.11.1 The council has a duty to carry out immigration checks to ensure applicants have a right to work in the UK. A licence will not be granted unless sufficient proof of right to work in the UK has been provided. Licences will not be granted for a longer period than the applicant's right to work.

4.11.2 The Immigration Act does not permit the issue of licences to self-employed persons who are in the country on a student visa.

#### **4.12 Convictions and Cautions**

4.12.1 In assessing whether an applicant or licence holder is a fit and proper person, the council will consider convictions, cautions and other information that has been disclosed, so far as they are relevant to a licence.

4.12.2 The DfT Guidance recommends that in considering an individual's criminal record, authorities be encouraged to consider each case on its merits, but to take a particularly cautious view of any offences involving violence and especially sexual attack. Authorities are recommended to have a clear policy for the consideration of criminal records. For example, the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a license. Such a policy should encompass applicants from elsewhere in the EU and other overseas countries through, for example, by requiring a Certificate of Good Conduct authenticated by the relevant embassy.

4.12.3 In relation to the consideration of convictions, in assessing whether the applicant is a fit and proper person to hold a license, the Council will consider each case on its merits. It will take account of warnings, reprimands, CBOs, Cautions, Community Service Orders, Community Protection Notices, Restraining Orders and fixed penalties whether spent or unspent, but only in so far as they are relevant to an application for a license. Upon receipt of a license application, a Licensing Team Officer will assess from the information provided whether any or all of the current or spent convictions are capable of having significant relevance as to whether the applicant is a fit and proper person to hold a license. Full details are given at **Appendix F**.

4.12.4 In relation to cautions, the Council will have regard to the class and age of the offence and the age of the applicant when the offence occurred, when considering their relevance to an application.

4.12.5 In relation to previous offences, the Council will have regard to the following:

- The class of the offences;
- The age of the offences;
- The apparent seriousness, as gauged by the penalty;
- The age of the applicant when the offence was committed.

4.12.6 Guidance in relation to specific offences is given in **Appendix F**. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.

4.12.7 **Appendix F** sets out the council's policy on the relevance of convictions and Cautions.

### **4.13 Applications**

4.13.1 The process for new applications and renewals is set out in **Appendix A**

4.13.2 Applications must be made with the appropriate fee, forms and supporting documents. Whilst reminders will be sent, it is the responsibility of the licence holder to ensure a renewal application is submitted in time, failure to do so may result in the lapse of the licence.

4.13.3 The Council is not permitted to attach conditions to a Hackney Carriage driver's licence. It is, however, empowered to attach such conditions to a Private Hire driver's licence as are considered necessary.

4.13.4 Dual licence holders are subject to the Council's byelaws (where not superseded) (see **Appendix D/K**) and the Dual driver's conditions.

4.13.5 It is considered that the conditions set out in **Appendix C** are reasonably necessary and appropriate for Private Hire drivers. The dress code for drivers is in **Appendix L**

#### **4.14 Behaviour and conduct of drivers**

4.14.1 Adopting necessary standards for Hackney Carriage and Private Hire drivers serves to promote the Council's licensing objectives.

4.14.2 The Council considers that to assist both drivers and the public, it would be useful to set down the standards which must be adopted in maintaining a safe, professional and efficient approach to the transport of members of the public. It is considered that drivers, must be aware of the law and minimum standards of behaviour, should adopt safe and non-aggressive driving techniques and set a good example to other road users. The standards expected of licensed drivers are set out throughout this policy along with details of the Hackney Carriage and Private Hire licensing enforcement policy included at **Appendix G**.

4.14.3 Failure to comply with any aspect of the Standards may not necessarily result in enforcement action. However, breach of the Code is an indicator which Council Officers will use to help decide upon subsequent enforcement action. This may result in advice or warnings being given by Council Officers or if necessary, by a Sub-Committee. Repeated breaches following such advice or warnings may lead to more serious consequences including if necessary, refusal to renew, suspension or revocation of licenses.

### **5 PRIVATE HIRE OPERATORS**

5.1.1 Any person that takes bookings for Private Hire Vehicles in the Hastings Borough area must be licensed as a Private Hire Operator.

5.1.2 A Private Hire Vehicle may only be dispatched to a customer by a Private Hire operator who holds a Private Hire operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a Private Hire Vehicle

5.1.3 The objective in licensing Private Hire Operators is the safety of the public, who will be using operator's premises and vehicles and drivers arranged through them. The council must be satisfied that an applicant is a "fit and proper" person to hold a licence. They must be assured that they will pose no threat to the public and have no links to serious criminal activity.

5.1.4 Applications for operator's licences must be made online, together with the appropriate fee in accordance with the procedures within **Appendix A**.

5.1.5 Licences are normally issued for a period of 5 years. This is consistent with best practice guidance and is the maximum length of licence permitted. [Shorter licences may be issued in specific circumstances where the council considers this appropriate.](#) However, shorter licences will not be used on a "probationary" basis.

5.1.6 Fees for Private Hire operator licences are based on the number of vehicles operated. Applicants will be required to give details of the number of vehicles they intend to operate. Should an operator wish to increase the number of vehicles then they must notify the council in order that the licence can be amended. An additional fee may be charged to account for the increase in vehicles.

## 5.2 Disclosure and Barring Service (DBS) Checks

5.2.1 In order to help determine whether a person is a fit and proper person to hold a licence, the DfT Statutory Standards require Licensing Authorities to request a Basic DBS Check and that a check is undertaken annually. Private Hire Operators (that are not licensed drivers) are not exempt from the Rehabilitation of Offenders Act 1974. As such they will not be subject to an Enhanced DBS check. A Basic disclosure will be required.

5.2.2 Where an operator is a Ltd Company or partnership, a DBS will be required for each director / partner. If a partner / director changes during the term of the licence, the council must be notified. A Basic DBS for new directors/ partners will be required.

5.2.3 Where an individual has in the 10 years prior to the application, spent time overseas, a Certificate of Good Conduct will be required, as set out in Section 4.7.7 of this policy.

5.2.4 Basic DBS checks are not currently eligible for the update service. Operators will be required to submit a paper certificate annually and on renewal of a licence.

5.2.5 Operators that are also drivers licensed by this authority, will be required to provide an enhanced DBS as part of their drivers' application and maintain an online certificate through the update service. In such cases operators, will not be required to submit an additional basic DBS. However, should an operator cease to be a licensed driver, then a basic DBS will be required immediately.

5.2.6 Disclosure of convictions will be taken into consideration when determining whether an operator is a fit and proper person to hold a licence. This will include a review of existing licence holders, where DBS checks of directors/ partners or individuals discloses convictions that have not previously been considered. The convictions policy is set out in **Appendix F**. However, motoring offences will generally not be relevant to a Private Hire Operator.

5.2.7 The staff that operators employ may have direct contact with the public. Those dispatching vehicles will determine which driver to send to fulfil a booking. Therefore, they may be in a position to exploit children and vulnerable adults. The DfT statutory standards expect Private Hire Operators to be able to demonstrate that their staff present no risk to the public.

5.2.8 Operators will be required to keep a register of all staff they employ to take bookings or dispatch drivers. They must have sight of a Basic DBS for all such staff. A record of having carried out this check must be maintained. Operators licensed at the time this policy comes into effect will be required to have the register in place within 1 month of the date of the policy. The DBS checks on existing staff must be viewed and recorded within 6 months of the policy coming into effect.

5.2.9 Private Hire Operators will be required to have a documented policy setting out their approach to employment of staff with convictions. As a minimum, it is expected that booking / dispatch staff will have remained free of conviction for the time periods listed in Appendix F of this policy. Motoring convictions are not considered relevant. This will be required to be provided with all new applications, from the date this policy comes into effect. Licensed Operators will be required to supply a copy of the policy to the Council within 6 months of this policy coming into effect.

### **5.3 Address from which Operator based**

5.3.1 The Operator's base must be located in the Hastings District, if it is not, the council will not grant a licence. This is to ensure that proper regulation and enforcement measures may be taken by the council and is in no way intended as a restraint of trade those based outside the Borough prior to this Policy coming into place continue to have grandfather rights to that agreement unless they let their existing operator's licence lapse).

5.3.2 It will be the responsibility of the operator to ensure that appropriate planning permission exists for the operational address to be used for that purpose, prior to starting operating. The grant of a Private Hire operator's licence does not override the need for planning permission, nor does it imply that such planning permission is or isn't required or likely to be granted, as such determination will be subject to the appropriate planning process. The Licensing Team may provide the Council's planning team with names and addresses of licensed operators. Applicants are advised to check with the planning team regarding the need for planning permission.

### **5.4 Insurance**

5.4.1 The Council requires that an applicant must provide evidence that appropriate public liability insurance has been taken out for premises that are open to the public (e.g. waiting rooms) and will not issue a license until it is satisfied that this is the case.

### **5.5 Use of Vehicles and Drivers**

5.5.1 As a result of the Deregulation Act 2015, Private Hire Operators are allowed to sub-contract work to other licensed Private Hire Operators who hold licences with a different Licensing Authority.

5.5.2 A Private Hire operator must ensure that every Private Hire Vehicle has a valid Private Hire Vehicle licence and is driven by a person who holds a Private Hire driver's licence.

5.5.3 Some Private Hire operators may use Passenger Carrying Vehicle (PCV) (vehicles with more than 8 seats, e.g. minibuses) to fulfil a booking. These vehicles and their drivers are covered by a different licensing regime. Drivers of PCVs are subject to different checks, as the work normally undertaken, e.g. driving a bus, does not present the same risk to passengers. Checks do not include an Enhanced DBS check.

5.5.4 This policy will therefore prohibit the use of PCV and Drivers by a licensed Private Hire operator unless it is necessary (due to the number of passengers or luggage requirements) and the informed consent of the booker is given. The customer booking

must be clear that a Passenger Carrying Vehicle (PCV) licensed driver will be used, and that they are subject to different checks, including less stringent criminal record checks.

## 5.6 Licence Conditions

5.6.1 Standard Conditions applied to Private Hire Operator Licences are given in **Appendix E**. Further conditions can be added to a licence where considered appropriate.

## 5.7 Proof of right to work in the U.K.

5.7.1 Whilst not being the employer of Private Hire Operators, the DfT considers it appropriate for licensing authorities to check on an applicant's right to work before granting an Operator's License. The Council agrees that this is not only good practice but helps protect the income of those currently licensed who do have the right to work. All applicants will be required prior to the grant of the licence to demonstrate their right to work in the UK and details are contained in **Appendix A**.

## 5.8 Conditions

The Authority has the power to impose such conditions on an operator's license as it considers reasonably necessary.

## 5.9 Record keeping

5.9.1 Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 requires Private Hire Vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator.

**Licensing authorities should as a minimum require Private Hire Vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

5.9.2 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months. Private Hire Vehicle 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.

5.9.3 Operators must keep records in respect of all booking, vehicles and drivers, for a minimum period of six months.

## **5.10 Sub-contracting of Private Hire Bookings**

5.10.1 A licensed operator may sub contract a booking to another licensed operator, whether in the same district or not. Both operators must be licensed within the area in which their operating base is located and should record details of the booking.

5.10.2 The initial booking must be taken within the area in which the operator is based and the sub contracted booking must be taken within the area in which the sub contracted operator is based.

## **5.11 Consideration of applications**

The Council will consider all applications on their own merits once it is satisfied that the application is complete. Full details of how applications are considered can be seen at Appendix A.

## **5.12 Grant and renewal of licenses**

5.12.1 The DfT considers that annual license renewal is not necessary or appropriate for Private Hire Operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). They recommend as good practice that an operator's license period of five years would be reasonable.

5.12.2 However, it is considered that five years is a long time in the context of the life of a business of this type. Therefore, Private Hire Operators Licenses will be granted for a one year period from the date of grant or the full 5 years if requested, subject to the power to grant a license for a shorter period should this be appropriate in the circumstances.

5.12.3 Council Officers will endeavour to send a reminder letter to the current operator, one month before their existing license expires in order to assist applicants in their prompt submission of renewal applications. However, the Council is not obliged to do this and the responsibility of ensuring licenses do not expire remains with the license holder.

5.12.4 Applicants for renewal of a Private Hire Operators license are required to provide a current (less than one month old) Basic DBS Disclosure to the Council every year. Council Officers will endeavour to send a reminder letter for a DBS Disclosure one month before the expiry of the current certificate.

5.12.5 From the date of receipt of a satisfactory and complete Private Hire operator license application, a minimum of five working days is required before the appropriate license can be issued. Failure to apply in time may result in the license expiring and therefore a new license must be applied for and all criteria for the grant of a new license met.

5.12.6 Council Officers will only accept complete applications comprising all the necessary paperwork. Incomplete or missing documentation will result in the application being put on hold. If an application is received late, the license may expire before a new

one can be issued, resulting in it being illegal to operate as no Operator's license would be in force.

### 5.13 Change of details

The operator must notify the Council in writing of any change of his/her address, or email address (whether this is a home address or the address from where he/she operates) or change of telephone number/email during the period of the license, immediately after or preferably before the change takes place.

## 6 FEES

### 6.1 General

6.1.1 Applicants must pay the fees for their application as set out in the policy. Applications will not be progressed until the appropriate fee has been paid.

6.1.2 A schedule of fees is available on the council's website. The schedule is reviewed each year as part of the budget process. Fees reflect the cost of the administrative costs of the licensing regime, processing applications, compliance and enforcement of licenced drivers and vehicles etc.

6.1.3 This policy does not deal with the fee setting process.

### 6.2 Refunds

6.2.1 There is no statutory requirement to issue refunds following surrender of a licence. Historically, the council has received requests for refunds for licences that have been surrendered, for example, due to ill health or the licence holder moving away from the area. These have and will continue to be considered, subject to the paragraphs below.

6.2.2 Licence holders should think carefully before surrendering a licence. If they decide to reapply in future, then their application will be considered as a new application and subject to the same conditions as for all new applicants (e.g. knowledge tests, driver assessments, for new drivers).

6.2.3 Refunds will not be issued for licences which have been revoked or surrendered following suspension.

## 7 FARES

7.1.1 The council has set Hackney Carriage fares (Tariff) for journeys within its District. This sets the maximum fare that can be charged by Hackney Carriage Drivers.

7.1.2 There is no provision to set fares for Private Hire Vehicles.

7.1.3 Current fare rates are shown on the council website. The council's official table of fares (tariff) must be displayed in Hackney Carriage Vehicles.

7.1.4 A taxi driver can charge more than the metered fare for journeys starting inside the licensing area and ending beyond the district **only if this is agreed in advance**. In the

case of a pre-booked journey starting outside the district, the price / estimate should be given on request to the passenger, and, if so, recorded.

7.1.5 The council will review fare rates from time to time as necessary or in response to a bona fide request that has the backing of the trade in general. Proposed changes will be introduced in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

## **8 DISCIPLINARY AND ENFORCEMENT MATTERS**

8.1.1 The Council believes that well directed enforcement activity benefits not only the public but also the responsible people in the Hackney Carriage and PHV trades. Indeed, it could be argued that the safety of the public depends upon the licensing authority having an effective enforcement regime in place.

8.1.2 This includes actively seeking out those persons who are evading the licensing system, not just licensing those who come forward seeking appropriate licences. In carrying out these duties the Council will work closely with other agencies (such as the police), share intelligence and on occasions take part in multi-agency and cross border enforcement exercises.

8.1.3 To ensure best use of officer time, staff will carry out a range of licensed enforcement activities including checking other licensed activities for which the Council has responsibility. It is equally important that a degree of enforcement activity is directed at late night and weekend periods as these are identified as the periods of time when many problems occur.

8.1.4 Officers will often conduct spot checks, which can lead to the suspension or revocation of licences in specific circumstances. Sec 52 of the Road Safety Act 2006 amended the Local Government (Miscellaneous Provisions) Act 1976 such that the Council can now suspend or revoke a Hackney Carriage or PHV driver's licence with immediate effect on safety grounds.

8.1.5 It should be stressed that this power can only be used where **safety** is the principle reason for suspending or revoking and where the risk justifies such an approach. It is anticipated that in the majority of cases drivers will continue to work pending a decision by the Environmental Health and Licensing Manager or the Sub Committee. This power will be used in one off cases and then only after consideration and agreement between the Environmental Health and Licensing Manager and the Council legal representative.

8.1.6 The Council will conduct all such enforcement in line with other policies and ensure that it is conducted in a consistent, proportionate and fair manner.

8.1.7 When carrying out enforcement duties, officers will at all times conduct themselves in a professional and courteous manner. The Council expects licensed operators/drivers to show the same respect to its staff. The Council will not tolerate abuse of its staff in any form and will take a strong line of action against any licensed operator/driver proved to have done so.

## APPENDIX A – APPLICATION PROCEDURES

### 1. General Matters

- 1.1 Potential applicants are advised to check this policy so that they understand application requirements and conditions attached to licences. This will help minimise likelihood of a refused application and associated incurred costs.
- 1.2 The council operates a system of electronic applications, which enables a more efficient process.
- 1.3 We will endeavour to send reminders to licence holders when licences are due to be renewed. However, it is the responsibility of the applicant to ensure that their renewal application is submitted in time, correctly together with any required documentation. Failure to do so may result in a delay in processing an application. If the licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been received. Failure to submit a renewal application in time, may result in the application being considered a “new application” and subject to the same requirements as for new applicants.
- 1.4 A serious view will be taken where applicants or licence holders are found to have knowingly or recklessly misled the council, lied or omitted information during the application process, particularly in relation to convictions and similar matters. Not only is it an offence, which may be subject to further action in accordance with the council’s enforcement policy, but in these circumstances, applicants may be referred to the Sub-committee for consideration as to whether they are a fit and proper person to hold a licence. Applications will normally be refused where an applicant has given false information or attempted to conceal / omit information during the application process.
- 1.5 Authorised officers will normally make decisions concerning the grant or refusal of an application, however, more contentious decisions may be referred to a sub-committee.
- 1.6 Once a full, correct application including required supporting documents has been submitted on line and a decision to grant a licence has been made (e.g. following sub-committee hearing, where necessary) we aim to issue the licence within 5 working days.
- 1.7 Where applications are refused, there is a right of appeal to Magistrates Court. Decisions to refuse applications and the reasons for doing so will be confirmed in writing together with details of rights to appeal.

### 2. Drivers

- 2.1 New applications for a dual licence (PHV/Hackney Carriage)
- 2.2 Drivers must have held a full UK or EU/EAA drivers licence continuously for at least 12 months immediately prior to making an application.

2.3 New drivers will be required to undertake a Driving Standards Assessment for Hackney Carriage/ Private Hire Drivers. Applicants are advised to undertake this test and obtain a pass certificate before making their full application. The test must have been taken within 12 months of the application.

2.4 New applicants will be required to pass the Council's knowledge test. Applicants shall book the test as part of the online application. If an applicant fails 3 consecutive tests it is considered that they are not ready to be licensed as a driver by this council. It would normally be expected that they wait a further 6 months before taking the test again, for them to spend further time developing their knowledge and skills. Further guidance on the knowledge test is available on the council website.

2.5 New Applicants will be required to have passed the safeguarding training courses approved by the council. All existing drivers will be required to pass a safeguarding test within 12 months of the testing for new drivers going live.

2.6 The following must be provided before a licence can be issued. Where original documents are provided these will be checked/ photocopied and returned to the applicant.

- **Fully Completed Driver Licence Online Application**
- **One passport size photo**
- **Application Fee**
- **A Full UK or EU/EAA Drivers Licence.** This must have been held continuously for at least 12 months immediately prior to the application.
- **DVLA Share your Driving Licence Information Code** that enables us to check your driving history.
- **A Pass Certificate for a council recognised Driving Standards Assessment for Hackney / Private Hire Drivers** (new drivers)
- **A pass certificate for an approved safeguarding training course.**
- **A Completed Group 2 Medical Certificate.** Confirming the applicant is fit to drive a Hackney Carriage/ Private Hire Vehicle. This must be carried out by your GP or a GMC registered practitioner who has access to your medical records. The Certificate must be not more than 3 months old.
- **An Enhanced Disclosure and Barring Service (DBS) certificate.** Certificates must be less than 3 months old at the date of application. (See 2.6 – 2.8).
- **New Applicants who have lived outside the UK for a continuous period of 3 months or more within the 10 years prior to the application must obtain a Certificate of Good Conduct from the relevant embassy.**
- **Suitable Identity documents providing Evidence of Right to Work in the UK.** Additional checks will be carried out if considered necessary under the Immigration Act.
- **Council's Knowledge test**

2.7 The application for a DBS certificate must be made.

**In order for the DBS application to complete and proceed, applicants must pay the DBS fee and bring original form of ID to our offices for verification.**

2.8 The DBS certificate will be sent to the applicant's home address. This must be provided to the council, as the council will not be sent a separate copy.

2.9 Drivers are required to sign up for and maintain a subscription with the online update service during the time that they are licensed and give the council ongoing permission to check the status of the certificate as necessary.

<https://secure.crbonline.gov.uk/crsc/subscriber>

Where an up to date online certificate is maintained, drivers will not need to submit a paper DBS certificate with their renewal application as the Council can check the online certificate.

2.10 The Council will check the status of a drivers DBS certificate as part of a renewal application. If a driver has failed to register for the update service, they will need to reapply for an Enhanced DBS Certificate and register for the update service.

2.11 If the status check shows the certificate as no longer current, then the applicant will need to apply for a new Enhanced DBS certificate as set out in 2.7- 2.9.

2.12 Where the DBS certificate contains disclosures, then a decision will be made as to whether the applicant is a fit and proper person to hold a licence. Appendix F outlines the Council policy on convictions and cautions.

2.13 Following a successful application a driver will be issued with a paper licence and a driver's badge. These remain the property of the council and must be returned on request following surrender, revocation or lapse of the licence.

### **Drivers Licence Renewal applications**

2.14 A driver's licence will expire after three years from the date of issue / renewal. Licences may be issued for shorter periods under special circumstances.

2.15 A driver must make a renewal application at least 3 weeks before the current licence expires.

2.16 Failure to renew a licence, a DBS check, medical certificate or DVLA disclosure means that a driver is not entitled to drive until valid documentation has been produced to an officer. Driving otherwise than in accordance with the conditions of the licence and policy may result in a licence being suspended or revoked.

2.17 Existing drivers who have not submitted their renewal application online within 3 weeks following expiry of the licence, will be considered new applicants, and will be required to meet all the criteria for new driver.

## **3. PRIVATE HIRE OPERATOR APPLICATIONS**

3.1 Applicants will need to submit the following

- **Fully completed online application**

- **Application fee**

- **Proof of Public Liability Insurance** (if the operating premises will be accessible to the public)

- **A Basic Disclosure Barring Service (DBS) check** for each person named on the application form. Procedures are as set out for drivers in 2.7 – 2.8. This does not apply to Persons who have provided an up to date Enhanced DBS certificate (within 3 months) or maintained an up to date online certificate accessible to HBC as part of a Drivers Licence application with this Authority.
- **New Applicants who have lived outside the UK for a continuous period of 3 months, within the 10 years prior to the application must obtain a Certificate of Good Conduct from the relevant embassy**

3.2 Where a DBS contains disclosures, then the suitability of the applicant to hold a licence will be considered. The Council Policy on convictions and cautions is set out in **Appendix F**.

3.3 Following successful application, licensed operators will be issued with a paper licence. This remains the property of the council and must be returned on request following surrender, revocation or otherwise lapse of the licence.

3.4 Renewal applications must be submitted within 1 month of expiry of the licence to allow enough time to process the application.

#### **4 VEHICLE APPLICATIONS**

4.1 Vehicles must meet the specifications set out in **Appendix C** of this policy. Applicants are therefore strongly advised to check these requirements and if necessary, discuss any queries with a licensing officer prior to purchasing a new vehicle or making an application.

4.2 The following must be provided before an application can be considered

- **Fully completed Online Application**
- **Application Fee**
- **Vehicle Registration Document (V5) issued by the DVLA** showing the applicant to be the registered keeper. If the vehicle has recently been purchased and the V5 is with DVLA, then other acceptable proof of ownership e.g. bill of sale, showing full buyer and seller details will be accepted, but the V5 will need to be supplied as soon as this is available.
- **Basic Disclosure & Barring Service (DBS) Check** for each person named on the application form (for Limited Companies and Partnerships a DBS Certificate is required for each partner and director). This does not apply to Persons who have provided an up to date Enhanced DBS certificate (within 3 months) or maintained an up to date online certificate accessible to HBC as part of a Drivers Licence application with this Authority. If an applicant already holds a current vehicle licence with this authority, then a DBS previously supplied will be acceptable provided it was dated within the last 12 months.

- **New Applicants who have lived outside the UK for a continuous period of 3 months, within the 10 years prior to the application must obtain a Certificate of Good Conduct from the relevant embassy**
- **Insurance Certificate or cover note confirming the Vehicle is covered for “Hire and Reward”**. If a cover note is provided, licence holders will be required to produce further insurance certificates on or before the expiry of the cover note.
- **Individual Vehicle Approval (IVA) Certificate (Stretch limousines only)**

4.3 A Licensing Officer will arrange to inspect the vehicle at the council offices (or suitable venue) to confirm compliance with vehicle specifications.

4.4 Following a successful application, a paper licence and vehicle plates will be issued. The vehicle must not be used for hire and reward until the plates have been affixed to the vehicle (unless a plate exemption letter has been issued.) These must be returned on request following surrender, revocation, or lapse of the licence.

4.5 Renewal applications must be submitted 14 days prior to expiry of the licence to allow enough time for processing. Failure to do so may result in the existing licence expiring before a new licence is issued. The vehicle could not be used for hire or reward whilst it is unlicensed.

4.6 If a renewal application is made more than 1 month after expiry of the licence, the application will be treated as a new application and vehicles will be required to meet the specifications (including age requirements) for vehicles being licensed for the first time.

4.7 Any incomplete applications will be put on hold.

## **APPENDIX B - TRANSFER OF A LICENSED VEHICLE TO NEW PROPRIETOR**

1.0 Where a licensed vehicle is transferred to a new proprietor, notice of transfer must be given within 14 days. It is necessary for a new licence to be obtained showing the new owner details.

1.1 The following must be submitted:

Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the proprietor of a licensed vehicle has the right to transfer ownership of that vehicle **WITH THE LICENSE ISSUED IN RESPECT OF IT** to another person. Notice of the transfer must be given to the Council within 14 days.

- **Fully completed Online Application**
- **Application Fee**
- **Vehicle Registration Document (V5) issued by the DVLA** showing the applicant (new proprietor) to be the registered keeper or other acceptable proof of ownership
- **Insurance Certificate or cover note confirming the Vehicle is covered for “Hire and Reward”**. If a cover note is provided, licence holders will be required to produce further insurance certificates on or before the expiry of the cover note.

- **A Basic DBS certificate for the new proprietor (where the new proprietor is a Ltd Company or partnership, a certificate is required for each partner/director).** This does not apply to individuals that hold a drivers licence with HBC who have a maintained a certificate through the DBS Update Service. If the new proprietor already holds a current vehicle licence with HBC, then DBS Certificates previously supplied, will be acceptable, provided they are dated within 12 months of the application.

Any incomplete applications will be put on hold.

If the application is complete and satisfactory, a license will be issued in the new proprietor's name with the same expiry date as previously.

## **APPENDIX C - HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE SPECIFICATIONS AND CONDITIONS**

### **1. Vehicle Age**

1.1 The age of the vehicle is from the date of first registration with the DVLA.

1.2 The maximum age criteria for licensing of vehicles. No vehicle shall on first application for a licence be older than 4 years from the time of its first registration and on submission for renewal of a licence be more than seven years old since the time of first registration (10 years for purpose-built vehicles).

All vehicles over five years old shall be required to pass two MOT/inspections each year.

1.3 Licensing of a vehicle meeting the maximum age criteria is still subject to it having a valid inspection and being in good condition in all other respects as set out in this policy.

1.4 Vehicles in exceptional condition may be considered for licensing for a further year beyond maximum age subject to compliance with all other conditions of this policy.

1.5 A vehicle in exceptional condition is defined as follows:

- It is in excellent mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis, underside, or bodywork.
- Full-service history is provided showing that the vehicle has been correctly and regularly serviced by a reputable garage in accordance with the manufacturer's service specifications.
- The exterior of the vehicle to be in near perfect condition with no dents, damage, or signs of corrosion.
- The paintwork to be in excellent condition and free from scratches and marks.
- The interior of the vehicle to be in near perfect condition. The upholstery, linings, seats, and floor to be perfectly clean with no holes, tears or signs of wearing.
- Extensions shall only be granted if the vehicle has undertaken 6 Monthly MOTs
- The boot or luggage compartment to be in good condition, clean and undamaged

- The decision of the Environmental Health and Licensing Manager shall be binding in relation to this condition.

1.6 A vehicle licence shall be taken as being a renewal, if there was in force a current licence previously issued by Hastings Borough Council, immediately prior to being relicensed.

1.7 If a vehicle is being repaired and work will not be completed prior to expiry of a licence, but relicensing is sought then a renewal application with fee must be submitted prior to expiry of the licence.

## **2. General Specifications**

2.1 The vehicle must be an M1 category vehicle (i.e. designed to carry up to 8 passengers) and certified as meeting EC Whole Type Approval Standards.

2.2 Motorbikes, three-wheel motor vehicles and non-motorised vehicles will not be licensed.

2.3 Vehicles must not have been previously written off,

2.4 Vehicles must provide at least two doors for the use of persons conveyed in such a vehicle and a separate means of ingress and egress for the driver.

2.5 The vehicle must be of sufficient size to comfortably accommodate the number of passengers it will be licensed to carry. The minimum number of passengers to be carried is four. Vehicles with seating capacity for more than eight passengers will not be licensed.

2.6 The number of passengers for which a vehicle is licensed will be determined by the licensing authority and displayed on the licence plate.

2.7 The Council may licence vehicles with less than four seats

2.8 The vehicle must be Right Hand Drive.

2.9 There must be side access and egress to all seats without the need to climb over seats and /or luggage.

2.10 Windows and a means of opening and closing not less than one window on each side shall be provided.

2.11 All Hackney Carriages shall be Dark Blue in colour and display the Coat of Arms of Hastings on the bonnet as approved by the Council.

2.12 All Private Hire Vehicles shall be any colour other than Dark Blue.

2.13 All paintwork to be professionally finished and displayed in accordance with the manufacturers' specifications. Bare metal, primer paint, visible rust and perforations will not be permitted.

### **Specific conditions applicable to Hackney Carriages (Nos 49 upwards)**

- New unregistered vehicles only.
- Purpose built taxi 8/7/5 seat with integral roof pod.
- Wheelchair accessible (side loading).
- Relevant Euro standard (currently Euro V engine (Hybrid or electric also acceptable))
- Fitted with hearing loop.
- Fitted with CCTV system installed by an approved company, with no access to the images by the driver, vehicle CCTV signs fitted to vehicle.
- Vehicle sprayed or wrapped in Dark Blue (Base Colour Code 8M4-KJD6B) with bonnet crest.

2.14 No decals, logos, advertisements or decorations may be displayed, except as approved in advance by Licensing Team Officers.

2.15 All trim, mirrors, aerials, bumpers and wheel trims to be complete, correctly aligned and undamaged.

2.16 All vehicles will be required to display information on how to make a complaint to the licensing authority. For vehicles holding a licence at the time this policy came into effect, information must be displayed within 3 months of this policy coming into effect.

### **3. Tyres**

- All wheels should be free of material damage, matching in size and style and be within the manufacturer guidelines for the vehicle.
- Re-moulded or re-cut tyres must not be fitted to the vehicle and all tyres must be kept at the correct pressure.
- “Space Saver” tyres are acceptable on vehicles, if they conform to the Original Manufacturer’s Specifications.
- If a Space Saver tyre kit or repair kit is used, then it must only be used for the duration of the current fare and for returning the vehicle to a garage for repair. No further fares may be taken whilst the repair kit / space saver tyre is in use on the vehicle.

### **4. Tinted Windows**

4.1 All windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations. (75% light transmission windscreen, 70 % light transmission front passenger windows). However, in the interest of passenger safety, no windows shall be fitted with mirror / tint such that it restricts all view into the passenger compartment. Vehicles already licensed at the date when this policy came into effect will continue to be licensed until they are replaced. Replacement vehicles (permanent or temporary) must comply with this condition.

4.2 No vehicle shall be fitted with films to darken or tint the windows

4.3 Vehicles which are licensed at the time of this policy coming into effect, which due to design do not meet requirements of 4.1 will continue to be licensed. Replacement vehicles must comply with the policy.

## **5. Fire Extinguisher (Check with fire service)**

5.1 A suitable Fire Extinguisher which conforms to British and European standards shall be provided and maintained in the vehicle at all times when it is in use or available for hire. The fire extinguisher will be visible and readily available for immediate use in an emergency

## **6. LPG conversions**

6.1 An application for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice. This certificate is required to ensure that the vehicle is considered safe by an approved inspector.

6.2 If the vehicle is powered by Liquid Petroleum Gas and the LPG fuel tank has been installed in the boot space there shall remain free an amount of space for the storage of a reasonable amount of luggage. Any spare wheel displaced because of the tank installation must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Where relocation of the spare wheel is not possible an acceptable alternative, as supplied by the conversion company may be permitted.

## **7. Modifications**

7.1 No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without:

- compliance with road traffic legislation.
- compliance with insurance requirements; and
- obtaining approval for the changes(s) from the Council.

## **8. General Condition of Vehicle**

8.1 The vehicle and its fittings must always when it is available for hire or being used as a licensed vehicle:

- be safe
- be tidy
- be clean
- comply with all relevant statutory requirements applicable to the class of vehicle to which the vehicle belongs including, but without prejudice to the generality of the foregoing the Motor Vehicles (Construction and Use) Regulations which currently apply.

8.2 The body shell including doors, panels, wings, bumpers, mirrors, front and rear lights and indicators, and interior floor covering to be in good condition, free from rust, holes, broken metal or any other visible damage.

8.3 All fittings and handles must be operational.

8.4 Windscreens and windows to be in good, clean condition and at all times meet the requirements of the MOT test standards.

8.5 Seats, upholstery, panelling, floor covering, and roof lining must be in good condition, clean and free from any tears, damage, grease, or any other contamination.

8.6 The boot must be carpeted or fitted with the manufacturer's boot covering and clean.

8.7 There shall be provided enough means by which any person in the vehicle may communicate with the driver.

8.8 The roof or covering to be kept watertight.

8.9 The seats shall be properly cushioned or covered.

8.10 The floor to be provided with a proper carpet, mat or other suitable covering.

8.11 The fittings and furniture are to be kept in clean condition, well maintained and in every way fit for public service.

8.12 The proprietor shall provide means for securing luggage if the carriage is so constructed as to carry luggage.

8.13 No Roof boxes or pods shall be attached to any licensed vehicle.

## **9. Smoking in Vehicles**

9.1 Under the Health Act 2006 and associated Regulations, smoking inside licensed vehicles is always strictly prohibited, whether they are being used for hire or private use (Inc the use of 'E-cigarettes').

9.2 No smoking signs must be displayed in the vehicle as required by the Smoke Free (Signs) Regulations 2007.

9.3 The Smoke Free (Vehicle Operator and Penalty Notices) Regulations 2007 set out the persons who will have legal duties to cause any person who is smoking in a smoke free vehicle to stop smoking, namely:

- The Driver
- Any person with management responsibilities for the vehicle; and
- Any person in a vehicle who is responsible for order or safety in it.

9.4 Any licence holder committing an offence under the regulations may be subject to enforcement action as set out in this policy. (In addition to action taken under Health Act 2006 and associated Regulations).

## **10. Wheelchair Accessible Vehicles**

10.1 Where a vehicle is utilised for the carriage of a passenger in a wheelchair, the following conditions shall apply:

- Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
- Ramps and other loading apparatus must always be maintained in good working order and be available for use.
- Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as to not obstruct any emergency exit.
- A suitable restraint must be available for the occupant of a wheelchair.
- Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant, and helper; and
- Ramps and lifts must be securely stored in the vehicle before it may move off.
- Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been examined by a qualified body in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307).

## **11. Insurance, MOT and Vehicle Excise (Road Tax)**

11.1 A licensed vehicle must not be used as a Hackney Carriage or Private Hire Vehicle unless there is a current compliance certificate, valid insurance and current vehicle excise licence (road tax) in place.

## **12 Licence Plates**

12.1 The proprietor must ensure that the licence plate provided and allocated to him for the vehicle is affixed to the outside of the vehicle, on or adjacent to the rear bumper or in such other position as may be approved by the Council.

12.2 Para 12.1 above does not apply to Vehicles granted plate exemption in accordance with Section 3.11 of this policy. The exemption disc must be displayed in the vehicle and be made immediately available on request. If the exemption disc is not displayed, then plates must be displayed.

12.3 The Council must be informed immediately should the licence plate be lost, broken or defaced. Proprietors will be liable for fees for replacement plates.

12.4 The licence plate must always be kept in a clean and legible condition.

12.5 The Proprietor shall not cause or permit the vehicle to be used or operated with the said plate so defaced that any figure or material is illegible.

12.6 The licence plate remains the property of the Council and must be returned within seven days when:

- the vehicle ceases to be licensed as a Hackney Carriage or Private Hire Vehicle; or
- requested to do so by an Authorised Officer of the Council in writing when the plate is suspended, or revoked
- The plate has expired.

### 13. Signage

13.1 No vehicle will be accepted for licensing as a Private Hire Vehicle if its appearance is likely to create confusion in the minds of the travelling public that it may be a Hackney Carriage. For this reason, vehicles which are recognisable as purpose built "London Style" cabs or similar vehicles should be avoided by any operator intending to provide Private Hire services.

13.2 In all other respects, the vehicle and its fittings must be kept in a clean, unaltered and undamaged condition.

13.3 Hackney Carriages shall be fitted with an approved roof sign which: -

- Bears the word "TAXI" to the front.
- Have a minimum base size of 24ins (60cm).
- May display the proprietors name and telephone number on the rear.
- Is capable of being illuminated when the vehicle is plying for hire, such illumination to be extinguished when the taximeter operates
- Unless integral to the bodywork of the vehicle, shall be positioned in the centre of the roof

13.4 The signs must be plainly and distinctly visible.

### 14 Advertising & signs

14.1 External advertisements must be restricted to the name, logo or insignia, telephone number, or other contact details of the owner or operator of the vehicle. No other advertisement is permitted on the outside of the vehicle.

14.2 No advertisement shall obliterate, obscure or be confused with the vehicle's licence plate or side panels

14.3 No advertisement shall contain anything of a religious or political nature or contain any matter likely to cause offence.

14.4 The following signage is not considered advertising and is permitted:

- Any signs required by legislation or this policy (such as the complaints procedure).
- Signs indicating membership of a national motoring / breakdown organisation.
- Parking / taxi rank permits
- Signs on taximeters indicating the vehicle is for hire
- Council issued Tables of fares
- Signs indicating the vehicle is wheelchair accessible.
- The sign to be displayed only during the contract when pupils are on board.
- Signs indicating that CCTV Is fitted in the vehicle
- Signs on the windscreen or inside the vehicle indicating that payments may be made by credit / debit card.

14.5 Any sign and advertising permitted must be positioned so as not to impede visibility and in any event no sign shall be placed on the rear window of the vehicle.

14.6 Prior approval for other signs, or posters e.g. relating to public safety campaigns may be considered on a case by case basis by the Environmental Health and Licensing Manager.

14.7 Signs or advertisements must be removed from vehicles on request by a licensing officer, where they consider it contravenes this policy. Vehicles may be suspended until they have been removed.

14.8 Information on how to report a concern or make a complaint to the Council about a driver, vehicle or operator must be clearly displayed within the vehicle. This information and method of display shall be prescribed by the Council.

## **15 TAXIMETERS**

### **15.1 Hackney Carriages**

15.1 An EU approved taximeter must be fitted in all Hackney Carriages and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure.

15.2 The taximeter shall be positioned so that the display on the face of the meter may always be clearly visible to any person being conveyed in the vehicle. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring including during the hours of darkness and at any time at the request of the hirer.

15.3 When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.

15.4 An official copy of the Council's fare tariff shall be clearly displayed and legible in the vehicle to be plainly visible to passengers carried therein.

15.5 The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the drivers shall not be greater than that fixed by this Council in connection with the fare tariff for the hire of Hackney Carriages.

15.6 In the event of such a journey commencing in but ending outside the Hastings District, the driver may charge for the journey such fare as was agreed before the hiring was effected. If no such agreement was made, then the fare to be charged should be no greater than that fixed by the Council in connection with the fare tariff for the hire of Hackney Carriages.

### **15.7 Private Hire Vehicles**

15.7 A Private Hire Vehicle may also be fitted with a taximeter approved by the Council at the discretion of the proprietor. Such device shall: -

- (i) be of the clock calendar type and change according to the wording of the Council's current maximum fare tariff or a lower tariff.
- (ii) not be altered or tampered with except with the approval of the Council and must be retested by one of the Council's nominated testing stations if altered.
- (iii) Show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures.

15.8 Be kept securely fixed in such a position so that the fare recorded is always visible to all passengers within the vehicle and the figures shall be illuminated for this purpose whenever necessary.

## **16 Fare tables**

16.1 A Hackney Carriage proprietor shall ensure that a copy of the current fare table supplied by the Council is on display inside the Hackney Carriage at all times and that the table is not concealed from view or rendered illegible when the vehicle is for hire.

16.2 If a taximeter is fitted within a Private Hire Vehicle, details of the tariff of fares to which it is calibrated shall be clearly on display within the vehicle.

## **17 No smoking signs**

No smoking signs must be displayed in the vehicle as required by the Smoke Free (Signs) Regulations 2007.

## **18 Two-way radios**

The proprietor shall ensure that any radio equipment fitted to the licensed vehicle is always kept in a safe and sound condition and maintained in proper working order.

## **19 Mobile telephones**

Mobile telephones and similar devices may only be used with the vehicle is not in motion.

## **20 Production of documents, certificates etc**

20.1 A proprietor must produce any document within seven days if requested to do so by any officer of the council. Failure to adhere to the request may result in suspension of the driver or vehicle licence until the requested document has been produced

## **21 Convictions / DBS checks**

21.1 Vehicle Proprietors shall within 48 hours, notify the council in writing of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence or as detailed in **APPENDIX F** and any motoring offence imposed on them (or if the proprietor is a limited company or partnership, on any of the directors or partners).

21.2 Vehicle proprietors must provide a Basic DBS check to the Licensing Authority every 12 months. This condition does not apply to individuals who hold a current drivers

licence with HBC and have maintained an online Certificate through the Update service. Proprietors will be required to provide a Basic DBS if they cease to be a licensed driver.

## **22 Change of Address / Directors**

22.1 A proprietor must inform the council within 7 days of any change of address and /or email during the period of the licence.

22.2 Where the proprietor is a Limited Company or Partnership, the Council must be notified within 7 days of any change to Directors or partners.

## **23 Unauthorised use**

23.1 The proprietor of a Hackney Carriage or Private Hire Vehicle shall not allow the vehicle to be driven by any person who does not hold an appropriate Hackney Carriage/Private Hire driver's licence issued by Hastings Borough Council.

## **24 Dual Plating**

24.1 No vehicle will be granted a licence by Hastings Borough Council if it is licensed by another authority. This is because a vehicle may be subject to different requirements of two separate licensing authorities which may prevent effective enforcement. It will also cause confusion to members of the public.

## **25 Accidents and Damage Reporting**

25.1 The proprietor of a Hackney Carriage or Private Hire Vehicle must report to the licensing authority as soon as reasonably practicable and in any case within 72 hours of the occurrence, any damage to such vehicle materially affecting the safety, performance or appearance of the vehicle or the comfort and convenience of passengers.

## **26 Temporary Replacement Vehicle**

26.1 Any licensed vehicle suffering (major) accident damage or requiring mechanical repair may be replaced by a temporary vehicle provided:

- The accident damage has been reported by the licence holder in accordance with the requirements of these conditions, or the defect to the licensed vehicle has been similarly reported.
- An application is made by temporary vehicle supplier for a temporary plate/transfer and the appropriate fee paid.
- The replacement vehicle is properly taxed, insured and tested to the requirements of the normal licence vehicle.
- the replacement vehicle is of suitable size (like for like)
- the replacement vehicle meets specifications and conditions for new licensed vehicles set out within this policy

## **27 CCTV**

27.1 Vehicle Proprietors must notify the Licensing Authority in writing if they have a CCTV system fitted. They must register with the ICO and obtain documented

evidence of that registration.

27.2 The installation and operation of the CCTV systems shall comply with the requirements of the Information Commissioner's CCTV Code of Practice. Following the installation of any CCTV installed into the vehicle it is incumbent upon the operator, proprietor, or driver to handle relevant data in an appropriate or secure manner.

27.3 The CCTV system shall comply with any legislative requirement as regards safety, technical acceptability, and operational/data integrity.

27.4 The CCTV will remain at all times the property of the proprietor of the vehicle who will be responsible for the maintenance of the system and will ensure that it is checked regularly and maintained in working order at all times. If at any time the CCTV systems is not working, it must be reported to an Authorised Officer of the Licensing authority within 72 hours.

27.5 The CCTV system must be capable of date, time and vehicle identification. It must be capable of capturing images during daytime and darkness of sufficient quality to enable the identification of any person travelling in the vehicle and be of such quality that it can be used for prosecution purposes, where necessary.

27.6 The positioning of the CCTV should be such that the hard disc or data card is not accessible to any passenger travelling in the vehicle. The equipment must be securely fixed such that it cannot be tampered with or damaged by any person travelling in the vehicle.

27.7 CCTV systems that can record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only 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.

27.8 All vehicles with a CCTV system shall display prominent notices, visible both outside and inside the vehicle, to inform passengers that a CCTV system is in operation.

27.9 An Authorised Officer or Police Officer may, on reasonable notice, examine any camera installation or any footage from the CCTV. The Council shall be permitted to access data where they have received a complaint involving the vehicle or its driver and the complaint cannot be fully investigated without access to the recording. The licence holder shall co-operate with any Police investigation where access to the CCTV footage may assist.

27.10 The CCTV system must be capable of recording and storing images for a minimum of 28 days.

## **28 Usage**

**28.1** The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal purpose.

## **APPENDIX D –DUAL DRIVER CONDITIONS (DRIVER CODE OF CONDUCT)**

### **1. Appearance**

1.1 The Driver shall be clean and tidy in appearance

1.2 The Driver shall always be dressed in a manner not to cause embarrassment to members of the public

1.3 The driver shall comply with the Dress Code set out in this policy.

### **2. Badges**

2.1 The Driver shall always when operating wear, the badge provided by the council in such a position as to be plainly visible.

2.2 Drivers shall immediately report any lost, stolen or damaged badge. A fee is payable for replacement badges

2.3 The driver's identity badge must be produced on request by any authorised officer of the Council or any Police officer.

2.4 The driver shall not lend his badge or permit it to be worn by any other person.

2.5 All licences, badges and plates remain the property of the Council. They must be returned on request within 7 days if the licence expires and is not renewed, or where the licence is suspended or revoked.

### **3. Conduct**

3.1 The Driver shall behave in a civil and orderly manner

3.2 The Driver shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

3.3 The Driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall unless delayed or prevented by some sufficient cause punctually attend with the vehicle at such appointed time and place.

3.4 The Driver of a Private Hire Vehicle must not cause or permit the vehicle to stand on a public road, on a Hackney Carriage rank, or in a public place so as to suggest that it is plying for, or available for hire.

3.5 The Driver shall not by calling out or otherwise, importune any person to hire such a vehicle and shall not make use of the services of any other person for that purpose.

3.6 Drivers must not use a mobile phone whilst driving unless it is designed for hand-free operation.

3.7 The driver shall not operate the horn as a means of signalling that the vehicle has arrived.

3.8 The vehicle shall be presented in a clean and tidy condition for each journey.

3.9 The driver shall report any accidents or incidents affecting the safety or physical appearance of the vehicle to the operator/proprietor of the vehicle immediately (or as soon as practicable) to ensure that the proprietor can fulfil their obligations to report the matter to the Authority within the required 72-hour period.

3.10 Any animal belonging to or in the possession of the driver must not be carried in any licensed vehicle when the vehicle is plying for hire, during a hiring or prior to any booking. Any animal belonging to or in the custody of any passenger may be conveyed in a licensed vehicle at the discretion of the driver (apart from where section 5 below applies). The animal must be carried in a suitable cage, or safely restrained on a lead, whilst in the vehicle.

#### **4. Number of Passengers**

4.1 The Driver shall not convey in the vehicle any greater number of persons than that specified on the plate affixed to the outside of the vehicle.

#### **5. Carriage of Guide, Hearing or Other Assistance Dogs**

5.1 Drivers must carry passengers with a guide, hearing, or other assistance dogs without additional charge.

5.2 When carrying such passengers, drivers have a duty to:

- Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- Not to make any additional charge for doing so.

5.3 A driver, who for medical reasons, has been granted an exemption from carrying assistance dogs under Section (4.3.13) of this policy, must always display their exemption certificate in the vehicle when working.

5.4 Drivers must notify vehicle proprietors and operators if they have an exemption certificate

#### **6 Wheelchair Accessible Vehicles**

6.1 All drivers of wheelchair accessible vehicles must:

- Be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.
- Before any movement of the vehicle takes place, ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied.
- Ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers, or to anyone

else, in accordance with the regulations detailed in section 100 of the Road Vehicles (Constructions and Use) Regulations.

6.2 Drivers of designated wheelchair accessible vehicles must not refuse to take a passenger in wheelchair unless they hold an exemption certificate on medical grounds

6.3 Drivers must not charge extra for carrying passengers with wheelchairs (whether the passenger remains in the wheelchair). Fare meters must not be kept running whilst passengers with wheelchairs are being assisted into and out of the vehicle.

6.4 Exemption certificates issued under 4.3.11 of this policy must always be kept in the vehicle when the driver is working and produced on request. Drivers must notify vehicle proprietors and operators of exemptions.

## 7. Luggage

7.1 The Driver of a vehicle so constructed as to carry luggage shall, when requested by any person hiring the vehicle:

- Convey a reasonable quantity of luggage
- Afford reasonable assistance loading and unloading
- Afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which they may take up or set down such person.

## 8 Property Left in Vehicles

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

8.2 The proprietor or driver of a Private Hire Vehicle 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:

- Report the finding or handing to him of property to a police station as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner.
- Online guidance is available via the Sussex Police website (see link below)
- [Sussex Police Lost property link](#)

## 9 Fares and Taximeters

9.1 The driver/operator of a Private Hire Vehicle may make their own agreement with the hirer as to the fare for a particular journey.

9.2 The driver shall, if requested by the hirer, provide him with a written receipt for the fare paid. Each receipt should show the date of journey, driver badge number and amount paid.

9.3 The driver must not demand any fare more than that previously agreed between the hirer or operator, or if the vehicle is fitted with a taximeter, the fare shown on the face of the taximeter.

9.4 If the vehicle is fitted with a taximeter, the driver must:

- When standing, keep the flag or other device in such position in which no fare is recorded on the face of the taximeter.
- Unless prior agreement has been made with the hirer to engage by time, to bring the machinery of the taximeter into action by moving, the key, flag or other device and keep the machinery in action until the termination of the hiring.
- Cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness – this being the time between half an hour after sunset to half an hour before sunrise, and also at any other time as requested by the hirer.
- Not tamper with or permit any person to tamper with any taximeter, its fittings, or seals.

9.5 In the event of a journey commencing in but ending outside the Hastings Borough Council District there may be charged, for the journey, such fare or rate (if any) as was agreed before the hiring was effected. If no such agreement was made, then the fare to be charged should be no greater than that determined by the taximeter.

## 10 Convictions

10.1 The driver must within 48 hours, notify the council in writing of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence or as detailed in **APPENDIX F** and any motoring offence.

10.2 Drivers must supply DBS certificates and maintain an online certificate through the DBS update facility as set out in Section 2.7 of Appendix A of this policy.

## 11 Medical Examinations

11.1 All new applicants for a Private Hire drivers licence must have a medical examination to Group II standards as set out in this policy and produce the relevant medical certificate signed by a medical practitioner that the applicant is fit to drive a Private Hire Vehicle.

11.2 Further medical examinations to group II standards will be required at the following frequency.

- Up to 45 years of age – 6 yearly
- Between 45 and 65 years of age - 3 yearly
- Aged 65 years and over – annually

11.3 The driver of a Private Hire Vehicle must undergo a medical examination to group II standards at other times where reasonably required by the Council.

11.4 The driver shall disclose to the Council in writing, within five days, details of any serious illness or injury that may impair their ability to drive or affect the safety of passengers (for example, head injury, heart attack, stroke, broken limbs, diabetes)

## 12. Miscellaneous

12.1 The driver must notify the Authority, within 14 days of starting or terminating employment, as to the name and address of the operator and/or proprietor concerned, and the date when the employment either started or ended.

12.2 A copy of the Private Hire driver's licence must be presented to the proprietor/operator at the beginning of an employment.

12.3 The driver shall notify the Council in writing of any change of address within 14 days.

12.4 The driver must produce his DVLA driving licence to the Council within seven days of a written request for production being made.

12.5 The Private Hire driver's licence must be made available for inspection, upon request, by any authorised officer of the Council or any police officer.

12.6 Where a customer has, during the course of a hiring, cause to make a complaint, the driver must give enough information to enable him to identify the driver (badge number), vehicle details including the plate and/or registration number in the event that it is their wish to report the matter to the Council.

12.7 The Driver must ensure that information for customers concerning how to make a complaint to the Council is clearly displayed within the vehicle.

## **APPENDIX E - PRIVATE HIRE OPERATOR CONDITIONS**

### **1. Standards of Service**

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

1.2 Ensure that when a Private Hire Vehicle has been hired that the driver attends at the appointed time and place punctually, unless delayed or prevented by sufficient cause.

1.3 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.

1.4 Ensure that any waiting area has adequate seating facilities

1.5 The proprietor of a Private Hire Business shall not cause any advertisement in respect of his business or the vehicles used for that purpose to include the word "Taxi" or "Cab" whether in the singular or plural, or any word of similar meaning or appearance to either of those words , whether alone or as part of another word.

### **2. Bookings and Booking/ Dispatch Staff.**

2.1 Pursuant to s56 Local Government (Miscellaneous Provisions) Act 1976, The operator shall keep a record in a suitable book, folder or electronic log of , particulars for every booking of a Private Hire Vehicle invited or accepted by him, whether direct from the hirer or by undertaking bookings at the request of another operator.

2.2 Records must be made prior to the commencement of the journey and as a minimum, must include:

- The time and the date of the booking
- The name and contact details of the hirer
- The time, date, and place of pick up
- The destination
- The Name and licence number of the Driver
- The vehicle registration number or plate number of the vehicle
- Name of any individual that responded to the request
- Name of the individual that dispatched the vehicle
- The fare (if this was agreed at the time of booking.)

2.3 The operator shall keep the above records for a period of not less than 6 months following the date of entry

2.4 The operator shall have sight of a Basic DBS check for all individuals that take bookings and / or dispatch vehicles. For new staff, this check should be done before they take bookings or dispatch vehicles. Where an individual leaves the employment of an operator but returns at a later date, a new DBS must be requested and checked.

2.5 The operator shall put in place a documented policy concerning its approach to employment of staff with convictions. Such a policy shall ensure that staff do not present a risk to the public. Operators must provide their policy on employing ex-offenders in roles that would be on the live register

2.6 Operators must ensure that any operator to whom they subcontract bookings, has equivalent arrangements in place for checking DBS of individuals taking bookings or dispatching vehicles and employment of staff with convictions

2.7 The operator shall maintain a register of all individuals who take bookings and/or dispatch vehicles. This must include:

- Name and address
- Start / end date of employment.
- Date DBS Certificate checked and by who.

2.8 The above records for individuals must be retained for 12 months from the date that the individual left employment of the operator.

2.9 Records shall be produced on request by a licensing officer or police officer.

2.10 The Operator shall produce their licence on request to any licensing officer or police officer.

2.11 Operators must not dispatch Public Carrying Vehicle (PCV) drivers or Passenger carrying vehicle (PCV) without the informed consent of the person making the booking. The Operator must inform the Person making the booking that PCV drivers are subject to a different licensing system to Taxi / Private Hire Vehicle Drivers, and this does not include Enhanced DBS Checks.

### **3. Drivers and Vehicles**

3.1 Operators must ensure that only drivers with a valid dual licence and vehicles with a valid Private Hire Vehicle licence are utilised. Both Licences must be issued by Hastings Borough Council.

3.2 The operator shall keep a copy of licences issued by the Authority, for Private Hire Vehicles it operates.

3.3 The operator shall keep a copy of licences issued by the Authority, for drivers it operates.

3.4 The operator shall keep records of the following: -

- Driver calls signs
- Date of when a new driver begins service; and
- Date when a driver ceases service.

3.5 These records must be made available to a licensing officer or police officer on request.

#### **4 Convictions / DBS checks**

4.1.1 The operator shall within 48 hours notify the council in writing, of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence or as detailed in **APPENDIX F** and any motoring offence imposed on him, (or if the operator is a company or partnership, on any of the directors or partners).

4.1.2 Operators must provide a Basic DBS Certificate to the licensing team every 12 months. This will not apply to individuals who hold a current driver's licence with HBC and have maintained an online certificate through the DBS update service. Should an individual cease to be a licensed driver, a Basic DBS must be provided immediately.

#### **5 Complaints**

5.1.1 The Operator shall maintain a record of complaints concerning the condition / cleanliness of a vehicle or any complaint concerning a driver. These records shall be maintained for 6 months and be available to a licensing officer on request. Operators shall immediately upon receipt notify the council in writing of any complaints leading to the suspension or termination of a contract with a driver.

5.1.2 Operators with premises accessed by the public shall display information about how they can contact the Council to make a complaint about a vehicle, driver, or operator.

#### **6 Change of Address / Directors**

6.1 The operator shall notify the council in writing of any change of his address including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence, within seven days of such change taking place.

6.2 Where the operator is a Limited Company or Partnership, it must immediately notify the council where the partner or directors change.

## APPENDIX F – RELEVANCE OF CONVICTIONS AND CAUTIONS

### 1. General

1.1 The purpose of this policy is to set out the Council's approach to convictions and cautions when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a driver, vehicle or operator licence.

1.2 The Institute of Licensing publication "Guidance on determining the suitability of applicants and licensees in the hackney and Private Hire trades" (2018) and DfT Statutory Standards have been taken into account in preparation of this policy and will be taken into consideration when making decisions.

1.3 The existence of this policy aims to promote a transparent and consistent approach that is clear to applicants and decision makers. Notwithstanding the existence of this policy, each application will be determined on its own merits. Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons will be given for doing so

1.4 The leading case as to whether a person is a 'fit and proper person' is: *McCool v Rushcliffe Borough Council* [1998] EWHC Admin 695  
The test sets out the requirement to ensure, so far as possible, that those licensed to drive taxis or PHVs are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers.  
In layman's terms the question to ask is "Would you let this person drive your daughter, son, mother etc. alone in a car?"

1.5 Whilst vehicle proprietors may have no direct contact with passengers, they are entrusted with ensuring suitability of vehicles and that they are driven by licensed drivers. This policy is therefore still applicable.

1.6 The safeguarding of the public is paramount. Decisions on the suitability of an applicant or licence holder must be made on the balance of probabilities. An applicant or licence holder should not be given the benefit of the doubt. If an Officer or Committee is 50/50 as to whether a person is "fit and proper" they should not hold a licence.

1.7 Hackney Carriage and Private Hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no "spent" convictions. Any and all convictions, so far as they are relevant can be taken into account in determining whether an individual is a fit and proper person to hold a Hackney Carriage or Private Hire drivers licence.

1.8 Some individuals may hold (or apply for) a combination of driver, vehicle and / or Private Hire operator licences. In these circumstances, their suitability to hold each type of licence should be considered separately. For example, the refusal to licence an individual as a driver or to suspend or revoke a drivers licence does not automatically mean that they cannot be granted or continue to hold a vehicle or Private Hire operator licence. In addition, Only the information relevant to that licence should be considered. For example, when considering a vehicle licence, not all information on an Enhanced

DBS can be considered - only information that would be available on a Basic DBS. I.e. that which they were required to supply as part of that licence process.

1.9 The onus is on the applicant or licence holder to demonstrate that they meet this requirement; not on the council to demonstrate that the applicant does not.

1.10 Applicants and licence holders should note that offences are not considered less serious just because they were committed when they were not driving a taxi or working in their capacity as a licensed driver or operator

1.11 If a new applicant has been charged with an offence, which if they were convicted of would normally lead to refusal of a licence, a decision will be deferred until proceedings have been completed or the charges withdrawn.

1.12 If a court has found an applicant guilty of an offence, that person cannot subsequently claim to the council that they did not commit the offence. If they seek to do so, their representation will not be considered, as this is entirely a matter for the courts. The applicant can, however, offer any mitigating circumstances relating to the offence that they wish the Council to consider.

1.13 In all but the most serious cases, the disclosure of cautions, convictions or other information will not permanently debar individuals from gaining a licence. The council will however require applicants with a criminal record to remain free of conviction for an appropriate period and show adequate evidence of good character from the time of the conviction. Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.

1.14 In the sections that follow, guidance is given following the disclosure of various convictions, in terms of if and when a person with such convictions may be eligible for a licence. Compliance with the guidelines does not guarantee that a licence will be granted, particularly when there are aggravating factors, such as multiple offences.

1.15 In making its decision the Council will consider, amongst other matters, the nature/class of any offence, how long ago it occurred and the applicants' age at that time, the apparent seriousness as gauged by the penalty imposed, and any other factors which the Council may consider to be relevant.

1.16 Motoring offences will generally not be considered relevant for Private Hire Operators.

1.17 Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.

1.18 As well as convictions, this policy will consider other issues or intelligence received from other agencies which may be relevant to the "fit and proper" person test.

1.19 In considering whether or not a person is fit and proper the council may also consider such matters as an applicant's history as a licence holder not only with HBC but with other licensing authorities; their complaint and compliance history, their co-

operation with and attitude towards Licensing Officer's requests, and any other reasonable matters.

1.20 Any existing licence holder convicted of an offence during the period of their current licence will be subject to this policy relating to the relevance of convictions. In circumstances where a new applicant would normally have their application refused, an existing licence holder would normally have their licence revoked.

1.21 If the applicant has declared any other offences not specifically covered by this policy on the relevance of convictions, the application may be referred to the Environment and Safety Committee for determination.

1.22 A serious view will be taken where applicants or licence holders are found to have intentionally misled the council, lied, or withheld information during the application process, particularly in relation to convictions and similar matters. In these circumstances, they may be referred to the licensing sub-committee for consideration as to whether they are a fit and proper person to hold a licence. Applications will normally be refused where an applicant has sought to conceal information during the application process.

1.23 For the purposes of this Guidance, the acceptance of a Caution or Fixed Penalty Notice will be treated in the same way as a conviction. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. Any reference to a period free from conviction etc relates to the period commencing from either where a custodial sentence has been imposed from the end of the custodial period or in any other case from the date of conviction etc.

1.24 Existing licence holders should be aware that if the Council receives notification from the Police that they are being investigated for an offence that would preclude the grant of a licence their licence will be revoked with immediate effect. If no charges are laid against the licence holder, the licence will ordinarily be reinstated for its original duration. In the event that the licence holder is found not guilty, the licence will ordinarily be reinstated for its original duration, save for any previous or ongoing concerns relating to the licence holder's ability to meet the 'fit and proper' test.

## **2. Crimes Resulting in Death**

2.1 Where an applicant or licence holder has been convicted of a crime resulting in death of another person or was intended to cause the death or serious injury of another person, they will not be licensed.

## **3. Offences involving violence**

3.1 A licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

## **4. Exploitation**

4.1 Where an applicant or licence holder has been convicted of a crime involving or related to abuse or exploitation, regardless of whether the victims were adults or

children, they will not be licensed. This includes, but is not limited to, slavery, child sexual exploitation, grooming, and psychological, emotional, or financial abuse.

## **5 Possession of a Weapon**

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

## **6 Sexual or Indecency Offences**

6.1 Drivers often carry unaccompanied passengers, children, and other vulnerable persons. Operators may have contact with passengers and will decide which drivers to dispatch to bookings. For this reason, an extremely serious view is taken regarding sexual offences. Applicants and licence holders with convictions involving or connected with illegal sexual activity or indecency will not be licensed.

6.2 Individuals on the sex offenders register or any “barred” list will not be licensed.

## **7. Dishonesty**

7.1 Licence holders are expected to be trustworthy. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.

7.2 Members of the public entrust themselves to the care of drivers for their own safety and for fair dealing. Drivers may be entrusted with delivering unaccompanied property and may also recover lost property from their vehicles. In certain situations, drivers and operators may know that a property is empty whilst occupants are on holiday following a booking to take them to the airport.

7.3 For this reason, a serious view is taken of any convictions relating to dishonesty. Where an applicant or licence holder has a conviction for any offence of dishonesty they will not be licensed until 7 years has elapsed since the completion of any sentence imposed.

## **8 Drugs**

8.1 Where an applicant or licence holder has a conviction related to the supply of drugs or possession with intent to supply, they will not be licensed until at least 10 years has elapsed since the completion of any sentence.

8.2 Where an applicant has a conviction for an offence related to the possession of drugs, they will not be licensed until at least 7 years have elapsed since the completion of any sentence imposed. An applicant may be required to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## **9 Discrimination**

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

## **10. Drunkenness (not in a motor vehicle)**

10.1 An isolated conviction for drunkenness shall not prevent an applicant from gaining a licence.

10.2 A number of convictions for drunkenness could indicate a medical problem necessitating critical examination. If the applicant is found to be an alcoholic / alcohol dependent, a period of five years should elapse after treatment is complete before a further licence application is considered.

## **11 Drink Driving / Driving under the influence of drugs**

11.1 A serious view will be taken of convictions of driving or being in charge of a vehicle whilst under the influence of alcohol or drugs.

11.2 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban, whichever is the later. An applicant may be required to undergo testing at their own expense to demonstrate that they are not using controlled drugs.

## **12. Driving whilst using a hand-held phone or other hand-held device**

An applicant with a conviction for using a handheld mobile telephone or a hand-held device whilst driving will not be granted a licence until at least 5 years have elapsed since the completion of any sentence or driving ban, whichever is the later.

## **13. Other Motoring Offences**

13.1 Major traffic offences involving death, driving under the influence of alcohol or drugs or whilst using a phone are dealt with in preceding sections. Other major traffic offences are those involving injury to another person or property (including vehicles), driving whilst disqualified and driving without insurance (or other insurance related offences). Applicants with convictions for major traffic offences will not be licensed until at least 7 years has elapsed since the completion of any sentence or driving ban imposed, whichever is the later.

13.2 Minor Traffic Offences are those not dealt with in the sections above. A single minor traffic offence would not normally prevent a licence being granted or lead to a licence being revoked. Subsequent convictions may indicate that a person does not take their professional responsibilities seriously and may not be a safe and suitable person to hold a licence.

13.3 Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until a period of 5 years has elapsed since the completion of any sentence imposed.

## 14 Hackney Carriage and Private Hire Offences

14.1 One of the main purposes of the licensing regime is to ensure the protection of the public. For this reason, a serious view is taken of convictions for offences relating to Hackney Carriage and Private Hire activity (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

14.2 Where an applicant has been convicted of any offence concerned with or connected to Hackney Carriage or Private Hire activity, a licence will not be granted until a period of at least 7 years has elapsed following completion of any sentence imposed

## APPENDIX G - HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING ENFORCEMENT POLICY

### 1. Purpose of This Policy

1.1 Well directed enforcement activity benefits not only the public but responsible members of the Hackney Carriage and Private Hire Trade

1.2 The Council has a responsibility to ensure that all licensed drivers, owners and operators of vehicles adhere to basic minimum standards. These standards are set out in legislation, byelaws and the Council's Hackney Carriage and Private Hire licensing Policy

1.3 The purpose of this policy is to help ensure that enforcement action is fair, proportionate, consistent, and in accordance with the principles of the Regulator's Code.

1.4 Authorised officers will follow this policy when making enforcement decisions. Departures from this policy will be exceptions and must be justified.

### 2. General Approach to Enforcement

2.1 Enforcement decisions will primarily be based on the seriousness of the breach and the possible consequences arising from that breach. Enforcement therefore will not constitute a punitive response to a minor technical contravention of legislation.

2.2 When taking enforcement decisions, the following factors will be considered

- The seriousness of the breach
- Driver or operator's history
- The effectiveness of the enforcement action
- Danger to the public

### 3. Enforcement Options

3.1 Having considered all relevant information and evidence, the choices for action available to a licensing authority are: -

- take no action.
- take informal action.
- issue penalty points (see **Appendix J**)
- use statutory notices.

- suspend a licence.
- revoke a licence.
- use simple cautions.
- prosecute
- other action as deemed necessary, e.g. completion of a driving assessment.
- a combination of any of the above.

#### **4. Appearance before an Environment & Safety Committee.**

4.1 Authorised Officers have delegation to make decisions concerning grant and renewal of licences and enforcement decisions concerning convictions, allegations or breaches of relevant legislation and policy concerning existing licence holders,

4.2 Referrals - Whilst the day to day enforcement of licensing is a function carried out by Authorised Officers serious or repeated disciplinary matters will be referred to the Environmental Health and Licensing Manager in the first instance and at his discretion to the Environment and Safety Committee Therefore, any reference to Environmental Health and Licensing Manager in this part also means Environment & Safety Committee.

4.3 The Environmental Health and Licensing Manager will consider the impact of transgressions on the fitness of an individual to hold a licence and take appropriate action.

4.4 Where the Environmental Health and Licensing Manager (or their nominated representative) is considering disciplinary and/or enforcement action against a licence holder, the licence holder will be entitled to attend a meeting with them to answer allegations and/or provide any mitigating circumstances, if they wish to do so.

4.5 Prior to attending the meeting, an Authorised Officer will provide a written report containing all the information necessary to understand the allegation(s), the relevant sections of this Policy, the options available and any other relevant information. The report will be provided to the licence holder at least five working days prior to the meeting.

4.6 Following such a meeting or when the licence holder does not require such a meeting the Licensing Manager may decide to take one or more of the following actions detailed in 4.8 below.

4.7 A Licence Holder may be asked to appear before a Subcommittee following report of a conviction, breaches of relevant legislation or conditions attached to licences or a contravention of this policy or accumulation of penalty points.

4.8 The Committee may decide to take one or more of the following actions: -

- no action.
- a written warning.
- require the production of driving licences or other specified documentation at the Council's Office.
- suspend a licence (with immediate effect or after 21 days' notice).
- revoke a licence (with immediate effect or after 21 days' notice).
- refuse to renew a licence
- recommend prosecution action

- other appropriate action as deemed necessary
- a combination of the above

## 5. Take No Action

5.1 No action would be taken if there is no evidence of breach of policy or legislation.

## 6. Informal Action

6.1 Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and requests for action and the use of letters.

6.2 Such informal enforcement action may be appropriate in any of the following circumstances:

- The nature of the breach is not serious enough to warrant more formal action
- From the individual driver or operator's history it can be reasonably expected that informal action will achieve compliance
- Confidence in the operator's management is high
- The consequences of non-compliance will not pose a significant risk to the safety of the public

## 7. Penalty Points

7.1 This Authority has a penalty point scheme which is set out in **Appendix J**

7.2 Licence Holders found to be in breach of licence conditions, this policy or legislation are likely to be issued with penalty points for the transgression. Licence Holders accumulating 12 points during a rolling 12-month period can expect to have their licence reviewed by a sub-committee (without prejudice to other enforcement options)

## 8. Statutory Notices (S68 Local Government Miscellaneous Provisions Act 1974)

8.1 An authorised officer may serve written notice for a Hackney Carriage or Private Hire Vehicle or the taximeter affixed to such vehicle to be presented for inspection and/or testing at any garage or by an authorised officer at a time specified in the notice. This notice may be used where there are concerns regarding the fitness of the vehicle or reasonable grounds to suspect the accuracy of the taximeter. Case Law confirms that fitness of the vehicle may include non-compliance with policy requirements, not just mechanical condition/ roadworthiness. This may include for example, where evidence has not been provided that the vehicle has suitable insurance cover.

8.2 Under this section, an authorised officer may, in addition to requiring the vehicle to be tested, immediately suspend the vehicle licence until such time as he is satisfied with the condition of the Hackney Carriage or Private Hire Vehicle. This action will only be taken when he has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passenger and/or other road users.

8.3 If the Authorised Officer who issued notice is not satisfied that the appropriate action has been taken to withdraw the notice within a period of two months from the date of issue, the vehicle licence shall be deemed to be revoked.

## **9 Suspension / Revocation of Licences**

9.1 Where a licence is suspended or revoked. The licence holder will be notified in writing, with the reasons for doing so, within 14 days of the decision to suspend/revoke being made.

### 9.2 Vehicle Licences

9.2.1 In addition to section above, S60 of the Local Government (Miscellaneous Provisions) Act 1976 enables the council to suspend or revoke a vehicle licence on the following grounds:

- the Hackney Carriage or Private Hire Vehicle is unfit for use as a Hackney Carriage or Private Hire Vehicle.
- any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part II of the Act by the operator or driver
- any other reasonable cause.

9.2.2 Suspensions and revocations under this section come into effect 21 days from the date of the notice or until any appeal has been determined.

### 9.3 Operator Licences

9.3.1 S62 of the Local Government (Miscellaneous Provisions) Act 1976 enables the council to suspend or revoke an operator's licence on the following grounds:

- any offence under, or non-compliance with, the provisions of this Part of this Act;
- any conduct on the part of the operator which appears to the borough council to render him unfit to hold an operator's licence.
- any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
- the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty
- any other reasonable cause.

### 9.4 Drivers' licences

9.4.1 S61 of the Local Government (Miscellaneous Provisions) Act 1976 enables the council to suspend or revoke a driver's licence if:

he has since the grant of the licence—

- been convicted of an offence involving dishonesty, indecency or violence
- 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.
- been convicted of an immigration offence or required to pay an immigration penalty

or any other reasonable cause.

9.4.2 Suspensions and revocations under this section will normally take effect after 21 days from the date of the notice or after any appeal has been determined.

### 9.5 Immediate Suspension/ revocation of Driver Licenses

9.5.1 A council may suspend or revoke a driver's licence with immediate effect, where this is in the interest of public safety. Immediate suspensions continue to remain in force whilst any appeal against the suspension is heard.

9.5.2 Immediate suspensions therefore give additional protection to the public but may have an impact on the livelihood of the licence holder. Decisions to impose immediate suspensions or revocations must therefore not be taken lightly. However, a licence should be immediately suspended or revoked where this is appropriate. There should be a connection between the incident and the safety of the travelling public.

9.5.3 **Immediate** suspension / revocation of a driver may be considered where they

- have committed a serious offence
- are alleged to have committed a serious offence
- are in breach of the requirements placed upon that type of licence within primary legislation
- are in conflict with a significant part of the council's policy or
- where there is reliable intelligence provided which raises a significant concern and it is necessary to immediately remove that potential risk
- there is concern about a driver's medical fitness

9.5.4 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

9.5.5 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
  - an individual has satisfied the '[harm test](#)'; or
  - received a caution or conviction for a relevant offence and
  - the person they are referring is, has or might in future be working in regulated activity;
- if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made.

9.5.6 The council has a policy on its approach to convictions and cautions when assessing applications for drivers licences (**Appendix F**). Regard should be had to this policy when assessing whether an allegation, offence or complaint warrants immediate suspension /revocation.

9.5.7 Each case will be judged on its merits taking into account the circumstances and facts of the case, any admissions or denials made and any other relevant information.

## 10. Refusal to Renew a Licence

10.1 As an alternative to revocation/Suspension, a decision may be taken not to renew a licence, particularly where the licence is due to expire shortly.

## 11. Prosecution

11.1 The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Authority are not followed and/or the public is put at serious risk.

11.2 The following Factors are taken into account when deciding whether to prosecute:

- Whether there is sufficient evidence such that there is a realistic prospect of conviction.
- The seriousness of the alleged offence.
- The risk to the public.
- Whether there were victims and the effect on them.
- Failure to respond to previous warnings.
- The previous record of the licence holder / party concerned.
- Disregard of safety or the licensing regime for financial benefit.
- Whether there was failure to comply with a statutory notice.
- The ability of any important witness and their willingness to co-operate.
- The probable public benefit of a prosecution and the importance of the case in establishing a precedent.
- Whether other action, such as issuing a simple caution or notice would be more appropriate or effective.

## 12 Simple Cautions

12.1 There may be circumstances where evidence exists for a successful prosecution, but where mitigating circumstances are such that nothing is likely to be gained from such action. In such circumstances we will consider the offer of a simple caution as an alternative to prosecution. Circumstances where a caution may be considered are:

- the contravention is low level or a first offence.
- the contravention, although serious, has been speedily dealt with and steps taken to prevent a recurrence.
- The offender has not been cautioned or convicted for a similar offence within the last 2 years.

12.2 The following criteria must be met:

- There is sufficient evidence of the offence such that there is realistic prospect of conviction if the case went to court.
- The offender admits the offence.
- The offender agrees to accept a caution; and
- the offender is able to give informed consent to the caution and understands its significance.

12.3 The decision to offer a caution will be taken by the Environmental Health and Licensing Manager or their relevant Assistant Director in conjunction with Legal Services Team after consideration of a report from the investigating officer.

12.4 If the offer of a formal caution is declined, further enforcement action will be considered. This will usually be prosecution.

### **13. Appeals**

13.1 Where the licensing authority decide to refuse to grant or renew a licence, suspend or revoke a licence or add conditions to a licence, there is a right of appeal to Magistrates Court.

13.2 Where applicable, any notification of enforcement action will include written information on how to lodge an appeal, including relevant time limits.

13.3 It will also explain whether the suspension / revocation will remain in effect pending the outcome of an appeal.

### **APPENDIX H - Additional conditions applying to stretch limousines**

1 Unless specifically stated otherwise below, conditions applying to Private Hire Vehicles also apply to Limousines. The conditions below are additional conditions specifically applying to stretch limousines licensed as Private Hire Vehicles.

2 The vehicle may be left or right-hand drive. Operators of all stretched limousines making applications for vehicle licences will be required to produce a valid Individual Vehicle Certificate (IVA) issued by the Vehicle and Operator Services Agency (VOSA).

3 Tyres must be fitted which are appropriate for the size and weight of the vehicle.

4 Vehicles with sideways facing seating may be considered for licensing.

5 The council shall approve the seating arrangement, within the vehicle, which may vary in accordance with the design of the vehicle.

6 All limousines shall have sufficient seat belts for the maximum licensed number of persons carried and comply with the current legislation in relation to seat belts.

7 The number of passengers any stretch limousine is licensed to carry will be a maximum of eight. All limousines licensed as Private Hire Vehicles must reduce their seating capacity to a maximum of eight passengers.

8 Proprietors must not permit the number of passengers carried in the vehicle to exceed the number for which it is licensed. A child of any age will be counted as a passenger.

9 No passengers to be in the driver's compartment.

10 In any advertisement publicising a limousine service, the advertisement must state that the vehicle is only licensed to carry eight passengers

11 Vehicles licensed as Private Hire Vehicles must have appropriate insurance to cover the provision of a service to the public for hire and reward, taking into account the specification of the vehicle.

12 Any sales of alcohol must be in accordance with Licensing Act 2003.

13 Any glassware used in the vehicles shall be made either of shatterproof glass or polycarbonate.

14 The vehicle will not be hired to persons under the age of 18 years unless an adult (other than the driver of the vehicle) supervises them.

15 All bookings for a stretch limousine licensed as a Private Hire Vehicle by the council must be booked through a Private Hire operator licensed by Hastings Borough Council in accordance with S55 of the Local Government (Miscellaneous Provisions) Act 1976.

#### **APPENDIX I - STANDARDS FOR INSULIN TREATED DIABETES**

1. These arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a Driver licence considered. The criteria are:

- To have been stable on insulin for at least 1 month;
- Not to have suffered an episode of hypoglycaemia requiring the assistance of another person in the last 12 months;
- To have full awareness of the symptoms and risks of hypoglycaemia
- To provide evidence of blood glucose monitoring at least twice daily, including on days when vehicles are not driven and no more than 2 hours before the start of the first journey and every 2 hours while driving. This must be done using blood glucose meters with a memory function to enable at least 3 continuous months of readings to be available for assessment.
- Drivers may be required to provide evidence of monitoring to the licensing authority.
- To have no complication arising from diabetes or any other medical condition which would render the driver unfit to drive a licensed vehicle
- To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to the licensing authority any significant change in condition.
- To attend an examination by a hospital consultant specialising in the treatment of diabetes and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia. This is to be provided before a licence is first granted or renewed and / every 12 months thereafter. This is at the applicant's expense.

#### **APPENDIX J- Scale of Penalty points**

1. Points will be issued by authorised officers of the Authority to licence holders who are found to be in breach of legislation, byelaws or licence conditions.

2. The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to his/her employer or operator. However, the Council retains the discretion to issue penalty points to drivers, driver/proprietors, and operators for a single contravention if the circumstances warrant it

i.e. the breach is one against all these licences and it is considered joint responsibility is held.

3. The number of penalty points issued will be in accordance with the tables below.
4. It is possible that an incident gives rise to more than one breach and therefore result in more than one set of points being issued. However, a maximum of 12 penalty points will be issued on any one occasion.
5. The issue of penalty points will be confirmed in writing to the licence holder.
6. If a licence holder disagrees with a decision to issue penalty points, then they make an appeal to the Licensing Team in writing within 14 days of the date of the notice that points have been issued. The appeal must, state the reasons why the points should not be awarded. If the matter is not resolved, it will be brought to a hearing by a Environmental Health and Licensing Manager who will consider whether the points should be imposed. Where the Environmental Health and Licensing Manager agree that points should be issued, they have discretion to increase the number of points imposed where they consider appropriate.
7. When issued, the penalty points will remain “live” for a period of 12 months from the date they are imposed so that only points accumulated in a rolling twelve-month period will be considered.
8. If a licence holder accumulates 12 penalty points in any 12-month period, then they may be asked to attend a hearing of the Sub Committee to consider appropriate action in respect of their licence. Such action could include suspension or revocation of a licence or a written warning as regards future conduct.
9. When considering appropriate action, the Committee may consider whether the licence holder has previously been brought to Committee for exceeding the 12-point limit in the last 3 years.
10. The penalty points system will operate without prejudice to the Council’s ability to take other action under appropriate legislation or as provided for by this Policy.

**11. Penalty Points Tables**

<b>Town Police Clauses Act 1847</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
40	Giving false information on a Hackney Carriage licence application	12
44	Failure to notify change of address of a Hackney Carriage licence holder	2
45	Plying for hire without a Hackney Carriage licence	12
47	Driving a Hackney Carriage without a Hackney Carriage driver’s licence	12
47	Lending or parting with a Hackney Carriage driver’s licence	12
47	Proprietor employing an unlicensed Hackney Carriage driver	12
48	Failure of a vehicle proprietor to retain the licence of	6

	a Hackney Carriage driver permitted or employed to use vehicle	
52	Failure to display a Hackney Carriage plate	4
53	Refusal to take a fare without a reasonable excuse	8
54	Charging more than the agreed fare	12
55	Obtaining more than the legal fare (including failure to refund)	12
56	Travelling less than the lawful distance for an agreed fare	12
57	Failure to wait after a deposit to wait has been paid	12
58	Charging more than the legal fare	12
59	Carrying persons other than the hirer without the hirer's consent	8
60	Driving a Hackney Carriage without the proprietor's consent	6
60	Allowing a person to drive a Hackney Carriage without the proprietor's consent	4
62	Driver leaving a Hackney Carriage unattended	2
64	Hackney Carriage driver obstructing other Hackney Carriages	3
<b>Section Local Government (Misc Provisions) Act 1976 Points</b>		
46(1)a	Using an unlicensed Private Hire Vehicle	12
46(1)b	Driving a Private Hire Vehicle without a Private Hire drivers' licence	12
46(1)c	Proprietor of a Private Hire Vehicle using an unlicensed driver	12
46(1)d	Operating a Private Hire Vehicle without a Private Hire operator's licence	12
46(1) e	Operating a vehicle as a Private Hire Vehicle when the vehicle is not licensed as a Private Hire Vehicle	12
46(1)e	Operating a Private Hire Vehicle when the driver is not licensed as a Private Hire driver	12
48(6)	Failure to display a Private Hire Vehicle plate	4
49	Failure to notify the transfer of a vehicle within 14 days	3
50(1)	Failure to present a Hackney Carriage or Private Hire Vehicle for inspection upon request	8
50(2)	Failure to inform the Council where a Hackney Carriage or Private Hire Vehicle is stored, if requested	3
50(3)	Failure to report to the council within seventy-two (72) hours an accident causing damage.	6
50(4)	Failure to produce the vehicle licence and/or insurance on request	4
53(3)	Failure to produce a driver's licence upon request	4
54(2)	Failure to wear a Private Hire driver's badge	4
56(2)	Failure of a Private Hire operator to keep proper records of all bookings, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer (also breach of conditions attached to licence – see below)	6
56(3)	Failure of a Private Hire operator to keep records of all Private Hire Vehicles, or failure to produce them on	6

	request of an Authorised Officer of the Council or a Police Officer (also breach of conditions attached to licence – see below)	
56(4)	Failure of a Private Hire operator to produce his licence on request	4
57	Making a false statement or withholding information to obtain a Hackney Carriage or Private Hire driver's licence	12
58(2)	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a Hackney Carriage or Private Hire Vehicle licence	6
61(2)	Failure to surrender a driver's licence after suspension, revocation, or refusal to renew	6
64	Permitting any vehicle other than a Hackney Carriage to wait on a Hackney Carriage rank	6
66	Charging more than the meter fare for a journey ending outside the District, without prior agreement	12
69	Unnecessarily prolonging a journey	12
71	Interfering with a taximeter with intent to mislead	12
73(1)a	Obstruction of an Authorised Officer of the Council or a Police Officer	12
73(1)b	Failure to comply with a requirement of an Authorised Officer or Police Officer	12
73(1)c	Failure to give information or assistance to an Authorised Officer or Police Officer	12
<b>Section Equality Act 2010 Points</b>		
165	Driver of a Designated Wheelchair Accessible Vehicle failing to comply with duty to assist passengers in wheelchairs	12
168	Driver refusing to accept passenger with an assistance dog and/or making extra charge for carrying passenger with assistance dog	12
170	Operator refusing to take booking on the grounds that passenger will be accompanied by assistance dogs or making extra charge for carrying passenger with assistance dog(s)	12
170	Private Hire driver refusing to accept booking made through an operator on the grounds that the passenger will be accompanied by an assistance dog	12
<b>Breach of Policy Requirement Points</b>		
1	Failure to adhere to dress code	3
2	Failure to wear a driver's badge	4
3	Failure to behave in a civil and orderly manner	6
4	Failure to ensure the safety of passengers	6
5	Concealing or defacing a vehicle licence plate	4
6	Failure to attend on time for a pre-arranged booking without reasonable cause	3
7	Conveying a greater number of passengers than permitted	6

8	Failure to give reasonable assistance with passenger's luggage	3
9	Private Hire Vehicle soliciting for hire or accepting a fare that is not pre-booked	12
10	Operating a vehicle that is not clean and tidy	2
11	Carrying an animal other than belonging to a bona fide passenger.	2
12	Driving without consent of the proprietor	5
13	Smoking in a licensed vehicle at any time	6
14	Operating the horn as a means of signalling that a vehicle has arrived	3
15	Using a non-hands free mobile telephone, eating or drinking whilst the vehicle is in motion	4
16	Failure to advise of a relevant medical condition within 5 days	8
17	Failure to provide a receipt for a fare when requested	2
18	Failure to operate the meter from the commencement of the journey and/or charging more than the fixed charge for hire of Hackney Carriages	12
19	Failure to notify the Council of any amendment to the details of a licence within fourteen days	3
20	Failure of a driver to maintain an online certificate with the DBS update service.	6
21	Failure to notify within 14 days of starting or terminating employment, the name and address of the proprietor and term of employment	3
22	Failure to show a Private Hire driver's licence to the Private Hire operator at the commencement of employment	2
23	Failure to surrender a driver's licence, badge or plate upon request	6
24	Failure to check vehicle for lost property or to report lost property in accordance with policy	3
25	Failure to report an accident within seventy-two hours	6
26	Failure to notify within 14 days of starting or terminating employment, the name and address of the proprietor and term of employment	3
27	Failure to show a Private Hire driver's licence to the Private Hire operator at the commencement of employment	2
28	Failure to surrender a driver's licence, badge or plate upon request	6
29	Failure of a licence holder to disclose convictions / arrests/ charges in writing to the Council within 48 hours	12
30	Failure to check vehicle for lost property or to report lost property in accordance with policy	3
31	Failure to report an accident within seventy-two hours	6
32	Failure to comply with the requirements for the safe carrying of a wheelchair	6
33	Operating a vehicle that does not comply with the Council's licensing policy where such a breach of policy requirements is not otherwise specified herein	6

<b>34</b>	<b>Failure to carry an approved fire extinguisher</b>	<b>3</b>
<b>35</b>	Operating a vehicle which is not maintained in a clean and/or safe condition internally or externally	3
<b>36</b>	Modifying a vehicle without the consent of the Council	3
<b>37</b>	Failure to display in the prescribed manner or maintain external licence plate or door stickers	4
<b>38</b>	Failure to display complaint reporting information within a vehicle	4
<b>39</b>	Hackney Carriage vehicle signage not in accordance with the Council's requirements	4
<b>40</b>	Affixing or displaying a roof sign on a Private Hire Vehicle	4
<b>41</b>	Displaying a sign or advertisement on a licensed vehicle contrary to the Policy requirements or which has not been approved by the Council	4
<b>42</b>	Taximeter does not conform to the Council's requirements	6
<b>43</b>	Operating or driving a vehicle which does not comply with the Council's Policy requirements	6
<b>44</b>	Driving with no insurance or inadequate insurance for the vehicle	12
<b>45</b>	Allowing a vehicle to be used for hire by a person who does not hold a current driver's licence	12
<b>46</b>	Operating a vehicle which does not comply with the Council's requirements in relation to tinted windows	4
<b>47</b>	Permitting the vehicle to be used for any illegal or immoral purposes	12
<b>48</b>	Failure of a Private Hire operator to provide a prompt, efficient and reliable service	3
<b>49</b>	Failure to ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated	3
<b>50</b>	Failure to display information within Operator's premises (provided for public waiting /booking) on how to report concerns/ complaints to the Council	4
<b>51</b>	Failure of a Private Hire operator to ensure that vehicles attend bookings punctually	4
<b>52</b>	Failure to act properly upon the receipt of a complaint or to notify immediately the Licensing Officer	4
<b>53</b>	Failure to notify the Council of any changes, including change of address from where the business operates within 14 days	3
<b>54</b>	Failure of a Private Hire operator to ensure that all vehicles operated by him are adequately insured	8
<b>55</b>	Failure to notify the Council of any vehicle used by the Operator which is involved in an accident within 72 hours	6
<b>56</b>	Failure to maintain or produce records of Private Hire bookings, vehicles, drivers or other documents required to be kept or produced in accordance with s.56(2) & (3) of the Local Government (Miscellaneous Provisions) Act 1976	6
<b>57</b>	Failure to maintain or produce records of individuals employed to take bookings or dispatch vehicles	6

<b>58</b>	Failure to carry out or keep record of check Basic DBS of individuals employed to take bookings or dispatch vehicles	6
<b>59</b>	Failure of a Private Hire operator to have valid public liability insurance for the operating premises if the public are allowed access	8
<b>60</b>	Failure of a Private Hire operator to ensure that every driver employed by him has a Private Hire licence and badge	4
<b>61</b>	Failure to make the Operator's licence available for inspection, in accordance with s.56 of the Local Government (Miscellaneous Provisions) Act 1976	4
<b>62</b>	Tampering with a CCTV system	12
<b>63</b>	Notification from Sussex Police 'Community Speed Watch' of excess speed recorded against a licensed driver	4
<b>64</b>	Any other contravention of the Policy or Byelaw not covered above	2-12

## **APPENDIX K - Hackney Carriage Byelaws**

*The Council's Byelaws for Hackney Carriages have not been repealed but many requirements have now been superseded by new legislation or licence conditions within this Policy.*

### **Hackney Carriage Byelaws**

Made under Section 68 of the Town Police Clauses Act, 1847 and Section 171 of the Public Health Act, 1875 by the Hastings Borough Council with respect to Hackney Carriages in the Borough of Hastings.

#### **Interpretation**

1. Throughout these byelaws:  
     "the Council" means the Hastings Borough Council and  
     "the District" means the Borough of Hastings.

**Provisions regulating the manner in which the number of each Hackney Carriage, corresponding with the number of its licence, shall be displayed.**

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

**Provisions regulating how Hackney Carriages are to be furnished or provided.**

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

**4. (This Byelaw has been superseded by Hackney Carriage Vehicle Licence Conditions)**

**5.** The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed attached and maintained as to comply with the following requirements, that is to say:

- a. the taximeter shall be fitted with a key, flag, or other device the 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 a key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- c. when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible letters 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 may be 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 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.

**6.** The proprietor of a Hackney Carriage provided with a taximeter not fitted with a flag or other device bearing the words 'FOR HIRE' shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:-

- a. the sign shall bear the words 'FOR HIRE' in plain letters at least one and a half inches in height,
- b. the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

**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.**

**7. The driver of a Hackney Carriage shall:-**

- i. if the taximeter is fitted with a flag or other device bearing the words 'FOR HIRE':-
  - a. when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible,
  - b. when the carriage is hired by distance, at the commencement of the journey bring the machinery of the taximeter into action by moving the flag or other device so that the words are conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring,
- ii. if the taximeter is not fitted with a flag or other device bearing the words 'FOR HIRE':-
  - a. when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of byelaw 6 so that the words 'FOR HIRE' are clearly and conveniently legible by persons outside the carriage,
  - b. when the carriage is hired whether by distance or by time, operate the said sign so that the words 'FOR HIRE' are conveniently legible by persons outside the carriage,
  - c. when the carriage is hired by distance at the commencement of the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the work 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of hiring,
- iii. 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 or any statutory re-enactment thereof and also at any other time at the request of the hirer.

**8. 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.**

**9. The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired,**

- a. proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf,
- b. if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand,
- c. on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction,
- d. from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward,
- e. if his carriage is the first carriage on the stand remain with the carriage ready to be hired at once.

**10. A proprietor 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.**

**11. The driver of a Hackney Carriage shall,**

- a. behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle,
- b. not at any time when driving for hire smoke tobacco or like substance

12. A driver of a Hackney Carriage who knowingly conveys in the carriage the dead body of any person shall immediately thereafter, notify the fact to the Borough Environmental Health Officer.

13. The driver of a Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

14. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

15. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage,

- a. convey a reasonable quantity of luggage,
- b. afford reasonable assistance in loading and unloading,
- c. afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

#### **Local Government (Miscellaneous Provisions) Act 1976 S63**

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

16. The driver of a Hackney Carriage shall immediately after the termination of any hiring carefully search the carriage for any property which may have been accidentally left therein.

#### **APPENDIX L - DRIVERS DRESS CODE**

1. The Council considers that drivers should conform to a minimum standard of dress, as set out below in order to:

- Promote and maintain the professional image of the trade
- Promote public confidence and ensure passengers feel comfortable when travelling in licensed vehicles.
- Ensure safe operation of vehicles

#### **2. Acceptable standards of dress:**

- Shirts, blouses, T-shirts or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.
- Trousers, smart jeans or tailored shorts which reach the knee when standing upright.
- Skirts / dresses at least knee length
- Footwear for all drivers that fits around the heel of the foot.

#### **3. Unacceptable standard of dress**

- Unclean or damaged clothing

- Words, logos or graphics on any clothing that is of a suggestive nature or which might offend.
- Sportswear (e.g. football kits, tracksuits or beach wear/ swim wear etc.)
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel or any other footwear that prevents safe operation of the vehicle.
- Drivers not having either the top or bottom half of their bodies suitably clothed

**End**

This policy will be the subject of consultation with major stakeholders and the trade and the council is grateful to all those who contributed their comments. The document is not a full and authoritative statement of the law or statutory guidance and does not constitute professional or legal advice. The council welcomes comments and observations on this Statement of Taxi Licensing Policy.

DRAFT