

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

**LICENSING POLICY
HACKNEY CARRIAGE AND PRIVATE HIRE**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To present the Hackney Carriage and Private Hire Licensing Policy following consultation. A copy of the draft policy is at Appendix A to this report.
- 1.2 That the policy be agreed and recommended for approval by Council.

2. BACKGROUND INFORMATION

- 2.1 North Lincolnshire Council has a duty to protect the public and is authorised to carry out the statutory function of issuing licences in relation to Hackney Carriage and Private Hire Drivers, Vehicles and Operators.
- 2.2 These Licenses are issued in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 2.3 There is no legal requirement for the Policy, however due to the increase in consultation being carried out related to these licensing functions and the need to be consistent in our approach to licensing, it is considered good practice that such a policy be implemented.
- 2.4 The current policy was approved by this committee in January 2011. A number of procedural changes have been made which needed to be reflected in the policy.
- 2.5 Consultation has taken place with the Hackney Carriage and Private Hire Trade. There were no comments received following the said consultation

3. OPTIONS FOR CONSIDERATION

- 3.1 Option 1 – To approve the policy following consultation with interested parties.

3.2 Option 2 – To revise the policy prior to approval.

3.3 Option 3 – To reject the policy.

4. ANALYSIS OF OPTIONS

4.1 Option 1 – This is in line with the process normally carried out when determining Licensing Policy.

4.2 Option 2 – Members of this committee have been part of the working groups.

4.3 Option 3 – A rejection of this policy would undermine the work carried out to resolve the issues within the Taxi trade.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 There are no financial, staffing, property or IT implications from this report.

5.2 Should the policy be agreed it will be reviewed in line with other statutory policies on a 3 yearly cycle.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 are the main pieces of legislation relating to this area of licensing.

6.3 An integrated Impact assessment has been carried out and will be available at the committee meeting.

7. OUTCOMES OF CONSULTATION

7.1 Consultation has been carried out with interested parties.

8. RECOMMENDATIONS

8.1 That the licensing policy be agreed and recommended to council for approval.

DIRECTOR OF PLACES

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Background Papers used in the preparation of this report – N/a



Licensing Policy

Hackney Carriage and Private Hire

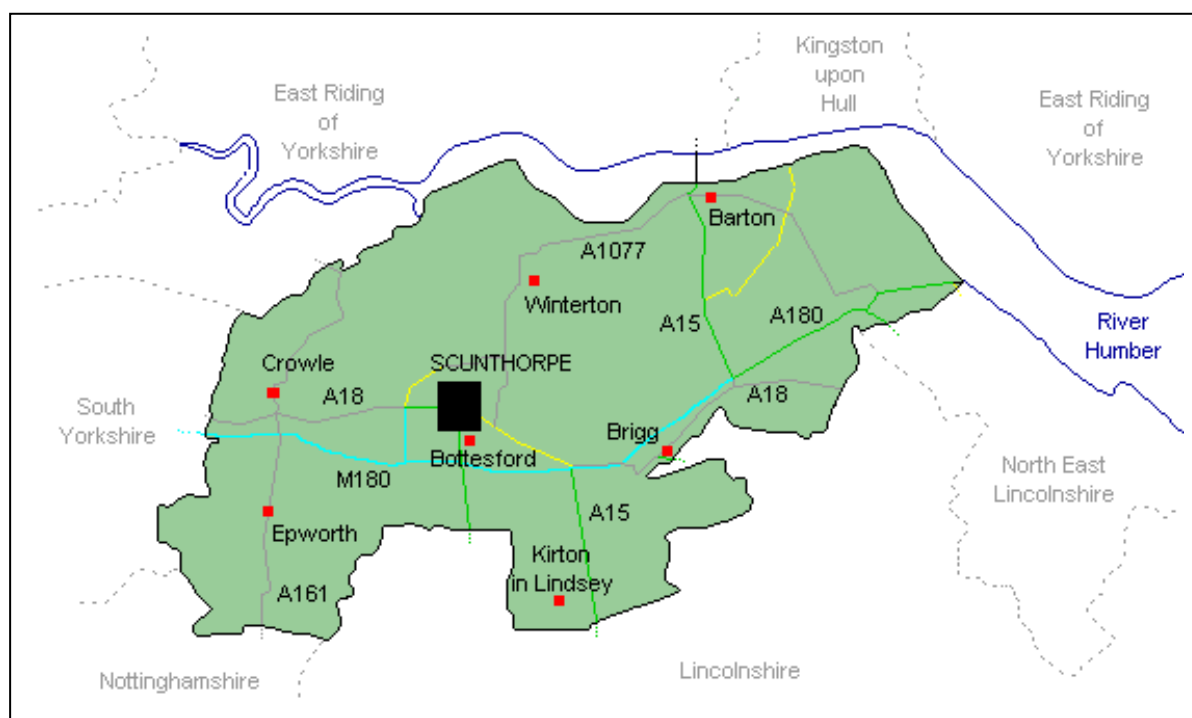
Contents

Part	Subject	Page
	Introduction	4
1	Licensing Principles, Process and Delegation	7
2	Licensable Activities	11
3	Enforcement	33
Appendix		
A	Contacts	
B	Guidance for Members of the Licensing (Miscellaneous) Sub-Committee	
C	Private Hire Vehicle Drivers Licence Conditions	
D	Hackney Carriage Vehicle Licence Conditions	
D1	Hackney Carriage Vehicle Testing Standard	
D2	Hackney Carriage Vehicle Testing arrangements	
D3	Hackney Carriage Vehicle Mechanical Standard	
E	Private Hire Vehicle Licence Conditions	
E1	Private Hire Vehicle Testing Standard	
E2	Private Hire Vehicle Testing Arrangements	
E3	Private Hire Vehicle Mechanical Standard	
F	Private Hire Operators Licence Conditions	
G	Byelaws for Hackney Carriage Vehicles	
H	Drivers Dress Code	

Introduction

1 The Area of North Lincolnshire

- (1) North Lincolnshire covers a mix of urban and rural areas. It includes the towns of Scunthorpe, Barton upon Humber and Brigg. There are also several other market towns, villages and rural areas. Its total area is 328 square miles.
- (2) The 2011 Census gave the population of North Lincolnshire as 167,400. Of these, 72,106 live in Scunthorpe and Bottesford. The other 80,743 people live in the rural areas, which include the towns of Barton upon Humber and Brigg.
- (3) Large concentrations of licensable activities are located in Scunthorpe town centre, in the areas of Doncaster Road, the High Street and Frodingham Road.
- (4) Below is a map of the area.



2 General Information

- (1) The primary legislation relating to Hackney Carriage and Private Hire Licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

- (2) The aim of this policy is to ensure the safety and welfare of the population who live and work in North Lincolnshire, while recognising the importance of the businesses to the local economy.
- (3) This policy will provide guidance to the licensing authority when considering licence applications for
 - Hackney Carriage and Private Hire Vehicle Drivers
 - Hackney Carriage Vehicles
 - Private Hire Vehicles
 - Private Hire Operators
 - Small Bus Permits

3 Consultation

- (1) In determining this Licensing Policy, North Lincolnshire Council has consulted the following persons/bodies:
 - Federation of Small Businesses
 - Disabled Access Groups
 - Training Providers (North Lindsey College & Hull College)
 - Scunthorpe Charter Trustees
 - Town & Parish Councils
 - Trade Associations
 - Licence Holders
 - Taxi Users
- (2) In addition, various other professional persons within North Lincolnshire Council have been consulted. These include:
 - Legal Services, including Democratic Services
 - Community Safety Partnership
 - Town Centre Manager
 - Highways
 - The Mayors Office
 - Leader of Conservative Group
 - Leader of Labour Group
 - Chair of Licensing Committee
 - Cabinet Member for Environment
- (3) The views of all the appropriate bodies and organisations have been taken into consideration and weighted appropriately.

4 Review of the Licensing Policy

- (1) The Council will review this policy every three years. At the time of the review all interested parties will again be consulted. In addition to the

three yearly reviews, this policy will be subject to continuous evaluation and may be updated at anytime.

5 Contacts

- (1) The Licensing Division is currently part of Neighbourhood and Environmental Services. Our address is:

Licensing Division
Church Square House,
PO Box 42,
Scunthorpe,
North Lincolnshire,
DN15 6XQ.

Email: licensing@northlincs.gov.uk

- (2) To ask about any licensing issue, first contact the Licensing Division on (01724) 297592. We have attached a list of useful contacts in Appendix A.

Part 1 – Licensing Principles, Process and Delegation

Introduction

The council has adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 as amended. Together with the provisions contained in the Town Police Clauses Act 1847, the Council carries out the licensing of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators.

This part of the policy will focus on the principles the Council will follow when dealing with licence applications, reviewing conditions, setting fees and setting the table of fares. It explains the roles and duties of the Licensing Committee and officers.

Licensing Principles, Process and Delegation

6 Licensing Principles

- (1) The Licensing Authority aims to provide a clear consistent service to the service user. We will look to balance the needs of the applicant against the need to protect the safety of the public.
- (2) All licence applications will be considered and determined on their own merits.

7 Licensing Committee & Sub Committee

- (1) North Lincolnshire's Licensing Committee is made up of 15 members of the council. The Licensing Committee will deal with policy issues, conditions, fees and fares. The Licensing (Miscellaneous) Sub-Committee is made up of 5 members who will determine applications for and review licences.
- (2) The public must be able to see that the Licensing Committee and Licensing Sub-Committee act in a fair and reasonable manner at all times. Therefore, all members of the Licensing Committee must attend in-house training before they can sit on the Licensing Committee or Sub-Committee. Significant contact with members of the Licensing Committee prior to a hearing by an applicant may result in the said member being unable to determine an application.
- (3) Members of the Licensing Committee should not hear an application or make a decision on an application where an applicant is known to them. This measure is in the interests of reducing a conflict of interest.
- (4) Members will determine applications for a licence in accordance with the Guidance to members of the Licensing (Miscellaneous) Sub-Committee in respect of previous convictions relating to applications for hackney carriage & private hire vehicle drivers' licences. This guidance is based on the Department of Transport Circular 2/92 and the Home Office Circular 13/92. A copy of the guidance is attached to this policy as Appendix B.

8 The Licensing Process & Delegation of Functions

- (1) The Council will delegate its licensing function to either the Licensing Committee, Licensing Sub-Committee or to an authorised officer of the council. Delegation will be as follows:

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Determine Licence Fees	All cases		
Determine Table of Fares	All cases		
Determine objections to fees or table of fares	All cases		
Determination of application for a Hackney Carriage/Private Hire Vehicle Drivers Licence		All cases where there is doubt that the applicant is a fit & proper person	If no offences are revealed on the CRB check or endorsements on the licence
Revoke a Hackney Carriage/Private Hire Vehicle Drivers Licence following a complaint, conviction, endorsement, etc		All Cases	
Suspend a Hackney Carriage/Private Hire Vehicle Drivers Licence		All other cases	Licensing Manager/ Principal Licensing and Mediation Officer in consultation with Chair of the Licensing Committee If there is an urgent need in order to protect the public
Suspend a Hackney Carriage or Private Hire Vehicle			All cases
Revoke a Hackney Carriage or Private Hire Vehicle licence		All cases	
Refuse a Hackney Carriage or Private Hire Vehicle licence		All other cases	Licensing Manager/Principal Licensing and Mediation Officer where the vehicle fails to meet the councils standard for licensing
Suspend/Refuse or Revoke an operators licence		All cases	
Setting Local Knowledge Test and Study Guide			Licensing Manager
Determination of Advertising		Appeal against Licensing Managers decision	Licensing Manager to determine

- (2) Where an application is referred to the Licensing Sub-Committee, it will be determined on its own merits. Members of the Committee will take into consideration the information contained in the report, and hear the representations of the Applicant.

9 Decisions

- (1) Following the determination of an application by the Licensing Sub-Committee the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as possible after the decision has been made, or in any case within 7 days of the hearing. This will include information on the right of appeal where appropriate.

10 Appeals

- (1) Parties aggrieved by a decision of the Licensing Authority have a right of appeal. This should be lodged with the Magistrates Court within 21 days of the notification of a decision.

11 Working in Partnership

- (1) The Council aim to work in partnership when dealing with Hackney Carriage and Private Hire Licensing issues. Such partnerships will include Humberside Police, Safer Neighbourhoods, Training Providers and the licence holders.

12 Licensing Forum

- (1) A Licensing Forum will be held with representatives from the Hackney Carriage and Private Hire Trade every three months. This meeting will normally be chaired by the chairperson of the Council's Licensing Committee. Representatives will be invited from other organisations to assist in the consultation process.

Part 2 – Licensable Activities

Introduction

This part of the Policy will focus on the licensable activities and the necessary steps required to obtain and hold such a licence. These steps will include the standards required and the conditions that applicants and licence holders will be required to attain. The scope of this policy covers Hackney Carriage and Private Hire Drivers, Vehicles and Operators.

Hackney Carriage and Private Hire Vehicle Drivers

13 Summary

- (1) Any person who drives a Hackney Carriage Vehicle must hold the appropriate vehicle drivers licence. Hackney Carriage Vehicle drivers licences are issued in accordance with section 46 of the Town Police Clauses Act 1847.
- (2) Any person who drives a Private Hire Vehicle must hold the appropriate vehicle drivers licence. Private Hire Vehicle drivers licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
- (3) A person can apply for a licence to drive either a Hackney Carriage or Private Hire Vehicle or they can apply for both types of licence.

14 Fit and Proper Person

- (1) Licensed drivers will be required to convey vulnerable adults and/or children in their vehicles. The Council will not licence anyone to drive a Hackney Carriage or Private Hire vehicle unless it is satisfied that they are a “fit and proper” person. In considering the fit and proper test, applicants will be required to satisfy the application process outlined below.

15 Application Process

- (1) Licences are issued on an annual basis (subject to the provisions contained in paragraph 16) and all applicants are required to undertake and produce the following:
 - Application form
 - Enhanced Criminal Records Bureau (CRB) Check
 - ISA Registration (subject to statutory requirements)
 - Local Knowledge Test (Hackney Carriage Drivers only)
 - Driver Standards Agency (DSA) Taxi Driver Test in certain circumstances
 - One passport size colour photograph required on renewal at the same time as the CRB check.
 - Medical Certificate obtained from the applicants own GP or in consultation with their medical history.
 - DVLA Licence or other appropriate licence (if paper and photo card bring both) and must have held a full licence for not less than 12 months
 - Licence Fee

- (2) An application for a Hackney Carriage or Private Hire Vehicle Driver's Licence can be made online. Where such an application is made, the applicant will still need to meet the criteria detailed in **paragraph 15(1)**.
- (3) Where a person holds a hackney carriage or private hire vehicle drivers licence, they can apply to renew the licence prior to the expiry date. Such applications are subject to the provisions contained within **paragraphs 18 and 25** of this policy. Should the licence expire, then the applicant will be required fulfil the criteria set out in **paragraph 15** of this policy unless an application is made within ten working days of the said expiry date of the licence. Applicants where the licence has expired must not drive a licensed vehicle until such time that they hold a valid licence.
- (4) Further to the provisions detailed in **paragraph 15(3)**, the Licensing Manager may remit some or all of the criteria set out in paragraph 15(1) where exceptional circumstances have resulted in the application being received after the ten working days, albeit that he must be satisfied that the applicant is a "fit and proper" person.

16 Period of Licence

- (1) Hackney Carriage and Private Hire Vehicle Drivers Licences are issued for a period up to three years.
- (2) Subject to an appearance before the Licensing (Miscellaneous) Sub-Committee, a licence may be issued for a period lesser than the three years where the committee consider it reasonable.

17 Application Form

- (1) The application form must be completed. If any part of the application form is not complete, the applicant will be required to provide all the required information before the application can proceed.
- (2) The application form, medical certificate and photographs should be submitted at the same time, along with the applicant's original DVLA or other appropriate driving licence. If any of these items are missing, the application may be delayed. A CRB check will be requested on receipt of the application form.
- (3) Guidance on the application process is provided for applicants. Although this guidance is available in languages other than English, it is essential that applicants are able to converse in English.
- (4) Where an applicant is found to have provided false information or knowingly omitted to declare information, the application shall be referred to the Licensing (Miscellaneous) Sub-committee, who will determine the application.

18 Criminal Records Bureau (CRB) Check

- (1) All persons applying to drive a Hackney Carriage or Private Hire Vehicle will be required to have a CRB check on initial application and every three years thereafter. Further checks may be carried out if we have reason to think that a person has been convicted of an offence since they were last licensed.
- (2) Due to the nature of the occupation, Hackney Carriage and Private Hire Vehicle Drivers are an exempt occupation under the provisions of the Rehabilitation of Offenders Act 1974. As a result, convictions are deemed never to be spent. When considering convictions and endorsements, the council will only take into consideration such convictions deemed to be relevant.
- (3) On the return of a CRB check where convictions have been disclosed, an assessment panel will be held. This panel will consider the conviction(s) and should it be deemed relevant, then the application will be referred to the Licensing (Miscellaneous) Sub-Committee for consideration.
- (4) All new applicants for a licence will be required to have an interview at the time the CRB check is carried out. Documentation will be checked for authenticity at this time.
- (5) Persons who have been resident outside the United Kingdom will be required to produce a certificate of good conduct or equivalent document issued by the relevant Embassy or High Commission. The Council may contact the relevant Embassy or appropriate body to verify any documents provided.

19 Independent Safeguarding Authority (ISA)

- (1) Applicants for a Hackney Carriage and/or Private Hire Vehicle Drivers Licence will be required to register with the ISA before a licence can be issued (subject to statutory provisions).
- (2) Where an applicant or current licensed drivers are refused ISA registration or have their registration revoked, then the said person will be referred to the Licensing (Miscellaneous) Sub-Committee, who will determine if they are a "fit and proper" person. In such cases, there will be a presumption to refuse/revoke the licence, unless the applicant/driver can convince the Committee that they are a fit and proper person.
- (3) The Council will display the ISA registration number on each Hackney Carriage and Private Hire Vehicle Drivers Licence and the ID badge issued to all drivers.

20 Criminal History

- (1) A criminal record does not automatically bar an applicant from holding a Hackney Carriage or Private Hire Vehicle Drivers Licence. The Council has adopted guidance for members relating to a person's criminal history, which is based on the guidance issued by the Department for Transport Circular 2/92 and the Home Office Circular 13/92. This guidance is at Appendix B to this policy.

21 Knowledge Test

- (1) Applicants for a licence to drive a Hackney Carriage Vehicle will be required to sit a knowledge test. This test will be in three parts covering local routes, legislation and road craft. Each applicant will be provided with a study guide. The questions in the knowledge test will be derived from the guide.
- (2) The test will consist of 50 questions. Part A (local routes) will constitute 20 questions, part B (legislation) will have 10 questions and part C (road craft) will have 20 questions.
- (3) Applicants will be required to attain an 80% pass in part A, 100% in part B and 80% in part C. Where an applicant passes either part A, B or C, they will not be expected to re-take that part again should they fail another part of the test.
- (4) Normal examination conditions will apply during the knowledge test. Any person found to be using unfair means during the test will be excluded from the said test and will be required to take a fresh test and pay the appropriate fee.

22 Qualifications

- (1) The Council recognises and supports training and qualifications for licensed Hackney Carriage and Private Hire Vehicle Drivers. It is considered important for licensed drivers to hold the BTEC in Transporting Passengers by Taxi or Private Hire Vehicle and the NVQ in Road Passenger Vehicle Driving, however the Council will not insist that drivers hold qualifications in order to obtain a licence.

23 Driver Standards Agency (DSA) Taxi Driver Test

- (1) Statistically young and new drivers are more likely to be involved in accidents than experienced drivers. The minimum requirement for a person to hold a Hackney Carriage or a Private Hire Vehicle Drivers Licence is that they must have held a DVLA, or other appropriate driving licence for at least 12 months.

- (2) Where a new applicant for a Hackney Carriage or Private Hire Vehicle Drivers Licence has six or more points on their DVLA driving licence, or has been banned from driving in the last three years for totting up, or five years for serious road traffic offences, that applicant will be required to undertake the DSA Taxi Driver Test before a licence will be issued.
- (3) Where a licensed Hackney Carriage or Private Hire Vehicle Driver is convicted of a driving offence, has been issued with a fixed penalty or, in the opinion of a police constable or authorised officer, has driven or parked in a dangerous manner, the persons licence may be reviewed by the Licensing (Miscellaneous) Sub-Committee, who may require the said person to undertake and pass a DSA driving test within a set time, as specified by the Committee. The Licensing (Miscellaneous) Sub-Committee may determine that the licence is suspended until such a test has been taken and passed.

24 Identity

- (1) An applicant for a Hackney Carriage or Private Hire Vehicle Drivers licence must provide one passport photograph. One of these photographs shall be endorsed by a person of professional standing to the effect that the photograph is a true likeness to the applicant. This should be dated and signed.
- (2) The person of professional standing shall not include a relative of the applicant or a prospective employer.
- (3) Photographs other than standard passport photographs will not be accepted.
- (4) The applicant should not wear headwear (other than for religious purposes), dark glasses or other items, which cover the head or face.

25 Medical Requirements

- (1) All applicants for a Hackney Carriage or Private Hire Vehicle Drivers Licence are required to undertake a medical examination. This medical examination should be carried out by the applicant's registered General Practitioner (GP) or in consultation with the applicant's medical history.
- (2) Medical certificates shall be produced on application to renew a licence every five years up to the age of 65, and yearly for persons over 65 years of age. Where a person suffers from a medical disorder, then the period between medicals may differ.
- (3) Should an authorised officer have reason to believe that a licensed Hackney Carriage or Private Hire Vehicle Driver has a medical condition which renders them unfit to drive, a further medical

examination will be requested. This medical examination should again be carried out by the driver's GP. If it is deemed necessary to do so, the licence may be suspended in the interests of protecting the public until the further medical examination has been carried out.

26 DVLA and Other Relevant Driving Licences

- (1) A person applying for a Hackney Carriage or Private Hire Vehicle Drivers licence must have held a DVLA or other relevant driving licence for at least 12 months. In addition to this requirement, a DSA test will be required for certain drivers in accordance with **paragraph 23**.
- (2) Applicants will be required to produce the original of their DVLA driving licence. Copies will not be accepted. Where a Licence has an ID card and counter-part paper licence, applicants will be required to produce both parts.

27 English Speaking

- (1) Applicants for Hackney Carriage and Private Hire Vehicle Drivers licenses must be able to converse in English. Drivers may potentially be carrying vulnerable adults and children and it is important that language should not be a barrier to communication.

28 Dress Code

- (1) Drivers of Hackney Carriage and Private Hire Vehicles should dress in an appropriate manner. Clothing and footwear should be appropriate for a professional driver and shall be clean and free from damage. North Lincolnshire Council's Dress Code for Licensed Hackney Carriage and Private Hire Drivers is attached as **Appendix H**.

29 Licence Conditions

- (1) Private Hire Vehicle Drivers licenses can have conditions attached to them in accordance with the Local Government (Miscellaneous Provisions) Act 1976.
- (2) A copy of the Private Hire Vehicle Drivers Licence conditions is appended to this policy as **Appendix C**.
- (3) The Private Hire Vehicle Drivers licence conditions will be reviewed with this policy on a three yearly basis, thus ensuring that they are reasonable and fit for purpose.
- (4) Conditions cannot be attached to Hackney Carriage Vehicle Drivers Licences.

Hackney Carriage Vehicles

30 Summary

- (1) Hackney Carriage or Public Hire Vehicles are licensed in accordance with the provisions contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- (2) Commonly known as Taxis, Hackney Carriages can be hailed in the street and may ply for hire on an appointed stand.

31 Use of Vehicles

- (1) A person applying for a licence for a Hackney Carriage Vehicle should do so with the intention of using the vehicle in the controlled district of North Lincolnshire. Where the intention is to use a licensed vehicle in another district for private hire, then the applicant should apply to the said district for an appropriate licence.

32 Application Process

- (1) In addition to completing an application form, a person wishing to license a hackney carriage vehicle will need to submit a valid certificate of insurance for public hire, a bill of sale to prove that they are the owner of the vehicle, the registration certificate (V5) and the licence fee. All documents shall be provided before the vehicle is tested and inspected.

33 Testing of Vehicles

- (1) Vehicles will be tested at the council's MoT test station. On satisfactory completion of the test, a Certificate of Compliance will be issued. The test includes a number of items in addition to the normal MoT test. These elements have been deemed reasonable and necessary in order to protect the public using licensed vehicles. A copy of the testing criteria is appended to this policy at **Appendices D1 to D3**. The fee for the test will be paid directly to the garage and will not form part of the licence fee.
- (2) The Certificate of Compliance once issued is only valid in conjunction with a valid Hackney Carriage Vehicle Licence.
- (3) Once the vehicle has passed the test, it will be inspected by a Licensing Officer to ensure compliance with the licence conditions and visual standards.
- (4) Vehicles will be tested and inspected in accordance with **paragraph 34 of this policy**.

34 Standard of Vehicles to be Licensed

- (1) Vehicles licensed to carry persons for hire and reward must be fit, safe, comfortable and suitable for the purpose for which they are licensed. To ensure that vehicles within the controlled district of North Lincolnshire meet these criteria, the Council has specified that vehicles will be tested and inspected in accordance with the following Table.

Age of Vehicle	Test and Inspection Requirements
Under 5 years of Age	Annually
Between 5 years and under 8 years of age	Tested twice per annum (6 monthly intervals)
Over 8 years of age	Tested three time per annum (4 monthly intervals)

35 European Emission Standards

- (1) In addition to the age requirements detailed in paragraph 31, it is considered reasonable for licensed hackney carriage vehicles to meet European Emission Standards.
- (2) All new applicants for a Hackney Carriage Vehicle Licence will need to ensure that the vehicle they wish to licence complies with the **Euro IV** standard. For proprietors wishing to change their Hackney Carriage Vehicle, the replacement vehicle should comply with **Euro III** standards and any currently licensed vehicle must meet **Euro II** Standard at the time of the next test and inspection.
- (3) Technical details of the Euro emissions standards are available on request.

36 Licensing of Vehicles Over Eight Years of Age

- (1) The Council would not normally licence new vehicles that are over eight years of age as a Hackney Carriage. However, where a vehicle over eight years of age is presented for licensing, it will be considered if it is deemed to be in an exceptional condition.
- (2) In defining the exceptional standard for vehicles over eight years of age, the following criteria will be applied:
- a) the vehicle shall pass North Lincolnshire Council's test and inspection for the certificate of compliance at the first attempt and not on re-test, and;
 - b) the vehicle must be free from body work blemishes; and

- c) all interior and exterior accessories must be in full working order.

Where a vehicle has failed North Lincolnshire Councils test and inspection for the Certificate of Compliance at the first attempt for a non-mechanical reason, it may still be considered for licensing providing the vehicles meets criteria b) and c).

- (4) As Hackney Carriage Vehicles are carrying members of the public for hire and reward, we have a duty to ensure that they are fit, safe, comfortable and suitable for use.

37 Meters & Table of Fares

- (1) Hackney Carriage vehicles shall be fitted with a meter and display a table of fares. Such meters shall be used at all times when the vehicle is hired by a passenger.
- (2) In order to reduce the risk of over charging, all licensed Hackney Carriage Vehicles shall be fitted and operated with a calendar-controlled meter. New vehicles shall comply with this requirement and existing licensed vehicles shall comply by 1 January 2012.

38 Roof Signs

- (1) All Hackney Carriage Vehicles shall be fitted with a roof sign. The roof sign shall display the wording "TAXI" or "For Hire" on the front of the sign, the company name or both. The rear of the sign can be used to display the company name or landline telephone number of the business, or the wording "TAXI" or "For Hire". Roof signs shall not be blank. Where a roof sign does not display the wording "TAXI" or "For Hire", then a screen sign shall be displayed on the near side of the front windscreen.
- (2) Roof signs shall show either white or yellow from the front and either Red or Yellow to the rear when illuminated and the sign shall be displayed with the front of the sign facing the front of the vehicle
- (3) Roof signs shall be a maximum of 20 inches in length and 5 inches in height.
- (4) The roof sign shall display the licence number of the vehicle on each end in figures no smaller than one inch in height.

39 Advertising

- (1) Proprietors may advertise on Hackney Carriage Vehicles subject to approval from the Licensing Authority. Approval should be sought in writing. The Council will not normally reject an application unless it is deemed to be indecent, offensive or illegal.

- (2) Proprietors will be able to advertise on both saloon type vehicles and purpose built vehicles. It will be permissible to advertise on all panels of a saloon type vehicle, save the two front doors of the vehicle. Purpose-built vehicles will be permitted to have all over advertising. Proprietors will be able to advertise a maximum of two businesses on their vehicles.
- (3) Advertising inside the vehicle is permitted providing it does not distract or obscure the view of the driver.

40 Vehicle Identification

- (1) All Hackney Carriage Vehicles will be required to display a rear licence plate, door panel, internal signs and roof sign. The rear licence plate shall be displayed in accordance with **paragraph 44** of this policy, the door panel in accordance with **paragraph 45** and the internal signs in accordance with **paragraph 46**.

41 Closed Circuit Television (CCTV)

- (1) Hackney Carriage Vehicles may be fitted with Closed Circuit Television (CCTV) systems. Where such a system is fitted, the vehicle must display a sign/signs ensuring passengers are aware that CCTV is installed and in use and the proprietor shall notify the council that CCTV is in operation.
- (2) The CCTV system shall be installed by a registered installer and shall be maintained to the manufacturer's standards.
- (3) Where CCTV is installed, there is an expectation that it will be in working order when passengers are being carried. Recordings from such a system must be encrypted and not accessible to the proprietor or driver.
- (4) The CCTV recordings must be available for inspection by a Police Officer or an Authorised Officer of the Council for a period of up to 28 days.
- (5) It is the proprietor's responsibility to ensure that images from the system are held in a secure manner.
- (6) Any misuse of CCTV or recorded images may result in immediate suspension and referral to the Licensing (Miscellaneous) Sub-Committee for the appropriate action.

42 Ranks

- (1) Hackney Carriage Ranks/Stands are provided in accordance with the Local Government (Miscellaneous Provisions) Act 1976. The Council

will work with the Taxi trade, Highways and Humberside Police to determine where ranks/stands should be situated.

- (2) Drivers should use the ranks available to them. Where a driver is standing plying for hire and is illegally parked if, in the opinion of an authorised officer of the council or police constable, the driver is plying for hire in a dangerous location the said driver's licence may be reviewed and such conduct may be deemed reasonable cause to revoke or suspend the licence under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

43 Disabled Access

- (1) In order to afford public transport for all and in accordance with the requirements of the Equalities Act 2010 and other relevant legislation, all newly licensed Hackney Carriage Vehicles shall be adapted to carry a passenger in a wheelchair. Proprietors wishing to licence such vehicles will be required to produce a certificate stating that the vehicle complies with all current legislation relating to carrying of disabled passengers.
- (2) Vehicles already licensed as Hackney Carriage shall be allowed to continue being used as Hackney Carriage Vehicles for as long as a valid licence is in place. If the licence is allowed to lapse for a period of 28 days, then it will need to be replaced in accordance with the requirements of **paragraph 43(1)**.
- (3) Proprietors replacing a saloon type vehicle will be able to replace it with a similar type of vehicle subject to the provisions in **paragraph 43(2)**. Vehicles licensed as wheelchair accessible vehicles can only be replaced like for like.
- (4) Drivers of vehicles adapted to carry disabled passengers should be trained in the use of equipment necessary to convey the passenger safely.
- (5) Assistance dogs shall be conveyed in the vehicle with the passenger in accordance with statutory requirements.

44 External Plates

- (1) The external licence plate shall be fixed securely, but not tied to the vehicle adjacent to the vehicle's registration plate or to the centre of the rear bumper. Plates shall be kept clean and legible at all times.

45 Door Panels

- (1) A door panel as stipulated by North Lincolnshire Council shall be displayed on both the drivers and front passenger side doors. Such signs shall be secured directly onto the vehicle and shall not be

mounted on magnets. No other signs may be displayed on the said doors other than the company name and telephone number. The telephone number shall be a landline number and not a mobile telephone number.

46 Internal Plates

- (1) Internal plates shall be securely fixed in the front windscreen on the passenger side of the vehicle: just above the tax disc in saloon type vehicles, and on the partition for purpose built vehicles where a partition is fitted.

47 Tinted Windows

- (1) No Hackney Carriage vehicle shall be fitted with dark or tinted windows of such a degree that the driver or passengers are not visible from outside the vehicle. Any tint applied shall allow at least 70% of light through or 75% in the case of the windscreen.

48 Mobile Telephones

- (1) It is an offence to use a hand held mobile telephone whilst driving. Drivers wishing to take a call on their mobile phone shall ensure that they are parked safely and that the engine is switched off.

49 Smoking

- (1) It is an offence for the driver to smoke or to allow persons to smoke in a licensed Hackney Carriage Vehicle irrespective of the vehicles use. Smoking is not permitted even if the doors or windows are open. Drivers wishing to smoke shall only do so away from the vehicle.

50 Licence Conditions

- (1) Conditions attached to Hackney Carriage and Private Hire Vehicle licences will be reviewed every three years to ensure that they are reasonable and fit for purpose. A copy of the conditions attached to Hackney Carriage Vehicle Licences is attached as **Appendix D**.

Private Hire Vehicles

51 Summary

Private Hire Vehicles are licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Private Hire Vehicles must not have the appearance of a Hackney Carriage Vehicle.

52 Application Process

In addition to completing an application form, a person wishing to license a private hire vehicle will need to submit valid insurance certificate for private hire, a bill of sale to prove that they are the owner of the vehicle, the registration document (V5) and the licence fee. All documents shall be provided before the vehicle is tested and inspected.

53 Testing of Vehicles

- (1) Vehicles will be tested at the council's test station. On satisfactory completion of the test, a certificate of compliance will be issued. The test includes a number of items in addition to the normal MoT test. These elements have been deemed reasonable and necessary in order to protect the public using licensed vehicles. A copy of the testing criteria is appended to this report at **Appendices E1 to E3**. The fee for the test will be paid directly to the garage and will not form part of the licence fee.
- (2) The Certificate of Compliance once issued is only valid in conjunction with a valid Private Hire Vehicle Licence.
- (3) Once the vehicle has passed the test, it will be inspected by a Licensing Officer to ensure compliance with the licence conditions and visual standards.
- (4) Vehicles will be tested and inspected in accordance with **paragraph 54 of this policy**.

54 Standard of Vehicles to be Licensed

- (1) Vehicles licensed to carry persons for hire and reward must be fit, safe, comfortable and suitable for the purpose for which they are licensed. To ensure that vehicles within the controlled district of North Lincolnshire meet these criteria, the Council has specified that vehicles will be tested and inspected in accordance with the following Table.

Age of Vehicle	Test and Inspection Requirements
Under 5 years of age	Annually
Between 5 years and under 8 years of age	Tested twice per annum (6 monthly intervals)
Over 8 years of age	Tested three time per annum (4 monthly intervals)

55 European Emission Standards

- (1) In addition to the age requirements detailed in **paragraph 54**, it is considered reasonable for licensed private hire vehicles to meet European Emission Standards.
- (2) All new applicants for a Private Hire Vehicle Licence will need to ensure that the vehicle they wish to licence complies with the **Euro III** standard. For proprietors wishing to change their Private Hire Vehicle, the replacement vehicle should comply with **Euro III** standards and any currently licensed vehicle must be at least **Euro II** at the time of the next test and inspection. This provision does not apply to vehicles specified in **paragraph 57**.
- (3) Proprietors wishing to provide a vehicle adapted to carry a wheelchair as a private hire vehicle may apply to licence a vehicle meeting the Euro II standard.
- (4) Technical details of the Euro emissions standards are available on request.

56 Licensing of Vehicles Over Eight Years of Age

- (1) The Council would not normally licence vehicles that are over eight years of age as Private Hire. However, where a vehicle over eight years of age is presented for licensing, it will be considered if it is deemed to be in an exceptional condition.
- (2) In defining the exceptional standard for vehicles over eight years of age, the following criteria will be applied:
 - a) the vehicle shall pass North Lincolnshire Council's test and inspection for the certificate of compliance at the first attempt and not on re-test; and

- b) the vehicle must be free from body work blemishes; and
- c) all interior and exterior accessories must be in full working order.

Where a vehicle has failed North Lincolnshire Councils test and inspection for the Certificate of Compliance at the first attempt for a non-mechanical reason, it may still be considered for licensing providing the vehicles meets criteria b) and c).

- (3) As Private Vehicles are carrying members of the public for hire and reward, we have a duty to ensure that they are fit, safe, comfortable and suitable for use.

57 Novelty Vehicles, Stretched Limousines and Vintage Vehicles

- (1) Vehicles such as stretched limousines and fire engines will be licensed by the council, however such types of vehicle would only be licensed as Private Hire.
- (2) In addition to the vehicles mentioned in **paragraph 57(1)**, vehicles such as vintage vehicles will also be considered for licensing. Such vehicles will not be required to meet the requirements for Euro emissions as detailed in **paragraph 55**.

58 Adapted Vehicles

- (1) Proprietors wishing to licence a vehicle adapted to carry a passenger in a wheelchair will be required to produce a certificate stating that the vehicle complies with all current legislation relating to the carrying of disabled passengers.

59 Meters & Table of Fares

- (1) Where a private hire vehicle is fitted with a meter, then the proprietor shall ensure that a table of fares is displayed in the vehicle.

60 Advertising

- (1) Proprietors may advertise their business on a Private Hire Vehicle subject to approval from the Licensing Authority. Approval should be sought in writing. Such adverts shall not contain the word "TAXI" or "FOR HIRE" or "CAB".
- (2) Where an operator wishes to display the same advertisement on more than one vehicle, then approval should be sought from the Licensing Authority.

61 Vehicle Identification

- (1) Private Hire Vehicles will be required to display a rear licence plate, door panel, and internal sign. The rear licence plate shall be displayed in accordance with **paragraph 64** of this policy, the door panel in accordance with **paragraph 65** and the internal signs in accordance with **paragraph 66**.

62 Closed Circuit Television (CCTV)

- (1) Private Hire Vehicles may be fitted with Closed Circuit Television (CCTV) systems. Where such a system is fitted, the vehicle must display a sign/signs ensuring passengers are aware that CCTV is installed and in use and the proprietor shall notify the council that CCTV is in operation.
- (2) The CCTV system shall be installed by a registered installer and shall be maintained to the manufacturer's standards.
- (3) Where CCTV is installed, there is an expectation that it will be in working order when passengers are being carried. Recordings from such a system must be encrypted and not accessible to the proprietor or driver.
- (4) The CCTV recordings must be available for inspection by a Police Officer or an Authorised Officer of the Council for a period of up to 28 days.
- (5) It is the proprietor's responsibility to ensure that images from the system are held in a secure manner.
- (6) Any misuse of CCTV or recorded images may result in immediate suspension and referral to the Licensing Committee for the appropriate action.
- (7) Recordings from such a system should be available for inspection by a Police Officer or an Authorised Officer of the Council for a period of up to 28 days.
- (8) It is the proprietor's responsibility to ensure that images from the system are held in a secure manner.

63 Disabled Access and Assistance Dogs

- (1) Where a vehicle is adapted to carry a passenger in a wheelchair or other disabled user, then the driver of the said vehicle should have appropriate training to ensure that the passengers are conveyed safely.
- (2) Assistance dogs shall be conveyed in the vehicle with the passenger in accordance with statutory requirements.

64 External Plates

- (1) The external licence plate shall be fixed securely to the vehicle on the off side rear bumper (driver's side) or adjacent to the vehicles registration plate. Plates shall be kept clean and legible at all times.

65 Door Panels

- (1) A door panel as stipulated by North Lincolnshire Council, shall be displayed on both the drivers and front passenger side doors. Such signs shall be secured directly onto the vehicle and shall not be mounted on magnets. No other signs may be displayed on the said doors other than the company name and telephone number. The telephone number shall be a land line number and not a mobile telephone number.
- (2) The company name must not use the wording "TAXI" or "FOR HIRE" on the side of the vehicle, even when it forms part of the company name.

66 Internal Plates

- (1) Internal plates shall be securely fixed in the front windscreen on the passenger side of the vehicle: just above the tax disc in saloon type vehicles, and on the partition for purpose built vehicles where a partition is fitted.

67 Exemption from Displaying Licensed Plate

- (1) A proprietor may apply for an exemption from displaying the private hire licence plate and door panels on the vehicle. Such an application shall be made in writing to the licensing authority.

68 Mobile Telephones

- (1) It is an offence to use a hand held mobile telephone whilst driving. Drivers wishing to take a call on their mobile phone shall ensure that they are parked safely and that the engine is switched off.

69 Smoking

- (1) It is an offence for the driver to smoke or to allow persons to smoke in a licensed Private Hire Vehicle irrespective of the vehicles use. Smoking is not permitted even if the doors or windows are open. Drivers wishing to smoke shall only do so away from the vehicle.

70 Licence Conditions

- (1) Conditions attached to Private Hire Vehicle licences will be reviewed every three years to ensure that they are reasonable and fit for

purpose. A copy of the conditions attached to a Private Hire Vehicle Licence is attached to this policy as **Appendix E**.

Private Hire Operators

71 Summary

- (1) Private Hire Operators are licensed in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any person who takes a booking for a Private Hire Vehicle must hold a licence.

72 Record Keeping

- (1) Operators shall keep records in accordance with the conditions attached to their licence. Such records should be available upon request from a Police Constable or Authorised Officer.

73 Parking of Vehicles

- (1) Operators shall ensure that vehicles that are booked through their office/radio circuit are parked in a legal manner and do not cause an obstruction to other road users.

74 Fit and Proper Person

- (1) Where an applicant applies for an Operators Licence but does not intend to hold a Hackney Carriage or Private Hire Vehicle Drivers Licence, then the said person will be required to obtain a basic CRB disclosure or police check.

75 Planning Consent

- (1) Operators shall ensure that they have the appropriate planning consent to operate their business.

76 Telephones

- (1) Operators should have a landline telephone on which bookings are taken.
- (2) It is an offence to use a mobile telephone whilst driving. Operators shall ensure that drivers wishing to take a call on their mobile phone are parked safely and that the vehicles engine is switched off.

77 Advertising

- (1) Where an operator wishes to display the same advertisement on more than one vehicle, then approval should be sought from the Licensing Authority.

78 None Statutory Public Register

- (2) The details of all private hire operators will be entered onto a public register. The information contained will include; the operators name; business name; business address; licence number; issue date; expiry date and status of the licence.

Enforcement

79 Summary

- (1) The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 contain a number of offences. Many of these offences relate to the protection of the public.
- (2) The Council's Licensing Officers will work closely with Humberside Police and the Council's Vehicle Maintenance Department in addressing such issues.
- (3) The Licensing Division will also look to work closely with other enforcement authorities when dealing with licensed and or unlicensed vehicles and drivers, especially concerning cross boundary related issues.
- (4) The Local Government (Miscellaneous Provisions) Act 1976 also gives the authority powers to serve notice on proprietors of Hackney Carriage and Private Hire Vehicles to produce their vehicle for inspection to ascertain its fitness. Where a vehicle is deemed unfit for its intended purpose the proprietor will be issued with a suspension notice in accordance with Section 68. If the vehicle is not brought up to a suitable standard within two months from the date of the notice, the licence will automatically be deemed to be revoked.
- (5) It is an offence to drive a licensed vehicle unless the driver is licensed to do so. Once a vehicle is licensed it remains so licensed until expiry, suspension or revocation of the licence.
- (6) An offence is also committed if there is a breach of the Byelaws or Conditions attached to a licence.
- (7) Such offences may result either in prosecution or the licence being reviewed by the Licensing (Miscellaneous) Sub-Committee, who may attach additional conditions to the licence.
- (8) The Council has adopted the Concordat relating to enforcement. In dealing with enforcement issues the Council will act in a fair consistent manner and will treat all cases and people with consideration and empathy.

80 Complaints

- (1) The Council will investigate all complaints. Complainants will be encouraged to raise the complaint with the licence holder or business concerned in the first instance. Failing this, the Council will arrange a meeting to try and resolve the issues of concern.

Appendix A

The attached table includes a list of useful contacts regarding licensing. The contacts are generally available during office hours, Monday to Thursday 08.30 a.m. to 17.00 p.m. and Friday 08.30 a.m. to 16.30 p.m.

Department/Contact	Name	Contact Details
Application Forms; Guidance; Operating Plans	Licensing Division	Licensing Division Church Square House PO Box 42 SCUNTHORPE North Lincolnshire DN15 6XQ Telephone: 01724 297745 e-mail: Licensing@northlincs.gov.uk
Licensing Division		Licensing@northlincs.gov.uk
Licensing Manager	(01724) 297607	
Taxi Licensing Officer	(01724) 297608	
Licensing Assistant	(01724) 297745	
Humberside Fire Brigade	(01724) 295915	
Humberside Police Licensing	(01724) 274255	
Scunthorpe Magistrates Court	(01724) 271100	



**GUIDANCE TO MEMBERS OF THE
LICENSING (MISCELLANEOUS) SUB-COMMITTEE
IN RESPECT OF PREVIOUS CONVICTIONS
RELATING TO**

**Applications for Hackney Carriage & Private Hire
Vehicle Drivers' Licences**

1.0 Introduction

- 1.1 This guidance is based on the Department of Transport Circular 2/92 and the Home Office Circular 13/92, taking into account the amendment to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 in March 2002 to include drivers of Hackney Carriages and Private Hire Vehicles and the Bishard Enquiry regarding the disclosure of non-conviction information on Criminal Record Disclosures.
- 1.2 The purpose of the guidance is to assist members and officers to determine the fitness of an applicant to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence in accordance with The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

2.0 Background

- 2.1 North Lincolnshire Council is a registered body with the Criminal Records Bureau.
- 2.2 It uses the Criminal Records Bureau (CRB) disclosure service to assess an individual's suitability to drive a Hackney Carriage / Private Hire Vehicle.
- 2.3 The main objective is to obtain information to assist in establishing whether a person is a 'fit and proper person' under the Local Government (Miscellaneous Provisions) Act 1976.
- 2.4 It also enables the local authority to attach any conditions to the granting of the licence, which it feels are necessary to protect members of the public.

3.0 Scope of Legislation

- 3.1 The Rehabilitation of Offenders Act was introduced in 1974 to help restore the reputation of persons who have been convicted of an offence but have since stayed on the right side of the law. In normal circumstances, if someone is sentenced to 30 months or less in prison, the conviction will become 'spent' after 10 years, beginning with the date of sentence, and would no longer need to be disclosed when applying for employment. However, applicants for certain occupations, including Hackney Carriage and Private Hire Drivers, will always be required to disclose all their previous convictions, regardless of whether or not they would normally be regarded as 'spent', and all relevant convictions can therefore be considered.
- 3.2 The Bichard Enquiry came following the Home Secretary's announcement that an independent inquiry would be held. This would consider the way in which the police handled intelligence and the vetting processes prior to Huntley being employed in a school.

- 3.3 Sir Michael Bichard, Rector of the London Institute and a former Permanent Secretary at the Department for Education and Employment, was appointed as Chairman of the inquiry.
- 3.4 Sir Michael Bichard looked into the events surrounding the Soham Murders of 2002 and in particular what was previously known about Huntley. The concern existed that professionals in Humberside were aware that Huntley had a history of sexual relationships with girls under the age of sixteen. However, this information did not appear to have been readily available and as a consequence when the school where Huntley was subsequently employed carried out its statutory checks on him nothing untoward came to light. Bichard made a number of recommendations, some of which affects the information, which is now disclosed on the Criminal Records Disclosure, that may not have appeared before.
- 3.5 On initial application for a licence, and upon application to renew a licence every 3 years, a request is made to the Criminal Records Bureau for a disclosure of any criminal record held in the name of the applicant prior to the grant of a licence
- 3.6 An Enhanced Disclosure is requested, which contains the same details as a Standard Disclosure but may also contain non-conviction information from local police records, which a chief police officer thinks may be relevant in connection with the matter in question.
- 3.7 It is also a requirement that the applicant must submit their DVLA driving licence for both new and renewal applications failure to do so will result in the application being incomplete.
- 3.8 A further Criminal Records Bureau check can be requested by the Licensing Division at any time during a licence where there is reason to believe that the licence holder has been convicted of a further offence. Information may be received from many different sources such as, the public, trade, police or even in the local press regarding current Hackney Carriage/Private Hire Vehicle Driver's who have been convicted of an offence.
- 4.0 Determination of Relevant Information / Convictions, by Board of Officers**
- 4.1 As previously stated, applicants for Hackney Carriage & Private Hire Vehicle Drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974, and therefore all relevant convictions can be considered.
- 4.2 The legislation also allows the Licensing Authority to consider comments received by the police relating to Hackney Carriage/Private Hire Vehicle Drivers, in situations where a conviction may or may not have been obtained. As all applicants or licensed Hackney Carriage/Private Hire Vehicle Driver's have the right to a fair and proper hearing, the members, in these circumstances, will have the opportunity to put questions to the applicant and

the police and clarify any issues raised in the Criminal Records Bureau disclosure made by the police, at the Sub-Committee.

4.3 Where a Criminal Records Bureau Disclosure, for the application or review of a driver's licence shows a Trace or is accompanied by any relevant police comments, an Assessment Board of Officers of the Licensing Division considers the nature of any offences or information provided by the Chief Police Officer. The date of the event, the age of the applicant and any other relevant factors will be considered to determine if it is relevant. In the event that the Assessment Board is not satisfied that the applicant is a "fit and proper" person, a recommendation is made to this Sub-Committee to determine the application.

4.4 On receipt of the application, disclosure and DVLA driving licence, the Licensing officer will check the details. If convictions are disclosed and/or offences displayed on the driving licence, an Assessment Board, comprising a further three licensing officers, will be convened.

4.5 **The Assessment Board will consider: -**

- Whether the conviction or other matters revealed are relevant to the application in question,
- The seriousness of any offence or other matter revealed,
- The length of time since the offence or other matter occurred,
- Whether the disclosure reveals a pattern of behaviour,
- Whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters, and
- The circumstances surrounding the offence and the explanation(s) offered by the applicant.

5.0 Determination of Application where Convictions/Endorsements are disclosed

5.1 If the matters revealed are deemed relevant, the Assessment Board will refer the matter to the Licensing (Miscellaneous) Sub Committee for determination. Certain types of offences will always be referred.

5.2 The following examples afford a general guide on the action to be taken where convictions are admitted.

a) Minor traffic offences

Convictions for minor traffic offences, for example, obstruction, waiting in a restricted street or speeding, should not prevent a person from proceeding with an application.

If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence, members should ask to the reason why the points have accrued, and note whether there is a pattern, for example of excessive speed.

b) Major traffic offences

An isolated conviction for reckless driving or driving without due care and attention etc, should normally merit a warning as to future driving and advice on the standard expected of Hackney Carriage and Private Hire Vehicle Drivers. Clarification should be sought as to the reason for the conviction and circumstances at the time of the offence should be taken into account.

More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from convictions has elapsed.

c) Drunkenness

1. With motor vehicle. A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour.

More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the applicant is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

2. Not in motor vehicle. 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 (see (1) above). In some cases, a warning may be sufficient.

d) Drugs

An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

e) Indecency/Sexual Offences

As Hackney Carriage and Private Hire Vehicle Drivers often carry unaccompanied passengers, applicants with convictions for a sexual offence, indecent exposure, indecent assault, or importuning, should

be refused until they can show a substantial period free of such offences.

If more than one conviction of this kind or under circumstances where a serious crime of indecency or of a sexual nature has been committed, or where the applicant is on the Sex Offenders Register, the Sub-Committee should give serious consideration as to whether or not a licence should be granted.

f) *Violence*

As Hackney Carriage and Private Hire Vehicle Drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

If someone has re-offended or has committed a serious offence of violence consideration should be given as to whether or not a licence should be granted.

g) *Dishonesty*

Hackney Carriage and Private Hire Vehicle Drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty and note whether there is a pattern. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

6.0 **Determination of an Application where Non-Conviction Information has been disclosed by the Police**

6.1 There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have developed. These tend to be based on a test similar to the following:

'Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person from whom you care, to get into a vehicle with this person alone?'

6.2 If the answer to this question (or a similar test) is an unqualified 'Yes', then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a hackney carriage/private hire driver's licence.

6.3 Mr Justice Silber made an obiter observation in the case of *Leeds City Council v Hussain*. In the context of suspension of a drivers licence "for any other reasonable cause" he said:

'...the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose, therefore, is to prevent licenses being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.'

6.4 This test would support the test for fitness and propriety.

7.0 General

7.1 It is important to stress that the above examples constitute guidance only and that each case must be decided on its own merits.

7.2 A person with a relevant conviction for serious crime need not be permanently barred from obtaining a licence but, generally speaking, the applicant will be expected to remain free of conviction for a period of 3 to 5 years, depending on the type of offence and the circumstances, before a licence is determined. Consideration should be given as to whether or not the offence is isolated and whether there are mitigating circumstances.

7.3 The overriding consideration should be the protection of the public.

8.0 Action available to the Sub-Committee

8. The options available to the Licensing (Miscellaneous) Sub-Committee are as follows:

- a) Take No Action
- b) Issue the Driver/Proprietor with a warning
- c) Require a medical or CRB check at shorter intervals than specified in the Hackney Carriage and Private Hire Licensing Policy
- d) Suspend the licence
- e) Suspend the licence subject to meeting a set criteria, e.g. passing a DSA test or knowledge test
- f) Add additional conditions to the licence
- g) Revoke the licence
- h) Take other action as deemed appropriate



**PRIVATE HIRE VEHICLE DRIVERS LICENCE
CONDITIONS**

Conditions attached to

Licence No:

Expiry Date:

1.0 LICENCE CONDITIONS

- 1.1 Any requirement of legislation, which affect the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.
- 1.2 Wherever there appears in the Licence Conditions a summary of any statutory provision you are advised that such summary is not exhaustive.

2.0 CONDUCT OF DRIVER

The driver shall:

- 2.1 Ensure that any private hire vehicle to be driven by him/her is in a roadworthy condition and thoroughly cleansed before the commencement of his/her journey;
- 2.2 The driver shall ensure before commencing any journey that the vehicle is appropriately licensed, plated and insured as a private hire vehicle;
- 2.3 Afford all reasonable assistance with passenger's luggage;
- 2.4 At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner; and
- 2.5 The driver must notify the proprietor of the vehicle, of any defects or damage however minor at the end of their shift.

3.0 PASSENGERS

The driver shall not:

- 3.1 Convey or permit to be conveyed in a private hire vehicle a greater number of persons than prescribed in the licence for the vehicle;
- 3.2 Allow there to be conveyed in the front of a private hire vehicle any child below the age of twelve years, unless with suitable restraint;
- 3.3 Allow passengers to be conveyed within the vehicle without suitable restraint.
- 3.4 All drivers should comply with the laws and regulations relating to child restraints and booster seats (for further information visit www.thinkroadsafety.gov.uk)

- 3.5 Allow wheelchair passengers to be conveyed without appropriate restraints, and drivers must be adequately trained to secure such passengers.
- 3.6 Without the consent of the hirer of a vehicle, permit to be conveyed any other person in that vehicle.

4.0 LOST PROPERTY

- 4.1 The driver shall immediately after the termination of any hiring of a private hire vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
- 4.2 If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, he shall take it as soon as possible and in any event, within 24 hours if not sooner claimed by or on behalf of its owner, to his/her operating centre or police station and inform the North Lincolnshire Council Licensing Division of such action.

5.0 ANIMALS

- 5.1 The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself/herself or the proprietor or operator of the vehicle.
- 5.2 Any animal belonging to or in the custody of any passengers, which at the driver's discretion may be conveyed in a private hire vehicle, shall only be conveyed in the rear of the vehicle.
- 5.3 A driver of a licensed Private Hire Vehicle, which has been hired:
 - (a) by or for a disabled person with their guide, hearing or prescribed assistance dog; or
 - (b) by a person who wishes such a disabled person to accompany him in the vehiclewill have a duty to :
 - (a) carry the disabled passenger's dog and allow it to remain with the passenger; and
 - (b) not make any additional charge for doing so.
- 5.4 An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the Disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with a physical impairment, and which at the time that its owner hires a taxi is

wearing a yellow jacket inscribed with the name of one of those charities.

5.5 The driver shall only be exempt from this condition on medical grounds and the driver has obtained an exemption notice from North Lincolnshire Council. The notice of exemption shall be exhibited by either;

(a) laying it in a prominent position on the dashboard facing upwards, or

(b) affixing it to the windscreen of the vehicle, facing outwards.

6.0 PROMPT ATTENDANCE

6.1 The driver of a private hire vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

7.0 DEPOSIT OF LICENCE

7.1 If the driver is permitted or employed to drive a private hire vehicle by an operator he shall, before commencing to drive that vehicle, deposit his/her private hire driver's licence with that operator for retention by him/her until such time as the driver ceases to be permitted or employed to drive for that operator where it should then be returned.

8.0 TAXIMETER

8.1 If a private hire vehicle is fitted with a taximeter then the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

8.2 Private hire vehicles fitted with a taximeter may not operate unless the meter is in working condition and has been checked by an authorised Officer of the Council.

9.0 FARE TO BE DEMANDED

9.1 The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed to the hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

10.0 CHANGE OF ADDRESS/TELEPHONE NUMBER

10.1 The driver shall notify the Council in writing of any change of his/her address and /or telephone number within 7 days of such change.

11.0 CONVICTIONS / OFFENCES

11.1 The driver shall, immediately, disclose to the Council in writing, details of any conviction imposed on him/her during the period of the licence, motoring or criminal. (Includes any fixed penalties and cautions, endorsable or not)

12.0 DRIVERS BADGES

12.1 The Driver's badge must be worn on the driver's person in a position where it may be seen at all times. The driver shall, upon the expiry (without immediate renewal), revocation or suspension of this licence, forthwith return to the Council the Driver's badge issued to him/her by the Council. The badge remains the property of the Council at all times.

13.0 ILLNESS OR INJURY

13.1 The driver shall notify the Council in writing, as soon as possible and in any event within 21 days of any illness or injury affecting his/her fitness to drive in any way, unless the said period of illness is for a period of less than 21 days and the driver does not intend to drive during this period.

14.0 GENERAL LICENCE CONDITIONS

14.1 If you are aggrieved by any of the conditions attached to the licence you may appeal to a Magistrates Court within 21 days of the service of the licence and attached conditions on you. (See Section 52 and 77 of the 1976 Act and Section 300 of the Public Health Act 1936).

14.2 All drivers shall operate strictly within the terms of any licence issued under the incorporating terms and conditions of The Local Government (Miscellaneous Provisions) Act 1976.



HACKNEY CARRIAGE VEHICLE LICENCE
CONDITIONS

Licence No:

Expiry Date:

1.0 LICENCE CONDITIONS

- 1.1 Any requirement of legislation which affects the operations being carried out under the terms of this licence shall be regarded as if it was a condition of this licence.
- 1.2 Wherever a summary of any statutory provision appears in these licence conditions you are advised that such summary is not exhaustive.
- 1.3 In these conditions, references to “the Council” means North Lincolnshire Council.

2.0 MAINTENANCE OF VEHICLE AND SAFETY EQUIPMENT

- 2.1 The proprietor of the vehicle shall:
 - 2.1.1 Provide sufficient means by which any person in the vehicle may communicate with the driver;
 - 2.1.2 Cause the vehicle to be kept watertight;
 - 2.1.3 Provide adequate windows and the means of opening and closing them;
 - 2.1.4 Cause the seats to be properly cushioned, covered and in good repair;
 - 2.1.5 Cause the floor in a carpeted vehicle to be provided with a proper carpet and correctly fitted rubber or carpet mats all in good condition, so not to cause a trip hazard in accordance with 2.2 below;
 - 2.1.6 Cause the fittings and furniture generally to be kept in a clean condition and well maintained;
 - 2.1.7 Provide a fire extinguisher which meets the requirements laid down in the Hackney Carriage Byelaws and European Standard EN3, being either a 0.9kg dry powder or up to a 1kg powder with gauge or a 1lt AFFF with gauge, in accordance with the requirements of 2.3 below;
 - 2.1.8 Ensure that the vehicle, its fittings and equipment are maintained in an efficient, safe, tidy and clean condition at all times when it is in use or available for hire and that all relevant statutory requirements (including those contained in the Motor Vehicles (Construction and use) Regulations) are fully complied with; and
 - 2.1.9 Ensure that no material alterations or changes are made to the specification, design, condition or appearance of the vehicle whilst the licence is in force without the prior approval of the Council.
- 2.2 Not more than one carpet or rubber mat shall be fitted per foot well. The floor in a minibus style vehicle should be in good condition, clean and free from holes (except for wheelchair fixtures).

- 2.3 Vehicles authorised to carry more than 4 passengers may carry up to a 2kg powder or a 2ltr AFFF with gauge, as per guidance from the Humberside Fire and Rescue Service. The fire extinguisher shall either be secured to the vehicle or located within the vehicle glove compartment or boot with a label affixed to the outside of the glove compartment/ boot indicating that the fire extinguisher is contained within. The fire extinguisher shall be clearly marked with the plate number of the vehicle by an authorised officer of the Council.
- 2.4 All vehicles must be fitted with rear seat belts.
- 2.5 Radio scanners must not be carried or used in a Hackney Carriage by any person.
- 2.6 The vehicle shall be fitted with a standard roof sign bearing either the word "TAXI", "CAB", "FOR HIRE" or the name and/or landline telephone number of the business concerned when within the area of North Lincolnshire.

3.0 IDENTIFICATION PLATE

- 3.1 The external identification plate issued by the Council shall be securely fixed to the rear of the vehicle to the satisfaction of the Council (the licence plate shall not be tied to the rear of the vehicle). The plate shall be permanently fixed to the external offside rear lower part of the vehicle in such a position as to be clearly visible from the rear of the vehicle, or adjacent to the vehicle's rear registration plate, where a bracket behind the registration number plate is used.
- 3.2 The external identification plate shall be maintained in a clean condition and shall not be wilfully or negligently concealed from public view.
- 3.3 The external and internal identification plates are the property of the Council and must be returned to the Council Offices on expiry of the licence, or if the vehicle is sold out of the trade, or for any other reason that prevents the vehicle from being used as a Hackney Carriage.
- 3.4 If the external identification plate is STOLEN or LOST the fact must be reported to the Humberside Police and the Licensing Division of North Lincolnshire Council as soon as the loss is discovered or shortly thereafter.
- 3.5 If either the internal identification plate is STOLEN or LOST the fact must be reported to the Licensing Division of North Lincolnshire Council as soon as the loss is discovered or shortly thereafter.

4.0 VEHICLE / WHEELCHAIR ACCESS

- 4.1 The Hackney Carriage shall be a saloon, hatchback or estate car. London type cabs or people carrier type vehicles (i.e. those vehicles which are capable of carrying more than 4 passengers) shall be fitted and adapted to enable passengers in wheelchairs to travel inside the vehicle. All vehicles shall be of a suitable type and design for use as a Hackney Carriage and shall at all times be maintained in a safe, clean and comfortable condition.
- 4.2 The vehicle shall have an engine capacity of not less than 1250cc, and a minimum passenger seating capacity of four seats but not more than eight seats. The minimum width of the rear seat must not be less than 122cm (48 inches).
- 4.3 No Hackney Carriage licensed by the Council shall be left unattended on any public road, street or at any place of public resort or entertainment.
- 4.4 Wheelchair anchorage and restraints must be approved, adapted for various sized wheelchairs and have separate restraints (seat belts) for the passenger and must be securely stowed away when not in use.
- 4.5 No part of the webbing/straps should be frayed.
- 4.6 Ramp(s) for the loading/unloading of a wheelchair and occupant must be available at all times. The ramp must be capable of being stowed safely when not in use and must not obstruct exiting the vehicle.
- 4.7 The passenger windows on the vehicle shall allow at least 70% light through.
- 4.8 Any equipment, must be stowed away in a safe and secure position, unless it is being used during the journey.
- 4.9 All lifts and strapping are required to have the manufacturers guidance available.

5.0 INTERIOR PLATE AND TARIFFS

- 5.1 The proprietor and driver of any Hackney Carriage Vehicle shall display or cause to be displayed within the vehicle any internal plate and Tariff of Fares provided and issued by the Council in such a position that it is visible at all times to persons conveyed therein.
- 5.2 A copy of the Council byelaws relating to Hackney Carriages shall be carried on the vehicle and be made available for inspection by any passenger or authorised officer of the Council.

6.0 SIGNS AND NOTICES, ETC.

- 6.1 No sign, notice, advertisement, plate, mark, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from any Hackney Carriage licensed by the Council except as may be required by any law or provision of these conditions or as otherwise authorised by the Council.
- 6.2 Condition 6.1 shall not prevent the display of the trading name of the operator, together with his/her landline telephone number, on the front side doors of the vehicle if it is a saloon, hatchback, estate car or London type cab, or any approved advertising. If the vehicle is a people carrier, mini-bus or other non-saloon type vehicle, the name and telephone number may be displayed on the rear doors, bonnet and the front side doors of the vehicle.
- 6.3 The proprietor shall affix the door signs as supplied by the council on the front doors of the vehicle. Such signs shall be securely fixed directly to the vehicle so as not to be easily removed from the vehicle.
- 6.4 The proprietor shall affix and maintain in a conspicuous position in the vehicle any sign or notice relating to Hackney Carriages which the Council may in its discretion require from time to time.
- 6.5 The following signs and/or membership badges may be displayed in or from any Hackney Carriage licensed by North Lincolnshire Council:
- 6.5.1 Any badge or sign which indicates membership of any motoring or vehicle rescue organisation
 - 6.5.2 No smoking signs
 - 6.5.3 Signs which indicate the location of the Fire Extinguisher
 - 6.5.4 A sign notifying the use of CCTV where it is in operation.
 - 6.5.5 A "GB" sign displayed on the rear near side of the vehicle.

7.0 CHANGE OF ADDRESS

- 7.1 The proprietor of any Hackney Carriage licensed by the Council shall notify the Council in writing of any change of his/her address and/or telephone number during the period of the licence. The notice of change of address or telephone number should be within 7 days of such change.

8.0 CONVICTIONS

- 8.1 The proprietor (or Director of a company, or a Partner) of any Hackney Carriage licensed by the Council shall immediately disclose to the Council, in writing, details of any conviction imposed on him or her during the period of the licence.

9.0 TAXIMETER

- 9.1 Any Hackney Carriage being licensed as such for the first time must be fitted with a taximeter approved by the Public Carriage Office or complying with the EEC directive 77/95/EEC in that they bear the EEC patent approval sign or the EEC partial initial verification mark And shall be calendar controlled so as to be tamper proof.
- 9.2 The taximeter must not be operated unless it is in working condition and has been checked by an authorised Officer of the Council.

10.0 MECHANICAL FITNESS

- 10.1 Prior to issue of a licence all vehicles must be mechanically inspected at the Council's appointed garage to the required Testing Standard. (A copy of the Testing Standards are attached at Appendix D1). The vehicle shall be submitted for inspection and test on initial application for a vehicle licence and presented annually for renewal of that licence thereafter whilst the vehicle is being operated as a Hackney Carriage.
- 10.2 If a vehicle is less than 5 years old on the date of testing, a licence shall be granted for no more than one year.
- 10.3 In the case of any vehicle more than 5 years old, the licence will be granted for a period of not more than 6 months. If a vehicle is more than 8 years old, the licence will be granted for a period of not more than 4 months.

11.0 VEHICLE APPEARANCE

- 11.1 In addition to a mechanical inspection, all vehicles must meet the standard laid down in the Testing Standards for appearance, comfort and cleanliness.
- 11.2 The boot must be kept clear for the carrying of passengers' luggage with certain exceptions (spare wheel and jack).
- 11.3 The external and internal glazing to the front driver, passenger windows and windscreen shall not hinder or restrict vision through the glazing in any way. The windscreen must allow at least 75% visibility and the remainder of the glazing must allow at least 70% visibility.

12.0 VEHICLE DAMAGE

- 12.1 Any vehicle involved in an accident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein, must be presented for inspection to the appointed officer of the Council. An accident report form must be submitted as soon as possible after such accident, and in

any case within 72 hours. The vehicle may not continue to operate without the prior approval of the Council's appointed officer.

13.0 STOWAGE OF LUGGAGE

- 13.1 Luggage must be stowed safely and in such a manner so that it cannot move around inside the vehicle. Gangways must not be blocked or in any way impede an emergency evacuation of the vehicle.

14.0 GENERAL LICENCE CONDITIONS

- 14.1 An authorised officer of the Council or any Police officer shall have power at all reasonable times to inspect and test any Hackney Carriage licensed by the Council for the purpose of ascertaining its fitness. A vehicle licence may be suspended if the officer is not satisfied with the fitness of the licensed vehicle.
- 14.2 The driver of a licensed Hackney Carriage shall stop the vehicle at the request of a Police officer, whether or not passengers are being carried. The driver shall then permit the Police officer or authorised officer of the Council to check the vehicle to ensure that all the requirements of the Council and relevant legislation have been complied with. The driver shall not proceed until the authorised officer or police officer has given his approval.
- 14.3 Any person aggrieved by a decision made during the inspection made by the Licensing Officer may appeal in writing to the Licensing Manager or Principal Licensing Officer. This does not affect the statutory rights regarding appeals.
- 14.4 Any person aggrieved by any of the conditions attached to this licence may appeal to a Magistrates Court within 21 days of receipt of the licence and attached conditions (see Section 77 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 300 of the Public Health Act 1936).

**HACKNEY CARRIAGES
TESTING STANDARD – APPEARANCE/SAFETY/COMFORT/
COMPLIANCE WITH LICENCE CONDITIONS**

Items considered in test:-

1.0 External Bodywork

The body work shall have no damage which materially affects the safety or appearance of the vehicle, shall not have signs of corrosion or have any sharp edges which may cause injury to passengers. The paintwork shall be clean, consistent and uniform over the whole vehicle. The paintwork shall be of a professional standard. All fitments shall be intact and free from any damage, stains or corrosion of any kind.

2.0 Seats and Upholstery

All seats, upholstery, trim and carpets must be clean and free from stains, holes, tears and damage of any form. There must be no sharp edges, which would be likely to cause injury or damage. Seat coverings must be sound, intact, fitted snugly to seats and be clean. The interior seat springs shall be sound and not penetrating the fabric of the seat. There shall be no loose rugs, blankets, cushions or other articles on the passenger seats.

3.0 Floor

The floor must be sound and covered by fitted vehicle carpets or other suitable covering. If furnished with rubber mats they must be in a clean and undamaged condition. Carpet off cuts are not acceptable as mats in the vehicle. Only one mat per seat is acceptable. The floor coverings must not be so worn as to cause danger to passengers. The floor in a minibus style vehicle, should be in good condition, clean and free from holes except for wheelchair fixtures.

4.0 Doors

All fittings shall be secure, undamaged and capable of being operated at all times by the passenger. The door linings shall be intact, clean and free from holes, tears, stains or any other damage.

5.0 Head Lining

The head lining shall be intact, clean and free from holes, tears, stains or any other damage.

6.0 Boot

The boot shall be kept clean and free of any stains, spills etc. Matting if fitted must be in one piece and be capable of being cleaned. The boot must be kept clear for the use of passengers luggage apart from the spare wheel and jack (and excepting specialised fitments for first aid or other equipment etc). This does not exclude the housing of LPG conversions.

7.0 Fire Extinguishers

A fire extinguisher (of the specified type) must be located in a labelled glove compartment or in the boot if not secured. The fire extinguisher must be so secured and unobstructed that it will not create any danger or hazard for the driver or passengers. The extinguisher shall be clearly marked with the number of the licence when granted, in a manner by Officers of the Licensing Division.

8.0 Taximeter

The taximeter shall be checked and tested to ensure that the current tariffs set by North Lincolnshire Council are not exceeded. The taximeter will be sealed by the Inspecting Officer.

9.0 Fare Card

The fare card must be clearly displayed in such a position as to be easily seen by passengers.

10.0 Internal Plate Sticker

The internal plate sticker shall be displayed in such a position as to be easily seen by passengers, outside the vehicle and inside the vehicle, above the tax disc so that it is just outside the swept area of the windscreen.

11.0 Exterior Plate

The external identification plate issued by the Council shall be securely fixed to the satisfaction of the Council. Externally on the offside rear lower outside of the vehicle in such a position as to be clearly visible from the rear of the vehicle, or, centrally on the rear of the vehicle, where a bracket behind the registration number plate is used.

12.0 Top Light

The top light must be capable of being illuminated. The light must be securely mounted and installed so as not to cause any danger or hazard to the driver, passengers, the public or other road users. Ensuring cables do not cause harm/obstruction to passengers.

13.0 Where in the opinion of the Inspecting Officer the vehicle fails to reach the standard required by the Council for the issue of a hackney carriage licence,

the applicant(s) or nominee will be informed of the defects or grounds on which the vehicle has failed to reach that standard. The applicant(s) or nominee will then be given the choice of: -

- (a) Removing the vehicle from the test garage for the defects to be rectified and returning the vehicle within 7 days and/or under 200 miles (where the vehicle is normally kept within 10 miles of the testing station), or within 7 days and/or 300 miles (where the vehicle is normally kept more than 10 miles from the testing station). The applicant or nominee shall also pay the appropriate re-test fee if required at the time of test.
- (b) If the vehicle is not returned for re-test within 7 days and under the permitted mileage, the applicant or his/her nominee shall inform the Licensing Division of the reasons why and any proposed further actions to be taken in respect of the vehicle. Re-tests after 7 days and over the permitted mileage, may incur full application fee.

14.0 Wheelchair Accessibility

The Proprietor will be required to demonstrate how to use the ramps and restraints for the wheelchair passengers and how to store away safely and securely when not in use. No part of the webbing/straps should be frayed, if so this will result in an inspection failure.

Ramp(s) for the loading/unloading of a wheelchair and occupant must be available at all times.

All lifts and strapping are required to have their manufacturers guidance available at time of test.

Please Note:- This list is not exhaustive and additional items may be included as deemed appropriate by Officers of the Licensing Division, subject to appropriate consultation.

APPENDIX D2

NORTH LINCOLNSHIRE COUNCIL

HACKNEY CARRIAGE TESTING ARRANGEMENTS

- 1 All vehicles, no matter what their age, must pass the Council's test covering mechanics, safety and passenger comfort before a licence can be issued.

Annual tests are only to be booked through the Licensing Division on 01724 297592 or 297608.

- 2 Under no circumstances may the proprietor of a vehicle make any arrangement for a vehicle to be tested direct with the garage, unless for a re-test. All appointments, other than re-tests, must be made through the Council's Licensing Division.

Re-tests are to be booked directly with Vehicle Maintenance, Cottage Beck Road, Scunthorpe on 01724 297867.

- 3 Hackney Carriage tests should not be equated with the Department of Transport MOT vehicle test. MOT certificates will not be issued as the result of a Hackney Carriage Test. Should an MOT certificate be required at any time, independent arrangements must be made by the applicant or his/her nominee with any approved garage. MOT certificates will not be accepted as proof that a Hackney Carriage Vehicle is suitable for that purpose.

- 4 The applicant or his/her nominee will attend the test garage at the time and date stated with the vehicle which shall be as follows:

➤ In a thoroughly CLEAN condition inside and out.

➤ In the case of first applications:

- **If fitted with an operational Taximeter it shall be correctly calibrated at or below the tariff set by North Lincolnshire Council**

- **Fitted with a fire extinguisher (of the specified type), securely fixed not to cause danger to the driver or passengers, or located within the glove compartment or boot.**

➤ In the case of licence RENEWALS:

- If fitted with an operational Taximeter it shall be correctly calibrated at or below the tariff set by North Lincolnshire Council.

- Fitted with a fire extinguisher (of the specified type), securely fixed within easy reach of the driver or located within the glove compartment.
 - Fitted with the Council's identification plate in the designated place.
 - The Council's fare card displayed in the passenger compartments.
 - Displaying any advertising or signs as permitted by the conditions attached to Hackney Carriage Licences.
- 5 Top lights must be operational and securely fixed to the roof of the vehicle. The light must conform to Section 64 of the Transport Act 1980.
- 6 In the case of taximeter, tests will be carried out on a public road over a measured mile. The taximeter test will normally be conducted by the Inspecting Officer whilst the vehicle is undergoing a road test being conducted by the mechanical tester. At the discretion of Licensing Division Officers only, a taximeter test may be conducted by an Officer of the Licensing Division whilst the vehicle is being driven by the proprietor or nominee.
- 7 Where the applicant is unable for any reasons to attend the test at the date and time arranged, at least 48 hours notice (excluding weekends and public holidays) must be given to the Licensing Division, whereupon a new appointment can be arranged without incurring further costs.
- 8 Failure to give the required notice of the intention not to attend for a test, or failure to attend at the time, date and location arranged, will result in a cancellation charge being made.
- 9 Where in the opinion of the Inspecting Officer the vehicle fails to reach the standard required by the Council for the issue of a licence, the applicant or nominee will be informed of the defects or grounds upon which the vehicle has failed to reach that standard. The applicants or nominee will then be given the choice of:-
- ◆ Removing the vehicle from the test garage for the defects to be rectified and returned for retest within 7 days and/or 200 miles (where the vehicle is normally kept within 10 miles of the testing station), or within 7 days and/or 300 miles (where the vehicle is normally kept more than 10 miles from the testing station). The applicant or nominee shall also pay any appropriate re-test fee if required.
 - ◆ If the vehicle is not returned for re-test within 7 days and/or 200 miles (where the vehicle is normally kept within 10 miles of the testing station), or within 7 days and/or 300 miles (where the vehicle is normally kept more than 10 miles from the testing station) of the initial test the applicant or his/her nominee shall inform the Licensing Unit of the reasons why and any proposed further actions to be taken in respect of the vehicle. Re-tests after 7 days may incur full application fees.

10 MOT TEST CERTIFICATE EXEMPTION

The Council is in possession of a Certificate of Exemption issued by the Secretary of State for Transport in respect of the annual testing of vehicles under the Motor Vehicles (Tests) Regulations 1972.

- 11 The Mechanical items to be tested in respect of Hackney Carriage Vehicles, include those items required for an MOT. Additional items are set out in the attached Appendix D (the list is not exhaustive and additional items may be included as deemed necessary by Officers of the Licensing Division). Please note that MOT and additional items will be stringently tested to the highest standard.

NORTH LINCOLNSHIRE COUNCIL

HACKNEY CARRIAGE VEHICLE
TESTING STANDARD
MECHANICAL AND STRUCTURAL

Items for test in addition to MOT test.

The item numbers refer to the item codes on the test sheet.

29	Spare Wheel and Tyre	Correct size for vehicle and conforms to legal requirements. Space Savers are permitted providing that they are not fitted when the vehicle is used for hire and reward.
33	Wiring	Ensure that correct load fuses are being used. Ensure that visible wiring is not so corroded or chafed that in the opinion of the tester a short circuit is likely to occur. That all junctions and installations are electrically sound. (Applies to none manufactures fittings)
34	Battery	Ensure that the battery mounting are not so corroded that the battery may break loose. Ensure that the battery is anchored securely. Ensure that the casing of the battery is sound and is not likely to allow acid to escape.
35	Starter Motor	Ensure starter motor is mounted securely.
36	Engine Mountings	Mountings must be secure and not so corroded that they may be likely to fail.
37	Oil Leaks	Oil leaks must not create any type of hazard for the vehicle, pedestrians or other road users.
39	Drive Shaft	All universal joints must be serviceable and mountings secure. There must not be any undue 'play'.
40	Gearbox	Mountings must be secure and not so corroded as to be likely to fail. Gear selection must not be noisy.
41	Rear Axle	No oil leaks.
43	Clutch Operation	Must operate satisfactorily and not 'judder', 'grab' or 'slip' outside normal limits.
44	Clutch Linkage	No signs of undue wear and are not likely to fail.
45	Clutch Hydraulics	System if fitted must not be leaking or the pipes and fittings so corroded that they may fail.
46	Fuel System	Inspected for security, corrosion and leaks.
50	Windscreen	Screen must be clear and there are no scratches, damage or obstructions which will impede the view of the driver.
51	Windows	All windows must be clear of any obstructions or damage which will in any way impede the view of the driver. No curtains must be placed over the windows

		and any blinds if installed must not be of a type which will restrict all round vision. All windows must be capable of being operated in a satisfactory manner. All windows must be fitted with glass which complies with the British Standard.
54	Vehicle Structure	The structure must be in a sound condition with no signs of excessive corrosion or damage.
55	Speedometer	The speedometer shall work in a normal manner and shall be correctly illuminated.
56	Odometer	The odometer shall work in a normal manner.
57	Mirrors	All mirrors must be securely mounted and not cracked, broken or corroded so as to distort any view to the rear. Where a mirror is intended to be adjustable it must be capable of being adjusted.
5859	Doors / Handles / Locks	All doors, including boots, must open and close easily from both inside and outside. Any door locking mechanism shall be easily operated by passengers. All doors and boots shall be secure when shut. All lock fittings shall be secure and complete. Grab handles where fitted must be secure and fit for the purpose.
60	Fascia / Interior Lights	All interior and passenger lights where fitted shall be secure and operate. All switches and fittings shall be secure and operate correctly. There shall be no exposed wires or large holes in the fascia.
61	Bumper	Front and rear bumpers must be fitted and securely mounted. They must not be so badly damaged or corroded as to make them unfit for their purpose.
62	Road Test	The vehicle must be capable of manoeuvring safely and 'handles' correctly without any undue drift or pull etc.
63	Registration Plates	Checked for condition, correct location and that they conform to legal requirements.



PRIVATE HIRE VEHICLE LICENCE CONDITIONS

Conditions attached to

Licence number:

Expiry date:

1.0 LICENCE CONDITIONS

- 1.1 Any requirement of legislation which affects the operations being carried out under the terms of this licence shall be regarded as if it was a condition of this licence.
- 1.2 Whenever a summary of a statutory provision appears in these licence conditions you are advised that such summary is not exhaustive.
- 1.3 In these conditions, references to “the Council” means North Lincolnshire Council

2.0 MAINTENANCE OF VEHICLE AND SAFETY EQUIPMENT

- 2.1 The proprietor of the vehicle shall:
 - 2.1.1 Provide sufficient means by which any person in the vehicle may communicate with the driver;
 - 2.1.2 Provide adequate windows and the means of opening and closing them;
 - 2.1.3 Cause the roof or covering to be kept watertight;
 - 2.1.4 Cause the seats to be properly cushioned and covered;
 - 2.1.5 Cause the floor to be provided with a proper carpet and the correct size rubber mats;
 - 2.1.6 Cause the fittings and furniture generally to be kept in a clean condition and well maintained;
 - 2.1.7 Provide a fire extinguisher which meets the requirements of the new European Standard EN3, being a minimum of 0.9 /1kg powder with gauge or a 0.9 / 1lt AFFF with gauge, in accordance with the requirements of paragraph 2.2;
 - 2.1.8 Ensure that the vehicle, its fittings and equipment are maintained in an efficient, safe, tidy and clean condition at all times when the vehicle is in use or available for hire and that all relevant statutory requirements (including those contained in the Motor Vehicle (Construction and Use) Regulations) are fully complied with;
 - 2.1.9 Ensure that no material alterations or changes are made to the specification, design, condition or appearance of the vehicle whilst the licence is in force without the prior approval of the Council; and
- 2.2 The fire extinguisher shall either be secured to the vehicle or located within the vehicle glove compartment or boot with a label affixed to the outside of the glove compartment/boot indicating that the fire

extinguisher is contained within. The fire extinguisher shall be clearly marked with the plate number of the vehicle by an authorised officer of the Council.

- 2.3 All vehicles with rear seat anchorage points must be fitted with rear seat belts.
- 2.4 Radio scanners must not be carried or used in a Private Hire Vehicle by any person.
- 2.5 The proprietor of the vehicle shall produce, the Vehicle Registration Document, Private Hire Vehicle Licence and Vehicle Exemption Certificate when required to do so by the Police, an authorised officer of the Council or any other person authorised to demand such documents.

3.0 IDENTIFICATION PLATE

- 3.1 The external identification plate issued by the Council shall be securely fixed to the vehicle to the satisfaction of the Council (the licence plate shall not be tied to the rear of the vehicle). The plate shall be fixed to the external offside rear lower part of the vehicle in such a position as to be clearly visible from the rear of the vehicle, or, adjacent to the vehicle's rear registration plate where a bracket behind the registration number plate is used.
- 3.2 The external identification plate shall be maintained in a clean condition and shall not be wilfully or negligently concealed from public view.
- 3.3 The external and internal identification plates are the property of the Council and must be returned to the Council on expiry of the licence, or if the vehicle is sold out of the trade, or for any other reason that prevents the vehicle from being used as a private hire vehicle.
- 3.4 If the external and or the internal identification plate is STOLEN or LOST the fact must be reported to the Humberside Police and the Council's Licensing Division as soon as the loss is discovered.

4.0 VEHICLE

- 4.1 The vehicle shall be a 4 door saloon, hatchback, estate car, people carrier or a mini-bus type vehicle (not a London type cab) of suitable size, type and design for use as a private hire vehicle, and shall be maintained in a safe and comfortable condition.
- 4.2 If the vehicle is either a mini-bus type or a people carrier and capable of carrying between five and eight passengers there shall be at least two exit points from the vehicle, one of which must be available for both access and egress.

- 4.3 The vehicle shall have an engine capacity of not less than 1250cc, and a passenger seating capacity of not more than eight seats.
- 4.4 Application may be made to the Council to dispense with Condition 4.1 for vehicles being used for certain specified occasions. A copy of the dispensation shall be kept in the vehicle at all times.

5.0 INTERIOR MARKINGS

- 5.1 The proprietor of the private hire vehicle shall display or cause to be displayed within the vehicle any internal plate or other device provided and issued by the Council in such a position that it is visible at all times to persons conveyed therein.

6.0 SIGNS AND NOTICES, ETC.

- 6.1 No sign, notice, advertisement, plate, mark, numbers, letter, figure, symbol, emblem or device whatsoever shall be displayed on, in or from private hire vehicle licensed by the Council except as may be required by any law or provision of these conditions or as otherwise authorised by the Council.
- 6.2 Condition 6.1 shall not prevent the display of the trading name and telephone number of the operator if the vehicle is a people carrier, minibus or non-saloon type vehicle. In such a case the name and telephone number may be displayed on the rear end doors and the front side doors of the vehicle provided that the trading name shall not contain the words "CAB", "TAXI" or "FOR HIRE".
- 6.3 All private hire vehicles shall display door signs, as supplied by the council on the front doors of the vehicle. Such signs shall be securely fixed (not on magnets) directly to the vehicle so as not to be easily removed from the vehicle. These signs shall clearly state that the vehicle is to be used for pre-booked journeys only. On the grant of a private hire vehicle licence, the vehicle shall properly display such door signs on the front doors of the vehicle. Any vehicle in respect of which a private hire vehicle licence is renewed shall, on the renewal of the licence, display door signs as supplied by the Council on the front of the vehicle, unless company information is already displayed on the sides of the vehicle as close to the front doors as is practicable and with the agreement of the Council's Licensing Division.
- 6.3 If a notice of exemption has been issued by the Council, the vehicle in question shall be exempt from the requirement to display all door signs and licence plates. Such plates must, however, be kept with the vehicle at all times, together with the certificate of exemption. An authorised officer of the Council may inspect at any time to ensure compliance with this condition.

- 6.5 The following signs and/or membership badges may be displayed in or from any private hire vehicle licensed by the Council:

6.6.1 Any badge or sign which indicates membership of any motoring or vehicle rescue organisation

6.6.2 No smoking signs (Symbol 70mm)

6.6.3 Signs which indicate the location of the Fire Extinguisher.

6.6.4 A sign notifying the use of CCTV where it is in operation.

6.5.5 A "GB" sign displayed on the rear near side of the vehicle.

7.0 CHANGE OF ADDRESS

- 7.1 The proprietor of any private hire vehicle licensed by the Council shall notify the Council in writing of any change of his/her address and / or telephone number within 7 days of such change.

8.0 CONVICTIONS

- 8.1 The proprietor of any private hire vehicle licensed by the Council shall **immediately** disclose, to the Council in writing, details of any convictions, motoring, or criminal imposed on him/her (or, if the proprietor is a company or partnership, on any of the directors or partners).

9.0 VEHICLE FITTED WITH TAXIMETER

- 9.1 Private hire vehicles fitted with a taximeter may not operate unless the meter is in working condition and a certificate stating that the meter has been checked by the independent qualified engineer who supplied or fixed the meter has been delivered to the Council. Any Private Hire Vehicle licensed as such for the first time shall only be fitted with a taximeter approved by the Public Carriage Office, or complying with the EEC directive 77/95/EEC in that it bears the EEC patent approval sign or the EEC partial initial verification mark.
- 9.2 The relevant scale of charges or fare tables operating shall be displayed in the vehicle.

MECHANICAL FITNESS

- 10.1 Prior to issue of a licence all vehicles must be mechanically inspected at the Council's appointed garage to the required Testing Standard. (A copy of the Testing Standards is attached as Appendix E2) The vehicle shall be submitted for inspection and test on initial application for a vehicle licence and thereafter presented annually for renewal of that licence so long as the vehicle is being operated as a private hire vehicle.
- 10.2 Any vehicle which will be between five and eight years old on the date of the expiry of a licence shall be subject to an additional mechanical

compliance and condition test six months after the date of issue of the licence.

- 10.3 Any failure to submit a vehicle for a test in accordance with 10.2 above shall result in the suspension of the licence on the first day after the due test date, unless there are exceptional mitigating circumstances. Any such mitigating circumstances must be put in writing to the Council's Licensing Manager prior to failure to submit vehicle for test.
- 10.4 Any vehicle more than 8 years old on the date of the expiry of the licence, shall be subject to an annual test and 2 further supplementary mechanical compliance and condition checks at 4 months and 8 months respectively after the day of the issue of the licence.
- 10.5 Any failure to submit a vehicle for a test in accordance with 10.4 above shall result in the suspension of the licence on the first day after the due test date, unless there are exceptional mitigating circumstances. Any such mitigating circumstances must be put in writing to the Council's Licensing Manager prior to failure to submit vehicle for test.

11.0 VEHICLE APPEARANCE

- 11.1 In addition to a mechanical inspection, all vehicles must meet the Testing Standards laid down for appearance, comfort and cleanliness.
- 11.2 The boot of the vehicle must be kept clear for the carrying of passengers' luggage with certain exceptions (spare wheel and jack).
- 11.3 No external or internal glazing to the front near and offside windows of the vehicle shall be obscured, disfigured, treated or coated in any way (other than at the time of manufacture) so as to hinder or restrict vision through the glazing. The windscreen must allow at least 75% visibility and the remainder of the glazing must allow at least 70% visibility.

12. STOWAGE OF LUGGAGE

- 12.1 Luggage must be stowed safely and in such a manner so that it cannot move around inside the vehicle. Gangways must not be blocked or in any way impede an emergency evacuation of the vehicle.

13. SALE OF VEHICLE

- 13.1 The Council's Licensing Officer shall be notified in writing within 14 days of any change of ownership of the vehicle. Unless a notice of transfer has been carried out in accordance with Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 the vehicle will remain the responsibility of the existing PHV Licence proprietor.

14. APPEAL

- 14.1 Any person aggrieved by a decision made during the inspection carried by the Licensing Officer may appeal in writing to the Licensing Manager or Principal Licensing and Mediation Officer. This does not affect the statutory rights regarding appeals.
- 14.2 Any person aggrieved by any of the conditions attached to this licence may appeal to a Magistrates Court within 21 days of service of the licence with the conditions attached (see section 48 (7) and 77 of the Local Government (Miscellaneous Provisions) Act 1976 and sections 300 to 302 of the Public Health Act 1936).

APPENDIX E1

NORTH LINCOLNSHIRE COUNCIL

**PRIVATE HIRE VEHICLES
TESTING STANDARD – APPEARANCE / SAFETY / COMFORT / COMPLIANCE
WITH LICENCE CONDITIONS**

Items considered in test:-

1. External Bodywork

The body work shall have no damage which materially affects the safety or appearance of the vehicle, shall not have signs of corrosion or have any sharp edges which may cause injury to passengers. The paintwork shall be clean, consistent and uniform over the whole vehicle. The paintwork shall be of a professional standard. All fittings shall be intact and free from any damage, stains or corrosion of any kind.

2. Seats and Upholstery

All seats, upholstery, trim and carpets must be clean and free from stains, holes, tears and damage of any form. There must be no sharp edges which would be likely to cause injury or damage. Seat coverings must be sound, intact, fitted snugly to seats and be clean. The interior seat springs shall be sound and not penetrating the fabric of the seat. There shall be no loose rugs, blankets, cushions or other articles on the passenger seats.

3 Floor

The floor must be sound and covered by fitted vehicle carpets or other suitable covering. If furnished with rubber mats they must be in a clean and undamaged condition. Carpet off cuts are not acceptable as mats in the vehicle. Only one mat per seat is acceptable. The floor coverings must not be so worn as to cause danger to passengers.

4 Doors

All fittings shall be secure, undamaged and capable of being operated at all times by the passenger. The door linings shall be intact, clean and free from holes, tears, stains or any other damage.

5 Head Lining

The head lining shall be intact, clean and free from holes, tears, stains or any other damage.

6 Boot

The boot shall be kept clean and free of any stains, spills etc. Matting if fitted must be in one piece and be capable of being cleaned. The boot must be kept clear for the use of passengers luggage apart from the spare wheel and jack (and excepting specialised fitments for first aid or other equipment etc).

7 Fire Extinguishers

A fire extinguisher (of the specified type) must be located in a position readily accessible to the driver when seated or located in a labelled glove compartment. The fire extinguisher must be so secured and unobstructed that it will not create any danger or hazard for the driver or passengers. The extinguisher shall be clearly marked with the number of the licence when granted, by Officers of the Licensing Division.

8 Fare Card

Where a meter has been fitted, the fare card must be clearly displayed in such a position as to be easily seen by passengers.

9 Internal Plate Sticker

The internal licence plate shall be displayed in such a position as to be easily seen by the passengers and the public from inside and outside of the vehicle.

10 Exterior Plate

The external identification plate issued by the Council shall be securely fixed to the satisfaction of the Council. Externally on the offside rear lower outside of the vehicle in such a position as to be clearly visible from the rear of the vehicle, or, adjacent to the vehicle's rear registration plate where a bracket behind the registration number plate is used.

Please Note:- This list is not exhaustive and additional items may be included as deemed appropriate by Officers of the Licensing Division, subject to appropriate consultation.

APPENDIX E2

NORTH LINCOLNSHIRE COUNCIL

PRIVATE HIRE VEHICLE TESTING ARRANGEMENTS

1. All vehicles, no matter what their age, must pass the Council's test covering mechanics, safety and passenger comfort before a licence can be issued.

Annual tests are only to be booked through the Licensing Division on 01724 – 297592 or 297608.

2. Under no circumstances may the proprietor of a vehicle make any arrangement for a vehicle to be tested direct with the garage, unless for a re-test or a supplementary test. All appointments must be made through the Council's Licensing Division.

Re-tests and supplementary tests are to be booked directly with Vehicle Maintenance, Cottage Beck Road, Scunthorpe on 01724 – 297867.

3. Private Hire Vehicle tests should not be equated with the Department of Transport MOT vehicle test. MOT certificates will not be issued as the result of a private hire vehicle test. Should an MOT certificate be required at any time independent arrangements must be made by the applicant or his/her nominee with any approved garage. MOT certificates will not be accepted as proof that a private hire vehicle is suitable for that purpose.
4. The applicant or his/her nominee will attend the test garage at the time and date stated with the vehicle which shall be as follows:

- ◆ In a thoroughly CLEAN condition inside and out.

- ◆ In the case of first applications:

1. If fitted with an operational Taximeter it shall be correctly calibrated at or below the declared tariff .
2. Fitted with a fire extinguisher (of the specified type), securely fixed within easy reach of the driver or located within the glove compartment.

- ◆ In the case of licence RENEWALS:

1. If fitted with an operational Taximeter it shall be correctly calibrated at or below the declared tariff .
2. Fitted with a fire extinguisher (of the specified type), securely fixed within easy reach of the driver or located within the glove compartment.
3. Fitted with the Council's identification plate in the designated place.
4. A fare card displayed in the passenger compartments.

5. Displaying any advertising or signs as permitted by the conditions attached to Private Hire Vehicle Licences.
5. Where the applicant is unable for any reasons to attend the test at the date and time arranged, at least 48 hours notice (excluding weekends and public holidays) must be given to the Licensing Division, whereupon a new appointment can be arranged without incurring further costs.
6. Failure to give the required notice of the intention not to attend for a test, or failure to attend at the time, date and location arranged, will result in a cancellation charge being made.
7. Where in the opinion of the Inspecting Officer the vehicle fails to reach the standard required by the Council for the issue of a licence, the applicant or nominee will be informed of the defects or grounds upon which the vehicle has failed to reach that standard. The applicants or nominee will then be given the choice of:-
 - ◆ Removing the vehicle from the test garage for the defects to be rectified and returned for retest within 7 days and/or 200 miles (where the vehicle is normally kept within 10 miles of the testing station), or within 7 days and/or 300 miles (where the vehicle is normally kept more than 10 miles from the testing station). The applicant or nominee shall also pay any appropriate re-test fee if required.
 - ◆ If the vehicle is not returned for re-test within 7 days and/or 200 miles (where the vehicle is normally kept within 10 miles of the testing station), or within 7 days and/or 300 miles (where the vehicle is normally kept more than 10 miles from the testing station) of the initial test the applicant or his/her nominee shall inform the Licensing Division of the reasons why and any proposed further actions to be taken in respect of the vehicle. Re-tests after 7 days they will incur the full 1 hour mechanical inspection fee.

8. MOT TEST CERTIFICATE EXEMPTION

The Council is in possession of a Certificate of Exemption issued by the Secretary of State for Transport in respect of the annual testing of vehicles under the Motor Vehicles (Tests) Regulations 1972.

9. *The Mechanical items to be tested in respect of private hire vehicles includes those items required for an MOT. Additional items are set out in the attached Appendix (the list is not exhaustive and additional items may be included as deemed necessary by Officers of the Licensing Division).*

APPENDIX E4**NORTH LINCOLNSHIRE COUNCIL****PRIVATE HIRE VEHICLE
TESTING STANDARD –
MECHANICAL AND STRUCTURAL**

Items for test in addition to MOT test.

The item numbers refer to the item codes on the test sheet.

29	Spare Wheel and Tyre	Correct size for vehicle and conforms to legal requirements. Space Savers are permitted providing that they are not fitted when the vehicle is used for hire and reward.
33	Wiring	Ensure that correct load fuses are being used. Ensure that visible wiring is not so corroded or chuffed that in the opinion of the tester a short circuit is likely to occur. That all junctions and installations are electrically sound. (Applies to none manufactures fittings)
34	Battery	Ensure that the battery mounting are not so corroded that the battery may break loose. Ensure that the battery is anchored securely. Ensure that the casing of the battery is sound and is not likely to allow acid to escape.
35	Starter Motor	Ensure starter motor is mounted securely.
36	Engine Mountings	Mountings must be secure and not so corroded that they may be likely to fail.
37	Oil Leaks	Oil leaks must not create any type of hazard for the vehicle, pedestrians or other road users.
39	Drive Shaft	All universal joints must be serviceable and mountings secure. There must not be any undue 'play'.
40	Gearbox	Mountings must be secure and not so corroded as to be likely to fail. Gear selection must not be noisy.
41	Rear Axle	No oil leaks.
43	Clutch Operation	Must operate satisfactorily and not 'judder', 'grab' or 'slip' outside normal limits.
44	Clutch Linkage	No signs of undue wear and are not likely to fail.
45	Clutch Hydraulics	System if fitted must not be leaking or the pipes and fittings so corroded that they may fail.
46	Fuel System	Inspected for security, corrosion and leaks.

50	Windscreen	Screen must be clear and there are no scratches, damage or obstructions which will impede the view of the driver.
51	Windows	All windows must be clear of any obstructions or damage which will in any way impede the view of the driver. No curtains must be placed over the windows and any blinds if installed must not be of a type which will restrict all round vision. All windows must be capable of being operated in a satisfactory manner. All windows must be fitted with glass which complies with the British Standard.
54	Vehicle Structure	The structure must be in a sound condition with no signs of excessive corrosion or damage.
55	Speedometer	The speedometer shall work in a normal manner and shall be correctly illuminated.
56	Odometer	The odometer shall work in a normal manner.
57	Mirrors	All mirrors must be securely mounted and not cracked, broken or corroded so as to distort any view to the rear. Where a mirror is intended to be adjustable it must be capable of being adjusted.
58 59	Doors / Handles / Locks	All doors, including boots, must open and close easily from both inside and outside. Any door locking mechanism shall be easily operated by passengers. All doors and boots shall be secure when shut. All lock fittings shall be secure and complete. Grab handles where fitted must be secure and fit for the purpose.
60	Fascia / Interior Lights	All interior and passenger lights where fitted shall be secure and operate. All switches and fittings shall be secure and operate correctly. There shall be no exposed wires or large holes in the fascia.
61	Bumper	Front and rear bumpers must be fitted and securely mounted. They must not be so badly damaged or corroded as to make them unfit for their purpose.
62	Road Test	The vehicle must be capable of manoeuvring safely and 'handles' correctly without any undue drift or pull etc.
63	Registration Plates	Checked for condition, correct location and that they conform to legal requirements.



**PRIVATE HIRE OPERATORS LICENCE
CONDITIONS**

<p>Conditions attached to</p> <p>Licence Number</p> <p>Expiry Date :</p>
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1.0 LICENCE CONDITIONS

- 1.1 Any requirement of legislation, which affects the operations being carried out, under the terms of this licence, shall be regarded as if they are conditions of this licence.
- 1.2 Wherever there appears in the Licence Conditions any statutory provision, you are advised that such summary is not exhaustive.

2.0 RECORDS

2.1 The operator is required to maintain a record of all bookings in accordance with Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976. Such a record shall be kept on a computer or in a suitable book or ledger, the pages of which are numbered consecutively. The operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle, invited or accepted by him/her.

- The time and date the booking was received
- How the booking was made i.e. telephone, personal call.
- Identification of the hirer
- The day and date of each journey
- The time of pick up / collection
- The point of pick up / collection
- The call sign of the driver
- The destination
- The registration number, plate number or Ref. No. (call sign) of the vehicle allocated for the booking.
- Remarks (including details of any sub-contract)

2.2 All records kept by the operator shall be preserved for a period of not less than three years following the date of the last entry.

2.3 Computer Records – if a computer system is used, the operator must be able to provide a print out of these details for inspection by an Authorised Officer of the Council or a Police Constable.

3.0 STANDARD OF SERVICE

3.1 The operator shall provide a prompt, efficient and reliable service to members of the public and for this purpose shall in particular:

- Ensure that when a private hire vehicle has been hired, to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.

3.2 Keep clean, adequately heated, ventilated and lit, any premises, which the operator provides and to which the public have access, whether for the purpose of booking or waiting.

3.3 Ensure that any waiting area provided by the operator has adequate seating facilities which are in a clean and tidy condition.

3.4 Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

4.0 COMPLAINTS

4.1 The operator shall keep a record of complaints and indicate action (if any) which the operator has taken or proposes to take in respect thereof.

5.0 CHANGE OF ADDRESS/BUSINESS PREMISES

5.1 The operator shall notify the Council in writing of any change of his/her address and or telephone number (including any address from which he/she operates or otherwise conducts his/her business as an operator) within seven days of such change taking place.

6.0 CONVICTIONS

6.1 The operator shall, within seven days, disclose to the council, in writing, details of any conviction imposed on him/her (or if the operator is a company or partnership, on any of the directors or partners).

7.0 STAFF

7.1 The operator shall notify North Lincolnshire Council in writing within seven days of the employment of any Private Hire Driver or of the termination of employment of any Private Hire Driver employed by him.

8.0 INSURANCE

8.1 The operator shall ensure that every Private Hire Vehicle operated by him/her in accordance with this licence is covered by a Certificate of Insurance or covering note indemnifying the proprietor of the said vehicle within the provision of the Road Traffic Act 1988 (Part IV) for the carriage of passengers for hire or reward. The operator shall ensure that he/she carries the appropriate Employers and/or Public Liability insurance.

9.0 DISPLAY OF TERMS AND CONDITIONS

9.1 The operator shall at all times keep a copy of these conditions on any premises used by him/her for the purpose of a private hire business, and shall make the same available for inspection by either actual or potential fare paying passengers.

10.0 DEPOSIT OF PRIVATE HIRE DRIVER'S LICENCE

10.1 The operator shall cause to be delivered to him/her the licence of any driver engaged by him or her and shall retain such licence in his/her possession until such time as the driver ceases to be engaged by him/her. The operator shall ensure that such driver is in possession of the appropriate driver's badge issued by the Council.

10.2 The operator shall keep a ledger containing the following details as regards each private hire vehicle operated by him/her:

- Year first registered
- Maker's name and model together with engine size
- Registration number
- Colour
- Number of seats for passengers
- Year of manufacture
- Chassis number
- Engine number
- Name, address and telephone number of owner of vehicle
- Radio call sign allocated to the driver
- Private Hire Licence number
- Private Hire Licence issue and expiry date

10.3 The said ledger shall be produced for inspection when required by an Authorised Officer of the Council or a Police Officer.

11.0 GENERAL LICENCE CONDITIONS

11.1 If you are aggrieved by any of the Conditions attached to this licence you may appeal to a Magistrates Court within 21 days of the service of the licence and attached conditions on you (see Section 55 and 77 of the 1976 Act and Section 300 of the Public Health Act 1976).

12.0 LANDLINE TELEPHONE NUMBER

12.1 The operator shall have a landline telephone number at the licensed premises, which shall be used for the taking of bookings.

BYELAWS FOR HACKNEY CARRIAGES

BYELAWS

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

Interpretation.

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

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.

Provisions regulating how hackney carriages are to be furnished or provided.

3. The proprietor of a hackney carriage shall:-
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;

- (e) cause the floor to be provided with 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, being either a 0.9 kilo dry powder extinguisher with gauge or a 1 kilo Aqueous Film forming foam extinguisher with gauge, which shall be carried in such a position as to be readily available for use by the driver;
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 the carriage to be provided with a taximeter which shall be constructed, attached, and maintained so as to comply with the following requirements, that is to say:-
- (a) the taximeter shall be fitted with a device the operation 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 device shall be capable of de-activating the machinery of the taximeter so 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; and
 - (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 the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges.

5. The driver of a hackney carriage shall:-
 - (a) when standing or plying for hire, keep the device fitted in pursuance of the byelaw in that behalf deactivated so that 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 device, so that the word "HIRED" appears 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 face 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 at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
 - (a) proceed with reasonable speed to one of the stands appointed by the Council;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; 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 the 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 or fare prescribed by the Council, the rate or fare being calculated by distance and time unless the hirer expresses at the commencement of the hiring his desire to engage by time alone.

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 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 or suffer the letters or figures in the statement to be concealed

or rendered illegible at any time while the carriage is plying or being used for hire.

Penalties.

16. 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 therefore.

Repeal of Byelaws.

17. The byelaws relating to hackney carriages detailed in the schedule are hereby repealed.

Schedule.

1. The byelaws made by the Mayor Aldermen and Burgesses of the Borough of Scunthorpe on the twenty fifth day of September 1972, and which were confirmed by the Secretary of State on the first day of April 1973.
2. The byelaws made by the Glanford Borough Council on the twenty third day of December 1986, and which were confirmed by the Secretary of State on the first day of July 1987.
3. The byelaws made by the Boothferry Borough Council on the first day of October 1987, and which were confirmed by the Secretary of State on the first day of January 1988, insofar as they relate to the area of North Lincolnshire.

The Common Seal of
North Lincolnshire Council
was hereunto affixed this
twenty sixth day of February 1999
in the presence of:-

G K Masterson
Authorised Officer

The foregoing Byelaw is hereby
confirmed by the Secretary of State
and shall come into operation on the
first day of June 1999

E. C. Neve

A grade 5 office in the D.E.T.R on behalf of the Secretary of State for the
Environment, Transport and the Regions

APPENDIX H

Drivers Dress Code

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

- Footwear (shoes/trainers/sandals) for all drivers shall fit around the heel of the foot – no flip flops
- Clothing shall be kept in a clean condition, free from holes and rips
- Words or graphics on any clothing shall not be of an offensive or suggestive nature which might offend
- Tops must cover the midriff and shoulders
- Trousers shall be full length, while shorts shall be knee length
- No headwear, other than for religious purposes, or other items which cover the head or face shall be worn, other than when a uniform is worn for a special occasion.
- Offensive tattoo's must be covered, either by clothing or band aid
- Sportswear, e.g. football/rugby kits, track suits and beach wear shall not be worn, other than sports tops, which can be worn during significant sporting occasions, e.g. World Cup/Six Nations Rugby
- Skirts shall be no shorter than knee length

No English?

For information please call:

08000 193530 للحصول على المزيد من المعلومات اتصل بـ: (Arabic)

তথ্যগুলি বাংলায় জানতে হলে এই নম্বরে ফোন করুন: 08000 193531 (Bengali)

欲知粵語版的信息，請致電：08000 193532 (Cantonese)

हिन्दी में जानकारी के लिये 08000 193533 पर फोन करें (Hindi)

هه زانیاری به کوردی سۆرانی ته له لێزن هه زۆماره 08000 193537 بکە. (Kurdish Sorani)

Para mais informação em português contacte-nos através do telefone 08000 193538 (Portuguese)

ਪੰਜਾਬੀ ਵਿਚ ਜਾਣਕਾਰੀ ਲਈ 08000 193539 'ਤੇ ਫੋਨ ਕਰੋ (Punjabi)

"Warbixinta oo af Soomaali ah wac 08000 193540" (Somali)

08000 193541 اردو میں انفارمیشن کے لیے اس نمبر پر رابطہ فرمائیں۔ (Urdu)

Nie mówisz po angielsku? Po informacje zadzwoń pod numer 08000 195587 (Polish)

Не знаете английский? Для информации звоните 08000 195586 (Russian)

For information in large print, audio, Braille or to request a signer to speak to us please contact 01724 296296