



# WORTHING BOROUGH COUNCIL

## **Hackney Carriage & Private Hire Licensing Handbook**

- Approved 26 September 2016
- Appendix M approved 15 December 2016

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## **1. Executive Summary**

- 1.1 This document contains the Council's policy on procedures and standards relevant to the licensing of the Hackney Carriage & Private Hire trade within the borough of Worthing.
- 1.2 In drafting this document, the Council has had regard to the Department for Transport Guidance and relevant legislation including the Equality Act 2010.

## 2. Definitions

Throughout this document:

- “the Council” or “the Authority” means Worthing Borough Council
- **Authorised Officer**” means an officer of the Licensing Authority authorised to administer the licensing function under the 1847 Act and 1976 Act
- “Driver” or “Licensed Driver” means drivers of Hackney Carriage or Private Hire vehicles, unless the context indicates otherwise.
- “Vehicle” or “Licensed Vehicle” means all vehicles Hackney Carriage & Private Hire.
- “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 with the services of a driver.
- “Private Hire operator” means a person who in the course of business makes provision for the invitation or acceptance of bookings for Private Hire vehicles.
- “DfT” means the Department for Transport, including previous names under which that Department has been known.
- “DfT Guidance” means The Department for Transport – Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in March 2010.
- “The Committee” will mean the Licensing Committee of the Council.
- The word “Taxi” has no meaning in law and is often used generically to describe vehicles
- The term “DVLA driving licence” means a full original GB driving licence issued by the Driver and Vehicle Licensing Agency
- Any reference to “proprietor” is a reference to the proprietor of either a Hackney Carriage or a Private Hire vehicle, unless the context indicates otherwise.

### **3. Introduction**

- 3.1 The Borough of Worthing is situated in the County of West Sussex which contains seven local councils in total; Worthing is a compact urban seaside borough. It is one of the largest towns in West Sussex with a population of around 100,000, covering an area of 3300 hectares. Worthing Borough Council and Adur District Council are served by a single officer structure but remain separate Authorities.
- 3.2 Worthing Borough Council (The Council) is the Licensing Authority under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976. The Council is responsible for the administration and enforcement of taxi legislation within the borough and includes, among other duties, the granting of Hackney Carriage and Private Hire licences. This handbook has been prepared in accordance with the relevant legislation and best practice. The handbook sets out the policies and conditions the Council will generally apply to promote public safety when making decisions and dealing with Hackney Carriage & Private Hire matters.
- 3.3 As the Licensing Authority the Council's primary function is protection of the public whilst providing businesses with the relevant licences & permits necessary to carry out a legitimate business. Licensing is the tool used by Government to ensure the safety of the public and enforce standards.
- 3.4 The Council has responsibility for the licensing of vehicles, drivers and operators within the borough of Worthing.
- 3.5 In exercising its discretion in carrying out these regulatory functions, the Council will have regard to this document.
- 3.6 Notwithstanding the existence of this handbook, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy, reasons will be given for so doing.
- 3.7 This policy will take effect on 10 October 2016 and will remain in existence for a period of 5 years, during which it shall be kept under review and revised as appropriate.

## **4. Vehicles - Hackney Carriage & Private Hire**

### **Limitation of Hackney Carriage Vehicles**

- 4.1 The Council has a limited number of Hackney Carriage Saloon type vehicles licensed. There is no limitation on the number of Hackney Carriage vehicle licenses the council may issue. However, any new Hackney Carriage licence application will only be considered for wheelchair accessible type vehicles. The Council is seeking to maintain a mixed fleet.

### **Specifications and Conditions**

- 4.2 The Council has adopted minimum specification standards for Hackney Carriage and Private Hire vehicles and these are set out in Appendix A for Hackney Carriages and Appendix E for Private Hire vehicles.
- 4.3 Once a licence is granted, the Council will attach conditions to a vehicle licence. A set of standard conditions for Hackney Carriage vehicle licences is set out at Appendix B, and a set of standard conditions for Private Hire vehicles is set out at Appendix F. The Council considers that it is reasonable and necessary that these conditions be attached to the grant of most licences, however, these may be amended or additional conditions attached as may be considered appropriate in individual cases.
- 4.4 Vehicles will, in general, be licensed for the carriage of up to 4 passengers, but applications in relation to larger vehicles that can accommodate up to 8 passengers will be considered, provided that there is compliance with the specifications applicable to such vehicles. Purpose-built vehicles are amongst those which the Council will licence only as Hackney Carriages in view of the possible confusion in the minds of the travelling public between the 2 types of vehicle.

### **Accessibility**

- 4.5 The Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society.
- 4.6 Licensed drivers are reminded that they are placed under certain duties by law to provide assistance to people in wheelchairs, to carry them safely and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution and a maximum fine of £1,000.
- 4.7 All licensed Hackney Carriage & Private Hire drivers will be required to undertake disability awareness training as prescribed in this policy. This will take effect as of the renewal date in respect of drivers already holding a licence who have not undertaken disability training before the date of the policies adoption.

### **Maximum Age of Vehicles**

- 4.8 The Council has an age restriction on licensed vehicles, (see Appendices A and E), but all applications for the licensing of vehicles will be treated on their individual merits. The conditions set out in Appendices B and F have been placed on the licensing of vehicles. Applicants wishing to licence vehicles outside of this policy should show exceptional reason for the Council to deviate from the agreed policy.

## **Vehicle Testing**

- 4.9 No vehicle may be used as a Hackney Carriage or Private Hire vehicle unless it has been given a Garage Inspection report following a satisfactory test, and the Council has appropriately licensed it. Responsibility for ensuring the vehicle is tested and licensed remains with the proprietor. Vehicle inspections are to be carried out by MOT approved garages within the borough or at the Councils' Commerce Way workshops.

## **Signage & Advertising**

- 4.10 Members of the public can often confuse Hackney Carriages and Private Hire vehicles. Often not realising that Private Hire vehicles are not available for immediate hire and cannot be hailed in the street. It is, therefore, important that members of the public are able to distinguish each type of vehicle easily.
- 4.11 Within the Council's area both Hackney Carriage and Private Hire vehicles are required to display a licence plate on the rear of the vehicle. The plates are different colours to distinguish one class of licensed vehicle from another. This is a key feature in helping to identify vehicles that are properly licensed. There are some exceptions to this requirement which are set out in Appendix G.
- 4.12 The Council recognises that advertising on licensed vehicles can benefit the trade as it can generate income for the proprietor. As such, the Council permits advertising on its licensed vehicles provided that the advertising for Hackney Carriage vehicles complies with the criteria set out in Appendix B and F.

## **Security & Closed Circuit Television (CCTV)**

- 4.13 CCTV facilities are compulsory in a licensed vehicle, the proprietor will be responsible for ensuring the system conforms to the Data Protection Act and other relevant legislation, and displays the necessary informative notice for passengers.
- 4.14 CCTV equipment in the vehicles must follow the guidance as set out in Appendices B or F as appropriate to their licence.

## **Application Procedures**

- 4.15 The application process for Hackney Carriage licences are set out in Appendix C, and the application process for Private Hire vehicle licences are set out in Appendix H. All applications must be submitted together with supporting documentation and the relevant application fee.

## **Consideration of Applications**

- 4.16 The Council will consider each application on its own merits once it is satisfied that the appropriate criteria have been met, the application form is complete and supporting documents have been submitted.

## **Grant and Renewal of Licences**

- 4.17 Hackney Carriage and Private Hire vehicle licences will usually be granted for 12 months. However, the Council may licence for a shorter period, should this be appropriate in the circumstances.



- 4.18 The Council sends reminder letters to taxi proprietors 4 to 6 weeks before an existing licence expires in order to assist proprietors in their prompt submission of renewal applications, however, the responsibility to ensure renewal applications are submitted on time remains with the proprietor.
- 4.19 The Council will only accept complete applications comprising of all the necessary paperwork. If an application is received late and the licence expires and if the vehicle is more than 7 years old the Council, except in exceptional circumstances, will not renew the licence and the licence plate must be returned to the Council.
- 4.20 The application fees payable are usually subject to annual review.

#### **Stretched Limousines & Specialty Vehicles**

- 4.21 The licensing of limousines and speciality vehicles will be approached on the basis that these vehicles have a legitimate role to play in the trade, meeting a public demand. Therefore, licence applications for such vehicles will not be automatically rejected because they do not meet the standard licensing conditions (for example Limousines are often left-hand drive) and each application will be considered on its own merit. However, in considering any application for these types of vehicles, the Council will have regard to any relevant guidance issued by the government, such as by the Driver and Vehicle Standard Agency (DVSA).
- 4.22 As these vehicles may not meet the usual vehicle specification, additional documentation and inspection may be required as part of the application process so that the Council can be satisfied as to the safety and suitability of any individual vehicle. This is set out further in Appendix G.
- 4.23 The Council strongly recommends that anyone who wishes to licence a limousine (or any other non-standard specialty vehicle) contacts the Council's Licensing section before purchasing a vehicle to ensure that advice can be provided as to whether the vehicle is likely to meet the required standards, as each vehicle will be considered on its own merit.

#### **Contract Vehicles and Courtesy Vehicles**

- 4.24 The Council will have regard to the DfT's Vehicle Licensing note dated August 2011 (and any supplementary DfT guidance notes) when considering whether any particular contract vehicle requires a vehicle licence.
- 4.25 All vehicles with 8 or fewer seats that carry passengers for hire and reward must be licensed with the Council. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as "courtesy cars", i.e. for transporting customers to and from hotels, night-clubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly be licensed with the Council, as should their "operator".
- 4.26 Those operating "courtesy cars", i.e. for transporting customers to and from hotels, nightclubs, etc. should have an operator's licence, and the vehicle and driver must be appropriately licensed.

## **5. Drivers - Hackney Carriage and Private Hire**

### **Testing**

- 5.1 The procedures for Hackney Carriage & Private Hire drivers are broadly parallel. Drivers will be required to undertake testing as part of the application procedure. Details of the tests are available in Appendix I and in the application packs.

### **Drivers of Executive Plated Vehicles, Stretched Limousine and Specialty Vehicles**

- 5.2 Again the procedures are broadly parallel to the standard requirements for Hackney Carriage and Private Hire driver licences. The statutory requirements, the practical criteria and qualifications for all licensed drivers are broadly similar. The sections below, therefore, apply equally to all drivers. An exemption to the geographical section of the knowledge test may be applied for by drivers of the above speciality vehicles.

### **Driving Proficiency and Qualifications**

- 5.3 The Driving Standards Agency (DSA) provides a driving assessment specifically designed for taxi drivers. The Council has decided that all new applicants must successfully pass this test in order to be considered for a Hackney Carriage or Private Hire driver's licence.

### **Medical Examination**

- 5.4 All applicants are required to meet the DVLA Group 2 medical standard or equivalent. This requires all applicants undergo a medical examination by their own GP.
- 5.5 A request form for a medical examination, which may be presented to the applicant's GP, can be obtained from the Council. The applicant will be responsible for paying the fee for the examination to the relevant doctor. On completion of the examination, the report must be submitted to the Council with the other documentation that is required to accompany an application.
- 5.6 Where there is any doubt as to the medical fitness of an applicant, the Council may require the applicant to undergo and pay for a further medical examination by a doctor appointed by the Council. Where there remains any doubt about the fitness of any applicant, the Council will review the medical evidence and make any final decision.
- 5.7 Licensed drivers are required to meet the DVLA Group 2 standard every 5 years from the age of 45 until the age of 65. Thereafter the Council will require an annual medical report. The Council may also require a licensed driver to undergo more frequent checks if, in the opinion of a medical practitioner, this is necessary.
- 5.8 Licensed drivers must advise the Council of any deterioration in their health that may affect their driving capabilities.

### **Criminal Record Checks**

- 5.9 The legislation requires the Council ensures that all licensed drivers are 'fit & proper' persons. A criminal record check on a driver is an important safety measure. The Council requires applicants to submit an enhanced criminal records disclosure report from the Disclosure and Barring Service ('enhanced DBS report') as part of the documentation accompanying their application. All drivers licensed by the Council will then be required to obtain a further report every 3 years.

- 5.10 If an applicant has not lived continuously in the UK for 5 years, then in addition to submitting an enhanced DBS report with their application, they must submit an original authenticated certificate of good conduct (together with a translation into English if the document is in another language) obtained from the embassy for the country in which the applicant was living immediately before arriving in the UK. If the driver has lived in more than one country prior to arriving in the UK, then a report from each country in which they lived for 3 months or more during the 5 years immediately prior to their arrival in the UK is required to be submitted with their application. To be clear, any translation of the document must be from the embassy which issued the original document.
- 5.11 Licensed drivers who have lived in another country for 3 months or more since their last enhanced DBS report will also be required to submit an original authenticated certificate of good conduct from the embassy of that country with their next application to renew their licence.

### **Relevance of Convictions and Cautions**

- 5.12 The Council has chosen to substantially adopt Annex D of the Home Office Circular 13/92 Guidance as part of its policy as to the relevance of certain convictions and cautions in its consideration of whether an applicant or existing driver is fit and proper to hold a licence. The parts adopted by the Council are replicated in Appendix L.
- 5.13 Guidance in relation to the relevance of offences is given in Appendix L. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.
- 5.14 Applicants for new licences and to renew existing licences will be required to provide authorisation to the Council to conduct a DVLA driver endorsement check, so the Council can ensure that the information held by the DVLA is in accordance with the information submitted by the applicant. The check will be made on an annual basis and the fees for the annual endorsement check must be paid by the applicant at the time of submitting their application.

### **Disability Awareness, Child Sexual Exploitation (CSE) and Other Training –**

- 5.16 All applicants and existing drivers will be required to undertake Disability Awareness, CSE Training and any other legislation that the Council may require.
- 5.17 Disability Awareness and CSE Training will be undertaken at the Council offices in the Shoreham Centre, Commerce Way or Worthing Town Hall. Drivers will be required to pay a fee as approved on the scale of fees.
- 5.18 Training may be internet based and applicants and existing drivers will be issued a certificate on successful completion of the training.
- 5.19 Applicants and existing drivers who have completed a BTEC in passenger transport or any other training which includes a module for disability awareness will not be required to undertake further disability awareness training, however written evidence must be provided. The Council reserves the right to require additional training if required.

### **Application Procedure**

- 5.20 An application for a driver's licence must be made in accordance with the procedure set out in Appendix I and must be accompanied by the relevant supporting documentation and application fee.

## **Consideration of Applications**

- 5.21 The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met, the application form is complete and supporting documents have been submitted.
- 5.22 The Council will usually send a reminder letter to drivers around 6 weeks before their existing licence expires in order to assist applicants in the prompt submission of their renewal applications. However, the responsibility to submit a renewal application in good time prior to the expiry of any existing licence is always the responsibility of the licence holder. Drivers should ensure renewal applications forms, together with any supporting documents, are received by the Council before their existing licence expires as this will ensure that in most cases applications are processed and new licences issued before expiry of the existing licence.
- 5.23 Where a driver does not submit their application to renew their licence before their existing licence expires, and in the absence of providing evidence of exceptional circumstances, in most cases the Council will require they undergo the new licence procedure as set out at Appendix I.

## **Duration of Licences**

- 5.24 Applicants for new and renewed licences can apply for a 3 year licence. The Council will usually grant a licence for the duration requested, but may grant a licence for a shorter period than is requested where this is considered appropriate in a particular case.

## **Conditions of Licence**

- 5.25 The Council is not permitted to attach conditions to a Hackney Carriage driver's licence. However, drivers are subject to the Council's byelaws which are replicated in Appendix D.
- 5.26 A set of standard conditions for Private Hire driver licences is set out at Appendix J and the Council considers that it is reasonable and necessary that these be attached to the grant of most licences. However, these may be amended or additional conditions attached as may be considered reasonably necessary in any individual case.

## **Fares - prescribed rates**

- 5.27 The Hackney Carriage tariff is set by the Council. Private Hire fares are not set by the council but are at the discretion of the Private Hire Operator.
- 5.28 The driver of a Hackney Carriage vehicle, whether by agreement or otherwise, must not charge any fare greater than the rate prescribed by the Council.
- 5.29 Fares rates are reviewed no more than once per year, usually around October time with any change agreed by the Licensing Committee, and new rates are usually implemented on 1st December each year subject to any objections received during the objection period.

## **Receipts**

- 5.30 A driver must, if requested by the passenger, provide them with a written receipt for the fare paid.

## **6. Operators – Private Hire**

### **Requirements and Obligations**

- 6.1 Any person who operates a service must apply to the Council for an operator's licence.
- 6.2 A vehicle may only be dispatched to a customer by an operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a vehicle with a driver. Operators must ensure that every vehicle is driven by a person who holds a valid driver's licence.
- 6.3 An application for an operator's licence must be made in accordance with the procedure set out below and accompanied by the relevant supporting document and application fee.

### **Criminal Record Checks**

- 6.4 A criminal record check on operators is an important safety measure. It will depend on the individual applicant as to what criminal record checks will be required. These are set out below.
- 6.5 Where the applicant is an individual person, the Council requires the applicant to submit the following as part of the application process:
  - a standard criminal records disclosure report from the Disclosure and Baring Services ('standard DBS report') relating to the applicant; and
  - a declaration as to whether any company of which they have been a director or secretary has been convicted of any offences.
- 6.6 Where the applicant is a company, the Council requires the applicant to submit following documentation as part of the application process:
  - a declaration as to whether the company has been convicted of any offences at any time; and
  - a standard DBS report for each director and secretary of the company.
- 6.7 Where the applicant is a partnership, the Council requires a standard DBS report for each partner to be submitted as part of the application process.
- 6.8 Further declarations and standard DBS reports will be required every 3 years.
- 6.9 If an applicant has not lived continuously in the UK for 5 years, then in addition to submitting a standard DBS report with their application, they must submit an original authenticated certificate of good conduct (together with a translation into English if the document is in another language) obtained from the embassy for the country in which the applicant was living immediately before arriving in the UK. If the driver has lived in more than one country prior to arriving in the UK, then a report from each country in which they lived for 3 months or more during the 5 years immediately prior to their arrival in the UK is required to be submitted with their application. To be clear, any translation of the document must be from the embassy which issued the original document. This will also apply to individual applicants, each partner of a partnership applicant and the directors and secretaries of company applicants.

## **Conditions**

- 6.10 A set of standard conditions for operator's licences is set out at Appendix K. The Council considers it reasonable and necessary that these be attached to an Operator's licence. However, these may be amended or additional conditions attached as may be considered reasonably necessary in any individual case.

## **Licence Duration**

- 6.11 Operators' licences is granted for 5 years, however, the Council may grant a licence for a shorter period should this be considered appropriate in the circumstances.
- 6.12 An operator can apply for a licence for the number of vehicles that they have at the time of application. An operator's licence authorises vehicles up to the number stated on the licence. If an operator wishes to add to his or her fleet above that number then the operator must apply for a variation to the licence before they start operating more than the number of vehicles as is specified in their existing licence.
- 6.13 The Council will send a reminder letter to licensed operators around 6 weeks before their existing licence expires in order to assist them in their prompt submission of renewal applications; however the responsibility to submit a renewal application in good time prior to the expiry of any existing licence is solely the responsibility of the applicant. Licensed operators should ensure renewal applications forms, together with any supporting documents, are received by the Council before their existing licence expires as this will ensure that in most cases applications are processed and new licences issued before expiry of the existing licence.

## **Operating address**

- 6.14 The Council will only grant an Operator's licence if the applicant proposes to operate from an address within the Borough of Worthing. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.
- 6.15 Upon the grant of an Operator's licence, the Council will specify the address from which the operator may operate. This will be the premises where the booking records are kept and where bookings are made.
- 6.16 The operator must notify the Council in writing of any change of his/her address, (whether this is a home address or the address from where he/she operates) during the period of the licence, within 7 days of such a change taking place or, preferably, before this takes place.
- 6.17 It will be the responsibility of the operator to ensure that appropriate planning consent exists for the operational address to be used for that purpose. Any licence granted cannot override any planning restrictions on a premise nor any restrictions that may be attached to the lease of a premise. Accordingly the applicant should address all planning considerations.
- 6.18 Operators are required to only use licensed private hire vehicles that have been licensed by the Borough Council or they may pass bookings on to another licensed operator. When using Hackney Carriages to meet their bookings such vehicles must meet the council's Private Hire Vehicle Licence conditions. Private Hire vehicles that have been licensed outside the district cannot legally work directly for the operator under the Borough Council's Operator's licence.

## **7. Disciplinary and Enforcement Measures**

### **Enforcement**

- 7.1 With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Council will only intervene where it is appropriate and proportionate to do so.
- 7.2 The Council's General Enforcement Policy will be used to ensure that the Council's enforcement effort is proportionate, transparent and well directed.

### **Disciplinary**

- 7.3 Disciplinary matters, except in the case of breaches of vehicle requirements, will ordinarily be referred to the Authorised Officer or dealt with by Officers. One of the functions of the Authorised Officer is to consider the impact of any misconduct on the fitness of an individual to hold a licence and to take the action appropriate to the circumstances. In cases that involve serious misconduct the Authorised Officer may refer the matter to the Licensing Committee for consideration if deemed appropriate.

## Appendix A

### Hackney Carriage Vehicle Specification

#### 1. Vehicle Specification

1.1 When licensing vehicles the Council has to consider the need for safety, convenience, and comfort of passengers in vehicles that operate in rural, urban and motorway environments. The size and engine capacity have also to be considered given that all vehicles are required to carry their licensed number of passengers together with their luggage. The Council considers that a vehicle should be of manufacturers' original specification and shall be as constructed and designed:

- a) For the Carriage of not more than 8 passengers with the provision of a seatbelt for each passenger.
- b) The rear bench seat of the vehicle must be a minimum of 1.2 meters (47 inches) measured across its narrowest part of the bench seat all other seats must measure 405 mm or 16 inches.
- c) The driver's seat fully pushed back there must be a gap of 1.77 mm (7 inches) between the front of the rear seat and the back of the front seat and an 863 mm (34 inch) gap in height from the lowest part of the seat pad to the roof.
- d) Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking manoeuvre.
- e) To have windows to the side and rear providing natural light to passenger compartment.

1.2 In the interest of safety each vehicle should have a minimum 4 doors, which are capable of being opened from the inside.

1.3 Vehicles licensed to carry 5 or more passengers must be fitted with a glass hammer.

1.4 Vehicles licensed to carry 5 or passengers must carry a cargo net to secure luggage.

1.5 The passenger carrying capacity will be at the discretion of the Council.

1.6 The vehicle seats must have these specifications:

- a) The rear seat of the vehicle must be a minimum of 1.2 meters (47 inches) with no mouldings restricting the seating capacity. All other seats must measure 405 mm or 16 inches.
- b) The driver's seat fully pushed back there must be a minimum gap of 1.77mm (7 inches) between the front of the rear seat and the back of the front seat and 863 mm (34 inch) gap in height from the lowest part of the seat pad to the roof.
- c) All seats must be fitted with fully operational seat belts.
- d) The number of passenger seats must remain as stated on the vehicle licence.
- e) There must be no alteration to the seating configuration without notifying the Council.
- f) All seats must be forward or rear facing.
- g) All vehicles must be able to seat all passengers in comfort with sufficient legroom for all passengers.
- h) The seat covering must be clean and in a good state of repair.



## **2. Age of vehicle**

- 2.1 In the case of first application for a vehicle licence not more than 7 years from the first date of registration and thereafter not more than 10 years in the case of a renewal application.
- 2.2 The maximum age limits described may only be exceeded if the vehicle presented is in exceptional condition.
- 2.3 A vehicle will be considered to be in exceptional condition if all of the following apply:
- a) Mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes.
  - b) The vehicle passes the Council's vehicle inspection.
  - c) Bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
  - d) General paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
  - e) Interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
  - f) Boot or luggage compartment is in good condition, clean and undamaged.
  - g) Passenger areas are free from damp or any other odours that may cause passenger discomfort.
  - h) The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or body work.
  - i) The vehicle must have a service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification. The vehicle must be of a single manufacture.
- 2.4 The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:
- a) Be Safe
  - b) Be Tidy
  - c) Be Clean
  - d) Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply.
- 2.5 The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.
- 2.6 The licensed vehicle shall be White and no other colour. A transitional period in accordance with the rolling vehicle replacement programme will be permitted for existing licensed vehicles.
- 2.7 All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.

- 2.8 In the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on vehicles which are presented for licensing. Where a vehicle is licensed and subsequently the proprietor wants to affix tinting to the windows, one of the standard conditions of licence (see Appendix B) provides that they must first apply to and be given approval by the Council to affix the tinting. A transitional period in accordance with the rolling vehicle replacement programme will be permitted for existing licensed vehicles. This is so the Council can ensure that any tinting applied to a licensed vehicle's windows is consistent with these specifications.

### **3. Wheelchair Accessible Vehicles**

- 3.1 In the case of all Hackney vehicles that are built or adapted for disabled passengers, the design of the vehicle should ensure that any wheelchair is loaded from the side of the vehicle.
- 3.2 If a vehicle is off the road due to accident or damage and a replacement vehicle is supplied, this vehicle must also comply with 2.8 above.
- 3.3 The Council will only consider licensing vehicles converted or adapted to carry wheelchairs if the conversion is approved by an Institute of Automotive Engineers Assessor. The licence applicant must produce the original certificate from the approved Institute of Automotive Engineers Assessor as part of their licence application.
- 3.4 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Licensing Office as part of the licence application.

### **4. Roof signage**

- 4.1 Roof signs must comply with the following criteria. The sign must:
- a) Measure 76cm in width x 15cm in length x 16cm in height.
  - b) Be of "Aero" type design
  - c) Include the Borough Council logo in colour on the left hand side of the front face the sign.
  - d) The logo must measure not less than 13cm in height by 13cm in width.
  - e) Display in the middle of the front face of the sign the following words in the prescribed format:
    - Hackney Carriages the word Taxi
    - Private Hire Vehicles the name of the operator
  - f) The letters comprising the word 'shall be not less than 3cm in height, and the letters comprising the 'word' shall be not more than 7cm in height.
  - g) Include the proprietor's licence number on the right hand side of the front face in numbers measuring not less than 6 cm in height.
  - h) The rear face of the sign there shall be displayed only the telephone number of the operator or proprietor of the vehicle, in digits measuring not less than 9cm in height. The rear face of the sign may be left blank if the operator or proprietor does not wish to display his/her telephone number.
  - i) All letters and numbers displayed must be solid black in colour and be in Flute B font.
  - j) The sign must be white on the front face. The sign may be red or white on the rear face but must be red at the rear when illuminated.
  - k) No words or numbers may be displayed on the sign except as set out above.

- 4.2 Vehicles which have a built-in roof sign or light may be exempt from displaying the standard roof light if the Licensing Officer is satisfied that the built-in roof light is an acceptable alternative.

## **5. Door signage**

- 5.1 The front door panels of the vehicle may display the words Hackney Carriage and below the operator name and telephone number.
- 5.2 The external plate number issued by the council will be displayed on the rear door panels of the vehicle by the door handle.

## **6. Advertising**

- 6.1 One of the standard conditions of licence is that the proprietor may affix advertising if they have first applied for and obtained the Council's permission. The Council will generally require that advertising complies with the following specifications before approval will be given for it to be affixed to the vehicle:
- a) Display screens on the rear of headrests are permitted.
  - b) Advertising may be displayed on the external sides of the rear panels providing the advertisement complies with the following criteria:
    - Purpose-built s (that is London-style black cab vehicles) may advertise inside the vehicle on the base of the occasional seats or along the bulkhead on top of the passenger/ driver partition.
    - Any advertisements shall not exceed 30 inches by 15 inches.
    - Advertisements must be of such a form as not to become easily soiled or detached.
    - Advertisements shall not contain matters relating to alcohol, smoking, or products or services likely to give offence to the public.

## **7. CCTV**

- 7.1 CCTV equipment must be installed and operated. The system must
- a) Be either only capable of recording images and not sound, or if the system is able to record sound, the proprietor must ensure that the sound recording function of the system is disable so that only images are recorded.
  - b) Not have a video display screen (VDU) screen inside the vehicle.
  - c) Be designed and capable of adequately recording after dark.
  - d) Ensure that any recorded data is encrypted and access to the data is password protected or locked and only authorised persons can view any recordings.

## Appendix B

### Hackney Carriage Vehicle Licence Conditions

Where the proprietor permits another person to drive the licensed vehicle, they must ensure that that person has a valid Hackney Carriage driver's licence and they must draw the following conditions of the vehicle licence to that person's attention. The proprietor is responsible for ensuring that any person who drives their licensed vehicle complies with these licence conditions.

#### **1. Internal and External Licence Plates**

- 1.1 The proprietor must ensure that the external licence plate and the door plates provided by the Council are maintained in a clear and legible condition and are securely affixed to the outside of the Carriage. The licence plate on or adjacent to the rear bumper and the door plates on the rear passenger doors near or adjacent to the door handles. Easily removable licence plates and door plates using magnets, double sided tape or Velcro are not acceptable.
- 1.2 The Council must be informed as soon as practicable should the external licence plate or door plates be lost, stolen, broken or defaced.
- 1.3 The proprietor shall not cause or permit the vehicle to be used or operated with the external licence plate so defaced that any figure or material particular is illegible.
- 1.4 The internal licence plate issued by the Council must be affixed to the nearside part of the windscreen in such a position where the telephone number on the rear of the plate can be clearly seen by passengers and must be displayed at all times.

#### **2. Change of Use**

- 2.1 The proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements.

#### **3. Vehicle Licence**

- 3.1 In the event of loss or damage to any licence the Council must be informed immediately during office hours so that a replacement can be issued.
- 3.2 On revocation, expiry or suspension of the licence, the licence and the internal and external licence plates issued in respect of the vehicle must be immediately returned to the Council.
- 3.3 A proprietor shall advise the Council in writing within 14 days of any change of their home address, contact telephone number or email address.

#### **4. Insurance**

- 4.1 The proprietor shall ensure that there is in force a policy of insurance complying with the requirements of the Road Traffic Acts and which covers the vehicle for the carriage of passengers for public hire during the currency of the licence.
- 4.2 A copy of a vehicle's current insurance document must be kept with the vehicle and the proprietor must make it available for inspection by any Worthing Borough Council officer or any Police Officer upon request.
- 4.3 If, during the duration of this licence a new policy of insurance is obtained in relation to the licensed vehicle, a copy of the new policy or insurance cover note must be lodged with the Council within 7 days of the new insurance policy coming into effect.

#### **5. Interior Appearance**

- 5.1 The interior of the vehicle should always be in a clean and tidy state.
  - a) Carpets, upholstery and cloth trim are to be kept clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour co-ordinating with the vehicle and kept in good condition.
  - b) All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage.
  - c) All interior lights and fascia illumination are to be in full working order and in good condition.
  - d) Boot space/luggage areas are to be kept clean and any vehicle equipment properly stowed.
- 5.2 All doors, locks and windows are to be in full working order and in good condition.
- 5.3 All windows are to be kept free of dirt, grime and marks.

#### **6. Tinted Windows**

- 6.1 A proprietor must not affix, or allow to be affixed, window tinting to the licensed vehicle without first applying for and obtaining permission from the Council to do so.

#### **7. Fire Extinguisher and First Aid Kit**

- 7.1 The proprietor must ensure that a sterile standard motorist's first aid kit is carried in the vehicle at all times.
- 7.2 The proprietor must ensure that a fire extinguisher suitable for use on vehicle fires is carried in the vehicle at all times. The proprietor must ensure that the contents of the extinguisher remain in date at all times. Where there is an expiry date on the extinguisher (instead of a colour gauge), the date is clearly visible and not tampered with.

#### **8. Accidents**

- 8.1 The proprietor must inform the Council the next available working day of any accident causing damage affecting the safety, performance or appearance of the vehicle or which may affect the comfort or convenience of passengers.

## **9. Luggage storage**

- 9.1 If the licensed vehicle is either an estate car or multi-passenger vehicle, there must be luggage restraints kept in the vehicle so that passengers' luggage can be securely stowed, and the restraints must be kept in good working order.

## **10. Taximeters**

- 10.1 The proprietor must ensure the vehicle is fitted with a taximeter approved by the Council at all times the vehicle is available for hire. The meter must be maintained and kept in a good working order at all times.
- 10.2 The taximeter must be set for up to the current maximum tariff agreed by the Council and the proprietor must ensure that no adjustment to the meter is made without the Council's prior permission.
- 10.3 The proprietor must ensure the "For Hire" sign or other illuminated sign on the roof of the vehicle is linked to the taximeter or a means is provided to switch off the for hire sign so that when the meter is switched on at the commencement of any individual hire, the roof sign is extinguished.
- 10.4 The taximeter must be kept clean and in good working order and positioned so that the fare recorded on the taximeter is plainly visible to passengers in the vehicle.
- 10.5 The taximeter must be sealed at all times and if a seal is broken the proprietor must notify the Council's Licensing Office on the next available working day.

## **11. Fare Table**

- 11.1 The proprietor must 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 kept clean and undamaged and is positioned so that it is plainly visible to passengers in the vehicle.
- 11.2 A driver must, if requested by the passenger, provide them with a written receipt for the fare paid.

## **12. Smoking**

- 12.1 The proprietor must ensure that the prescribed 'no smoking' signage required to be displayed under the relevant legislation (the Health Act 2006 and the Smoke-free (Signs) Regulations 2007 – or any subsequent enactment), is affixed to the interior of the vehicle.
- 12.2 E-Cigarettes and other similar must not be used within the licensed vehicle in line with the requirements of other public transport.

### **13. Roof Sign**

- 13.1 Each Hackney Carriage vehicle (with the exception of those vehicles with a built-in roof light) shall display at all times an illuminated white roof sign approved by the Council, regardless whether the vehicle is working for public hire or personal use.
- 13.2 A proprietor must not alter the sign without first applying for and obtaining permission from the Council to do so.
- 13.3 The illumination mechanism of the roof sign shall not be operated during any period for which the vehicle is hired.

### **14. Door Signage**

- 14.1 If at any time the signs become damaged or lost, the proprietor must notify the Council as soon as possible so that the Council can order replacement signs. The cost of the replacement door signs is the responsibility of the proprietor.
- 14.2 If at any time the signs become damaged or lost, the proprietor must ensure that the vehicle is not used for hire until the replacement door signs are affixed.

### **15. Pre-Booked Fares**

A Hackney Carriage may be used for a pre-booked **shared** journey providing they comply with the criteria below.

- 15.1 The vehicle's proprietor must notify the Council in writing that the vehicle is to be used for pre-booked **shared** journeys prior to commencement.
- 15.2 The taximeter must be calibrated for the calculation of separate fees for separate journeys and has been tested and sealed by the Council.
- 15.3 The proprietor must ensure that a record of all pre-booked **shared** journeys undertaken in the vehicle shall be kept by the proprietor and stored for a period of 6 months.
- 15.4 A Hackney Carriage may be used for a pre-booked **shared** journey only where the hirers have consented to the journey when booking in advance and where the consent of the hirer has been recorded as to the conditions in appendix K 3.0 Records.

### **16. Garage Inspection Report**

- 16.1 The proprietor must ensure the vehicle has a current Garage Inspection Report from a MOT approved garage at all times whilst the vehicle is licensed.
- 16.2 If a vehicle fails it's Garage Inspection Report or its Garage Inspection Report expires the vehicle cannot be used as licensed Hackney Carriage (irrespective of whether it still has a valid MOT Certificate) until a valid Garage Inspection Report has been issued.

### **17. Advertising**

- 17.1 The approval of the Council must be sought and obtained before any adverts (or modifications to existing advertising) are affixed to the vehicle.

## **18. CCTV Installation in Hackney Carriage Vehicles**

- 18.1 When CCTV has been installed in the vehicle with the Council's approval, the following conditions apply to the licence:
- a) The CCTV system must be either only capable of recording images and not sound, or if the system is able to record sound, the proprietor must ensure that the sound recording function of the system is manually activated when required by the driver but that in normal circumstances only images are recorded.
  - b) The CCTV system must be designed and capable of adequately recording after dark.
  - c) The CCTV system must be one where any recorded data is encrypted and access to the data is password protected or locked and only authorised persons can view any recordings.
  - d) The proprietor must not interfere, or try to interfere, with the workings of the device.
  - e) The proprietor must ensure that operation of the CCTV complies with the *CCTV Code of Practice* published by the Information Commissioner's Office ([www.ico.org.uk](http://www.ico.org.uk)), including the affixing of appropriate signs notifying the public that CCTV is in use in the vehicle.
  - f) Upon a request being made by an officer of the Council or a police officer for access to the recordings within 24 hours following a request by any law enforcing agency at no charge to that agency.
  - g) The system will automatically overwrite data after 30 days.
  - h) Appropriate signage displayed advising of the use of CCTV.

## **19. Disability Access**

The following conditions will apply to vehicles adapted to carry wheelchairs

- 19.1 Where a vehicle is designed or adapted for the carriage of passengers in a wheelchair, the following conditions shall apply:
- a) Loading of the wheelchair must be undertaken through the side of the vehicle.
  - b) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
  - c) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.
- 19.2 If, after the licence is granted the vehicle is converted or adapted to carry wheelchairs, the proprietor must:
- a) within 7 days of the conversion/adaptation provide a Certificate from an approved converter, and
  - b) notify their insurance company of the fact that the vehicle has been so adapted/converted.
- 19.3 A suitable restraint must be available for the occupant of a wheelchair at all times and kept in good working order.
- 19.4 If, after the licence is granted any equipment is fitted to the vehicle for the purpose of lifting a wheelchair into it, this must be tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Council's Licensing Office before the lifting equipment is used in respect of any passenger. A copy of the certificate should



also be kept in vehicle at all times and be presented to any Licensing Officer of Police Officer upon request.

- 19.5 There must be kept in the vehicle at all times either access ramps or a lift to assist the wheelchair into the vehicle. Any access ramps or lifts must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
- 19.6 Ramps and lifts must be securely stored in the vehicle before it may move off. Any such equipment must be maintained in good working order.
- 19.7 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair-bound passengers.
- 19.8 There must be no alteration to the seating configuration without notifying the Council

## **Appendix C**

### **Hackney Carriage Vehicle Licensing Procedure**

#### Application Process for Hackney Carriage Vehicle Licence

1. Applications for a Hackney Carriage proprietor's licence must be submitted on the prescribed form
2. Applications for renewal together with the supporting documents should be submitted prior to expiry of the current licence.
3. Once a decision has been made to grant the licence, an internal licence plate will be issued together with the new licence and conditions of licence.

## Appendix D

### Hackney Carriage Byelaws

#### 1. Hackney Carriage Byelaws

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

#### 2. Interpretation

- 2.1. Throughout these byelaws “the Council” means the Borough of Worthing and “the Borough” or “the District” means the Borough of Worthing.
- 2.2 Provisions regulating the manner in which the number of each Hackney Carriage, corresponding with the number of its licence, shall be displayed.
- a) The proprietor of a Hackney Carriage shall cause 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 not:
    - wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
    - 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.

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

- 3.1 The proprietor of a Hackney Carriage shall;
- a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - b) cause the roof or covering to be kept water-tight;
  - c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - d) cause the seats to be properly cushioned or covered;
  - e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - i) provide at least 2 doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
- 3.2 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 key, flag or other device shall be capable of being locked in such a position that the machinery of the taxi meter is not in action and that no fare is recorded on the face of the taximeter;
- c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
- d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figured shall be capable of being suitably illuminated during any period of hiring;
- f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

#### **4. Conduct**

Provisions regulating the conduct of the proprietors and drivers of Hackney Carriages plying within the Borough in their several employments, and determining whether such drivers shall wear any and what badges.

- 4.1 The driver of a Hackney Carriage shall
  - a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957, and also at any other time at the request of the hirer.
- 4.2 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.
- 4.3 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; (or rank designated under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976)
  - b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;

- d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
- 4.4 A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
- 4.5 The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 4.6 The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- 4.7 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.
- 4.8 A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
- 4.9 If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
- 4.10 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.

## **5. Provisions fixing the stands of Hackney Carriages**

- 5.1 No longer applicable (replaced by section 63 of the Local Government (Miscellaneous Provisions) Act 1976)

## **6. Fares**

Provisions fixing the rates of fares to be paid for Hackney Carriages within the borough and securing the due publication of such fares.

- 6.1 No longer applicable (replaced by section 65 of the Local Government (Miscellaneous Provisions) Act 1976).

## **7. Lost Property**

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

- 7.1 The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
- 7.2 The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
- a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station in the Borough and leave it in the custody of the officer in charge of the office on his giving a receipt for it.
  - b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to 5p in the pound of its estimated value, (or the fare for the distance from the place of finding to the Police Station, whichever be the greater) but not more than £5.

## **8. Penalties**

- 8.1 Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine.

These byelaws were made on 25<sup>th</sup> September 1974. A copy of the original byelaws is available upon request from the Licensing Office.

## Appendix E

### Private Hire Vehicle Specifications

#### 1. Vehicle Specification

- 1.1 When licensing Private Hire vehicles the Council has to consider the need for safety, convenience, and comfort of passengers in vehicles that operate in rural, urban and motorway environments. The size and engine capacity have also to be considered given that all vehicles are required to carry their licensed number of passengers together with their luggage. The Council considers that a vehicle should be of manufacturers' original specification and shall be constructed and designed:
  - a) For the Carriage of not less than 4 and not more than 8 passengers with the provision of a seatbelt for each passenger.
  - b) The rear bench seat of the vehicle must be a minimum of 1.2 meters (47 inches) measured across its narrowest part of the bench seat all other seats must measure 405 mm or 16 inches.
  - c) The driver's seat fully pushed back there must be a gap of 1.77 mm (7 inches) between the front of the rear seat and the back of the front seat and an 863 mm (34 inch) gap in height from the lowest part of the seat pad to the roof.
  - d) Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking manoeuvre.
  - e) To have windows to the side and rear providing natural light to passenger compartment.
- 1.2 In the interest of safety each vehicle should have a minimum 4 doors, which are capable of being opened from the inside.
- 1.3 Vehicles licensed to carry 5 or more passengers must be fitted with a glass hammer.
- 1.4 Vehicles licensed to carry 5 or passengers must carry a cargo net to secure luggage.
- 1.5 The passenger carrying capacity will be at the discretion of the Council.
- 1.6 The vehicle seats must have these specifications:
  - a) The rear seat of the vehicle must be a minimum of 1.2 meters (47 inches) with no mouldings restricting the seating capacity. all other seats must measure 405 mm or 16 inches.
  - b) The driver's seat fully pushed back there must be a minimum gap of 1.77mm (7 inches) between the front of the rear seat and the back of the front seat and a 863 mm (34 inch) gap in height from the lowest part of the seat pad to the roof.
  - c) All seats must be fitted with fully operational seat belts.
  - d) The number of passenger seats must remain as stated on the vehicle licence.
  - e) There must be no alteration to the seating configuration without notifying the Council.
  - f) All seats must be forward or rear facing.
  - g) All vehicles must be able to seat all passengers in comfort with sufficient legroom for all passengers.
  - h) The seat covering must be clean and in a good state of repair.
- 1.7 The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:

- Be safe
  - Be tidy
  - Be clean
  - Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply.
- 1.8 The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.
- 1.9 All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.
- 1.10 The Council's Garage test must be carried out by an approved MOT testing station within the Borough or the Council's Commerce Way Workshops. The Council will accept the first garage inspection compliance report for a new vehicle from the garage where the vehicle is purchased.
- 1.11 In the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on vehicles which are presented for licensing. Where a vehicle is licensed and subsequently the proprietor wants to affix tinting to the windows, one of the standard conditions of licence (see Appendix F) provides that they must first apply to and be given approval by the Council to affix the tinting. A transitional period in accordance with the rolling vehicle replacement programme will be permitted for existing licensed vehicles. This is so the Council can ensure that any tinting applied to a licensed vehicle's windows is consistent with these specifications.

## **2. Age of vehicle**

- 2.1 In the case of first application for a vehicle licence not more than 7 years from the first date of registration and thereafter not more than 10 years in the case of a renewal application.
- 2.2 The maximum age limits described may only be exceeded if the vehicle presented is in exceptional condition.
- 2.3 A vehicle will be considered to be in exceptional condition if all of the following apply:
- a) Mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes.
  - b) The vehicle passes the Council's vehicle inspection.
  - c) Bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
  - d) General paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
  - e) Interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
  - f) The boot or luggage compartment is in good condition, clean and undamaged.
  - g) Passenger areas are free from damp or any other odours that may cause passenger discomfort.



- h) The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or body work.
  - i) The vehicle must have a service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification. The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:
    - Be safe
    - Be tidy
    - Be clean
    - Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply.
- 2.4 The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.
- 2.5 The licensed vehicle shall be not be coloured white or silver or similar unless it is approved by the Council.
- 2.6 All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.
- 2.7 The Councils Garage test must be carried out by an approved MOT testing station within the Borough or at the Councils' Commerce Way Workshops.
- 2.8 In the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on vehicles which are presented for licensing. Where a vehicle is licensed and subsequently the proprietor wants to affix tinting to the windows, one of the standard conditions of licence (see Appendix F) provides that they must first apply to and be given approval by the Council to affix the tinting. A transitional period in accordance with the rolling vehicle replacement programme will be permitted for existing licensed vehicles. This is so the Council can ensure that any tinting applied to a licensed vehicle's windows is consistent with these specifications.

### **3. Private Hire Vehicles Exempt**

- 3.1 Some Private Hire operators may be exempt from displaying roof sign, door signs and licence plate. The reason for this can be found in Appendix E of this policy.

### **4. Advertising on Private Hire Vehicles**

- 4.1 One of the standard conditions of licence for Private Hire vehicles is that the proprietor may affix advertising if they have first applied for and obtained the Council's permission. The Council will generally require that advertising complies with the following specifications before approval will be given for it to be affixed to the vehicle:
- a) Display screens on the rear of headrests is permitted
  - b) Advertising may be displayed on the external sides of the rear wing panels providing the advertisement complies with the following criteria:
  - c) Any advertisements shall not exceed 30 inches by 15 inches.
  - d) Advertisements must be of such a form as not to become easily soiled or detached.

- e) Advertisements shall not contain matters relating to alcohol, smoking, or products or services likely to give offence to the public.

## **5. CCTV Installation in Private Hire Vehicles**

- 5.1 When CCTV has been installed in the vehicle with the Council's approval, the following conditions apply to the licence:
  - i) The CCTV system must be either only capable of recording images and not sound, or if the system is able to record sound, the proprietor must ensure that the sound recording function of the system is manually activated when required by the driver but that in normal circumstances only images are recorded.
  - j) The CCTV system must be designed and capable of adequately recording after dark.
  - k) The CCTV system must be one where any recorded data is encrypted and access to the data is password protected or locked and only authorised persons can view any recordings.
  - l) The proprietor must not interfere, or try to interfere, with the workings of the device.
  - m) The proprietor must ensure that operation of the CCTV complies with the *CCTV Code of Practice* published by the Information Commissioner's Office ([www.ico.org.uk](http://www.ico.org.uk)), including the affixing of appropriate signs notifying the public that CCTV is in use in the vehicle.
  - n) Upon a request being made by an officer of the Council or a police officer for access to the recordings within 24 hours following a request by any law enforcing agency at no charge to that agency.
  - o) The system will automatically overwrite data after 30 days.
  - p) Appropriate signage displayed advising of the use of CCTV.

## **6. Tinted Windows**

- 6.1 Vehicles are manufactured and produced with window glass in various tints or film coatings from clear to jet-black, the latter making it impossible to view into the passenger compartment. The removal of film coating from windows is far less expensive than the changing of glass. These heavily tinted windows may be of concern to women passengers travelling alone, and parents of children travelling unaccompanied. Many of the vehicles supplied with tinted glass are acceptable, however in the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on licensed vehicles.

## **Appendix F**

### **Private Hire Vehicle Conditions of Licence**

#### **1. Licence Plate**

- 1.1 The proprietor must ensure that the licence plate provided and allocated to him by the Council is maintained in a clear and legible condition and is securely affixed on the outside of the Carriage, on or adjacent to the rear bumper. Magnets, double sided tape and Velcro are not acceptable for securing the plate.
- 1.2 The Council must be informed as soon as practicable should the licence plate be lost broken or defaced.
- 1.3 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 particular is illegible.
- 1.4 The internal licence plate issued by the Council must be affixed to the nearside part of the windscreen in such a position where the telephone number on the rear of the internal licence plate can be clearly seen by passengers and must be displayed at all times.

#### **2. Vehicle Change of Use**

- 2.1 The proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements immediately and shall not use the vehicle for the purposes of carrying fare paying passengers until approved by the Council.

#### **3. Vehicle Licence**

- 3.1 In the event of loss of or damage to this licence the Council must be informed immediately during office hours so that a replacement can be issued.
- 3.2 On revocation, expiry, or suspension of the licence, the licence and the plate issued in respect of the vehicle must be returned to the Council forthwith upon the Council giving such a demand in writing to the proprietor.
- 3.3 The proprietor shall advise the Council in writing within 14 days of any change of their home address, contact telephone number or email address.
- 3.4 The proprietor shall give 7 days' notice of his/her intention to transfer the licence to another vehicle and shall not permit that vehicle to be used as a licensed vehicle until the licence has been endorsed by the Council.

#### **4. Insurance**

- 4.1 The proprietor shall ensure that there is in force a policy of insurance with the requirements of the Road Traffic Acts and which covers the vehicle for the carriage of passengers for public hire during the currency of the licence.

- 4.2 A copy of a vehicle's current valid insurance document must be kept with the vehicle and the proprietor must make it available for inspection by any Worthing Borough Council officer or any Police Officer upon request.
- 4.3 If, during the duration of this licence, a new policy of insurance is obtained in relation to the licensed vehicle, a copy of the new policy or insurance cover note must be lodged with the Council within 7 days of the new insurance policy coming into effect.

## **5. Interior Appearance**

- 5.1 The interior of the vehicle should always be in a clean and tidy state.
- a) Carpets, upholstery and cloth trim are to be kept clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour co-ordinating with the vehicle and kept in good condition.
  - b) All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage.
  - c) All interior lights and fascia illumination are to be in full working order and in good condition.
  - d) Boot space/luggage areas are to be kept clean and any vehicle equipment properly stowed.
- 5.2 All doors, locks and windows are to be in full working order and in good condition.
- 5.3 All windows are to be kept free of dirt, grime and marks.

## **6. Tinted Windows**

- 6.1 A proprietor must not affix, or allow to be affixed, window tinting to the licensed vehicle without first applying for and obtaining permission from the council to do so.

## **7. Fire Extinguisher & First Aid Kit**

- 7.1 The proprietor must ensure that a sterile standard motorist's first aid kit is carried in the vehicle at all times.
- 7.2 The proprietor must ensure that a fire extinguisher suitable for use on vehicle fires is carried in the vehicle at all times. The proprietor must ensure that the contents of the extinguisher remain in date at all times. Where there is an expiry date on the extinguisher (instead of a colour gauge), the date is clearly visible and not tampered with.

## **8. Accidents**

- 8.1 The proprietor must inform the Council the next available working day of any accident causing damage affecting the safety, performance or appearance of the vehicle or which may affect the comfort or convenience of passengers.

## **9. Luggage in Estate Cars and Multi-Purpose Vehicles**

- 9.1 Luggage stowed in the boot should not be stacked above the height of the rear seats unless the vehicle is fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment.

## **10. Taximeters**

- 10.1 All taximeters must be approved by the Council and the proprietor of a Private Hire vehicle which has been fitted with a taximeter must ensure that meter is maintained in a sound working condition at all times.
- 10.2 The taximeter shall be of the clock calendar type or a Council approved taximeter.
- 10.3 The taximeter must not be altered or tampered with except with the approval of the Council and must be retested by the Council if it is altered.
- 10.4 Show the fare recorded on the taximeter in plainly legible figures and the word "FARE" shall be clearly displayed.
- 10.5 Be kept surely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary.
- 10.6 The taximeter must be sealed at all times and if a seal is broken the Licensing Office must be notified as soon as possible.

## **11. Two Way Radios**

- 11.1 The proprietor must ensure that any radio equipment fitted to the licensed vehicle is kept in good working order at all times.

## **12. Smoking**

- 12.1 The proprietor must ensure that the prescribed 'no smoking' signage required to be displayed under the relevant legislation (the Health Act 2006 and the Smoke-free (Signs) Regulations 2007 – or any subsequent enactment), is affixed to the interior of the vehicle.
- 12.2 E-Cigarettes and other similar must not be used within the licensed vehicle in line with the requirements of other public transport.

## **13. Roof Sign**

- 13.1 Each Private Hire vehicle shall display at all times whilst working a non-illuminated roof sign approved by the Council. The signs will be in white unless authorisation has been approved for roof signs to be a different colours.
- 13.2 A proprietor must not alter the sign without first applying for and obtaining permission from the Council to do so.
- 13.3 The roof light must comply with the following criteria:
  - a) be 'point' type design
  - b) be 14cm in width x 25cm in length x 11cm in height.
  - c) all letters and numbers displayed must be solid black in colour and in Flute B font
  - d) the words 'ADVANCE BOOKINGS ONLY' must be displayed on the front of the sign at the top in letters not less than 2.5cm in height.
  - e) the company name must be displayed underneath in letters not less than 5cm in height.
  - f) the rear of the sign should display only the word 'WORTHING' in letters not less than 2.5cm in height and underneath, the telephone number of the company or

Private Hire operator through whom the vehicle can be booked, displayed in numbers not less than 5cm in height.

- g) the sign shall not include the words 'hire', 'cab', 'taxi', 'hackney' or any other word which would lead a person to believe that the vehicle is a Hackney Carriage (even if these words form part of the company name) or any other words or numbers except those set out above.

#### **14. Door Signage**

14.1 Each Private Hire vehicle shall display a sign on front door in accordance with the criteria laid out below:

- a) the sign shall be constructed of vinyl, and shall be applied directly to the door. Licence holders should note that magnetic door signs are not acceptable in fulfilment of this condition.
- b) the words 'Advance booking only' shall be displayed at the top of the sign in letters of 4cm in height.
- c) the operator or company name shall be displayed in the middle of the sign in letters of 8cm in height if on one line or 4cm in height if on 2 lines.
- d) the telephone number of the operator through which the vehicle is operating shall be displayed at the bottom of the sign in numbers of 4cm in height.
- e) the overall dimensions of the sign shall be 23cm in height by 45cm in width.
- f) all numbers and letters displayed on the sign must be laid out in Flute B font and shall be solid black or solid white, as required by the Licensing Officer. The colour required will be dependent on the colour of the vehicle and will be chosen to ensure maximum visibility against the vehicle's paintwork.

14.2 These door signs must be displayed at all times. Failure to display these door signs may result in the suspension of the vehicle licence.

#### **15. Garage Certificate**

15.1 Upon notification from the council that a compliance test must be carried out, the proprietor must ensure that the vehicle is submitted for a compliance test and provide the original certificate of compliance to the Council by the date required. Compliance Testing is required every 12 months for vehicles under 10 years old and every 6 months for vehicles more than 10 years old.

15.2 The proprietor must ensure the vehicle has a Certificate of Compliance from a MOT approved garage in the Borough of Worthing, or the Councils' Commerce Way Workshop, at all times whilst the vehicle is licensed.

15.3 If a vehicle fails the Certificate of Compliance test and the vehicle still has a valid MOT Certificate the vehicle cannot be used as a licensed vehicle until a valid Certificate of Compliance has been issued.

#### **16. Advertising**

16.1 The approval of the Council must be sought and obtained before any advertising (or modifications to existing advertising) is affixed to the vehicle

#### **17. CCTV Installation in Private Hire Vehicles**

17.1 When CCTV has been installed in the vehicle with the Council's approval, the following conditions apply to the licence:

- a) The CCTV system must be either only capable of recording images and not sound, or if the system is able to record sound, the proprietor must ensure that the sound recording function of the system is manually activated when required by the driver but that in normal circumstances only images are recorded.
- b) The CCTV system must be designed and capable of adequately recording after dark.
- c) The CCTV system must be one where any recorded data is encrypted and access to the data is password protected or locked and only authorised persons can view any recordings.
- d) The proprietor must not interfere, or try to interfere, with the workings of the device.
- e) The proprietor must ensure that operation of the CCTV complies with the *CCTV Code of Practice* published by the Information Commissioner's Office ([www.ico.org.uk](http://www.ico.org.uk)), including the affixing of appropriate signs notifying the public that CCTV is in use in the vehicle.
- f) Upon a request being made by an officer of the Council or a police officer for access to the recordings within 24 hours following a request by any law enforcing agency at no charge to that agency.
- g) The system will automatically overwrite data after 30 days.
- h) Appropriate signage displayed advising of the use of CCTV.

## **18. Disability Access**

The following conditions will apply to vehicles adapted or carry wheelchairs

- 18.1 Where a vehicle is designed or adapted for the carriage of passengers in a wheelchair, the following conditions shall apply:
- 18.2 Loading of the wheelchair must be undertaken through the side or rear of the vehicle.
- 18.3 Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
- 18.4 Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.
- 18.5 If, after the licence is granted the vehicle is converted or adapted to carry wheelchairs, the proprietor must: within 7 days of the conversion/adaptation provide a Certificate from an approved converter, and notify their insurance company of the fact that the vehicle has been so adapted/converted.
- 18.6 A suitable restraint must be available for the occupant of a wheelchair at all times and kept in good working order.
- 18.7 If, after the licence is granted any equipment is fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle, this must tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Council's Licensing Office before the lifting equipment is used in respect of any passenger. A copy of the certificate should also be kept in vehicle at all times and be presented to any Licensing Officer of police officer upon request.
- 18.8 There must be kept in the vehicle at all times either access ramps or a lift so assist the wheelchair into the vehicle. Any access ramps or lifts must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.

- 18.9 Ramps and lifts must be securely stored in the vehicle before it may move off. Any such equipment must be maintained in good working order.
- 18.10 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair-bound passengers.
- 18.11 There must be no alteration to the seating configuration without further approval from the Licensing Officer



## Appendix G

### Private Hire Executive Plated Vehicles, Limousines & Speciality Vehicles Special Conditions

The following are a pool of standard conditions relating to speciality vehicles. The Council may decide to attach all or any of the following standard conditions (which may be in addition to some of all of the conditions in Appendix F) to the grant of a Private Hire vehicle licence in respect of a speciality vehicle, as may be considered appropriate in any individual case.

#### **1. Additional Conditions for Private Hire Executive Plated Vehicles, Limousines & Speciality Vehicles**

- 1.1 An Executive vehicle or Limousine to be exempted has to be of a high quality both in terms of brand and condition.
  - a) Vehicles will normally be the accepted luxury brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus.
  - b) The vehicle must have no visible defects, dents or blemishes to the external bodywork or internal trim.

#### **2. Types of Vehicles**

- 2.1 The vehicle must have one of the following:
  - a) A UK Single Vehicle Approval Certificate
  - b) A European Whole Vehicle Approval Certificate
  - c) UK Low Volume Type Approval Certificate Specification
- 2.2 If the vehicle has a UK Single Vehicle Approval Certificate, the Council will expect that the vehicle will have been modified in accordance with a program approved by the original vehicle manufacturer and have appropriate documentary proof. The licensee must produce a copy of the IVA certificate at time of licensing.

#### **3. Vehicle and Safety Equipment**

- 3.1 The proprietor of a vehicle shall:
  - a) Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, safe and clean condition.
  - b) Ensure the vehicle is fitted with tyres that meet both the manufacturer's size and weight specification for that vehicle.
- 3.2 Vehicles may be granted an exemption from the requirement under the conditions of licence for Private Hire vehicles to be right hand drive.
- 3.4 Vehicles with sideways facing seating may be considered for Private Hire licensing.
- 3.5 The passenger compartment of the vehicle may be fitted with darkened or blackened glass if approved by the Council.

#### **4. Use of Vehicle**

4.1 The proprietor of a vehicle shall:

- a) Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers
- b) Ensure that in any advertisement publicising their business, the vehicle is not stated to carry any more than 8 passengers.
- c) Not convey any passengers in the front compartment with the driver.
- d) Not supply alcohol to passengers unless there is in force an appropriate authorisation under the Licensing Act 2003 permitting the sale or supply of the same

4.2 If all occupants are below the age of 18, there should be no alcohol carried in the passenger compartment.

4.3 Any glassware in the vehicle must be made of either shatterproof glass or plastic.

4.4 The driver shall not play or permit the performance of any film, video or similar media where any passenger in the vehicle is below the age permitted by the age classification to view the particular film etc.

## Appendix H

### Private Hire Vehicle Licence Procedures

#### 1. Application Process for Private Hire Vehicle - New Licence

- 1.1 The vehicle must accord with the specifications in Appendix E.
- 1.2 Applicants must telephone the licensing office to make an appointment to have their vehicle licensed.
- 1.3 Applications for a Private Hire vehicle licence must be submitted on form PHV/1
- 1.4 Applicants attending the appointment must bring all their documents relating to the vehicle, which include:-
  - Insurance for Hire and Reward
  - Registration Document or Bill of Sale
  - Certificate of Compliance
  - MOT
  - Garage Certificate
  - Applicants must pay the appropriate fee before the licence can be issued.
- 1.6 Applicants must ensure that they bring the vehicle to the appointment

#### 2. Application Process for Private Hire Vehicle - Licence Renewal

- 2.1 Applications for renewal should be submitted at least 10 days prior to the vehicle licence expiring. Applicants must telephone the licensing office to make an appointment to have their licence renewed.
- 2.2 The fee must accompany the application for renewal.
- 2.3 An internal licence plate will be issued and placed in the front windscreen and given to the applicant
- 2.4 Applicants who fail to renew their vehicle licence on time will be required to submit a new application and will be also be required to comply with the conditions set out in Appendix D. Licence holders should note that depending on the age of the vehicle it could be deemed to be too old to re-licence.

#### 3. Application Process for Private Hire Vehicle Licence - Transfer of vehicle

- 3.1 Applicants must telephone the licensing office to make an appointment to transfer the licence to another vehicle.
- 3.2 Vehicles must comply with the conditions of licence outlined in Appendix D.
- 3.3 Applications for a Private Hire vehicle licence transfer must be submitted on the designated form.

- 3.4 Applicants must bring all their documents relating to the vehicle which includes:-
- Insurance for Hire and Reward
  - Registration Document or Bill of Sale
  - Certificate of Compliance
  - Valid MOT
- 3.6 An internal licence plate will be issued and placed in the holder provided on the windscreen. This will clearly display the expiry date so it can be seen from the outside of the vehicle.
- 3.7 An external licence plate will be issued and fixed to the rear of the vehicle by the Council
- 3.8 A paper licence will be issued.
- 3.9 Applicants must bring their vehicle to the Councils' Taxi Office for an officer of the Council to:
- Check for the Council approved door signs (where applicable)
  - Check for the Council approved roof sign (where applicable)
  - To fix an external plate to the rear of the vehicle

#### **4. Application Process for Private Hire Vehicle Licence - Transfer of ownership**

- 4.1 Applicants must telephone the licensing office to make an appointment to transfer the licence to another person.
- 4.2 Vehicles must comply with the conditions of licence outlined in Appendix D above
- 4.3 Applications for a vehicle licence transfer of ownership must be submitted on designated form.
- 4.4 Applicants must bring all their documents relating to the vehicle which includes:-
- Insurance for Hire and Reward
  - Registration Document or Bill of Sale
  - Certificate of Compliance.
  - A signed transfer form from the existing licence holder authorising the transfer of the licence
  - The Council will determine whether a replacement plate is required.

## Appendix I

### Hackney Carriage & Private Hire Driver Licence Procedures

#### 1. Basic Principles

- 1.1 In determining an application for a Hackney Carriage or Private Hire Driver Licence applicants are required to declare all convictions / cautions / offences. The Council as Licensing Authority is entitled to consider all convictions whether or not they may be considered “spent” for other purposes.
- 1.2 A Worthing Borough Council Hackney Carriage or Private Hire Driver (PHD) must:
  - a) drive a vehicle licensed by this Authority
  - b) have the required insurance
- 1.3 Worthing licensed Private Hire Drivers must drive on a circuit for a Worthing Borough Council licensed ‘Operator’, whilst on this circuit, all ‘hire and/or reward’ passengers must be pre- booked through the ‘operator’. A PHD may not use or park a vehicle on or near (plying for hire) any appointed ‘taxi’ rank. A PHD may not drop-off or pick-up any passenger on or near an appointed ‘taxi’ rank and may not be ‘hailed’ in the street.
- 1.4 Following the grant of a licence, any breach of condition or action(s) contrary to the relevant legislation, any criminal or motoring record will be given due consideration by the Council and may result in the suspension, revocation or refusal to renew any such licence.
- 1.5 All applicants for the grant of a driver's licence must satisfy the criteria set out below.

#### 2. Driving History

- 2.1 Applicants must have held or be in possession of a full UK or EU driving licence for at least 12 months and present same for inspection at the time of application. If the licence consists of a photo card and counterpart, both parts must be provided.
- 2.2 The applicant must submit a completed DVLA driving licence disclosure form which will be provided and can be completed at the time of application.
- 2.3 If a licence driver has his/her DVLA licence revoked or is disqualified for any reason, the Council may automatically revoke their Private Hire or Hackney Carriage Driver's Licence.

#### 3.0 Medical Certificate

- 3.1 A medical must be carried out on the Council's prescribed form by the applicant's own GP. The medical test will be carried out to PSV DVLA Group 2 specification. This medical must be completed to the satisfaction of the Council before a licence can be issued. The Council will only accept a medical certificate produced on the Council's prescribed form. No other form of certificate will be accepted. The Medical Form will be provided at time of application. A medical is required on initial application. Further medicals are required every 5 years from the age 45. Then annually after age 65.

## **5. Photographs**

- 5.1 Two recent original passport sized photographs are required with application.

## **6. Driving Standards Test(s)**

- 6.1 Private Hire Driver applicants will be required to pass the Driving Assessment Taxi/Private Hire assessment and provide certificated proof, before the issue of the licence.
- 6.2 Hackney Carriage Driver applicants will be required to pass the Driving Assessment Taxi/ Private Hire assessment and Driving Assessment Wheelchair Accessibility Test and provide certificated proof of both before the issue of the licence.
- 6.3 Contact details for the Driving Assessment will be provided.

## **7. Knowledge Test**

- 7.1 All applicants are required to pass the Council's knowledge test which will in addition to local geography and taxi regulations will require an applicant demonstrate customer service, road signs and competency in English and Numeracy. Applicants who wish to be exempt from sitting the Council's knowledge test must provide detailed information why the Council should deviate from this policy.

### **7.2 Hackney Carriage Geographical Knowledge Test**

The test consists of 80 questions an applicant must achieve 90% correct answers in the road section and 75% in all other sections in order to pass. The test is advanced and requires an excellent knowledge of Worthing's streets, roads, closes, courts, terraces, walks, major buildings, pubs, hotels, public buildings, conditions of licence, Highway code, Road signs, Disability awareness, Child Sexual Exploitation, Literacy and Numeracy.

Applicants for Hackney Carriage driver licences will need to pass a route test this involves correctly naming all the roads taken on the shortest route between 2 points within the Borough. A pass mark of 8 out of 10 on the routes test is required.

### **7.3 Private Hire Geographical Knowledge Test**

This test consists of 80 questions as above; an applicant must achieve 75% correct answers in each section in order to pass. If there are any difficulties anticipated with the knowledge test, applicants must make the Licensing Section aware within sufficient time prior to the actual date to the test.

### **7.4 Child Sexual Exploitation (CSE) and Disability Awareness Training**

All applicants are required to undergo CSE and Disability Awareness Training. Applicants who wish to undertake the CSE and Disability Awareness Training after their knowledge test must inform the Licensing section 48 hours prior to their appointment for a knowledge test. Applicants who fail the CSE and Disability Awareness Training will be required to re-sit the training and pass before a licence can be issued.

## **8. Knowledge Test - General Information**

- 8.1 No mechanical/electrical devices or other means of assistance will be allowed into the test.

- 8.2 Applicants are required to provide photographic identification on the day of the test. (e.g. passport or photographic DVLA licence). If an applicant fails to bring photographic ID his/her test will be cancelled.
- 8.3 The cost for the first knowledge test is included in the initial fee; subsequent tests are charged for. Tests cancelled because of failure to provide the required ID on the day are charged for.
- 8.4 The cost of the CSE and Disability Awareness Training is charged to the applicant and must be paid at the time the application is submitted. If applicants fail the CSE and Disability Awareness Training they must pay for their next training session in advance
- 8.5 Tests are be conducted and controlled by Officers of the Council at the Licensing Office. The applicant will be informed of the results from the computer test immediately but the Licensing Office has up to 10 days to inform an applicant of the routes test. Providing all other criteria has been met and there are no outstanding issues, an appointment may be made to arrange the issue of the Licence applied for.

## **9. Proof of Identity**

- 9.1 Applicants must submit 2 forms of photo identification, one of which must be a Passport (or for EU/EEA Member States a National Identity Card is acceptable). The following documents may also help to support proof of identity; however, they will not be accepted as an alternative to adequate photographic identification (Please note only original documents/certified copies will be accepted).
- Birth Certificate
  - P45/P60
  - Photo/Paper driving licence
  - Marriage Certificate
  - Applicants must submit 2 forms of proof of address, from the list below. Please note, these documents must be no more than 3 months older than the date of issue.
  - Utility bill (not mobile phone bill)
  - Credit Card Statement, Bank Statement or Mortgage Statement
  - Rent Account or Council Tax Record
- 9.2 Please ensure that the name, date of birth and address corresponds on all forms of identification provided. If names are not identical on each document the application will not be accepted until all the documents show the same name.
- 9.3 Applicants must provide printed proof of their National Insurance Number. E.g. Wage slip or P60.

## **10. Fees and Charges**

- 10.1 The cost of the Council's Hackney Carriage & Private Hire licence fees and charges can be obtained from the licensing office.

## **11. Border and Immigration**

- 11.1 Applicants must satisfy Border & Immigration that the conditions of the applicant's passport and residency permission are compatible with the licence applied for.

- 11.2 Applicants are advised that it is the Council's policy to consult with Border & Immigration if it deems necessary, to ensure that the applicant's rights of residency are compatible with the licence applied for.
- 11.3 At the current time, applicants who reside in the UK on the strength of a Student Visa cannot work on a self-employed basis. They must provide written confirmation that they intend to be employed and plan to work no more than 20 hours per week. They will also be required to provide details in writing of the Private Hire Operator intending to act as their employer, who will be required to complete the appropriate form. Copies of both forms are then forwarded to HM Revenue & Customs or any other organisations that the Council deems relevant.

## **12. General Guidance**

- 12.1 Upon completion of an application for either a Hackney Carriage or Private Hire drivers licence the Licensing staff will check through the application to ensure that it has been completed correctly and in full. If the applicant does not complete the application fully then it will not be processed and the application will be returned.
- 12.2 When issued, the Enhanced DBS disclosure will detail all known offences to the Licensing Authority, any disclosed information may be used by the Council to determine whether an applicant is a 'fit and proper' person to be issued a Private Hire or Hackney Carriage driving licence.
- 12.3 The Council will give due consideration to the merits of each individual case and if further investigation is required, the 'disclosure form' certificate may be retained on the applicants file until the outcome of the case or for a maximum period of 6 months. All files are kept in a secure area and are only available to the appropriate staff. If no offences are disclosed the 'form' certificate is destroyed.
- 12.4 Once all the forms have been completed and have been checked by the Licensing staff the DBS, DVLA and Border & Immigration checks will be sent off ASAP for processing by the relevant agencies.
- 12.5 On return of the DVLA driving licence check and any feedback from Border & Immigration, the Licensing Officer will review each response. The DBS disclosure will be returned to the applicant and must be submitted as soon as possible at the Licensing office. If the Officer considers the records revealed to be acceptable and the Driving assessment certificate has been submitted satisfactorily the applicant may apply for a knowledge test date.
- 12.6 If the DBS or DVLA checks reveal relevant cautions, convictions, fixed penalties, or Border & Immigration have concerns, the Licensing Officer may contact the applicant to arrange for an interview. The interview will allow the Council to discuss the full circumstances concerning the incidents revealed. The applicant will then be offered the opportunity to put all explanations of such cautions, convictions or incidents in writing, to support the application. After the interview has been completed, a report will be submitted for the consideration of the Head of Service or it may be referred to the Licensing Committee for consideration at hearing. The applicant will be notified in writing of the Council's decision.
- 12.7 The Licence will be issued subject to the laws governing the licence and Council's own standard conditions. A copy of these conditions is included in the application pack and will be supplied on the grant of any licence issued.



- 12.8 The licence will usually be issued for 3 years, but may be issued for a lesser period if so decided by the Head of Service or Licensing Committee in extenuating circumstances.
- 12.9 Applicants are also required to advise the Council's Licensing Section of any change(s) to their circumstances i.e. medical condition, criminal incidents, driving licence, address etc., from the time the application is submitted, to the time of issue.

## Appendix J

### Private Hire Driver Conditions of Licence

1. A licensed driver shall behave in a civil and orderly manner and shall take reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the licensed vehicle.
2. The driver shall be clean and tidy in appearance at all times and dressed smartly in long or short sleeved shirt or blouse and long trousers, tailored shorts or skirt. Suitable footwear for driving must be worn.
3. A licensed driver who has agreed to be in attendance at a certain time at a specified place or whose operator has informed him he/she must be in attendance at a certain time at a specified place shall, unless delayed or prevented by unpreventable circumstances, punctually attend with a licensed vehicle at the appointed time and place.
4. A licensed driver must:
  - carry in the vehicle any luggage which a passenger requests be carried in the vehicle provided that it can be properly secured with the luggage restraints fitted to the vehicle;
  - provide reasonable assistance in loading and unloading such luggage;
  - provide 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 a passenger.
  - provide reasonable assistance to any passenger in alighting or entering the vehicle.
5. The licensed driver of a vehicle equipped with a taxi meter shall set the meter into operation at the point at which the hirer commences his journey unless the hirer expresses at the time of hiring his desire to engage by time.
6. The licence holder shall at all times when acting as a Private Hire driver wear the badge issued by the Council around his/her neck on the lanyard or clip supplied by the Council.
7. Where any property is left in the vehicle by a passenger, the licence holder must take it to a police station in the borough of Worthing within 48 hours and deposit it with a police officer unless before he/she can do so the owner claims the property.
8. The licence holder must not allow a passenger into their vehicle unless they have first confirmed that there is a booking in place for that passenger made by their operator.
9. Where the licence holder is issued with a fixed penalty by a police officer for a driving related offence, his/she must notify the Council's Licensing Office of this fact in writing (or by email to [taxi.licensing@adur-worthing.gov.uk](mailto:taxi.licensing@adur-worthing.gov.uk)). The licence holder must ensure that the notification is delivered to the Council by the next working day.
10. Where any of the following occur, the licensed driver must notify the Council of this fact and must do so in writing (or by email) so that the notification is delivered to the Council within 7 days:

11. Any change to the licence holder's personal details including home address, contact telephone number or email address.
12. If the licence holder is charged with any criminal offence including any motoring offence.
13. Any convictions or police cautions given for any criminal offence, including any motoring offence.
14. If they change from one Private Hire operator to another.
15. A licensed driver shall not at any time permit the noise from any radio or sound system in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle. The licensed driver must turn off their radio/stereo if requested by a passenger.
16. A licensed driver shall not between the hours of 23:30 and 07:00 sound his horn to notify the hirer of his presence.
17. A licensed driver shall not, without the consent of the hirer, convey any other person in the vehicle other than the hirer.
18. A licensed driver shall, if requested by the hirer, provide him or her with a written receipt for the fare paid.
19. A licensed driver must supply on request his badge number or plate number to any person who requires it.
20. Any occupied wheelchair being transported in a wheelchair accessible vehicle must be safely secured using the restraint system carried in the vehicle, provided such system is compatible with the wheelchair being transported.
21. The operator must notify the Council in writing of any change of his/her address, (whether this is a home address or the address from where he/she operates) during the period of the licence, within 7 days of such a change taking place or, preferably, before this takes place.
22. A licence holder stopped by a Police or Licensing Officer, must be able to produce their licence on demand.

## Appendix K

### Private Hire Operator's Licence Conditions

#### 1. Provision and Furnishings of Private Hire Vehicles

- 1.2 Should it come to the operator's attention that a vehicle on his/her/its circuit is not in a clean and tidy condition, he shall notify the proprietor and/or the driver and ensure that no jobs are given to the driver of that vehicle until the operator is satisfied that the vehicle is in a clean and tidy state.

#### 2. Display of Licence Plates, Signs and Advertising

- 2.1 The operator shall ensure that the licence plate issued and allocated by the Council is affixed to the outside of the carriage, on or adjacent to the rear bumper, or in such other position as may be approved by the Licensing Officer.
- 2.2 The operator shall ensure maintenance of such licence plate in a clean and legible condition and shall inform the Council immediately should it be lost or broken or become defaced.

The operator may display on the outside or inside of the vehicle the following:

- Private Hire car sign (which may be issued by the Council) on the windscreen
- Vehicle Licence plate
- Approved West Sussex County Council School Transport Sign when operating in conjunction with school contracts and
- Anything else that is required to be displayed by law
- But may not without first applying for and obtaining the council's permission, allow any other sign to be affixed to any part of a vehicle.

#### 3. Records

- 3.1 The operator shall keep a permanent record of every booking of a Private Hire vehicle invited and accepted by him, whether direct from the hirer or by undertaking the bookings at the request of another operator. The records shall be made available for inspection by a Council Officer or Police officer upon request. The record entries must be made before the commencement of each journey and shall include:
- Time and date of the booking
  - Time and date of the pickup point
  - Details of the destination
  - Name and contact details of the hirer
  - Registration number of the vehicle and
  - Name of the driver allocated for the journey and the driver's Call sign.
- 3.2 All records kept by the operator pursuant to Condition 3.1 above shall be preserved for a period of at least 12 months from the date of the journey.
- 3.3 The operator shall keep written records of the particulars of all Private Hire vehicles operated by him and shall include a copy of the licensed driver's Private Hire licence, details of the proprietor of each vehicle, the registration number of each vehicle and driver/s of each vehicle together with any radio call sign used.

- 3.4 The operator shall ensure that each driver is allocated their own unique call sign.
- 3.5 The Operator will securely retain a copy of the licenses of all drivers (whether Private Hire or Hackney Carriage) engaged to work for them and make them available for inspection by a Council officer or Police officer upon request.
- 3.6 The operator must ensure that every driver that works on his circuit holds a current Private Hire driver's licence at all times the driver is undertaking work on the circuit.
- 3.7 During all times that a vehicle is being operated by the licence holder under this licence, the licence holder must ensure that the vehicle has:
- a valid certificate of insurance for the vehicle to be used for hire and reward for those vehicles licensed as Private Hire vehicles or a valid public hire insurance policy for those vehicles with a Hackney Carriage vehicle licence.
  - a valid Certificate of Compliance
  - a valid Private Hire vehicle Licence or Hackney Carriage proprietor licence.
  - a valid road fund licence

The operator is required to keep a record of all the above and allow a Council officer or Police officer to inspect them upon request.

- 3.8 If any documents (as above in condition number 3.7) expire the operator must ensure the driver does not work on the circuit until valid documents have been submitted to the operator.

#### **4. Conduct of Operator**

- 4.1 The licence holder must not accept a booking by any person to hire a Private Hire vehicle unless the passenger or someone on his behalf previously requested the hiring by telephone, letter, email, text or personal call to the office or business premises of the licence holder.
- 4.2 The licence holder must not accept a request for hire (a booking) which has been communicated to them via a driver operating a Private Hire vehicle. To be clear: the licence holder must not accept a booking from a potential passenger made on that person's behalf by a driver in circumstances where the person approached the driver in the street seeking to hire the vehicle.
- 4.3 The operator must ensure that none of his office staff or agents touts for business on the street whether or not this is nearby the operator's offices. In this context, 'tout for business' means approaching any person on the street and asking if they want to book a vehicle where that person has not approached the operator's staff first.

#### **5. Complaints**

- 5.1 The operator shall notify the Council in writing of any complaints concerning a contract for hire arising from his business that he feels prudent to do so, for example for his own protection against frivolous or vexatious complaints. Such notification must include the action taken, or proposed, as a result of the complaint.

#### **6. Miscellaneous**

- 6.1 The operator may only operate from an address within the borough of Worthing.

- 6.2 The licence holder must notify the Council at least 7 days prior to any intended change of address from which the licence holder intends to operate under this licence.
- 6.3 The licence holder may only trade under this licence using one of the following names:
- (a) his/her/its own name, or
  - (b) the trading name or one of the names which the licence holder included on the licence application form; or
  - (c) another trading name provided that the operator notifies the Council at least 14 days prior to the intended change to name under which the operator intends to trade.
- 6.4 This licence must be kept in the possession of the operator and must be produced when requested by a Council officer or any police officer.
- 6.5 In the event of loss or damage to this licence the Council's Licensing Section Office must be informed immediately so that a replacement licence can be issued.
- 6.6 This licence must not be altered or defaced in any way.
- 6.7 The operator must take all reasonable steps to ensure that there is no radio scanning equipment in the vehicles at any time.
- 6.8 The operator must not refuse a booking because the person wishing to make the booking proposes that his/her guide dog is to travel in the vehicle with them. The operator must not make an additional charge for the carriage of a passenger's assistance dog.
- 6.9 The operator must not operate more vehicles than the total number of vehicles specified in their licence.
- 6.10 Upon the grant of an operator's licence, the Council will specify the address from which the operator may operate. This will be the registered premises where the records are kept and where bookings are accepted.
- 6.11 Where the licence holder is a person, he/she must notify the Council in writing (or by email to: [taxi.licensing@adur-worthing.gov.uk](mailto:taxi.licensing@adur-worthing.gov.uk)) if any of the following occur, and must do so within 7 days of the event occurring
- Any change to the licence holder's personal details including home address (or where the licence holder is a company, the registered address), contact telephone number or email address.
  - If the licence holder is charged with any criminal offence including any motoring offence.
  - Any convictions or police cautions given for any criminal offence, including any motoring offence.
- 6.12 Where the licence holder is a company, a director or the secretary, they must notify the Council in writing (or by email: [taxi.licensing@adur-worthing.gov.uk](mailto:taxi.licensing@adur-worthing.gov.uk)) if any of the following occur, and must do so within 7 days of the event occurring
- Any change to the licence holder's personal details including the registered address, contact telephone number or email address.
  - If the licence holder is charged with any criminal offence.

- If any director or the company secretary is charged with any criminal offence or motoring offence.
- If any director or the company secretary is convicted or given a police caution for any criminal offence or motoring offence.
- The details, including full name, home address and telephone contact number, of any director or company secretary appointed after the licence was granted.

## Appendix L

### Enforcement

In most cases where there are reasons to believe that enforcement action against a licence holder may be required the procedure to be followed is that set out in the Council's Environmental Health Enforcement (available on the Council's website at [www.adur-worthing.gov.uk](http://www.adur-worthing.gov.uk)), in particular the procedure relating to enforcement reviews. The following should therefore be read in conjunction with, and is in addition to, the Council's General Enforcement Policy.

#### **Private Hire & Hackney Carriage Drivers and Private Hire Operators**

The Council has considered the Department for Transport's 2010 Best Practice Guidance and in particular notes that in paragraph 59 councils are encouraged to have a clear policy for the consideration of criminal records.

Set out below are the factors, both in relation to criminal activity other types of unacceptable behaviour and factors of concern, which will be considered when the delegated officer is considering whether or not they are satisfied that a person is a fit and proper person to hold a licence.

#### **1. General matters**

1.1 Each case will be decided on its own merits.

#### **1.2 Relevance of convictions**

1.21 A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application will be entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the Council's overriding consideration should be the protection of the public.

1.22 Remaining free from convictions will not generally be regarded as sufficient evidence that a person is a 'fit and proper' person to hold a licence. The Council does not confine itself to convictions but also takes into account non-convictions etc. (in line with Leeds City Council v Hussain). Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public. The following examples afford a general guide on the actions to be taken where convictions are admitted or discovered.

#### **2. Dishonesty**

2.1 It is essential for the public to have trust in Hackney Carriage and Private Hire drivers. The practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. However, there is scope for a dishonest driver to defraud a passenger by demanding more than the legal or agreed fare or by taking a longer route to a destination. Visitors are particularly at risk from an unscrupulous driver. For this reason, the Council will take a serious view of any offences involving dishonesty. The Council will generally not consider an application until a period of at least 3 years free from convictions has elapsed. More than one conviction for this type of



offence within the last 5 years will raise serious doubts about the applicant's fitness to hold a licence. In such cases, the Council may reject the application.

- 2.2 In the case of a licensed driver convicted of an offence involving dishonesty, the Council, may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 3 years free from convictions of this type has elapsed.

- 2.3 Offences of dishonesty include:

- Theft
- Burglary
- Fraud including benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

### **3. Violence**

- 3.1 The Council will take a serious view of any applicant convicted of an offence involving violence.

- 3.2 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for one or more of the following offences:

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

In the case of a licensed driver convicted of any of the above offences, unless there are exceptional circumstances, the Council will normally revoke the licence immediately.

- 3.3 A licence will not normally be granted where the applicant has a conviction for one of the following offences in the 10 years immediately prior to the date of application:

- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault on Police
- Racially aggravated offences
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit offences), which replace the above.

- 3.4 In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 10 years free from convictions of this type has elapsed.

- 3.5 A licence will not normally be granted where the applicant has a conviction for one of the following offences in the 5 years immediately prior to the date of application:
- Assault occasioning actual bodily harm
  - Common assault
  - Affray
  - Criminal damage
  - Harassment
  - Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above
- 3.6 In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions of this type has elapsed.
- 3.7 A licence will not normally be granted where the applicant has a conviction for one of the following offences in the 3 years immediately prior to the date of application:
- S.5 Public Order Act 1986 offence (harassment, alarm or distress)
  - S.4 Public Order Act 1986 offence (fear of provocation of violence)
  - S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
  - Possession of a weapon (other than a firearm)
  - Obstruction
  - Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above
- 3.8 In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 3 years free from convictions of this type has elapsed.
- 4.0 **Drugs**
- 4.1 The Council will take a serious view of convictions for drug related offences.
- a) An application will normally be refused when an applicant has a conviction related to the supply of drugs and the conviction is less than 5 to ten years prior to the date of application. After 5 years have elapsed, consideration will be given if an applicant can provide evidence that they can be considered a 'fit and proper' person.
  - b) In the case of a licensed driver who is convicted of an offence linked to the supply of drugs, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions of this type has elapsed.
- 4.2 An application will generally be refused where the applicant has more than one conviction relating to the possession of drugs and the last conviction was less than 5 years prior to the date of application.
- 4.3 An application from an applicant who has an isolated conviction for possession of drugs within the last 3 to 5 years will require serious consideration before a decision is made regarding their suitability. The Council may require the applicant to produce additional information in order to satisfy the Council that they are a fit and proper person to be granted a licence.

4.4 The Council will take a serious view of a licensed driver convicted of an offence for possession of drugs. An isolated incident will result in a strict warning about future conduct. More than one conviction for this type of offence in the last 5 years will raise serious doubts about the person's fitness to hold a licence. In such cases, the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions has elapsed, and the Council may require that the person submit a medical examination report from their own GP addressing their drug-use problems when they re-apply for a licence.

4.5 See below for offences relating to driving under the influence of drugs and/or alcohol.

#### 5.0 **Sexual and indecency offences**

5.1 Hackney Carriage and Private Hire drivers frequently carry unaccompanied and/or vulnerable passengers. The Council will therefore take a serious view of any convictions for a sexual offence. A licence will not normally be granted if an applicant has more than one conviction for a sexual offence.

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

- Rape
- Assault by penetration
- Sexual offences involving children or vulnerable adults
- Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above

In the case of a licensed driver convicted of any of the above offences, unless there are exceptional circumstances; the Council will in most cases immediately revoke the licence.

5.3 A licence will not normally be granted where the applicant has a conviction for any of the following offences in the 10 years immediately prior to the date of application:

- Sexual assault
- Indecent assault
- Possession of indecent photographs, child pornography etc.
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above.

In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 10 years free from convictions of this type has elapsed.

5.4 A licence will not normally be granted where the applicant has a conviction for any of the following offences in the 5 years immediately prior to the date of application:

- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above.

In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions of this type has elapsed.

- 5.5 Applications will be refused where the applicant is on the Sex Offenders Register or is subject to a Sexual Offences Prevention Order (SOPO) or any similar order which may in the future replace SOPOs.

## **6. Alcohol Related Offences**

### **6.1 With motor vehicle:**

The Council will take a serious view of an applicant convicted for driving or attempting to drive a vehicle with levels of alcohol in blood, breath or urine in excess of the permitted limit. A single conviction for any alcohol-related driving offence will normally preclude an application from being granted a licence for a period of 5 years from the time the person's DVLA licence is restored.

More than one conviction for any alcohol-related driving offence represents an unacceptable risk to the public and an application will normally be refused.

If there is any suggestion that the applicant suffers clinical alcohol dependence, the Council may require a medical examination to be undertaken and a report submitted to the Council to consider as part of the application process. If the applicant is found to be suffering from clinical alcohol dependence, an application will not normally be considered until a period of at least 5 years has elapsed after completion of treatment of the condition. The cost of any medical examination and report must be paid for by the applicant/driver.

The Council will take a serious view of a licensed driver convicted of driving or attempting to drive a vehicle with levels of alcohol in excess of the permitted limit as this will raise serious doubts about the person's fitness to hold a licence. In such cases, the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions of this type has elapsed.

If a licensed driver is convicted of driving or attempting to drive a vehicle with levels of alcohol in excess of the permitted limit where he/she was driving (or attempting to drive as the case may be) a licensed vehicle (whether Hackney Carriage or Private Hire vehicle), the Council will view this especially seriously and treat this as an aggravating factor.

### **6.2 Without motor vehicle:**

An isolated alcohol-related offence (not involving driving) will not necessarily prevent an applicant being granted a licence, and similarly an isolated alcohol-related offence (not involving driving) committed by a licensed driver will not usually lead to the suspension or revocation of the driver's licence.

However, where an applicant has a number of convictions for alcohol-related offences may indicate a medical problem. In such cases, the Council may require a medical examination to be undertaken and a report submitted to the Council to consider as part of the application process. The cost of any medical examination must be paid for by the applicant.

## **7. Minor traffic offences**

- 7.1 Convictions for minor traffic offences, for example obstruction, waiting in a restricted street, etc., will not necessarily prevent a person from being considered for a licence. If a new applicant has 6 live penalty points on their driving licence for such offences then the application may be granted subject to a strong written warning. If an applicant has more than 6 penalty points on their licence then the application will normally be refused and no further application will normally be considered until a period of at least 12 months free from convictions of this type has elapsed.
- 7.2 In the case of a licensed driver accumulating nine or more penalty points the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 12 months free from convictions of this type has elapsed.

## **8. Major traffic offences**

- 8.1 If an applicant has live endorsements or has been disqualified from driving in respect of one or more major traffic offences, for example reckless driving or driving without due care and attention etc., then the application will be normally be refused until at least 5 years after the most recent such conviction.

## **9.0 Offences by licensed drivers, proprietors or operators**

- 9.1 Where a licensed driver is convicted of more than one offence for alcohol-related offence this will raise doubts about the person's fitness to hold a licence. In such cases, the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, the Council may require a medical examination to be undertaken and a report submitted to the Council to consider as part of a future re-application process.
- 9.2 Any conviction resulting from an offence committed by any person whilst working as a Hackney Carriage or Private Hire driver or operator, or when driving a Hackney Carriage or Private Hire vehicle even if not working as a professional driver, is regarded as extremely serious and may lead to a licence being suspended or revoked or an application to renew the licence being refused.
- 9.3 The Council also regards as extremely serious offences by licensed drivers and operators who commit licensing-related offences, especially the offence of illegally plying for hire, and may lead to a licence being suspended or revoked or an application to renew the licence being refused. Licensing-related offences in this context include any offences contrary to the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 or any breach of licence conditions or byelaws made under the relevant legislation, but especially the offence of illegally plying for hire.
- 9.4 More than one conviction for the above would almost certainly lead to the Council revoking the licence.

## **10.0 Cautions and Endorsable Fixed Penalties**

- 10.1 For the purpose of these guidelines simple cautions and endorsable fixed penalty notices will be taken into consideration when deciding an applicant is fit and proper.

## Appendix M Revised

### Penalty Points Scheme

#### 1. The Scheme

- 1.1 Any breach of legislation or the requirements of this Licensing handbook will be fully considered by authorised officers when determining the use of the penalty point system. Where it is decided that the penalty point system is appropriate, the points will be issued in accordance to this appendix. If this appendix allows a range of points for the particular incident, the authorised officer will determine the appropriate number of points proportionate to the offence.
- 1.2 Before penalty points are issued, there must be sufficient evidence to prove, on the balance of probabilities, the offence or breach of licensing requirements. The licence holder will be given the opportunity to provide any mitigating circumstances to be considered. The issuing of penalty points is not a formal sanction in its own right; it is merely an open and transparent method of how a driver will be assessed in terms of the 'fit and proper person' test. The points system is predominately an internal management tool for ensuring that licence holders who repeatedly contravene regulations and/or this Policy are assessed.
- 1.3 Points issued will be confirmed in writing within ten working days from the discovery of the contravention or the conclusion of an investigation into a complaint.
- 1.4 The maximum number of points that can be imposed in respect of any particular matter is 10 but it is possible for one incident or inspection to result in more than one set of points being issued.
- 1.5 If a licence holder accumulates 10 points or more within a rolling period of 12 months then their licence will be subject to a review by the Licensing Committee.
- 1.6 The penalty point system will operate without prejudice to the Council's ability to take other action under appropriate legislation
- 1.7 There is no right of appeal against the award of penalty points by an Authorised Officer of the Council as this is not a formal sanction in its own right. As stated in paragraph 1.2 above, the licence holder's penalty offences will be considered in light of any mitigating circumstances that the licence holder wishes to offer.
- 1.8 The following tables list the breaches of legislation, bye laws and conditions of licence that attract penalty points.

Reference to HC is Hackney Carriage and PH is Private Hire.

## Private Hire

<b>A Offences under the Local Government (Miscellaneous Provisions) Act 1976</b>		<b>Points</b>
1	Vehicle not displaying plates. (Sec.48(6)(a))	5
2	Failure to notify vehicle transfer. (Sec.49(1))	5
3	Failure to present vehicle for inspection. (Sec.50(1))	5
4	Failure to inform Authority where the vehicle is stored. (Sec.50(2))	5
5	Failure to report an accident.(Sec.50(3))	5
6	Failure to produce a vehicle licence and insurance certificate.(Sec50(4))	5
7	Failure to wear driver badge.(Sec.54(2))	5
8	Failure by Operator to keep records of bookings.(Sec.56(2))	5
9	Failure by Operator to keep records of vehicles.(Sec.56(3))	5
10	Failure to produce a PH Operators licence.(Sec56(4))	5
11	Making false statement or withholding information to obtain a licence.(Sec.57(2))	5
12	Failure to return vehicle plate after notice given.(Sec.58(2))	5
13	Failure to surrender driver licence after suspension.(Sec.61(2))	5
14	Charging more than the meter fare when HC used as a PH.(Sec.67)	5
15	Unnecessarily prolonging a journey.(Sec.69)	5
16	Obstruction of an authorised officer or constable.(Sec.73(1)(a))	5
17	Failure to comply with requirement of an authorised officer or constable.(Sec73(1)(b))	5
18	Failure to give information or assistance to an authorised officer or constable.(Sec.73(1)(c))	5
<b>B Offences under the Transport Act 1980</b>		<b>Points</b>
<b>Section</b>		
64 (2) (a)	Driving a vehicle with a sign above its roof which consists or includes the word 'taxi' or 'cab' whether alone or part of another word	5
64 (2) (b)	Causes or permits a vehicle to have a sign above its roof which consists or includes the word 'taxi' or 'cab' whether alone or part of another word.	5
<b>C Conditions of licence</b>		

All breaches of licence conditions shall attract 5 penalty points.

## Hackney Carriage

<b>A Offences under the Local Government (Miscellaneous Provisions) Act 1976</b>			<b>Points</b>
1	Failure to notify vehicle transfer (Sec.49(1))		5
2	Failure to present vehicle for inspection. (Sec.50(1))		5
3	Failure to inform Authority where the vehicle is stored. (Sec.50(2))		5
4	Failure to report an accident.(Sec.50(3))		5
5	Failure to produce a vehicle licence and insurance certificate.(Sec50(4))		5
6	Failure to produce HC driver licence.(Sec.53(3))		5
7	Making false statement or withholding information to obtain a licence.(Sec.57(2))		5
8	Failure to return vehicle plate after notice given.(Sec.58(2))		5
9	Failure to surrender driver licence after suspension.(Sec.61(2))		5
10	Charging more than the fare shown on the meter for a journey ending outside the district without prior agreement		5
11	Charging more than the meter fare when HC used as a PH.(Sec.67)		5
12	Unnecessarily prolonging a journey.(Sec.69)		5
13	Obstruction of an authorised officer or constable.(Sec.73(1)(a))		5
14	Failure to comply with requirement of an authorised officer or constable.(Sec73(1)(b))		5
15	Failure to give information or assistance to an authorised officer or constable.(Sec.73(1)(c))		5
<b>B Offences under the town Police Clauses Act 1847</b>			
<b>Section</b>	<b>Offence</b>		<b>Points</b>
48	Failure by HC Proprietor to hold a copy of HC driver licences of persons who use the vehicle		5
59	Carrying other person than the hirer without consent		5
<b>C Offences under the Byelaws</b>			



All breaches of hackney carriage byelaws shall attract 5 penalty points.		
<b>D Conditions of Licence</b>		
All breaches of licence conditions shall attract 5 penalty points.		
<b>Equalities Act 2010</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
168	Refusal to carry a guide, hearing, or other assistance dog in a hackney carriage without a valid certificate of exemption	<b>10</b>
168	Charging an additional cost for the carrying of an assistance dog in a hackney carriage	<b>10</b>
170	Refusal to carry a guide, hearing, or other assistance dog in a private hire vehicle without a valid certificate of exemption	<b>10</b>
170	Charging an additional cost for the carrying of an assistance dog in a private hire vehicle	<b>10</b>
<b>Hackney Carriage and Private Hire Licensing Policy</b>		
<b>Breach of policy requirement</b>		<b>Points</b>
Failure to wear a driver's badge		<b>5</b>
Failure to ensure the safety of passengers		<b>5</b>
Concealing or defacing a vehicle Licence Plate		<b>5</b>
Failure to attend on time for a pre-arranged booking without reasonable cause		<b>5</b>
Conveying a greater number of passengers than permitted		<b>5</b>
Failure to give reasonable assistance with passenger's luggage		<b>5</b>
Private hire vehicle soliciting for hire or accepting a fare that is not pre-booked		<b>5</b>
Operating a vehicle that is not clean and tidy		<b>5</b>
Driving without the consent of the proprietor		<b>5</b>
Drinking or eating in the vehicle whilst carrying passengers		<b>5</b>
Smoking in a licensed vehicle at any time		<b>5</b>
Cause excessive noise from any radio or sound-reproducing equipment		<b>5</b>
Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand		<b>5</b>
Using a non-hands free mobile telephone whilst driving		<b>10</b>
Failure to advise of a relevant medical condition		<b>5</b>

Failure to provide a receipt for a fare when requested	5
Failure to operate the meter from the commencement of the journey and/or charging more than the fixed charge for hire of hackney carriages	5
Failure to notify the Council of any amendment to the details of a licence within fourteen days	5
Failure to surrender a driver's licence, badge or plate upon request	5
Failure of a licence holder to disclose pending prosecution or convictions within seven days of notification	5
<b>Breach of policy requirement</b>	<b>Points</b>
Failure to take found property to the Police	5
Failure to report an accident within seventy two hours	5
Failure to comply with the requirements for the safe carrying of a Wheelchair	5
Operating a vehicle which is not maintained in a sound and roadworthy condition	5
Failure to carry an approved fire extinguisher	5
Failure to carry an approved first aid kit	5
Operating a vehicle which is not maintained in a clean and/or safe condition internally or externally	5
Modifying a vehicle without the consent of the Council	5
Displaying a sign or advertisement on a licensed vehicle contrary to the Policy requirements or has not been approved by the Council	5
Driving with no insurance or inadequate insurance for the vehicle	10
Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured	5
Any other contravention of the Policy not covered above	5