

# PLEASE NOTE VENUE

## LICENSING COMMITTEE AGENDA



Wednesday 12<sup>th</sup> March 2008

at 10.00am

in the Avondale Centre,  
Dyke House, Hartlepool  
(Raby Road entrance)

MEMBERS: LICENSING COMMITTEE:

Councillors Atkinson, Brash, R W Cook, Fleming, Griffin, Hall, Jackson, Johnson, Kaiser, Laffey, G Lilley, London, Dr Morris, Richardson, Rogan

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
  - 3.1 To confirm the minutes of the meeting held on 12<sup>th</sup> December 2007 (*attached*)
4. **ITEMS FOR DECISION**
  - 4.1 The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 – Shopping Parades, Play Areas, Cemeteries and Residential Streets – *Head of Community Safety and Prevention*
  - 4.2 Delegated Powers – *Chief Solicitor and Head of Public Protection*
  - 4.3 Hackney Carriage/Private Hire Policy and Hackney Carriage Fares – *Head of Public Protection*
5. **ITEMS FOR INFORMATION**

No items
6. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

# LICENSING COMMITTEE

## MINUTES AND DECISION RECORD

12<sup>th</sup> December 2007

The meeting commenced at 10.00 a.m. in the Avondale Centre, Hartlepool

### **Present:**

Councillor Dr Morris (In the Chair)

Councillors: Reuben Atkinson, Rob Cook, Sheila Griffin, Gerard Hall,  
Geoff Lilley, Frances London and Carl Richardson

Officers: Alison Mawson, Head of Community Safety and Prevention  
Ian Harrison, Principal Licensing Officer  
Tony Macnab, Solicitor  
Joe Hogan, Crime and Disorder Co-ordinator  
David Cosgrove, Principal Democratic Services Officer  
Jo Wilson, Democratic Services Officer

### **19. Apologies for Absence**

Apologies were received from Councillors Timothy Fleming, Peter Jackson, Stan Kaiser and Pauline Laffey

### **20. Declarations of interest by members**

None.

### **21. Confirmation of the minutes of the meeting held on 27<sup>th</sup> September 2007**

Confirmed.

### **22. Quarterly Report on Licensing Act Sub-Committees and Hackney Carriage and Private Hire Sub-Committees Activity** *(Assistant Chief Executive)*

#### **Purpose of report**

To update Members on the work undertaken by the five Licensing Act Sub-Committees and the three Hackney Carriage and Private Hire Licensing Sub-Committees.

**Issue(s) for consideration by the Committee**

At the meeting on 15 March 2006, the Licensing Committee had agreed to receive regular reports on the work of the Sub-Committees. Tables, attached as appendices to the report gave a brief outline of the work undertaken by the Sub-Committees since last reported on 27<sup>th</sup> June 2007. Members were advised that the Licensing Sub-Committee had considered one application whilst the Hackney Carriage and Private Hire Licensing Sub-Committees had considered eight driver applications in the same period.

A Member asked for clarification as to the rules relating to members of the Licensing Committee appearing as character witnesses at these meetings. The solicitor advised that this was acceptable so long as the member in question was not on the Sub-Committee considering that particular application.

**Decision**

That the report and information set out in the two appendices be noted.

**23. The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 – Shopping Parades, Play Areas, Cemeteries, Residential Streets** *(Head of Community Safety and Prevention)***Purpose of report**

To seek approval to publish a formal notice to be published in the Hartlepool Mail, inviting representation on proposals to designate new areas within the town under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

**Issue(s) for consideration by the Committee**

The Head of Community Safety and Prevention reported that sections 12-16 of the Police and Criminal Justice Act 2001 allowed local authorities to adopt powers contained in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 to designate areas, which had known anti-social drinking and nuisance associated with them. In designated places the police were provided with powers to enforce restrictions on public drinking.

The Regulations specify that making an order is a non-Executive function. At the Council meeting on 14<sup>th</sup> December 2006 it was agreed to delegate to Licensing Committee the power to discharge the Council's functions under the Local Authority (Alcohol Consumption in Designated Public Places) Regulations 2001. At the Licensing Committee meeting on 27<sup>th</sup> June 2007 Members agreed to designate those areas that had been previously covered by the alcohol byelaws. Members also debated the advantages of extending these powers across the entire town but were advised that current legislation did not allow for a town-wide designation order.

In order to progress the proposed locations for designation evidence of anti-social behaviour as a result of alcohol consumption was collected from a variety of sources between April and November 2007. Letters were sent to Ward Councillors, households, shops and businesses within the vicinity of each of the areas identified, asking for views and evidence. The Police District Commander was also consulted on the proposals and had supported them. The Crime and Disorder Coordinator had attended a number of public meetings including the Police and Community Safety Forums, friends of North Cemetery and various residents associations. Only one objection was received.

Members continued to question why a Designation order could not be made town wide as it was felt that designating areas of the town would lead to displacement of alcohol fuelled anti-social behaviour. Officers advised that displacement had been taken into account during the formulation of the list. Government legislation gave no provision for blanket coverage of whole Local Authority areas as these were felt to be disproportionate. Government guidance further stated that there had to be evidence of anti-social behaviour caused by alcohol consumption before an area could be designated. The Crime and Disorder Co-ordinator advised that this was phase 2 of the process and phase 3 would include more residential areas.

Members queried the implementation process and were advised that the Council would implement the orders but the police would enforce them. The police could refuse to enforce restrictions at their discretion and had already indicated they would not be in favour of a town wide ban. They had been fully involved in the designation process and had supported the proposals as detailed. Members noted the lack of police representation at the meeting and asked if they had been invited. Officers advised that the police were aware that the meeting was taking place but had not been formally invited. The Head of Community Safety and Prevention indicated that the District Commander had sent a letter supporting the proposals. However members felt the police should be formally invited to these proceedings due to their involvement in licensing matters.

### **Decision**

That the steps required by regulations be authorised to enable a formal public notice to be published in the Hartlepool Mail inviting representations on the proposed designated public places as referred to in Appendix 1.

GEORGE MORRIS  
CHAIRMAN

## LICENSING COMMITTEE

12<sup>th</sup> March 2008



**Report of:** Head of Community Safety and Prevention

**Subject:** THE LOCAL AUTHORITIES (ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES) REGULATIONS 2007 – SHOPPING PARADES, PLAY AREAS, CEMETERIES AND RESIDENTIAL STREETS

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### 1. PURPOSE OF REPORT

1.1 To advise members of the Licensing Committee on the outcome of the statutory notice inviting representation on the proposal to make a second Designated Public Places Order (DPPO) within the town, under the Local Authority (Alcohol consumption in Designated Public Places) Regulations 2007.

### 2. BACKGROUND

2.1 At the Licensing Committee meeting held on 12<sup>th</sup> December 2007, Members were informed that in accordance with the Regulations, evidence had been gathered on locations affected by anti-social behaviour as a result of alcohol consumption.

2.2 A range of consultation exercises had been undertaken in relation to these locations, including:

- letters to ward Councillors;
- letters to each household, shop and business within the vicinity of each shopping area, play area and cemetery;
- attendance by officers at various residents association meetings, friends of groups and Police and community safety forums.

- 2.3 The Licensing Committee were also informed that in addition to shopping areas, play areas and cemeteries, residential streets were included in the proposed DPPO, due to evidence of anti-social behaviour on some of these streets, but also to offset the effects of possible displacement from the shopping areas. These streets had been proposed after careful consultation with the local police teams and consideration of the views of residents.
- 2.4 The Police District Commander has indicated his support for designation of the further areas proposed.

### **3. STATUTORY CONSULTATION**

- 3.1 At the meeting held on 12<sup>th</sup> December 2007, Licensing Committee authorised the publication in the Hartlepool Mail of the statutory notice, inviting representation on the proposed locations to be included in the DPPO. These locations were listed at Appendix 1 in the report for the Licensing Committee on 12<sup>th</sup> December 2007.
- 3.2 The statutory notice was subsequently published in the Hartlepool Mail on 21<sup>st</sup> December 2007.
- 3.3 No representation was received.

### **4. ENFORCEMENT**

- 4.1 In public places covered by a DPPO, the Police are provided with powers to enforce restrictions on public drinking:

*(1) Subsection (2) below applies,*

*If a Constable reasonably believes that a person is, or has been, consuming alcohol in a designated public place or intends to consume alcohol in such a place.*

*(2) The Constable may require the person concerned:*

- a) not to consume in that place anything which is, or which the Constable reasonably believes to be, alcohol;*
- b) to surrender anything in his possession which is, or which the Constable reasonably believes to be, alcohol or a container for alcohol ( Section 155 of the Licensing Act 2003 which came into force in September 2003, extended police powers relating to the confiscation of alcohol from people who are causing*

*nuisance in public places, allowing for the confiscation of sealed containers).*

- (3) *A Constable may dispose of anything surrendered to him under subsection (1) in such a manner as he considers appropriate.*
- (4) *A person who fails without reasonable excuse to comply with a requirement imposed on him under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding £500.*

## 5. RECOMMENDATIONS

That Members consider the findings of the statutory consultation and approve:

- (i) the Designation of the Public Places identified on the list at **Appendix A**, attached to this report and agree that they are satisfied that:
  - a) nuisance or annoyance to members of the public or a section of the public; or
  - b) disorderhas been associated with the consumption of alcohol in those places.
- (ii) that Members formally make the order as per the draft in **Appendix A** and authorise the Chief Solicitor to seal and date and to insert the date of commencement of the Order on behalf of the Council.

Contact: Alison Mawson  
Head of Community Safety & Prevention

### Background Papers

Police & Criminal Justice Act 2001.  
The Local Authority (Alcohol consumption in Designated Public Places)  
Regulations 2007

## CRIMINAL JUSTICE AND POLICE ACT 2001

### Alcohol Consumption in Designated Public Places Order 2008

The Hartlepool Borough Council (in this Order called “the council”) hereby make the following Order under Section 13(2) of the said Act:

1. The land described in the Schedule below and shown on the map attached to this Order, being land in the area of the Council which is land to which the Criminal Justice and Police Act 2001 applies, is hereby designated for the purposes of that Act.
2. This Order may be cited as the Alcohol Consumption in Designated Public Places for the area of Hartlepool Borough Order 2008 and shall come into force on xx xxxxx2008.

## SCHEDULE

### Highways

Abigail Walk  
Addison Road  
Albany Court  
Alderson Street  
Alma Street  
Ashley Gardens  
Barbara Mann Court  
Belk Street  
Bentick Street  
Brafferton Street  
Breward Walk  
Brougham Terrace  
From its junction with Raby Road  
to its junction with Turnbull street

Cameron Road  
Charterhouse Street  
Chatham Road  
Cornwall Street  
Cundall Road  
Dent Street

4.1 Licensing 12.03.08 The Local Authorities alcohol consumption in designated public places regulations 2007 shopping parades play areas

Hartlepool Borough Council



Derby Street  
Derwent Street  
Devon Street  
Dorset Street  
Duke Street  
Elcho Street  
Elliott Street  
Eton Street  
Furness Street  
Glamis Walk  
Gloucester Street  
Gordon Street  
Grainger Street  
Grange Road  
From its junction with Murray Street  
To its junction with Mulgrave Road

Gray Street  
Grosvenor Gardens  
Harcourt Street  
Harrow Street  
Hartley Close  
Headland Front  
numbers 2-29

Herbert Walk  
Helmsley Street  
Hurworth Street  
Jackson Street  
Jacques Court  
Johnson Street  
Lowthian Road  
Mapleton Road  
Marlborough Street  
Marton Street  
Mary Street  
Mason Walk  
Mayfair Street  
Milton Road  
Mitchell Street  
Morton Street  
Mulgrave Road  
Murray Street  
Oakley Gardens  
Perth Street  
Potter Walk  
Raby Road

Richmond Street  
Rossall Street  
Roseberry Mews  
Rugby Street  
Sheriff Street  
Shrewsbury Street  
Stephen Street  
St. Oswald's Street  
St. Paul's Road  
Stotfold Street  
Straker Street  
Suggitt Street  
Thorneville Road  
Thornton Street  
Topcliffe Street  
Turnbull Street  
Tuson Walk  
Tweed Walk  
Uppingham Street  
Wynnstay Gardens  
York Road From its junction with Park Road to Colwyn Road  
Young Street

### **Shopping areas**

Caledonian Road  
Front of shop at 2 Caledonian Road

Catcote Road  
Front, rear and access areas of shops  
from numbers 240 to 250

Catcote Road (Fens Shops)  
Front, rear and side of shops including car park .

Catcote Road Shops (at junction  
with Oxford Road)  
Front, side and rear of shops of shops , including garaged area at rear

Chatham Road:  
Front of shops from junction with  
Acclom Street to Oakley Gardens

Clavering Road:  
Front, rear and grassed areas at sides

4.1 Licensing 12.03.08 The Local Authorities alcohol consumption in designated public places  
regulations 2007 shopping parades play areas

Davison Drive:  
Front and rear of shops including service and access areas

Elwick Road:  
Front of shops from junction with York Road to Burn Valley Road

King Oswy Drive:  
Front, side and rear of shops  
Including all service roads and  
thoroughfares

Miers Avenue:  
Front, side and rear of shops including  
all service and access areas.

Middleton Grange:  
Middleton Grange Shopping Centre:  
including Queens Parade, all malls,  
squares, arcades, ramps, subways, approach  
roads, service roads and all other  
service areas, amenities and  
adjacent landscaped areas

Northgate (North):  
Front, side and rear of shops  
including service and access areas

Northgate (South):  
Front, side and rear of shops  
including service and access areas

Oxford Road:  
Front and rear of shops on  
Oxford Road from its junction  
with Shakespeare Avenue to  
Caledonian Road.

Oxford Road:  
Front of shop at number  
1 Oxford Road

Owton Manor Lane (Rossmere):  
  
Front of shops including both side  
access roads and garaged area

*Licensing Committee – 12 March 2008*

at rear of shops. Also including  
footpath leading from rear of  
shops to Campbell Road.

Owton Manor Lane (St Patrick's Shops):

Front, side and rear of shops.

Salter Walk:

Front of shops at number 2-4

Stockton Road (St. Aidans Shops):

Front of shops (number 117 to 145)

Stockton Road:

Front, side and rear service  
area of shops  
(numbers 13 to 33)

Warren Road:

Front, side and rear of shops,  
including service access areas  
and adjacent walkways

Wiltshire Way:

Front, side and rear of shops,  
including car park.

Wynyard Road Shops:

Front, side and rear of shops  
including service area

### **Parks, Cemeteries, Gardens and other Public Leisure Facilities**

King George V Playing Field  
Lynfield School  
Mill House Skateboard Park  
North Cemetery  
Old Cemetery (Spion Kop)  
Play area, Clavering Road/Rafton Drive  
Play area, Grayfields  
Play area, Greatham  
Play area, Jutland Road  
Play area, Oxford Road  
Rift House Recreational Ground  
Stranton Cemetery  
Stranton Garth  
West View Cemetery

4.1 Licensing 12.03.08 The Local Authorities alcohol consumption in designated public places  
regulations 2007 shopping parades play areas

All Tennis Courts, Bowling Green  
and play areas including pavilion and  
shelters adjacent to Jacques Court, Headland

### **Open Amenity Areas**

Headland Town Square

Dated xx xxxxx 2008

The Common Seal of the Hartlepool Borough Council  
was hereunto affixed in the presence of

Solicitor

## LICENSING COMMITTEE

12<sup>th</sup> MARCH 2008



**Joint Report of:** Chief Solicitor and Head of Public Protection

**Subject:** DELEGATED POWERS

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### 1. PURPOSE OF REPORT

- 1.1 To invite the Committee, upon referral from the Constitution Working Group, to consider the operation of Officer's delegated powers relating to ss 61 & 77 Local Government (Miscellaneous Provisions) Act 1976

### 2. BACKGROUND

- 2.1 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 gives the licensing authority the power to suspend or revoke a taxi or PHV driver's licence, but, by virtue of section 77 of that Act, the driver may continue to drive a taxi or PHV (as the case may be) until the time period for appealing to the courts against the authority's decision has expired, or, if an appeal is lodged, until the appeal has been determined.
- 2.2 Section 52 of the 2006 Act amended sections 61 and 77 of the 1976 Act to provide licensing authorities with a power to suspend or revoke a taxi or PHV driver's licence with immediate effect in cases where it appears to them that the interests of public safety require such a course of action. If a driver's licence is suspended or revoked with immediate effect, the driver may no longer drive a taxi or PHV from the time when he is given notice of the suspension or revocation.
- 2.3 Part 3 of the Constitution provides that there is delegated to the Director of Neighbourhood Services power (which he exercises through the Head of Public Protection) to refuse, revoke or suspend any licence where eligibility criteria are not met or in cases where there is judged to be a clear risk to the well-being of the public which needs to be addressed as a matter of urgency. The officer's delegation therefore enables the officer to determine that a suspension is to have immediate effect.

- 2.4 Members may recall that at the meeting of the Licensing Committee on 14<sup>th</sup> December 2007 an issue arose regarding the power to suspend a Hackney Carriage Drivers Licence with immediate effect. A member expressed concern that the power of immediate suspension had not been exercised by the Head of Public Protection in a particular case and wished the matter to be discussed at the Constitution Working Group.
- 2.5 When the matter was discussed at the Constitution Working Group, it was recognised that, as advised by the Chief Solicitor, it is a matter for the Licensing Committee to clarify or determine the circumstances in which an officer responsible to the Licensing Committee exercises the powers delegated to him/her (and Members will be aware that guidelines for the exercise of the delegated powers referred to above already exist). It was noted in discussion that an acceptable feature of a delegated power is that it is to be exercised after consultation, e.g. with the Chairman of the relevant committee. The Constitution Working Group considered that the Licensing Committee may wish to examine the manner in which the powers referred to above are exercised.

### **3. RECOMMENDATIONS**

- 3.1 That the Committee consider whether any change is necessary to the officer's delegated powers

### **4. CONTACT OFFICERS**

Tony Brown, Chief Solicitor  
Ralph Harrison, Head of Public Protection

**Report of:** Head of Public Protection

**Subject:** HACKNEY CARRIAGE/PRIVATE HIRE POLICY AND  
HACKNEY CARRIAGE FARES

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## 1. PURPOSE OF REPORT

- 1.1 To consider the adoption of a new hackney carriage and private hire licensing policy.
- 1.2 To consider a change to hackney carriage tariffs for 2008/9.

## 2. BACKGROUND

### 2.1 LICENSING POLICY

- 2.2 The law regulating the licensing of hackney carriages (*The Town Police Clauses Act*) dates back to 1847 – some 50 years before the invention of the petrol engine.
- 2.3 Although this Act was updated by the Local Government (Miscellaneous Provisions) Act 1976 (which also introduced the concept of private hire vehicles), the 1847 Act remains in force.
- 2.4 Due to the age of the primary legislation and numerous cases that have been determined through the courts over the years, the law relating to ‘taxi licensing’ has become complicated and fragmented.
- 2.5 For example, the 1847 Act prohibits conditions for hackney carriage drivers whilst the 1976 Act permits conditions for private hire drivers.
- 2.6 As a result, licensing authorities regulate licensed drivers, vehicles and operators through a combination of conditions, by-laws and the adoption of a ‘licensing policy’.
- 2.7 The current hackney carriage/private hire policy was last comprehensively reviewed by Licensing Committee in 1996. The benefit of a policy is that it clearly indicates to all interested parties what the licensing authority requires and expects of applicants and licence holders. A failure to comply with the policy may result in an application being refused or a licence being suspended or revoked.



- 2.8 As the current policy has become outdated, on 27<sup>th</sup> September 2007 Licensing Committee approved a process of consultation with a view to the preparation and adoption of a new updated policy.
- 2.9 The consultation was to be based around a number of issues raised at Licensing Committee on 27<sup>th</sup> September 2007. Appendix I details these issues and also includes what actions are now being proposed in relation to each.
- 2.10 In October 2007 a consultation letter was sent to all licensed hackney carriage and private hire vehicle owners, drivers and operators and other bodies that may have an interest in the licensing or operation of such vehicles.
- 2.11 A total of five responses were received and these are attached as Appendices II to VI.
- 2.12 Taking these comments into consideration, a proposed new policy has been prepared and is attached as Appendix VII.
- 2.13 The new policy has effectively been completely re-written in order to correct a number of administrative and typographical errors and to bring it up to date e.g. it has removed the allowance for drivers to smoke with a passenger's permission.

### 3. ISSUES

- 3.1 The proposed substantive changes to the licensing policy are as follows; -

Para 1.3 f) – A requirement for driver applicants who have not resided in the UK for at least five years to produce an authoritative document proving their good conduct from any country where they were resident during the past five years. *Reason: - The Criminal Records Bureau can only disclose details of convictions committed in the UK and they require a five year address history to do so.*

Para 2.6 b) – There is no longer a requirement for all vehicles to have at least four doors. *Reason: - This amendment has been introduced in order to permit the licensing of small cars capable of carrying just one passenger.*

With this in mind, the previous requirement for cars to have a minimum engine size of 1600 cc has also been removed – recognising that modern engines are now more efficient and that bigger cars with bigger engines contribute significantly to climate change.

Para 2.9 c) – There is a new prohibition on the licensing of rear loading wheelchair accessible vehicles. *Reason: - Representations have been received from the Spinal Injuries Association, the National Taxi Association and ROSPA highlighting the inherent dangers associated with such vehicles.*

Para 2.9 l) – The requirement for a large amount of luggage space has been removed from all vehicles except mini buses. *Reason: - It is recognised that*

*most taxi journeys either do not require luggage to be carried or limited luggage is required. The previous requirement essentially required enough luggage space to be permanently available to accommodate suitcases for a family holiday.*

Para 2.22 – The requirement for vehicles to undertake two mechanical inspections per year *plus* an MOT test has been replaced by the requirement for all vehicles to pass two mechanical inspections – one of which may be an MOT test carried out by the Council's Transport Depot. *Reason: - This effectively removes the requirement for a vehicle to be tested three times per year whilst ensuring that vehicles continue to be tested twice by the Council's Depot.*

- 3.2 In addition to the above, paragraph 2.9 e) of the proposed policy retains a prohibition on the advertising of anything other than the name and telephone number of the vehicle owner/operator on the upper part of the rear passenger doors.
- 3.3 Members of the taxi trade have previously made representations requesting additional advertising of any product or service be permitted on vehicles as a means of generating revenue. An alternative to the proposed wording of the policy would be to allow advertising of anything within the area on the rear passenger doors currently reserved for the owner/operators name and telephone number.
- 3.4 This would have the effect of permitting advertising without detracting from the overall colour scheme of hackney carriages which have to be yellow. In effect, taxi owners would be given the choice of advertising themselves or other persons or items in order to generate revenue.
- 3.5 Hartlepool's taxi fares remain as one of the cheapest in the country and Members may consider that permitting a limited amount of advertising may reduce pressure on increasing fares.
- 3.6 HACKNEY CARRIAGE TARIFFS
- 3.7 At your meeting held on 11<sup>th</sup> December 2002, it was agreed that there would be an annual review of hackney carriage tariffs following the consideration and recommendations of the Hackney Carriage/Private Hire Vehicle Owners Working Group.
- 3.8 In December 2007 a letter was forwarded to all hackney carriage owners requesting proposals for any increase to hackney carriage fares for 2008.
- 3.9 No proposals for an increase were submitted and this was ratified at the Hackney Carriage/Private Hire Annual General Meeting in January 2008.
- 3.10 Whilst there is no demand for a general increase in tariffs, a proposal had previously been received requesting the introduction of an extra charge for journeys where wheelchair accessible vehicles carried five or more passengers.

- 3.11 This proposal was included in the general consultation exercise carried out in late 2007 and comments received are attached as Appendices II to VI.
- 3.12 The proposal to allow an extra charge to be levied when a vehicle carries five or more passengers has been made from an operator of a fleet of purpose built taxis that have full wheelchair accessibility. The operator believes that the extra cost of purchasing and maintaining such vehicles is higher than standard saloon vehicles but these higher costs cannot, and should not, be passed onto disabled passengers through higher fares.
- 3.13 The operator also believes that, in some cases, carrying wheelchair passengers may take longer than carrying the able bodied due to the extra time and care needed to load and unload. This extra time results in potentially fewer jobs during the day and therefore less revenue being generated.
- 3.14 The proposal is that extra income could be generated through the addition of a surcharge when carrying five or more able bodied passengers to help offset the income lost by carrying wheelchair passengers and the extra costs associated with purchasing and maintaining such vehicles. Purpose built wheelchair accessible vehicles are capable of carrying six or seven passengers whilst saloons are typically capable of carrying no more than four.
- 3.15 The introduction of a surcharge for carrying five or more passengers would therefore effectively only apply to purpose built taxis, people carriers and mini buses.
- 3.16 Members may wish to consider, if such a surcharge were to be introduced, whether it should apply to wheelchair accessible vehicles only or to all larger capacity vehicles such as people carriers and mini buses. Whilst such vehicles are capable of carrying five or more passengers they do not offer full wheelchair accessibility and have not been purchased as a direct result of the Council's policy.
- 3.17 Members may also wish to consider whether the introduction of a surcharge for some types of vehicle and on only certain occasions may confuse members of the public.
- 3.18 Members may also wish to consider, if a surcharge was to be introduced, whether appropriate signage should be required, in addition to the standard table of fares, advising prospective groups of five or more passengers of the liability to a surcharge before they commence their journey.
- 3.19 The current taxi licensing policy requires all new licensed vehicles (but not replacement vehicles) to be fully wheelchair accessible. There are currently 23 wheelchair accessible hackney carriages in the fleet of 170. This represents an increase of approximately 10 in last 12 months.
- 3.20 Members may feel that as it is the Council's policy that wheelchair accessible vehicles must be purchased, and in recognition of the benefits that these

vehicles provide to wheelchair bound passengers, an extra charge for journeys involving groups of five or more passengers may be justified.

- 3.21 As the initial charge for hiring a hackney carriage is a minimum of £2, Members may wish to consider whether a surcharge of no more than £1.50 would still represent a saving for a fifth passenger who would otherwise have to hire an additional vehicle.

#### **4. RECOMMENDATIONS**

- 4.1 That Members consider whether paragraph 2.9 e) of the proposed policy should be amended to allow the advertising of any goods or services in the space on the rear passenger doors currently allocated on a vehicle for the name and telephone number of the vehicle owner/operator.
- 4.2 That Members approve, subject to the above, the proposed new hackney carriage/private hire licensing policy as attached as Appendix VII.
- 4.3 That, in relation to vehicles carrying five or more passengers, Members consider: -
- a) Whether a surcharge should be approved;
  - b) If a surcharge were approved, how much it should be;
  - c) Whether such a charge should apply to all vehicles capable of carrying five or more passengers or be limited to wheelchair accessible vehicles only; and
  - d) Whether additional signage should be required in order to inform prospective passengers of the surcharge.

## Appendix I

## Hackney Carriage/Private Hire Licensing

### Options for Policy Amendments

<u>Current Requirement</u>	<u>Option for Consideration</u>	<u>Reasons</u>	<u>Proposed Action</u>
1. Drivers licences are required to be renewed every year	Option should be given to drivers to purchase a 3 year licence	Best practice advice. CRB's are currently carried out every 3 years. Current licence renewals during intervening years are essentially 'rubber stamping'.	Responses from consultation were favourable. Further investigation of advantages/disadvantages to be carried out before implementation
2. All licensed vehicles require 2 mechanical tests to be carried out at the Lynn Street Depot each year – irrespective of whether it has a current MOT.	Annual test for vehicles up to 3 years old (this could be MOT if one was legally required). Two tests per year due thereafter	Best practice suggestion.	Proposed reduction in total number of mechanical tests required is included in proposed new policy
3. Rear loading disabled access vehicles are permitted	Rear loading vehicles should be prohibited	Recommendations received from Spinal Injuries Assn, National Taxi Assn. Rear loading vehicles considered a danger	Prohibition on such vehicles included in proposed policy
4. Hackney Carriage tariffs – currently the same for every type of vehicle regardless of number of passengers.	1. Remove from policy 2. Allow an additional charge per person for 5 <sup>th</sup> passenger and above	1. Not a policy matter 2. Allows greater income generation for larger vehicles i.e. purpose built taxis that cost more to purchase and can carry more passengers	Consultation responses received were mixed.  Taken to Licensing Committee for consideration.

## Appendix I

## Hackney Carriage/Private Hire Licensing

### Options for Policy Amendments

<u>Current Requirement</u>	<u>Option for Consideration</u>	<u>Reasons</u>	<u>Proposed Action</u>
5. Engine size must be minimum of 1600 cc	Remove	Modern engines are more powerful. Protection of the environment.	Included in proposed new policy.
6. Knowledge test required for all new applicants	Include requirement for all applicants to demonstrate 'good communication skills' – this may be in the form of an appropriate English test	There is an increase in the number of applications being received from people who have English as a second language. The need to communicate effectively is an important aspect of licensed driving	Proposed new policy includes requirement for 'good communication skills...' Knowledge test must be completed by applicant without assistance.
7. CRB disclosure is required for all new driver applications and three years thereafter	Include requirement for applicant to provide 'Certificate of Good Conduct' from appropriate Embassy if applicant has resided in UK for less than five years (plus a CRB)	CRB disclosures only relate to time spent in UK and therefore will not disclose any offences committed overseas	Included in proposed new policy.  Additional policy being developed with Adult & Community Services and Children's Services to allow for corporate consistency in the consideration of current/previous convictions
8. Operators licences expire annually	Operators licences should expire after 5 years	Best Practice advice.	Consultation responses were favourable. Further investigation required before implementation
9. External advertising limited to 'London style cabs'	Limited additional advertising permitted on all purpose built taxis	Purpose built vehicles can accommodate wheelchairs but typically cost £15,000 more than a standard saloon. Current tariffs do not differentiate between type of vehicle therefore no incentive to purchase purpose built vehicle	Option for limited advertising taken to Licensing Committee for consideration

## Appendix I

## Hackney Carriage/Private Hire Licensing

### Options for Policy Amendments

<u>Current Requirement</u>	<u>Option for Consideration</u>	<u>Reasons</u>	<u>Proposed Action</u>
10. Current dimensions for luggage space exclude number of otherwise acceptable vehicles	Reduce/remove dimensions	Current policy forces some purpose built 7 seat taxis to be licensed for only 6 by Hartlepool.  Most journeys are town journeys required for carrying shopping not holiday luggage.	Included in proposed new licensing policy
11. ADDITIONAL REQUIREMENT	Add requirement that all drivers undertake formal training on carrying disabled passengers	Not legal requirement but would increase trader awareness of disabled issues	Prohibitive costs of such training may deter drivers from accepting disability work. Consideration to be given to identifying external sources of funding to assist with non-compulsory training
12. ADDITIONAL REQUIREMENT	Private Hire Operators be required to retain vehicle and private hire drivers licence of everyone they operate	Assists with prevention of employment of unlicensed drivers/vehicles	The current procedure should be retained but monitored more closely
13. Medical Certificates required for all new applicants that do not have HGV exemption.	Accept lower standard of proof of medical capability	Previous requests from trade to reduce their costs – current medicals cost approx £100.	No change. Department for Transport's Best Practice Guidance supports the retention of current standard.

Appendix II

Mr Ian Cawley  
35 Taxis  
12 Manor Road  
Hartlepool  
TS26 0EH

Mr I. Harrison  
Principal Licensing Officer  
Hartlepool Borough Council  
Civic Centre  
Victoria Road  
HARTLEPOOL

Dear Mr Harrison,

I am writing in response to your letter regarding the Review of Hackney Carriage/Private Hire Licensing Policy.

I would like to take this opportunity to convey my opinion on the Options for Policy Amendments relating to Hackney Carriage Tariffs. After carefully considering the implications of this matter and following lengthy discussions with many drivers of the vehicles involved I would like to raise the following points:

1. The cost to purchase vehicles which carry 5 or more passengers can be up to £30,000. This is nearly three times the cost of purchasing a car. Those drivers who purchase cars earn the same on the current tariffs as those who have paid a great deal extra to accommodate wheelchair users.
2. The result of purchasing a larger vehicle, which requires a larger engine size to enable up to 7 passengers or wheelchair users to be carried, incurs extra fuel costs.
3. The type of vehicle which is required by Hartlepool Borough Council to carry the above passengers results in increased costs due to the type of parts required and labour costs when repairing defects.
4. The process of picking up and dropping off wheelchair users incurs a great deal of extra time and effort by the driver. Therefore, rendering them unavailable for longer periods, resulting in loss of potential earnings.



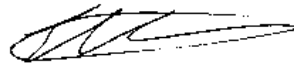
I believe the option of implementing an additional charge for the 5th passenger and above would be beneficial for the following reasons:

1. The increased income would provide some compensation for the above points.
2. The public would be encouraged to share a taxi and spread the cost which will have a positive impact environmentally.
3. The drivers would not feel they were being penalised for owning these vehicles, which many currently do for the reasons listed above.
4. The increased tariff would encourage more of these vehicles to be brought into operation within the town. Increasing the number of disabled access vehicles would be a great benefit to those users who need it. At present, wheelchair users have great difficulty in wheelchair accessible taxis.

In my view, it is the Government's long term intention to phase in these vehicles in order that a higher percentage of wheelchair accessible taxis are operating throughout the country. The implementation of this option would ensure that Hartlepool would be on target to achieve this.

Should you wish to discuss any of these points further, please do not hesitate to contact me on 07988 849462.

Yours faithfully,



Mr Ian Cawley

Appendix III

7 December 07

MR John Osborne  
167 Stockton Road  
Hartlepool  
TS 25 1SL

Dear IAN HARRISON,

We as owner drivers (names below) do not agree with Hackney carriage vehicles with over 4 seats charging extra money...

Reason 1 = Hackney carriage vehicles have always been the same price.

Reason 2 = ~~people~~ <sup>drivers</sup> are asking for this as they say the vehicles are more expensive to buy, but some saloon taxis are just as expensive.

K. Pearson	147	P. Thoepe	21
John Osborne	20		
B. Osborne	72		
I. James	63		
O. Caversdale	19		
M. Amerigo	137		
E. Thompson	132		
O. Tiple	139		
I. Walker	141		
C. Swanson	32		

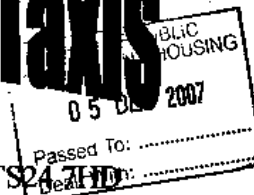
We strongly object to this going ahead you may get in touch with all drivers named above

Yours faithfully John

Appendix IV

# Streamline Radio Taxis

R.S Tweddle (Proprietor)  
10A TOWER STREET, HARTLEPOOL, TS24 7HD  
TELEPHONE: 01429 222222 / 867867  
VAT NUMBER: 292 738 326



Tuesday 4<sup>th</sup> December 2007

Dear Sir / Madam,

RE: Review of Hackney Carriage / Private Hire Licensing Policy

I am writing to you in reply to the letter I received a few weeks ago regarding the above policy. I have read through your suggestions and comments and have compiled my own list stipulating what I would suggest to be relevant to the matter at hand. To make this easy to understand I have numbered them respectively to the numbers on your agenda; my comments are as follows.

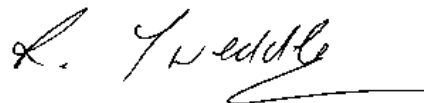
- 1) I agree with your proposal to offer drivers an opportunity of a three year license at a discounted price. As you stated this would coordinate the licence and CRB, which would be a lot easier.
- 2) I feel that the present operating method of two mechanical tests a year should continue at Lynn Street depot. Taxi proprietors have the opportunity to obtain their MOT's at the same time as the taxi test; which in my opinion ensures the vehicle is kept and maintained to the best possible standard.
- 3) It is of my opinion that rear loading disabled access vehicles should be prohibited due to the dangers these vehicles can put upon passengers. If the vehicle has an accident at the rear then the passenger would inevitably be trapped or even injured. Furthermore if this vehicle were situated on the rank when a disabled passenger tries to enter it they would have to move into the middle of the road to do so which would cause both congestion and again danger to the passenger.

- 
- 4) Regarding the matter of additional charges for vehicles which can take over four passengers and vehicles which can carry prams, pushchairs etc. I agree with this.
  - 5) I agree with your proposal to remove the stipulation of engine size from the license agreement as your reasons are perfectly justified.
  - 6) I agree with the idea of an English test to be carried out by all new applicants. As you state it would defer from discrimination if it was undertaken by everyone and yet be more effective at checking that those with English as a second language can communicate with the customers accordingly if they pass.
  - 7) I partially agree with your suggestion here. As I believe that a certificate of good conduct should be provided by all applicants who have resided in the UK less than three years not five years suggested by you.
  - 8) I agree that operator's licenses should be extended to a five-year renewal period as the owner of an established business of over thirty years I would find this much easier to undertake than the annual renewal that is in place at the moment.
  - 9) I feel that the proposal to advertise externally is inefficient and would definitely defer from the yellow coding scheme we have in place in Hartlepool. The coding scheme has been in place for many years now and is synonymous with Hartlepool. It is recognised locally and also helps vehicles to stand out when picking up out of town. As for the extra revenue this would generate for purpose built vehicles; this I do not agree with. I believe that as they already have extended life on the vehicles this in some ways recoups the cost. Furthermore if advertising was to be put on the vehicles I can't see the advantage of this, as the advertisement would only last a year and have to be then replaced. This would surely mean that the vehicle would have to be repainted therefore using the revenue gained by the advertisement in the first place and therefore achieving nothing.
  - 10) Current dimensions for luggage space should be reduced. This would enable most purpose built vehicles the scope for that extra passenger which is a more popular request than luggage space.

- 11) Regarding the proposal of disabled passenger training I think this should only be a requirement for those who actually own a disabled access bus as training those who don't wouldn't be very cost effective.
- 12) Private hire operators should be required to keep a copy / record of all the drivers licenses and vehicle licenses that are operational within their company. This would be an effective method of keeping their fleet and themselves up-to-date and as for the matter of legal requirement; it isn't required legally but would surely make more sense as it prevents unlicensed drivers and vehicles; which are illegal.
- 13) I believe the cost of medical testing should be reduced as it would be more cost effective for yourselves and the new applicant therefore making the choice to join the taxi trade a far more encouraging one.

Thank you for taking the time to read through my views regarding your proposals and I hope that you find some of these helpful and interesting. Look forward to hearing from you in the future.

Yours Sincerely,



Mr R. S. Tweddle  
(Proprietor)

## Appendix V



49 Macaulay Road  
Hartlepool  
TS25 4NG  
1/12/07

Dear Ian,


Just a quick line about the policy options that are available for consideration. I will take them one at a time.

1. Three-year licence, I am in favour of this and have been for some time, but consideration will have to be taken for badge holders over 45, who need a medical every five years. Would it be the case that they could have a medical half way through a licenced period?
2. I think the tests are fine as they are, these checks are essential not only for safety but they keep fleet standard up.
3. I agree rear-loading vehicles should be prohibited in future.
4. This is a sticky point and it is getting more comments than anything else at the moment. I feel something should be decided one way or another, but is it a policy matter.
5. I feel the engine size should stay at 1600 minimum. My reasons are that the more powerful engine takes the workload that taxi's have and it gives a more smoother performance, i.e. the bigger car doesn't labour uphill and is quicker and smoother pulling away. It is also in the long term more economical to run maintenance wise.
6. I have never seen a knowledge test but from what I gather from speaking to some people they seem a little difficult, local people seem to be failing quite a lot. Is it too stringent? And I don't see a problem in somebody whose 2<sup>nd</sup> language is English having to take a simple English test. If it is a question of upsetting people I think an English person being asked to take a test to see if he can speak his own language to enable him to work in his own country is very insulting.
7. CRB if a CRB is unavailable a further check should be made.
8. No Comment
9. This is a contentious point similar to the extra tariff for purpose built vehicles. It is a policy point and I am in favour of the advertising been extended to include the Eurobus style of vehicle.
10. Luggage space requirement is outdated and should be removed from policy.
11. I feel that this is a problem area. Not just in handling disabled people but we seem to be getting a problem with drivers attitudes generally. I am against any form of tests but I do feel that something is going to have to be done about the decline in the style of service that is currently been given. It needs discussion but will be very heated debate.
12. No comment
13. I would like to be able to keep the cost of this as low as possible. I accept Medicals are needed and have banged my head against the wall on this a few times on this subject. Medicals are here to stay but how would we keep the cost low?

I hope this is helpful to you and there is one more point I would like to raise. As I mentioned earlier I am against any form of compulsory testing of drivers

capability but if it is ever to be considered or, for that matter any radical change that could affect a persons ability to work people should be able to claim Grandfather rights.

Yours sincerely



J. Garthwaite

Appendix VI

**HACKNEY CARRIAGE/ PRIVATE HIRE LICENSING**

**DERRICK WASS  
34 CHATHAM ROAD  
HARTLEPOOL  
TS24 8QA  
04/12/2007**

**Q1 AGREE WITH 3 YEAR OPTION WITH DISCOUNT, TO RUN CONCURRENTLY WITH CRB.**

**Q2 MOT PLUS MECHANICAL SIX MONTHS AFTER MOT DATE.**

**Q3 AGREE WITH OPTION.**

**Q4 LEAVE THE SAME FOR ALL VEHICLES.**

**Q5 AGREE WITH OPTION.**

**Q6 AGREE WITH OPTION.**

**Q7 AGREE WITH OPTION.**

**Q8 AGREE WITH OPTION.**

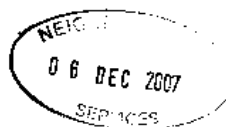
**Q9 AGREE WITH OPTION.**

**Q10 AGREE WITH OPTION.**

**Q11 LEAVE TO INDIVIDUAL DISCRETION.**

**Q12 RETAIN CURRENT PROCEDURE.**

**Q13 RETAIN CURRENT PROCEDURE.**





# Policy for Hackney Carriage and Private Hire Vehicles, Drivers and Operators

The following policy is intended to be used when dealing with hackney carriage and private hire licensing matters, however, each application will be considered on an individual basis and decided on its merits.

## 1. Licensed Drivers

### 1.1 Making an Application - Essential Requirements

1.2 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 state that a licensing authority must be satisfied that a person is 'fit and proper' before a hackney carriage or private hire vehicle drivers licence may be issued.

1.3 **Hartlepool Borough Council has determined that in order to satisfy this legal obligation any applicant shall: -**

- a) Complete and submit to the Council an application on a form prescribed by the Council;
- b) Pay to the Council such fee as required;
- c) Demonstrate good communication skills commensurate with the Council's and public's expectations of such a driver;
- d) Be a person who has, for a minimum of 12 months prior to the date of the issue of the hackney carriage or private hire drivers licence, been the holder of a full drivers licence issued by the Driver and Vehicle Licensing Agency (DVLA) or other equivalent agency from within the European Community and produce for examination such licence (including counterpart);
- e) Produce a certificate, on a form approved by the Council, that is signed by their own GP or alternative GP who has access to his/her medical history to the effect that s/he is medically fit to be the driver of a hackney carriage/private hire vehicle to a standard as required by the Council and under the following circumstances: -
  - i. If a driver is under 45 years of age, one medical certificate is required until they reach the age of 45;

- ii. If a driver is over 45 years of age but under 65 years of age a medical certificate is required every 5 years; and
- iii. If a driver is over 65 years of age a medical certificate is required annually.

The medical certificate shall confirm the satisfactory attainment of the current standards set by the DVLA as being appropriate for hackney carriage/private hire vehicle drivers, or in the absence of such, Class II LGV/PCV.

The medical certificate will be valid for the period stipulated by the Council or Medical Practitioner where different. The cost of obtaining a completed medical certificate shall be borne by the applicant.

Regardless of whether such a certificate has been produced, the Council may, at any time, require the applicant to undergo a medical examination by a Registered Medical Practitioner as to his/her fitness to be a driver of a hackney carriage or private hire vehicle. In such a case the Council will be responsible for the payment of any such fee for the examination

- f) Request an Enhanced Disclosure from the Criminal Records Bureau. Such a disclosure must be obtained for the exclusive purpose of assisting the Council with its licensing decision, unless indicated otherwise by the Council, and have been obtained through an authorised officer of the Council.

On those occasions where an applicant has not been permanently resident in the United Kingdom for at least 5 years prior to the date of application it shall be the responsibility of the applicant to provide satisfactory evidence of their good conduct from an authoritative body representing the country(ies) where the applicant has previously been resident. The Council shall determine the acceptable authoritative body capable of producing the required evidence and the applicant shall be responsible for any fees incurred in obtaining and, if necessary translating, such evidence.

- g) Satisfactorily complete and pass an examination prepared and administered by the Council that will cover areas including, but not necessarily limited to: -
  - i. Relevant legislation
  - ii. Locations
  - iii. Routes
  - iv. Disability awareness

Such an examination must be undertaken by each applicant without assistance from any other party.

- h) Provide such information as may be required by the Council and comply with such other conditions as the Council may from time to time consider necessary; and
- i) Irrespective of the above, a licence to drive hackney carriage or private hire vehicles will not be issued until the applicant can demonstrate that they are/will be employed for that purpose. Any licensed driver must not accept employment as a driver in some other capacity if any hours spent as a hackney carriage/private hire vehicle driver conflict with any statutory rest periods required by other transport or employment legislation.

#### 1.4 Ongoing Requirements

1.5 **Once a licence has been issued it is the responsibility of the licence holder to ensure that they remain a 'fit and proper' person.**

1.6 For private hire vehicle drivers a number of requirements and responsibilities are detailed in the 'Conditions of Licence' listed below. Failure to comply with these Conditions of Licence could result in a licence being suspended or revoked.

1.7 For hackney carriage drivers their responsibilities are listed in local government by-laws and 'Minimum Standards' as listed below. Failure to comply with by-laws is a criminal offence that may lead to prosecution and failure to comply with the 'Minimum Standards' may result in a licence being suspended or revoked.

1.8 Unless the subject or context otherwise requires, "driver" means a person holding and acting in accordance with a hackney carriage or private hire driver's licence issued by Hartlepool Borough Council and 'vehicle' means a licensed hackney carriage or private hire vehicle.

#### 1.9 Private Hire Vehicle Drivers – Conditions of Licence

1.10 The following conditions apply to private hire vehicle drivers only and any breach may result in the suspension or revocation of the drivers licence.

1.11 **The driver whilst driving or in charge of a private hire vehicle shall;**

- a) Have a good standard of personal hygiene and be reasonably dressed in appropriate clean clothing;
- b) Keep a true and proper record of every booking of a private hire vehicle during such time as the driver is driving or in charge of that vehicle. The record shall be kept in a book in such form as approved by the Council in which the driver shall, before the relevant journey commences, record in the appropriate spaces particulars of:

- i. Date and place of hiring;
- ii. Destination;
- iii. Name of hirer;
- iv. Name of private hire vehicle operator;
- v. Name of driver.

The record book shall be retained by the driver for a period of no less than one calendar month and produced on demand to any Authorised Officer of the Council or Police Officer;

- c) Shall use best endeavours to ensure all bookings are attended promptly, at any appropriate time and place, unless delayed or prevented by some reasonably unexpected or unforeseen cause;
- d) Convey a reasonable quantity of luggage;
- e) Afford reasonable assistance in loading and unloading luggage etc, including assistance in removing it to and from the entrance of any house or other place where passengers are set down or collected;
- f) After the termination of every hiring, carefully search the vehicle for any property that may have been accidentally left therein and where such property is found take it to any Police station within the Council borough within 48 hours;
- g) Immediately notify the Council of any change in personal or employment details that may be relevant to a licensed driver i.e. change of address.

**1.12 The driver whilst driving or in charge of a private hire vehicle shall not: -**

- a) Accept an offer for the immediate hire of that vehicle whilst the driver of that vehicle is on a road or other public place except where such offer is first communicated to the driver by telephone or by apparatus for wireless telegraphy fitted to that vehicle;
- b) Without the express consent of the first hirer, permit any other person to be conveyed at the same time;
- c) Eat, engage in private mobile telephone conversations or carry out any other activities that may impact on comfort, safety or wellbeing of any passenger;
- d) Without the express consent of the hirer, play any radio or other in-car sound equipment other than for the purpose of radio communication in connection with the operation of the business of the vehicle and this is to be in such a manner as not to cause annoyance to any passenger;

- e) Use the vehicle horn to attract passengers to indicate his arrival;
- f) Cause, suffer or permit to be conveyed in a private hire vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence and plate issued in respect of that private hire vehicle;
- g) Tamper with or allow any person to tamper with any taximeter with which the vehicle is provided, with the fitting thereof, or with the seals affixed thereto; and
- h) Use any private hire vehicle which is equipped with a taximeter for any journey unless:
  - i. When the vehicle is hired by destination, before commencing the journey specified by the hirer, the machinery is brought into action by moving the key or any other device fitted for the purpose so that the word "HIRED" is legible on the face of the meter;
  - ii. During the continuance of such a hiring, the dial of the taximeter is not concealed in any manner by any means and that such dial is distinctly and plainly visible and legible to any person being conveyed in the vehicle;
  - iii. The dial of the taximeter is kept properly illuminated throughout any part of the hiring which takes place during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer; and
  - iv. Shall report immediately to the Council any failure of the taximeter.

### 1.13 Hackney Carriage Drivers – Minimum Standards

1.14 The following conditions apply to hackney carriage drivers only and any breach may result in the suspension or revocation of the drivers licence.

1.15 Hartlepool Borough Council expects licensed hackney carriage drivers to satisfy all of the following standards as proof of their continuing fitness to hold a licence.

#### 1.16 **The driver of a hackney carriage shall: -**

- a) After the termination of any hiring, carefully search the vehicle for any property that may have been accidentally left therein and if such property is found, take the same within 48 hours, or sooner if the property is not claimed by or on behalf of its owner, to any Police Station within the Council's borough;

- b) Report the loss of any licence or badge to the Head of Public Protection as soon as the loss becomes known.

**1.17 The driver of a hackney carriage shall not: -**

- a) Eat, engage in mobile telephone conversations or carry out any other activities that may impact on comfort, safety or wellbeing of any passenger;
- b) Without the express consent of the hirer play any radio, in car sound equipment other than for the purpose of radio communication in connection with the operation of the business of the vehicle and this is to be in such a manner as not to cause annoyance to anyone;
- c) Use the vehicle horn to attract passengers to indicate his arrival.

**1.18 Carrying Disabled Passengers – All Drivers**

**1.19 The driver of a vehicle carrying disabled persons shall:**

- a) When they approach their initial destination pull up as close to the kerb as possible and enquire of their passenger as to how they may be of assistance. If a purpose built vehicle is used any wheelchair should be secured according to the manufacturers or conversion company's recommendations ensuring that the brakes of the wheelchair are in a locked position;
- b) Ensure that a passenger is secured into the wheelchair where applicable;
- c) Ensure that if a saloon type vehicle is used with a swivel seat, the passenger be offered assistance in using it, and ensure it locked in position before the journey commences;
- d) If a passenger is possibly blind or partially sighted:
  - i. Approach the pre-booked location on foot and knock at the door.
  - ii. Inform the passenger of what type of car they are entering i.e. saloon type or purpose built and which way it faces;
  - iii. Demonstrate which way the doors open;
  - iv. Ensure that the passenger is seated and has secured the seat belt before moving off. Passengers approval should be sought before providing assistance.
  - v. Inform the passenger if they are taking a different route from the one expected or if there is a diversion or hold-up;
  - vi. Announce the fare before money is tendered and verbally count out any change;

- vii. Set the passenger down in a safe place ensuring that the passenger is aware their location and the direction to his/her location. If the passenger would like to be accompanied to their destination, the driver shall offer them his arm to allow the driver to guide the passenger more easily;
- viii. Allow guide dog(s) to be carried in the vehicle. Refusal to carry a guide dog in a licensed vehicle is a contravention of these conditions.

e) If a passenger possibly has a hearing impairment: -

- i. Wherever possible, face the passenger whilst speaking clearly;
- ii. Always have a pad of paper and pen available to allow for written communication.

## 2. Licensed Vehicles

2.1 Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 permit local authorities to attach conditions to the grant of Hackney Carriage and Private Hire Vehicle licences as it considers reasonably necessary.

2.2 Failure to comply with these conditions may result in a Hackney Carriage or Private Hire Vehicle licence being refused, suspended or revoked.

2.3 In these conditions 'the Proprietor' includes part proprietor and means the holder of a hackney carriage or private hire vehicle licence.

### 2.4 Making an Application - Essential Requirements

2.5 **Prior to a vehicle licence being issued the applicant, being the proprietor of the vehicle, shall: -**

- a) Complete and submit to the Council an application on the prescribed form together with the required licence fee no later than three working days prior to the licence being required.
- b) Pay the required licence and associated fees. If payment is made by cheque which is subsequently dishonoured any licence issued shall be null and void. Licence fees are non-refundable.
- c) Produce evidence of (and maintain throughout the lifetime of the licence) the following: -
  - i. Road fund tax;
  - ii. Appropriate Vehicle Insurance Certificate;
  - iii. Public Liability Insurance Certificate;
  - iv. Certificate of mechanical compliance issued by Hartlepool Borough Council's Transport Depot (not required if MOT certificate has been issued by the same). Such a certificate must relate to an inspection carried out immediately prior to the licence being granted;
  - v. MOT certificate;
  - vi. V5 registration document (in the case of a new vehicle a sales invoice will suffice but the registration document must be produced within 6 weeks of licence issue); and
  - vii. Present the vehicle for visual inspection by an authorised officer immediately prior to the licence being issued.

2.6 **A vehicle submitted for licensing must: -**

- a) Be a car fitted with at least four road wheels;



- b) Have at least two fully operational doors or four fully operational doors where the vehicle is licensed to carry two or more passengers (with the exception of minibus type vehicles which should have a minimum of two doors provided for the exclusive use of passengers)
- c) Be right hand drive (see exception for stretched limousines)
- d) Be below the age of 3 years from the date of first registration and the vehicle will normally be required to be replaced when it reaches six years of age unless the proprietor can demonstrate that it has been, during the course of its lifetime, exceptionally well-maintained. (see exception for stretched limousines)
- e) A hackney carriage that is purpose built and described as a 'taxi' or 'hackney carriage' on its vehicle registration document shall be below the age of 5 years from the date of the first registration and the vehicle will normally be required to be replaced when it is 13 years old, unless the proprietor can demonstrate that it has been, during the course of its lifetime, exceptionally well-maintained.
- f) Vehicles that are over 25 years of age may be licensed as a 'classic' car but only if they meet all other licensing requirements;
- g) Be so constructed as to be safe and comfortable and the doors open sufficiently wide so as to allow easy access to and egress from the vehicle and cause no inconvenience to passengers;

2.7 Any new (not replacement) Hackney Carriage Vehicle must be fully wheelchair accessible and will only be considered suitable for licensing if it conforms with all other licensing requirements.

## 2.8 Conditions of Licence

2.9 **The proprietor of any licensed vehicle shall ensure that the following conditions are complied with: -**

### External Construction and Markings

- a) Vehicle licence plates shall be fixed to the front and rear of the vehicle in a clear and conspicuous location in a vertical plane at right angles to the longitudinal axis of the vehicle;
- b) A sticker incorporating the official Council crest and vehicle licence number (to be supplied by the Council) must be permanently adhered directly to the paintwork on the near and off-side front doors where it is clearly visible. No magnetic signs or other similar temporary fixings shall be permitted.
- c) Equipment to facilitate use by disabled passengers must be maintained in good condition and readily available for use. Vehicles designed to load wheelchair passengers from the rear of the vehicle by means of a ramp shall not be permitted.

- d) Licensed vehicles must at all times be maintained in a good condition and be kept clean and tidy. This includes the following examples which are for reference only and does not constitute a definitive list of matters that may be considered to evaluate whether a vehicle is in a good condition: -
- i. Bodyshell/paintwork – free from rust, broken metal and other visible damage;
  - ii. Seats, seat covers, floor coverings and interior trims – free from tears, damage, grease and other contamination;
  - iii. Door hinges – shall be in good working order and to be seated correctly when closed;
  - iv. Windscreen and Windows – to be in good clean workable condition and free from damage; and
  - v. Oil leaks – engine to be free from oil leaks
- e) No external markings shall be permitted on the vehicle with the exception of: -
- i. In the case of saloon and estate vehicles, the name and contact telephone number of the operator/owner in plain text in the upper half of both rear passenger doors. In addition, the name of the operator/owner and/or contact telephone number may be advertised within an area of 40 cm x 5 cm or 200 cm<sup>2</sup> on the bonnet.
  - ii. In the case of any other vehicle, the name and contact telephone number of the operator in plain text in the upper half of both rear passenger doors (or in the absence of a door, in a corresponding position) and on the upper half of the boot or back door. In addition the name of the operator/owner and/or contact telephone number may be advertised within an area of 40 cm x 5 cm or 200 cm<sup>2</sup> on the bonnet.
  - iii. For purpose built hackney carriages, please see the 'Additional Advertising Allowance' as detailed in Appendix I.

#### Internal construction and markings

- f) Height (inside) – From the top of any part of the seat cushions to the roof at the lowest part must not be less than 810 mm and, in every other respect must not be so constructed as to present any risk of injury or discomfort to any passenger. The definition of roof includes any parcel shelf, entertainment console or other fixing.
- g) Knee space – The measurement between the rear of the front seats at mid position and the back rest of the back seat must not be less than 760 mm.
- h) Seats (length) – the shortest distance between the front and back of a seat (i.e. from the back rest to the front edge) must not be less than 450mm.

- i) In the case of rear facing seats, the distance between the backs of facing seats shall not be less than 1520mm. In all other cases the distance between the back rest of the seat and any facing obstruction must not be less than 760mm.
- j) Seats (width) – The shortest distance between the edges of a seat shall be no less than 400 mm. Where the rear passenger seating area is divided into individual seats by way of formed cushions or other similar divide and, in the opinion of an authorised officer, affect the comfort of a passenger, the above measurement shall be ascertained by measuring the distance between seatbelt anchorages.
- k) Interior lighting operated either automatically when the passenger or rear doors are opened or by a separate switch operated by the driver.
- l) An illuminated luggage compartment, which in the case of mini bus type vehicles must be a segregated internal space with a minimum capacity of 0.566 cubic metres.
- m) A working and suitably tested fire extinguisher that must be a minimum of 0.9 Kg Aqueous Film form Foam or 1Kg dry powder for saloon type vehicles. Mini bus type vehicles must have a minimum of 1.5 Kg of dry powder and all extinguishers must be indelibly marked with the vehicle licence number.
- n) An internal plate (as provided by the Council) shall be fixed and displayed inside the licensed vehicle in a clear and unobstructed location so that the particulars thereon are clearly visible to passengers.
- o) No fittings or signs (except for advertising detailed below) shall be attached to the inside of vehicle unless approved by the Council

## 2.10 **General**

- 2.11 If the vehicle is an estate car, or does not have a fully segregated luggage compartment, it must be fitted with a grille or similar guard sufficient to prevent luggage carried in the rear compartment from coming into contact with passengers in the rear seats.
- 2.12 Advertising in the interior of a vehicle is permitted but only where such advertising does not detrimentally affect the safety or comfort of passengers and is not designed or intended to be viewed from the exterior of the vehicle.
- 2.13 With respect to vehicles fitted with CCTV cameras, prominent signage must be displayed at each passenger door stating to the effect that such a camera system is in operation in that vehicle.

2.14 **Hackney Carriages Only**

2.15 **In addition to the above, the following conditions also apply to Hackney Carriages: -**

- a) All hackney carriages must be professionally painted to a non-standard production shade of yellow detailed below including all previously colour coded external trims, boot, door edges and frames

Landrover AA yellow, Octoral No RO1000 FMB/LRC559  
Fiat Giallo Ginestra 2C, Octoral No F1258:93

- b) A sign bearing the word 'taxi', that is a minimum of 1 metre in length, shall be permanently affixed to the roof of the vehicle. Magnetic signs or other similar temporary fixings shall not be permitted.

2.16 **Additional Conditions – All Vehicles**

2.17 A vehicle licence applies solely to the vehicle specified on the licence.

2.18 The licence and associated plates shall remain the property of the Council at all times.

2.19 The proprietor of a licensed vehicle shall: -

- a) Produce the licensed vehicle for inspection at the request of any authorised officer or police constable;
- b) Return the licence to an appropriate Council Officer within 7 days of the surrender, expiry, revocation or suspension of such licence or upon the proprietor transferring his/her interest in the vehicle;
- c) Report the loss of any plates or the vehicle licence to an appropriate Council Officer as soon as the loss becomes known;
- d) Notify the Council of any transfer of interest or ownership within 7 days of that transfer. This must include the date of the transfer, plate number and name and address of the new owner;
- e) Comply with any reasonable request made by an authorised officer or police constable in respect of that vehicle; and
- f) Notify the Council of any significant damage to the vehicle within 72 hours of the occurrence.

2.20 A vehicle that has failed a vehicle inspection test must be submitted for a re-test to the vehicle examiner approved and appointed by the Council on the defects found within 14 days from the date of the test otherwise a further full vehicle inspection test fee will be liable to be paid.

2.21 Any material alteration to the design or construction of a vehicle must have prior approval from the Council.

2.22 All licensed vehicles must pass a mechanical inspection to be undertaken by the Council's Transport Depot at six monthly intervals during the lifetime of the vehicle licence (four monthly intervals for stretched limousines). Such an inspection may be either an MOT test or an alternative test as stipulated by the Council. Failure to attend a pre-arranged inspection without giving at least 24 hours notice may result in an additional charge being levied.

### 3. Licensed Private Hire Operators

#### 3.1 In these Conditions

“Operator” means the holder of an Operator’s Licence granted by the Council,

“Vehicle” means a Private Hire Vehicle licensed by the Council,

The “Council” means the Council of the Borough of Hartlepool.

- 3.2 The licence shall remain the property of the Council at all times and is not transferable to another person nor does it authorise the Operator to operate from any other address than that specified.
- 3.3 The Operator shall inform the Council of any change of address or material change in circumstances within 7 days of the occurrence.
- 3.4 The Operator shall return the licence to an authorised officer of the Council on the expiry, revocation or suspension of such licence or upon the holder ceasing to be an Operator.
- 3.5 An Operator shall report the loss of a licence to an authorised officer of the Council as soon as such loss becomes known.
- 3.6 An Operator shall not advertise by signs, printed words, broadcasts or by any other media the words “Hackney Carriage” or “Taxi”, or any derivative, to describe the Private Hire services offered.
- 3.7 An Operator who has agreed or undertaken to have such a vehicle in attendance at an appointed time and place shall, unless prevented by some unavoidable reason, cause such a vehicle to be in attendance at the appointed time and place.
- 3.8 An Operator shall keep a record of all bookings accepted by him or on his behalf by his servants or agents. Such records to be made prior to commencement of the journey to which such booking relates, in the following form.

<u>Booking</u> <u>Made</u> <u>Date</u> <u>Time</u>	<u>Name of</u> <u>Client</u>	<u>Details of</u> <u>Booking</u> <u>From</u> <u>To</u>	<u>Accepted</u> <u>By</u>	<u>Private</u> <u>Hire</u> <u>Licence No</u> <u>of Vehicle</u>	<u>Drivers</u> <u>Name</u>
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3.9 Such record shall be kept for one year after the booking was made.

3.10 An Operator shall keep a record of the following particulars of all vehicles operated by him:

- (a) Vehicle Registration Number

- (b) Make and type and colour of vehicle
- (c) Name and Address of Vehicle Licence Holder
- (d) Vehicle Licence Number

3.11 The premises from which the licensee operates his business shall have planning permission for office and/or commercial use and the Operator must comply in every respect with the requirements of current Town Planning Legislation.

The premises shall be kept clean and kept fit for all their licensed purposes providing safe and proper access to the public for the purpose of booking and waiting.

3.12 Every contract for the hire of a Private Hire Vehicle shall be deemed to be made with the Operator who has accepted the booking for the vehicle whether or not he himself provides the vehicle.

3.13 An Operator shall produce his/her Operator's licence on request to any authorised officer or Police Officer.

3.14 The Operator shall within seven days disclose to the Council, in writing, details of any conviction imposed on him/her (or if the Operator is a Company or Partnership, of any of the Directors or Partners) during the period of licence.

3.15 Failure by the Operator, for any reason, to pay all sums due renders the licence invalid.

3.16 The Operator record required under Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, the pages of which shall be numbered consecutively. The Operator shall enter or cause to be entered therein, before the commencement of each journey, particulars (in a legible and comprehensive manner) of every booking of a Private Hire Vehicle invited or accepted by him.

3.17 The Operator shall ensure that telephone or radio facilities provided are maintained in a sound condition, defects being remedied promptly.

3.18 The Operator shall not engage any driver to drive a Private Hire Vehicle unless and until he has ensured that a current and valid private hire driver and vehicle licence is held, as legally required by the Council.

3.19 The Operator shall deal fairly, courteously and quickly with complaints reported by any hirer against his services, driver or vehicles, and in the event that he fails to do so shall be directly answerable to the Council to give satisfactory replies to any question or reasonable demand for satisfaction made by the Council on behalf of the hirer.