

# South Ribble Borough Council Licensing Authority

## Hackney Carriage and Private Hire Vehicle - Licensing Policy



<b>Contents</b>	<b>Page</b>
Introduction	4
<b>1. Objectives</b>	<b>4</b>
<b>2. General Matters</b>	<b>4</b>
2.1 Legislation	4
2.2 Sharing of information	5
<b>3. Hackney Carriages</b>	<b>5</b>
3.1 Hackney Carriage By-Laws	5
3.2 Restrictions on numbers	5
3.3 Duration of licences	5
3.4 General	5
3.5 Body	6
3.6 Windows	6
3.7 Roadworthiness	6
3.8 Insurance	6
3.9 Age limits	6
3.10 Wheelchair accessibility	7
3.11 Passenger numbers	8
3.12 Taximeters	8
3.13 CCTV	8
3.14 Intended Use	8
3.15 Hackney Carriage Ranks	8
3.16 Application process	9
<b>4. Private Hire Vehicles</b>	<b>9</b>
4.1 Private Hire Vehicle Conditions	9
4.2 Duration of licences	9
4.3 General	9
4.4 Body	10
4.5 Windows	10
4.6 Roadworthiness	10
4.7 Insurance	10
4.8 Age limits	10
4.9 Wheelchair accessibility	11
4.10 Passenger numbers	11
4.11 Taximeters	11
4.12 CCTV	11
4.13 Display of external plates	12
4.14 Application process	12

<b>Contents</b>	<b>Page</b>
<b>5. Stretched Limousines</b>	<b>12</b>
<b>6. Hackney Carriage &amp; Private Hire Drivers</b>	<b>13</b>
6.1 Duration of Drivers Licences	13
6.2 Age restrictions on Drivers	13
6.3 Entitlement to drive in the UK	13
6.4 Entitlement to work in the UK	13
6.5 Disclosure & Barring Service checks	13
6.6 Medical Fitness	14
6.7 Qualifications	14
6.8 Local Knowledge Test	14
6.9 Safeguarding & Child Sexual Exploitation	15
6.10 Dress Standards	15
6.11 Alcohol and Tobacco	15
6.12 Private Hire Driver Conditions	15
<b>7. Private Hire Operators</b>	<b>15</b>
7.1 Duration of Licence	15
7.2 Application process	15
7.3 Safeguarding & Child Sexual Exploitation	16
7.4 Disclosure & Barring Service Checks	16
7.5 Insurance	16
7.6 Premises	16
7.7 Records	16
<b>8. Regulation and Enforcement</b>	<b>17</b>
<b>9. Fares</b>	<b>17</b>
<b>10. Fees</b>	<b>17</b>
<b>Appendix 1 Hackney Carriage By-Laws</b>	
<b>Appendix 2 Hackney Carriage Vehicle Conditions</b>	
<b>Appendix 3 PHV and HCV Roadworthiness Standard</b>	
<b>Appendix 4 Private Hire Vehicle Conditions</b>	
<b>Appendix 5 SRBC Group II Medical</b>	
<b>Appendix 6 Private Hire Driver Conditions</b>	
<b>Appendix 7 Private Hire Operator Conditions</b>	
<b>Appendix 8 Private Hire Operator OPDVS form</b>	
<b>Appendix 9 Enforcement Policy</b>	

## INTRODUCTION

Hackney Carriages have been licensed since the Police and Town Clauses Act of 1847 was enacted.

The Local Government (Miscellaneous Provisions) Act 1976, as amended, extended the licensing requirements to Private Hire Vehicles and placed a duty on South Ribble Borough Council (“the Council”) as the relevant Licensing Authority, to undertake the regulation both Hackney Carriages, their driver’s and Private Hire Vehicles, their drivers and operators.

This policy sets out the way in which the Council will administer and regulate the Hackney Carriage and Private Hire Trade that it licenses within its boundaries.

### 1. OBJECTIVES

Hackney Carriages and Private Hire vehicles play a vital part in the transport network, providing an invaluable service to residents and visitors to the Borough alike.

From transporting young children to and from school, the elderly and infirm to medical appointments and those worse for wear home again after an evening out; we as a community rely on licensed drivers and their vehicles to provide a safe and reliable service.

Public Safety is of paramount concern for the Licensing Authority when discharging its licensing functions. The Council will not hesitate to act when it is made aware of issues that have the potential to undermine public safety.

The Council will, through the regulation of the trade seek to promote the following objectives:

- Public Safety
- A professional and respected Hackney Carriage and Private Hire trade
- Access to an efficient and effective public transport service
- The protection of the environment

- Consideration of accessibility issues associated with the conveyance of all passengers, in line with the Equality Act 2010.

The Council will work with a wide range of partners when carrying out its duties in respect of Hackney Carriage and Private Hire Licensing, including, but not limited to:

Licensed drivers, operators and vehicle proprietors  
Local residents  
Locally operating Hackney and Private Hire Trade Associations  
Lancashire Constabulary  
Driver and Vehicle Standards Agency (formally VOSA)  
HM Revenue and Customs  
UKBA  
DWP  
Lancashire County Council  
The Office of the Police and Crime Commissioner  
Other Licensing Authorities

This policy will come into effect on the XX<sup>st</sup> XXXXXX 2016 and will be subject to periodic reviews at least every 5 years.

In the exercise of its powers as the Licensing Authority, the Council will have regard to this policy and the above objectives.

Notwithstanding this, every application or enforcement measure will be considered on its own merits. Should it be necessary to depart from this policy, the Council will record its reasons for doing so.

### 2. GENERAL MATTERS

#### 2.1 Legislation

The following list details some of the primary and secondary legislation and which the Authority must either have regard to, or is duty bound to adhere to, in order to discharge its licensing function in respect of Hackney Carriage vehicles, Private Hire vehicles, licensed drivers and operators.

It is not exhaustive and will be subject to change over time.

- Criminal Procedures & Investigations Act 1996
- Data Protection Act 1998
- Deregulation Act 2015
- Deregulation (Taxis & Private Hire Vehicles) Order 1998
- Disability at Work Act 1994
- Disability Discrimination Act 1995
- Equality Act 2010
- Freedom of Information Act 2000
- Health & Safety at Work etc. Act 1974
- Highways Act 1980
- Human Rights Act 1998
- Licensed Taxis (Hiring at Separate Fares) Order 1986
- Local Government Act 1972
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Police & Criminal Evidence Act 1984
- Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002
- Regulation of Investigatory Powers Act 2000
- Regulatory Enforcement & Sanctions Act 2008
- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exceptions) (Amendments) Order 2002
- Road Traffic Act 1972 and 1988
- Road Traffic Regulation Act 1984
- Road Traffic Regulation (Special Events) Act 1994
- Smoke-free (Premises & Enforcement) Regulations 2006
- Smoke-free (Signs) Regulations 2006
- Taximeters (EEC Requirements) Regulations 1979
- The Measuring Instruments (Taximeters) Regulations 2006
- The Motor Vehicles (Tests) Regulations 1981
- The Motor Vehicles (Wearing of Seat Belts) Regulations 1993
- Town Police Clauses Act 1847 and 1889
- Transport Act 1968, 1980, 1981 and 1985
- Workplace (Health, Safety & Welfare) Regulations 1992

## **2.2 Sharing of Information**

The Licensing Authority will share with other departments or regulatory bodies, information supplied by applicants, or acquired in the course of exercising licensing functions, where it is lawful to do so. Personal information will only be disclosed in accordance with the appropriate Data Protection legislation.

Information sharing may include requests from the Audit Commission or other regulatory agencies where this is necessary for the detection or prevention of crime, or required by law, or in connection with legal proceedings. Where applicable, it will be under the relevant information sharing protocol.

This authority is under a duty to protect the public funds it administers, and to this end may use the information provided for the prevention and detection of fraud.

## **3. HACKNEY CARRIAGES**

### **3.1 Hackney Carriage By-Laws**

All Hackney Carriage Vehicle Licences issued by the Council are subject to the South Ribble Hackney Carriage By-Laws at Appendix 1 and the Hackney Carriage vehicle conditions at Appendix 2

### **3.2 Restrictions on the issue of Hackney Carriage Licences**

The Council does not currently restrict the number of Hackney Carriage vehicles it licenses.

### **3.3 Duration of Licences**

3.3.1 Hackney Carriage Vehicle licences will be issued for a maximum of 6 months.

3.3.2 The Council will consider issuing a vehicle licence for a shorter period where it deems it appropriate in the individual circumstances.

### **3.4 General**

3.4.1 Hackney Carriages must have a roof sign displaying the word TAXI, which shall be illuminated at all times

when, and only when, the vehicle is available for hire. The roof sign must be clearly visible from the front of the vehicle.

- 3.4.2 Hackney Carriages must be right hand drive and shall have been so since the date of first registration.
- 3.4.3 Hackney Carriages must not have any fittings attached to, or carried on the inside or outside of the vehicle, unless they have been specifically approved by the Council.
- 3.4.4 Hackney Carriages must not display any signs, notices or advertisements that are not legally required or have been expressly requested by the Council.
- 3.4.5 Hackney Carriages must carry a carbonated receipt book at all times and a receipt must be given on request which shows as a minimum, the date and time of the journey, the badge number of the driver and the amount paid. Alternative means of providing a customer receipt may be acceptable subject to prior agreement from the Licensing Authority.

### **3.5 Body**

- 3.5.1 Hackney Carriages shall have no signs of accident damage and the paintwork shall be of a consistent colour over the whole of the vehicle.
- 3.5.2 There shall be no significant sign of corrosion, including visible rust or blistering of paintwork.
- 3.5.3. Where the vehicle is fitted with a step to assist passengers, it shall have a suitable non-slip surface and the edge shall be highlighted in a clearly visible colour which differs from that of the vehicle.
- 3.5.4. Electronically operated steps must have a failsafe device which prevents the vehicle from moving while the step is extended.

### **3.6. Windows**

All factory fitted glass in the vehicle shall permit a minimum of 70% light transmission and no vehicle shall be fitted with additional film designed to tint or darken the glass.

In respect of hackney carriage vehicles licensed prior to the implementation of this policy, an exemption from the 70% requirement may be applied to factory fitted glass to the rear of the driver's pillar on application to the Licensing Unit.

### **3.7. Roadworthiness**

In addition to the standard annual MOT requirements for vehicles, the Council must be satisfied that the vehicles it licences are safe and fit for purpose.

To this end, hackney carriages must pass the Council's roadworthiness test no earlier than 28 days before being granted each 6 month licence. See Appendix 3 for the current roadworthiness standard and list of approved garages.

### **3.8 Insurance**

- 3.8.1 Hackney Carriage vehicle proprietors must ensure that appropriate insurance is in force at all times that the vehicle is licensed. Any failure to ensure that a vehicle is not adequately insured for public hire will result in the immediate suspension of the Hackney Carriage Vehicle Licence.
- 3.8.2 Hackney Carriage vehicle proprietors must ensure that the insurance certificate required in 3.8.1 is carried in the vehicle at all times and is made immediately available to an Authorised Officer of the Council or Police Constable on request.

### **3.9 Vehicle Age Limits**

The Council operates an age policy in respect of licensed vehicles and since its introduction, the travelling public of South Ribble have benefitted from more reliable vehicles which are fitted with better safety features and are more environmentally friendly.

3.9.1 The Council will where appropriate, issue Hackney Carriage Licences to vehicles which:

a) Are no older than 4 years, when first presented for licensing  
or  
Have a full service history and mileage under 25,000.

b) In respect of purpose built taxis (i.e. Peugeot E7, Euro taxi) or other wheelchair accessible vehicles

Are no older than 6 years, when first presented for licensing  
or  
Have a full service history and mileage under 40,000.

Vehicles in (a) above, which have been continuously licenced by South Ribble, will no longer be eligible for renewal once they are 8 years old.

Vehicles in (b) above, which have been continuously licenced by South Ribble, will no longer be eligible for renewal once they are 12 years old

3.9.2 In order to ensure that the Council does not fetter its discretion, a vehicle proprietor retains the right to apply to licence a vehicle which falls outside the Council's age criteria.

All such applications will be referred to the next scheduled General Licensing Committee for consideration.

The Committee will take into account factors including, but not restricted to:

- The make and model of the vehicle
- The exceptional condition of the vehicle, including the bodywork and interior passenger accommodation
- The mileage
- The service history
- Details of all repairs undertaken throughout the vehicles life
- Details of all replacement parts fitted throughout the vehicles life

- Whether any particular contracts rely on the specific use of the vehicle.

The Committee will not take into account the personal or financial circumstances of a proprietor when considering a departure from this policy

Any departures from this policy will be in exceptional circumstances only and will be recorded along with the reasons such a departure.

### **3.10 Wheelchair Accessibility**

3.10.1 The Council will only accept applications for a New Hackney Carriage Vehicle Licence for vehicles which meet the age criteria and are wheelchair accessible. There is no restriction on whether accessibility is via rear or side loading doors.

3.10.2 Hackney Carriage Proprietors in possession of a valid Hackney Carriage vehicle licence on 21<sup>st</sup> October 2014 (GLC minute 2014/20) may apply to replace their vehicle with either a wheelchair accessible vehicle or a non-wheelchair accessible vehicle.

All other Hackney Carriage proprietors may only replace their vehicle with a wheelchair accessible vehicle.

3.10.3 The decision will be reviewed in 2019, when the Council will consider whether there is still a balance of vehicles for all taxi users, and thus if the authority is complying with its equality duty.

3.10.4 Proprietors of vehicles which have been converted from the manufacturer's original specification, to a wheelchair accessible vehicle, must have an Individual Vehicle Approval certificate, certifying that the work has been completed to a satisfactory standard.

### **3.11 Passenger numbers**

- 3.11.1 Hackney Carriage licences will normally be issued for the carriage of between 4 and 8 passengers.

When assessing the maximum number of passengers that may be carried in a licensed vehicle, the Council will take into account factors, including the number and location of seats and their proximity to the doors.

- 3.11.2 The Council will not normally licence a vehicle with fewer than 4 opening doors.
- 3.11.3 The Council will not licence a vehicle to carry passengers in seats which require other seats to be moved in order to permit access or egress.
- 3.11.4 The Council will not licence a vehicle to transport passengers in a rear facing seat, unless such seats are secured to the bulk head in a purpose built vehicle, specifically manufactured for the carriage of passengers for hire or reward.
- 3.11.5 Applications for vehicle licences to transport fewer than 4 passengers will be referred to the General Licensing Committee for consideration.

### **3.12 Taximeters**

All Hackney Carriages must be fitted with a calendar controlled taximeter which is sealed and approved by a recognised agent.

The meter must be calibrated to the current Hackney Carriage Tariff and vehicles must be presented, on request, to an authorised officer of the Council to validate the accuracy of the taximeter.

### **3.13 CCTV**

- 3.13.1 CCTV or any other image recording device may not be used within a Hackney Carriage without the prior express consent of the Licensing Authority.

- 3.13.2 CCTV systems must comply with the current data protection requirements as directed by the Information Commissioner.

- 3.13.3 Where CCTV is installed in a vehicle, there must be a minimum of 2 signs which are clearly visible to passengers, advising them of the presence of CCTV.

- 3.13.4 CCTV systems must be capable of storing image/audio files in a manner which prevents them being downloaded or viewed by the driver or any other person travelling in the vehicle.

- 3.13.5 The storage device must be encrypted and image/audio files may only be downloaded by an authorised officer of the Council or a Police Constable.

The CCTV system supplier shall furnish the Council with de-encryption software at no cost to the Council, along with a lifetime licence for the use of such software as may be required.

### **3.14 Intended Use**

The Council has a duty to ensure that it licenses vehicles in accordance with High Court guidance, which includes the requirement that Hackney Carriages must mostly operate within the local authority area in which they are licensed, in the interests of public safety.

Hackney Carriage proprietors are required to confirm on each and every application that they intend to ply for hire predominantly within South Ribble.

If it appears, however, that the applicant intends to trade in another authority's area for a substantial period of time and so frustrate the purpose of the legislation and potentially undermine public safety, there will be a presumption against the granting of a licence.

Section 60 of the Local Government (Miscellaneous Provision) Act 1976 provides for the Licensing Authority to refuse to grant or renew a Hackney Carriage Licence 'for



any reasonable cause' and it is the Council's position that the Hackney Carriages it licenses should operate predominantly from within the Borough.

### **3.15 Hackney Carriage Ranks**

The Council has provided a number of designated Hackney Carriage ranks throughout the Borough.

Where a designated ranks design requires Hackney Carriage driver's to queue, the front vehicle must be positioned so as to allow the 2<sup>nd</sup> vehicle to easily pass and leave the rank.

Drivers **must not** leave a vehicle unattended on a rank at any time.

### **3.16 Application procedure**

Applicants, whose vehicle has not been licensed as a Hackney Carriage by the Council previously, must contact the Licensing Unit to make arrangements for the vehicle to be inspected before they begin the application process.

The Council invites applications from vehicle proprietors via the on-line forms that can be found on its website.

Applicants who are unable to access the electronic forms may call into the Civic Centre during office hours, where a member of the Gateway Team will assist them.

All Hackney Carriage Licenses and plates clearly indicate the expiry date of the licence.

It is the responsibility of the proprietor to ensure that a valid application is submitted to the Council before the licence expires, as the Council does not issue reminders.

If a proprietor fails to apply renew their Hackney Carriage vehicle licence before the expiry of the existing licence, for any reason, any subsequent application to re-licence the vehicle would have to meet the Councils relevant conditions for a new Hackney Carriage vehicle licence.

Applications will not be determined until the applicant is able to produce original evidence of:-

- A valid, appropriate insurance policy
- Proof that the vehicle has passed the Council's roadworthiness test, no more than 28 days before the application is made
- The original V5 log book (in the case of new or replacement vehicles the V5C and a bill of sale or hire agreement)
- The appropriate fee.

## **4 PRIVATE HIRE VEHICLES**

### **4.1 Private Hire Vehicle Conditions**

All Private Hire Vehicle Licences issued by the Council are subject the conditions in Appendix 4.

### **4.2 Duration of Licences**

4.2.1 Private Hire Vehicle Licences will be issued for a maximum of 6 months.

4.2.2 The Council will consider issuing a vehicle licence for a shorter period where it deems it appropriate in the individual circumstances.

### **4.3 General**

4.3.1 Private Hire vehicles must not have any fittings attached to, or carried on the inside or outside of the vehicle, unless they have been specifically approved by the Council.

4.3.2 Private Hire vehicles must be right hand drive and shall have been so since the date of first registration.

4.3.3 Private Hire vehicles must not display any signs, notices or advertisements that are not legally required or have been expressly requested by the Council.

4.3.4 Private Hire vehicles must carry a carbonated receipt book at all times and a receipt must be given on request which shows as a minimum, the date and time of the journey, the badge number of the driver and the amount paid. Alternative means of providing a customer receipt may be acceptable subject to prior

agreement from the Licensing Authority.

#### **4.4 Body**

4.4.1 Private Hire vehicles shall have no signs of accident damage and the paintwork shall be of a consistent colour over the whole of the vehicle.

4.4.2 There shall be no significant sign of corrosion, including visible rust or blistering of paintwork.

4.4.3 Where the vehicle is fitted with a step to assist passengers, it shall have a suitable non-slip surface and the edge shall be highlighted in a highly visible colour which differs from the colour of the vehicle.

4.4.4 Electronically operated steps must have a failsafe device which prevents the vehicle from moving while the step is extended.

#### **4.5 Windows**

All factory fitted glass in the vehicle shall permit a minimum of 70% light transmission and no vehicle shall be fitted with additional film designed to tint or darken the glass.

In respect of private hire vehicles licensed prior to the implementation of this policy, an exemption from the 70% requirement may be applied to factory fitted glass to the rear of the driver's pillar on application to the Licensing Unit.

#### **4.6 Roadworthiness**

In addition to the standard annual MOT requirements for vehicles, the Council must be satisfied that the vehicles it licences are safe and fit for purpose.

To this end, private hire vehicles must have passed the Council's roadworthiness test no earlier than 28 days before being granted each 6 month licence. See Appendix 3 for the current roadworthiness standard and list of approved garages.

#### **4.7 Insurance**

4.7.1 Private Hire vehicle proprietors must ensure that appropriate insurance is

in force at all times that the vehicle is licensed. Any failure to ensure that a vehicle is not adequately insured for private hire will result in the immediate suspension of the Private Hire Vehicle Licence.

4.7.2 Private Hire vehicle proprietors must ensure that the insurance certificate required in 4.7.1 is carried in the vehicle at all times it is being used as a private hire vehicle and is made immediately available to an Authorised Officer of the Council or Police Constable on request.

#### **4.8 Vehicle Age Limits**

The Council operates an age policy in respect of licensed vehicles and since its introduction, the travelling public of South Ribble have benefitted from more reliable vehicles which are fitted with better safety features and are more environmentally friendly.

4.8.1 The Council will where appropriate, issue Private Hire Licences to vehicles which:

a) Are no older than 4 years, when first presented for licensing  
or  
Have a full service history and mileage under 25,000.

b) In respect of purpose built taxis (i.e. Peugeot E7, Euro taxi) or other wheelchair accessible vehicles

Are no older than 6 years, when first presented for licensing  
or  
Have a full service history and mileage under 40,000.

Vehicles in (a) above, which have been continuously licensed by South Ribble, will no longer be eligible for renewal once they are 8 years old.

Vehicles in (b) above, which have been continuously licensed by South Ribble, will no longer be eligible for renewal once they are 12 years old.

4.8.2 In order to ensure that the Council does not fetter its discretion, a vehicle proprietor retains the right to apply to licence a vehicle which falls outside the Council's age criteria.

All such applications will be referred to the next scheduled General Licensing Committee for consideration.

The Committee will take into account factors including, but not restricted to:

- The make and model of the vehicle
- The exceptional condition of the vehicle, including the bodywork and interior passenger accommodation
- The mileage
- The service history
- Details of all repairs undertaken throughout the vehicles life
- Details of all replacement parts fitted throughout the vehicles life
- Whether any particular contracts rely on the specific use of the vehicle.

The Committee will not take into account the personal or financial circumstances of a proprietor when considering a departure from this policy

Any departures from this policy will be in exceptional circumstances only and will be recorded along with the reasons such a departure.

#### **4.9 Wheelchair Accessibility**

The Council invites applications for a Private Hire Vehicle Licence for vehicles which are wheelchair accessible. There is no restriction on whether accessibility is via rear or side loading doors.

#### **4.10 Passenger numbers**

4.10.1 Private Hire Vehicle Licences will be normally issued for the carriage of between 4 and 8 passengers.

When assessing the maximum number of passengers that may be carried in a licensed vehicle, the Council will take into account factors,

including the number and location of seats and their proximity to the doors. The Council will not normally licence a vehicle to carry passengers in seats which require other passengers to move to permit access or egress.

4.10.2 The Council will not normally licence rear facing seats unless they are secured to the bulk head in a purpose build vehicle specifically manufactured for the carriage of passengers for hire or reward.

4.10.3 Applications for vehicle licences which do not meet these criteria will be referred to the General Licensing Committee for consideration.

#### **4.11 Taximeters**

The Council permits the use of taximeters in Private Hire vehicles which are calendar controlled, sealed and approved by a recognised agent. No private hire passenger shall be charged more than the metered fare for a journey, if the taximeter is in operation for that journey.

#### **4.12 CCTV**

4.12.1 CCTV or any other image recording device may not be used within a Private Hire vehicle without the prior express consent of the Licensing Authority.

4.12.2 CCTV systems must comply with the current data protection requirements as directed by the Information Commissioner.

4.12.3 Where CCTV is installed in a vehicle, there must be a minimum of 2 signs which are clearly visible to passengers, advising them of the presence of CCTV.

4.12.4 CCTV systems must be capable of storing image/audio files in a manner which prevents them being downloaded or viewed by the driver or any other person travelling in the vehicle.

4.12.5 The storage device must be encrypted and image/audio files may

only be downloaded by an authorised officer of the Council or a Police Constable. The CCTV system supplier shall furnish the Council with de-encryption software at no cost to the Council, along with a lifetime licence for the use of such software as may be required.

#### **4.13 Display of external plates**

Where a private hire vehicle is of exceptional quality and is to be used exclusively for executive hire work, the proprietor may apply for an exemption from the requirements to display the licence plate on the exterior of the vehicle and the private hire door stickers.

Such applications will be considered at the next scheduled meeting of the General Licensing Committee.

The Committee will take into account factors including, but not restricted to:

- The make and model of the vehicle
- The exceptional condition of the vehicle, including the bodywork and interior passenger accommodation
- Whether any particular contracts rely on the specific use of the vehicle.
- The nature of the Operator's business
- How and where the vehicle is advertised and marketed

The Committee will not take into account the personal or financial circumstances of a proprietor when considering a departure from this policy

#### **4.14 Application procedure**

Applicants, whose vehicle has not been licensed as a Private Hire vehicle by the Council previously, must contact the Licensing Unit before submitting any paperwork to make arrangements for the vehicle to be inspected.

The Council invites applications from vehicle proprietors via the on-line forms that can be found on its website.

Applicants who are unable to access the electronic forms may call into the Civic Centre during office hours, where a member of the Gateway Team will assist them.

All Private Hire Vehicle Licenses and plates clearly indicate the expiry date of the licence.

It is the responsibility of the proprietor to ensure that a valid application is submitted to the Council before the licence expires, as the Council does not issue reminders.

If a proprietor fails to apply to renew their Private Hire vehicle licence before the expiry of the existing licence, for any reason, any subsequent application to re-licence the vehicle would have to meet the Council's relevant conditions for a new Private Hire vehicle licence.

Applications will not be determined until the applicant is able to produce original evidence of:-

- A valid, appropriate insurance policy
- Proof that the vehicle has passed the Council's roadworthiness test, no more than 28 days before the application is made
- The original V5 log book (in the case of new or replacement vehicles the V5C and a bill of sale or hire agreement)
- Payment of the appropriate fee.

## **5 STRETCHED LIMOUSINES**

Stretched limousines are as the name suggests elongated vehicles. The vast majority are imported from the USA and so are left hand drive.

Unlike other standard saloon vehicles, this does not preclude them for being considered suitable for licensing as private hire vehicles.

The Council will consider applications to licence stretched limousines as private hire vehicles subject to the following criteria:

- They must have passed the Single Vehicle Type Approval test
- They must have appropriate, private hire insurance

- They must have passed the Council's roadworthiness test within the last 28 days
- They must not carry more than 8 passengers at any time
- Sideways facing seating is acceptable, but no seat will be permitted that permanently obstructs any door
- All forward or rear facing seats must be fitted with seatbelts
- Additional seats in the drivers compartment must not be used to carry passengers
- With the exception of the glass in the windscreen and front doors, there shall be no restriction to the level of tint for the remaining windows
- The vehicle must carry a safety hammer capable of being used to break the vehicles windows. It should be securely located in the driver's compartment, and visible and accessible in the event of an emergency.
- If fitted with a sun roof, the switch must be isolated so it cannot be opened by passengers
- All doors must be capable from being opened from the inside and outside of the vehicle.
- A suitable means of two way communication between the driver and passengers must be available.

## **6. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

### **6.1 Duration of Driver's Licences**

The Council normally issues driver's licences for 3 years however in some circumstances the Council may consider it appropriate to issue a licence for a shorter period.

### **6.2 Age Restrictions on Drivers**

Applicants must be at least 18 years of age. The Council has not currently set a maximum age for the issue of licences to Hackney Carriage or Private Hire Drivers and each application is assessed on its own merits.

### **6.3 Entitlement to Drive in the UK**

Applicants must have held a valid, full UK driving licence for a minimum of 12 months immediately before making their application.

Applications may also be accepted from people who have held a full driving licence, issued by a country within the European Community (EC) or in the European Economic Area (EEA), for a minimum of 12 months immediately before making their application.

All applicants are required to authorise the Council to undertake checks with the DVLA, to verify the existence of any motoring convictions and restrictions on their licence.

### **6.4 Right to Work in the UK**

All applicants must have the right to work in the UK. Verification of this right will be undertaken by the Licensing Unit with the UK Border Agency where appropriate, before a Hackney Carriage or Private Hire driver's licence is granted.

### **6.5 Disclosure and Barring Service checks (DBS)**

Applicants for a Hackney Carriage or Private Hire Driver Licence are required to provide a DBS enhanced disclosure certificate. This must be applied for via the Council.

Enhanced Disclosure Certificates made through other organisations will not be accepted.

The Rehabilitation of Offenders Act 1974 does not apply to applicants for a Hackney Carriage or Private Hire driver licences and applicants are required to disclose all convictions, cautions and motoring offences, including those that would normally be regarded as spent.

All drivers are required to submit an annual declaration of convictions. Failure to do so without reasonable excuse will result in a referral to the next scheduled General Licensing Committee.

The Council expects those drivers it issues 3 year badges to, to sign up to the DBS updating service and consent to the Licensing Authority checking with the DBS, as to whether there has been any change to

their status since the last disclosure certificate was issued.

This will negate the need to complete an annual declaration, but not the need to inform the Licensing Authority of new convictions, where appropriate.

Where there is evidence of criminal activity or motoring convictions, the applicant will be referred to the General Licensing Committee in line with the Council's Policy on convictions, cautions and complaints which forms Appendix 4 of this policy.

Any applicant, who has lived outside the UK within the last 10 years, will be required to produce a Certificate of Conduct, translated into English, from each of the countries that they have lived in within that period.

## **6.6 Medical Fitness**

The Council recognises that licensed drivers should meet more stringent medical standards than is expected of people who drive a vehicle for social, domestic and pleasure purposes.

Licensed drivers are entrusted with the safety of the travelling public and may drive for much longer hours than non-professional drivers. To this end Council requires all licensed drivers to meet the Group II standard used by the DVLA when licensing Public Service Vehicle drivers. The Council's current medical form is attached at Appendix 5.

Medical certificates, completed by the driver's own GP are required on first application and then every 5 years until the driver reaches the age of 65 and thereafter every year.

Should there be any doubt as to the medical status of a licensed driver the Council reserves the right at any time, to refer that individual to a nominated occupational health service, who will produce a report attesting to the individual's medical fitness to undertake the role of a Hackney Carriage or Private Hire driver.

All licensed drivers are required to inform the Licensing Authority within 7 days, of any change to their health which could impact on

their suitability to continue drive a licensed vehicle.

Where there is doubt as to the medical fitness of a licensed driver, including circumstances where a medical certificate has expired, the Licensing Authority reserves the right to suspend the driver's licence(s) until such time as it can be satisfied that the driver is fit.

No applicant will be issued a licence until medical fitness has been established.

## **6.7 Qualifications**

One of the Council's objectives is to have a professional and respected trade. It is important that licensed drivers are not only competent to drive to a high standard, but also that they can deliver a high standard of customer service and offer appropriate assistance to passengers.

All new applicants must be able to provide original evidence that they have passed either

(a) A BTEC Award in Transporting Passengers by Taxi or Private Hire

or

(b) An NVQ Level 2 Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire)

before they will be granted a South Ribble Driver's licence.

## **6.8 Local Area Knowledge Test**

The Council acknowledges that it is important to the travelling public that the drivers it licence's have a good knowledge of the Borough and its boundaries, the Highway Code and the ability to comprehend and communicate effectively in English.

All applicants for a new driver's licence will be required to pass either the Hackney Carriage or Private Hire knowledge test before they can be granted a licence.

Where an applicant wishes to apply for both types of licence, they will only be required to pass the Hackney Carriage knowledge test.

Previously licensed drivers, who have allowed their licence to lapse for whatever reason, will be required to pass the appropriate knowledge test, before they can be granted a licence; even if they had passed a local knowledge test previously.

### **6.9 Safeguarding and Child Sexual Exploitation (CSE) training**

The Council recognises that Licensed Drivers are an integral part of modern life and as such play an important role in providing a safe means of transport to all members of society.

Their role within our communities places them in direct daily contact with some of the most vulnerable members of our society and as such they are ideally placed to assist all those agencies who have a statutory responsibility to safeguard the vulnerable.

In order for them to recognise the signs of CSE and to enable them to report suspicious behaviour appropriately, all applicants for a Hackney Carriage or Private Hire Driver's Licence shall have completed basic safeguarding and CSE awareness training, provided via the Council before they will be granted a licence.

Provision will also be made for all existing licensed drivers to undertake this training before they renew their existing licences.

### **6.10 Dress Standards**

The Council expects all licensed drivers not only to be professional when working, but also to look professional.

Whilst there is not a prescribed dress code, drivers must not:-

- Have bare chests
- Wear dirty clothing or shoes
- Wear flip flops or beach shoes
- Wear clothing that includes offensive words or graphics
- Wear clothing advertising anything other than the company they are driving for
- Wear inappropriate clothing, including very short skirts or tops that do not cover the shoulders

### **6.11 Alcohol and Tobacco products.**

A licensed driver must not consume alcohol immediately before, or at any time whilst driving or otherwise being in charge of a Hackney Carriage or Private Hire vehicle.

A licensed driver must not drive a Hackney Carriage or Private Hire vehicle, after having misused legal drugs or taken illegal drugs.

Tobacco products may not be smoked or used inside a licensed vehicle at any time.

### **6.12 Private Hire Driver Conditions**

All Private Hire Driver's licences are issued subject to conditions which can be found at Appendix 6.

## **7. PRIVATE HIRE OPERATORS**

Anyone in South Ribble wishing to invite private hire bookings and dispatch a licensed vehicle and driver to fulfil those bookings, must hold a Private Hire Operators Licence.

Private Hire Operators are responsible for ensuring that the vehicles and drivers they dispatch hold valid, appropriate licences to undertake those journeys and will only be granted a licence if the Council is satisfied that they are fit and proper to hold such a licence.

All Private Hire Operator's Licences are issued subject to conditions which can be found at Appendix 7.

### **7.1 Duration of Licence**

The Council normally issues Operator's licences for 5 years however in some circumstances the Council may consider it appropriate to issue a licence for a shorter period.

### **7.2 Application procedure**

The Council invites applications from private hire operators via the on-line forms that can be found on its website.

Applicants who are unable to access the electronic forms may call into the Civic Centre during office hours, where a member of the Gateway Team will assist them.

All Private Hire Operators Licences clearly indicate the expiry date of the licence.

It is the responsibility of the operator to ensure that a valid application is submitted to the Council before the licence expires, as the Council does not issue reminders.

Applications will not be determined until the applicant is able to produce original evidence of:-

- Valid, appropriate insurance policy(s)
- Basic Disclosure Certificate issued no more than 1 month prior to the application.
- Payment of the appropriate fee.

### **7.3 Safeguarding and Child Sexual Exploitation (CSE) training**

The Council recognises that Private Hire Operators and their dispatchers play an important role in providing access to a safe means of transport to all members of society.

Their role, alongside that of the licensed driver's they dispatch, places them in daily contact with some of the most vulnerable members of our society and as such they are ideally placed to assist all those agencies who have a statutory responsibility to safeguard the vulnerable.

In order for them to recognise the signs of CSE and to enable them to report suspect behaviour appropriately, all applicants for a new Private Hire Operators Licence shall have completed basic safeguarding and CSE awareness training, provided via the Council before they will be granted a licence.

Operators will be expected to ensure that all dispatch staff they employ also undertake the online training provided through Lancashire County Council's website.

### **7.4 Disclosure and Barring Service Checks (DBS)**

Private Hire Operators wishing to trade in South Ribble are required to provide a basic disclosure certificate issued by the Disclosure and Barring Service, no earlier than 1 month prior to their application.

Those applicants who also hold either a Private Hire or Hackney Carriage Driver Licence are not required to provide a basic disclosure certificate, as the Licensing Authority will have already assessed their enhanced disclosure when granting a driver's licence.

Any applicant, who has lived outside the UK within the last 10 years, will be required to produce a Certificate of Conduct, translated into English, from each of the countries that they have lived in within that period.

### **7.5 Insurance**

Private Hire Operators are required to provide evidence of a suitable Public Liability Policy for the premises to be licensed, along with employer's liability insurance if appropriate.

### **7.6 Premises**

Where a Private Hire Operator provides premises for the public they shall be maintained in a clean and tidy condition, be adequately lit, heated and ventilated and where a waiting area is provided have adequate seating facilities.

If sanitary and washing facilities are provided for customers and/or staff they should be clean, easily accessible and have a supply of hot and cold running water, soap and a suitable means to dry hands.

If separate male and female facilities are not provided any WC must be self-contained and in a room that is capable of being locked from the inside to prevent access by more than one person at a time.

### **7.7 Records**

Private Hire Operators are required to keep comprehensive records of all bookings and journeys undertaken.

As a minimum, Licensed Operators must record

- The date of the booking
- The name of the hirer
- The date and time of pick up
- The address point of the pick up
- The destination



- Any fare quoted at the time of booking
- The plate number of the vehicle dispatched
- The drivers name and badge number
- Full details must be recorded separately, of any bookings that are sub-contracted to another private hire operator or hackney carriage.

## **8. REGULATION & ENFORCEMENT**

The Council has a statutory duty to ensure that the vehicles, drivers and operators that it licenses, carry out their functions in accordance with the legislation and any conditions that are attached to such licences.

Officers charged with the regulation of the Hackney Carriage and Private Hire industry will be appropriately trained and authorised within the Council's scheme of delegation and will undertake their duties in accordance with the Governments Compliance Code for Regulators, the Crown Prosecution Service's guidance and the Council's Corporate Prosecutions Policy and Taxi and Private Hire Enforcement Policies.

The Council operates a penalty points system and will normally issue points to individuals who are found to be operating in breach of their conditions or otherwise contrary to the legislation.

The Council's current Taxi and Private Hire Enforcement Policy, which also sets out the penalty points system, is attached at Appendix 9.

## **9. FARES**

The Council is responsible for setting the Hackney Carriage Tariff, which is a table of the maximum fares that may be charged for a journey.

Each Hackney Carriage must have its taximeter calibrated to the current tariff and in addition must display the table of fares provided by the Council where it can easily be read by a passenger.

The Council has no ability to control the fares charged by the private hire trade and it is for the hirer to negotiate an appropriate fee or method of charging for each journey.

Where a private hire vehicle is fitted with a taxi meter that is used to calculate the journey fee, there must be a corresponding table of fares produced by the operator and displayed in the vehicle where it can easily be read by a passenger.

## **10. FEES**

The Council sets and regularly reviews its fees for taxi and private hire licensing in line with the Governments requirement that fees should only cover the costs involved in the administration and regulation of licensed operators, drivers and vehicles.

A list of the current application fees can be found on the Council's website along with some miscellaneous charges to cover the cost of administering the transfer of ownership of a vehicle and the provision of duplicate plates, badges and licences.

All fees are payable when a licence application or request for a transfer of vehicle is submitted.

Licence holders who surrender a licence before its expiry are not eligible for a refund.