

LICENSING COMMITTEE AGENDA



Wednesday 4 December 2019

at 10.00am

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

MEMBERS: LICENSING COMMITTEE:

Councillors Buchan, Cassidy, Fleming, Hall, Hamilton, Hunter, Johnson, Loynes, Mincher, Prince, Smith and T Richardson.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the Licensing Committee meeting held on 11 September 2019

3.2 To approve the minutes of the Regulatory Sub-Committee meeting held on 9th October 2019

4. ITEMS REQUIRING DECISION

4.1 Licensing Sub-Committee Memberships – *Chief Solicitor*

4.2 Taxi Licensing Policy – *Assistant Director (Environment and Neighbourhood Services)*

5. ITEMS FOR INFORMATION

5.1 No items.

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Date of next meeting – Wednesday 4 March at 10.00am in Committee Room B, Civic Centre, Hartlepool.



LICENSING COMMITTEE

MINUTES AND DECISION RECORD

11 September 2019

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

Present:

Councillor: Councillor Buchan (In the Chair)

Councillors: Cassidy, Fleming, Loynes, Mincher, Prince and T Richardson

Also Present:

David Wilson – Blue Line

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

6. Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Lesley Hamilton, Dave Hunter and Leisa Smith.

7. Declarations of interest by Members

None

8. Confirmation of the Minutes of the following meetings:-

- Regulatory Sub-Committee held on 18 June 2019
- Licensing Sub-Committee held on 19 June 2019
- Licensing Committee held on 26 June 2019
- Licensing Sub-Committee held on 27 June 2019
- Regulatory Sub-Committee held 6 August 2019
- Licensing Sub-Committee held 6 August 2019

Confirmed

9. Taxi Licensing Policy *(Assistant Director (Environment and Neighbourhood Services))*

The Trading Standards and Licensing Manager presented the report which sought the views of Members in relation to proposed amendments to the Council's draft Taxi Licensing Policy, a copy of which was appended to the report.

Following approval of the draft policy, a process of consultation would begin in order to seek the views of interested parties.

The most significant proposed changes to the policy was in relation to a change in the mandatory hackney carriage colour following a formal request from owners of 60 hackney carriages, which represented approximately 45% of the entire hackney carriage fleet. There were a number of issues associated with a change of hackney carriage colour, details of which were set out in the report. Whilst the draft policy referred to white as being the new approved colour, there was an option for Committee Members to suggest an alternative colour.

In relation to Criminal Record Checks, the new draft policy proposed that drivers must provide an enhanced DBS certificate to the licensing authority every 12 months, the background of which was provided.

In addition, the draft policy proposed a strict age policy that no licence will be granted to a vehicle once it was 8 years old and that vehicles would only be licensed for the first time if they were less than four years old from the date of first registration (which was Hartlepool's current policy). The draft policy contained a number of additional amendments and updates, details of which were provided.

Following presentation of the report, the Trading Standards and Licensing Manager responded to issues raised arising from the report. In response to a query raised regarding the implications of a colour change, Members were advised that there would be phased approach of potentially 8 years for a proposed change in colour and there would be no requirement for hackney drivers to carry out resprays of current vehicles. A Member highlighted that some drivers had expressed concerns that this proposal may result in additional costs for drivers as there was an opportunity for garages to increase prices for white cars if they were being utilised as taxis. The Trading Standards and Licensing Manager reported that issues of this type would be considered as part of the consultation process.

The Trading Standards and Licensing Manager provided clarification in response to issues raised in relation to the changes to the criminal record checks process and highlighted that the "Notifiable Occupation" Scheme had been replaced by a "Common Law Police Disclosures" Scheme with the effect that the Police would now only notify a licensing authority where the Police considered there was a pressing social need to do so, the implications of which were discussed.

A Licensing Consultant from Blue Line, who was in attendance at the meeting, expressed support for a colour change and also spoke in support of the proposals that drivers must provide an enhanced DBS certificate to the licensing authority each year. In terms of the vehicle age restriction proposals, the Licensing Consultant expressed views in this regard to which the Trading Standards and Licensing Manager highlighted the opportunity to feed such suggestions into the consultation process and indicated that other neighbouring local authorities' Licensing Committee's would also be considering this issue.

Decision

That the draft Taxi Licensing Policy, attached at Appendix 1, be agreed and that officers be instructed to commence the consultation process.

10. Date and Time of Next Meeting

The next meeting would be held on Wednesday 4 December at 10.00 am.

The meeting concluded at 10.35 am.

CHAIR

REGULATORY SUB COMMITTEE

MINUTES AND DECISION RECORD

9th October 2019

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

Present:

Councillor: Gerard Hall (In the Chair)

Councillors: Bob Buchan and David Mincher

In accordance with Council Procedure Rule 4.2 Councillor Amy Prince was in attendance as substitute for Councillor Lesley Hamilton

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

6. Apologies for Absence

Apologies were submitted by Councillor Lesley Hamilton

7. Declarations of interest by Members

None

8. 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 9 – Private Hire Drivers Licence - PTG – 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 the financial or business affairs of a particular person (including the authority holding that information) (para. 1).

Minute 10 – Private Hire Drivers Licence - SBD – 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 the financial or business affairs of a particular person (including the authority holding that information) (para. 1).

- 9. Private Hire Drivers Licence - PTG** (*Assistant Director (Environment and Neighbourhood Services)*) 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) information relating to the financial or business affairs of a particular person (including the authority holding that information)

Members were asked to consider an application for a private hire drivers licence. Further details are provided in the closed minutes.

Decision

Detailed in the closed minutes

- 10. Private Hire Drivers Licence - SBD** (*Assistant Director (Environment and Neighbourhood Services)*) 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) information relating to the financial or business affairs of a particular person (including the authority holding that information)

Members were asked to consider an application for a private hire drivers licence. Further details are provided in the closed minutes.

Decision

Detailed in the closed minutes.

The meeting concluded at 11.15am.

CHAIR

LICENSING COMMITTEE

4 December 2019



Report of: Chief Solicitor

Subject: LICENSING SUB COMMITTEE MEMBERSHIPS

1. PURPOSE OF REPORT

- 1.1 To approve the appointment of Councillor Johnson to Licensing Sub-Committee no 3 and Regulatory Sub Committee no 2.
- 1.2 To appoint a permanent Chair for Licensing Sub-Committee no 3 for premises licences from the membership of Councillors Cassidy, Hamilton and Johnson.

2. BACKGROUND

- 2.1 At the meeting of Licensing Committee on 10th October 2018 members approved the memberships of the seven licensing sub-committees as follows:

Licensing Sub Committees: -

1. Dave Hunter (Chair), David Mincher, Tony Richardson
2. Brenda Loynes (Chair), Tim Fleming, Amy Prince
3. Mike Young (Chair), Tom Cassidy, Lesley Hamilton
4. Bob Buchan (Chair), Ged Hall, Leisa Smith

Regulatory Sub Committees (formerly Licensing Sub Committees for hackney carriage and private hire licences): -

1. Tony Richardson (Chair), Dave Hunter, Leisa Smith, Mike Young
2. Tim Fleming (Chair), Tom Cassidy, Brenda Loynes, Amy Prince
3. Ged Hall (Chair), Bob Buchan, Lesley Hamilton, David Mincher

3. SUB-COMMITTEE VACANCIES

- 3.1 On Thursday 25th July 2019 Ann Johnson was elected as Councillor for the Hart Ward. Councillor Mike Young subsequently agreed to relinquish his seat on the Licensing Committee and Councillor Johnson was appointed by Council to Licensing Committee on 12th September 2019.

4. RECOMMENDATIONS

- 4.1 That the Committee appoint Councillor Johnson to Licensing Sub-Committee no 3 and Regulatory Sub Committee no 1.
- 4.2 That the Committee elect a Chair for Licensing Sub-Committee no 3 from the membership of Councillors Cassidy, Hamilton and Johnson.

5. REASONS FOR RECOMMENDATIONS

To fill existing vacancies in order to enable any necessary business to be transacted.

6. BACKGROUND PAPERS

Licensing Committee Minutes 26 June 2019
Council minutes 12 September 2019

7. CONTACT OFFICER

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LICENSING COMMITTEE

4th December 2019



Report of: Assistant Director (Environment & Neighbourhood Services)

Subject: TAXI LICENSING POLICY

1. PURPOSE OF REPORT

1.1 To consider amendments to the Council's 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 are based within the borough (for the remainder of this report, collectively referred to as 'taxis', 'taxi drivers' and the 'taxi trade').

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 On 11th September 2019 a new draft Taxi Licensing Policy was brought to the Licensing Committee for consideration.

2.4 The draft policy contained three significant amendments to the current policy plus a number of minor and administrative alterations.

2.5 The three significant amendments were: -

- a) A change to the mandatory colour scheme for hackney carriages – from yellow to white
- b) A requirement for all taxi drivers to undertake an annual criminal records check
- c) A change to the vehicle age policy used to determine what vehicles could, and could not, be licensed

2.6 The Committee instructed the Trading Standards & Licensing Manager to begin a consultation exercise on the draft policy and this consultation took place between 12th September and 8th November 2019.

- 2.7 The consultation included letters to a range of interested parties, newspaper coverage, a radio interview, social media posts and an on-line survey.
- 2.8 A significant number of responses were received – particularly in relation to the proposed change to the colour of hackney carriages.
- 2.9 This report does not seek to answer every question, or address every individual issue, raised during the consultation process. However, all of the comments received can be found by following the relevant link at www.hartlepool.gov.uk/licensing.

Changing the Colour of Hackney Carriages

- 2.10 For several decades it has been a requirement of Hartlepool's Taxi Policy that hackney carriages must be yellow in colour (specifically "AA yellow" or similar).
- 2.11 The Committee may recall that the initial proposal to change the mandatory colour from yellow to a manufacturer's standard colour was as the result of a letter from a Private Hire Operator and a petition from hackney carriage vehicle owners that collectively represented a total of 60 hackney carriages (45% of the total hackney carriage fleet).
- 2.12 The views of the remaining 55% was, at that time, unknown.
- 2.13 The letter and petition referred to the perceived benefits of moving to a standard manufacturer's colour (i.e. white, black or silver) that would allow vehicle owners to purchase a new or replacement vehicle without the need for it to be re-sprayed. It was also argued that the requirement for hackney carriages to be painted yellow, rather than another more readily available colour, was an unnecessary regulatory burden.
- 2.14 During the consultation process, a significant number of those hackney carriage owners who originally requested a change to the colour policy changed their minds and, instead, requested that the colour policy remain unchanged.
- 2.15 In total, 21 of the 33 vehicle owners who signed the original petition requesting a colour change now want to see things stay as they are.
- 2.16 When added to the responses received from other hackney carriage owners during the consultation, the final results are as follows: -
- 57 vehicle owners representing 65 vehicles (49%) want to stay yellow
 - 14 vehicle owners representing 45 vehicles (34%) want to change
 - 22 owners representing 22 vehicles (17%) did not give an opinion

- 2.17 As some vehicle owners own multiple vehicles, the Committee may also be interested to know how this breaks down in terms of owners themselves.
- 61% of owners want to stay yellow
 - 15% want to change
 - 24% did not express an opinion
- 2.18 In addition to responses received from the trade, the Council also established an on line survey allowing for the general public to express their opinions.
- 2.19 In total, 827 people completed the survey and the results were as follows: -
- Stay yellow 71.46%
 - White 6.05%
 - Black 5.68%
 - Silver 2.54%
 - Don't know 5.08%
 - Other 9.19%

Vehicle Age Policy

- 2.20 Whilst the adoption of a colour scheme for hackney carriages in Hartlepool is a local matter, there are a number of other taxi related issues that have been the subject of national debate and investigation.
- 2.21 On several occasions over recent years, there has been Government scrutiny of taxi licensing legislation resulting in a number of recommendations – most of which have yet to be introduced.
- 2.22 However, one issue that appears to have broad support is for the Government to introduce national minimum standards for licensed vehicles. As such a step would be easier to introduce than brand new legislation, it is considered likely by many informed sources.
- 2.23 One of the main reasons why national standards are being contemplated is that due to previous deregulation, licensed vehicles are now free to operate anywhere in the country (with certain restrictions) and no longer have to work in the area where they are licensed.
- 2.24 This has led to some vehicle owners, particularly larger operators, *shopping around* for licensing authorities offering the cheapest fees and/or lowest standards.
- 2.25 The introduction of minimum national standards that must be applied by all licensing authorities would, to some degree, address this issue.
- 2.26 Whilst the 'free movement of licensed vehicles' has become a significant issue for taxi licensing authorities, so has local air quality.

- 2.27 A number of North East Councils are currently facing difficult challenges as they strive to improve their air quality in order to achieve Government targets.
- 2.28 One way to help improve air quality is to ensure that taxi fleets are as ‘clean’ as possible.
- 2.29 All road vehicles are manufactured to ‘Euro emissions standards’ which set acceptable limits for certain types of exhaust emissions and these standards are gradually becoming more stringent.
- 2.30 The current European emission standard is Tier 6 (Euro 6) and this has applied to all cars manufactured since September 2014 or registered after September 2015.
- 2.31 Hartlepool’s current taxi policy is based solely on the age and condition of the vehicle and does not take Euro emission standards into account. As such, 26% of Hartlepool’s current taxi fleet are Euro 5 or lower.
- 2.32 As the quality of air we breathe is not restrained by council boundaries, the twelve North East licensing authorities have been working together to develop an approach that will benefit everyone.
- 2.33 An agreed regional approach will both contribute towards an improvement in air quality but will also ensure that taxi owners do not *shop around* for the licensing authority with the lowest standards.
- 2.34 The draft policy submitted to the Licensing Committee in September therefore reflected a regional *agreement in principle* that would ensure that only vehicles that were Euro 6 or better would remain licensed across the North East after April 2023.
- 2.35 The draft policy proposed the introduction of a strict eight year age policy that would, in future, prevent vehicles from remaining on Hartlepool’s taxi fleet indefinitely (regardless of their condition and emissions standard) and would ensure that only vehicles that met or exceeded Euro 6 or better remained licensed.
- 2.36 The proposed change to the age policy was part of the recent consultation process and a small number of comments were received. These can be viewed by visiting www.hartlepool.gov.uk/licensing.
- 2.37 In summary, the responses did not support the move to a strict eight year policy and, instead, preferred the retention of the current policy (which permits the licensing of vehicles up to six years and indefinitely thereafter if the vehicle has been exceptionally well maintained throughout its lifetime).
- 2.38 In addition, most respondents requested an increase in the age limit for both newly licensed vehicles from four to five years (or even longer) and an increase in the upper age limit for existing licensed vehicles from six years to up to ten years (or even longer).

DBS Criminal Record Checks

- 2.39 The third and final significant proposed amendment to Hartlepool's Taxi Licensing Policy concerns the frequency of taxi driver's criminal record checks.
- 2.40 At present, licensed drivers are required to provide an up to date record of their criminal history (an Enhanced Disclosure & Barring Service (DBS) check) on initial application and every three years thereafter.
- 2.41 The cost of these checks has recently reduced from £44 to £40 and this is payable by the driver. However, Hartlepool Council has begun to use the services of a DBS intermediary to speed up DBS applications and the cost of this is £4 per application which is in addition to the £40 DBS fee. As such, the cost of a DBS application in Hartlepool will remain at £44.
- 2.42 The requirement for a new DBS certificate every three years was relatively common practice and was deemed appropriate as taxi driving had historically been classed as a 'Notifiable Occupation' and, as such, the Police would notify a licensing authority if a driver had come to their attention *between* DBS checks.
- 2.43 The 'Notifiable Occupation' scheme has been replaced by 'Common Law Police Disclosures' with the effect that the Police will now only notify a licensing authority where the Police consider there is a 'pressing social need' to do so.
- 2.44 In reality, this has significantly reduced the amount of information being passed to licensing authorities by the Police and therefore licensing authorities may not now be made aware of a driver's new cautions, convictions or other serious matters until the driver's next DBS check is due – which may be up to three years.
- 2.45 As a consequence, the new draft policy proposes that drivers must provide an Enhanced DBS certificate to the licensing authority every 12 months.
- 2.46 As the cost of each such certificate is £44, it is recognised that this would create a significant additional financial burden for drivers and, as such, it is proposed that drivers be encouraged to enrol on the DBS 'Update Service'.
- 2.47 The Update Service allows for drivers to pay an annual fee of £13 and for which, in return, their DBS history can be viewed at any time, on line, for no additional cost.
- 2.48 Provided that the annual fee continues to be paid, a driver's criminal record can be checked by a licensing authority without the need for further DBS certificates.

- 2.49 After payment of the initial £44 for an Enhanced DBS certificate the driver must immediately pay an additional £13 to join the Update Service and then, after that, £13 annually. There would no longer be a requirement for the driver to pay £44 every three years for a new certificate and therefore, after the initial additional payment, this would represent a cost saving for drivers.
- 2.50 For those drivers who choose not to join the Update Service, they would be required to provide the Council with a new certificate each year at a cost of £44.
- 2.51 For this reason, the draft policy recommends, and expects, that all drivers enrol on the DBS Update Service.
- 2.52 No adverse comments to this proposal were received during the consultation process.

3. PROPOSALS

Colour of Hackney Carriages

- 3.1 The draft policy presented to the Licensing Committee in September 2019 proposed a change of mandatory colour from yellow to white following a request from 45% of the hackney carriage trade. At that time, the views of the remaining 55% were unknown.
- 3.2 The main reason put forward by the hackney carriage trade was that a move to a manufacturer's standard colour would allow vehicle owners the opportunity to purchase a new or replacement vehicle without having to then re-spray it.
- 3.3 As detailed above, a consultation was undertaken and a number of responses were received.
- 3.4 As a result, it is now possible to have a clearer picture of what the hackney carriage trade, as a whole, feel about the Council's colour policy and, as the main purpose of a colour policy is to protect the public, what the public's view was also.
- 3.5 As the foremost reason for a change to a manufacturer's standard colour was to allow for the purchase of new vehicles without the need to have them re-sprayed, Members may wish to note that an analysis of Hartlepool's current hackney carriage fleet has identified that only 22% were either new or nearly new vehicles when first licensed as hackney carriages.
- 3.6 As such, in only 22% of the time would owners likely have had the benefit of being able to choose the colour of their vehicle when making their purchase (of a brand new car).

- 3.7 For owners of the remaining 78%, who purchased second hand vehicles, it is statistically unlikely that the colour of their preferred vehicle would match Hartlepool's mandatory colour (whatever colour that may be) and, as such, the vehicle would still need to be re-sprayed.
- 3.8 Whilst prospective purchasers could obviously make colour their number one priority when choosing a new vehicle, in reality, issues such as mileage, value, overall condition etc. are likely to be more important considerations.
- 3.9 As such, regardless of whatever colour the Council chooses as its mandatory colour, a significant majority of vehicle owners will still need to re-spray their vehicle.
- 3.10 The actual cost of re-spraying a vehicle must also be considered.
- 3.11 Whilst one private hire operator quoted a figure of up to £1800 for a re-spray, several hackney carriage owners responded to the consultation stating that re-sprays in Hartlepool can be done for as little as £220. This has subsequently been verified by licensing officers.
- 3.12 Although this figure undoubtedly represents the cheaper end of the market, vehicles that have been re-sprayed for this price have still been deemed by licensing officers to meet the Council's policy and to be entirely suitable for use on Hartlepool's fleet.
- 3.13 Whilst some vehicle owners may choose to have more expensive re-sprays, it is nonetheless relevant for the Committee to acknowledge that the cost of complying with the Council's colour policy is in the region of £220.
- 3.14 In addition to the above, many of the comments received from the general public during the consultation referred to yellow as being their favoured colour because it is easily recognisable and, because it is uncommon, it reduces any potential confusion with private vehicles.
- 3.15 As only hackney carriages can legitimately be 'flagged down' in the street, it is important to have easily recognisable vehicles that the public can clearly distinguish from both private and private hire vehicles.
- 3.16 Indeed, the law recognises the importance of there being a clear visual distinction between hackney carriages and private hire vehicles and places a legal obligation on licensing authorities to ensure that any private hire vehicle they license does not have the appearance of a hackney carriage vehicle.
- 3.17 On this issue, an e-mail received from one female member of the public during the consultation process (not a hackney carriage owner) stated the following: -

"As a young woman, I (and many women I have spoken to) frequently use hackneys to get home from a night out, however we would no longer do this if the colours were changed, anyone could wait in the taxi line on the marina, or

by the police station, and extort money from an unsuspecting passenger, or worse.”

3.18 In summary: -

- a) The Council, as licensing authority, must take into consideration both its statutory duty to protect the public and its legal obligation to ensure it does not create unnecessary regulatory burdens on business.
- b) The Council has previously decided that one way that it can protect the travelling public is to ensure that hackney carriage vehicles are easily recognisable and distinguishable from other vehicles. This can be partly achieved by requiring all hackney carriages to be a standard, single colour.
- c) As detailed above, any standard, single colour will likely require the majority of vehicles to be re-sprayed – regardless of whatever colour it is.
- d) The cost of complying with the Council’s requirement for a single colour (i.e. to re-spray a car yellow, or any other adopted colour) is as low as £220.
- e) During consultation, 61% of hackney carriage owners have stated that they would prefer Hartlepool’s colour scheme to remain yellow. 15% want to see a change.
- f) In a Council on-line survey, 71% of 827 members of the public said they wanted Hartlepool’s hackney carriages to stay yellow.

3.19 Taking into account all of the above matters, it is proposed that the revised Taxi Licensing Policy, as attached as **Appendix 1**, retains the current requirement that hackney carriages be yellow in colour.

Vehicle Age Policy

3.20 Taking into account the responses received during consultation, it is proposed that the draft policy, as submitted in September 2019, be amended.

3.21 Some of the consultation responses correctly highlighted that a blanket policy to not license vehicles older than eight years may act as a disincentive and actually stop vehicle owners from taking exceptional care of their vehicles (as there would be no ‘reward’ for doing so).

3.22 It is therefore proposed that the draft policy be amended so as to take into account both the need to retain a high standard of vehicles whilst also addressing concerns over air quality. The amended draft policy therefore proposes to retain the current six year age restriction with an allowance for an extension where the vehicle has been exceptionally well maintained, plus, a requirement that vehicles must be a minimum of Euro 6 emissions standard.

- 3.23 The effect of this change will be to recognise and reward those vehicle owners who take good care of their vehicles whilst ensuring that only the lowest polluting vehicles remain on the Council's fleet.
- 3.24 As this would have the effect of removing vehicles that are Euro 5 or lower from the Council's fleet, it is appropriate for the owners of such vehicles to be given sufficient advance notice in order for them to plan for the purchase of a replacement.
- 3.25 As such, it is proposed that the new vehicle age policy takes effect on 1st April 2023. On this date, all vehicles that are not Euro 6, i.e. those registered before 1st September 2015, could no longer remain licensed in Hartlepool.
- 3.26 For those vehicles that are Euro 6, or higher, they could remain licensed indefinitely so long as they remain in an exceptional condition.
- 3.27 As air quality will undoubtedly remain an issue of high importance, it is proposed that any future changes to emission standards be reported back to the Licensing Committee so that the Council's policy can remain relevant and up to date.
- 3.28 In addition to the above, several representations were received regarding the proposal to retain the current policy requirement that newly licensed vehicles must be no older than four years old when first licensed.
- 3.29 As detailed earlier in this report there are two ongoing matters that are relevant to this issue – the potential for national vehicle standards to be introduced and the regional discussions that have been underway to harmonise certain vehicle standards – particularly where they relate to air quality.
- 3.30 The regional discussions have produced an agreement, in principle, that new vehicles should be no more than four years old when first licensed. This is Hartlepool's current policy.
- 3.31 If Hartlepool were to decide to extend this limit to, for example, five years, and the other licensing authorities adopted a four year policy – as has been agreed in principle – Hartlepool may become a magnet for the owners of older vehicles who could no longer have them licensed elsewhere.
- 3.32 It is entirely appropriate and reasonable for a licensing authority to require and expect licensed vehicles that will be used to transport the general public, to be of a high standard.
- 3.33 Once a vehicle becomes licensed it is subject to two robust mechanical inspections per year, plus the potential of a third, plus ad hoc visual inspections. For an unlicensed vehicle, there will be one standard MOT per year.

- 3.34 As such, a licensing authority may feel it can have more confidence in the history of a licensed vehicle than that of an unlicensed one.
- 3.35 The older an unlicensed vehicle becomes, the less is known about its history and therefore it is reasonable for a licensing authority to impose some limit on the age of a vehicle that is submitted for licensing.
- 3.36 As the other licensing authorities in the region are currently moving towards the adoption of a four year age policy for newly licensed vehicles, it is proposed that Hartlepool retain its current position and review it again next year once it is known how the other authorities policies have developed.
- 3.37 If Hartlepool's policy is found to be out of line with those of neighbouring authorities, the matter will be brought back to the Licensing Committee for further consideration.
- 3.38 Taking into account all of the above matters, it is proposed that the above amendments regarding vehicle age be incorporated into the revised draft Taxi Licensing Policy, as attached as Appendix 1.

Criminal Record Checks

- 3.39 As no negative comments were received regarding this proposal there are no further amendments to be made to the revised draft policy.

Minor Amendments & Updates

- 3.40 A small number of comments were received that related to other aspects of the Taxi Licensing Policy and, where appropriate, these have been incorporated into the revised draft policy.

4. RISK IMPLICATIONS

- 4.1 There are no risks associated with this report.

5. LEGAL CONSIDERATIONS

- 5.1 There are no legal considerations associated with this report.

6. RECOMMENDATIONS

- 6.1 That the draft Taxi Licensing Policy as attached as Appendix 1 be adopted as Hartlepool's Taxi Licensing Policy with effect from 1st February 2020.

7. REASONS FOR RECOMMENDATIONS

- 7.1 The draft Taxi Licensing Policy has been the subject of consultation and the version attached as Appendix 1 best meets the licensing obligations of Hartlepool Borough Council.

8. BACKGROUND PAPERS

- 8.1 Licensing Committee report and Minutes – 11th September 2019

9. CONTACT OFFICER

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4.2 Appendix 1



**PRIVATE HIRE
AND
HACKNEY CARRIAGE
LICENSING POLICY**

DRAFT

APPROVED BY HARTLEPOOL BOROUGH COUNCIL

Date XXXXX

DRAFT

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INTRODUCTION

- 1.1 Hackney carriages and private hire vehicles play an important role in the provision of local public transport in Hartlepool.
- 1.2 The purpose of the Local Authority when licensing hackney carriages and private hire vehicles, drivers and operators is to protect the public. As licensing authority, Hartlepool Borough Council (“The Council”) believes that the public should have reasonable access to safe and comfortable hackney carriages and private hire vehicles.

Licensing Objectives

- 1.3 **Hartlepool Borough Council will use its role as licensing authority to protect the public. This will be achieved by, amongst other things:**
 - i) **Administering the licensing process in a fair and reasonable way;**
 - ii) **Taking proportionate enforcement action where it is necessary and appropriate to do so;**
 - iii) **Maintaining public confidence in the hackney carriage and private hire trade so that it remains as a safe, reliable and sustainable transport option for the travelling public.**
- 1.4 A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to "ply for hire". This means that it may wait at designated taxi stands or be hailed in the street by members of the public in addition to being pre-booked.
- 1.5 Private hire vehicles must also have no more than 8 passenger seats but they must be booked in advance through a private hire operator and may not “ply for hire” in the street.

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.

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

- Hackney carriage driver
- Hackney carriage vehicle
- Private hire driver
- Private hire vehicle
- Private hire operator

Licensing Methods

1.8 The methods the Council shall use are as follows:

- i) Setting the standards for the licensing of drivers, vehicles and operators.
- ii) Annual licensing and routine inspection of vehicles, with appropriate follow up action.
- iii) Routine inspection of insurance policies and Certificates of Compliance / MOT certificates, with appropriate follow up action.
- iv) Checks of driver's medical health, criminal record, driving ability and knowledge of the Borough.
- v) Investigation of complaints with appropriate follow up action.
- vi) Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees.
- vii) Liaison with the hackney carriage and private hire trade by way of open meetings.
- viii) 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.
- ix) Conditions added to licences.
- x) The issue of guidance notes.

1.9 When formulating and applying this Policy, the Council will take into consideration the Regulator's Code, the Code for Crown Prosecutors, and any appropriate best practice guidance.

Status

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

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

Implementation and Review

- 1.12 This Policy will take effect from **XXXXXXX**. 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.
- 1.13 The Council will keep this Policy under review and will consult where appropriate on proposed revisions.
- 1.14 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.
- 1.15 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.
- 1.16 After the introduction of this Policy, the Council may make decisions which change it. 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

- 1.17 In preparing this Policy, the Council has taken into account the views of:

Licensees; Cleveland Police; Planning authority; Adult and Children's Safeguarding Board; Disability Groups; School Transport; Service Users; North East Strategic Licensing Group and any other parties/organisations considered necessary.

Partnership Working

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

Local hackney carriage and private hire trade; Cleveland Police; Local Transport Authorities; Planning authority; Local residents; Disability groups; Service Users; Tees Valley Licensing Group; North East Strategic Licensing Group and other Council departments.

Related Policies and Strategies

- 1.19 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.

Equality

- 1.20 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

- 1.21 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.
- 1.22 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 face formal action.
- 1.23 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 driver's expense, from the driver's 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 and, in addition to any criminal sanction, would be liable to disciplinary procedures which may include licence suspension or revocation.**
- 1.24 Further information is available from the Equality and Human Rights Commission at www.equalityhumanrights.com

Duties and Obligations under the Human Rights Act 1998

- 1.25 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.

- 1.26 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

- 1.27 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.

DRIVER LICENCES

Essential Requirements

- 2.1 The Council issues licences to drive private hire vehicles, hackney carriages or both.
- 2.2 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.
- 2.3 Prior to a driver's licence being issued to new applicants, the applicant shall:
- i) Complete and submit to the Council an application on the prescribed form.
 - ii) Pay the required licence and associated fees. If payment is made by cheque which is subsequently dishonoured any licence issued shall be null and void. Licence fees are non-refundable.
- 2.4 Prior to a driver's licence being renewed, the applicant shall:
- i) Complete and submit to the Council an application on the prescribed form.
 - ii) Pay the required licence and associated fees. If payment is made by cheque which is subsequently dishonoured any licence issued shall be null and void.
 - iii) Demonstrate, if required, continued compliance with the eligibility criteria detailed below.

Proof of eligibility

- 2.5 Applicants must satisfy the following criteria:
- i) Hold appropriate driving licence.
 - ii) Have at least 12 months driving experience since full driving licence was granted.
 - iii) Provide evidence of satisfactory completion of a driving assessment, approved by Hartlepool Borough Council, within 12 months of the first licence being granted. Failure to do so would result in a suspension of the licence until the assessment had been successfully completed.
 - iv) Provide evidence of having a right to work in the UK.
 - v) Successfully complete the knowledge/locality test.
 - vi) Provide satisfactory evidence that the applicant meets the "Group 2" medical standard.

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- vii) Provide satisfactory evidence of completion of approved training in issues surrounding the awareness of child and adult safeguarding issues.
- viii) Have an ability to speak, read and understand English to a reasonable standard.
- ix) Produce an appropriate enhanced criminal records check. This is required for every new applicant and for each licence renewal (or every 12 months for a three-year licence).

The Council expects all drivers to enrol on the DBS Update Service in order to comply with this requirement.

For those drivers licensed as of 1st February 2020, the requirement to provide an annual certificate, and to enrol on the DBS Update Service, shall only apply when their current DBS certificate expires. This exemption shall cease to have effect on 1st February 2023.

- 2.6 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 deemed to be incomplete.

Driving Experience

- 2.7 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. Full driving licences issued by other lawfully recognised countries will also count towards this qualification requirement.
- 2.8 In addition to the above, within 12 months of receiving their first licence, applicants must undertake and pass a driving assessment, approved by Hartlepool Borough Council, and produce the original pass certificate.
- 2.9 Licensees who have not passed the driver assessment within 12 months of the grant of their first licence will not have their licence renewed or, for holders of three-year licences, their licence will be suspended until the assessment has been done.

DVLA Driving Licences

- 2.10 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.

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- 2.11 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.
- 2.12 A driver with 9 penalty points or more on their driver's licence will be referred to the Council's Licensing Sub-Committee for consideration as to whether they are, or remain, a safe and suitable person to hold a licence.

Right to Work

- 2.13 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.
- 2.14 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.
- 2.15 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.
- 2.16 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.
- 2.17 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.
- 2.18 Regardless of their country of origin, a driver's licence will not be granted until an applicant is able to prove they have a right to work in the UK. Depending on the applicant's status, checks may 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.
- 2.19 Licences may be time limited to coincide with an applicant's limited right to stay in the UK.

Language Proficiency

- 2.20 All applicants must have the ability to speak, read and understand English to a reasonable standard.
- 2.21 Written English ability will be determined through the knowledge test and the driving assessment. Spoken English and the ability to understand English will be determined by Licensing Officers during the entirety of the licensing application process.
- 2.22 If there is any doubt as to an applicant's ability to communicate in English (spoken or written), they shall be required to undertake and pass a Council approved English assessment.

Applicants Who Have Spent Time Abroad

- 2.23 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.
- 2.24 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.
- 2.25 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.
- 2.26 The Council may approach the relevant Embassy or appropriate body directly to verify documents provided. Any costs involved must be met by the applicant.
- 2.27 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.
- 2.28 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

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also notify the Council on their return and complete a statutory declaration on the form provided by the Council.

- 2.29 Information concerning Certificates of Good Conduct can be obtained by contacting the Council's Licensing Team.

Disclosure and Barring Service (DBS) and Criminal Records

- 2.30 The DBS is responsible for:

- i) Processing requests for criminal records checks.
- ii) Deciding whether it is appropriate for a person to be placed on or removed from a barred list.
- iii) Placing, or removing, people from the DBS children's barred list and adults' barred list for England, Wales and Northern Ireland.

- 2.31 The DBS helps employers and others make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.

- 2.32 Before a licence application can be considered, the Council requires sight of an applicant's non-protected criminal, motoring and licensing convictions including fixed penalties, cautions, reprimands and warnings.

- 2.33 This must be in the form of an Enhanced Criminal Records Disclosure issued by the DBS that includes reference to both the Adult & Child Barred Lists.

- 2.34 Where appropriate, applicants for the renewal of a driver's licence must provide the Council with the means necessary to access their DBS Update Service record.

- 2.35 An application for a driver's licence must be completed within 6 months of the issue date of the DBS certificate. If the DBS certificate 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 DBS checks are generally not portable and only DBS checks applied for through Hartlepool Council's Licensing Team will be accepted unless an applicant is appropriately registered with the Disclosure & Barring Service (DBS) Update Service.

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.

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- 2.38 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 non-protected convictions, including those that would normally be regarded as spent.

Driver Knowledge/Locality Test

- 2.39 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's licence will not be issued without the applicant first passing the knowledge test.
- 2.40 The cost of one knowledge test is currently included in the licence fee. 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.
- 2.41 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.
- 2.42 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

- 2.43 In order to be satisfied as to an applicant's medical fitness, the applicant must provide to the Council a medical examination report, in a Council approved format, that is signed by a registered medical practitioner, and which states that the individual satisfies the Group 2 medical standard.
- 2.44 This is a higher medical standard than that required for 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.
- 2.45 The medical practitioner must confirm that:
- i) They have examined the applicant;
 - ii) The applicant is registered with the practice; and/or

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- iii) They have had full and complete access to the applicant's full medical records;
 - iv) The medical examination was carried out to the Group II standard;
 - v) They consider 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 If the Council is not satisfied as to the medical fitness of an applicant, a driver's licence will not be granted.
- 2.47 If the Council is not satisfied as to the medical fitness of a licensed driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under s.61 Local Government (Miscellaneous Provisions) Act 1976.
- 2.48 The applicant is responsible for paying the fee for the examination. The medical certificate will be valid for a period of 6 months after which, if the driver's 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.
- 2.49 Once a licence holder reaches the age of 45, they must provide a new medical certificate every five years and once they reach the age of 65 years a medical certificate will be required every year.
- 2.50 For drivers who have chosen a three-year licence, they must provide a medical certificate on the same basis as that detailed above and, where this falls mid-licence, the driver must provide a new medical certificate on their 50th, 55th, 60th and 65th birthday.
- 2.51 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.
- 2.52 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.
- 2.53 If the Council 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 Council.

Term of Licence

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

Suspension of Licence

- 2.55 If it considers it necessary and appropriate to do so, the Council may choose to suspend a driver's licence. Suspensions can be immediate if they are considered necessary on the grounds of public safety.
- 2.56 The Council's policy on the use of suspensions is attached as Appendix I.

Refusals and Revocations

- 2.57 Hartlepool Borough Council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) driver's licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.
- 2.58 Where a hackney carriage/ PHV driver's licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- 2.59 All applications for a new driver's licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.
- 2.60 The information recorded on NR3 itself will be limited to:
- i) Name
 - ii) Date of birth
 - iii) Address and contact details
 - iv) National insurance number
 - v) Driving licence number
 - vi) Decision taken
 - vii) Date of decision
 - viii) Date decision effective
- 2.61 Information will be retained on NR3 for a period of 25 years.

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- 2.62 This is a mandatory part of applying for/being granted a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at https://www.hartlepool.gov.uk/info/20023/licences_and_permits/284/taxis.
- 2.63 Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.
- 2.64 If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at data.protection@hartlepool.gov.uk. This includes submitting a subject access request.
- 2.65 You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint>.

Conditions of Licence

- 2.66 The law does not permit the Council to attach conditions to a hackney carriage driver's licence. However, hackney carriage drivers are subject to Council's byelaws which are freely available from the Council's Licensing Team on request or by visiting the Council's website and they shall be expected to fully comply with this policy's 'Code of Good Conduct'.
- 2.67 The Council's conditions in respect of private hire drivers are detailed at Appendix II.

Code of Good Conduct

- 2.68 The Code of Good Conduct serves to promote the Council's licensing objectives in respect of hackney carriage and private hire licensing. The Code will be taken into consideration in disciplinary matters. The Code of Conduct is attached at Appendix III to this policy.

Driver's Dress Code

- 2.69 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.

- 2.70 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 contained within Appendix III and may be taken into consideration in disciplinary matters.

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Essential Requirements and Conditions of Licence

- 3.1 Prior to being licensed, and in order to remain licensed, all vehicles must meet the following requirements which, when a licence is in force, shall be regarded as conditions of that licence.
- 3.2 The requirements apply to both hackney carriage and private hire vehicles unless otherwise stated.
- 3.3 Prior to a vehicle licence being issued the applicant, being the proprietor of the vehicle, shall complete and submit to the Council an application on the prescribed form together with the required licence fee no later than 14 days prior to the licence being required.
- 3.4 If payment is made by cheque which is subsequently dishonoured any licence issued shall be null and void.

Specifications

- 3.5 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.
- 3.6 All vehicles, therefore, shall have an appropriate ‘type approval’ which is either:
 - i) European Whole Vehicle Type Approval
 - ii) British Individual Type Approval
- 3.7 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.
- 3.8 All vehicles subject to new applications for hackney carriage vehicle licences, shall have M1 European Whole Vehicle Type Approval (EWVTA).
- 3.9 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.

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- 3.10 Vehicles may also be licensed to carry fewer passengers subject to compliance with specifications relating to passenger comfort and vehicle conditions.
- 3.11 Convertible vehicles (i.e. vehicles with a retractable hood) will not be licensed.

Essential Criteria

- 3.12 Before granting a vehicle licence, and throughout the vehicle's time as a licensed vehicle, the vehicle must:
 - i) Be suitable in type, size and design for use as a licensed vehicle as defined by this policy.
 - ii) Be in an excellent mechanical condition.
 - iii) Be safe.
 - iv) Be comfortable in the opinion of a licensing officer.
 - v) Comply with all statutory requirements applicable to that vehicle.
 - vi) 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.
 - vii) Prominently display the Council's internal licence plate on either the dashboard or the top left corner of the windscreen.
 - viii) Permanently attach the appropriate 'decals', issued by the Council, centrally to both front doors of the vehicle.
 - ix) Not be fitted with a roof rack.
- 3.13 The vehicle must also satisfy the following internal requirements:
 - i) Height (inside) – From the top of any part of the seat cushions to the roof at lowest part must not be less than 810mm 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.
 - ii) 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 760mm.
 - iii) Seats (length) – the shortest distance between the front and back of a seat (i.e. from the back rest to the front edge) must not be less than 450mm.
 - iv) In the case of rear facing seats, the distance between the backs of facing seats shall not be less than 1520mm. In all other cases the distance between the back rest of the seat and any facing obstruction must not be less than 760mm.

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- v) Seats (width) – The shortest distance between the edges of the seats shall be no less than 400mm. 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.
- vi) Seats, seat covers, floor coverings and interior trims shall be free from tears, damage, grease and other contamination.
- vii) Interior lighting operated either automatically when the passenger or rear doors are opened or by a separate switch operated by the driver.
- viii) 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.
- ix) 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.

3.14 No fittings or signs (except for legitimate advertising) shall be attached to the inside of the vehicle unless approved by the Council.

Vehicle Condition

3.15 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:

- i) Bodyshell/paintwork – free from rust, broken metal and other visible damage.
- ii) Door hinges shall be in good working order and be seated correctly when closed.
- iii) Windscreen and windows shall be in good clean condition and free from damage.
- iv) Free from oil leaks.

Documentation

3.16 A vehicle licence will only be issued where there is evidence of valid:

- i) Road Tax.
- ii) Vehicle insurance.
- iii) Public Liability insurance certificate (minimum of £5 million).
- iv) Certificate of Compliance issued by Council's in-house testing station.
- v) MOT certificate (if required by law).

Engine Numbers/Chassis Numbers

- 3.17 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. Where the registration document is not provided at the time of initial licensing it must be provided within 6 weeks of the grant of licence. 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.

Colour

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

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

- 3.19 Alternatives to the above technical specification will only be acceptable if, in the opinion of a licensing officer, the colour accurately replicates those detailed above.

Age Restriction

- 3.20 A licence will only be granted to an unlicensed vehicle when it is under four years old (from date of first registration).
- 3.21 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).
- 3.22 Vehicles which meet the Council's "exceptionally well maintained" criteria may be licensed for longer periods.
- 3.23 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.
- 3.24 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

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- 3.25 Applications for an extension of the age policy must be made in writing to the Licensing Team, accompanied by the relevant fee, a minimum of 14 days prior to the expiry of the current licence.
- 3.26 In addition to the above, from 1st April 2023, petrol and diesel powered vehicles must be Euro Emission Standard 6 (Euro 6) or subsequent standard.
- 3.27 Subject to satisfying all other relevant requirements detailed in this policy, there is no age restriction for vehicles that are powered solely by electricity or otherwise can be regarded as being truly 'zero emission at source'.

Term of Licence

- 3.28 All vehicle licences will be valid for a maximum period of up to 12 months or such lesser period as the Council thinks appropriate. Where a lesser period applies, a reduced fee will be payable consisting of the application fee plus a daily rate for the number of days to be licensed.

Insurance

- 3.29 All vehicles must have, at all times, a current valid policy of motor insurance appropriate to the local authority licence being held and public liability insurance (minimum £5 million). This policy must be in place before a licence can be granted.
- 3.30 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.
- 3.31 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.

Insurance Write-Offs

- 3.32 Vehicles that have at any time been declared a Category A or B insurance 'write off' 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.

Wheelchair Accessible Vehicles

- 3.33 The Council recognises the needs of people with disabilities and reminds the taxi trade of their legal obligations to provide equality in the provision of all of their services.

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- 3.34 In order to ensure that there are sufficient suitable vehicles available that can meet the needs of those who must travel in their wheelchair, Hartlepool Borough Council requires that all new hackney carriages shall be 'wheelchair accessible'.
- 3.35 A 'wheelchair accessible' vehicle is defined as a vehicle that is designed and constructed to allow a passenger to be transported without them having to leave their wheelchair either before, during or after their journey (i.e. a passenger should be able to stay seated in their wheelchair whilst it is loaded onto the vehicle; should be able to stay seated in their wheelchair during their journey; and be able to remain seated in their wheelchair as it is unloaded from the vehicle).
- 3.36 A 'new hackney carriage' for the purposes of this policy means a vehicle presented for licensing in Hartlepool for the first time and which is not a replacement of a vehicle already licensed as a hackney carriage in Hartlepool.
- 3.37 If the vehicle to be replaced is a wheelchair accessible vehicle, it must be replaced by another wheelchair accessible vehicle.
- 3.38 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.
- 3.39 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.
- 3.40 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.
- 3.41 All equipment must be kept in good working order for the safe carriage of passengers.
- 3.42 The Council expects proprietors to ensure that their drivers are familiar with the correct means of securing wheelchairs and their passengers in such vehicles.

Fire Extinguishers

- 3.43 If carrying a fire extinguisher it must be of suitable size and type, be in good working order and be regularly tested by a qualified person.

CCTV In Vehicles

- 3.44 The Council supports drivers who wish to install and operate CCTV systems for the protection of themselves and their passengers but, when they do, they must, at all times, comply with the following requirements; -
- i) If CCTV is installed, the proprietor of any vehicle with CCTV must display at least one clearly visible sign advising passengers that a CCTV system is in operation in the vehicle.
 - ii) 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.
 - iii) Drivers must satisfy all legal requirements relating to data protection.

Cleanliness

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

Advertisements, Signs, Notices etc.

- 3.46 Signs, notices or advertisements must not be of a content that a 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
- 3.47 There is no requirement for an advertisement that complies with this policy to be approved in advance but, if it is not so approved and is found to be in breach of this policy, the vehicle licence will be suspended until the advertisement is amended/removed.
- 3.48 No advertising on vehicles shall:
- i) Be affixed to any window of the vehicle
 - ii) Be affixed to any door or panel on which the Council issued roundel or sign is located
 - iii) Promote tobacco products
 - iv) Promote alcoholic products without the prominent disclaimer 'Please Drink Responsibly'
 - v) Be offensive or misleading in nature or character. As this matter is subjective, the decision of the licensing officer shall be deemed final.
- 3.49 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

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Licensing Officer to fall below such a high quality will be suspended until the advertisement is either removed or satisfactorily repaired.

- 3.50 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.
- 3.51 To avoid confusion for the general public, no vehicle, other than a hackney carriage, shall have a roof sign.

Swivel Seats

- 3.52 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.

Spare Tyres

- 3.53 Vehicles shall be fitted with a means of allowing a journey to be continued, unassisted, in the event of a puncture or other tyre/wheel malfunction. 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) Other than for the completion of a journey that has already begun, 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.
 - iv) 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.
- 3.54 Tyres on the same axle must be of the same nominal size and aspect ratio.

Tinted Windows

- 3.55 Hartlepool BC has a duty to protect children and young people from all forms abuse including, amongst other things, trafficking and Child Sexual Exploitation (CSE).
- 3.56 As the licensing authority for hackney carriages and private hire vehicles, the Council believes it is important that any children or young people using such vehicles can be safe and feel safe.

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- 3.57 To help ensure this, the Council considers 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.
- 3.58 This can be partly achieved by ensuring that front and rear windows allow a minimum amount of light to pass through – thereby allowing front and rear passengers to be seen from outside the vehicle.
- 3.59 The Council's specification relating to the use of tinted windows in licensed vehicles is as follows: -
- i) The windscreen shall have a minimum light transmission of 75%
 - ii) All other front windows of the vehicle shall have a minimum of 70% light transmission
 - iii) All rear windows of the vehicle shall have a minimum of 30% light transmission.
- 3.60 Nothing shall be attached to any window that may detrimentally affect visibility.

Sliding Doors

- 3.61 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.

Exemption from Age Policy

- 3.62 If a vehicle is between 4 and 8 years of age and is written off through no fault of the proprietor (i.e. through no-fault accident damage), the Council may, if it deems it appropriate, allow a replacement vehicle to be licensed that is of the same age as the original vehicle, or newer.

Alteration of Vehicle

- 3.63 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

- 3.64 A proprietor or driver of a licensed 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.

Change of Address

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

Change of Private Hire Operator

- 3.66 Private hire vehicles must operate via one Private Hire Operator 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.

Fares & Fees

- 3.67 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.
- 3.68 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.
- 3.69 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.
- 3.70 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.
- 3.71 In the interests of consistency for the general public, all meters must be calibrated to the current table of fares but drivers have the discretion to charge less than the displayed fare if they wish.

Table of Fares

- 3.72 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.

Hackney Carriages – Roof Signs

- 3.73 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.
- 3.74 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.
- 3.75 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.
- 3.76 Any failure of a driver to do so will result in this allowance being removed in respect of that vehicle.
- 3.77 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.

Hackney Carriages – Booking Records

- 3.78 When carrying out pre-booked work, a hackney carriage shall be used predominantly for journeys that will either begin or end in Hartlepool.
- 3.79 The word 'predominantly' shall mean 90% of all pre-booked work within any continuous seven- day period. **All** pre-booked work shall be recorded and made available to authorised officers on request: -
- i) In a suitable form in a continuous, chronological order, the pages of which are consecutively numbered, or
 - ii) On a computer which keeps backup records and is immediately capable of producing a printed record from the computer onto paper.
- 3.80 Records must not be capable of retrospective alteration or amendment, and the driver must enter, before the commencement of each journey, the following particulars of every booking by him/her:
- i) Name and address of the hirer
 - ii) Date, time and pickup point of the booking;

- iii) Destination;
- iv) Number of passengers to be carried;
- v) When and how the booking was made i.e. telephone, personal call;
- vi) Amount to be charged; (where applicable)

3.81 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.

Loss/Theft of Licence Plate

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

Changes of Vehicle

3.83 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: -

- i) The proprietor must complete an application form for the “new” vehicle
- ii) Pay the relevant fee
- iii) Return the plates from the previous vehicle
- iv) Presented for test and subsequently pass.
- v) Produce evidence of insurance and all other required documentation.

3.84 The expiry date on the ‘new vehicle’ licence will be 12 months from the grant of the ‘new’ licence.

Change of Ownership

3.85 If a proprietor wishes to transfer the ownership of a vehicle to which a licence relates, the following procedures must be followed: -

- i) A transfer form must be submitted – signed by both the previous and new owner(s)
- ii) The new owner must pay the relevant transfer fee
- iii) The new owner must produce evidence of insurance and all other required documentation

Surrender of licence

3.86 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.

Licence Fees

- 3.87 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.
- 3.88 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.
- 3.89 Following consultation, if no objections are received the fee variation will have immediate effect (or at a later date as indicated by the Council). If any objections are received the matter will be re-considered.

PRIVATE HIRE OPERATORS

Essential Requirements & Conditions of Licence

- 4.1 Prior to being licensed, and in order to remain licensed, all private hire operators must complete and submit an application form, pay the appropriate licence fee and meet the following requirements which, when a licence is in force, shall be regarded as conditions of that licence.
- 4.2 Should payment be made by cheque, which is subsequently dishonoured, any licence issued shall be null and void.
- 4.3 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.
- 4.4 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 Private Hire Operator licences will only be granted to applicants who have an operating base within the controlled district of the Council, or to new applicants, who can demonstrate that there will be such an operating base within the controlled district of the Council. This requirement must be complied with at all times during the duration of a licence.
- 4.6 An operating base means a building that it is used for the taking of private hire bookings.

Licence Duration

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

Criminal Record Checks

- 4.8 Private Hire Operator licences can only be granted to persons that the Council are satisfied are fit and proper.
- 4.9 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.

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- 4.10 Before an application for a Private Hire Operator licence will be considered the applicant must provide a basic DBS disclosure certificate to the Council that is no more than 30 days old.
- 4.11 For corporate applications, the above documentation will be required for each company director and the company secretary.
- 4.12 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.
- 4.13 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.
- 4.14 All 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.

Convictions

- 4.15 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.

Insurance

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

Planning Consent

- 4.17 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.

Record Keeping

- 4.18 Operators are required to keep records of each booking, including the date and time of the booking, the name of the passenger, the pick-up point, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking.

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- 4.19 Records should be preserved for a period of not less than 12 months and be available for inspection at the request of an authorised officer of the Council or Police.
- 4.20 Where deemed necessary by the authorised officer, a copy (paper or digital) of requested booking records must be provided to the officer within 3 days or, if considered urgent by the officer, within 24 hours of request.

Complaints

- 4.21 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.
- 4.22 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.
- 4.23 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.

Change of Business Address

- 4.24 A Private Hire Operator licence is granted to the operator for the premises detailed at the time of application. The operator must notify the Council of any intention to locate to an alternative address so that consideration may be given to its potential relevance to the licence in force.

Change of Home Address

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

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.

Display of Licence

- 4.27 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.

Equal Opportunities

- 4.28 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

- 4.29 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:
- i) Provide adequate seating for the use of those passengers or prospective passengers; and
 - ii) Ensure that such room or area is kept clean, adequately heated, ventilated and lit; and
 - iii) Ensure that the interior and exterior of the premises are kept in good repair, to the satisfaction of the Council.

Fares

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

Parking

- 4.31 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.

Right of Access

- 4.32 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

- 4.33 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:

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- i) 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.
- ii) 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.
- iii) 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.
- iv) 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

- 4.34 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.
- 4.35 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

- 4.36 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.
- 4.37 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.

Hackney Carriage and Private Hire Drivers

Interim Suspension Policy

Purpose & Use

This policy will be used by Hartlepool Borough Council when it receives information that casts doubt on a driver's suitability to continue as a licensed hackney carriage or private hire driver.

This policy shall only apply where a driver's licence is to be suspended with immediate effect in the interests of public safety, by virtue of Section 61 and 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976.

Application of Policy

When Hartlepool Borough Council receives information that casts doubt on an individual's fitness to continue as a licensed driver it is obliged to make a judgement as to whether any action should be taken against that driver in order to protect the public.

Every issue will be taken on its own merits. The Council's only consideration shall be the protection of the public.

The Council will consider any information provided to it including, but not limited to, convictions, cautions, reprimands, warnings, complaints, allegations and other intelligence it receives. The Council will make a determination as to what weight should be given to the information it has received when making its decision.

The Council will refer to its document: '*Guidance on Determining the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trades*' to assist in its determination of the seriousness of the matter and of what action, if any, is appropriate and necessary.

If the Council believes that an interim suspension of the driver's licence is needed, it will make reasonable efforts to speak to the driver before issuing the interim suspension unless, in its opinion, the matter is too serious to be delayed.

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In such circumstances, an interim suspension will be issued immediately and the driver will then be invited to speak to Council officers at the earliest reasonable opportunity thereafter.

Any interim suspension of a licensed driver shall be time limited but, depending on the circumstances, the expiry of one interim suspension may be followed by the immediate issue of another if it is deemed necessary and appropriate in the interests of public safety.

In most cases, an interim suspension shall not be lifted until such time as the circumstances surrounding it have been considered by the Council's Licensing Sub-Committee.

Making a Determination

In making its determination the Council shall consider, amongst other things, the following matters: -

1. Would the person charged with making the decision, allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care to get into a vehicle with this person alone?
2. Would the Council grant a licence to a new applicant who declared the current issue on their application form?

PRIVATE HIRE DRIVER CONDITIONS

Change of Address

- PH1 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

- PH2 Drivers shall comply with the Code of Good Conduct for licensed drivers.

Convictions

- PH3 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

- PH4 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

- PH5 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

- PH6 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

- PH7 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

PH8 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

PH9 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.

Carrying Passengers

PH10 Drivers must not:

- i) Carry more passengers in their vehicle than is permitted by the vehicle licence.
- ii) Carry more than one person in the front seat unless the vehicle is furnished with a bench type front seat 1270mm 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.
- iii) Without the consent of the hirer, carry any additional person in the vehicle.

Prompt Attendance

PH11 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

PH12 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

PH13 If the private hire vehicle is fitted with a meter the driver:

- i) 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).
- ii) 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.
- iii) Must ensure that the meter is sufficiently illuminated when in use and is visible to all passengers.
- iv) 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.
- v) 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

PH14 On those occasions where the Council 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 Council, at the authority's expense, within a reasonable period of time or, if considered necessary by the Council, as quickly as practicable.

CCTV & Other Recording Devices

PH15 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.

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.

General

- GC1 Licensed drivers are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

Responsibility to the Trade

- GC2 Licence holders shall endeavour to promote the image of the Hackney Carriage and Private Hire Trade by:
- i) Complying with this Code of Good Conduct
 - ii) Complying with legislation, all the Conditions of their licence and the Council's Hackney Carriage and Private Hire Licensing Policy
 - iii) Behaving in a professional manner at all times

Responsibility to Clients

- GC3 Licence holders shall:
- i) Take the shortest available route. Where a diversion is to be taken, this must be clearly explained to the passenger.
 - ii) Take all reasonable steps to ensure the safety of passengers while they are entering, travelling in or leaving the vehicle.
 - iii) Treat passengers or any potential passenger with courtesy and respect at all times.
 - iv) Not engage in any dialogue or activities with a passenger that may, to any reasonable person, be considered offensive or inappropriate.
 - v) Maintain their vehicles in a safe and satisfactory condition at all times
 - vi) Keep their vehicles clean and suitable for hire to the public at all times
 - vii) Attend punctually when undertaking pre-booked hiring
 - viii) Assist, where necessary, passengers into and out of vehicles
 - ix) Offer passengers reasonable assistance with luggage and/or other bags

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- x) Offer assistance to elderly/infirm or disabled passengers
- xi) Not smoke tobacco products, e-cigarettes or other similar nicotine delivery devices inside their vehicle at any time.

Responsibility to Residents

GC4 To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- i) Not sound the vehicle's horn.
- ii) Keep the volume of radio/cassette/CD player and VHF/digital radios to a minimum.
- iii) Switch off the engine if required to wait.
- iv) Take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.
- v) Not deposit any litter other than into a bin.
- vi) 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:

- vii) Rank in an orderly manner and proceed along the rank in order and promptly.
- viii) Remain in the vehicle.

General

GC5 Drivers shall:

- i) Drive with care and due consideration for other road users and pedestrians.
- ii) Obey all Traffic Regulation Orders and directions at all time.
- iii) Comply with the rules and spirit of the Highway Code.
- iv) Ensure they do not smell of alcohol or drive whilst under the influence of alcohol.
- v) Pay attention to personal hygiene and dress in accordance with the Dress Code.
- vi) Behave in a civil and orderly manner at all times.
- vii) Ensure that all passenger doors are unlocked immediately upon arrival at the destination or on any other occasion when the vehicle is stationary and the passenger asks to leave.
- viii) Cooperate fully during any investigation by an authorised officer.

Drivers must not:

- i) Drive while having used illegal drugs or having used other medication that may have an impact on their ability to drive

- ii) 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.
- iii) Not smoke tobacco products, e-cigarettes or other similar nicotine delivery devices inside their vehicle at any time.
- iv) 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).
- v) 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

Smoking and E-Cigarettes

- GC6 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

- GC7 Drivers are in a position of trust and passengers can expect complete privacy and discretion when hiring a licensed vehicle.

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.

Any driver found breaching the above requirements will be referred to the Council's Licensing Committee with a recommendation that their driver's licence be revoked.

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.

DRESS CODE

GC8 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

GC9 As a minimum standard, drivers must wear either long legged trousers, knee length shorts, skirt or dress and T shirts which have a full body and short sleeves.

Footwear

GC10 Footwear for all drivers shall be appropriate for safe driving.

Unacceptable Standard of Dress

GC11 The following are deemed to be unacceptable:

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

ADDITIONAL POLICY AND ADDITIONAL CONDITIONS FOR STRETCHED LIMOUSINES, NOVELTY VEHICLES, CLASSIC VEHICLES AND EXECUTIVE VEHICLES

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

Each application will be assessed on its own merits and each vehicle will be inspected by an authorised council officer to ensure it complies with this policy.

Prior to being licensed, and in order to remain licensed, all vehicles to which this Appendix applies must meet the following requirements which, when a licence is in force, shall be regarded as conditions of that licence.

INTERPRETATION

Stretched Limousines

- AP1 For the purpose of licensing by the Council, a limousine is a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048mm (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 400mm wide.

Novelty Vehicles

- AP2 A novelty vehicle is any vehicle not traditionally used to carry fare paying passengers or, in any other way, is a vehicle to which licence conditions detailed in this policy cannot, by the vehicle's nature, reasonably apply.

Classic Cars

- AP3 A classic car is any vehicle that was first registered more than 25 years prior to the date of licence application.

Executive Cars

- AP4 An executive vehicle is equivalent to the European E-segment classification. It must be capable of carrying four or more passengers and be equipped to the highest standards of comfort and equipment.

The vehicle must be in pristine condition with no visible interior or exterior defects, dents or blemishes.

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The vehicle must be used exclusively to provide transport under a written contract lasting not less than 7 consecutive days.

Exemption from Requirement to Display Licence Plate

AP5 On application, vehicles to which this Appendix applies may be exempted from the general requirement to display a licence plate.

Vehicles exempted from the requirement to display a licence plate must, instead, fix their licence plate to the underside of the boot lid or to some other agreed location where it can be easily read if required.

Additionally, vehicles exempted from the requirement to display the licence plate must display the vehicle's licence number in the front windscreen where it can be seen from the exterior of the vehicle.

If an exemption from the need to display a licence plate is granted, the Council will issue the proprietor of the vehicle with an Exemption Notice.

Exemption Notices may be renewed annually (to coincide with the licence itself) subject to the vehicle undergoing, and passing, a re-inspection by an authorised officer to ensure it continues to be fit for purpose and further proof of the continuous contract arrangements.

Age Limits

AP6 Limousines, classic cars and novelty vehicles may be of any age but must, at all times, satisfy this Policy's requirements in relation to safety, appearance and comfort.

Window Tint

AP7 Window tinting restrictions do not apply to the rear passenger windows and rear windscreen for any vehicle type listed in this Appendix.

Seatbelts

AP8 In accordance with Construction and Use Regulations, where seat belts are fitted they must be used by all passengers

Stretched Limousines - Construction & Appearance

AP9 Stretched limousines must satisfy the following requirements:

- i) The maximum length of the vehicle "stretch" shall not exceed 3048 mm.
- ii) 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

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- Load or equivalent). Vehicles produced since 1998 should be fitted with 225/70R 16 107T (Reinforced).
- iii) In addition, tyres on the same axle must be of the same nominal size and aspect ratio.
 - iv) The interior of the vehicle must be kept wind and watertight.
 - v) The seats in the passenger compartment must be kept properly cushioned and covered.
 - vi) The floor in the passenger compartment must be provided with a proper carpet, mat or other suitable covering.
 - vii) There must be adequate internal light to enable passengers to enter and leave the vehicle safely.
 - viii) 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.
 - ix) Facilities must be provided for the conveyance of luggage safely and protected from inclement weather.
 - x) The vehicle must have at least two doors for use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver.
 - xi) Facilities must be provided to ensure that any person travelling in the limousine can communicate with the driver.

Stretched Limousines – Mechanical Inspections

AP10 Limousines are required to be mechanically tested at the Council's appointed depot every four months.

Stretched Limousines - Documentation

AP11 In addition to other documentation requirements detailed earlier in this policy, the following documentation, in original form or certified copies (not photocopies), shall be produced prior to licensing:

- i) Completed importation documentation – Single Vehicle Approval (SVA) or Individual Type Approval (ITA).
- ii) A Qualified Vehicle Modifier certificate – (QVM). This is issued by the Coach Builder.
- iii) Documentation to show the overall weight of the vehicle (as displayed on the vehicle).

Stretched Limousines - Passengers

AP11 Where the passengers in the vehicle consist solely of persons under the age of 16 they must be accompanied by a responsible adult, other than the driver, who is over the age of 16 years and is not connected to the driver.

All passengers must remain seated at all times when the vehicle is in motion.

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With the exception of the responsible adult detailed above, passengers must not be carried in the front of the vehicle.

Stretched Limousines - Uniforms

AP12 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.

CONDITIONS RELATING TO THE LICENSING OF HORSE DRAWN CARRIAGES (LANDAUS) AND THEIR DRIVERS

General

Prior to being licensed, and in order to remain licensed, all horse drawn carriages must meet the following requirements which, when a licence is in force, shall be regarded as conditions of that licence.

Making an Application - Essential Requirements

- HD1 Prior to a vehicle licence being issued the applicant, being the proprietor of the vehicle, shall complete and submit to the Council an application on the prescribed form together with the required licence fee no later than 14 days prior to the licence being required.

If payment is made by cheque which is subsequently dishonoured any licence issued shall be null and void. Licence fees are non-refundable.

The Vehicle - External Construction and Markings

- HD2 The vehicle shall be purpose built and suitable for the carriage of passengers.
- HD3 The vehicle shall be inspected and approved as appropriate for use as a hackney carriage prior to licensing.
- i) Carriage licence plates shall be fixed to the rear of the vehicle in a clear and conspicuous location in a vertical plane at right angles to the longitudinal axis of the vehicle.
 - ii) Licensed carriages must at all times be maintained in a good condition and be kept clean and tidy. This includes the following examples which are for reference only and does not constitute a definitive list of matters that may be considered to evaluate whether a vehicle is in a good condition:
 - a) Bodyshell/paintwork – free from rust, broken metal and other visible damage.
 - b) Door hinges – shall be in good working order and to be seated correctly when closed.
 - iii) No external markings shall be permitted on the vehicle with the exception of the name and contact number of the owner/operator which may be displayed in the upper half of both passenger doors. Such advertisements must, in the opinion of an authorised officer, be tasteful and decent.

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- iv) The carriage must be fitted with such equipment as to be able to collect and retain horse manure, water and feed for the animal.
- v) All tack and fixtures must be kept in good order and be available for inspection by authorised officers.

The Vehicle - Internal construction and markings

HD4 The carriage shall meet the following minimum measurements:

- i) Seats (length) – the shortest distance between the front and back of a seat (i.e. from the back rest to the front edge) must not be less than 450mm.
- ii) In the case of rear facing seats, the distance between the backs of facing seats shall not be less than 1520mm. In all other cases the distance between the back rest of the seat and any facing obstruction must not be less than 760mm.
- iii) Seats (width) – The shortest distance between the edges of a seat shall be no less than 400 mm. Where the rear passenger seating area is divided into individual seats by way of formed cushions or other similar divide and, in the opinion of an authorised officer, affect the comfort of a passenger, the above measurement shall be ascertained by measuring the distance between seatbelt anchorages (if applicable).

HD5 Floor and seat coverings shall be kept in good condition and be free of holes, stains or other damage at all times.

HD6 Blankets shall be provided for the comfort of passengers.

HD7 No fittings or signs (except for advertising detailed below) shall be attached to the inside of vehicle unless approved by the Council.

HD8 Advertising in the interior of a vehicle is permitted but only where such advertising does not detrimentally affect the safety or comfort of passengers and is not designed or intended to be viewed from the exterior of the vehicle.

The Vehicle - Additional Requirements

HD9 The proprietor of a licensed vehicle shall:

- i) Produce the licensed vehicle for inspection at the request of any authorised officer or police constable.
- ii) Return the licence to an appropriate Council Officer within 7 days of the surrender, expiry, revocation or suspension of such licence or upon the proprietor transferring his/her interest in the vehicle.
- iii) Report the loss of any plates or the vehicle licence to an appropriate Council Officer as soon as the loss becomes known.

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- iv) Notify the Council of any transfer of interest or ownership within 7 days of that transfer. This must include the date of the transfer, plate number and name and address of the new owner.
- v) Comply with any reasonable request made by an authorised officer or police constable in respect of that vehicle.
- vi) Notify the Council of any significant damage to the vehicle within 72 hours of the occurrence.

Material Alterations

HD10 Any material alteration to the design or construction of a vehicle must have prior approval from the Council.

Insurance

HD11 The carriage must have a valid policy of insurance in respect of third party risks and a minimum of £5,000,000 public liability insurance.

Routes

HD12 The carriage may only be used on previously approved routes.

The Horse

HD13 The horse must be a minimum of three years old.

HD14 Horses must be appropriately shod at all times.

HD15 If a horse is considered to be lame, or in any other way unwell, it shall be removed from service immediately.

HD16 Horses must be provided with regular access to drinking water.

HD17 The horse, and its associated tack, must be examined and passed as fit for the task involved, by a qualified veterinary surgeon who may also advise the authority on the maximum number of hours that a horse may work.

HD18 The local authority shall require the horse(s) to be examined by a qualified veterinary surgeon on an annual basis, at time of renewal of the licence and at the licence holder's expense.

HD19 Certified horses should be easily identified by means of microchip or permanent marking.

HD20 The horse must have a current passport.

HD21 The horse should be stabled in appropriate accommodation with access for inspection at all reasonable times.

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HD22 Any horse used in any one day as a horse drawn carriage horse shall not be used during that day for any other purpose.

HD23 No horse shall be used for drawing a carriage during the hours of darkness.

HD24 Sufficient horses must be provided to power the licensed carriage.

The Driver

HD25 The driver of the carriage must be a licensed hackney carriage driver and produce the following certificates:

- i) Suitable qualification demonstrating a knowledge of the most common horse ailments and basic knowledge of the horses' general needs/requirements.
- ii) Road Driving Certificate issued by either the British Driving Society or the Heavy Horse Training Committee, passing the driver as capable of handling the horse and carriage under highway conditions.

HD26 The driver of a carriage is exempted from the requirement to hold a full drivers licence issued by the Driver and Vehicle Licensing Agency (DVLA).

HD27 The driver of a carriage is exempted from the requirement to pass the locations element of the driver's examination.

Fares

HD28 A table of fares to be charged by the operator must be approved by the Council.

HD29 It shall be the responsibility of the carriage driver to advise any prospective passenger of the cost of the agreed journey prior to the commencement of that journey. In addition, the driver must ensure that a notice is prominently displayed stating that fares must be negotiated and agreed prior to the commencement of a journey.