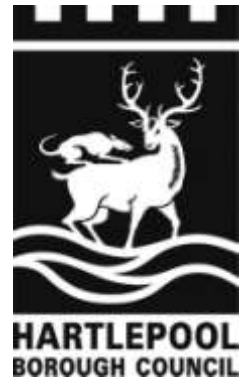


# LICENSING COMMITTEE AGENDA



**Wednesday 24<sup>th</sup> February 2016**

**at 2.00pm**

**in Committee Room B,  
Civic Centre, Hartlepool**

**MEMBERS: LICENSING COMMITTEE:**

Councillors Ainslie, Barclay, Cook, Fleet, Gibbon, Griffin, Hall, Jackson, Lawton, Martin-Wells, Morris and Robinson

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

3.1 To approve the minutes of the Licensing Sub-Committee meeting held on 6<sup>th</sup> October 2015

3.2 To approve the minutes of the Licensing Committee meeting held on 4<sup>th</sup> November 2015

3.3 To approve the minutes of the Licensing Sub-Committee meeting held on 22<sup>nd</sup> December 2015

**4. ITEMS REQUIRING DECISION**

4.1 Licensing Policy and Early Morning Alcohol Restriction Orders (EMRO's) – *Director of Public Health*

4.2 Licensing Policy – Plastic Bottles – *Director of Public Health*

4.3 Taxi Licensing Policy – *Director of Public Health*



**5. ITEMS FOR INFORMATION**

No items

**6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**



## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

6<sup>th</sup> October 2015

The meeting commenced at 10.00am in the Civic Centre, Hartlepool

**Present:**

Councillor: Ray Martin-Wells (In the Chair)

Councillor: Jean Robinson

**Also Present:**

In accordance with Council Procedure Rule 5.2 (ii), Councillor Allan Barclay was in attendance as substitute for Councillor Mary Fleet

Officers: Alyson Carman, Legal Services Manager  
Ian Harrison, Trading Standards and Licensing Manager  
Jo Stubbs, Democratic Services Officer

### **28. Apologies for Absence**

Apologies were submitted by Councillor Mary Fleet.

### **29. Declarations of interest by Members**

None

### **30. Application for a variation of a gaming machine permit – King John's Tavern, 1 South Road, Hartlepool** *(Director of Public Health)*

In 2007 Members of the Licensing Committee determined that applications for four or more gaming machines must be referred to a sub-committee for consideration. An application had subsequently been submitted for a variation of the gaming machine permit for King John's Tavern Public House increasing the number of Category C gaming machines from 5 to 6. The Trading Standards and Licensing Manager confirmed that there had been no complaints relating to gambling issues at the premises.

Anthony Buckley and Tony Lee attended on behalf of the applicant, J D Wetherspoon PLC. Mr Lee advised that the application had been made based on the popularity of the current gaming machines. The proprietors

were fully aware of the licensing objectives and their responsibilities in relation to them with Challenge 21 and Don't Do Drunk policies preventing play by intoxicated patrons.

### Decision

That the application be granted in full as follows:

'Looking at the evidence put before us the committee believe that the applicant will uphold the principles set out by this authority in taking sufficient measures to ensure that under 18 year olds and vulnerable persons do not have access to the adult only gaming machines. The committee are impressed at the challenge 21 and the don't do drunk policies that are in operation. Furthermore the committee are satisfied that 6 machines are acceptable as the premises in question are of a larger than average floor area. However we do feel that 6 would be the upper limit for premises such as these'

### 31. **Application for new premises licence – Suba Food and Wine, 77 Church Street, Hartlepool** *(Director of Public Health)*

An application had been received for a new premises licence in respect of Suba Food & Wine on Church Street for the supply of alcohol 8am-11pm, 7 days a week. The application had been advertised in the prescribed manner and 1 relevant representation submitted by Cleveland Police requesting a number of conditions to the licence and the amendment of the hours from 11pm to 9pm. Whilst the applicant had agreed to add the proposed conditions, including the installation of CCTV and proof of age scheme, they had not agreed to the reduction in hours. The Police felt that given the premises was situated in the Night Time Economy area it would promote street drinking by providing an opportunity for those attending the Night Time Economy to purchase alcohol cheaper than in pubs and clubs. Evidence of several incidents of violence which had taken place in the Night Time Economy area was tabled at the meeting for members' consideration.

Krishna Jeyasiri spoke on behalf of the applicant, his wife Sagayamalar Krishnajeyasiri. He indicated that following discussion with the police representatives prior to the meeting they would now be prepared to close the premises at 10pm.

Paul Higgins and Yasmeen Hussain attended on behalf of Cleveland Police. They reported 18 incidents in the area fuelled by alcohol, many of which had resulted in hospitalisation or further treatment by medical personnel. They felt that allowing easy access to cheap alcohol in this area would only compound these issues and undermine the licensing objective relating to crime and disorder. They also raised concerns at the complete lack of information provided on the application form relating to steps that the applicant would take to promote the licensing objectives, saying these had

only been added at the suggestion of the police

Ashraf Khan also spoke on behalf of the applicant and highlighted a number of adjacent properties which were licensed to sell alcohol until 11pm. Mr Higgins accepted this but commented that despite having a licence until 11pm those premises did not trade at that time. If they did the police would call their licence in for review.

### **Decision**

That the application be granted in part as follows:

'Having heard all of the evidence put before us the committee are not convinced that granting a licence up until 11pm would meet the licensing objectives of this authority. Furthermore the committee were deeply concerned at no information being offered in section M of the application relating to the promotion of the 4 licensing objectives which include the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. It is therefore the decision of this committee to grant the licence Monday to Sunday 8am until 9pm, providing that conditions 1-7 as put forward by Cleveland Police are met. This of course will not impact on food or cigarette sales from the premises but we believe will help maintain the 4 principles previously referred to.'

The meeting concluded at 11.25am.

CHAIR

## **LICENSING COMMITTEE**

### **MINUTES AND DECISION RECORD**

4<sup>th</sup> November 2015

The meeting commenced at 2.00pm in the Civic Centre, Hartlepool

**Present:**

Councillor: Trisha Lawton (In the Chair)

Councillors: Jim Ainslie, Rob Cook, Mary Fleet, Steve Gibbon, Sheila Griffin,  
Ged Hall and Jean Robinson

Officers: Sylvia Pinkney, Head of Public Protection  
Ian Harrison, Trading Standards and Licensing Manager  
Tony Macnab, Solicitor  
Jo Stubbs, Democratic Services Officer

#### **18. Apologies for Absence**

Apologies were submitted by Councillors Allan Barclay, Peter Jackson, Ray Martin-Wells and George Morris

#### **19. Declarations of interest by Members**

None

#### **20. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 2<sup>nd</sup> July 2015**

Confirmed

#### **21. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 23<sup>rd</sup> July 2015**

Confirmed

#### **22. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 19<sup>th</sup> August 2015**

Confirmed

**23. Confirmation of the minutes of the Licensing Committee meeting held on 19<sup>th</sup> August 2015**

Confirmed

**24. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 15<sup>th</sup> September 2015**

Confirmed

**25. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 22<sup>nd</sup> September 2015**

Confirmed

**26. Gambling Act – Statement of Licensing Principles**  
*(Director of Public Health)*

Members were advised that the Council's current statement of licensing principles in relation to gambling activities was due for renewal in January 2016. A draft new Statement of Licensing Principles had previously been presented to the Licensing Committee which had approved it for consultation. The consultation period had ended in September 2015 with 4 responses received. Two of these responses had specifically referred to 'Fixed Odds Betting Terminals' (FOBT) in terms of their ease of use and maximum stake of £100 being harmful to gamblers. These did not come under the control of licensing authorities and could therefore not control the number or category of these machines on gambling premises. Members expressed their extreme concern at this state of affairs and asked that officers write to the Government to request that the maximum stake be reclassified from £100 to £2. They also suggested that officers inform other North-East councils they were taking this action and ask them to come on board with it.

Members were also asked whether they wished to retain the current resolution whereby the council would not consider any application for a casino in the borough. This was confirmed.

**Decision**

1. That the draft Statement of Licensing Principles be endorsed for recommendation to full Council for approval and adoption

2. That officer contact the Government regarding concerns over Fixed Odds Betting Terminals and request that the maximum stake be limited to £2
3. That a 'No Casino' resolution should continue to be incorporated into the draft Statement of Licensing Principles.

## **27. Licensing Act – Statement of Licensing Principles** (Director of Licensing Principles)

Members were advised that the Council's current licensing policy was due for renewal by 1<sup>st</sup> January 2016. Under section 5 of the Licensing Act 2003 each licensing authority must determine and publish a licensing policy every 5 years following consultation with interested parties. A draft new policy had been presented to the Committee in June 2015 and approved for consultation. This had been completed in September 2015 with only 1 response received. There were only 3 proposed amendments to the policy, which would only apply to new premises or those brought in for review:

1. That 'vertical drinking establishments' will be expected to use plastic glasses after midnight
2. That all licensed premises will not sell alcohol below 50p per unit of alcohol
3. That the 'cumulative impact area' be amended

Members queried how many 'vertical drinking establishments' there were in Hartlepool. The Trading Standards and Licensing Manager advised that there were approximately 12 of these premises, most of which had free-standing tables and chairs which would be removed during the evening in order to allow more patrons in. Members questioned the impact of this on disabled patrons.

Members indicated that they were happy to support the draft policy in its entirety.

### **Decision**

That the proposed Licensing Policy be endorsed for recommendation to full Council for approval and adoption.

## **28. Wheelchair Accessible Vehicles** (Director of Public Health)

In August 2015 members approved an amendment to the Council's Taxi Licensing Policy to allow cheaper rear loading vehicles to be licensed, having been informed that the cost of purchasing and maintaining these specialist vehicles was much higher than standard saloons but these additional costs could not be recovered directly from wheelchair users as to do so would be discriminatory and unlawful. At that time members requested that officers bring back further options to support the provision of



wheelchair accessible vehicles. Officers had subsequently met with representatives from the town's taxi trade who had advised that most drivers were reluctant to drive wheelchair accessible vehicles due to the purchase costs and the lower number of jobs which could be completed when compared to non-wheelchair fares. The most likely incentive therefore would be to allow the driver to charge a higher fare for these jobs. This could not be paid by the passenger due to the Equality Act and would therefore need to be covered elsewhere. It was suggested that an additional £2 be paid to drivers per wheelchair booking which would equate to approximately £16,000 per year based on rough estimates of around 8,000 wheelchair journeys per year. In addition this commitment would need to be met for 3-5 years in order to make it cost effective for drivers to purchase the vehicles. This could not be funded through licensing income and it was unlikely that any funding stream could be identified elsewhere in the current economic climate.

Members expressed their disappointment at being unable to rectify this situation but acknowledged that the funding could not be guaranteed. They suggested that in future taxi rates overall be increased but the Trading Standards and Licensing Manager felt this would be ineffective as drivers would still take the more cost effective jobs so disabled passengers would not necessarily benefit.

### **Decision**

That the report be noted.

## **29. Any Other Items which the Chairman Considers are Urgent**

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

The Trading Standards and Licensing Manager referred to a recent application by Morrisons for a 7-day extension to their alcohol licence. However should this application be successful they would still be covered by Sunday trading restrictions. Concerns had been raised by a member as to whether this was an attempt by Morrisons to set a precedent that might affect future Sunday trading legislation. The Trading Standards and Licensing Manager was confident that this was not the case and believed this action was being taken for convenience and financial prudence. In the event that Sunday trading laws were relaxed in the future their alcohol licence would already be in place whereas if they did not include Sunday in the current application they would need to submit a further application and pay a fee. He did not believe there was any hidden agenda to this action. In terms of the current application should there be any objections it would be brought to a sub-committee for members' consideration. If there were

no objections it would be approved automatically.

The meeting concluded at 2:45pm

CHAIR

## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

22 December 2015

The meeting commenced at 2.00pm in the Civic Centre, Hartlepool

#### **Present:**

Councillor: Gerard Hall (In the Chair)

Councillors: Jim Ainslie and Steve Gibbon

In accordance with Council Procedure Rule 4.2 Councillor Trisha Lawton was in attendance as substitute for Councillor Sheila Griffin

Officers: Ian Harrison, Trading Standards and Licensing Manager  
Tony Macnab, Solicitor  
Jo Stubbs, Democratic Services Officer

#### **32. Apologies for Absence**

Apologies were submitted by Councillor Sheila Griffin.

#### **33. Declarations of interest by Members**

None

#### **34. Local Government (Access to Information) (Variation Order) 2006**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 35 – (Private Hire Drivers Licence TH) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 1) namely information relating to the financial or business affairs of a particular person (including the authority holding that information)

Minute 36 – (Private Hire Drivers Licence AGH) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 1) namely information relating to the financial or business affairs of a particular person (including the authority holding that information)

Minute 37 – (Hackney Carriage / Private Hire Drivers Licence PCH) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 1) namely information relating to the financial or business affairs of a particular person (including the authority holding that information)

Minute 38 – (Private Hire Drivers Licence AKIM) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 1) namely information relating to the financial or business affairs of a particular person (including the authority holding that information)

### **35. Private Hire Drivers Licence TH** *(Director of Public Health)*

This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual – Para 1.

To consider what action, if any, should be taken against a licensed private hire driver. Further details are provided in the closed minutes.

#### **Decision**

Details provided in the closed minutes.

### **36. Private Hire Drivers Licence AGH** *(Director of Public Health)*

This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual – Para 1.

To consider what action, if any, should be taken against a licensed private hire driver. Further details are provided in the closed minutes.

#### **Decision**

Details provided in the closed minutes.

**37. Private Hire Drivers Licence PCH** *(Director of Public Health)*

This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual – Para 1.

To consider what action, if any, should be taken against a licensed hackney carriage/private hire driver. Further details are provided in the closed minutes.

**Decision**

Details provided in the closed minutes.

**38. Private Hire Drivers Licence AKIM** *(Director of Public Health)*

This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual – Para 1.

To consider what action, if any, should be taken against a licensed private hire driver. Further details are provided in the closed minutes.

**Decision**

Details provided in the closed minutes.

The meeting concluded at 4.30pm.

CHAIR

## LICENSING COMMITTEE

24<sup>th</sup> February 2016



**Report of:** Director of Public Health

**Subject:** LICENSING POLICY AND EARLY MORNING  
ALCOHOL RESTRICTION ORDERS (EMRO's)

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### 1. PURPOSE OF REPORT

- 1.1 To re-consider the feasibility of introducing an Early Morning Alcohol Restriction Order (EMRO).

### 2. BACKGROUND

- 2.1 Committee may recall that in May 2013 Hartlepool became the first licensing authority in the country to formally consider the adoption of an EMRO.
- 2.2 An EMRO requires all alcohol licensed premises, within a designated area, to stop selling alcohol within specified times – for example, an EMRO could be introduced that would prevent premises from selling alcohol in the town centre area between 2:00 a.m. and 6:00 a.m.
- 2.3 The introduction of an EMRO must follow strict procedures, must be evidence based and any final decision to adopt must be made by full Council.
- 2.4 When the EMRO was formally considered in 2013 evidence was presented from Cleveland Police and the Director of Public Health. A large number of objections were received from local licensees and other interested parties from around the country.
- 2.5 After hearing the evidence, the Licensing Committee determined that it was not appropriate, at that time, to recommend the adoption of an EMRO to full Council on the basis that, whilst it may have a positive impact on the prevention of crime and disorder it would also have a detrimental impact on the economic viability of local businesses. A copy of the Licensing Committee's decision is attached as **Appendix 1**.
- 2.6 Since Hartlepool's decision in 2013, no other licensing authority in the country has adopted an EMRO and, at the time of writing this report, it is believed that there are no EMRO's being actively considered anywhere in the country.

- 2.7 On 6<sup>th</sup> November 2014 the Licensing Committee once again considered the option of an EMRO but determined that no further action should be taken.
- 2.8 At its meeting on 22<sup>nd</sup> January 2016 the Safer Hartlepool Partnership formally requested the Licensing Committee to re-visit EMRO's and to determine whether they had a role to play in tackling the consequences of alcohol misuse.

### **3. ISSUES FOR CONSIDERATION**

- 3.1 For a licensing authority to consider the adoption of an EMRO it must first be satisfied that there are recurring alcohol-related problems in a specific area between midnight and 6:00 a.m., that an EMRO is the best option to address these problems and that there is sufficient evidence to demonstrate that an EMRO is appropriate to promote the licensing objectives.
- 3.2 Since the Licensing Act was implemented in 2005 approximately 40% of the late licensed premises in the town centre have closed and violent crime in the area has fallen significantly.
- 3.3 There are currently 14 premises in the town centre area licensed to sell alcohol later than 2:00 a.m. but not everyone makes full use of their permitted hours.
- 3.4 Members will be aware that the current late night culture appears to be one of 'pre-loading' whereby people drink cheap alcohol at home and then travel into the town centre sometime after 11 p.m. – often after midnight.
- 3.5 Anecdotal feedback from the licensed trade and taxi drivers is that business is considerably worse than it was several years ago and that only Saturday night could be classed as a 'busy night'.
- 3.6 Since Hartlepool first considered an EMRO in 2013 only one other local authority, Blackpool, has progressed as far as Hartlepool did. Following a three day hearing they made the same decision as Hartlepool.
- 3.7 At the time of writing this report there are no EMRO's pending anywhere in the UK.
- 3.8 If Committee was minded to re-consider the introduction of an EMRO it would be necessary to demonstrate that it was appropriate to do so taking into account the trends in crime and disorder, the evidenced benefit that an EMRO would produce and the potential negative impact on the local economy (as previously stated by the licensed trade).
- 3.9 As the Safer Hartlepool Partnership has access to the most relevant crime and disorder statistics, Members may feel that it would be appropriate for the Safer Hartlepool Partnership to collate and present evidence of alcohol-related crime and disorder to the Licensing Committee before any further consideration can be given to the matter.

#### **4. RECOMMENDATIONS**

- 4.1 That Members refer the issue of EMRO's back to the Safer Hartlepool Partnership with a request that evidence be presented that demonstrates a need for an EMRO so that the Licensing Committee can give the matter detailed consideration.

#### **5. BACKGROUND PAPERS**

- 5.1 Licensing Committee report and minutes – 7<sup>th</sup> May 2013  
Licensing Committee report and minutes – 6<sup>th</sup> November 2014

#### **6. CONTACT OFFICER**

Louise Wallace  
Director of Public Health  
Hartlepool Borough Council  
Tel: 01429 284030  
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## 4.1 Appendix 1

### Licensing Act Committee Hearing

Tuesday 7<sup>th</sup> May 2013

Members:	Ray Wells (Chair) Paul Beck, Rob Cook, Keith Dawkins, Mary Fleet, Steve Gibbon, Gerard Hall, George Morris and Sylvia Tempest
Purpose of the Hearing:	To consider representations about the likely effect of the making of the proposed Early Morning Alcohol Restriction Order on the promotion of the licensing objectives
Officers present:	Louise Wallace, Director of Public Health Chris Hart, Drug and Alcohol Manager Sylvia Pinkney, Public Protection Manager Ian Harrison, Principal Trading Standards and Licensing Officer Lisa Oldroyd, Community Safety Research and Development Officer Rachel Parker, Community Safety Research Officer Tony MacNab, Solicitor Jo Stubbs, Democratic Services Officer
Others present	<u>Cleveland Police Representatives</u>  Temporary Chief Inspector Lee Rukin Sergeant Jonathan Wrigley PC Andrew Thorpe  <u>National Licensees Representatives</u>  Jim Cathcart, British Beer and Pub Association John Coen, Ford and Warren Nigel Connor and Mark Frankland, J D Wetherspoons John Gaunt and Tim Shield, John Gaunt and Partners Jonathan Smith, Poppleston

## 4.1 Appendix 1

	<p>Allen Rob Summers, Punch Taverns</p> <p><u>Local Publicans</u></p> <p>S Allan, Anthony Andrews, Linda Baker, Richard Coates, Kevin Reid, Darab Rezai, J Smith, Kevin Walker, Michael Walker, Trevor and Debra Wilding</p> <p>Leanne Davis, Durham County Council Pam Rose, Darlington Borough Council</p> <p>T Gilbert and Mark Scott</p>
Decision:	
<p>The Public Protection Manager gave details of the results of the recent public consultation into the making of an Early Morning Alcohol Restriction Order (EMRO) for the town centre area between 2am and 6am. On 17<sup>th</sup> December 2012, following a request from Cleveland Police and the Director of Public Health the Licensing Committee had approved the commencement of a formal 6-week consultation process into an EMRO in the town centre area, defined in the Council's licensing policy as the Cumulative Impact Area (CIA). 13 premises serving alcohol would be affected by this EMRO. 35 representations were received, all of which were appended to the report. Details were given of the statutory guidance surrounding EMROs and various issues for consideration by members. Members were informed of the options available to them following consideration of the evidence.</p> <p>At the commencement of the meeting the Chair read a brief statement as follows:</p> <p>"The purpose of today's meeting is to hear representations concerning the likely effect of making an Early Morning Alcohol Restriction Order on the promotion of the licensing objectives.</p> <p>I would remind everyone that these are: -</p> <p>Prevention of crime and disorder Prevention of public nuisance Public safety Protection of children from harm</p> <p>I am informed that those who submitted representations concerning the process surrounding the initial proposal of the Order were written to and advised that any further submissions concerning the process should be made</p>	

in writing as they would not be permitted at today's hearing.

That is not to say that such submissions will not be considered but rather they will be considered under legal advice at a later stage in this process.

In order to ensure that all parties have an opportunity to speak I will be very firm on this point.

Today's hearing is regulated by the Licensing Act 2003 (Hearings) Regulations 2005 (as amended).

I understand that some parties have indicated that they intend to introduce witnesses to explain certain points so I would ask that you introduce yourself, and your witness, when you are asked to present your representation.

I am mindful that the regulations state that this should take the form of a discussion, led by the authority, and that cross-examination shall not be permitted unless the authority considers that it is required.

If anyone wishes to clarify any points raised by a person who has made representations I ask that they raise their hand and address issues directly to myself as Chair. This may or may not lead to cross examination"

### Cleveland Police

Temporary Chief Inspector Lee Rukin presented the Police case in support of an EMRO which would in his opinion help to combat crime and disorder and promote policing objectives namely to keep people safe, reduce crime and anti-social behaviour and secure financial stability and value for money. Statistical information on crimes in the CIA was given by the Community Safety Research Officer showing that although crime as a whole had fallen since 2005/6 there had been a 12% increase in violent crimes in the CIA between 3am and 6am since 2005, the year in which the Licensing Act and late-night opening came into force. Over a third of crime taking place across Hartlepool between 3am and 6am was happening in the CIA.

Sergeant Wrigley and PC Thorpe went on to give their personal experiences of policing the night-time economy. A number of initiatives had been tried to combat crime and anti-social behaviour in the CIA. These included Direction to Leave notices, drink banning orders, Barred from one, Barred from all, the closure of parts of Church Street to traffic, taxi marshalling and Hartlepool Town Pastors. Temporary Chief Inspector Rukin advised that some of these initiatives had been funded by external sources such as the Safer Hartlepool Partnership and were quite resource intensive in terms of police time and money. Relations between Cleveland Police and the Hartlepool Licensees Association (HLA) were good but not all premises were part of the HLA. In order for police initiatives to work everybody needed to be involved and pushing in the right direction. Temporary Chief Inspector Rukin also explained that the night-time economy was a huge draw on police resources. Although he accepted that this was not part of the licensing objectives it did affect them as without adequate resources on the ground police were unable to promote the licensing objectives as effectively as they might otherwise do. There could also be a knock-on effect on other areas of the town if resources were

concentrated on the CIA to the detriment of outlying areas.

The following issues were raised by members:

- Best Bar None – this was a voluntary quality improvement scheme used successfully in Durham. However despite attempts by Licensing officers to introduce the scheme to Hartlepool there had been virtually no interest from licensees in Hartlepool. Temporary Chief Inspector Rukin explained that while the police would support such an initiative Durham already had 2am closing so the areas were not comparable in terms of night-time economy. He also highlighted that Best Bar None was run by the industry rather than the police and had considerable administrative costs attached to it.
- What evidence was there that crime and anti-social behaviour would have occurred had Direction to Leave notices not been issued? Temporary Chief Inspector Rukin indicated that Direction to Leave notices were issued as the result of an incident inside a licensed premises at which the police were not present. Door staff would hand the individual involved over to the police who would secure them and issue a Direction to Leave notice to cover the rest of that weekend. If the individual's behaviour was more extreme they would be arrested but this was seen as a more severe course of action to take.
- How often did police meet with licensees and were there regular meetings? How were the licensing objectives promoted in conjunction with licensees? Sergeant Wrigley reported that officers would visit licensed premises on Friday and Saturday nights. They would then contact individual premises during the first half of the following week to ascertain any problems or concerns. If incidents were found to be ongoing police would arrange a meeting with representatives of the premises in question and an action plan formulated. Only if this had not worked would a review of the conditions on the licence be sought via Licensing Sub-Committee. Temporary Chief Inspector Rukin was of the opinion that granting the EMRO would not damage the licensing industry in Hartlepool. He felt that the drinking culture had changed in recent years with people tending to come out after midnight. Early closing might encourage people to come out earlier and finish at a more sensible time thereby easing the burden on police resources in the early hours.
- If an EMRO was introduced would the number of officers on duty reduce? Temporary Chief Inspector Rukin advised that the same number of officers would be on duty across the town but could be better utilised if they did not have to concentrate on the night-time economy.
- Do the police close establishments following a major incident? A forced closure was only undertaken in extreme circumstances due to the impact on business and the livelihood of the owner and workers. However voluntary closures had happened in the past. Temporary Chief Inspector Rukin was nevertheless satisfied with the powers available to police to close premises should that be deemed necessary.

## 4.1 Appendix 1

- Would there be enough officers available to deal with a mass of drinkers in the Church Street area at 2am? Temporary Chief Inspector Rukin indicated that the police could cope but he was unable to speak for the taxi trade.
- If people were coming out earlier but drinking for the same amount of time would there really be a reduction in anti-social behaviour? Would the problems between 3am and 6am not just be moved to earlier in the night? Temporary Chief Inspector Rukin felt that an EMRO would not fix the problem but was an additional tool. Early closing would encourage people to start drinking in town rather than preloading on cheap alcohol at home and arrive in town already under the influence. Also the police would be better able to protect the public and promote the licensing objectives before 2am
- Was this a problem with police resources rather than promotion of the licensing objectives? Temporary Chief Inspector Rukin reported that police had the maximum amount of resources available to them til 3am. After this they moved onto the nightshift and concentration on the night-time economy meant they could not engage in proactive work elsewhere. He felt this was no longer sustainable

### Director of Public Health

The Director of Public Health reported an increase in alcohol-related injuries and illnesses over the last 10 years. She acknowledged that health was not a licensing objective but felt that the introduction of an EMRO would help alleviate these problems. Later opening hours meant a longer time period to consume alcohol which could lead to a reduction in public safety and a possible increase in harm to the public. Information supplied by the minor injuries unit showed incidents of assault tended to coincide with the night-time economy and a quarter of these incidents could be linked to licensed premises in Hartlepool.

### Local Licensees

Mr Walker, proprietor of the Little Black Book, confirmed that he was against the introduction of an EMRO due to the effect it might have on his business and others. The Police had acknowledged that crime had reduced significantly so this was not an issue in terms of the licensing objectives. He also noted that there had been no study on any specific premises. He asked whether a reduction in hours might not lead to incidents in crime and anti-social behaviour increasing to what they had been 10 years ago before the Licensing Act 2003 had come into force. Temporary Chief Inspector Rukin acknowledged that crime had dropped in the last 10 years but a third of all crime between 3am and 6am was taking place in the CIA. Mr Walker commented that although this was still a smaller number of crimes overall when compared to 10 years ago but Temporary Chief Inspector Rukin commented that one crime was still too many.

Linda Baker, local proprietor of a licensed premises, felt that reducing hours for the sale of alcohol could lead to threats and abuse to bar staff if premises were open but unable to sell alcohol. This could lead to an increase in police call-

## 4.1 Appendix 1

outs between 2am and 4am. It could also unfairly affect many of her customers who would come for a drink at the end of a nightshift. She advised that there had been no incidents in her establishment over the previous 18 months. Temporary Chief Inspector Rukin felt that it would not make economic sense for licensed establishments to open until 4am if their licence to sell alcohol had run out at 2am, although this would be a decision for the proprietors to make. Ms Baker commented that the introduction of an EMRO would probably lead to the closure of her premises altogether as approximately 80% of her trade would be lost.

Darab Rezai, Chair of the Hartlepool Licensees Association (HLA), spoke against the introduction of an EMRO. He noted that the average age of drinkers in Hartlepool was 18-25 so they did not know any different than late night closing. Members of the HLA worked hard to follow the law and support legislation. By reducing licensing hours to 2am people would be tempted to hold parties at private premises such as garages or warehouses using alcohol cheaply bought at supermarkets. Such gatherings would not be controlled in terms of fire safety, noise pollution and CCTV. Mr Rezai also felt that an increase in parties in houses could lead to health and safety problems and that by drinking in front of young children a generation of binge drinkers could be encouraged. He also referred to the comments by Ms Baker regarding staying open past 2am saying that this could lead to drinkers moving from alcohol to legal highs thereby shifting the problem onto another cause. The HLA were fully supportive of the police's efforts to combat crime and anti-social behaviour in the CIA but felt that an EMRO in that area would just push the problems associated with alcohol away from the centre. He would be minded to support a restriction to 3am but felt 2am was a step too far. The HLA would also be happy to implement Best Bar None.

The following issues were raised by members:

- Would earlier opening hours not lead to people coming out earlier thereby spending more money in licensed premises? Mr Rezai advised that people would be more inclined to go to places with later opening hours such as Sunderland. The HLA's attempts to make drinking a more social activity were being stymied by the availability of cheap supermarket alcohol. This combined with a change in hours could encourage the better element to go elsewhere leaving the troublemakers in Hartlepool
- Concerns had been raised about people turning to drugs and children drinking after seeing their parents do so. Both of these were unfair inaccurate statements. Licensees tended to overcharge for soft drinks thereby encouraging people to drink alcohol. Mr Rezai indicated that soft drinks were charged at the same level as alcohol. He also noted that he had been referring to excessive drinking in front of children and commented that the culture of going for a meal with the family no longer existed.
- Were there any particular issues at Mr Rezai's premises? They operated a rigorous dress code and would bar people where necessary.
- What evidence was there that people would go home at 2am and have

## 4.1 Appendix 1

parties and that this would be detrimental? If such parties were already being held what harm would an EMRO do? Mr Rezai indicated it would lead to an increase in private parties and the associated problems

- What help would the HLA need to introduce Best Bar None? Mr Rezai would take this proposal to his members in order to ascertain whether they would support it.
- Could Mr Rezai suggest any other initiatives the police and licensing department could use? Premises tended to use their own individual initiatives such as barring, dress codes and being anti-drugs and anti-binge drinking.
- If an EMRO was introduced to Hartlepool where would drinkers go as an alternative? Middlesbrough, Newcastle and Sunderland were all open late. An EMRO would encourage more people to travel further afield and adversely affecting Hartlepool's night-time economy. A taxi for a large number of people to go out of town did not cost a lot
- What assurances did members have that the HLA would work to reduce crime and disorder? Mr Rezai had been Chair of the organisation for 2 months and had met with Police and Licensing Department Officers. He assured members he was serious about controlling crime and operating venues properly.
- 40% of licensed premises had closed since the introduction of late opening. Why was this? Mr Rezai believed this was a consequence of supermarkets selling alcohol at prices with which licensees could not compete. Members commented that an EMRO would not affect the price of supermarket alcohol but Mr Rezai indicated that it would put more strain on licensed premises as people would not come out any earlier than they do now.
- Was Hartlepool's reputation in terms of alcohol-related crime and anti-social behaviour justified? Mr Rezai recalled how bad things had been when he had first come to Hartlepool in 1986. Since then there had been improvements but the HLA were keen to make the situation even better. He also noted that when crime and anti-social behaviour had been worse there had been no late opening.
- Was every licensee in Hartlepool opposed to an EMRO? Only 2 of the 50 licensees present at a recent HLA meeting had supported an EMRO and Mr Rezai believed that they were now against it.

Members briefly adjourned the meeting. Upon returning the Chair informed those present that based on the evidence provided thus far they were minded not to approve the introduction of an EMRO

### National Licensees

Jonathan Smith from Poppleston Allen spoke on behalf of the Association of Licensed Multiple Retailers and Stonegate. He reminded members that just as

## 4.1 Appendix 1

when considering whether to grant individual premises a licence there needed to be compelling evidence that an EMRO was appropriate. He referred to the statistical information provided by the police which he felt was incomplete in terms of information on times and days of incidents. However these figures did show a 45% reduction in crime in the CIA between 9pm and 6am since 2004/5. This compared to a 43% fall in crime in areas outside the CIA at those times. Therefore there had been more incidents of crime and anti-social behaviour before the introduction of the Licensing Act suggesting that crime had reduced with the longer opening hours. The Police had asserted that this was not a resources issue but he felt that it was. They had also been unable to confirm whether taxis would be able to cope with a mass exodus at 2am. Mr Smith advised on behalf of his clients that they would be happy to work with the police and council on initiatives such as Best Bar None but felt that an EMRO would be unnecessary and inappropriate based on the statistics provided by the police.

Tim Shield from John Gaunt and Partners spoke on behalf of Marstons. Although his company's premises in Hartlepool would not be directly (remove) be affected by an EMRO they felt it would bring no benefit to Hartlepool. In difficult economic times it would have a detrimental impact on licensed premises, taxis and takeaways. Crime in Hartlepool's CIA had dropped by 55% compared to a 28% reduction nationally. He acknowledged resourcing difficulties being experienced by the police but this was not something members could take into consideration when making their decision. It was the police's job to protect law abiding citizens. Mr Shield's clients would be happy to support any proposed initiatives including Best Bar None.

Nigel Conner spoke on behalf of the J D Wetherspoons legal department. He felt that there was a significant economic risk to Hartlepool's licensed premises should an EMRO be adopted. Police had previously said they were reluctant to close premises for one evening but were asking for permission to close all licensed premises every evening after 2am. This would displace any current problems outside the CIA and lead to a concentrated closing time. Without a gradual dispersion a flashpoint could be created which might lead to problems. The Chair of the HLA was committed and Mr Conner's clients would be happy to support him. An EMRO was a powerful tool which should only be used as a last resort.

Rob Summers spoke on behalf of Punch Taverns. Their only affected premises was the Jacksons Arms which had never been the subject of a review and never had any issues with the police, residents or responsible authorities. An EMRO was a blunt instrument which would affect good and bad premises alike. Five premises had been reviewed over the last 20 months and no reductions in hours had been made but now members were suggesting reducing trading hours for all premises. This was disproportionate and inappropriate. The Jacksons Arms was a well run establishment and it would be unfair to reduce their hours. The police would need to juggle their resources better in the future.

Members retired to deliberate their decision. Upon returning the Chair read the following statement:

"Hartlepool Borough Council does not believe that any level of violence or



## 4.1 Appendix 1

anti social behaviour should be regarded as an acceptable or inevitable consequence of a vibrant night time economy.

The Licensing Committee recognises the significant improvements that have been made to the town centre in terms of reducing violence but will consider the use of every tool made available to it to make Hartlepool's town centre a safer place to live, work and visit.

The Licensing Committee has considered the representations made by all parties and is satisfied that an Early Morning Alcohol Restriction Order could play a role in reducing violence still further but is mindful of the concerns raised by local licensees that a reduction in opening hours, in the current economic climate, could have serious consequences for the viability of their businesses.

The Licensing Committee has determined NOT to recommend the introduction of an Early Morning Alcohol Restriction Order at the current time but intends to revisit the issue next year to establish whether local licensees, and in particular the Hartlepool Licensees Association, have taken responsibility for continuing the previous improvements including an in-depth look at the Best Bar None scheme.

CHAIR

**LICENSING COMMITTEE**

**24<sup>th</sup> February 2016**



**Report of:** Director of Public Health

**Subject:** LICENSING POLICY – PLASTIC BOTTLES

---

**1. PURPOSE OF REPORT**

- 1.1 To consider a request for a restriction on the use of glass bottles in licensed premises.

**2. BACKGROUND**

- 2.1 Members will be aware that the Licensing Committee recently considered and recommended to full Council the adoption of a new Statement of Licensing Principles (a Licensing Policy).
- 2.2 The policy contained, amongst other things, an expectation that applications for new, town centre, late night 'vertical drinking establishment' licences, would include a provision to use plastic glasses after midnight.
- 2.3 The recommended policy was considered and approved by full Council at its meeting on 10<sup>th</sup> December 2015.
- 2.4 During Council discussions a question was asked as to whether the policy could be amended so as to include an expectation that plastic bottles, in addition to plastic glasses, would be used in late night premises.
- 2.5 Licensing policies are a requirement of the Licensing Act 2003 and, whilst a policy can be amended at any time, they must be re-published at least every five years.
- 2.6 There is a formal process that must be undertaken prior to a policy being adopted and published and this would apply to any amendment of the policy also.
- 2.7 This includes widespread consultation, for three months, and consideration at both Licensing Committee and full Council.

- 2.8 The Licensing Committee must consider whether a requirement for plastic bottles is appropriate for the promotion of the licensing objectives and, if so, whether work should be commenced on the drafting of a new policy.

### **3. ISSUES FOR CONSIDERATION**

- 3.1 The licensing policy, approved by full Council on 10<sup>th</sup> December 2015 and which took effect in January 2016, places an expectation on applicants for new late town centre licences to use plastic glasses after midnight.
- 3.2 The policy makes no reference to plastic bottles and this was raised during discussions at full Council on 10<sup>th</sup> December.
- 3.3 Whilst it is possible to begin the process of amending the new policy to include plastic bottles, any amendment would be, by virtue of the statutory procedures that must be followed, a long and resource intensive process.
- 3.4 Plastic bottles are not in common use as they can have a detrimental impact on the product – for example reducing its shelf life. As such, any potential amendment to the licensing policy would not, necessarily, be straightforward as many bottled drinks commonly available could not comply with such a policy requirement.
- 3.5 As many popular drinks are not available in plastic bottles, the alternative could be for them to be decanted into plastic glasses. This would no doubt be an unpopular step as many drinks are designed, and marketed, to be drunk from the bottle itself. Whilst this should not stop such a requirement being imposed, if it is considered appropriate, it would likely result in objections which would, in turn, make the process of adopting a new policy, for this one issue, more onerous.
- 3.6 As licensing policy's are not entirely prescriptive, with every licence application being considered on its own merits, the adoption of a plastic bottle condition in a new policy would not, in itself, compel all relevant licensees to begin using plastic bottles.
- 3.7 The imposition of conditions onto any alcohol licence must be appropriate for the promotion of the Licensing Act's licensing objectives and, unless volunteered by the applicant, can only be imposed onto a licence by a licensing sub-committee if one or more representations (objections) are received.
- 3.8 If considered appropriate, a condition, such as the requirement to use plastic bottles, can already be added to a licence whether or not it is mentioned in the licensing policy.
- 3.9 As the opportunity to impose a plastic bottle condition applies to all licences, whether or not it is detailed in the Council's licensing policy, it is proposed that it would not be appropriate to begin the process of publishing a new policy for

this single issue but rather that it be added at a later date when a more fundamental review of the policy is required.

**4. RECOMMENDATIONS**

- 4.1 That Members note the contents of this report and agree that any requirement for alcohol to be supplied in plastic bottles be held over until the licensing policy is next reconsidered.

**5. BACKGROUND PAPERS**

- 5.1 There are no background papers to accompany this report.

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**LICENSING COMMITTEE**

**24<sup>th</sup> February 2016**



**Report of:** Director of Public Health

**Subject:** TAXI LICENSING POLICY

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**1. PURPOSE OF REPORT**

- 1.1 To consider a draft new Taxi Licensing Policy.

**2. BACKGROUND**

- 2.1 Hartlepool Borough Council is the statutory licensing authority for hackney carriage and private hire vehicles, drivers and operators that work within the borough.
- 2.2 The Council has a policy (a Taxi Licensing Policy) that details the standards that are expected of drivers, vehicles and operators in order to ensure the safety and comfort of the travelling public.
- 2.3 The current policy has been in place, with only minor amendments, since 2006.
- 2.4 Due to recent changes to the law, the current policy needs to be amended again, and it is proposed that this be used as an opportunity to undertake a more fundamental review of the policy as a whole.
- 2.5 The proposed draft policy is attached as **Appendix 1**.
- 2.6 Once provisionally approved by this Committee, the draft policy will be advertised for consultation between 1<sup>st</sup> March 2016 and 31<sup>st</sup> May 2016 and will then be brought back to this Committee for further consideration at its next available meeting.

**3. PROPOSALS**

- 3.1 The draft policy addresses a number of issues – some of which are as a result of recent legislative changes whilst others are in response to local concerns. The most significant amendments to the policy are detailed below: -

### 3.2 Three Year Driver Licences

3.3 The Deregulation Act 2015 introduced a requirement for taxi licensing authorities to offer three year driver licences in addition to the current one year option.

3.4 As police checks are already carried out on a three yearly basis, it is not anticipated that this will have any detrimental impact on the Council's ability to effectively license drivers.

### 3.5 Five Year Private Hire Operator Licences

3.6 Again, as a result of the Deregulation Act 2015, licensing authorities must offer the option of five year licences for private hire operators. Currently, operator licences must be renewed annually.

3.7 This will not detrimentally impact on the Council's ability to effectively license private hire operators.

### 3.8 Right to Work

3.9 The Immigration Bill will require taxi drivers to prove to a licensing authority that they have a legal right to work in the UK before a licence can be granted.

3.10 The draft policy includes a requirement for applicants to provide the licensing authority with the relevant documentation as required by law.

### 3.11 Child Sexual Exploitation

3.12 The Committee will be familiar with the issues of Child Sexual Exploitation (CSE) that were recently highlighted by the Rotherham and Rochdale cases.

3.13 Taxi drivers have a unique role to play in transporting the general public and this can give them a valuable insight into illegal activity, such as CSE, that may be taking place.

3.14 The draft policy includes a requirement that all *new* hackney carriage and private hire drivers must undertake approved CSE awareness training before a licence can be issued so as to equip them with the knowledge and skills to identify signs of potential abuse and how they should respond.

3.15 It is also proposed that all *existing* drivers must complete the awareness course within one year of the new policy taking effect.

3.16 As this is an awareness raising issue, and ultimately will be dependent upon an individual driver's willingness to report suspicious activity to the appropriate authorities, it is not proposed that there will be any requirement for ongoing or periodic refresher training.

- 3.17 The Trading Standards & Licensing Manager is currently working with Barnardo's to develop a taxi specific on-line CSE awareness programme and it is expected that this will become available nationally around April 2016.

**3.18 Magnetic Roof Signs**

- 3.19 The draft policy encourages drivers and vehicle owners to operate in an environmentally friendly way.
- 3.20 One long standing requirement in the current policy is that all hackney carriage vehicles must have a one metre wide 'Taxi' roof sign permanently fixed to the vehicles roof.
- 3.21 A number of hackney carriages regularly carry out contract work that may take them out of Hartlepool on a regular basis – often travelling many 'motorway' miles each day.
- 3.22 The current requirement for a fixed roof sign essentially creates a wind barrier on the vehicle, reducing its fuel efficiency and thereby increasing its detrimental impact on the environment.
- 3.23 As the purpose of a roof sign is to allow the public to identify a hackney carriage that is immediately available for hire, the need for a roof sign to remain fixed to a vehicle when it is not available for hire is not entirely obvious.
- 3.24 It is recognised that there is much value in having a policy that requires the permanent display of a 'Taxi' roof sign as it allows for the clear identification of hackney carriages by the general public who can then distinguish between licensed taxis from non-licensed vehicles.
- 3.25 Any proposed amendment to the current policy must balance the need to ensure that the public can easily recognise a hackney carriage when they need one whilst not imposing unnecessary burdens on taxi drivers.
- 3.26 It is therefore proposed that magnetic roof signs be permitted but they must be displayed on a vehicle at all times unless the driver is undertaking a pre-booked journey that takes the vehicle outside of Hartlepool.
- 3.27 The option of using a magnetic sign would be an allowance that could be withdrawn from any driver who was not able to demonstrate, when required, that their vehicle was, at that time, undergoing a pre-booked journey that was taking them outside of Hartlepool.
- 3.28 This would ensure that hackney carriages continued to carry the 'Taxi' roof sign on almost all occasions and the general appearance of a licensed hackney carriage for the general public would not be significantly be affected.

### 3.29 Tinted Windows

- 3.30 Members may feel that it is reasonable and proportionate to take steps to ensure that children and young people remain visible once they have entered a licensed vehicle – or to put it another way, that they do not become *invisible*.
- 3.31 The proposed policy contains a requirement that new licensed vehicles must not have tinted windows beyond a certain degree of tint (i.e. they must allow a minimum amount of light to pass through the glass).
- 3.32 There are legal restrictions that apply to all motor vehicles, whether being used as licensed vehicles or not, whereby the front windscreen must allow a minimum of 75% light to travel through the glass, and the front windows must allow a minimum of 70% through.
- 3.33 There are no legal restrictions on rear passenger windows and, as such, manufacturers produce cars that have significant tinting in the rear.
- 3.34 The adoption of a licensing policy that contains tinting restrictions for rear glass could therefore have a significant impact on the range of vehicles available for taxi owners to purchase and, as it is usually the higher specification vehicles that carry more tinting, a restriction could result in a lower overall specification of vehicles being licensed in future.
- 3.35 The Committee should also be advised that the coalition government, when in power, criticised licensing authorities for over-regulating and specifically highlighted the control of window tinting as an example of ‘over regulation’. This has not escaped the attention of national taxi organisations and therefore it is possible that the adoption of tinting restrictions could lead to a legal challenge.
- 3.36 Many licensing authorities, including the other Tees Valley authorities, already have restrictions on tinted windows although, nationally, there is no ‘common’ approach.
- 3.37 It is for the Licensing Committee to determine whether introducing a window tinting restriction on licensed hackney carriage and private hire vehicles is a reasonable and proportionate measure to protect the interests of the travelling public.

### 3.38 Medical Certificates

- 3.39 At present, all licensed drivers are required to undertake and pass a Group 2 medical examination. The Council’s current policy requires the doctor who is carrying out the examination to have had access to the driver’s previous medical records so that they can make an informed decision about the driver’s fitness.



- 3.40 The policy also exempts drivers from this requirement if they have an HGV drivers licence as, in order to obtain such a licence, they too must have passed a Group 2 medical examination.
- 3.41 The significant difference between a medical examination to comply with this Council's policy and the examination required to obtain an HGV drivers licence is that, for a taxi drivers licence, the doctor must have had access to the driver's medical records. There is no such requirement for HGV medicals and, instead, the doctor is able to rely on the driver's honesty to disclose any previous medical conditions.
- 3.42 Members will be familiar with the Glasgow bin lorry incident where a significant contributory factor was that the driver concerned had not fully disclosed his previous medical history.
- 3.43 It is therefore proposed that the new taxi licensing policy removes the current exemption for holders of HGV licences and, instead, requires all applicants to provide a Group 2 medical certificate, completed by a doctor who has had access to the driver's medical records.

#### **4. RECOMMENDATIONS**

- 4.1 That Members consider the draft Taxi Licensing Policy and approve the commencement of a consultation process.

#### **5. BACKGROUND PAPERS**

- 5.1 There are no background papers to accompany this report.

#### **6. CONTACT OFFICER**

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# **PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING POLICY**

APPROVED BY HARTLEPOOL BOROUGH COUNCIL

Date XXXXXXXX

CONTENTS		PAGE
	Introduction	1
	Driver Licences	6
	Vehicle Licences	16
	Private Hire Operators	18
	APPENDICES	
1	Hackney Carriage By-laws	
2	Private Hire Driver Conditions	
3	Code of Good Conduct for Licensing Drivers	
4	Driver's Dress Code	
5	Hackney Carriage Vehicle Conditions	
6	Private Hire Vehicle Conditions	
7	Limousines and Novelty Vehicles	
8	Private Hire Operator Conditions	

# 1. INTRODUCTION

- 1.1 Hackney carriages and private hire vehicles play an important part in the provision of local transport. They provide a flexible form of public transport and can play an increasingly important role in improving accessibility. They are also used by all social groups.
- 1.2 **The purpose of the Local Authority when licensing hackney carriages and private hire vehicles, drivers and operators is to protect the public.** Hartlepool Borough Council ("The Council") is aware that the public should have reasonable access to safe and comfortable hackney carriages and private hire vehicles because of the role they play in local transport provision.
- 1.3 A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to "ply for hire". This means that it may wait at designated taxi stands or be hailed in the street by members of the public in addition to being pre-booked.
- 1.4 Private hire vehicles must also have no more than 8 passenger seats but they must be booked in advance through an operator and may not ply for hire in the street.
- 1.5 Local authorities are responsible for the licensing, administration and enforcement of hackney carriages and private hire vehicles in their areas.

## **Powers and Duties**

- 1.6 The Council has adopted Part 2 of The Local Government (Miscellaneous Provisions) Act 1976. This legislation, together with the provisions of The Town Police Clauses Act 1847, places on the Council the powers and duties to carry out licensing functions in respect of hackney carriage and private hire licensing. As such the Council is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles. This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.

## **Licensing Objectives**

- 1.7 The objectives of this Policy are as follows:
- a) To protect the interests of the travelling public, and others who may be affected by licensed activities, by:
    - i) Ensuring that the drivers of such vehicles and private hire operators are "fit and proper" persons.
    - ii) Ensuring that safe, clean, reliable and accessible hackney carriage and private hire vehicles are available for all who require them.
  - b) To provide clarity for licensees with regard to the Council's expectations

- and the decision making process.
- c) To encourage environmental sustainability.
- d) To encourage high standards of professionalism in the hackney carriage and private hire trade

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

- a) Hackney carriage driver
- b) Hackney carriage vehicle
- c) Private hire driver
- d) Private hire vehicle
- e) Private hire operator

### **Licensing Methods**

1.9 The methods the Council shall use are as follows:

- a) Setting the standards for the licensing of drivers, vehicles and operators.
- b) Annual licensing and routine inspection of vehicles, with appropriate follow up action.
- c) Routine inspection of insurance policies and Certificates of Compliance / MOT certificates, with appropriate follow up action.
- d) Checks of driver's medical health, criminal record, driving ability and knowledge of the Borough.
- e) Investigation of complaints with appropriate follow up action.
- f) Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees.
- g) Liaison with the hackney carriage and private hire trade by way of open meetings.
- h) Taking enforcement and/or disciplinary action including the issue of prosecution proceedings, verbal and written warnings, simple cautions, suspension or revocation of licences for breaches of legislation, conditions or this policy.
- i) Conditions added to licences.
- j) The issue of guidance notes.

1.10 When considering applications and taking enforcement action the Council is subject to the Regulatory Compliance Code, the Council's Enforcement Policy and the Code for Crown Prosecutors.

### **Best Practice Guidance**

1.11 In formulating this Policy the Council has considered the best practice guidance issued by the Department for Transport and other organisations.

### **Status**

1.12 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy and the objectives set out above.

- 1.13 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from the Policy, clear and compelling reasons will be given for doing so.

### **Implementation and Review**

- 1.14 This Policy will take effect from **XXXX 2016**. From the effective date, this Policy will override and supersede all existing policies in relation to the licensing of private hire and hackney carriages, their drivers and operators.
- 1.15 The Council will keep this Policy under review and will consult where appropriate on proposed revisions.
- 1.16 When this Policy is implemented, the Council will require licence holders to comply with its terms immediately or, where appropriate, from the renewal of a current licence. Where it is not possible to comply with part of the Policy due to an outstanding action required by the Council information will be provided as to an implementation date for that part.
- 1.17 Vehicles licensed under any previous licensing policy may have their licences renewed without having to comply with any new requirements imposed by this policy where to do so would be uneconomic or impractical.
- 1.18 After the introduction of this Policy, the Council may make decisions, which change the content of this Policy. The changes may either have immediate effect or come into effect on a given date. This Policy document will be regularly updated to reflect these changes. Amended copies of the Policy will be available from the Licensing Office and via the internet.

### **Consultation**

- 1.19 In preparing this Policy the Council has taken into account the views of:
- |                       |   |
|-----------------------|---|
| a) Licensees          | b) Cleveland Police                     |
| c) Planning Authority | d) Safeguarding Children's Board        |
| d) Disability Groups  | e) School Transport Division            |
| f) Service Users      | g) North East Strategic Licensing Group |
- 1.20 The Council will also consult with other organisations when necessary.

### **Partnership Working**

- 1.21 The Council will work in partnership with the following agencies and individuals to promote the policy objectives:

- |  |   |
|--|---|
| a) Local Hackney Carriage and Private Hire Trade | b) Cleveland Constabulary               |
| c) Local Transport Authorities and Committees    | d) Planning Authority                   |
| e) Local Residents                               | f) Disability Groups                    |
| g) Service Users                                 | h) Tees Valley Licensing Group          |
| i) HM Revenue and Customs                        | j) Department of Work and Pensions      |
| k) Other Council Departments                     | l) North East Strategic Licensing Group |

### **Related Policies and Strategies**

- 1.22 This Policy will be integrated with local planning, transport, tourism, equality and cultural strategies, and other plans introduced for the management of the Borough and night-time economy.
- 1.23 The Council as a member of the Tees Valley Licensing Liaison Group will work with the other council representatives to seek harmonisation of policies and conditions, where applicable, across the Tees Valley. The Council will also work in partnership with other agencies including those referred to in paragraph 1.21 above.

### **Equality**

- 1.24 The Council is committed to ensuring equality in employment and service delivery. To achieve the above standard the Council is aware of its duties under the Equality Act 2010 and the Human Rights Act 1998.

### **Duties and Obligations under the Equality Act 2010**

- 1.25 The Equality Act 2010 consolidates the legislation previously set out in the Disability Discrimination Act 1995 and the Disability Discrimination Act 2005 to increase access to transport services and infrastructure by disabled people. Those who provide transport services by way of Hackney Carriages and Private Hire vehicles are advised to contact the Equality and Human Rights Commission for further information and advice on avoiding discrimination.
- 1.26 It is a requirement of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment so as to transport passengers in wheelchairs safely and in reasonable comfort at all times. Any vehicle proprietor found in breach of this may be disciplined.
- 1.27 Licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without any additional

charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply for an exemption from the duty on medical grounds. A medical certificate must be provided, at the drivers expense, from the drivers own GP stating the details of their medical condition. A register will be kept of those drivers exempted. **Persons who breach duties may be guilty of a criminal offence.**

- 1.28 Further information is available from the Equality and Human Rights Commission at [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### **Duties and Obligations under the Human Rights Act 1998**

- 1.29 Article 1 of Protocol 1 of the European Convention of Human Rights confers on Individuals (and companies) the Right to Peaceful Enjoyment of their possessions and the Protection of Property. Once granted, a Licence is a possession and no one can be deprived of his property or have controls put on his property except where the action is permitted by law and justifiable in the public or general interest.
- 1.30 When considering matters relating to the grant, revocation, renewal or refusal of licences and the placing of conditions on licences, the Council must consider whether the decision affects an individual, group or company's Human Rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition consideration must be given to whether the interference is proportionate.

### **Crime and Disorder Act 1998 Section 17**

- 1.31 Section 17 of the Crime and Disorder Act 1998, places a duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.



## 2. DRIVER LICENCES

### Essential Requirements

- 2.1 The Council issues licences for Private Hire and Hackney Carriage drivers. In addition drivers may hold both licences and these are referred to as Dual licences.
- 2.2 Licences are issued (or renewed) subject to proof of eligibility, which is: -
- a) Appropriate driving licence,
  - b) Driving assessment (DVSA 'taxi test'),
  - c) Evidence of having a right to work in the UK
  - d) Knowledge/locality test,
  - e) Enhanced criminal records check,
  - f) Medical assessment,
  - g) Approved evidence of awareness of child and adult safeguarding issues
- 2.3 The statutory and practical criteria and qualifications for each licence are broadly identical and therefore the following requirements will apply to all driver licences. However where differences exist between the licensing regimes reference will be made to it in this policy.
- 2.4 **At all times, the Council's legitimate aim is to protect members of the public who are using vehicles and drivers licensed by the Council and thus if the documentation produced does not satisfy the Council then the application will be refused.**

### Driving Experience

- 2.5 An applicant for the grant of a hackney carriage or private hire driver licence must have held a full DVLA driving licence for a period of at least 12 months before an application for the grant of a driver's licence will be accepted. This is a legal requirement under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976. Full driving licences issued by EEA states will also count towards this qualification requirement and equal recognition will also be given to Northern Ireland driving licences.
- 2.6 In addition applicants are required to have passed the Driver and Vehicle Standards Agency (DVSA) Hackney Carriage/Private Hire Test Assessment and produce the original pass certificate. The Driver & Vehicle Standards Agency can also carry out an enhanced test for wheelchair accessible vehicle drivers and a separate wheelchair exercise for drivers who have already passed the normal taxi test for saloon drivers.

### DVLA Driving Licences

- 2.7 In order to be satisfied that an applicant has a current DVLA driving licence and also to be aware of any penalty points on the licence, the Council will require access to the DVLA on-line licence checking system.
- 2.8 The DVLA requires the holder of the licence to give permission for access to driver records by providing the Council with a unique access code provided by the DVLA. Therefore, all drivers wishing to be licensed as a hackney carriage or private hire driver must either provide written consent or present to the Council an acceptable unique access code to allow their DVLA driving licence to be checked prior to a licence being approved.
- 2.9 For drivers other than those wishing to work within the taxi and private hire trade a valid driving licence issued anywhere within the European Union (EU) or European Economic Area (EEA), may be used by the licence holder until the age of 70, or for up to three years from the time they become resident in Great Britain (whichever is longer). After three years it must be exchanged for a GB licence. EU licences can only be renewed in the country in which the holder is resident. If a driver holds a licence from another EU country and renews it in Britain, it will be converted to a UK licence.
- 2.10 Any driver holding an EEA/EU driving licence will be required to exchange this licence for a photo card licence issued by the DVLA prior to the grant or renewal of Hackney Carriage or Private Hire driver licence.

### **Right to Work**

- 2.11 The prevention of illegal migrant working in the UK is governed by legislation that may change from time to time. The Council will undertake the necessary checks required to comply with such legislation.
- 2.12 All applicants for a private hire operator and/or a private hire and hackney carriage driver licence will be required to prove that they have a right to work in the UK before being considered for a licence. In doing so, the Council may seek information regarding the immigration status of an individual from the relevant Agency.
- 2.13 For British applicants without a current British passport, a birth certificate which includes the name(s) of at least one of the holder's parents and proof of National Insurance number is required.
- 2.14 Applicants from Switzerland or one of the EEA countries have the right to work in the UK providing they can provide evidence of their right to work in the UK.
- 2.15 Applicants who are non EU nationals will have to provide proof of a right to work in the UK, a residence card and a passport before any application can be accepted.
- 2.16 **A licence will not be granted until an applicant is able to prove they**

**have a right to work in the UK. Checks will be made at each renewal process. All documentation will be copied and kept on the applicant's personal file. The responsibility to prove a right to work lies entirely with the applicant.**

### **Language Proficiency**

- 2.17 Applicants who cannot demonstrate a reasonable level of spoken English may be required to undertake an assessment of their spoken English. This assessment will be undertaken by an Authorised Officer at the Council offices.

### **Applicants Who Have Spent Time Abroad**

- 2.18 If an applicant is newly resident in the UK they must still apply for an enhanced DBS check regardless of the period of time they have spent in the UK.
- 2.19 Where an applicant has spent 3 months or more living abroad or has not lived in the UK for a continuous six year period at the time of the application, an enhanced DBS disclosure in itself will usually be insufficient to satisfy the Council that the applicant is a fit and proper person. This is because the DBS does not routinely provide criminal record information from non UK countries. These applicants will be required to provide a Certificate of Good Conduct or an equivalent document, translated into English by a recognised, impartial body, from each country where they have been living. Any costs incurred must be met by the applicant.
- 2.20 A Certificate of Good Conduct or equivalent document is an extract from the judicial record or administrative authority in the relevant country testifying to good conduct and/or to any criminal convictions recorded against the individual. The Council will take advice from the DBS in identifying the appropriate authority where available.
- 2.21 The Council may approach the relevant Embassy or appropriate body directly to verify documents provided. Any costs involved must be met by the applicant.
- 2.22 The applicant is advised that the Council may require the submission of additional information with the application e.g. verifiable references from former employers and persons in positions of trust, which may demonstrate that they are a fit and proper person.
- 2.23 Existing licensed drivers must notify the Council in writing when they intend to leave the country for an extended period of 3 months or more. They must also notify the Council on their return and complete a statutory declaration on the form provided by the Council.
- 2.24 Information concerning Certificates of Good Conduct can be obtained by contacting the Council's Licensing Team.

## Disclosure and Barring Service and Criminal Records

- 2.25 The Disclosure and Barring Service (DBS) helps employers and others make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.
- 2.26 The DBS are responsible for:
- a) processing requests for criminal records checks
  - b) deciding whether it is appropriate for a person to be placed on or removed from a barred list
  - c) placing or removing people from the DBS children's barred list and adults' barred list for England, Wales and Northern Ireland
- 2.27 Any person who is on the DBS Barred List will be deemed to be **not** a fit and proper person to hold a private hire and/or hackney carriage driver licence.
- 2.28 A criminal record check on a driver is an important safety measure for all drivers. Enhanced Disclosure through the DBS is required (applied for through the Council's Licensing Office). Enhanced disclosures include details of spent and unspent convictions, police cautions and Police intelligence.
- 2.29 The Rehabilitation of Offenders Act 1974 does **not** apply to applicants for hackney carriage or private hire driver licences by virtue of the Rehabilitation of Offenders Act 1974 (Exception) Order 1977 and therefore applicants are required to disclose all convictions, including those that would normally be regarded as spent.
- 2.30 Before an initial application for a driver's licence will be considered, the applicant must apply for an Enhanced Disclosure of criminal convictions through the Council. The application will not be determined until the results are received. DBS checks are generally not portable and only DBS checks applied for through Hartlepool Council's Licensing Team will be accepted unless an applicant registers with the Disclosure & Barring Service (DBS) Update Service for both Child and Adult Workforce criteria.
- 2.31 The Council is a Body registered with the DBS and can apply for the Disclosure at the applicant's request subject to the appropriate fee. Guidance notes (including proof of identity requirements) are available from the Licensing Office. The Council is bound by rules of confidentiality.
- 2.32 The disclosure report will be sent to the applicant's home address. The Council will NOT receive a copy of the report and the applicant must produce the entire original copy of the DBS certificate to the Licensing Office. **Photocopies or part disclosures will not be accepted.**
- 2.33 Once a copy has been received it will be referred to an Authorised Officer for checking and if satisfactory, it will be returned immediately. If

an officer is not available, the DBS disclosure will be securely stored until an Authorised Officer is able to check it, after which it will be returned to the applicant.

- 2.34 Any applicant for a new licence or renewal of licence is required to provide details of all criminal, motoring and licensing convictions including fixed penalties, spent convictions and cautions. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council (s.57 Local Government (Miscellaneous Provisions) Act 1976).
- 2.35 The application must be completed within 6 months of the issue date of the DBS certificate. If the DBS check is more than 6 months old the applicant will be required to obtain a new one before the application can be completed unless the applicant is registered through the DBS Update Service.
- 2.36 Applicants for renewal of a driver's licence are required to provide a suitable criminal record check through the DBS every three years or sooner if required to coincide with the renewal of a licence.

#### **Relevance of Convictions, Cautions and Conduct**

- 2.37 In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its own merits and will have regard to its adopted guidelines on the relevance of convictions which is available on request.

#### **Driver Knowledge/Locality Test**

- 2.38 In order to determine the fitness of a person to hold a licence, all applicants are required to sit and pass a test on their knowledge of licensing legislation, the local geography, driver conduct/conditions, Highway Code and awareness of Child Sexual Exploitation/ Safeguarding. Tests for hackney carriage drivers include the location of hackney carriage stands and knowledge of tariffs and charges. A driver licence will not be issued without the applicant first passing the knowledge test.
- 2.39 The fee for one knowledge test is currently included in the fee for a licence. If an applicant fails to pass the test, a further fee will be charged for every subsequent test. Applicants are not permitted to sit a re-test without payment of the fee.
- 2.40 **Should an applicant fail to pass the knowledge test within five attempts, they will be required to wait for a period of at least six months before a further test may be re-booked.** This should provide the applicant with sufficient time to develop the necessary knowledge required in order to successfully undertake the knowledge test.
- 2.41 If an applicant fails to attend a test or attends late, a further test shall be required for which a charge will be made.

## Medical Assessment

- 2.42 Under s.57 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may require an applicant for a hackney carriage or private hire drivers licence to produce a medical examination report signed by a registered medical practitioner, who must have had access to the applicant's medical records, to the effect that (s)he is physically fit to be a driver of such a vehicle. The Council requires a medical examination report upon an initial application for a licence. In addition the Council may require an applicant to submit to examination by a registered medical practitioner selected by the Council as to his/her fitness to be a driver of a hackney carriage or private hire vehicle.
- 2.43 In line with DVLA recommendations, the Council applies the DVLA Group II driver standard for medical fitness for hackney carriage and private hire drivers. This is a higher medical standard than that required of drivers of other motor vehicles and is required due to the length of time the driver may spend at the wheel and the responsibility they have for the safety of their passengers and the public. In addition drivers may have to assist disabled passengers and handle luggage.
- 2.44 The applicant is responsible for paying the fee for the examination. If necessary the GP may return the completed form direct to the Licensing Office. The medical certificate will be valid for a period of 6 months after which, if the drivers licence has not been issued, either a new medical certificate or a letter from the GP who carried out the original assessment confirming that there has been no change in the medical fitness of the applicant will be required. Once the medical is 12 months old a letter will not be accepted and a new medical will be required.
- 2.45 The medical practitioner must confirm that:
- a) they have examined the applicant;
  - b) the applicant is registered with the practice; and/or
  - c) they have had full and complete access to the applicant's medical records;
  - d) the medical examination was carried out to the Group II standard;
  - e) (s)he considers the applicant to be fit to act as the driver of a hackney carriage or private hire vehicle in accordance with this standard.
- 2.46 Applicants aged over 45 years must provide evidence of their medical fitness to hold a licence every five years and once they reach the age of 65 years an annual medical will be required.
- 2.47 If a driver has a medical condition that requires notification to the DVLA e.g. sleep apnoea they **must** also notify the Council in writing at the same time that DVLA is notified.
- 2.48 In addition to the above requirements where a driver suffers from a

condition that requires monitoring but would not prevent him/her from driving (s)he is required to provide written confirmation from his GP or consultant, as recommended by the DVLA standards, each year that s/he remains fit to carry out the duties of a driver and/or may be required to submit an annual medical.

- 2.49 If the Licensing Authority is not satisfied as to the medical fitness of an applicant a hackney carriage or private hire drivers licence will not be granted. If the Licensing Authority is not satisfied as to the medical fitness of a licensed hackney carriage or private hire driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under s.61 Local Government (Miscellaneous Provisions) Act 1976. This suspension may also be undertaken in accordance with s.52 of the Road Safety Act 2006 on the grounds of public safety. This means that the suspension takes immediate effect and although the driver may appeal they are unable to drive pending the appeal.
- 2.50 If the Licensing Authority has reason to suspect that a licensed driver may not be fit to continue to drive a licensed vehicle, the driver must undertake any reasonable test or medical examination as is required, within a reasonable time, as directed by the Licensing Authority.

#### **Child Sexual Exploitation**

- 2.51 In 2016 a requirement was imposed that all hackney carriage and private hire drivers must undergo approved training on the issue of Child Sexual Exploitation.
- 2.53 All new applicants shall be required to provide the licensing authority with evidence that this training has been completed and, for existing drivers, evidence must be provided no later than August 2017.
- 2.54 Any driver who fails to provide such evidence by August 2017 may have their licence suspended/revoked.

#### **Term of Licence**

- 2.55 All driver licences will be valid for a maximum period of up to 3 years or such lesser period as the Council thinks appropriate.

#### **Conditions of Licence**

- 2.56 The legislation does not permit the Council to attach conditions to a hackney carriage driver's licence. Hackney carriage drivers will however be subject to the Council's byelaws which are detailed at **Appendix 1**.
- 2.57 The Council's conditions in respect of private hire drivers are detailed at **Appendix 2**.

#### **Code of Good Conduct**

- 2.58 This serves to promote the Council's licensing objectives (paragraph 1.7

(a) and (d) of this policy) in respect of hackney carriage and private hire licensing. The Code of Good Conduct will be taken into consideration in disciplinary matters. The Code of Conduct is attached at **Appendix 3** to this policy.

### **Driver's Dress Code**

- 2.59 A dress code serves to enhance the professional image of the hackney carriage and private hire trade, and promotes the concept that drivers of licensed vehicles are vocational drivers. In order to raise the profile of the licensed trade, drivers should operate, at all times in a professional manner and conform to a minimum standard of dress. The Council's Dress Code for licensed drivers is detailed at **Appendix 4**. Failure to comply with the Dress Code may be taken into consideration in disciplinary matters.

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### 3. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

#### Essential Requirements

- 3.1 Before granting a vehicle licence the Council must be satisfied that the vehicle meets the following criteria:
- a) Is suitable in type, size and design for use as a licensed vehicle.
  - b) Is in a suitable mechanical condition.
  - c) Is safe.
  - d) Is comfortable.
  - e) Complies with all statutory requirements applicable to that vehicle
- 3.2 Prior to being licensed, and in order to demonstrate to the Council that all of the above requirements are met, the applicant must be able to satisfy the Council that the vehicle complies with all of the criteria detailed in Appendix 5 for hackney carriages and Appendix 6 for private hire vehicles.

#### Term of Licence

- 3.3 All vehicle licences will be valid for a maximum period of up to 12 months or such lesser period as the Council thinks appropriate.

#### Conditions of Licence – Vehicles

- 3.4 The conditions that apply to a vehicle once it has been licensed are detailed in **Appendix 5** (Hackney Carriages) and **Appendix 6** (Private Hire Vehicles).

#### Documents

- 3.5 A vehicle licence will only be issued where the vehicle has evidence of valid:
- i) V5 registration document (in the case of a new vehicle a sales invoice/documentation will suffice but the registration document must be produced within six weeks of the licence being issued)
  - ii) Road Fund Tax.
  - iii) Vehicle insurance certificate.
  - iv) Public Liability insurance certificate (minimum of £5 million).
  - v) Certificate of Compliance issued by Council's in house testing station.
  - vi) MOT certificate (if required by law)

#### All documentation produced must be an original document

- 3.6 Before, or on, the date a licence is required (including renewal), each of the above certificates shall be produced to an Authorised Officer.

#### Surrender and Grant of Licences

- 3.7 If a proprietor wishes to change the vehicle to which a licence relates (i.e. to change the vehicle but retain the vehicle licence number), the following procedures must be followed: -
- a) (S)he must complete an application form for the “new” vehicle.
  - b) (S)he must pay the relevant transfer fee.
  - c) (S)he must return the plates from the previous vehicle.
  - d) The new vehicle must be presented for test and subsequently pass.
  - e) (S)he must produce evidence of insurance and all other required documentation.
- 3.8 The expiry date on the “new vehicle” licence will be the same as the current vehicle licence
- 3.9 Once surrendered the vehicle will not again be licensed by the Council unless it is under 4 years of age at the time the next application is made (or less than 5 years in respect of purpose built wheelchair accessible vehicles).

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## **4. PRIVATE HIRE OPERATORS**

### **Requirements and Obligations**

- 4.1 Any person who operates private hire vehicles must apply to the Council for a private hire operator licence. The objective in licensing private hire operators is to ensure the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.
- 4.2 A private hire vehicle may only be despatched to a customer by a private hire 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 private hire vehicle.
- 4.3 A private hire operator must ensure that every private hire vehicle despatched by him is licensed and driven by a person who holds a private hire driver's licence issued by the Council. It is a criminal offence to operate a private hire vehicle and/or driver without an operator's licence.
- 4.4 Operators need to familiarise themselves with the law and ensure they employ suitable work methods in order to comply with the law and avoid committing licensing offences.
- 4.5 It is a condition of licence that the applicant operates from premises within the controlled district of the Council.
- 4.6 The Licensing Office may require sight of a business plan or request additional information for new applications.

### **Criminal Record Checks**

- 4.7 Private Hire Operator licences can only be granted to persons that the Council are satisfied are fit and proper.
- 4.8 At the present time the Council is not able to obtain a DBS disclosure on applicants for Private Hire Operator licences and if the applicant is not a licensed driver reliance has to be placed on the information requested on the application form and any additional information if requested and during interview with the applicant. This is a position of trust as operators gain detailed knowledge as to a person's movements, travel arrangements etc.
- 4.9 Before an application for a Private Hire Operator licence will be considered the applicant must provide a certificate or search results on criminal convictions obtained within the last month which can be either:
  - a) a criminal conviction certificate issued under The Police Act 1997; or
  - b) the results of a subject access search under Data Protection Act 1998

of the Police National Computer by the National Identification Service.

- 4.10 If the applicant is currently licensed as a driver with the Council they will be exempt from this requirement as they will have already undergone a DBS check.
- 4.11 Applicants for renewal of a Private Hire Operator licence who are not licensed as drivers will be required to provide a new certificate or search results every third year.
- 4.12 All new applicants for a Private Hire Operator licence shall be referred to the Licensing Committee for determination if the record of criminal convictions casts doubt on their fitness to be granted a licence.

### **Conditions**

- 4.13 The Council has the power to impose such conditions on an operator's licence as it considers reasonably necessary.
- 4.14 **Appendix 8** sets out the legislation and policies pertinent to Private Hire Operators which cover the standards of service expected and the conditions to be attached to an operator licence.

### **Insurance**

- 4.15 Applicants are required to produce proof of appropriate public liability insurance (£5 million).

### **Planning Consent**

- 4.16 Applicants are required to obtain planning consent, where necessary, for the premises from which they intend to operate. The Planning Authority will be consulted as part of the application for a Private Hire Operator Licence and their comments may be taken into account when determining whether the licence should be granted. The Licensing Manager has the discretion to refer any application to the Licensing Committee.

### **Licence Duration**

- 4.17 Licences will be issued for a maximum period of up to 5 years or such lesser period as the Council thinks appropriate.

### **Address from which an Operator may Operate**

- 4.18 Upon grant of an operator's licence the Council will specify the address from which the operator may operate.
- 4.19 These premises **must be** in the controlled district of the Council, and will be expected to have planning consent for use as a private hire office where deemed applicable. If an operator wishes to change the base from which they operate they must make a fresh application.

### **Record Keeping**

- 4.20 Operators are required to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking.
- 4.21 Records should be preserved for a period of not less than 12 months and be available for inspection at the request of an Officer of the Council or Police.

### **Change of Home Address**

- 4.22 The operator must advise the Council in writing of any change of his home address within 7 days of such a change taking place.

### **Convictions/Cautions**

- 4.23 The operator shall disclose to the Council in writing within 7 days of any conviction or caution (s)he receives.

### **Complaints**

- 4.24 The operator must maintain written or computer records of all complaints received concerning a contract for hire or purported contract for hire relating to or arising from his/her business (including any sub-contracted work) and the action that was taken. These details shall be maintained for a minimum of six months and be made available to a licensing officer on request.
- 4.25 Where the Council becomes aware of any complaint and investigates it, the Operator shall comply with any reasonable request or directive issued by the investigating officer.

### **Material Change**

- 4.26 A Private Hire Operator Licence is not transferable and operators must notify any proposed changes to the person(s) authorised to operate under the terms of the licence to the Council immediately in writing.

## 5. GENERAL

### Fares & Fees

- 5.1 Councils have the power to set hackney carriage fares for journeys within their area. Hackney carriage fares, set by the Council, are a maximum and can be negotiated downwards by the hirer.
- 5.2 The Council will review the table of fares annually or when requested by the Trade - usually in January of each year. When determining the level of fares consideration will be given to what is reasonable to expect the travelling public to pay as well as the need to give the owners/drivers an incentive to provide a service at all times it is needed.
- 5.3 A notice of any variation to the maximum fare will be advertised in a local newspaper with a date set 14 days from publication for making objections to the proposed variation. If no objections are received the fare variation will have effect on a day specified at the end of the 14 day consultation period. If any objections are received the matter will be referred to the Licensing Committee for consideration and, if appropriate, a further implementation date will be set.
- 5.4 **Meters installed in hackney carriages must be used for every journey undertaken within the Borough of Hartlepool – regardless of how the vehicle was hired. Drivers are free to charge their customer less than the final price indicated on the meter but cannot charge more. When a journey ends outside of the Council's area a fare greater or lesser than that shown on the meter may be charged but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare or lesser can be charged. Failure to comply is an offence.**
- 5.5 The Council is not able to set fares for private hire vehicles. It is a matter for negotiation between the hirer and operator at the time of booking and the operator should make this clear. When a hackney carriage vehicle is used for private hire services the fare charged cannot exceed that which would be charged under the table of fares applicable to hackney carriages.

### Table of Fares

- 5.6 A table of fares will be provided to each hackney carriage licence holder, which must be displayed in each vehicle on the interior of the offside rear passenger window so that it is easily visible to all hirers. This requirement shall apply equally to private hire vehicles where a meter is fitted.

### Receipts

- 5.7 A driver must, if requested by the hirer, provide a written receipt for the

fare paid.

### **Overcharging**

- 5.8 All meters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare shown on the meter. If this should occur the driver may be prosecuted and/or their fitness to continue to hold a licence reviewed.

### **Fee Structure**

- 5.9 The legislation provides that the fees charged should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands and administering the control and supervision of hackney carriages and private hire vehicles.
- 5.10 The current fees payable for the grant and renewal of hackney carriage and private hire licences are available from the Licensing Office and the Councils website.

### **Variations to Fee Structure**

- 5.11 The fee structure is reviewed annually as part of the budgetary process. Notice of the current scale of fees will be supplied to new applicants at the time of application.
- 5.12 A notice of any variation to the fees in respect of vehicles and operators will be advertised in a local newspaper with a date set 28 days from publication for making objections to the variation of fees.
- 5.13 If no objections are received the fee variation will have immediate effect at the end of the 28 day consultation period (or at a later date as indicated by the Council). If any objections are received the matter will be considered by the Council.

### **Reduced Fees for Vehicle Licences**

- 5.14 Where a vehicle will reach its 6th anniversary during the period of a licence a reduced fee will be calculated as follows: the current administration fee plus a daily rate for the number of days to be licensed.



## **Hackney Carriage Drivers**

### **Byelaws**

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

#### **Interpretation**

1. Throughout these byelaws “the Council” means the Borough of Hartlepool acting by the Council and “the district” means the Borough of Hartlepool.

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

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

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

3. 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 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.

In the case of a motor Hackney Carriage,

- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver,

In the case of a motor Hackney Carriage,

- (j) cause the words "HARTLEPOOL BOROUGH - LICENCED HACKNEY CARRIAGE" (in plain letters at least one inch in height) and a reproduction of a distinctive badge prescribed by the Council for this purpose to be legibly painted or marked on the outside of the nearside and offside panels of the carriage or in such alternative positions as are clearly visible from the nearside and offside of the carriage.

4. Every proprietor of a motor 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,

- (i) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-

- (a) the words "FOR HIRE" shall be exhibited on each side of the flag or other device in plain letters at least one and one half inches in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;
- (b) when the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;
- (c) when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter.

- (ii) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":-

- (a) the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;

- (b) such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter;
  - (iii) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of the bylaw on that behalf for the hire of the carriage by distance;
  - (iv) 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;
  - (v) The taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be suitably illuminated during any period of hiring;
  - (vi) The taximeter and all fittings thereof shall be so affixed to the carriage with seals or other appliances affixed 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.
5. Every proprietor of a Hackney Carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:
- (a) The sign,
    - (i) If it is illuminated and attached to the windscreen of the carriage shall bear the words "FOR HIRE" in plain letters at least one and one half inches in height.
    - (ii) In any other case shall bear the words "FOR HIRE" in plain letters at least two inches in height.
  - (b) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

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

6. Every driver of a Hackney Carriage shall:-
- (i) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-
    - (a) When standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
  - (ii) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":-

- (a) When standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of bylaw 5 so that the words "FOR HIRE" are clearly and conveniently legible to persons outside the carriage;
    - (b) As soon as the carriage is hired whether by distance or by time, operate the said sign so that the words "FOR HIRE" are not conveniently legible to persons outside the carriage;
    - (c) As soon as the carriage is hired by distance, and before commencing the journey, bring the machinery or the taximeter into action by moving the key or other device fitted for the purpose so that the word "HIRED" is legible on the face of the taximeter;
  - (iii) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined in Section 82 of the Road Traffic Act 1972 and also any other time at the request of the hirer.
7. 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.
  8. The driver of a Hackney Carriage for which stands are fixed by any bylaw in that behalf shall, when plying for hire in any street and not actually hired.
    - (a) Proceed with reasonable speed to one of such stands,
    - (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 to face the same direction,
    - (d) From time to time 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.
  9. 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.
  10. 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.
  11. 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.

12. The driver of the 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.
13. A proprietor or driver of a Hackney Carriage shall not tamper with, 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.
14. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing, or plying, or driving for hire wear that badge in such position and manner as to be plainly and distinctly visible.
15. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
  - (a) Convey a reasonable quantity of luggage.
  - (b) Afford reasonable assistance in loading and unloading.
  - (c) Afford reasonable assistance in removing it to and from the entrance of any house, station, or place at which he may take up or set down such person.

Provisions fixing the rates or fares, as well for time as distance, to be paid for Hackney Carriages within the district, and securing the due publication for such fares.

## **FARES FOR TIME**

Provided that when a Hackney Carriage is hired by time, such fare shall be agreed with the hirer at the commencement of the hiring.

16. (1) The proprietor of a Hackney Carriage for which any fares are fixed by any bylaw in that behalf shall:
  - (a) Cause a statement of such fares to be painted or marked on the inside of the carriage, or on a plate affixed thereto, in clearly distinguishable letters and figures.
  - (b) Renew such letters and figures as often as is necessary to keep them clearly visible.
- (2) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this bylaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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

17. 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.

18. 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.
- (1) Carry it within 24 hours, if not sooner claimed by or on behalf of its owner, to a police station in the district and leave it in the custody of the officer in charge of the office on his giving a receipt of it.
- (2) Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station where it was handed in whichever be the greater) but no more than five pounds.
19. The driver of a Hackney Carriage drawn by an animal or animals shall, whilst standing, plying or driving for hire, cause every part of the harness of the animal or animals drawing the carriage to be kept in order, so that the animal or animals shall be properly and securely attached to the carriage and under due control.
20. A proprietor or driver of a horse-drawn Hackney Carriage shall not in any street, feed or allow to be fed, any horse harnessed or otherwise attached to such a carriage, except with food contained in a proper bag or other receptacle suspended from the head of such horse or from the centre pole of the carriage, or which is held in and delivered with the hand of the person feeding such horse.
21. A proprietor or driver of a horse-drawn carriage shall not ply for hire during the hours between 11.00 pm and 9.00 am the following morning.

## **PENALTIES**

22. Every person who shall offend against any of these bylaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction thereof.

PASSED under the COMMON SEAL of the  
BOROUGH OF HARTLEPOOL this 5th day  
of August, 1977 in the presence of: }

J W Mason

Mayor

N D Abram

Chief Executive

The foregoing bylaws are hereby confirmed by the Secretary of State and shall go into operation on the 26th September 1977

N J Moriarty  
An Assistant Under Secretary of State

Home Office  
Whitehall

23rd September 1977

Footnote:

The Taxi Ranks within Hartlepool are constantly changing. The following list is current at the time of this document being compiled.

LOCATION	CAPACITY	DURATION
Church Street (top)	6	8 pm - 4 am
Church Street (bottom)	6	8 pm - 4 am
Station Approach, East Side	3	24 hours
Station Approach, West Side	3	24 hours
Whitby Street	4	8 pm - 4 am
Seaton Carew (bus station)	3	24 hours
Seaton Carew (arcade)	2	8 pm - 4 am
Avenue Road (Showroom)	3	8 pm - 4 am
Avenue Road (Civic)	8	24 hours
Swainson Street/Raby Road	8	24 hours
Roker Street	8	24 hours
42nd Street, Lucan Street	2	8 pm - 4 am
Owton Manor Club, Wynyard Road	3	24 hours
King Johns Tavern, South Road	7	24 hours
Lucan Street (Rear Yates)	3	8 pm - 4 am

Whitby Street/Exeter Street	7	8 pm – 4 am
Villiers Street	3	8 am – 6 pm
Victoria Road	1	8 pm – 4 am
Tower Street	1	24 hours

## **Hackney Carriage Drivers Licence**

### **Extracts from** **The Town Police Clauses Act 1847**

#### **Section 46**

No person shall act as the driver of any Hackney Carriage licensed in pursuance of this Act to ply for hire within the prescribed distance without first obtaining a licence from the District Council, which licence shall be registered by the District Council and such fee as the District Council may determine shall be paid for the same; and every such licence shall remain in force for one year.

#### **Section 47**

If any person acts as such driver as aforesaid without having first obtained such licence, or during the time that this licence is suspended, or if he lend or part with his licence, except to the proprietor of the Hackney Carriage, or if the proprietor of any such Hackney Carriage employ any person as the driver thereof who has not obtained such licence. or during the time that his licence is suspended, as hereinafter provided, every such driver and every such proprietor shall for every such offence respectively be liable to a penalty.

*(This Section creates the offence of non-compliance with S46)*

#### **Section 53**

A driver of a Hackney Carriage standing at any of the stands for Hackney Carriages appointed by the District Council, or in any street, who refuses or neglects, without reasonable excuse, to drive such carriage to any place within the prescribed distance, to which he is directed to drive by the person hiring or wishing to hire such carriage, shall for every offence be liable to a penalty.

#### **Section 59**

Any proprietor or driver of any such Hackney Carriage which is hired who permits or suffers any person to be carried in or upon or about such Hackney Carriage during such hire, without the express consent of the person hiring the same, shall be liable to a penalty.

#### **Section 60**

No person authorised by the proprietor of any Hackney Carriage to act as driver of such carriage shall suffer any other person to act as driver of such carriage without the consent of the proprietor thereof; and no person, whether licensed or not shall act as driver of any such carriage without the consent of the proprietor, and any person so suffering another person to act as driver, and any person so acting as driver without such consent as aforesaid, shall be liable to a penalty.

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

#### **Section 53**



3. The driver of any Hackney Carriage licensed by a District Council shall at the request of any Authorised Officer of the Council or of any Constable produce for inspection his driver's licence either forthwith or:
  - (a) In the case of a request by an Authorised Officer, at the Principal Offices of the Council before the expiration of the period of five days beginning with the day following that on which the request is made.
  - (b) In the case of a request by a Constable, before the expiration of the period aforesaid at any Police Station which is within the area of the Council and is nominated by the driver when the request is made.
4. If any person without reasonable excuse contravenes the provisions of this Section, he shall be guilty of an offence.

#### **Section 54**

2.
  - (a) A driver shall, at all times, when acting in accordance with the driver's licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible.
  - b) If any person without reasonable excuse contravenes the provisions of this subsection, he shall be guilty of an offence.

#### **Section 61**

1. Notwithstanding anything in the Act of 1847 or this Part of this Act, a District Council may suspend or revoke or refuse an application therefore under section 46 of the Act of 1847 or section 51 of this Act as the case may be to renew the licence of a driver of a Hackney Carriage on any of the following grounds:
  - (a) that he has since the grant of the licence: -
    - (i) been convicted of an offence involving dishonesty, indecency or violence; or
    - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or
  - (b) any other reasonable cause.
2.
  - (a) Where a District Council suspend, revoke or refuse to renew any licence under this Section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the District Council the drivers badge issued to him in accordance with section 54 of this Act.
  - (b) If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level one on the standard scale.
3. Any driver aggrieved by a decision of a District Council under this Section may appeal to a Magistrates' Court.

#### **Section 69**

1. No person being the driver of a Hackney Carriage licensed by a District Council shall without reasonable cause unnecessarily prolong, in distance or in time, the journey for which the Hackney Carriage has been hired.
2. If any person contravenes the provisions of this Section he shall be guilty of an offence.

### **Section 73**

1. Any person who:
  - (a) Wilfully obstructs an Authorised Officer or Constable acting in pursuance of this Part of this Act or the Act of 1847; or
  - (b) Without reasonable excuse fails to comply with any requirement properly made to him by such Officer or Constable under this Part of this Act; or
  - (c) Without reasonable cause fails to give such an officer or Constable so acting any other assistance or information which he may reasonably require of such person for the purpose of the performance of his functions under this Part of this Act or the Act of 1847;

shall be guilty of an offence.

If any person, in giving any such information as is mentioned in the preceding subsection, makes any statement which he knows to be false, he shall be guilty of an offence.

### **Section 76**

Any person who commits an offence against any of the provisions of this Part of the Act in respect of which no penalty is expressly provided shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## PRIVATE HIRE DRIVER CONDITIONS

### Change of Address

- PD1 Drivers must notify the Council, in writing, of any change of address during the period of the licence within 7 days of such a change taking place.

### Conduct of Driver

- PD2 Drivers shall comply with the Code of Good Conduct for licensed drivers.

### Convictions

- PD3 The driver shall within seven days of any arrest, charge, conviction, caution, reprimand or warning (relating to motoring and non-motoring convictions) notify the Council's licensing team in writing.

### Driver's Badge

- PD4 A driver shall at all times when acting in accordance with the driver's licence granted to him wear such a badge in such position and manner as to be plainly and distinctly visible.

### Equal Opportunities

- PD5 Drivers must at all times treat passengers or any potential passenger with courtesy and respect. Drivers must not discriminate against any person because of their race, colour, religion, sexual orientation, gender or disability.

### Fare to be Demanded

- PD6 Drivers must not demand a fare greater than previously agreed with the passenger and the operator. If a taximeter is in use only the fare displayed, or a lesser fare, may be charged

### Animals

- PD7 Drivers must not carry any animals in their vehicle other than those belonging to or in the care of their passenger(s). Any animal belonging to or in the care of any passenger should be carried in the rear of the vehicle only (except for guide, hearing or assistance dogs who are not restricted to the rear of the vehicle).

### **Lost Property**

- PD8 When passengers have been dropped off the driver must check the vehicle for any property accidentally left there. If any is found it must be returned to the passenger or handed into a police station as soon as possible and no later than the end of that shift.

### **Medical Condition**

- PD9 The Council must be immediately notified of any deterioration in the driver's medical condition that may affect their ability to drive private hire vehicles.

### **Passengers**

- PD10 Drivers must not:
- a) carry more passengers in their vehicle than is permitted by the vehicle licence
  - b) carry more than one person in the front seat unless the vehicle is furnished with a bench type front seat 1270 mm or more in length between the doors and provided with seat belts for all front seat passengers. In this case no more than 2 passengers may be carried
  - c) without the consent of the hirer, carry any additional person in the vehicle.

### **Prompt Attendance**

- PD11 Drivers must always pick up passengers on time unless unavoidably delayed. If a driver is to be delayed, they, or their operator, would be expected to notify the passenger of any delay as soon as possible.

### **Receipts**

- PD12 The Driver must, if requested, provide the passenger(s) with a written receipt for the fare paid including the amount of VAT (if applicable) shown separately if so requested. The Driver should provide details of the journey including the date, fare, vehicle, operator and name of driver and sign the receipt.

### **Taximeters in PHVs**

- PD13 If the private hire vehicle is fitted with a meter the driver:
- a) Must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).
  - b) Must ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter

must show no fare at any time.

- c) Must ensure that the meter is sufficiently illuminated when in use and is visible to all passengers.
- d) Must ensure that the meter is only brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.
- e) Must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.

### **Drug and Alcohol Testing**

- PD14      On those occasions where the licensing authority has reason to suspect that a driver may be abusing drugs or alcohol, the driver shall undertake drug or alcohol tests as required by the licensing authority, at the authority's expense, within a reasonable period of time or, if considered necessary by the licensing authority, as quickly as practicable.

### **CCTV & Other Recording Devices**

- PD15      Drivers shall not video or record passengers other than through a CCTV system that has been installed specifically for the purposes of deterring or detecting crime and which complies with the requirements of the Data Protection Act. Any footage obtained of passengers must not be made publicly available other than to a law enforcement agency.

Drivers are in a possession of trust and passengers can expect complete privacy and discretion when hiring a licensed vehicle. For this reason, drivers must not photograph or otherwise record passengers in their vehicle, unless done so through a designated CCTV system where Data Protection requirements are being complied with. No still or moving images or audio recordings or transcripts of audio recordings must be made available on social media or by other means.

## **GC CODE OF GOOD CONDUCT FOR LICENSED DRIVERS**

In order to promote its licensing objectives as regards hackney carriage and private hire licensing, the Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

Failure to comply with this Code may be taken into account when assessing a driver's fitness to continue to hold a licence.

### **Responsibility to the Trade**

GC1 Licence holders shall endeavour to promote the image of the Hackney Carriage and Private Hire Trade by:

- a) Complying with this Code of Good Conduct
- b) Complying with all the Conditions of their Licence and the Councils Hackney Carriage and Private Hire Licensing Policy
- c) Behaving in a professional manner at all times

### **Responsibility to Clients**

GC2 Licence holders shall:

- a) Take all reasonable steps to ensure the safety of passengers while they are entering, travelling in or leaving the vehicle.
- b) At all times treat passengers or any potential passenger with courtesy and respect.
- c) Not engage in any dialogue or activities with a passenger that may, to any reasonable person, be considered offensive or inappropriate.
- d) Maintain their vehicles in a safe and satisfactory condition at all times
- e) Keep their vehicles clean and suitable for hire to the public at all times
- f) Attend punctually when undertaking pre-booked hiring
- g) Assist, where necessary, passengers into and out of vehicles
- h) Offer passengers reasonable assistance with luggage and/or other bags
- i) Offer assistance to elderly/infirm or disabled passengers
- j) Not smoke tobacco products, e-cigarettes or other similar nicotine delivery systems inside their vehicle at any time.

### **Responsibility to Residents**

GC3 To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- a) Not sound the vehicle's horn

- b) Keep the volume of radio/cassette/CD player and VHF/digital radios to a minimum
- c) Switch off the engine if required to wait
- d) Take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood
- e) Not deposit any litter other than into a bin
- f) Not engage in any form of anti social behaviour

At hackney carriage ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- g) Rank in an orderly manner and proceed along the rank in order and promptly
- h) Remain in the vehicle

### **General**

GC4

Drivers shall:

- a) Drive with care and due consideration for other road users and pedestrians
- b) Obey all Traffic Regulation Orders and directions at all time
- c) Comply with the rules and spirit of the Highway Code
- d) Ensure they do not smell of alcohol or drive whilst under the influence of alcohol
- e) Pay attention to personal hygiene and dress in accordance with the Dress Code.
- f) Behave in a civil and orderly manner at all times

Drivers must not:

- a) Drive while having used illegal drugs or having used other medication that may have an impact on their ability to drive
- b) Engage in any dialogue or activities of a sexual nature whilst acting as a driver of any vehicle licensed by this Council. This includes inappropriate touching of passengers
- c) Smoke in the vehicle at any time (this includes the use of e-cigarettes and other similar equipment if asked not to do so by the passenger)
- d) Drink or eat in the vehicle at any time while carrying passengers (best practice is for rest periods to be taken away from the vehicle).
- e) Play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle without the consent of the passenger.
- f) Engage in any activities of a sexual nature whilst acting as a driver of any vehicle licensed by this Council.

### **Smoking and E-Cigarettes**

- GC5 It is against the law to smoke tobacco products in a licensed vehicle. In addition drivers shall not use an e-cigarette or other nicotine delivery device in a licensed vehicle at any time.

### **CCTV and Other Recording Devices**

- GC6 Drivers are in a position of trust and passengers have a right to expect complete privacy and discretion when hiring a licensed vehicle.

Notwithstanding the following specific requirements/prohibitions, any actions by a licensed driver or operator that breach this right may have their fitness to continue as a driver or operator reassessed by the Council.

Drivers shall not video or record passengers other than through a CCTV system that has been installed specifically for the purposes of deterring or detecting crime and which complies with the requirements of the Data Protection Act. Any footage obtained of passengers must not be made publicly available other than to a law enforcement agency.

No still or moving images or audio recordings or transcripts of audio recordings must be made available on social media or by other means.

#### **Please Note:**

**ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT**

**THE COUNCIL WILL TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING FOUND TO HAVE CONSUMED ANY ALCOHOL OR HAVING MISUSED ANY DRUGS PRIOR TO OR WHILST IN CHARGE OF A LICENSED VEHICLE.**



**DC DRESS CODE**

The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Hartlepool to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

**Acceptable Standard of Dress**

DC1 As a minimum standard, males should wear either long legged trousers or knee length shorts and T shirts which have a full body and short sleeves. Females should wear either long legged trousers, knee length shorts, skirt or dress and T shirts which have a full body and short sleeves.

**Footwear**

DC2 Footwear for all drivers shall be appropriate for safe driving.

**Unacceptable Standard of Dress**

DC3 The following are deemed to be unacceptable:

- a) Clothing that is not kept in a clean condition, free from holes and rips
- b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend
- c) Sportswear (e.g. football/rugby kits, track suits, beach wear etc.)
- d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel
- e) Drivers not having either the top or bottom half of their bodies suitably clothed
- f) No headwear, other than for religious purposes, or other items which partially or completely cover the head or face or identity of the licensed driver e.g. baseball caps and hoodies shall be worn other than when a uniform is worn for a special occasion.

## HC HACKNEY CARRIAGE VEHICLE CONDITIONS

- HC1 The following details the essential criteria that must be met before a vehicle may be licensed as a hackney carriage and the ongoing requirements that must be maintained once a licence has been granted.
- HC2 A hackney carriage vehicle is a motor vehicle constructed or adapted to seat fewer than 8 passengers (plus the driver) which is provided for hire with the services of a driver for the purpose of carrying passengers. Any vehicle used as a hackney carriage must be licensed under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- HC3 Before granting or renewing a vehicle licence the Council must be satisfied that the vehicle meets the following criteria:
- a) Is suitable in type, size and design for use as a hackney carriage.
  - b) Is in a suitable mechanical condition.
  - c) Is safe.
  - d) Is comfortable.
- HC4 All hackney carriages must:
- a) Be yellow in colour (unless exempted by the Council).
  - b) Be exceptionally well maintained to the standard prescribed by the Council
  - c) Be fitted with a roof sign (see condition H12)
  - d) Be fitted with a meter for the calculation of fares and which has been properly tested and sealed.
  - e) Display the Council's licence plates, which must be securely attached to the exterior front and rear of the vehicle as prescribed by the Council.
  - f) Display the Council's internal licence plate
  - g) Display 'decals' issued by the Council attached centrally to both front doors of the vehicle

### Engine/Chassis Numbers

- HC5 The Chassis/VIN plate and engine numbers must match the numbers recorded with the DVLA. Vehicle applications cannot be accepted without a copy of the vehicle registration document or, in the case of a new vehicle purchase, sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police who will undertake checks to ensure the vehicle is not stolen.

## **Specifications**

HC6

The Department for Transport Best Practice Guidance recommends that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the “type approval” rules within any specifications they determine.

All vehicles, therefore, shall have an appropriate ‘type approval’ which is either:

- a) European Whole Vehicle Type Approval
- b) British Individual Type Approval

Vehicle type approval is the confirmation that production samples of a design will meet specified technical, safety and performance standards. The specification of the vehicle is recorded and only that specification is approved.

All vehicles subject to new applications for hackney carriage vehicle licences, shall have M1 European Whole Vehicle Type Approval (EWVTA).

Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles.

Vehicles may also be licensed to carry fewer passengers subject to compliance with specifications relating to passenger comfort and vehicle conditions.

## **Insurance Write-Offs**

HC7

Vehicles that have at any time been declared a Category A or B insurance ‘write off’ and/or have their V5 document endorsed as being ‘accident damaged’ will not be licensed. If a licensed vehicle is involved in an accident which results in the vehicle being declared a Category A or B insurance write off then the licence will be revoked and no further application to licence that vehicle will be permitted.

## **Internal Construction and Markings**

HC8

- a) Height (inside) – From the top of any part of the seat cushions to the roof at 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;
- b) 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
- c) 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 450 mm
- d) In the case of rear facing seats, the distance between the backs of facing seats shall not be less than 1520 mm. In all other cases the distance between the back rest of the seat and any facing obstruction must not be less than 760 mm
- e) Seats (width) – The shortest distance between the edges of the seats shall be no less than 400 mm. Where the rear passenger seating 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 the passenger, the above measurement shall be ascertained by measuring the distance between the seatbelt anchorages.
- f) Seats, seat covers, floor coverings and interior trims shall be free from tears, damage, grease and other contamination;
- g) Interior lighting operated either automatically when the passenger or rear doors are opened or by a separate switch operated by the driver.
- h) An illuminated luggage compartment, which in the case of mini bus type vehicles must be segregated internal space with a minimum capacity of 0.566 cubic metres
- i) An internal plate (as provided by the Council) shall be fixed and displayed inside the vehicle in a clear and unobstructed location so that the particulars thereon are clearly visible to passengers
- j) No fittings or signs (except for legitimate advertising) shall be attached to the inside of the vehicle unless approved by the Council.

### **External Construction and Markings**

HC9

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 purposes only and do not constitute a definitive list of matters that may be considered relevant to evaluate whether a vehicle is on a good condition: -

- a) Bodyshell/paintwork – free from rust, broken metal and other visible damage
- b) Door hinges shall be in good working order and be seated correctly when closed
- c) Windscreen and windows shall be in good clean condition and free from damage
- d) Free from oil leaks
- e) Be kept clean and tidy at all times
- f) Not be a convertible
- g) Not be fitted with a roof rack

### **Wheelchair Accessible Vehicles**

HC10

The Council will license both purpose built wheelchair accessible

vehicles and vehicles that are suitable in size and design, and have been converted or adapted after the date of first registration to enable the carriage of a wheelchair. **This is provided that the conversion is carried out by an approved vehicle convertor such as the Wheelchair Accessible Vehicle Converters' Association and a certificate of fitting provided by the convertor is supplied as an original document.**

Where the vehicle is a rear or side loading wheelchair accessible vehicle a suitable ramp or lift must be carried in the vehicle at all times.

The proprietor of a wheelchair accessible hackney carriage shall ensure that the collection and delivery of wheelchair users takes place at safe and appropriate locations.

### **Colour**

HC11 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

### **Roof Signs**

HC12 There is a general requirement that hackney carriages must have a roof sign that is a minimum of 600 mm (24 inches) in length affixed to the roof whenever the vehicle is in the Borough of Hartlepool and this must be illuminated when the vehicle is available for hire.

In order to allow hackney carriages to be more efficient, and environmentally friendly, an *allowance* has been made for the roof sign to be removed when the vehicle is undertaking a booking that takes it outside Hartlepool.

If the roof sign is not affixed to the vehicle, whilst in Hartlepool, the driver of the vehicle must be able to demonstrate to a licensing officer, on request, that the vehicle is, at that time, engaged in an 'out of town' booking. Please see condition HC 18 below.

Any failure of a driver to do so will result in this allowance being removed in respect of that vehicle.

Magnetic or other temporary roof signs must be made of suitable and appropriate materials, and attached in such a manner, as to be safe for passengers, pedestrians and other road users.

### **Spare Tyres**

HC13 Vehicles shall have a spare wheel to fit the vehicle and equipment to change a wheel on the vehicle with that wheel e.g. a jack and wheel brace. Where vehicles are supplied by the manufacturer fitted with a space saver spare tyre the Council will permit their use in licensed vehicles, subject to the following:

- i) The carriage of passengers is not permitted whilst such a tyre is fitted
- ii) The tyre used must be supplied or recommended by the manufacturer of the vehicle concerned and shall be replaced after it has been used on the vehicle.
- iii) The space saver is used for an emergency or temporary purpose to enable the vehicle to be driven to a place of repair.  
Due to the speed restriction and the fact that the tyre compound is generally softer (to simulate traction capabilities to compensate for imbalance) the distance travelled using a space saver should not be in excess of 50 miles.
- iv) The use of pressurised tyre sealants will not be permitted in any circumstances

In addition tyres on the same axle must be of the same nominal size and aspect ratio

#### **Alteration of Vehicle**

HC14 The proprietor must not change the design or condition of the vehicle without first obtaining the written approval of the Council.

#### **Number of Passengers to be carried**

HC15 A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in the vehicle, any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

#### **Fire Extinguishers**

HC16 If carrying a fire extinguisher it must be of suitable size and type and be in good working order.

#### **CCTV In Vehicles**

HC17 The Department for Transport Best Practice Guidance recommends that licensing authorities look sympathetically on or even actively encourage the installation of security measures such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers. It is not currently proposed that such measures should be required as part of the

licensing regime at this time, and it is considered that they are best left to the judgement of the owners and drivers themselves.

If CCTV is installed, the proprietor of any vehicle with CCTV must display a sign approved by the Council advising passengers that a CCTV system is in operation in the vehicle.

Any reports of misuse of CCTV or recorded images may result in the immediate referral to the Licensing Committee with a view to suspending both the vehicle and driver licences.<sup>1</sup>

### **Booking Records**

HC18 When carrying out pre-booked work the vehicle shall be used predominantly for journeys that will either begin or end in Hartlepool.

The word 'predominantly' shall mean 90% of all pre-booked work within any continuous 7 day period. **All** pre-booked work shall be recorded: -

- a) In a suitable form in a continuous, chronological order, the pages of which are consecutively numbered, or
- b) On a computer which keeps backup records and is immediately capable of producing a printed record from the computer onto paper. Records must not be capable of retrospective alteration or amendment, and
- c) The driver must enter, before the commencement of each journey, the following particulars of every booking by him/her, the:
  - Name and address of the hirer
  - Date, time and pickup point of the booking;
  - Destination;
  - Number of passengers to be carried;
  - When and how the booking was made i.e. telephone, personal call;
  - Amount to be charged; (where applicable)

If the pre-booking is part of a contract i.e. education/school run then proof of the contract must be kept and made available to a licensing officer on request.

### **Cleanliness**

HC19 The proprietor must ensure that the hackney carriage is in a safe, clean and tidy condition both inside and out to ensure the safety and comfort of passengers.

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<sup>1</sup> The Information Commissioners Office (ICO) states that CCTV in Hackney Carriages and Private Hire Vehicles is covered by the Data Protection Act and as such, conversations between members of the public must not be recorded on CCTV during the normal course of a journey where images are being recorded. (There are some specific exceptions to this, such as a panic button in a taxi cab)

## **Licence Plates**

- HC20
- a) The front and rear identification plates, supplied by the Council, shall be securely fixed to the front and rear of the vehicle; in a conspicuous position approved by an authorised officer of the Council, using bolts or screws, or other method with written approval of the Council, in such a manner as to be easily removable by an authorised officer or constable.
  - b) The internal licence plate shall be securely fixed to the dashboard or top near side of the windscreen of the vehicle so that it can be easily seen by passengers situated in both the front and rear passenger seats.
  - c) There shall be permanently affixed to each front door of the vehicle, in a central location, a decal issued by the Council that contains the vehicle plate number.

## **Meter/Table of Fares**

HC21 All hackney carriages shall be fitted with a taximeter that complies with the Measuring Instruments (Taximeters) Regulations 2006 type which is locked and sealed by an approved manufacturer/suppliers and/or installer. The meter must:

- a) Be installed into the vehicle in a suitable and secure manner at all times
- b) Be accurate, be capable of showing that the vehicle is or is not hired, register the charge if hired and be positioned in clear view of the passengers
- c) Be sufficiently illuminated when in use and visible to all passengers.
- d) Only be brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.

The fare charged must not exceed the fare displayed on the meter at the end of the journey.

When the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.

A notice showing the Tariff of fares must be displayed inside the vehicle in the top off side rear window where any passengers can easily read it.

## **Sliding Doors**

HC22 Where sliding doors are an integral part of a vehicle and a locking device has not been fitted the child locking systems shall be engaged by the driver at all times when the vehicle is in motion and carrying passengers. The opening and closing mechanism shall not be altered so as to prevent the doors from locking into the open position



### **Swivel Seats**

- HC23 Where fitted as a passenger seat, certificates of fitting from an authorised fitter must be obtained and produced to the Council before a vehicle can be tested and/or licensed.

### **Tinted Windows**

- HC24 The Council's specification relating to the use of tinted windows in licensed vehicles is as follows: -

- a) The windscreen shall have a minimum light transmission of 75%
- b) All other windows of the vehicle shall have a minimum of 70% light transmission, unless the following criteria can be met in which case there will be no minimum light transmission.

The minimum light transmission criteria is relaxed in the following circumstances:

- a) The windscreen<sup>i</sup> and front side windows<sup>2</sup> of any vehicle exempt from the criteria, when the vehicle is an executive hire or novelty hire vehicle or stretched limousine operating under an Exemption Notice, and
- b) The vehicle will not be engaged at all in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years unless accompanied by an adult other than the driver). The driver must not act as the accompanying adult, and
- c) Written approval has been given by the Council.

NB any exemption granted by the council does not remove the need for compliance with the relevant Construction and Use Regulations.

No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass

### **Advertisements, Signs, Notices etc.**

- HC25 Signs, notices or advertisements must not be of a content that the Licensing Officer deems to be offensive or abusive. Further guidance as to the content of the advert may be sought from the Advertisement Standards Authority, [www.asa.org.uk](http://www.asa.org.uk)

No advertising on vehicles shall:

- a) Be affixed to any window of the vehicle.

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- b) Be affixed to any door or panel on which the Council issued roundel or sign is located.
- c) Promote tobacco products
- d) Promote alcoholic products without the prominent disclaimer 'Please Drink Responsibly'
- e) Be offensive or misleading in nature or character. As this matter is subjective, the decision of the licensing officer shall be deemed final

Advertisements shall be constructed of such robust design and materials, and fitted professionally, as to be capable of retaining high standards of appearance. Any vehicles displaying advertisements considered by the Licensing Officer to fall below such a high quality will be suspended until the advertisement is either removed or satisfactorily repaired.

If advertising is situated in the interior of the vehicle it shall be subject to the proviso that it does not detrimentally affect the safety or comfort of passengers and does not cause offence to passengers carried within the vehicle (in the opinion of the Licensing Officer).

Reasonable steps must be taken to allow the colour of the vehicle to remain predominantly yellow in colour. For example, if the proposed advertisement is not dependent upon a particular background colour, the colour adopted should be yellow. If necessary, the burden will be on the applicant to demonstrate to the Council that yellow could not be retained as the predominant colour of the vehicle.

No illuminated or fluorescent sign, other than the 'Taxi' roof sign, shall be displayed on the roof of the vehicle.

Any queries regarding advertisements must be referred to the Council prior to them being placed on a vehicle.

### **Insurance**

HC26

All vehicles must have a current valid policy of motor insurance and public liability insurance (minimum £5 million) at all times appropriate to the vehicle which is qualified by a statement that this is subject to the appropriate local authority licences being held. This policy must be in place before a licence can be granted.

It is an offence to drive a vehicle without the appropriate insurance in place. Requests to produce insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request.

If a vehicle is off the road and uninsured the proprietor must advise the Licensing Office in writing immediately or in any event within 72 hours.

### **Age Restriction**

HC27 When a vehicle licence is first granted it must be under 4 years old (i.e. from date of first registration).

Vehicle licences will normally only be renewed up to 6 years old (except for purpose built wheelchair accessible vehicles such as London Cabs which may be licensed up to **13 years of age**).

Vehicles which meet the Council's "exceptionally well maintained" criteria may be licensed for longer periods.

For a vehicle to be regarded as being 'exceptionally well maintained' it will be for the vehicle proprietor to demonstrate to the licensing authority that the vehicle has been exceptionally well maintained throughout its lifetime.

Matters to be taken into account when determining whether a vehicle has been exceptionally well maintained will include, but are not limited to: -

- a) History of mechanical checks and the number and nature of any failures
- b) History of visual appearance checks carried out by licensing officers
- c) History of spot checks carried out by licensing officers
- d) Accident history of the vehicle

Applications for an extension of the age policy must be made in writing to the Licensing Team, accompanied by the relevant administration fee, a minimum of 14 days prior to the expiry of the current licence.

Age restrictions shall not apply where a licensed vehicle is converted from one type of licensed vehicle to another, provided the vehicle licence in respect of the initial vehicle licence is surrendered. The vehicle must be altered so as to comply fully with the requirements of the prospective licence in respect of the fitness, suitability, colour, size and type of vehicle, and any obligatory fixtures and fittings.

### **Change of Address**

HC28 The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

### **Loss/Theft of Licence Plate**

HC29 The proprietor must report the loss/theft of licence plate(s) to the Licensing Office as soon as the loss becomes known and in any case, within 2 working days.

### **Surrender of licence**

HC30 A vehicle licence may be surrendered at any time and any refund of

licence fee will be calculated as a pro rata daily rate on the number of days licence remaining, plus any mechanical inspections not yet undertaken less the administration fee.

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## PH PRIVATE HIRE VEHICLE CONDITIONS

PH1 The following details the essential criteria that must be met before a vehicle may be licensed as a private hire vehicle and the ongoing requirements that must be maintained once a licence has been granted.

A private hire vehicle is a motor vehicle constructed or adapted to seat fewer than 8 passengers (plus the driver) which is provided for hire with the services of a driver for the purpose of carrying passengers. Every hiring for a private hire vehicle must be pre-booked through a licensed private hire operator. Any vehicle used as a private hire vehicle must be licensed under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

Before granting or renewing a vehicle licence the Council must be satisfied that the vehicle meets the following criteria:

- a) Is suitable in type, size and design for use as a private hire vehicle.
- b) Is in a suitable mechanical condition.
- c) Is safe
- d) Is comfortable

### Conditions

PH2 All private hire vehicles must:

- a) Be any colour other than yellow.
- b) Be exceptionally well maintained to the standard prescribed by the Council
- c) Not be fitted with a roof sign
- d) If, fitted with a meter for the calculation of fares, the meter must be properly tested and sealed.
- e) Display the Council's licence plates, which must be securely attached to the exterior front and rear of the vehicle as prescribed by the Council.
- f) Display the Council's internal licence plate
- g) Display 'decals' issued by the Council attached centrally to both front doors of the vehicle

### Engine/Chassis Numbers

PH3 The Chassis/VIN plate and engine numbers must match the numbers recorded with the DVLA. Vehicle applications cannot be accepted without a copy of the vehicle registration document or, in the case of a new vehicle purchase, sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police who will undertake checks to ensure the vehicle is not

stolen.

### **Specifications**

PH4 The Department for Transport Best Practice Guidance recommends that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the “type approval” rules within any specifications they determine.

All vehicles, therefore, shall have an appropriate ‘type approval’ which is either:

- a) European Whole Vehicle Type Approval
- b) British Individual Type Approval

Vehicle type approval is the confirmation that production samples of a design will meet specified technical, safety and performance standards. The specification of the vehicle is recorded and only that specification is approved.

All vehicles subject to new applications for hackney carriage vehicle licences, shall have M1 European Whole Vehicle Type Approval (EWVTA).

Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles.

Vehicles may also be licensed to carry fewer passengers subject to compliance with specifications relating to passenger comfort and vehicle conditions.

### **Insurance Write-Offs**

PH5 Vehicles that have at any time been declared a Category A or B insurance ‘write off’ and/or have their V5 document endorsed as being ‘accident damaged’ will not be licensed. If a licensed vehicle is involved in an accident which results in the vehicle being declared a Category A or B insurance write off then the licence will be revoked and no further application to licence the vehicle will be permitted.

### **Internal Construction and Markings**

PH5 a) Height (inside) – From the top of any part of the seat cushions to the roof at 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;
- b) 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
- c) 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 450 mm
- d) In the case of rear facing seats, the distance between the backs of facing seats shall not be less than 1520 mm. In all other cases the distance between the back rest of the seat and any facing obstruction must not be less than 760 mm
- e) Seats (width) – The shortest distance between the edges of the seats shall be no less than 400 mm. Where the rear passenger seating 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 the passenger, the above measurement shall be ascertained by measuring the distance between the seatbelt anchorages.
- f) Seats, seat covers, floor coverings and interior trims shall be free from tears, damage, grease and other contamination;
- g) Interior lighting operated either automatically when the passenger or rear doors are opened or by a separate switch operated by the driver.
- h) An illuminated luggage compartment, which in the case of mini bus type vehicles must be segregated internal space with a minimum capacity of 0.566 cubic metres
- i) An internal plate (as provided by the Council) shall be fixed and displayed inside the vehicle in a clear and unobstructed location so that the particulars thereon are clearly visible to passengers
- j) No fittings or signs (except for legitimate advertising) shall be attached to the inside of the vehicle unless approved by the Council.

### **External Construction and Markings**

PH6

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 purposes only and do not constitute a definitive list of matters that may be considered relevant to evaluate whether a vehicle is in a good condition: -

- a) Bodyshell/paintwork – free from rust, broken metal and other visible damage
- b) Door hinges shall be in good working order and be seated correctly when closed
- c) Windscreen and windows shall be in good clean condition and free from damage
- d) Free from oil leaks
- e) Be kept clean and tidy at all times
- f) Not be a convertible
- g) Not be fitted with a roof rack
- h) Be of uniform colour

## **Wheelchair Accessible Vehicles**

- PH7      The Council will license both purpose built wheelchair accessible vehicles and vehicles that are suitable in size and design, and have been converted or adapted after the date of first registration to enable the carriage of a wheelchair. **This is provided that the conversion is carried out by an approved vehicle convertor such as the Wheelchair Accessible Vehicle Converters' Association and a certificate of fitting provided by the convertor is supplied as an original document.**

Where the vehicle is a rear or side loading wheelchair accessible vehicle a suitable ramp or lift must be carried in the vehicle at all times.

## **Spare Tyres**

- PH8      Vehicles shall have a spare wheel to fit the vehicle and equipment to change a wheel on the vehicle with that wheel e.g. a jack and wheel brace. Where vehicles are supplied by the manufacturer fitted with a space saver spare tyre the Council will permit their use in licensed vehicles, subject to the following:

- i) The carriage of passengers is not permitted whilst such a tyre is fitted
- ii) The tyre used must be supplied or recommended by the manufacturer of the vehicle concerned and shall be replaced after it has been used on the vehicle.
- iii) The space saver is used for an emergency or temporary purpose to enable the vehicle to be driven to a place of repair.  
Due to the speed restriction and the fact that the tyre compound is generally softer (to simulate traction capabilities to compensate for imbalance) the distance travelled using a space saver should not be in excess of 50 miles.
- iv) The use of pressurised tyre sealants will not be permitted in any circumstances

In addition tyres on the same axle must be of the same nominal size and aspect ratio

## **Alteration of Vehicle**

- PH9      The proprietor must not change the design or condition of the vehicle without first obtaining the written approval of the Council.

## **Number of Passengers to be carried**



- PH10 A proprietor or driver of a private hire vehicle shall not convey or permit to be conveyed in the vehicle, any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

### **Fire Extinguishers**

- PH11 If carrying a fire extinguisher it must be of suitable size and type and be in good working order.

### **CCTV In Vehicles**

- PH12 The Department for Transport Best Practice Guidance recommends that licensing authorities look sympathetically on or even actively encourage the installation of security measures such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers. It is not currently proposed that such measures should be required as part of the licensing regime at this time, and it is considered that they are best left to the judgement of the owners and drivers themselves.

If CCTV is installed, the proprietor of any vehicle with CCTV must display a sign approved by the Council advising passengers that a CCTV system is in operation in the vehicle.

Any reports of misuse of CCTV or recorded images may result in the immediate referral to the Licensing Committee with a view to suspending both the vehicle and driver licences.<sup>3</sup>

### **Cleanliness**

- PH13 The proprietor must ensure that the private hire vehicle is in a safe, clean and tidy condition both inside and out to ensure the safety and comfort of passengers.

### **Licence Plates**

- PH14 a) The front and rear identification plates, supplied by the Council, shall be securely fixed to the front and rear of the vehicle; in a conspicuous position approved by an authorised officer of the Council, using bolts or screws, or other method with written approval of the Council, in such a manner as to be easily removable by an authorised officer or constable
- b) The internal licence plate shall be securely fixed to the dashboard or

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<sup>3</sup> The Information Commissioners Office (ICO) states that CCTV in Hackney Carriages and Private Hire Vehicles is covered by the Data Protection Act and as such, conversations between members of the public must not be recorded on CCTV during the normal course of a journey where images are being recorded. (There are some specific exceptions to this, such as a panic button in a taxi cab)

top near side of the windscreen of the vehicle so that it can be easily seen by passengers situated in both the front and rear passenger seats

- c) There shall be permanently affixed to each front door of the vehicle, in a central location, a decal issued by the Council that contains the vehicle plate number.

### **Meter/Table of Fares**

PH15 All private hire vehicles fitted with a taximeter shall comply with the Measuring Instruments (Taximeters) Regulations 2006 type which is locked and sealed by an approved manufacturer/suppliers and/or installer. The meter must:

- a) Be installed into the vehicle in a suitable and secure manner at all times
- b) Be accurate, be capable of showing that the vehicle is or is not hired, register the charge if hired and be positioned in clear view of the passengers
- c) Be sufficiently illuminated when in use and visible to all passengers.
- d) Only be brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.

The fare charged must not exceed the fare displayed on the meter at the end of the journey.

When the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.

A notice showing the Tariff of fares must be displayed inside the vehicle in the top off side rear window where any passengers can easily read it.

### **Sliding Doors**

PH16 Where sliding doors are an integral part of a vehicle and a locking device has not been fitted the child locking systems shall be engaged by the driver at all times when the vehicle is in motion and carrying passengers. The opening and closing mechanism shall not be altered so as to prevent the doors from locking into the open position

### **Swivel Seats**

PH17 Where fitted as a passenger seat, certificates of fitting from an authorised fitter must be obtained and produced to the Council before a vehicle can be tested and/or licensed.

### **Tinted Windows**

PH18 The Council's specification relating to the use of tinted windows in

licensed vehicles is as follows: -

- a) The windscreen shall have a minimum light transmission of 75%
- b) All other windows of the vehicle shall have a minimum of 70% light transmission, unless the following criteria can be met in which case there will be no minimum light transmission.

The minimum light transmission criteria is relaxed in the following circumstances:

- c) The windscreen<sup>4</sup> and front side windows<sup>5</sup> of any vehicle exempt from the criteria, when the vehicle is an executive hire or novelty hire vehicle or stretched limousine operating under an Exemption Notice, and
- d) The vehicle will not be engaged at all in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years unless accompanied by an adult other than the driver). The driver must not act as the accompanying adult, and
- e) Written approval has been given by the Council.

NB any exemption granted by the council does not remove the need for compliance with the relevant Construction and Use Regulations.

No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass

### **Advertisements, Signs, Notices etc.**

PH19

Signs, notices or advertisements must not be of a content that the Licensing Officer deems to be offensive or abusive. Further guidance as to the content of the advert may be sought from the Advertisement Standards Authority, [www.asa.org.uk](http://www.asa.org.uk)

No advertising on vehicles shall:

- a) Be affixed to any window of the vehicle.
- b) Be affixed to any door or panel on which the Council issued decal or sign is located.
- c) Be affixed to any part of the interior or exterior of any private hire vehicle operating under an Exemption Notice
- d) Promote tobacco products
- e) Promote alcoholic products without the prominent disclaimer 'Please Drink Responsibly'
- f) Be offensive or misleading in nature or character. As this matter is

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<sup>4</sup> The front windscreen must let at least 75% of light through.

<sup>5</sup> the front side windows must let at least 70% of light through

subjective, the decision of the licensing officer shall be deemed final

Advertisements shall be constructed of such robust design and materials, and fitted professionally, as to be capable of retaining high standards of appearance. Any vehicles displaying advertisements considered by the Licensing Officer to fall below such a high quality will be suspended until the advertisement is either removed or satisfactorily repaired.

If advertising is situated in the interior of the vehicle it shall be subject to the proviso that it does not detrimentally affect the safety or comfort of passengers and does not cause offence to passengers carried within the vehicle (in the opinion of the Licensing Officer).

Private hire vehicles must not display signage that may give the impression that the vehicle is a hackney carriage.

Any queries regarding advertisements must be referred to the Council prior to them being placed on a vehicle.

### **Insurance**

PH20

All vehicles must have a current valid policy of motor insurance and public liability insurance (minimum £5 million) at all times appropriate to the vehicle which is qualified by a statement that this is subject to the appropriate local authority licences being held. This policy must be in place before a licence can be granted.

Certificates for private hire vehicles are not acceptable if they include cover for public hire purposes.

It is an offence to drive a vehicle without the appropriate insurance in place. Requests to produce insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request.

If a vehicle is off the road and uninsured the proprietor must advise the Licensing Office in writing immediately or in any event within 72 hours.

### **Age Restriction**

PH21

When a vehicle licence is first granted it must be under 4 years old (i.e. from date of first registration).

Vehicle licences will normally only be renewed up to 6 years old (except for purpose built wheelchair accessible vehicles such as London Cabs which may be licensed up to 13 years of age).

Vehicles which meet the Council's "exceptionally well maintained" criteria may be licensed for longer periods.

For a vehicle to be regarded as being 'exceptionally well maintained' it

will be for the vehicle proprietor to demonstrate to the licensing authority that the vehicle has been exceptionally well maintained throughout its lifetime.

Matters to be taken into account when determining whether a vehicle has been exceptionally well maintained will include: -

- a) History of mechanical checks and the number and nature of any failures
- b) History of visual appearance checks carried out by licensing officers
- c) History of spot checks carried out by licensing officers
- d) Accident history of the vehicle

Applications for an extension of the age policy must be made in writing to the Licensing Team, accompanied by the relevant administration fee, a minimum of 14 days prior to the expiry of the current licence.

Age restrictions shall not apply where a licensed vehicle is converted from one type of licensed vehicle to another, provided the vehicle licence in respect of the initial vehicle licence is surrendered. The vehicle must be altered so as to comply fully with the requirements of the prospective licence in respect of the fitness, suitability, colour, size and type of vehicle, and any obligatory fixtures and fittings.

### **Change of Address**

- PH22      The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

### **Loss/Theft of Licence Plate**

- PH23      The proprietor must report the loss/theft of licence plate(s) to the Licensing Office as soon as the loss becomes known and in any case, within 2 working days.

### **Surrender of licence**

- PH24      A vehicle licence may be surrendered at any time and any refund of licence fee will be calculated as a pro rata daily rate on the number of days licence remaining, plus and any mechanical inspections not yet undertaken less the administration fee.

### **Change of Private Hire Operator**

- PH25      This vehicle may only be operated under the provisions of one Private Hire Operators Licence at any moment in time. The proprietor must notify the Council of any change in Private Hire Operator before undertaking bookings for the new operator

### **Exemptions for Private Hire Vehicles**

PH26 Private hire vehicles used for executive hire will be permitted to apply for an exemption under Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display licence plates.

Any proprietor of a licensed private hire vehicle wishing to apply for this exemption should be engaged exclusively in the provision of a 'chauffeur style' executive service as agreed by the Council.

Any proprietor of a licensed private hire vehicle wishing to apply for this exemption must satisfy the Council that:

- a) the specification of the vehicle constitutes an executive vehicle<sup>6</sup> and
- b) the overall level of service provision constitutes an executive hire,<sup>7</sup>

The submission of contract specifications and/or evidence of all contract and account customers, including usage will be required to support any application for an exemption. Applications for exemptions are to be made in writing.

If an Exemption is granted, a Notice will be issued to the proprietor. The Notice shall be valid for a period not exceeding one year and shall expire alongside the private hire vehicle licence.

A rear licence plate will also be issued and this shall be carried in the boot of the vehicle at all times whilst the vehicle is being used in accordance with the exemption notice.

The Exemption Notice and the rear licence plate shall be produced to an authorised officer or police officer when requested.

Whilst the vehicle is being used in accordance with the Notice, the driver of the vehicle shall be required to carry his private hire driver badge in the vehicle but shall be exempt from wearing it.

No advertisements of any kind shall be displayed in, on or from the vehicle at any time whilst the Exemption Notice is in force. Company logos shall not be displayed on any part of the vehicle.

Roof signs shall not be permitted and the overall appearance of the vehicle both externally and internally shall be that of an unlicensed private vehicle at all times.

The Exemption Notice is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions and any additional conditions. Failure to comply with these conditions may

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<sup>6</sup> An executive vehicle is a vehicle referred to as a premium class car finished to the highest specification and not a base or lower standard specification. The vehicle is to be provided with the services of a smart business wear uniformed driver

<sup>7</sup> The vehicle will not be used for typical private hire work

result in the withdrawal of the Exemption Notice.

The private hire operator, proprietor and driver operating under the provisions of an executive Exemption Notice, remain subject to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 with regard to the respective licences and the conditions attached in each case.

### **Novelty Vehicles and Stretched Limousines**

PH27

The Council recognises the role novelty vehicles (e.g. converted fire engines) and stretched limousines play in the private hire trade to meet a public demand and has developed a separate licensing regime for such vehicles. Please see **Appendix 7**. (NB this includes additional proposed conditions in respect of such vehicles, relating to driver uniform, material change and exemption from window tint). Such vehicles will only be licensed as private hire vehicles.

It is not appropriate for such vehicles to be used for standard hiring and licensed operators shall only send such a vehicle when it has been specifically requested by the hirer.

Most novelty vehicles, in particular stretched limousines are imported for commercial purposes and are required to have undertaken an Individual type approval (ITA) test (which has replaced the old single type approval (SVA)). This ensures that the vehicles meet modern safety standards and environmental standards before being used on public roads.

Stretched limousines shall also have Qualified Vehicle Modifier or Cadillac Coach builder approval where appropriate.

There shall be no sale or provision of alcohol (or provision of regulated entertainment) from any vehicle without a current premises licence under the Licensing Act 2003 being in force and if all of the occupants, (save for the driver and accompanying responsible adult), are under the age of 18 then there shall be no alcohol at all in the vehicle for consumption or otherwise.

Where the passengers in the vehicle consist of children and young persons they must be accompanied by a responsible adult, (other than the driver) who is over the age of 18 and is not connected to the driver.

There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals. Similarly a vehicle does not need to be licensed while it is being used wholly in connection with a wedding.

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## ADDITIONAL POLICY AND STANDARD CONDITIONS FOR LIMOUSINES, NOVELTY VEHICLES AND EXECUTIVE HIRE

These conditions are IN ADDITION to the standard Private Hire Vehicle conditions except where stated.

### INTERPRETATION

1. For the purpose of licensing by the Council a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres (120 inches) to extend the length of the vehicle. The vehicle shall be capable of carrying up to (but not exceeding) eight seated passengers. Each passenger seating area will be at least 400 millimetres wide.
2. The nature of limousines is such that it is unlikely they will comply with the Council's age policy and will therefore be deemed to be exempt from the policy.
3. Consideration will be given to the licensing of "novelty" vehicles e.g. fire engines on an individual basis.
4. Applications for exemptions from standard conditions will be considered in respect of executive, chauffeur driven vehicles.

### POLICY

#### Documentation

5. The following documentation in original form or certified copies (not photocopies) shall be produced prior to licensing:
  - a) Completed importation documentation – Single Vehicle Approval (SVA).
  - b) A Qualified Vehicle Modifier certificate – (QVM). This is issued by the Coach Builder.
  - c) DVLA registration document (V5).
  - d) Insurance documents covering Hire and Reward, Public Liability insurance and, where drivers other than the proprietor are used, Employer Liability insurance.
  - e) Vehicle test certificate (inspection carried out and certificate issued by the Council's in-house testing station)  
**NB** The compliance inspection is carried out at **six** monthly intervals.
  - f) Vehicles converted to run on LPG must produce an installation certificate from a LPGA approved UK vehicle conversion company.
  - g) Documentation to show the overall weight of the vehicle (as displayed on the vehicle)

### CONDITIONS FOR LIMOUSINES, NOVELTY VEHICLES



## Appearance of Vehicle

- LN1 The proprietor shall ensure that the limousine is of a type approved by the Council.
- a) The maximum length of the vehicle “stretch” shall not exceed 120 inches (3048 millimetres).
  - b) The vehicle should be equipped with a minimum of four road wheels and one full sized spare wheel. The tyres shall be of an approved rating as specified by the manufacturer i.e. 235/75R 15 108S (BF Goodrich Extra Load or equivalent). Vehicles produced since 1998 should be fitted with 225/70R 16 107T (Reinforced).  
In addition tyres on the same axle must be of the same nominal size and aspect ratio
  - c) The front windscreen shall allow 75% light transmittance and the front driver and passenger windows shall allow 70% light transmittance. **(Construction 7 Use Regulations 1986).**
  - d) No self-adhesive material (tinted or clear) shall be affixed to any part of the glass without the prior written approval of the Council.
  - e) The interior of the vehicle must be kept wind and watertight.
  - f) The seats in the passenger compartment must be kept properly cushioned and covered.
  - g) The floor in the passenger compartment must be provided with a proper carpet, mat or other suitable covering
  - h) There must be adequate internal light to enable passengers to enter and leave the vehicle safely.
  - i) The internal fittings and furniture of the limousine must be kept in a clean, well-maintained condition and in every way fit and safe for public use.
  - j) Facilities must be provided for the conveyance of luggage safely and protected from inclement weather.
  - k) The vehicle must have at least two doors for use of persons conveyed in limousine and a separate means of ingress and egress for the driver.
  - l) The exterior of the limousine must be kept in a clean condition especially during inclement weather.
  - m) Facilities must be provided to ensure that any person travelling in the limousine can communicate with the driver.

## Exemption Notice (also Section 75(3) LG(MP)Act 1976)

- LN2 The Council will issue a written notice that exempts the vehicle from having to display identification plate(s). This notice must be carried in the vehicle at all times and be available for inspection on request by an Authorised officer of the Council or a Police Officer.

- LN3 **Licence Plates** NB Replaces (a) to (c) of Condition 14 for PH Vehicles

- a) The proprietor of the limousine shall ensure the identification plate(s) is maintained and kept in such condition so that the information contained on the identification plate is clearly visible at all times.

- b) The identification plate shall remain the property of the Council at all time and shall be carried in the limousine so as to be easily removed or inspected by an Authorised Officer of the Council or Police Constable.
- c) The vehicle will display the licence identification card issued by the Council in the windscreen of the vehicle, where it can be easily seen by persons outside of the vehicle.

### **Passengers**

- LN4
- a) The limousine shall not carry a greater number of passengers than the number prescribed in the licence.  
**(N.B. A babe in arms is classed as a passenger whatever their age).**
  - b) The vehicle shall not carry less than two passengers at any one time
  - c) Where the passengers in the vehicle consist of persons under the age of 18 years they must be accompanied by a responsible adult, other than the driver, who is over the age of 18 years and is not connected to the driver.
  - d) All passengers must remain seated at all times when the vehicle is in motion.
  - e) Passengers will not be carried in the front of the vehicle.
  - f) In accordance with Construction and Use Regulations, where seat belts are fitted they must be used by all passengers

### **Safety Equipment NB Replaces Part (a) of Condition 14 for PH Vehicles**

- LN5
- The proprietor of the private hire vehicle shall provide and maintain to the satisfaction of the Authorised Officer an efficient fire extinguisher containing BCF (Bromochloro Difluoromethane), which shall be securely fixed to the vehicle and within easy reach of the driver at all times.

The extinguisher shall be manufactured to British Standards and shall show the B.S. number. The vehicle licence number shall be painted upon the extinguisher, using indelible black ink, in letters at least 10 mm high

### **Uniform**

- LN6
- The proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a chauffeur's uniform or 'business type' suit when the vehicle is hired.

### **Material Change**

- LN7
- The Proprietor shall notify the Council immediately in writing if there is any material change in the nature of the use of the vehicle during the period of exemption.

## **Exemption from Window Tint**

LN8

The Proprietor of any executive hire vehicle wishing to take advantage of an exemption limiting the window tint to the front driver and passenger windows only must be engaged in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years).

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## PRIVATE HIRE OPERATORS CONDITIONS

### Booking Records (Legislation Section 56 (2) (4) LG(MP)Act 1976 and Condition PO1)

PO1 Every licensed private hire operator must keep a record of every booking of every private hire vehicle operated by him/her and of every sub contract made with the operator or arranged by the operator. The records must be continuous and chronological.

There must be only one set of records: cash and credit account bookings can be separately identified but must not be in separate sets of records.

The record must be kept in the form described in the following condition:

- a) Records must be kept in a suitable form in a continuous, chronological order, approved by the Council the pages of which are consecutively numbered, or
- b) On a computer which keeps backup records and is immediately capable of producing a printed record from the computer onto paper. Records must not be capable of retrospective alteration or amendment, and
- c) The operator or his/her agent/employee must enter, before the commencement of each journey, the following particulars of every booking of every private hire vehicle operated by him/her, the:
  - Name and address of the hirer;
  - Date, time and pickup point of the booking;
  - Destination;
  - Number of passengers to be carried;
  - When and how the booking was made i.e. telephone, personal call;
  - Plate number of the vehicle allocated;
  - Name of the driver allocated to the booking and call sign of the vehicle;
  - Amount to be charged; (where applicable)
  - Details of any sub contract arrangement;
  - Remarks.
- d) The operator must also keep records of the particulars of all private hire vehicles and drivers operated by him/her. These must include the owner of the vehicle, registration number, private hire vehicle licence number, any radio call sign used and all driver licence numbers.
- e) All records are to be kept for a period of not less than 12 months following the date of the last entry and to be produced for inspection on the request of an Authorised Officer of the Council or a Police

Officer.

The operator must not enter into his/her booking records details of any fare that has not been pre-booked by the hirer through his/her operating base, either by telephone or personal caller (NB It is an offence to enter details of any illegal plying for hire in an attempt to make such activity appear to be a legitimate booking).

### **Booking Records – Hackney Carriages**

- PO2 Where a licensed Private hire operator accepts bookings for hackney carriages a record must be kept of each booking in the same format as all private hire bookings and this record must be produced on the request of an Authorised Officer of the Council or a Police Officer.

### **Change of Home Address**

- PO3 The operator must notify the Council, in writing, within 7 days of any change of his/her personal address.

### **Change of Business Address**

- PO4 A Private Hire Operator licence is granted to the operator for the premises detailed at the time of application. It is not transferable to other persons or premises. Any change from the original application will be dealt with as a new application. The operator will be required to make a new application accordingly.

### **Complaints**

- PO5
- a) The operator must maintain written or computer records of all complaints received concerning a contract for hire or purported contract for hire relating to or arising from his/her business (including any sub-contracted work) and the action that was taken. These details shall be maintained for a minimum of six months and be made available to a licensing officer on request.
  - b) The operator must notify the Council, in writing, within 7 days of any complaints and of the action (if any), which the operator has taken or proposes to take.
  - c) Where a complaint is investigated by an Authorised Officer of the Council the operator shall comply with any reasonable directions of the Officer in respect of that complaint.

### **Convictions**

- PO6 If the operator is cautioned or convicted of any motoring or criminal offence (s)he must notify the Council, in writing, within 7 days. If the licence is in the name of a Company or Partnership the cautions/convictions of any Directors or Partners must be disclosed.

### **Display of Licence**

- PO7 If the public has access to the operating premises you are required to display your Private Hire operator Licence in your operating premises together with a copy of your licence conditions and the Local Government (Miscellaneous Provisions) Act 1976.

### **DTI Licences**

- PO8 If two-way radios are fitted to vehicles which are used, the operator must produce evidence of a DTI radio Licence to the Council and provide all details of radio frequencies, together with call signs/numbers of all vehicles using two-way radios.

### **Equal Opportunities**

- PO9 The operator must at all times treat his/her passengers or any potential passenger with courtesy and respect. The operator and his/her employees must not discriminate against any person because of their race, colour, creed, gender or disability.

### **Facilities for Passengers**

- PO10 The operator must ensure that where any passenger waiting area or room is provided, it is kept physically separate from any driver rest area and operations room. Where a waiting area or room is provided for the use of passengers or prospective passengers the operator shall:
- a) provide adequate seating for the use of those passengers or prospective passengers; and
  - b) ensure that such room or area is kept clean, adequately heated, ventilated and lit; and
  - c) ensure that the interior and exterior of the premises are kept in good repair, to the satisfaction of the Council.

### **Fares**

- PO11 The fare charged by the Operator shall be agreed with the hirer at the time of booking.

### **Parking**

- PO12 Where adequate off street parking is not available at the operating address specified on the licence the operator shall inform the Council, in writing of all locations where vehicles will be parked when waiting for bookings.

### **Planning Permission**

- PO13 The operator must have Planning permission for private hire use at the operating premises. The operator must comply in every respect with the requirements of the current planning legislation.

### **Right of Access**

- PO14 The operator must permit any Authorised Officer of the Council onto his/her operating premises at all times when acting as a Private Hire operator and provide him/her with access to all records which (s)he may reasonably require.

### **Standard of Service**

- PO15 The operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose must, in particular:
- a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle must attend at the appointed time and place unless unavoidably delayed.
  - b) Keep clean, adequately heated, ventilated and lit any premises which are provided and to which the public have access, whether for the purpose of booking or waiting.
  - c) Ensure that any telephone facilities and radio equipment provided are, at all times, kept in good working order and that any defects are repaired promptly.
  - d) Not describe by the use of advertising signs, printed words, broadcasts or by any other media the word "Hackney Carriage" or "Taxi", or any derivative to describe the private hire services offered.

### **Taximeters**

- PO16 When taximeters are used the operator must notify the Council of the fare rate and any subsequent changes made to that fare rate during the period of the Operator licence. Where any vehicle operated is fitted with an approved taximeter the operator shall ensure that the taximeter is set to the fare rate notified to the Council and properly sealed in accordance with Council regulations.

### **Vehicles to be used**

- PO17 It shall be a requirement that hackney carriage and private hire vehicles and drivers that have been licensed by Hartlepool Borough Council shall be used within the controlled district of Hartlepool unless it is necessary to sub-contract a booking. In this case the operator must ensure that the same standard of vehicle and driver is provided by the sub-contractor. This is to ensure that the travelling public of Hartlepool are provided with a consistent standard of service.
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