



**North Kesteven**  
DISTRICT COUNCIL

# **Hackney Carriage and Private Hire Licensing Policy**

**04 January 2021**

## Version History

| Version | Action   | Date  |
|---------|--|---|
| V2      | Adopted and Published version  | 2016  |
| V3      | <ul style="list-style-type: none"><li>• Amended Paragraph 3.12.5 – Safeguarding Code of Conduct.</li><li>• Amended Appendix D – Relevance of Convictions, revised paragraph 3.1</li><li>• Amended Paragraph 2.2.4 – IVA requirements</li><li>• Amended Appendix A – Vehicle Specification, revised Paragraph 1.3 IVA requirements.</li></ul> | July 2019 – approved by General Licensing Committee |
| V4      | Review following the publication of statutory guidance   | December 2020                                       |
| V5      | Review following the implementation of Tax Conditionality Checks   | June 2022   |

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# Taxi Licensing Policy

*“Licensing, regulation and enforcement functions exist to protect the general public from harm across areas ranging from food safety to houses in multiple occupation, to licensed premises for entertainment. Safety is one of the principles of licensing which informs legislation. The safety of the public should be the uppermost concern of any licensing and enforcement regime: when determining policy, setting standards and deciding how they will be enforced.”*

*(Return to an Address of the Honourable the House of Commons dated 04 February 2015 for the Report of Inspection of Rotherham Metropolitan Borough Council,  
Author: Louise Casey CB)*

## **1. INTRODUCTION**

### **1.1 Powers**

- 1.1.1 The licensing of hackney carriages is governed by the Town Police Clauses Act 1847 (the 1847 Act). Private hire vehicles (outside London) are governed by the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act).
- 1.1.2 Statutory Guidance under Section 177 of the Police & Crime Act 1977 was issued in July 2020. This places a duty on the Licensing Authority to have regard to the guidance when exercising its function.
- 1.1.3 The 1976 Act places a duty on North Kesteven District Council, as the Licensing Authority (“the Authority”), to licence all hire vehicles which operate from the North Kesteven district, which are provided with a driver and have less than nine passenger seats.
- 1.1.4 This document sets out the policy that the Authority will apply when making decisions about new applications and licences currently in force.

### **1.2 Objectives**

- 1.2.1 Hackney carriage and private hire vehicles play a vital part in an integrated transport system. They provide services in situations where other forms of transport are not available.

1.2.2 The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public. The safety of the public, and the safeguarding of children and the vulnerable will be the uppermost concerns when determining policy, setting standards and deciding how they will be enforced.

1.2.3 The Authority shall seek to promote the following objectives:

- the protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder
- the safety of the drivers
- to promote professional and respected hackney carriage and private hire trades
- access to an efficient and effective public transport service
- the protection of the environment

1.2.4 Each application for licensing will be considered on its own merits. Applicants will be required to submit applications for:

- A Private Hire Operator's licence
- A Private Hire Vehicle licence
- A Hackney Carriage Proprietors Licence (the vehicle licence)
- A Hire Driver's licence

### **1.3 Statutory Guidance**

1.3.1 In formulating this policy, the Authority has had regard to the Statutory Guidance, which replaces the previous Best Practice Guidance documents.

### **1.4 Implementation**

1.4.1 This revised policy will take effect from 04 January 2021 and the Authority expects new and existing applicants for licences to comply with its terms immediately. It is acknowledged that some provisions may place financial obligations on existing licence holders and, accordingly, the Council will permit a transitional period, during which necessary changes must be made. (hereinafter referred to as Grandfather Rights). Where Grandfather Rights apply they are described within that individual provision.

1.4.2 The Authority will keep this policy under review and will consult where appropriate on proposed revisions.

1.4.3 From the effective date, this policy will replace all existing policies in relation to hackney carriage and private hire licensing.

1.4.4 Each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy, clear and compelling reasons will be given.

## **1.5 Licensing Profile**

1.5.1 There are two types of hire vehicles: public hire vehicles (hackney carriages) and vehicles which are only available by prior booking (private hire vehicles). All hire vehicles are generally referred to as 'taxis' by the public although technically 'taxi' should only apply to a hackney carriage.

1.5.2 A hackney carriage is a vehicle with no more than 8 passenger seats, which is licensed to ply for hire, it may stand at ranks or be hailed in the street by members of the public. A private hire vehicle is a vehicle constructed or adapted to seat up to 8 passengers. Private hire vehicles must be booked in advance by customers through an operator and may not ply for hire in the street.

## **1.6 Consultation**

1.6.1 In reviewing this policy the Authority has consulted with the following stakeholders:-

- Licence holders
- Lincolnshire Police
- General public
- Other Authority services

## **1.7 Partnership Working**

1.7.1 The Authority will work in partnership with other agencies to promote the policy objectives.

# **2 VEHICLES**

## **2.1 Limitation of Numbers**

2.1.1 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence. The Authority does not currently impose a quantity restriction on the licences that are issued in respect of hackney carriages.

## **2.2 Specifications and Conditions**

2.2.1 The Authority will not grant a licence for a private hire vehicle unless satisfied that it is;

- suitable in type, size and design for use as a private hire vehicle
- not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage
- in a suitable mechanical condition; safe; and comfortable

and that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.

2.2.2 The Authority applies similar criteria to vehicles presented for licensing as hackney carriages.

2.2.3 No vehicle will be considered acceptable for licensing as a Hackney Carriage or Private Hire Vehicle unless it has been through one of the following type approval schemes and unaltered since that time:

- European Whole Vehicle Type approval
- British National Type approval; or
- Individual Vehicle Approval (IVA)

Most large volume production vehicles made in the UK and EU States after 1987 satisfy British and/or European Whole Type Approval.

2.2.4 The Authority will not generally consider any vehicle acceptable for licensing as a Hackney Carriage or Private Hire Vehicle unless it is a category M1 type approved vehicle. Category M1 is defined as a vehicle designed and constructed for the carriage of passengers and comprises no more than eight seats in addition to the driver's seat. (Grandfather Rights may apply in certain circumstances, see Appendix A).

2.2.5 Vehicles which have been structurally modified or converted will not be acceptable unless they are presented with M1 type approval certification for the resultant vehicle. Such vehicles presented for licensing as hackney carriages or private hire vehicles will require type approval through a Voluntary IVA. Where, after inspection, a vehicle fully complies with the technical requirements the DVSA will issue a Certificate of Compliance. The authority requires the IVA to be to the Normal level, which requires evidence of compliance with relevant EC Directives.

2.2.6 The Authority shall impose such conditions as it considers reasonably necessary on hackney carriage and private hire vehicle licences to set appropriate standards for the external and internal conditions of the vehicle. Appendix A sets out the specification and minimum standards in respect of hackney carriages and private hire vehicles.



2.2.7 Vehicles will generally be licensed for the carriage of between 4 up to a maximum of 8 passengers.

## **2.3 Accessibility**

2.3.1 Hackney carriages and private hire vehicles are an essential mode of transport for many disabled and older people. The Authority encourages the provision of wheelchair accessible vehicles.

2.3.2 The Equality Act 2010 imposes duties on the drivers of designated wheelchair accessible taxis and private hire vehicles to assist passengers who use wheelchairs. Drivers of vehicles designated by the Licensing Authority as being wheelchair accessible, must comply with the requirements of Section 165 of the Equality Act 2010, unless they have been issued with an exemption certificate.

2.3.3 The duties are:

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

Mobility assistance is defined as:

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

2.3.4 It is an offence for a driver of a designated wheelchair accessible vehicle not to comply with the above requirements.

2.3.5 The Council can exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

2.3.6 North Kesteven District Council has published a list of vehicles designated for the purposes of section 165 of the Act. This list is available on the Council website and will be updated on a fortnightly basis.

## **2.4 Maximum Age of Vehicles**

- 2.4.1 The Authority acknowledges that newer vehicles are generally more efficient and emit fewer pollutants than older vehicles.
- 2.4.2 In order to minimize vehicle emissions an application for a new hackney carriage or private hire vehicle licence will not generally be accepted if the vehicle is over seven years old, from date of first registration. The vehicle may continue to be licensed until it reaches the age of ten years, from the date of first registration, provided the vehicle passes the compliance tests at the required times. (Grandfather Rights may apply in certain circumstances, see Appendix A).
- 2.4.3 Licence applications for vehicles in exceptional condition which are outside of the Council's policy, for example by age and/or type of vehicle, will be considered by the council on an individual basis and may be subject to additional checks relevant to the type of vehicle.

## **2.5 Vehicle Testing**

- 2.5.1 The Authority needs to be satisfied that the vehicles it licenses are safe to use on the road for carrying members of the public as paying passengers.
- 2.5.2 Hackney carriage and private hire vehicles are granted licences for a maximum period of 12 months. Prior to licensing all vehicles shall undergo a compliance test at an authority approved garage. The compliance test comprises a mechanical examination to current MOT standard and an additional check of items not covered by the MOT test. Once licensed, the vehicle shall undergo further compliance tests at an authority approved garage at 6 monthly intervals. There are separate arrangements for brand new vehicles with less than 500 recorded miles.
- 2.5.3 Where a licensed vehicle fails a compliance test, and is deemed unsuitable for use as a hire vehicle by the vehicle examiner, the Authority may issue the proprietor with a suspension notice to prevent it being used to carry passengers until the defect(s) is/are remedied. If the defect is not repaired within 2 months from the service of the suspension notice, the vehicle licence may be revoked.
- 2.5.4 Vehicle inspections may also be carried out by Council officers on an ad hoc basis where required.

## **2.6 Accident Reporting**

- 2.6.1 Proprietors of licensed vehicles are required by law to inform the Authority as soon as reasonably practicable, and in any case within 72 hours of any

accident to such licensed vehicle causing damage materially affecting the safety, performance or appearance of the vehicle. (Section 50(3) of the 1976 Act).

## **2.7 Signage and Advertising**

- 2.7.1 It is important that the public should be able to identify and understand the difference between a hackney carriage and a private hire vehicle. Appendix A details the requirements for signage, identification plates and the provisions for advertising.
- 2.7.2 Private hire vehicles shall not be permitted to display roof-mounted signs or any sign or notice which may tend to indicate that the vehicle is a taxi and available for hire.
- 2.7.3 Roof signs fitted to hackney carriage vehicles shall be illuminated at all times when the vehicle is available for hire.
- 2.7.4 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. All licensed vehicles, except those private hire vehicles deemed Executive Vehicles by the Authority, shall display plates externally on the rear of the vehicle. Executive Vehicles are defined in Appendix L, paragraph 3. (See also 2.15).
- 2.7.5 Vehicles shall not be allowed to display written or other material on any window with the exception of those permitted by the conditions of the licence and those required by law, or manufacturer's mark.

## **2.8 Driver Safety**

- 2.8.1 Hackney carriage and private hire vehicles provide a valuable service, particularly late at night. Security for drivers and passengers is, therefore, of paramount importance. There are a number of ways to reduce the risks such as pre-payment of fares, driver screens, CCTV surveillance systems and radio link schemes.
- 2.8.2 The Authority does not propose to require that measures such as CCTV should be introduced, it considers that such decisions are best left to the judgment of the owners and drivers themselves.
- 2.8.3 Where CCTV systems are installed in vehicles adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored/recorded. Any such equipment shall be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver/proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment, especially data protection

legislation and any relevant codes of practice issued by the Home Office or Information Commissioner's Office. A minimum of two warning signs should be prominently displayed inside vehicles so as to be easily seen by passengers.

## **2.9 Application Procedures - Vehicles**

2.9.1 Application procedures for a hackney carriage or private hire vehicle licence are not prescribed in law, but shall be made on the application form produced by North Kesteven District Council in accordance with the application procedure set out in Appendix C.

## **2.10 Consideration of Applications**

2.10.1 The Authority shall consider each application on its own merits once satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

2.10.2 The Authority does not allow dual plating of vehicles due to the difficulty in ensuring compliance.

2.10.3 The Council has adopted a special policy regarding intended use for the licensing of Hackney Carriages. Applicants who wish to be a hackney carriage proprietor but live outside the North Kesteven District Council area will be required to provide information, pursuant to section 57 of the 1976 Act as to where they intend to use the vehicle.

2.10.4 There will be a presumption that applicants who do not intend to a material extent to ply for hire within the administrative area of North Kesteven District Council will not be granted a hackney carriage licence. Each application will be decided on its merits.

2.10.5 This special policy is in accordance with the decision in R (App Newcastle City Council) v Berwick-upon-Tweed Borough Council [2008] EWHC 2369. The policy is detailed at Appendix K.

## **2.11 Renewal of Licences**

2.11.1 Existing vehicle licence holders shall be reminded prior to the expiry date that their licence renewal is due. It is the licence holder's responsibility to ensure that licences are renewed before they expire.

2.11.2 It is recommended that vehicles should have their compliance test at least 7 days prior to the licence expiry date.

## **2.12 LPG/Electric & Hybrid Vehicles**

- 2.12.1 Liquid petroleum gas (LPG) conversions are considered acceptable for licensing as hackney carriages and private hire vehicles because of their lower emission levels. Any LPG conversion must be undertaken by an approved converter and the conversion certificate produced to the Authority for inspection.
- 2.12.2 Fully electric and hybrid vehicles are considered acceptable for licensing as hackney carriages and private hire vehicles, due to their positive impact on the environment.

## **2.13 Stretched Limousines**

- 2.13.1 Licensing authorities encounter difficulties when considering applications to licence stretched limousines because they do not generally comply with most taxi licensing requirements, particularly because of their seating capacity and the radical modifications undergone as part of the 'stretching' process.
- 2.13.2 Most limousines are imported, converted vehicles and will require certification under the Individual Vehicle Approval (IVA) scheme (or its predecessor the Single Vehicle Approval – SVA). Stretched limousines presented for consideration for licensing must have documentary proof of IVA or SVA approval from the DVSA.
- 2.13.3 Each application will be treated on its merits. Stretched limousines approved for licensing will be subject to the additional licence conditions detailed in Appendix B. The Government has published guidance for limousine operators and the Authority commends it to applicants.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/147836/Guidance\\_for\\_Operators\\_of\\_Stretch\\_Limousines\\_2\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/147836/Guidance_for_Operators_of_Stretch_Limousines_2_.pdf)
- 2.13.4 The Authority requires stretch limousines to be inspected at a DVSA testing station.

## **2.14 Contract Vehicles**

- 2.14.1 Vehicles used under a contract with an organisation or company for carrying passengers for hire or reward must be licensed as private hire vehicles.

## **2.15 Executive Vehicles - Exemption from displaying plate**

- 2.15.1 The 1976 Act gives a district council the discretion to grant a proprietor a dispensation from displaying the licence plate on their private hire vehicle.

Each application for a dispensation will be considered on its own merits. The overriding consideration will be public safety.

2.15.2 Dispensation will not be granted as a matter of course, the case must be made by the proprietor. In determining an application it will normally be the status of the passenger and the executive nature of the work that will indicate whether or not the dispensation should be granted. The quality and specification of the vehicle being used will be supportive of an application, but will not be the sole determining factor. Please see Appendix L for full details.

## **2.16 Exempt Vehicles**

2.16.1 Vehicles that are used solely in connection with a funeral, or are being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals, do not need to be licensed.

2.16.2 Vehicles that are used solely in connection with a wedding do not require a licence.

## **2.17 Insurance**

2.17.1 A vehicle must have a current certificate of insurance or cover note which complies with the requirements of Part VI of the Road Traffic Act 1988 and which clearly covers the use to which the vehicle is to be put, i.e. public hire or private hire. A private hire vehicle cannot be insured for public hire.

# **3 DRIVERS**

## **3.1 Licences**

3.1.1 The Council grants dual licences giving drivers the flexibility to drive either hackney carriage or private hire vehicles. The Authority has to issue licences valid for 3 years, but it has limited discretion to grant licences valid for a lesser period if deemed appropriate given the circumstances in individual cases. The Council must be satisfied that licence holders are 'fit and proper' persons. Application procedures, including details about 'Fit and Proper' are explained in Appendix C and Appendix D.

3.1.2 Applicants shall be over 18 years of age and shall have held a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 12 months. All DVLA licence records will be checked annually. The cost of this will be borne by the applicant. The Authority reserves the right to conduct further DVLA record checks at any time during the currency of a driving licence,

should circumstances warrant, for example following allegations that a licence holder has failed to report a motoring conviction to the Authority.

- 3.1.3 Holders of European licences will need to register their non-GB driving licence before applying, alternatively they may elect to exchange their licence for a UK one.

<https://www.gov.uk/government/publications/d9-application-to-register-a-non-gb-driving-licence>

- 3.1.4 Applicants shall make a declaration that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period. The Authority will make checks, including checks with the Home Office, to confirm an applicant's right to work. The Authority is aware that the Government proposes to introduce mandatory 'right to work' checks for taxi drivers in the Immigration Bill.

- 3.1.5 Any applicant for a new or renewal licence shall be required to complete an application form and a statutory declaration and formally confirm any convictions, spent or otherwise, at the time of application. These forms ask for any time spent abroad and any convictions imposed in the UK or abroad. All the applicant's criminal convictions must be entered onto these forms, including spent convictions and cautions. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Authority (Section 57 of the 1976 Act).

- 3.1.6 A Disclosure and Barring Service check to Enhanced level shall be applied for on application and every six months thereafter unless the applicant has subscribed to the Disclosure & Barring Update Service.

- 3.1.7 Where an applicant has resided in the UK for less than 5 years, or has spent a period of 3 months or more within the last 5 years as a non-resident, the Authority will require a certificate of good conduct, obtained at the applicant's own expense, authenticated by the relevant Embassy of the country of residence. The applicant must also arrange for the certificate to be professionally translated into English.

## **3.2 Driver Knowledge Tests**

- 3.2.1 Hackney carriage drivers need a good working knowledge of the area for which they are licensed, because they can be hired directly at ranks or on the street. The Council also considers it necessary for private hire drivers to know the local area.

- 3.2.2 In order to assist the Council in determining the fitness of an applicant to hold a hire driver's licence, all new applicants are required to undertake a

test of basic reading, writing, arithmetic, and a test to challenge their knowledge of the area within the district of North Kesteven and the wider Lincolnshire area.

### **3.3 Driving Proficiency**

- 3.3.1 Applicants who have recently been disqualified from driving under the “totting-up” procedure will not normally be granted a licence unless they have held a licence for at least 2 years following the expiry of the period of disqualification.
- 3.3.2 New applicants with 6 or more DVLA penalty points (both current and expired) accrued within a 4 year period will be required to undertake, at their own expense, a driving assessment by the Lincolnshire Road Safety Partnership and be assessed as ‘low-risk’.
- 3.3.3 A hire driver with 6 or more penalty points (both current and expired) accrued within a 4 year period will be issued with a written warning as to future conduct and will be required to undertake, at their own expense, a taxi driver training assessment with the Lincolnshire Road Safety Partnership and be assessed as ‘low-risk’. The test is to be taken within 3 months of the accrual of the points.
- 3.3.4 Applicants or licence holders who attend a driver assessment but fail to achieve the required ‘low-risk’ standard will be referred to the Sub Committee to decide if they are ‘fit and proper’ to hold a licence.

### **3.4 Medical Examination**

- 3.4.1 Applicants shall provide a completed medical examination form supplied by the Authority and completed by their own General Practitioner, or a Doctor who has access to the applicant’s medical history, on first application and every 6 years thereafter until reaching the age of 65 years when medical checks will be required annually.
- 3.4.2 The Authority uses the DVLA Group 2 Standards of Medical Fitness (as applied by the DVLA to the licensing of lorry and bus drivers) as the appropriate standard for licensed hackney carriage and private hire drivers.
- 3.4.3 Licence holders shall advise the Authority immediately of any deterioration in their health that may affect their driving capabilities.
- 3.4.4 Where there is any doubt as to the medical fitness of the applicant, the Authority may require the applicant to undergo and pay for a further medical examination by a Doctor appointed by the Authority.



3.4.5 Where there remains any doubt about the fitness of any applicant, the General Licensing Sub Committee will review the medical evidence and make any final decision in light of the medical evidence available.

3.4.6 No licence shall be issued until medical clearance (if required) has been established.

### **3.5 Disclosure & Barring Service (DBS) Disclosures**

3.5.1 A criminal record check on a driver is seen as an important safety measure. An Enhanced Disclosure through the DBS is required.

3.5.2 The Rehabilitation of Offenders Act 1974 does not apply to applicants for hackney and private hire drivers licences. Applicants are required to disclose all convictions, including those that would normally be regarded as spent.

3.5.3 The applicant must apply for a DBS check through the Licensing Team at North Kesteven District Council and will be charged an appropriate fee, unless they are subscribed to the Update Service provided by the DBS and can produce their original disclosure for checking. The original disclosure must be for the category – *'Other Workforce – Taxi Driver'*, this is the only type of Disclosure that the Authority is permitted to see.

3.5.4 All licence holders will be subject to a DBS check on a 6 monthly basis. Any person who is not subscribed to the DBS update service will be charged the appropriate fee to enable this check to be conducted.

3.5.5 The DBS send the only copy of the disclosure direct to the subject's home address. It is the applicant's responsibility to ensure the Licensing Team see the disclosure in order to make a decision whether or not a licence can be granted. A licence will not be issued until the Disclosure has been seen by the Licensing Team.

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

3.6.1 In relation to the consideration of convictions and police cautions recorded against persons, the Authority has adopted the policy set out in Appendix D, Relevance of Convictions.

3.6.2 In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merit. It will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence. Decisions will be taken in line with the policy at Appendix C and Appendix D.

### **3.7 Application Procedure**

3.7.1 An application for a hackney carriage or private hire driver's licence shall be made on the specified application form. The application procedure is set out in Appendix C.

### **3.8 Tax Conditionality Checks**

3.8.1 All successful new applicants for a hackney carriage or private hire drivers' licence shall be provided with information notifying them of the requirement to register with Her Majesty's Revenue & Customs to pay tax. Proof of such registration will be a requirement for any person wishing to renew their hire driver licence.

### **3.9 Renewal of Licences**

3.9.1 The licensing authority will aim to remind licence holders 2 months before their licence expires. It is the driver's responsibility to renew in good time. Completed application forms, appropriate fees, and supporting documentation, as set out in Appendix C, must be submitted at the time of application.

3.9.2 All licence holders submitting applications to renew their hire driver licence, will be required to provide a tax check code obtained from the HMRC, prior to any renewal application being granted. Full details of the procedure is set out at Appendix C.

### **3.10 Conditions of Licence**

3.10.1 The Authority is not permitted to attach conditions to a hackney carriage driver's licence. It is, however, empowered to attach such conditions to a private hire driver's licence as are considered necessary.

### **3.11 Convictions – Licence Holders**

3.11.1 Drivers, who are convicted of any offence or incur any penalty, as defined in Appendix D - Paragraph 6.1, must inform the Authority verbally by the end of the next working day, followed up in writing within seven days of conviction.

3.11.2 If a licensed driver ceases to have a valid DVLA driving licence then the driver's licence issued by this Authority shall be deemed invalid.

3.11.3 Convictions, police cautions and breaches of legislation, licence conditions, byelaws and of this policy, by licence holders, shall be dealt with in

accordance with Appendix D – Relevance of Convictions and this Authority’s enforcement policy as set out at Appendix I.

### **3.12 Driver’s Conduct**

3.12.1 The standards expected of licensed hackney drivers are set out in sections 5 to 17 of the byelaws made under the 1847 Act and the Public Health Act 1875, which should be read in conjunction with the other statutory and policy requirements set out in this document. The byelaws are attached as Appendix F. Failure to comply with the requirements of the byelaws may result in action being taken which may affect the licence.

3.12.2 Conditions attached to Hire Drivers Licences are detailed at Appendix E.

### **3.13 Safeguarding**

3.13.1 Drivers of Hackney Carriage and Private Hire vehicles are in a position of trust in respect of the safety and welfare of their passengers. The Licensing Authority, through its licensing team and Committee, has to ensure that all drivers are ‘fit and proper’ to undertake their work as drivers and that they also act as ambassadors for the district. It is essential that the council and drivers work together in order to ensure members of the public are treated with dignity and respect, including reporting any concerns.

3.13.2 On occasions, drivers may become aware of, or have suspicions that, a passenger may be the victim of abuse, neglect or exploitation either sexual or otherwise, or at risk of becoming a victim. In addition, drivers themselves may be accused of misconduct or inappropriate behaviour through the misinterpretation of the driver’s actions or conversation.

3.13.3 Therefore, North Kesteven District Council has adopted a Code of Conduct which is aimed at providing the best possible service by protecting both passengers and drivers. This ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately and minimise the risk of misunderstandings.

3.13.4 Drivers are expected to comply with this Code. Failure to do so may result in the driver being referred to the General Licensing Sub Committee to explain the circumstances surrounding any incident. In the event of a repeated and/or serious failure to comply, drivers can expect that consideration will be given to the suspension or revocation of their licence, (including the immediate suspension or revocation of the licence).

3.13.5 All new drivers on initial application and all existing drivers upon renewal will be expected to sign up to and abide by the Safeguarding Code of Conduct. All new drivers on initial application and all existing drivers upon

each renewal will be expected to complete the required Safeguarding Awareness training module as a pre-requisite to making their application (new or renewal). Drivers who qualify for annual (12 month) licences will be expected to complete the Safeguarding Awareness training module every 3 years. See Appendix D (Relevance of Convictions) and Appendix G (Driver Code of Conduct).

### **3.14 Standard of Dress**

3.14.1 The following is for guidance only. The Authority believes that drivers should be dressed in a clean, tidy and decent manner at all times whilst plying for hire or conveying passengers; the wearing of shorts is not recommended.

## **4 PRIVATE HIRE OPERATORS**

### **4.1 Requirements and Obligations**

4.1.1 Any individual, company or similar who, in the course of their business, makes any provision for the invitation and acceptance of bookings for (i.e. to operate) a private hire vehicle must hold a private hire operator's licence. The objective in licensing private hire operators is to ensure the safety of the public who use the operator's services including premises, vehicles and drivers.

4.1.2 A private hire operator shall ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence. A private hire operator may only operate a private hire vehicle licensed by the same authority as the operator. Similarly, a private hire vehicle may only be driven by a driver licensed by the same authority. Therefore, all three licences (operator, vehicle and driver) must be issued by the same authority.

4.1.3 Applications for a Private Hire Operator's licence shall be made on the prescribed form, together with the appropriate fee. The Authority will then decide whether the applicant is a fit and proper person to hold an Operator's licence.

4.1.4 The Council will not grant an Operator's Licence for an operator with an operating base that is outside the North Kesteven District Council area.

4.1.5 Private Hire Operators are to ensure that details of how customers can make a complaint to the Licensing Authority is prominently displayed within each Private Hire Vehicle. Details of this procedure will be provided by the Licensing Authority. This procedure will be detailed on the Council's website. The procedure explaining how to make a complaint and how such complaints will be investigated is listed at Appendix O.

## **4.2 Criminal Record Checks**

- 4.2.1 Private hire operators are not exceptions to the Rehabilitation of Offenders Act 1974, so Enhanced disclosures cannot be required as a condition of grant of an operator's licence, but a Basic Disclosure from the DBS is seen as appropriate. A Basic Disclosure can be obtained from Disclosure Scotland. [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)
- 4.2.2 An applicant for a Private Hire Operator's licence shall provide a current (less than 1 month old) Basic DBS Disclosure. The DBS disclosure shall be required on application and annually thereafter unless they are also currently licensed by North Kesteven District Council as a hire driver.
- 4.2.3 Private Hire Operators are to ensure that any person involved with the business, who is not licensed with the Authority as a hire driver, is subject to a basic criminal record check with the Disclosure & Barring Service (DBS). This includes any person employed despatching vehicles, the general management or maintenance of the business and any company directors, secretaries or silent partners.
- 4.2.4 Any Basic Disclosure checks are required to be renewed on an annual basis. Records of such checks are to be maintained by the Private Hire Operator.

## **4.3 Tax Conditionality Checks**

- 4.3.1 All successful new applicants for a Private Hire Operators (PHOp) Licence shall be provided with information notifying them of the requirement to register with Her Majesty's Revenue & Customs to pay tax. Proof of such registration will be a requirement for any person wishing to renew their PHOp licence.
- 4.3.2 All licence holders submitting applications to renew their PHOp licence, will be required to provide a tax check code obtained from the HMRC, prior to any renewal application being granted. Full details of the procedure is set out at Appendix C.

## **4.4 Conditions**

- 4.4.1 The Authority has power to impose such conditions on a Private Hire Operator's licence as it considers reasonably necessary and these are set out in Appendix H.

## **4.5 Insurance**

- 4.5.1 If the operator has premises to which the public will have access the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises before any application is considered.

## **4.6 Licence Duration**

- 4.6.1 This Authority grants Operator licences valid for 5 years. The licensing authority will aim to remind licence holders 2 months before their licence expires. It is the Operator's responsibility to renew in good time.

## **4.7 Operating Base**

- 4.7.1 On grant or renewal of an operator's licence the licensing authority will specify the address from which the operator may operate. Operate means 'to make provision for the invitation or acceptance of bookings for a private hire vehicle', this will be the premises where the day to day business is conducted, the telephone answered and bookings taken and recorded. (It does not matter where the telephone line originates, it is where it is answered after any subsequent diverts). We do not licence 'mobile' Operators.
- 4.7.2 The operator's licence is not transferrable between premises or addresses. A new licence will be required when there is any change of the operating address.

## **4.8 Planning Consent**

- 4.8.1 To operate a private hire business from a residential dwelling, planning permission for such business use may be required. All applications for an Operator's Licence are forwarded to the Planning Department for their attention. It is the applicant's responsibility to ensure that any necessary planning permissions are in place.

# **5 COMPLIANCE AND ENFORCEMENT**

## **5.1 Enforcement**

- 5.1.1 The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety. It is recognised that a risk-based approach to enforcement and compliance by the Authority benefits not only the public, but also the responsible members of the hackney carriage and private hire trades. The Council aims to provide an efficient, targeted and proportionate regulatory service.

- 5.1.2 In pursuance of its objective to encourage responsible hackney carriage/private hire businesses, the Authority shall operate a firm but fair compliance regime. The Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in section 1.2.1 of this document. Where defects are such that the use of a vehicle needs to be immediately prohibited, livelihood interference is inevitable.
- 5.1.3 The Enforcement Policy as set out at Appendix I will ensure that the Authority's enforcement effort is reasonable, transparent and well directed.

## **5.2 Compliance Hearings**

- 5.2.1 The Authority's General Licensing Sub Committee, consisting of three elected members of the Council will consider matters relating to breaches of licence conditions, failures of compliance and any other matter which may affect the fitness and propriety of a licence holder or applicant. The standard of proof for licensing decision makers is the balance of probabilities.
- 5.2.2 When a driver, proprietor or operator is brought before the Sub Committee that Sub Committee may exercise any of the following options;
- Suspend the licence – including immediate suspension
  - Revoke the licence – including immediate revocation
  - Issue written warning
  - Extend the period in which any compliance points remain live
  - Take no further action
  - Any other action the sub-committee feels appropriate, including requiring drivers to attend a driving assessment (as per 3.3 Driving Proficiency) and be assessed as 'low-risk'

## **5.3 Penalty Points Scheme and Warnings**

- 5.3.1 The Council will operate a points system of compliance for specified breaches of byelaws, licence conditions or other unacceptable behaviour specified in this policy. The system will apply to drivers, operators and vehicles. The system provides the Authority with a transparent and clear system for regulating the behaviour of licence holders. It is particularly helpful in dealing with situations where a number of minor issues have arisen. It provides a clear audit trail in this respect, and allows the Authority to take formal action where it is appropriate to do in light of the licence holder's behaviour.
- 5.3.2 The number of points accrued will be considered on a continual 12 month cycle. If a licence holder receives 12 or more points during any 12 month period then they will be required to attend a hearing of the Sub Committee

to explain why they should still be considered fit and proper and to remain licensed by the Authority. The Sub Committee may determine that the licence should be suspended or revoked, or they may choose to administer some other sanction. Licensing Officers will operate the scheme and issue points accordingly. Each case will be considered on its merits. The scheme is outlined in Appendix J.

#### **5.4 Suspension of Vehicle Licences**

5.4.1 Licensed vehicles shall be kept at all times in a safe, tidy and clean condition. Compliance with the vehicle specifications and licence conditions is essential and compliance will be checked by periodic, random, vehicle inspections by the Authority. Where it is apparent that any vehicle is not being properly maintained a Vehicle Defect Notice will be served on the vehicle proprietor setting out the defect(s) that need to be rectified, and arrangements for the vehicle to be further inspected to check compliance. This notice will be used by Authorised Officers where the defects are not deemed serious. Failure to comply with the requirements of the notice may result in the vehicle licence being suspended.

5.4.2 Where public safety is likely to be put at risk by the defect(s) a Suspension Notice shall be served on the vehicle proprietor who must have the vehicle repaired. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use by the Authority. If the defect is not repaired within 2 months from the service of the suspension notice, the vehicle licence may be revoked by the Licensing Authority.

#### **5.5 Revocation and Suspension of Licences**

5.5.1 Where a licence holder has been referred to the General Licensing Sub Committee, they may decide to revoke or suspend the licence.

#### **5.6 Prosecution**

5.6.1 The Authority shall prosecute licence holders for relevant offences in accordance with the statutory Regulator's Compliance Code and its own enforcement policy.

### **6 OFFENCES AND CONVICTIONS**

6.1.1 The relevance of offences and convictions for prospective applicants and for existing licence holders is outlined in Appendix D.



## **7 DELEGATED POWERS**

### **7.1 Licensing Committee**

- 7.1.1 The Council delegates responsibility for the management of the Hackney Carriage and Private Hire Licensing regime to the General Licensing Committee. The Committee also advises the Council about the formulation and review of this Policy.
- 7.1.2 The Licensing Committee of the Authority has delegated some of its authority to act to officers. The Council itself decides Policy. Full details of the delegated powers can be found in the Authority's Constitution.

## **8 FARES**

### **8.1 General**

- 8.1.1 A Hackney Carriage Table of Fares ("the tariff") is set by the Authority. A copy of the table of fares will be provided to each applicant for a Hackney Carriage proprietor's licence.
- 8.1.2 The Authority shall review the Table of Fares periodically. Any changes shall be advertised by the Authority in accordance with legislation.
- 8.1.3 The Authority is not able to set fares for private hire vehicles
- 8.1.4 When a journey ends outside the district boundaries of the Authority a fare greater than that that would have been shown on the meter may be charged but only if an agreement has been made with the hirer in advance.

### **8.2 Table of Fares**

- 8.2.1 The Authority's Table of Fares, must be displayed in each hackney carriage vehicle so that it is easily visible to all hirers.
- 8.2.2 Private Hire Operators that use licensed vehicles fitted with a fare meter shall provide the Authority with a current table of fares. This table must also be displayed in each private hire vehicle so that it is easily visible to all hirers.

### **8.3 Receipts**

- 8.3.1 Drivers shall, upon request, provide passengers with written receipts for fares paid.

## **9 FEES**

### **9.1 Fee Structure**

- 9.1.1 The Authority sets fees based on full cost recovery, within the parameters laid down by the 1976 Act.
- 9.1.2 The Authority shall review the fee structure annually. Any changes shall be advertised by the Authority, in accordance with legislation, in a newspaper circulating in the district.

## **10 COMPLAINTS**

### **10.1 General**

- 10.1.1 This policy sets out the standards, which the Authority requires that all hire vehicles, drivers and operators achieve and maintain. Customers should expect vehicles that are clean, safe and fit for purpose. Likewise, drivers should be safe, courteous and professional.
- 10.1.2 Appendix O details the procedures which will be followed should the Authority receive any complaints, which indicate the commission of a criminal offence, a breach of policy or the code of conduct.

## **APPENDIX A**

### **VEHICLE SPECIFICATION AND LICENCE CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

Only those vehicles which comply with the specification detailed below will be granted a hackney carriage or private hire vehicle licence by North Kesteven District Council.

#### **Vehicle Age**

Applications for a hackney carriage or private hire vehicle licence will not generally be accepted if the vehicle is seven years or older. The vehicle may continue to be licensed until it reaches the age of 10 years. The age of the vehicle will be taken from the date of first registration on the Registration Document (V5), which must be submitted with all applications. Grandfather rights may apply to vehicles already licensed by the date on which this policy comes into effect. They may be allowed to continue until the end of their useful lives, provided that they can satisfy the requirements for vehicles in exceptional condition which are outside of the Council's age policy – as detailed in the following paragraphs.

Licence applications for vehicles in exceptional condition which are outside of the Council's policy, for example by age and/or type of vehicle, will be considered by the council on an individual basis and may be subject to additional checks relevant to the type of vehicle.

A high standard is expected of a vehicle which is presented for licensing outside of the current age policy. These are some of the factors that may be taken into account by the Council when inspecting any such vehicle prior to licence issue, the vehicle has:

1. A full service history in accordance with the manufacturer's service schedule and/or supporting documentation evidencing a regular, preventative maintenance schedule. This can be in the form of a stamped service history book or invoices which show the vehicle registration number
2. No rust, significant dents or scratches
3. An excellent interior which is safe, clean and free of holes, cuts or tears, excessive wear and odour
4. Undergone an independent engineer's, AA or RAC inspection at the applicant's own cost who must submit the report to the Council. Reports are acceptable from an engineer who has any of the following qualifications
  - Fellow or Member of the Institute of the Motor Industry (FIMI) (MIMI)

- Incorporated Engineer (I.Eng)
- Associate of the Institute of the Automotive Engineer Assessors (AIAEA)

It is strongly recommended that applicants contact the Licensing team before making a purchase and / or proceeding with an application.

## **THE SPECIFICATION**

### **1 General – Type Approval**

- 1.1 All vehicles shall comply in all respects, and at all times, with current road traffic legislation and be type approved to the requirements of the M1 category of European Whole Type Approval 70/156/EEC (as amended).
- 1.2 Vehicles which have been structurally modified or converted will not be acceptable unless they are presented with M1 type approval certification for the resultant vehicle. This requirement shall include any vehicles which have had their seating capacity reduced (or increased) in order to meet the seating requirements for Private Hire or Hackney Carriage licensing. Unregistered vehicles will require approval to the appropriate M1 standard. <https://www.gov.uk/vehicle-approval/overview>
- 1.3 Specialist vehicles or any vehicle imported from a non-EU state since its original manufacture will require IVA, as detailed at 1.2. Additionally, vehicles which have been structurally modified or converted will require type approval through a Voluntary IVA. Where, after inspection, a vehicle fully complies with the technical requirements the DVSA will issue a Certificate of Compliance. The authority requires the IVA to be to the Normal level, which requires evidence of compliance with relevant EC Directives.
- 1.4 Grandfather rights will apply to vehicles already licensed by the date on which this policy comes into effect. They will be allowed to continue until the end of their useful lives subject to their compliance with all relevant test and inspection requirements.

### **2 Dimensions**

- 2.1 The vehicle shall be of such a size as to enable easy access to the interior of the vehicle by an adult.

### **3 Body**

- 3.1 Requirements regarding damage, paintwork and corrosion are detailed in Appendix M: Inspection Manual for Taxis and Private Hire Vehicles.

## **4 Wheels**

- 4.1 The General Licensing Sub Committee shall consider any application to licence a bicycle, tricycle or quadricycle. All licensed vehicles must carry a spare wheel matching those fitted to the vehicle.
- 4.2 Space-saver spare tyres, where supplied as standard equipment for the vehicle, will be accepted. Provision shall be made for a standard road wheel to be secured in the vehicle should a space saver tyre be used in an emergency. A vehicle presented for examination with a space saver spare tyre in use as a road wheel will fail the test.
- 4.3 Any spare wheel, including space savers, shall conform to current Construction and Use regulations.
- 4.4 A wheel brace and jack to enable the effective change of a tyre and wheel shall be carried, except where Paragraph 4.5 applies. Trolley jacks are not acceptable.
- 4.5 Where an aerosol inflation and sealant device is supplied with the vehicle as standard by the manufacturer, a spare tyre need not be carried. If a vehicle is fitted with 'run flat' tyres supplied, as standard, by the manufacturer then the vehicle shall be fitted with a tyre pressure sensor / warning device.
- 4.6 The use, in emergencies only, of a space-saver wheel, run flat tyre(s) (when punctured) or aerosol sealant devices is permitted for vehicles that are manufactured and delivered with such tyres or kits as standard. Such use shall comply with the restrictions detailed in Paragraph 4.7.
- 4.7 In the event of a space-saver tyre, run flat tyre(s) (when punctured) or puncture repair kit being used, it shall only be used to complete a fare and must comply precisely with the manufacturer's recommendations especially the maximum safe speed and running distance of the tyre. Any such space-saver tyre, run flat tyre (when punctured) or tyre that has been subject to use of a puncture repair kit shall be replaced prior to taking another fare.
- 4.8 In cases where a rear loading wheelchair accessible conversion or an LPG conversion where the tank occupies the usual site of the spare wheel is considered suitable to be licensed, the vehicle will be considered exempt from the requirement to carry a spare wheel matching those fitted to the vehicle. This would be subject to the vehicle meeting the luggage criteria and evidence that the conversion has been undertaken by approved specialist converters. In these instances, a space-saver tyre or puncture repair kit must be carried in the vehicle for emergencies and must be used precisely with the manufacturer's recommendations.

## **5 Steering**

- 5.1 All vehicles should be right hand drive, but left-hand drive vehicles will be considered on a case by case basis. The Licensing Team should be consulted before any application is made to licence a left-hand drive vehicle.

## **6 Interior**

- 6.1 Requirements regarding the interior of vehicles are detailed in Appendix M: Inspection Manual for Taxis and Private Hire Vehicles.

## **7 Doors**

- 7.1 The vehicle must have at least four passenger doors including the drivers' door. Each door must be capable of being opened from the inside and outside. Doors shall be capable of opening sufficiently wide to allow easy access and egress from the vehicle.

## **8 Seats**

- 8.1 The licensing authority will normally licence only those vehicles capable of carrying between four and up to eight passengers. The actual number of passengers to be carried in any one vehicle will normally be determined with reference to the following;

- the manufacturers recommendations
- the number of passenger seats specified on the vehicle registration document V5
- the number of available seats and suitably fitted seat belts; and
- the relevant vehicle specification

- 8.2 Each seat shall be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.

- Seating should be properly cushioned or covered
- Where seat covers are used they shall be securely affixed to the seat
- Rearward facing seats over or rearward of the rear wheels and axles will not be permitted
- Sideways mounted seats will not be permitted (see also Appendix B – Limousines)

## **9 Windows**

- 9.1 The vehicle must have at least one window on each side capable of being opened and closed.

9.2 The windscreen and windows to either side of the driver shall have visual transmission of light of not less than 70%. No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

## **10 Heating and ventilation**

10.1 Vehicles shall have an efficient heating and ventilation system.

## **11 Wheelchair carrying facilities**

11.1 Any vehicle that has the facility for the carriage of wheelchair(s) and wheelchair passengers shall be fitted with;

- approved anchorages that shall be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers shall be independent of each other. Anchorages shall also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers
- a ramp or ramps for the loading of a wheelchair and passenger shall be available at all times. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle when not in use

11.2 The vehicle shall be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.

11.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) immediately prior to being first licensed and at each subsequent twice yearly test and be so certified and submitted at the time of renewal.

## **12 CCTV Systems**

12.1 CCTV surveillance systems to assist driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored / recorded. Any such equipment shall be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver / proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment, especially data protection legislation and any relevant codes of practice issued by the Home Office or Information

Commissioner's Office. A minimum of two warning signs should be prominently displayed inside vehicles so as to be easily seen by passengers.

### **13 Tyres**

- 13.1 All tyres, including the spare tyre, shall comply with the vehicle manufacturer's specification.
- 13.2 Re-cut tyres are not acceptable. Remould tyres shall only be acceptable if they conform to British standards and display;
- Nominal size
  - Construction type (e.g. radial ply)
  - Load capacity; and
  - Speed capability

### **14 Electrical Equipment**

- 14.1 Any additional electrical installation to the original equipment shall be adequately insulated and be protected by suitable fuses.

## **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS OF LICENCE**

### **15 Examination and test**

- 15.1 Before a licence is granted for the use of a vehicle as a hackney carriage or private hire vehicle, the vehicle shall be examined and tested by an Authority approved testing station. Once licensed, the vehicle shall undergo a further full examination and test at a vehicle testing station approved by the Authority at 6 monthly intervals.
- 15.2 In addition to the above, inspections may be carried out by the Council's licensing officers on an ad hoc basis where required.
- 15.3 Where a licensed vehicle fails a compliance test and is deemed unsuitable for use as a hire vehicle by the vehicle examiner, the Authority may issue a suspension notice to prevent it being used to carry passengers until the defect(s) is/are remedied. The suspension notice will be served on the vehicle proprietor. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use by the Authority. If the defect is not repaired within 2 months from the service of the suspension notice, the vehicle licence may be revoked by the Licensing Authority.



## **16 Licence Identification Plates**

- 16.1 The proprietor of a hackney carriage or private hire vehicle shall fix, to the vehicle, licence identification plates of the size, colour, design and type supplied by the Authority.
- 16.2 The proprietor shall ensure that the licence identification plate is securely fixed to the rear exterior of the hackney carriage or private hire vehicle in such a position that the vehicle registration plate is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence is clearly visible from the highway and by other road users. The plate must not be placed inside the rear window of the vehicle and must be below window height.
- 16.3 Prestige/Executive vehicle operators who have been granted a dispensation by the Authority to display a licence identification plate on the rear of the vehicle, shall carry a copy of the dispensation in the vehicle at all times and shall produce it to a Licensing Officer/Police Officer on request.
- 16.4 The proprietor shall ensure that the internal vehicle licence identification card, as supplied by the Authority, is prominently displayed in a position for all passengers to see clearly.
- 16.5 The proprietor shall ensure that no licence identification plate be displayed other than the plates issued by the Authority, and the said plate shall be displayed only on the vehicle to which it relates.
- 16.6 The licence plate(s) remain the property of the Authority and shall be returned to them within seven days, following the service on the proprietor of an appropriate notice by the Authority or in the event of the hackney carriage or private hire vehicle licence ceasing to be in force in respect of the vehicle.

## **17 Signs and Notices**

- 17.1 Vehicles shall not display roof signs or allow any other signs or advertising below roof height without the prior approval of the Authority.

## **18. Receipt book**

- 18.1 The proprietor of a hackney carriage or private hire vehicle shall ensure that a receipt is given if requested and each receipt shall show as a minimum the following particulars;
  - Date of journey
  - Details of journey (i.e. where from/to)

- Name and badge number of driver; and
- Amount paid

## **19 Luggage**

- 19.1 The proprietor shall at all times provide facilities for the conveyance of luggage safely and protected from inclement weather.
- 19.2 Where luggage is stored other than in a boot (e.g. in an MPV), it shall be properly secured.

## **20 Property**

- 20.1 Any property left accidentally in the vehicle by passengers, if not claimed by or on behalf of its owner, shall be taken to a local Police station within 48 hours and reported as 'found property'.

## **21 Furnishing and maintenance of vehicle**

- 21.1 The proprietor shall ensure that at all times when the vehicle is in use or available for hire, its fittings and equipment are kept in an efficient, safe, tidy and clean condition. Furthermore, the proprietor shall ensure that all relevant statutory requirements (including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986) are fully complied with.
- 21.2 Where a separate compartment is provided for passengers, the proprietor shall provide sufficient means by which any person in the compartment may communicate with the driver.
- 21.3 The proprietor shall at all times provide adequate lighting and heating for the interior of the vehicle.

## **22 Advertisements**

- 22.1 Licensed vehicle proprietors will be permitted, subject to prior approval of the Authority, to display signs, advertisements, notices or other markings on the outside of their vehicle. However, they shall be subject to the following conditions;
- All advertisements shall comply with the Committee of Advertising Practice Codes or successor body
  - No advertisement shall relate to or advertise alcohol, smoking materials or be of a political or religious nature, organization or campaign

- Advertising will be 2 dimensional in design and limited to the front and rear door panels
- Any damaged or disfigured advertisement signs shall be immediately removed

## **23 Communication Devices**

- 23.1 Where apparatus for the operation of a two-way radio system is fitted to a vehicle it shall be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.

## **24 Convictions including cautions and fixed penalties**

- 24.1 Proprietors who are convicted of any offence or incur any penalty, as defined in Appendix D - Paragraph 6.1, must inform the Authority verbally by the end of the next working day, followed up in writing, (including email to [licensing@n-kesteven.gov.uk](mailto:licensing@n-kesteven.gov.uk) ) within seven days of conviction.

## **25 Change of Address**

- 25.1 The proprietor and drivers of vehicles shall notify the Authority, in writing, of any change in name and address within seven days of such a change taking place.

### **Additional requirements for Hackney Carriage Vehicles**

## **26 Taxi Signs**

- 26.1 A Hackney Carriage Vehicle must have a roof sign. This must be at least 14" wide, but no wider than the vehicle, and at least 5" high. The word TAXI and the initials N.K.D.C must appear to the front and rear. Other display is at the discretion of the Operator. The sign must be lit from within, and the supply wired so that the light is extinguished when the meter is set.

## **27 Taximeters**

- 27.1 The Proprietor of a licensed Hackney Carriage or Private Hire Vehicle in which a taximeter is installed shall not cause or permit the vehicle to be used unless the taximeter is so constructed, securely attached to the vehicle and maintained as to comply with the following requirements;
- When the taximeter is in operation, the fare shall be recorded in figures clearly legible and free from ambiguity
  - The taximeter shall be placed so that all letters and figures on its face can be seen by passengers in the vehicle and for that purpose; the

letters and figures shall be capable of being suitably illuminated during any period of hiring

- The driver shall not tamper with or permit any person to tamper with the taximeter

27.5 If the taximeter has been altered for whatever reason, the proprietor of the vehicle shall forthwith make arrangements for resetting with the approved meter agent.

27.6 The vehicle taximeter shall be brought into operation at the commencement of **all** hires and the fare demanded by the driver shall not be greater than that shown on the meter and agreed by this Authority. In the event of a hire ending outside the Authority's boundary, the fare that may be charged for the journey is such fare or rate of fare, if any, as was agreed before the hiring was effected. If no such agreement was made at the start of the journey, then the fare to be charged should be no greater than that that would have been shown on the taximeter.

27.7 Proprietors shall arrange for meters to be calibrated, sealed and a certificate of calibration provided by the meter calibration company shall be lodged with the licensing authority as follows:

- When applying to license a vehicle for the first time
- When a temporary or permanent replacement meter is fitted in a vehicle
- Following a complaint of meter inaccuracy and that meter has been checked along a measured mile and that check indicates the meter to be inaccurate
- When a meter is re-calibrated due to a change in the maximum fare structure
- Where a vehicle licence is renewed and the meter has not been tested at any time in the previous 3 years

27.8 Licensing Officers will only check a meter along a measured mile where a complaint of meter inaccuracy is received.

## **28. Table of fares**

28.1 The proprietor shall ensure that the current table of fares for that vehicle is on display inside the vehicle at all times and is not concealed from view or rendered illegible.

### **Additional requirements for Private Hire Vehicles**

## **29. Meters**

- 29.1 If the private hire vehicle is fitted with a meter, it shall not display a “For Hire” sign at any time.
- 29.2 The fare charged shall not exceed that stated in the statement of fares as displayed in the vehicle unless a rate has been separately agreed between the hirer and the licensed Private Hire Operator at the time of booking and prior to the journey commencing.

### **30 Trailers and Roof Carriers**

- 30.1 The vehicle may tow a trailer with the written permission of the Licensing Authority. When towing a trailer, the driver shall;
- comply with the towing weights specified by the vehicle’s manufacturer
  - provide secure and weatherproof storage for luggage
  - display the licence plate on a platform kit at the rear
- 30.2 If a roof carrier is to be used for luggage or goods, in addition to normal luggage, it shall be of a type provided by the vehicle’s manufacturer and fitted to the guttering or the roof rails.
- 30.3 The trailer must be presented for test alongside the vehicle that tows it and comply with the standards laid down in the Inspection Manual.

### **31 Taxi Signs**

- 31.1 The proprietor of a private hire vehicle shall not display on a private hire vehicle any sign or notice which consists of or includes the word TAXI, TAX or CAB whether in the singular or plural or FOR HIRE or any word or words of similar meaning or appearances to any one of those words, whether alone or as part of another word.
- 31.2 The proprietor of a private hire vehicle shall not display on a private hire vehicle, any sign or notice where the form of wording is in any such way as to suggest that the vehicle on which it is displayed is presently available to pick up any passengers wishing to hire it or would be so available if not already hired.

### **32 Fire Extinguishers and First Aid Kits (All Vehicles)**

- 32.1 A fully serviceable fire extinguisher, with a capacity of not less than 1.0 litre AFFF or 1 kg Dry Powder, must be fitted in such a position so as to be readily available for use and be permanently marked with the vehicle registration number.

32.2 Each vehicle shall carry a suitable first aid kit. The Authority recommends kits which comply with the applicable British Standard (BS 8599-2:2014) for first aid kits in motor vehicles, details of the specification can be found here: <http://www.stjohnsupplies.co.uk/news/default.asp?id=1951> , other suppliers are available.

## APPENDIX B

### ADDITIONAL CONDITIONS FOR PRIVATE HIRE LIMOUSINES

#### 1. DEFINITION OF A LIMOUSINE

- 1.1 For the purposes of this policy and licence conditions, a stretched limousine is a motor vehicle that has undertaken a Ford Motor Company Qualified Vehicle Modifier (QVM) or Cadillac Master Coachbuilder (CMC) or an equivalent conversion programme resulting in its lengthening by an additional body section and is capable of carrying up to but not exceeding 8 passengers.
- 1.2 By definition a Limousine is a private hire vehicle and is required to comply with all legal provisions and with this Policy.

#### 2. PRE-LICENSING REQUIREMENTS AND LICENSING CONDITIONS

|    | Issue                    | Licence Condition   | Justification   |
|----|--------------------------|---|---|
| 1. | Left hand drive vehicles | Permit left hand drive limousines to be licensed.   | The majority of stretched limousines are imported from the United States of America and are left hand drive. The Department for Transport has recommended that Authorities should not refuse to licence limousines simply because they have characteristics which contravene their existing policy, i.e. left hand drive. |
| 2. | Sideways Seating         | Permit limousines with sideways facing seating to be considered for private hire vehicle licensing, but no seat must be positioned so that it permanently obstructs any door. | A main characteristic of stretched limousines is their sideways facing bench seats. In line with the Department for Transport guidance the Authority will consider the suitability of limousines with sideways seating for licensing.   |
| 3. | Tinted Glass             | Be no restriction to the level of tint for the glass windows in the passenger compartment. However, tinted glass in the windscreen and front doors shall be restricted to the | It is recognised that the privacy provided by tinted glass in the passenger compartment is a central characteristic of a limousine.   |

|    |                           |  |   |
|----|---------------------------|--|---|
|    |                           | requirements of the IVA/SVA Standards.   |   |
| 4. | Roadworthiness            | Shall hold a valid IVA/SVA Certificate or equivalent.  | IVA/SVA test comprises of a visual examination of a vehicle and certifies its safety and roadworthiness.  |
| 5. | Tyres                     | The limousine must be fitted with tyres that meet the size, rating and weight specification.   | Given the increased weight of the vehicle - tyres of the correct weight and size rating must be used at all times.  |
| 6. | Passengers                | The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers.<br><br>The seats in the driver's compartment shall not be used to carry passengers. | Authorities can only licence vehicles with a maximum seating capacity of up to 8 passengers.<br><br>This is to ensure that passengers are not carried in the front of the vehicle to improve driver and passenger safety. |
| 7. | Alcohol and Entertainment | Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the retail sale and supply of alcohol.                                     | To comply with alcohol licensing requirements and to safeguard public safety.   |



|     |                 |  |   |
|-----|-----------------|--|---|
| 7.  |                 | <p>If the passengers are below the age of 18 years, then no alcohol shall be permitted in the vehicle for consumption in the vehicle.</p> <p>Any glassware in the vehicle must be made of strengthened glass or polycarbonate.</p> <p>The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of any of the passengers in the vehicle.</p> | <p>Protection of children from harm</p> <p>Public safety</p> <p>To safeguard children and vulnerable adult passengers from viewing unsuitable material.</p> |
| 9.  | Luggage         | Ensure that loose luggage is not carried within the passenger compartment of the vehicle.  | Passenger safety.   |
| 10. | Safety Hammer   | Vehicles must be supplied with a safety hammer, capable of being used to break the glass windows of the vehicle and shall be securely located in the driver's compartment but in view and accessible to passengers in an emergency.  | Passenger safety.   |
| 11. | Sunroof/Ceiling | If fitted - any sunroof switch to be isolated so that it cannot be operated by passengers.   | Driver and passenger safety.  |
| 12. | Communication   | A satisfactory means of two-way communication between the driver and passengers shall be installed.  | Passenger and driver safety.  |

## APPENDIX C

### APPLICATION PROCEDURES

#### 1. Application Procedures – Vehicles

- 1.1 Vehicle proprietors shall make arrangements directly with the Authority approved vehicle testing stations to have their vehicles examined and tested.
- 1.2 The onus is on proprietors to be familiar with the inspection standards adopted by the Authority (Appendix M).
- 1.3 In respect of renewal applications, vehicles shall not be examined more than 4 weeks before their licence is due to expire. However, it is recommended the examination and test is arranged at least 7 days prior to the application appointment in case the vehicle examination identifies the need for repair work and re-testing which can then be undertaken prior to the expiry of the licence.
- 1.4 Vehicle proprietors may be subject to a recharge fee by the vehicle testing station in respect of vehicles that fail the vehicle test and undergo a second examination and test.
- 1.5 If the annual compliance test is not carried out on or before the expiry date, the licence will be deemed to have expired. This means that it will be treated as a new application subject to the vehicle still meeting the age specification.
- 1.6 When presenting an application, the following documents must accompany the completed application form;
  1. **Compliance Report / MOT from the authorised garage.**
  2. **DVLA Vehicle Registration Certificate (V5)** (which must show the applicant is the registered keeper of the vehicle) or a bill of sale identifying the vehicle, seller and purchaser as long as this is accompanied by the part of registration certificate showing the year of registration of the vehicle
  3. **Valid Certificate of Motor Insurance for Hire and Reward;**
    - A Hackney Carriage requires insurance for Public Hire
    - A Private Hire vehicle requires insurance for Private Hire

and additionally, for stretched limousines or converted vehicles;

4. **Individual Vehicle Approval Certificate (IVA) / Appropriate Type Approval documentation**

Where the applicant is unable to produce the V5 the application may still proceed but the V5 must be produced to licensing officers within 28 days of the grant of the application.

## **2. Application Procedures – Drivers**

- 2.1 Applicants shall have held a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 12 months and be aged 18 years or over.
- 2.2 Holders of European licences will need to register their non-GB driving licence with the DVLA before applying, alternatively they may elect to exchange their licence for a UK one.  
<https://www.gov.uk/government/publications/d9-application-to-register-a-non-gb-driving-licence>
- 2.3 Applicants will be required to complete an application form and pay the appropriate fee for an enhanced disclosure from the Disclosure & Barring Service (DBS) on first application and every 6 months thereafter, unless they are subscribed to the DBS update service. Three forms of personal identification are required as well as a utility bill showing the applicant's current address. Applicants will also need to provide their national insurance number. Details of acceptable identification are detailed on the Government website:  
<https://www.gov.uk/disclosure-barring-service-check>
- 2.4 Where an applicant has resided in the UK for less than 5 years, or has spent a period of 3 months or more within the last 5 years as a non-resident, the Authority will require a certificate of good conduct authenticated by the relevant embassy of that country of residence, provided at the applicant's own expense, in addition to the enhanced DBS check. The applicant shall ensure this certificate is translated into English by an authorised body.
- 2.5 Applicants shall make a declaration that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.
- 2.6 Applicants are required to pass a medical examination to DVLA Group 2 standards and shall provide the completed medical examination form supplied by the Authority and completed by their own General Practitioner, or a General Practitioner with access to the applicant's medical record, on first application and then every 6 years unless the applicant is aged 65 years after which medical examinations are required annually. Annual examinations may also be required where an applicant / driver has a medical condition such that annual examinations are desirable. Medical examinations will be at the applicant's own expense.

2.7 The application will not be accepted unless it is complete and with all the relevant documentation.

2.8 New drivers will be granted licences which are valid for 3 years. The Authority may grant licences of shorter duration in certain circumstances, such as:

1. Where an applicant for the renewal of a drivers licence is required to undergo an annual medical
2. an applicant with previous convictions is issued a licence for an initial 'probationary' period
3. Where, on renewal, a driver who has failed to report convictions in line with conditions of licence is given a 1 year licence
4. To synchronise triennial renewal date with criminal record and medical checks

(2) and (3) would be at the discretion of the Sub Committee after a hearing.

2.9 Licences cannot be granted for periods of less than 3 years as a matter of course, there must be specific reasons. Each case will be considered on its own merits. See also Paragraph 4.1.3 – Driver Renewals.

### **3. New Driver Qualifications**

#### **3.1 Introduction**

3.1.1 The Authority intends to maintain the high standards that it expects from its drivers and to that end has introduced measures designed to assess the applicant's knowledge of the District in which they will mainly be operating and to assess, where circumstances require, their driving abilities.

3.1.2 New applicants who have 6 or more penalty points (both current and expired) accrued within a 4 year period will be required to undertake, at their own expense, a driving assessment by the Lincolnshire Road Safety Partnership as part of the application process, and be assessed as 'low-risk'.

#### **3.2 Local Knowledge Test**

3.2.1 Hackney carriage drivers need a good working knowledge of the area for which they are licensed, because they can be hired directly at ranks or on the street. The Council also considers it necessary for private hire drivers to know the local area.

- 3.2.2 In order to assist the Council in determining the fitness of an applicant to hold a hire driver's licence, applicants are required to undertake a test of basic reading, writing, arithmetic, and a test to challenge their knowledge of the area within the district of North Kesteven and the wider Lincolnshire area.
- 3.2.3 Applicants will be allowed three attempts to pass the tests which will be held weekly. After three failed attempts the application will be deemed unsuccessful, and they will have to wait 12 months before making a further application.
- 3.2.4 The knowledge test must be taken within 2 months of receipt of the Disclosure and Barring Service disclosure. If this test is not taken within the two months, the applicant will be required to re-apply as a new applicant.
- 3.2.5 This requirement shall apply to all new applicants. Current licence holders will not be required to sit the knowledge test providing that they renew their licences promptly, ahead of the expiry date. Where a licence holder allows their current licence to expire NKDC will require a new application to be made, such application will be subject to this provision.

## **4 Existing Drivers**

### **4.1 Driver renewals**

- 4.1.1 Drivers who fail to renew their licences promptly will be treated as new drivers and may be required to undertake all the tests and comply with all requirements applicable to a new driver.
- 4.1.2 An existing driver with 6 or more penalty points (both current and expired) accrued within a 4 year period will be required to undertake, at their own expense, a taxi driver training course with the Lincolnshire Road Safety Partnership and be assessed as 'low-risk'. In accordance with DVLA guidelines and for the purposes of the 'fit and proper' test (sec 51, 1976 Act in respect of private hire drivers and sec 59, 1976 Act in respect of hackney carriage drivers), the points shall remain accountable for four years.

## **5 Tax Conditionality Checks**

### **5.1 Driver renewals**

- 5.1.1 All applicants to renew a Combined Hire Driver licence will be required to provide a unique code, generated from the following website <https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence> The code will confirm if they are appropriately registered for tax purposes.

- 5.1.2 This code is a mandatory part of the renewal application process. The code can be inserted into the relevant section of the application form. Alternately the form provided by HMRC can be emailed to [licensing@n-kesteven.gov.uk](mailto:licensing@n-kesteven.gov.uk) or by post to Licensing Team, NKDC Offices, Kesteven Street, Sleaford, NG34 7EF.
- 5.1.3 If the tax code is not provided, or is incorrect and unable to be checked, the Licensing Team will not process the application to renew the licence.
- 5.1.4 It is the responsibility of the applicant to ensure that this code is obtained in good time and provided to the Licensing Team in a clear and legible format. Photographs of the check code will not be accepted.
- 5.1.5 Failure to provide the code will result in the licence not being renewed on time and the applicant not being able to drive a Hackney Carriage or Private hire Vehicle until the check is successfully completed and the licence renewed.

## **6 The Consideration of Applications**

- 6.1 If the Authority is satisfied from the information available that the applicant is a fit and proper person to hold a licence, the Licensing Officer has delegated authority to grant the application and issue a licence.
- 6.2 A driver I.D badge will also be issued which shall remain the property of the Authority and must be surrendered if the driver licence is suspended or revoked by the Authority.
- 6.3 The I.D badge shall be displayed on the driver's person at all times they are acting as a licensed driver.
- 6.4 If the Authority is not satisfied from the information available that the applicant should be granted a licence, the matter will be referred to the General Licensing Sub Committee to decide at a hearing. The standard of proof for licensing decision makers is the balance of probabilities.

## **7. Fit and Proper**

- 7.1 The Council considers licensed drivers to be in a position of trust, and so the council must ensure that applicants / licence holders are, and remain, fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of the 1976 Act.
- 7.2 The term "Fit and Proper Person" for the purposes of taxi and private hire licensing is not legally defined. However, in determining whether a person

is fit and proper to hold a licence the Authority will apply this test and ask this question of themselves:

*“Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night”*

7.3 If, on the balance of probabilities, the answer to the question is ‘no’, the individual should not hold a licence.

7.4 The Authority, when making a decision, will also be mindful of the words of Lord Bingham, the then Lord Chief Justice;

*“One must it seems to me approach this case bearing in mind the objectives of this licensing regime which is plainly intended among other things to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers”.*

*McCool v Rushcliffe Borough Council* 1998 3 All ER 889.

7.5 In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. These are some of the factors the Council will take into account when assessing whether or not an applicant or licence holder is ‘fit and proper’;

- Criminal record
- Driving licence history including – period of holding a full licence, endorsements and disqualifications
- Right to work
- Medical fitness
- Driving ability
- General conduct and standards of behaviour
- The conduct of the applicant during the application process (i.e. have they acted with honesty and integrity during the process)
- The previous licensing history - including honesty and integrity
- Theoretical knowledge – as tested during application process

The Authority may also use information disclosed to it by other statutory bodies including other Licensing Authorities and information disclosed by the Police. (See also Appendix D – Relevance of Convictions).

## APPENDIX D

### RELEVANCE OF CONVICTIONS

#### 1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria which are taken into account by the Council (the Licensing Authority) when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver licence.
- 1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure;
- That a person is a fit and proper person
  - That the person does not pose a threat to the public
  - That the public are safeguarded from dishonest persons
  - The safeguarding of children, young persons and vulnerable adults
- 1.3 This policy provides guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively;
- Applicants for drivers' licences
  - Existing licensed drivers whose licences are being reviewed
  - Licensing officers
  - Members of the Council's General Licensing Committee and Sub Committee
  - Magistrates hearing appeals against local authority decisions
- 1.4 Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the General Licensing Sub Committee. Whilst officers and the Sub Committee will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances warrant, the Sub Committee/officer may depart from the guidelines, giving reasons for doing so.**

#### 2. General policy

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.



- 2.2 A person with a conviction need not be automatically barred from obtaining a licence, but would be expected to show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.3 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

### **3. Pre-requisites to making an application**

- 3.1 It is the policy of the licensing authority that every application for a licence to drive a Hackney Carriage and/or Private Hire Vehicle must be accompanied by satisfactory evidence of the following matters (and that applications that are incomplete will not be deemed to have been made until such time as they are completed);
- That the applicant has the right to live and work in the country
  - An enhanced criminal record check and evidence that they are not on a child and/or vulnerable adult barring list
  - A certificate of their current medical fitness to DVLA Group 2 standard
  - That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive
  - That the applicant has a minimum of one year's post qualification driving experience
  - That the applicant has adequate literacy and numeracy skills to provide the service that they wish to be licensed for and has adequate local knowledge of the North Kesteven District and the wider Lincolnshire area
  - That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for
  - That the applicant (all new drivers on initial application and all existing drivers at each renewal) has signed up to the Safeguarding Code of Conduct
  - That the applicant has completed the required Safeguarding Awareness training module. (all new drivers on initial application and all existing drivers for each renewal). Drivers who qualify for annual (12 month) licences should refer to Section 3, para 3.12.5

- 3.2 If an applicant has spent three continuous months or more overseas the licensing authority will expect to see evidence of a criminal record check from the country/countries covering the period before a licence application can be made. Criminal record checks/certificates of good conduct must be provided in accordance with the Home Office “*Application processes for Foreign National Criminality Information*”. <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants> Any criminal record check must be translated into English by a recognised translation service provider.

#### **4. Appeals**

- 4.1 Any applicant refused a driver’s licence has a right to appeal to the Magistrates’ Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].
- 4.2 Any applicant refused an operator licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates’ Court within 21 days of the notice of refusal.
- 4.3 Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates’ Court within 21 days of the notice of suspension or revocation.

#### **5. Powers**

- 5.1 Section 61 and Section 62 of the 1976 Act allow the licensing authority to suspend, revoke or refuse to renew a licence if the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 5.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver’s licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions (as defined in this policy), particularly where there is a long history of offending or a pattern of repeat offending.
- 5.3 In this policy the term “disqualification” refers to the period served, to take account of the fact that a period of disqualification may be reduced upon the successful completion of a relevant driver rehabilitation course. An applicant

must provide the Licensing Authority with sufficient evidence to prove that the period of disqualification was so reduced.

## **6. Consideration of disclosed criminal history**

6.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a licence to drive a hackney carriage and/or a private hire vehicle and/or a private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence. All conviction(s), criminal findings of guilt (including fixed penalty ticket(s), fixed penalty notices, caution(s) and warning(s), whether for motoring or other offences and County Court Judgment(s)/Order(s) (where the judgment or order relates to a debt or charge to another Hackney Carriage/Private Hire driver, owner or operator) may be taken into account on or after the issue of a licence. During the currency of a licence the licence holder must, immediately after the date of arrest, conviction(s), criminal findings of guilt (including fixed penalty notice(s)), caution(s) and/or warning(s), advise the Licensing Authority of this information in writing.

The Licensing Authority will consider;

- How relevant the offence(s) are to the licence being applied for
  - The seriousness of the offence(s)
  - When the offence(s) were committed
  - The date of conviction
  - Circumstances of the individual concerned
  - Sentence imposed by the court
  - The applicant's age at the time of conviction
  - Whether they form part of a pattern of offending
  - Any other character check considered reasonable (e.g. personal references)
  - Any other factors that might be relevant
- 6.2 Applicants can discuss what effect a caution/conviction or other sanction may have on any application by contacting the licensing office in confidence for advice.
- 6.3 The licensing authority requires enhanced disclosures from the Disclosure and Barring Service (DBS) from any applicant for a driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.
- 6.4 Applicants applying for the grant or a renewal of a drivers' licence and/or operator licence will be required to obtain an enhanced disclosure at their

expense. The licensing authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

- 6.5 The licensing authority encourages applicants and licence holders to register for the DBS's update service and to nominate the licensing authority to receive updates. Registration lasts for 1 year and costs £13 per year. DBS certificates obtained for a Hackney Carriage or Private Hire Driver Licence cannot be used for the purpose of obtaining a Lincolnshire County Council School Transport Badge ("Green Badge") and vice versa. A separate check is required for each authorisation. However, applicants can register both checks with the DBS update service for a total cost of £13 per year.
- 6.6 More information about the DBS can be found on their website at <https://www.gov.uk/government/organisations/disclosure-and-barring-service> .
- 6.7 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.
- 6.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

## **7 Crimes resulting in death**

- 7.1 Where an applicant or current licence holder has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

## **8 Exploitation**

- 8.1 Where an applicant or current licence holder has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse. This list is not exhaustive.

## **9 Offences involving violence against the person**

- 9.1 Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least ten years have elapsed since the completion of any sentence imposed.
- 9.2 A hackney carriage or PHV driver found guilty of any such offence should expect to have his/her hire driver licence revoked immediately and not be considered for the grant of a licence until a minimum period of ten years has elapsed, following the completion of any sentence imposed.

## **10 Possession of a weapon**

- 10.1 Where an applicant has a conviction for possession of a weapon, or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.
- 10.2 A hackney carriage or PHV driver found guilty of any such offences should expect to have his/her hire driver licence revoked immediately and not be considered for the grant of a licence until a minimum period of seven years has elapsed, following the completion of any sentence imposed.

## **11 Sexual Offences**

- 11.1 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.
- 11.2 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list
- 11.3 A hackney carriage or PHV driver found guilty of a sexual or indecency offence during the period of a licence should expect to have his/her hire driver licence revoked immediately.

## **12 Dishonesty Offences**

- 12.1 Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.
- 12.2 A hackney carriage or PHV driver found guilty of any such offences should expect to have his/her hire driver licence revoked immediately and not be considered for the grant of a licence until a minimum period of seven years has elapsed, following the completion of any sentence imposed.

## 13 **Drugs Offences**

- 13.1 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least ten years have elapsed since the completion of any sentence imposed
- 13.2 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period, at their own expense to demonstrate that they are not using controlled drugs.
- 13.3 A hackney carriage or PHV driver found guilty of any drugs offences should expect to have his/her hire driver licence revoked immediately and not be considered for the grant of a licence until a minimum period in line with Paragraphs 13.1 and 13.2 has elapsed, following the completion of any sentence imposed.

## 14 **Discrimination**

- 14.1 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.
- 14.2 A hackney carriage or PHV driver found guilty of any such offences should expect to have his/her hire driver licence revoked immediately and not be considered for the grant of a licence until a minimum period of seven years has elapsed, following the completion of any sentence imposed.

## 15 **Motoring convictions**

- 15.1 Hackney Carriage and PHV drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single offence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally. Any such applicant should expect to have their application referred to the General Licensing Sub Committee for determination.
- 15.2 Any motoring conviction by a licensed hire driver demonstrates that they may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of

- a hire driver licence, providing the authority considers that the licence holder remains fit and proper.
- 15.3 A hackney carriage or PHV driver disqualified from holding a DVLA licence under the “totting-up” procedure should expect to have his/her hire driver licence revoked. A further application would not be accepted until a minimum period of two years has lapsed after the restoration of the DVLA licence.
- 15.4 In the case of an existing hackney carriage or PHV driver where the “totting-up” disqualification of a DVLA licence is considered by the court, even if the court does not disqualify, the Council is likely to revoke the hire driver licence. A further application would not be accepted until a minimum period of two years has elapsed after the restoration of the DVLA licence.
- 15.5 A licence will not be granted to any applicant who has been disqualified from holding a DVLA licence until a minimum period of two years have elapsed after the restoration of the DVLA licence.
- 16 Drink driving/driving under the influence of drugs**
- 16.1 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed.
- 16.2 In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing, at their own expense, to demonstrate that they are not using controlled drugs.
- 16.3 A hackney carriage or PHV driver found guilty of driving whilst under the influence of drugs or found guilty of any drug-related offence should expect to have his/her hire driver licence revoked immediately and not be considered for the grant of a licence until a minimum period of seven years has elapsed, following the completion of any sentence of driving ban imposed, whichever is the later.
- 17 Using a hand held device whilst driving**
- 17.1 Where an applicant has a conviction for using a hand held mobile telephone or a hand held device whilst driving, a licence shall not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.
- 17.2 A licensed hire driver found guilty of the offence of driving whilst using a mobile phone or other handheld device, whilst carrying passengers for hire, should expect to have his/her hire driver licence revoked immediately and

not be considered for the grant of a licence until a minimum period of five years has elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## **18 Insurance offences**

- 18.1 A serious view will be taken of convictions for using or causing or permitting the use of a motor vehicle without insurance. An isolated incident in the past will not necessarily prevent a licence being granted provided the applicant has been free of conviction for five years, however a strict warning should be given as to future conduct.
- 18.2 A licence will not generally be granted if an applicant has more than one conviction for an insurance related offence.
- 18.3 A Private Hire Operator or Hackney Carriage Proprietor found guilty of causing or permitting the driving of passengers for hire whilst without insurance will normally have his Operators' / Proprietor's licence revoked immediately and not be considered for the grant of a licence until a minimum period of three years has elapsed.

## **19 Other offences involving alcohol**

- 19.1 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination. In some cases, a warning may be sufficient.
- 19.2 In cases of severe alcohol abuse, a significant period after the last conviction must elapse before an application is considered and then only after examination by a consultant with a special interest in such cases with confirmation being provided of satisfactory liver enzyme tests and mean cell volume (MCV).

## **20 Licensing offences**

- 20.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally preclude a licence being granted or renewed until a period of three years has passed since conviction.
- 20.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.



## **21 Outstanding charges or summonses**

- 21.1 If the individual is the subject of an outstanding charge or summons their application can be processed, but the application will be reviewed at the conclusion of any outstanding proceedings.
- 21.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded, or the licence may be refused.

## **22 Non-conviction information**

- 22.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he/she could be a danger to the public, consideration should be given to refusing the application.
- 22.2 In assessing the action to take, the safety of the travelling public shall be the paramount concern.

## **23 Once a licence has been granted**

- 23.1 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the revocation of their licence.
- 23.2 This document applies equally to currently licensed drivers and operators as it does to applicants unless otherwise stated.

## **24 Licences issued by other licensing authorities**

- 24.1 Applicants who already hold a licence with another licensing authority should not assume that a similar application will be granted by this Authority. Each case will be decided on its own merits.
- 24.2 Licensees who are licensed by several authorities are expected to inform each of those authorities about every licence they hold and to advise each authority of any changes in this respect. Licence holders should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

## **25 DVLA Penalty Points**

- 25.1 Applicants who have recently been disqualified from driving under the “totting-up” procedure will not normally be granted a licence unless they have held a licence for at least two years after the restoration of the DVLA licence.
- 25.2 New applicants who have 6 or more penalty points will be required to undertake a driving assessment by the Lincolnshire Road Safety Partnership as part of the application process.

### ***Existing Licence Holders***

- 25.3 A hackney carriage or PHV driver accruing 6 or more penalty points will be required to undertake a taxi driver training assessment with the Lincolnshire Road Safety Partnership.

## **26 Conclusion**

- 26.1 A criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for between three to ten years, according to circumstances, before an application can be considered.
- 26.2 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history will be considered when assessing an applicant’s suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously, some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public. This consideration is vital because taxi and private hire licence holders have unprecedented access to the public and are in a position to exercise control over an individual.
- 26.3 The Council generally considers that offences committed by licensed Hire Drivers should be considered more seriously than offences committed by individuals when not licensed. This is because current licensees have previously been judged as fit and proper and are aware of the standards required of them and are expected to maintain those high standards of personal conduct.
- 26.4 Whilst officers and the committee will have regard to the guidelines contained in the policy, and the statutory guidance issued under Section

177 of the Police & Crime Act 2017, each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.

## APPENDIX E

### HIRE DRIVER LICENCE CONDITIONS

#### **Conditions Attached to a Hire Vehicle Drivers Licence**

Hire Vehicle Drivers Licences are issued subject to the following conditions. Non-compliance with any one condition may result in the licence being revoked by the General Licensing Sub Committee.

1. The licence holder shall not cause or suffer or permit to be conveyed in a hire vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence.
2. The licence holder shall, when driving a hire vehicle wear the drivers' badge, issued by the Council, in a conspicuous position so as to be plainly and distinctly visible.
3. Where property is accidentally left in the vehicle the driver must:
  - Return it to the owner, if known, as soon as possible
  - Convey the property to the nearest police station, within 24 hours, if not sooner claimed by or on behalf of its owner; and
  - Notify the Licensing Team of the property left and which police station it was conveyed to
4. Where the licence holder has agreed and has been hired to be in attendance with the vehicle at an appointed time and place, he shall punctually attend with such vehicle at such appointed time and place, unless delayed and prevented by some sufficient cause.
5. The driver of a hire vehicle shall, when requested by any person hiring or seeking to hire the vehicle;
  - Carry a reasonable quantity of luggage
  - Give reasonable assistance in loading and unloading
  - Give reasonable assistance in removing it to and from the entrance of any house, station or place at which he is taking up or setting down such a person
6. The driver of a hire vehicle shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in, entering or alighting from the vehicle.

7. The driver of a hire vehicle, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
8. When in another Council's area, on being requested to do so by an Authorised Officer of that Council, submit the vehicle to an examination; answer any reasonable questions and produce all documents in relation to the driver and the use of the vehicle.
9. Guide dogs or assistance dogs belonging to a passenger must be carried by drivers of Hackney Carriages and Private Hire Vehicles. The dogs must be carried free of charge. Drivers may be exempted from carrying dogs only if they have a notice of exemption issued by the Local Authority under any relevant legislation. The carrying of pets other than assistance dogs shall be at the driver's discretion.
10. The driver must not use a hand held mobile phone whilst the engine is running and/or the handbrake is off.
11. When driving a Hackney Carriage the driver shall not tamper with or permit any person to tamper with the taximeter.
12. The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired;
  - Proceed with reasonable speed to one of the ranks fixed by the Council
  - If a rank, at the time of arrival, is occupied by the full number of taxis authorised to occupy it, proceed to another rank, unless no such rank is available in the vicinity. In any event the driver must ensure that no hazard or inconvenience is created for other road users by the positioning or movement of the vehicle whilst waiting for a space on a rank
  - On arriving at a rank not already occupied by the full number of taxis authorised to occupy it, position the taxi immediately behind the taxis on the stand facing in the same direction
  - From time to time when any other taxi immediately in front is driven off or moved forward, move forward to fill the empty space
13. The licensee shall not while driving or in charge of a Private Hire Vehicle or Hackney Carriage;
  - Tout or solicit on a road or other public place any person to hire or be carried in that vehicle
  - Cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried in that vehicle
  - Leave the vehicle unattended on any taxi rank

14. The hire vehicle driver whilst driving a private hire vehicle must not offer that vehicle for immediate hire whilst on a road or other public place. All journeys in a private hire vehicle must be pre-booked.
15. The licence holder shall notify the Council of any arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence within 48 hours.
16. The licence holder shall disclose to the Council, in writing, details of any offence or conviction and any penalties imposed on them during the currency of the licence, within 7 days of the event.
17. Any change of name or residence must be notified to the Council within 7 days of such change.

## **APPENDIX F**

### **HACKNEY CARRIAGE BYELAWS**

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the District Council of North Kesteven, with respect to hackney carriages in North Kesteven.

#### **Interpretation**

1. Throughout these byelaws “the Council” means the District Council of North Kesteven and “the district” means North Kesteven.

#### **Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed.**

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

#### **Provision regulating how hackney carriages are to be furnished or provided.**

3. The proprietor of a hackney carriage shall;
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) Cause the roof or covering to be kept water-tight;
  - (c) Provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) Cause the seats to be properly cushioned or covered;
  - (e) Cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) Provide means for securing luggage if the carriage is so constructed as to carry luggage;

- (h) Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
  - (i) Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say:-
- (a) the taximeter shall be fitted with a key, flag, or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage, by time as well as for distance in pursuance of the tariff fixed by the Council;
  - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring ;
  - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**Provisions regulating to the conduct of the proprietors and drivers of hackney carriage plying for hire within the district in the several employments, and determining whether such drivers shall wear any and what badges.**

5. The driver of a hackney carriage provided with a taximeter shall:-
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf, locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, Flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and



- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage vehicle shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and is not actually hired:-
- (a) proceed with reasonable speed to one of the stands appointed by the Council resolution;
  - (b) is at a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand so as face in the same direction; and
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
- (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading; and
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

**Provisions fixing rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares.**

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage, the rate of fare prescribed by the Council, the rate of fare being calculated by distance and time unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

- 15 (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) the proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause of suffer the letters of figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-

(a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and

(b) be entitled to receive from any person to whom the proprietor shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever the greater) but not more than five pounds.

**Penalties**

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction thereafter.

**Repeal of Byelaws**

19. The byelaws relating to hackney carriages which were made by the Council on the twenty-third day of August 1976 and which were confirmed by the Secretary of State Home Office on the thirty-first day of December 1976 are hereby repealed.

The Common Seal of North Kesteven District Council was hereunto  
Affixed on this 30<sup>th</sup> November 2001 in the presence of:

D R Dickinson ..... Chairman

SEAL

Ruth E Marlow ..... Chief Executive

The foregoing byelaws are hereby confirmed by the Secretary of State  
And shall come into operation on the twenty-sixth day of February 2001.

Signed ..... M E Roger

Signed by authority of the Secretary  
Of State Environment, Transport and  
The Regions  
London

Date: Twenty-ninth day of January 2001

I verify this to be a true copy of the byelaws made by the District Council of North Kesteven on 20<sup>th</sup> November 2000 and confirmed by the Secretary of State, Department of Transport and the Regions on 29<sup>th</sup> November 2001, to come into operation on 26<sup>th</sup> February 2001.

Chief Executive

District Council Offices  
Kesteven Street  
Sleaford  
Lincs  
NG34 7EF

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This reproduction of the Byelaws is for information purposes and does not form part of this Policy.

## **APPENDIX G**

### **NKDC CODE OF CONDUCT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

North Kesteven District Council has adopted this Code of Conduct which is aimed at providing the best possible service by protecting both passengers and drivers. This ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately and minimise the risk of misunderstandings.

Drivers are expected to comply with this Code. Failure to do so may result in the driver being referred to the General Licensing Sub Committee to explain the circumstances surrounding any incident. In the event of a repeated and/or serious failure to comply, drivers can expect that consideration will be given to the suspension or revocation of their licence.

It should be noted that the code does not over-ride any legislative requirements, licence conditions or contractual obligations, such as County Council contracts under the Green Badge scheme.

Drivers of Hackney Carriage and Private Hire vehicles (referred to in this document as drivers) are in a position of trust in respect of the safety and welfare of their passengers, particularly vulnerable passengers.

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example.

Also an individual should be considered vulnerable even if they do not fall within the description above, but their condition is such as to make them more susceptible to harm than may otherwise be the case (for example being under the influence of alcohol).

Drivers are expected to comply with this Code of Conduct which aims to promote good safeguarding practice for drivers and others working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be followed at all times:

- Drivers must carry their Council taxi driver licence photo ID at all times, and wear it in accordance with the conditions of the licence
- A vulnerable passenger must not generally be transported in the front passenger seat of the vehicle. Drivers should make a risk assessment in respect of every passenger, depending on the circumstances
- The driver / operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures, however

- if appropriate measures are not in place then the driver / operator must not undertake the journey
- When making a journey with vulnerable passengers, the driver's photo ID should be produced to the carer responsible for the vulnerable person. If necessary, the driver should obtain a record of the carer's contact details if there is no chaperone
  - If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council
  - Drivers should always ask if a vulnerable passenger needs help, and should not make assumptions

Drivers should;

- Act in a professional manner at all times
- Treat all passengers and other road users with respect
- Keep relationships with passengers on an appropriate, professional basis
- Respect all individuals – regardless of age, disability, gender, sexual orientation, gender reassignment, religion/belief, language spoken, race or ethnicity

Drivers must remain professional at all times and should not;

- Touch a person inappropriately
- Make offensive or inappropriate comments (such as swearing or sexualised or discriminatory language)
- Behave in a way that may make a passenger feel intimidated or threatened
- Attempt to misuse customer's personal details obtained via the business
- Photograph or video passengers in their care unless used in compliance with data protection legislation and any relevant codes of practice issued by the Home Office or Information Commissioner's Office
- Engage with vulnerable passengers through social networking sites (such as Facebook and Twitter), instant messengers or other online communication software
- Phone or send text messages to passengers other than directly concerning the hiring of the vehicle
- Stop anywhere other than the specified pick up/drop off points unless requested by the hirer
- Show passengers inappropriate videos or pictures on a mobile phone or any other electronic device

These standards are equally applicable when working with vulnerable and non-vulnerable passengers.

A written record should be made by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring / actions taken or refusals of service.

## Safeguarding

If a driver suspects abuse, neglect or exploitation of a passenger then these suspicions should not be ignored, it is important to report it to the appropriate authority. Safeguarding children and vulnerable adults is everyone's responsibility. Remember that your information could help a vulnerable child or adult.

The code does not over-ride any legislative requirements, licence conditions or contractual obligations, such as County Council contracts under the Green Badge scheme.

If a driver is working under a Lincolnshire County Council contract then those procedures set out in the Driver and Passenger Assistant Pack should be followed alongside any training received by the driver.

Action to be taken if you have concerns;

- If your concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the police on 999 (or 112)
- If you are suspicious or are concerned that a child or an adult is suffering or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation but it is not of an urgent nature, please call the Lincolnshire Safeguarding Customer Service Centre on 01522 782111 for children or 01522 782155 for adults
- If you would prefer to speak to the police on a non-urgent matter then call them on 101 and follow the directions for Lincolnshire Police

## **APPENDIX H**

### **PRIVATE HIRE OPERATOR LICENCE CONDITIONS & APPLICATION PROCEDURES**

Private Hire Operator Licences are issued subject to the following conditions. Non-compliance with any one condition may result in the licence being revoked.

#### **1. Vehicles and Drivers**

- 1.1 Without prejudice to any other liability imposed under the Local Government (Miscellaneous Provisions) Act 1976, the Operator shall ensure that drivers and proprietors of vehicles owned, controlled or operated by them in association with the Operator's licence shall observe and comply with the conditions of their Hire Vehicle Driver's Licence and their Private Hire Vehicle Licence.
- 1.2 The Operator shall keep a record and maintain at his/her premises particulars of all vehicles operated by him or her, which shall include the following;
  - The licence plate number
  - The registration number
  - The name and address of proprietor
  - The names and addresses of drivers of the above vehicles
  - The badge numbers of drivers
  - Copies of licences for all vehicles and drivers covered by the Operator's licence; and
  - Copies of insurance certificates for all vehicles
- 1.3 The above records shall be produced immediately on request to any Authorised Officer of the Council or Police Constable.
- 1.4 The Operator shall inform the Council within 7 days of any changes in the particulars of vehicles or drivers operating under his or her Operator's licence as detailed in the condition above. This includes details of drivers entering or leaving employment and the start and/or finish date of the operational use of individual vehicles.
- 1.5 If the Operator becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to drive then they shall inform the Authority immediately.



## **2. Bookings**

2.1 Operators of Private Hire Vehicles must keep a true and proper record of every booking in the prescribed form set out below;

- the date of the booking
- the name of the hirer
- the name of the passenger (if different)
- the time and date of pick-up
- the address of the point of pick-up
- the destination
- any fare quoted at the time of booking
- the plate number of the vehicle allocated
- the badge number (or other identification) of the driver allocated
- the details of any booking subcontracted to another Council licensed operator or hackney carriage in the district
- the details of the individual that despatched the vehicle

2.2 The booking records shall be kept for a period of not less than 2 years, or such longer period as required by an Authorised Officer of the Council.

2.3 A hard copy of the booking records shall be produced on request to any Authorised Officer of the Council or Police Constable

## **3. Records and Compliance**

3.1 On changing address the Operator shall notify the Licensing Team within 7 days of the change.

3.2 The Operator shall inform the Council in writing of any;

- Criminal convictions incurred, including driving offences, during the period of the licence within 7 days of the conviction
- County Court judgments, bankruptcy proceedings, individual voluntary arrangements and composition agreements with creditors.

3.3 The Operator shall be responsible for the actions of any manager, supervisor or any other person appointed to run the private hire business on their behalf.

3.4 No person being the driver of a private hire vehicle licensed by the Council shall without reasonable cause, unnecessarily prolong, in distance or in time, the journey for which the private hire vehicle has been hired. If any person contravenes this condition, he shall be guilty of an offence.

- 3.5 A person who is found guilty of an offence against byelaws, or the 1847 Act or the 1976 Act is liable to a fine. In addition, the council may suspend or revoke an existing licence or refuse to renew a licence.
- 3.6 The Operator shall ensure that any person associated with the business, other than licensed hire divers who have submitted to an Enhanced check with the Disclosure & Barring Service, are subject to a Basic DBS check. This includes all persons associated with the business, including (but not restricted to) maintenance staff, domestic staff, call handlers, despatchers, directors, secretaries and sleeping partners.
- 3.7 Checks should be completed on an annual basis and details of such checks are to be retained and produced on request.

#### **4. Insurance**

- 4.1 The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by him under the licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.
- 4.2 If the operator has premises to which the public have access, in connection with the hiring of vehicles, he/she shall ensure that there is public liability insurance in force, which indemnifies him/her against any claim for loss, damage or personal injury by any person using those premises.

#### **5 Application Procedures**

- 5.1 This Authority can only issue Private Hire Operator licences for any person whose Operating Base (where the bookings are made, and records held) lies within the boundary of the North Kesteven District. Where the application involves the provision of more than two vehicles, the applicant is required to make enquires with the NKDC Planning Department to confirm if any additional planning consents are required.
- 5.2 An applicant for a Private Hire Operator licence shall provide a current (less than 1 month old) Basic DBS Disclosure. The DBS disclosure shall be required on application and annually thereafter, unless they are also currently licensed by North Kesteven District Council as a Hire driver.

#### **6 Tax Conditionality Checks**

- 6.1 All applicants to renew a Private Hire Operator licence will be required to provide a unique code, generated from the following website <https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire->

or-scrap-metal-licence The code will confirm if they are appropriately registered for tax purposes.

- 6.2 This code is a mandatory part of the renewal application process. The code can be inserted into the relevant section of the application form. Alternately the form provided by HMRC can be emailed to [licensing@n-kesteven.gov.uk](mailto:licensing@n-kesteven.gov.uk) or by post to Licensing Team, NKDC Offices, Kesteven Street, Sleaford, NG34 7EF.
- 6.3 If the tax code is not provided, or is incorrect and unable to be checked, the Licensing Team will not process the application to renew the licence.
- 6.4 It is the responsibility of the applicant to ensure that this code is obtained in good time and provided to the Licensing Team in a clear and legible format. Photographs of the check code will not be accepted.
- 6.5 Failure to provide the code will result in the licence not being renewed on time and the applicant not being able to take bookings for any hire vehicle until the check is successfully completed and the licence renewed.

## **APPENDIX I**

### **ENFORCEMENT POLICY & PRACTICE**

#### **1 Enforcement Policy Statement**

- 1.1 All enforcement will be undertaken in accordance with the Authority's current enforcement policy.
- 1.2 The enforcement policy incorporates best practice and sets common principles that we will follow and how we will comply with good enforcement principles and best practice including the Regulators' Code. This seeks to promote an efficient and effective approach to regulatory inspection and enforcement, improving the outcome of regulation without imposing unnecessary burdens on businesses.
- 1.3 The prime consideration of all enforcement activities undertaken by the Council is to protect the public from harm. North Kesteven District Council recognises the key role its enforcement function has in safeguarding, and will carry this out at all times with adherence to national and regional safeguarding policy.

## **APPENDIX J.**

### **POINTS BASED COMPLIANCE SCHEME**

- 1.0 Points based compliance is a method by which licenced drivers, operators or owners can have points recorded against their council licence by authorised officers of the Council. Points would be used to deal with the less serious breaches of licence conditions or legislation. The use of points formalises the previous practice of issuing verbal or written warnings.
- 2.0 The Authority hopes that the use of points will encourage licence holders to comply with legislation and licence conditions and behave in an acceptable manner at all times, thereby improving the professionalism and reputation of the trade. The points system will operate in addition to all existing enforcement options and has regard to the principles of the councils Enforcement Policy.
- 3.0 Licensees who habitually disregard aspects of the licence regime will accumulate points. Points will be issued according to the scale produced by the council. Points will accumulate on a licence until they reach the trigger level, at which time the licence holder will be referred to the General Licensing Sub Committee for consideration of the licence holder's fitness to hold a licence.
- 4.0 The points will be managed by licensing officers and recorded on the Council's licensing database. The system will be used for failures of compliance which would not normally trigger a referral to the Sub Committee or Court. The Sub Committee may also attach points to a licence, in addition to any warning issued. The scheme will help to provide a transparent method by which a licence holder may be assessed in terms of the 'fit and proper person' test as described in Appendix C and Appendix D.
- 5.0 Points will remain on a council licence for 12 months from the date of issue, unless they are considered by the Sub Committee before that time, when the Sub Committee may exchange the points for a formal sanction or extend the period for the points to remain current.
- 6.0 Where a licence holder accumulates the trigger level of penalty points more than once in any three year period, the Sub Committee will consider whether a licence should be revoked or suspended if they believe the driver is not a 'fit and proper person'. Each case will be considered on its own merits.
- 7.0 Any licence holder aggrieved by the issuing of penalty points may request a hearing before the Sub Committee for decision, the Sub Committee will have the discretion to reduce, remove or increase the number of points applied to the licence. A licence holder has the right to be represented at any meeting of the Sub Committee and to state any relevant mitigating circumstances.

- 8.0 Points issued to a Licence holder will be confirmed in writing within ten working days from the contravention or at the conclusion of an investigation into a complaint.
- 9.0 The Council may cancel points issued to a licence and replace them with a formal sanction if additional information subsequently becomes available to indicate that the circumstances of the matter require a more formal approach.
- 10.0 The points system will operate without prejudice to the Council's ability to take other action under appropriate legislation.

|    | <b>Offence/Breach of Condition</b>   | <b>Maximum Points</b> | <b>Driver</b> | <b>Vehicle Proprietor or Operator</b> |
|----|--|-----------------------|---------------|---------------------------------------|
| 1  | Providing false or misleading information on licence application form / failing to provide relevant information.                                   | 6                     | ✓             | ✓                                     |
| 2  | Failure to notify, in writing, the Authority of change of address within 7 calendar days.  | 3                     | ✓             | ✓                                     |
| 3  | Refusal to accept hiring without reasonable cause  | 6                     | ✓             |                                       |
| 4  | Unreasonable prolongation of journeys or any misconduct regarding the charging of fares.   | 6                     | ✓             |                                       |
| 5  | Plying for hire by private hire drivers.   | 9                     | ✓             | ✓                                     |
| 6  | Using a mobile phone whilst driving (when witnessed by an officer of the authority).   | 6                     | ✓             |                                       |
| 7  | Using unlicensed /revoked vehicle for carrying passengers for hire or reward or use vehicle without insurance.                                     | 12                    | ✓             | ✓                                     |
| 8  | Failure to produce relevant documents within timescale, when requested by a Licensing Officer/Police Officer.                                      | 4                     | ✓             | ✓                                     |
| 9  | Failure to maintain vehicle in a satisfactory condition  | 4                     | ✓             | ✓                                     |
| 10 | Failure to provide proof of insurance cover when requested.  | 6                     | ✓             |                                       |
| 11 | Failure to produce hackney carriage or private hire vehicle for testing when required.   | 6                     | ✓             | ✓                                     |
| 12 | Using a vehicle whilst subject to a suspension order issued by a Licensing Officer/Police Officer.   | 12                    | ✓             | ✓                                     |
| 13 | Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence condition. | 4                     | ✓             | ✓                                     |
| 14 | Carrying more passengers than allowed by the vehicle licence.  | 6                     | ✓             |                                       |
| 15 | Failure to display external/internal licence plate as required.  | 4                     | ✓             | ✓                                     |
| 16 | Carrying an offensive weapon in the vehicle.   | 12                    | ✓             |                                       |
| 17 | Failure to notify transfer of private hire or hackney carriage vehicle licence.  | 4                     |               | ✓                                     |
| 18 | Failure to carry fire extinguisher.  | 4                     | ✓             | ✓                                     |
| 19 | Failure to apply for prior approval for advertising signage on the outside of the vehicle.   | 3                     | ✓             | ✓                                     |

|    |  |            |   |   |
|----|--|------------|---|---|
| 20 | Displaying unsuitable or inappropriately sited signs or advertisements in or on the vehicle.   | 3          | ✓ | ✓ |
| 21 | Displaying unauthorised written or other material on any window.   | 4          | ✓ | ✓ |
| 22 | Failure to comply with a requirement, provide information or assistance to a Licensing Officer/Police Officer.   | 6          | ✓ | ✓ |
| 23 | Using a non-approved or non-calibrated taximeter.  | 6          | ✓ | ✓ |
| 24 | Obstruction of Licensing Officer/Police Officer.   | 12         | ✓ | ✓ |
| 25 | Evidence of smoking in vehicle.  | 3          | ✓ | ✓ |
| 27 | Displaying any feature on a private hire vehicle that may suggest that it is a taxi. Using a vehicle the appearance of which suggests that it is a taxi.             | 6          | ✓ | ✓ |
| 28 | Failure to carry an assistance dog without requisite exemption.  | 12         | ✓ |   |
| 29 | Driver not holding a current DVLA Driving licence.   | 12         | ✓ | ✓ |
| 30 | Failure to wear driver's badge.  | 4          | ✓ |   |
| 31 | Failure to notify, in writing, a change in medical circumstances.  | 6          | ✓ |   |
| 32 | Unsatisfactory behaviour or conduct of driver.   | 4          | ✓ |   |
| 33 | Failure to observe rank discipline.  | 4          | ✓ |   |
| 34 | Failure to keep or produce records of private hire bookings or other documents required to be kept or produced.  | 6          |   | ✓ |
| 35 | Operator fail to notify changes of vehicles or drivers. (Includes details of drivers entering or leaving employment).  | 3          |   | ✓ |
| 36 | Misleading use of the words 'Taxi' or 'Cab' on advertising materials.  | 3          |   | ✓ |
| 37 | Failure to issue receipt on request.   | 3          | ✓ |   |
| 38 | Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence.                                   | 4          | ✓ | ✓ |
| 39 | Failure to notify the Authority, in writing, of any motoring or criminal convictions (as defined) within 7 days of said conviction during period of current licence. | 6          | ✓ |   |
| 40 | Failure to give assistance with loading/unloading luggage to or from any building or place.  | 3          | ✓ |   |
| 41 | Failure to display table of fares.   | 4          | ✓ | ✓ |
| 42 | Failure to carry legal spare wheel or authorised suitable alternative and tools.   | 4          | ✓ | ✓ |
| 43 | Failure to attend punctually at appointed time and place without sufficient cause.   | 4          | ✓ |   |
| 44 | Using a licensed vehicle with defective tyre(s).   | 4 per tyre | ✓ | ✓ |
| 45 | Failure to display a current licence plate.  | 4          | ✓ | ✓ |
| 46 | Waiting or stopping in any area where parking is prohibited unless requested by a paying customer present in the vehicle.  | 3          | ✓ |   |

N.B. Infringements may result in drivers, proprietors or operators receiving penalty points. Points may be awarded to one or several persons depending upon the nature of the infringement, however each case will be determined on its own merits.

Certain matters are specific to hackney carriages, private hire drivers or private hire operators.



## **APPENDIX K**

### **INTENDED USE POLICY FOR HACKNEY CARRIAGE LICENCES**

#### **1. Applications for the New Grant of a Hackney Carriage Licence**

- 1.1 Applicants for new licences will be expected to demonstrate a bona fide intention to ply for hire within the administrative area of North Kesteven District Council under the terms of the licence for which the application is being made.
- 1.2 There will be a presumption that applicants who do not intend to a material extent to ply for hire within the administrative area of North Kesteven District Council will not be granted a hackney carriage licensing authorising them to do so. Each application will be decided on its merits.
- 1.3 Even where the applicant intends to ply for hire to a material extent in North Kesteven, if the intention is to trade in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

#### **2. Applications for the Renewal of a Hackney Carriage Licence**

- 2.1 Applicants for renewals of licences will be required to inform the Council whether they have a bona fide intention to ply for hire within a zone of the administrative area of North Kesteven District Council under the terms of the licence for which the application is being made.
- 2.2 There will be a presumption that applicants who do not intend to a material extent to ply for hire within a zone of the administrative area of North Kesteven District Council will not be granted a hackney carriage licensing authorising them to do so. Section 60 of the Local Government Miscellaneous Provisions) Act 1976 gives the Council a broad discretion to refuse to renew a licence for any reasonable cause. Each application will be decided on its merits.
- 2.3 Even where the applicant intends to ply for hire to a material extent in North Kesteven if the intention is to trade in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

### **3 Transfer of Ownership – when a licensed vehicle is transferred from one person to another**

- 3.1 Section 49 of the 1976 Act requires that the proprietor of the licensed vehicle who transfers his interest to another must, within 14 days of the transfer, give written notice to the Council of the name and address of the transferee of the hackney carriage. The Council has no power to refuse the new proprietor;  
*R v Weymouth Borough Council, ex p Teletax (Weymouth) Ltd [1947] KB583.*
- 3.2 Provided the requisite notice has been given in accordance with Section 49 of the 1976 Act the Council will register the transferee of a licensed hackney carriage as the new proprietor.
- 3.3 The transferee of a licensed hackney carriage will be asked to inform the Council whether he has a bona fide intention to use the vehicle to ply for hire within the administrative area of North Kesteven District Council. Transferees should note the obligation under Section 73 of the 1976 Act to give to an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation. Where there is a failure to provide the requested information, the Council will give serious consideration to exercising its powers of suspension of the licence under Section 60 of the 1976 Act until such information is forthcoming, in addition to its powers under Section 73.
- 3.4 Transferees of existing licences will be expected to have a bona fide intention to ply for hire within the administrative area of North Kesteven District Council under the terms of the licence in respect of the vehicle being transferred.
- 3.5 Where the transferee of a licensed hackney carriage is found to have no intention to ply for hire to a material extent to ply for hire within the administrative area North Kesteven District Council and/or intends to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under Section 60 of the 1976 Act. Where the transferee proposes to operate remotely from the administrative area of North Kesteven District Council there will be a presumption that his licence will be revoked. Each case will be decided on its merits.

#### **4. Change of Vehicle – when a proprietor replaces a licensed vehicle**

- 4.1 Applicants seeking the grant of a hackney carriage licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire to a material extent within the administrative area of North Kesteven District Council will not have the new hackney carriage licence granted. Even where the applicant intends to ply for hire to a material extent within the administrative area of North Kesteven District Council, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.

#### **5. Revocation of Licence**

- 5.1 Where a licence has been granted under the terms that the applicant intends to ply for hire to a material extent within the administrative area of North Kesteven District Council but is subsequently found not to be plying for hire to a material extent within North Kesteven and/or to be trading in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated), there will be a presumption that the licence will be revoked.

#### **6. Exceptional Circumstances**

- 6.1 Each application will be decided on its merits. However, the presumptions that intended use is to ply for hire to a material extent within the administrative area of North Kesteven District Council will be rebuttable in exceptional circumstances. An applicant who claims that exceptional circumstances exist will be expected to satisfy the Council that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if it were not suspended or revoked as the case may be.

#### **7. Reasons for Policy**

- 7.1 The Council wishes to ensure that application for the grant of hackney carriage licences are determined in accordance with the guidance given by the High Court in its judgement and the declaration made in the case of Newcastle City Council v Berwick upon Tweed Council [2008].
- 7.2 The Council is required to register the name of the new proprietor of a vehicle. It seems to the Council also to open up an obvious route to circumvent the decision of the High Court, unless precautionary steps are

taken. Section 3 is intended to put the Council in a position to respond responsibly to the transfer of a North Kesteven District Council hackney carriage into the name of someone who operates outside the North Kesteven District Council zone or remotely from it.

- 7.3 Unless there has been a change in the proprietor's intention with regard to plying for hire within the administrative area of North Kesteven District Council, there should be no reason why he should not be granted a licence for a replacement vehicle. On the other hand, an applicant who obtained his first licence on the expressed intention of plying for hire to a material extent within a zone of the administrative area of North Kesteven District Council, and who on application to replace that vehicle with another, disclosed that he no longer so intends, effectively engages the presumption against grant that is mentioned earlier.

## **8. Application of this Policy**

The Policy shall apply to all new applicants, but not to existing hackney carriage licence holders (who shall, however, still be subject to the special provisions for vehicle transfer applications). The exemption for existing hackney carriage licence holders shall only apply provided that current licences are renewed promptly, ahead of the expiry date. Where a licence holder allows their current licence to expire the Council will require a new application to be made, such application will be subject to this Policy.

### ***DECLARATION – INTENDED USE OF HACKNEY CARRIAGE***

(To form part of the application form and to be signed by applicant)

*I have been advised that, based upon the decision of the High Court in the case of R. (on the application of Newcastle City Council) –v- Berwick upon-Tweed Borough Council 2008, North Kesteven District Council ought not to licence Hackney Carriages which will be predominantly used outside the district.*

*I hereby declare that it is my intention that the vehicle licensed by me will be used predominantly in the district of North Kesteven and I understand that should this not be the case either at the date hereof or at any time thereafter the council may revoke or refuse to renew the licence under Section 60(1)(c) Local Government (Miscellaneous Provisions) Act 1976.*

*I understand that each case will be decided on its merits.*

## **APPENDIX L**

### **EXEMPTION FROM REQUIREMENT TO DISPLAY AN EXTERNAL VEHICLE IDENTIFICATION PLATE**

#### Introduction

The aim of this part of the policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow 'executive vehicles' to operate without displaying external identification plates.

The displaying of the external identification plate on a licensed vehicle and a driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public that the vehicle and the driver have been subjected to checks to ensure the public's safety. However, there may be occasions when the requirement to display an external identification plate may have the opposite effect in terms of customer safety and could have commercial implications for the operating business.

The 1976 Act allows North Kesteven District Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver's badge.

Plate exemption will only be granted by the Council where there is a genuine operational reason and business requirement, and where the Council is certain that the safety of the public will not be compromised as a result.

The use of a vehicle to convey passengers to and from airports will not, in itself, be deemed enough to allow a plate exemption.

#### Vehicle Requirements

The following vehicle requirements are in addition to the standard vehicle specification contained in Appendix A.

1. Applications for exemption from displaying external identification plates and other signage may be made in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.
2. Each application will be assessed on its own merit and each vehicle will be inspected by an authorised council officer to ensure that it is fit for purpose.
3. Applications for exemption from displaying external identification plates and other signage may be considered where the following requirements are met:-

- a) Vehicles must be of a standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as 'S' and 'E' Class Mercedes Benz, 7 Series BMW, Lexus 'GS' or 'LS' models, Audi A8 series, Rolls Royce and Bentley saloons. (The highest specification executive type cars from other manufacturers may also be considered.);
- b) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating;
- c) The type of work undertaken must be truly 'Executive' in nature. This means that the vehicle is used specifically to provide transport under a written contract to a company or person, or for clients who for security or personal safety reasons would not want the vehicle to be identifiable.
- d) Applications may only be made by a holder of a private hire vehicle licence issued by North Kesteven District Council.

#### Application procedure

In addition to completing a standard Private Hire Vehicle Licence application form an applicant must;

- a) Submit a completed Private Hire plate exemption form;
- b) Provide documentary evidence in support of the application showing that the vehicle carries out 'executive' work;
- c) Pay the appropriate application fee.

Officers will assess each application on its own merit. Where an application is granted an exemption notice will issued as soon as practical after the decision is made. Where a vehicle is exempted from the requirement to display an external identification plate the vehicle will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a Private Hire vehicle. The licence plate must be kept in the boot of the vehicle at all times.

Irrespective of when an exemption notice is first granted it will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will run concurrently with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.

#### Conditions

In addition to standard conditions applicable to licensed vehicles the following apply to all vehicles granted an exemption;

- a) Any vehicle granted an exemption from displaying an external identification plate will be required to keep the identification plate inside the boot of the vehicle at all times.
- b) The exemption notice issued by the Council will be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Council or any Police Officer.
- c) The proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a Private Hire vehicle.
- d) During the period of the exemption notice, the driver shall not be required to wear the Private Hire driver's identification badge but will have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.
- e) During the period of the exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed in either a formal chauffeur's uniform or a business suit with collar and tie.
- f) The proprietor shall notify the Council in writing immediately of any change in the use of the vehicle. During the period of the exemption notice, the proprietor shall not use the vehicle for Private Hire purposes other than for executive use.
- g) The exemption will cease to have effect if the vehicle is sold or transferred to another party. The person to whom the exemption is granted must inform the council of the sale/transfer of ownership immediately and in writing, and provide details of the new owner. The exemption notice must be returned to the Council along with the private hire vehicle identification plate unless being sold to another private hire operator licensed by the Council; in which case only the exemption notice has to be returned.
- h) A taximeter will not be installed in the vehicle.

## **APPENDIX M**

### **NKDC VEHICLE INSPECTION MANUAL**

Available as separate document and download.



## APPENDIX N

### POLICY FOR GARAGES AUTHORISED TO TEST PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLES

1. The Licensing Team at North Kesteven District Council (NKDC) will maintain the authorised garage list.
2. Only council vehicle test reports completed by garages on the authorised list will be accepted by NKDC.
3. The garage must be within the geographical boundaries of NKDC.
4. The council vehicle test must be undertaken by a DVSA approved tester.
5. If a garage on the authorised list becomes red light risk scored by the DVSA they must immediately inform NKDC and will normally be removed from the NKDC list.
6. Testing will be carried out strictly in accordance with DVSA MOT standards and NKDC vehicle test requirements.
7. All appointments and payments for the test will be made direct to the garage.
8. The fee for the test will be set by the garage.
9. The NKDC copy of the Certificate must be handed to the driver presenting the vehicle for checking, they will be responsible for submitting it to the NKDC Licensing Team as soon as practicable, together with any application form required.
10. In the event of a test failure the inspecting garage must inform the Licensing Team as soon as possible, either by phone or email to [licensing@n-kesteven.gov.uk](mailto:licensing@n-kesteven.gov.uk) . Telephone 01529 308339.
11. All written records relating to taxi and private hire testing will be retained by the garage for 1 year and produced to NKDC on request.
12. The garage must permit inspection by Council Officers at any time the garage is open to the public.

13. Garages will lose their status as an authorised garage if they undertake less than 5 tests in a calendar year.
14. Garages may lose their status as an authorised garage if they fail to meet the criteria in this policy or if the Council receives or has complaint about the service being provided.
15. In order to retain control and consistency the maximum number of authorised garages on the list at any one time will not exceed **20**.
16. If the maximum number of authorised garages is reached, any garage that wishes to be an authorised garage, and meets the criteria above, will be placed on a waiting list.
17. If the number of authorised garages drops below the maximum number, those on the waiting list will be considered in date order of initial enquiry.

## APPENDIX O

### COMPLAINTS POLICY

The aim of the complaints policy is to ensure that there is a fair, robust and transparent policy of dealing with complaints made to the Licensing Authority. Such complaints will cover:

- Hackney Carriages and Private Hire Vehicles licensed by NKDC
- Drivers licensed by NKDC
- Private Hire Operators licensed by NKDC

Details of how to make a complaint is required to be displayed in all Hackney Carriages and Private Hire Vehicles licensed by the Authority, where it is clearly visible to passengers.

The policy does not cover licence holders from any other Licensing Authority. However, should any such complaints be received, the details will be forwarded to the appropriate Licensing Authority for any action they deem necessary.

The following methods can be used to make complaints:

|           |  |
|-----------|--|
| In Person | NKDC Offices, Kesteven Street, Sleaford, Lincolnshire, NG34 7HS              |
| Website   | Completion of a complaints form on the NKDC website                          |
| Email     | <a href="mailto:licensing@n-kesteven.gov.uk">licensing@n-kesteven.gov.uk</a> |
| Phone     | 01529 414155   |

Any person making a complaint, will be required to provide both personal and contact details, to enable the complaint to be recorded. If any person has concerns about the disclosing of their information, this should be discussed with a member of the Licensing Team in the first instance.

Any complaints received which relate to allegations of criminal conduct will be referred to the Police who have primacy in relation to such matters. Should any such allegations be made, the Licensing Authority would consider if the allegation required any action taking in relation to the licence concerned in the interim period. The overriding factor in this will be public safety.

Any complaints received which do not relate to allegations of criminal conduct, but are centred on breaches of the standards and requirements detailed in this policy, or the code of conduct, will be considered on a case by case basis.

Once a complaint has been investigated by the Authority, the following courses of action will be considered:

- No action
- Written Warning
- Awarding of penalty points in accordance with Appendix J
- Referral to a General Licensing Sub Committee
- Prosecution