

# South Ribble Borough Council

## Hackney Carriage and Private Hire Vehicle - Licensing Policy



**Revised from 01/05/2022**

This Policy has been revised from the above date where appendices have an expiry date, this is shown at the head of the appendix.

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## 1. Introduction

Hackney carriages have been licensed since the Town Police Clauses Act 1847. 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 of both the hackney carriage and private hire trade.

This policy comes into effect on 21/07/2016 and sets out the way in which the Council will administer and regulate the hackney carriage and private hire trade within the Borough of South Ribble. When carrying out its regulatory functions, the Council will have regard to this policy and the aims and objectives detailed below. Notwithstanding this, every application or enforcement measure will be considered on its own merits. Should it be necessary to depart from this policy clear reasons will be given.

Licence holders are expected to comply fully with the terms of this policy. Failure to do so may result in a referral to the General Licensing Committee.

## 2. Aims and Objectives

The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety.

Hackney carriage 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 going home after an evening out, the community relies on licensed drivers and their vehicles to provide a safe and reliable service.

The Council will through its application procedures and regulation of the trade seek to promote the following objectives:

- The protection of the public, safeguarding of children and vulnerable persons and the prevention of crime and disorder;
- The safety and health of the public and licensed drivers;
- A professional and respected hackney carriage and private hire trade;
- Vehicle safety, comfort and access;
- The protection of the environment

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 carriage and private hire trade associations;
- Lancashire Constabulary;
- Driver and Vehicle Standards Agency;
- HM Revenue and Customs;
- Home Office Immigration Enforcement;
- Department of Work and Pensions;
- Lancashire County Council;
- The Office of the Police and Crime Commissioner;
- Other Licensing Authorities

- Community Safety Partnership
- Safeguarding Boards

### 3. Delegations

General Licensing Committee of the Authority is responsible for the management of the hackney carriage and private hire licensing regime. Policy matters are also advised upon by the General Licensing Committee initially, but final approval is with Cabinet and full Council.

Where a need for urgent action arises between meetings of the Cabinet or Committee emergency decisions in respect of the suspension/revocation of drivers/operators can be taken by the Chief Executive or other designated officer in consultation with the Chair of Licensing or the relevant Cabinet Member by virtue of Standing Order 35 of the General Licensing Committee.

Licensing Officers are authorised to carry out the day to day duties in respect of licensing in accordance with the legislation and the Council's policies.

### 4. Information Exchange

The licensing authority will share with other departments or regulatory bodies, information supplied by applicants, or acquired in the course of exercising its 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 National Audit Office or other regulatory agency where this is necessary for the detection or prevention of crime or it is otherwise required by law or in connection with legal proceedings. Where applicable it will be shared under the relevant information sharing protocol.

### 5. Hackney Carriage and Private Hire Drivers

An applicant must satisfy the Council, on the balance of probabilities, that they are a fit and proper person to become licensed. Once licensed the driver must remain a fit and proper person throughout the duration of the licence.

#### 5.1 Fit and Proper Person Test

*Licensed drivers are in a position of trust transporting the young and vulnerable at all times of the day and night. The legislation requires that licences can only be granted if the Council is satisfied that the applicant is a fit and proper person. Whilst there is no legal definition, decisions from Courts over the years have come to the conclusion that the Council is effectively asking the following question:*

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

During the application process the Council will undertake a number of checks to gather the information necessary to assess the suitability of the applicant. Factors that will be taken into account when reaching a decision include:

- Criminality (whether the applicant has any criminal convictions or cautions), including non-conviction information disclosed in an Enhanced DBS Disclosure, or where the individual appears on the child or adult barred list
- Driving licence - entitlement to drive in the UK and number of endorsed penalty points
- Right to work in the UK
- Medical fitness
- Conduct of the applicant during the application process
- Previous licensing history
- Knowledge of the Borough
- HMRC Check Code

This is not an exhaustive list of the matters that will be considered, and further information will be sought from other agencies such as the Police, Safeguarding Boards and other licensing authorities as appropriate.

## 5.2 Making an application

Applications for a hackney carriage/private hire drivers licence can be made via the on-line form on the Council's website [www.southribble.gov.uk](http://www.southribble.gov.uk). Applicants who are unable to access the electronic form may call into the Civic Centre during office hours where a member of the Gateway Team will assist them.

Applicants are expected to act with honesty and integrity throughout the application process. There is an expectation that information requested, for example previous convictions and cautions will be fully and accurately disclosed. Applicants are required to disclose all convictions and cautions including those that would normally be considered spent as both hackney carriage and private hire drivers are included as exceptions within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

Care should be taken when completing the form as failure to make a full and accurate disclosure can in itself result in refusal of the application.

Before a new licence can be granted, the Council will need to see documentary evidence as detailed in paragraphs 5.3-5.9 below.

## 5.3 NAFN - National Register of Taxi Licence Refusals and Revocations (NR3)

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused.

This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details

- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years. This is a mandatory part of new and renewal applications for a hackney carriage /PHV driver licence being granted.

The authority has a published policy on the approach it will take to requests by other authorities for further Information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at [www.southribble.gov.uk](http://www.southribble.gov.uk).

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence.

It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [info@southribble.gov.uk](mailto:info@southribble.gov.uk). This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

#### 5.4 Age and Entitlement to drive

Applicants must be at least 18 years of age and must have held a valid full UK driving licence for a minimum of 12 months immediately preceding the making of the 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 DVLA to verify the existence of any motoring convictions and restrictions on their licence.

#### 5.5 Right to work in the UK

All applicants must have the right to work in the UK. Verification of this right will be undertaken with the UK Border Agency where appropriate before a licence is granted. Examples of documents that may be provided to prove the right to work include (but are not limited to):

- A UK passport confirming that the holder is a British Citizen (or citizen of another EEA Country including Switzerland)
- Passport or other travel document endorsed to show that the holder is allowed to stay in the UK and undertake paid employment
- Full UK birth/adoption certificate
- An immigration document issued by the UK Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel

document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

When an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

## 5.6 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 certificate must be applied for via the Council as certificates obtained through other organisations will not be accepted. Once a certificate has been received it will only be valid for a period of three months. If the application has not been completed within that time frame a new DBS certificate must be applied for.

The Rehabilitation of Offenders Act 1974 does not apply to hackney carriage or private hire drivers. This means that applicants are required to disclose all convictions, cautions and motoring offences including those that would normally be regarded as spent.

The Council requires those drivers it issues three year badges to sign up to the DBS updating service and consent to the Council checking with the DBS as to whether there has been any changes 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 Council of any new convictions where appropriate. Licence holders are expected to maintain this registration throughout the duration of their licence.

**Officers are required to check the status of a certificate online, with the drivers consent, every 6 months.**

Where there is evidence of criminal convictions, cautions or motoring convictions, the application will be referred to the General Licensing Committee in line with the Council's Policy on convictions, cautions and complaints which can be found at Appendix 1.

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.

### **Referrals to the Disclosure and Barring Service and the Police**

SRBC Licensing Authority will make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the 'harm test' ; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity.

**A licence will not be granted or renewed in the absence of a current enhanced DBS certificate.**

## 5.7 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 the Council requires all licensed drivers to meet the Group II standard used by DVLA when licensing public service vehicle drivers. The Council's current medical form is attached at Appendix 2.

Medical certificates completed by the driver's own General Practitioner (GP) or any other doctor with FULL ACCESS to applicant's medical records are required on first application and then every five years until the driver reaches the age of 65 and thereafter every year.

All licensed drivers are required to inform the Council within 7 days of any change to their health which could impact on their suitability to continue to 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 Council reserves the right to suspend the driver's licence(s) until such time as it can be satisfied that the driver is fit. No licence will be issued until medical fitness has been established.

## **5.8 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 customer service and offer appropriate assistance to passengers.

Before a new applicant is granted a Hackney Carriage or a Private Hire driver's licence, they must be able to provide original evidence that they have passed the BTEC Level 2 Certificate in Taxi and Private Hire Driver or an appropriate and equivalent Level 2 qualification. Alternatively, a new applicant must have attended and successfully completed any appropriate in-house course to be devised and presented by officers of South Ribble Borough Council, and paid any fee approved by members for administration of this course. Any driver whose licence with the authority has been granted since July 2016 on the basis of them having completed the now-discontinued course provided by the Driver Standards Agency will be given a period of 6 months to register for a suitable training course and 12 months to complete the qualification.

## **5.9 Driver Competency Test**

The Council acknowledges that it is important to the travelling public that the drivers it licences have a good knowledge of the Highway Code, the ability to comprehend and communicate effectively in English and hold a basic knowledge of numerals.

All applicants for a new driver's licence for both types of licence will be required to pass The Driver Competency Test before they can be granted a licence.

Where an applicant wishes to apply for both types of licence, they will also be required to pass the hackney carriage knowledge test.

Drivers who have been previously licensed by this Council who have allowed their licence to lapse for whatever reason will be required to pass the appropriate test(s) before they can be granted a licence, unless:

- They can demonstrate that they have held a licence for a continuous period of five years or more immediately prior to the expiry of their licence, and
- The application for a new licence is submitted within three months of the expiry of the previous licence.

## **5.10 HMRC Check Code**

All applicants upon renewal of a current hackney and private Hire Drivers Licence are required perform a tax check via the Gov.uk website and obtain a "tax check code".

This code must then present as part of the renewal application documentation.

Applicants must authorise via declaration on the application form, the licensing authority to undertake checks with HMRC. Officers will then enter the tax code into the gov.uk website for confirmation from HMRC that they have completed the tax check. .

Applications for will not proceed with applications for renewals until the tax check is completed and they've received the code.

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

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 licensed drivers are ideally placed to assist all those agencies who have a statutory responsibility to safeguard the vulnerable. Drivers can be vulnerable and need to know how to protect themselves.

For this reason the Council believes that it is appropriate for licensed drivers to undertake basic safeguarding training to enable them to recognise the signs and report suspicious behaviour appropriately as well as identify ways in which they can protect themselves. This training is in the form of the online / e-learning training course or an approved course by the Licensing Authority on Child Sexual Exploitation.

Any new applicant for a Hackney Carriage / Private Hire Driver's Licence will be required to provide proof of successful completion of the above training course as part of their application process. Evidence of successful completion of other courses will not be accepted.

Existing licence holders must also provide proof of successful completion of the above course before their licence is renewed (ie every 3 years). In either instance, any documentation provided as evidence of successful completion must be dated within a 3 month period prior to the date on which a new application or application for renewal was made.

Any current holder of Hackney Carriage or Private Hire Driver's Licence who has failed to attend a training course (on Safeguarding or any other matter) when obliged to do so by the Licensing Authority will be given a reasonable period (of up to 3 months) to complete the training course to the Council's satisfaction. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation, the licence may then be suspended or revoked. The cost of such training will be borne by the licence holder

### **5.12 Standard of Dress**

The Council expects all licensed drivers not only to be professional when working, but also look professional. Drivers must wear their Council issued ID badge at all times whilst they are acting as a licensed driver. 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

### **5.13 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 (including e-cigarettes and vaping devices) may not be smoked or used inside a licensed vehicle at any time.

#### **5.14** Licence conditions and duration of licence

The Council may attach such conditions to a private hire driver's licence as it considers reasonably necessary. The standard conditions attached to such licences in this Borough can be found at Appendix 3.

Conditions may not be attached to a hackney carriage driver's licence, however these drivers are required to abide by the Hackney Carriage Byelaws which can be found at Appendix 4.

The Council normally issues drivers licences for three years however in some circumstances the Council may consider it appropriate to issue a licence for a shorter period.

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## 6. Hackney carriage vehicles

### 6.1 Hackney Carriage By-Laws and licence conditions

All Hackney Carriage Vehicle Licences issued by the Council are subject to the South Ribble Hackney Carriage By-Laws at Appendix 4 and the Hackney Carriage vehicle conditions at Appendix 5.

### 6.2 Restrictions on the issue of Hackney Carriage Licences

The Council does not currently restrict the number of Hackney Carriage vehicles that can be licensed.

### 6.3 Duration of Licences

Hackney Carriage Vehicle licences will be issued for a maximum of 12 months. However the Council will consider issuing a vehicle licence for a shorter period where it deems it appropriate in the individual circumstances.

### 6.4 General

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.

Hackney Carriages must be right hand drive and shall have been so since the date of first registration.

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.

Hackney Carriages must not display any signs, notices or advertisements that are not legally required or have been expressly requested by the Council.

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.

### 6.5 Body

Hackney Carriages shall have no signs of accident damage and the paintwork shall be of a consistent colour over the whole of the vehicle.

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

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.

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

## 6.6 Windows

Any Hackney Carriage vehicle which is first licensed shall be fitted with glass windows which permit a minimum of 50% light transmission (irrespective of whether the vehicle was manufactured contrary to this standard). No vehicle shall be fitted with additional film designed to tint or darken the glass.

## 6.7 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 6 for the current roadworthiness standard and list of approved garages.

## 6.8 Insurance

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 adequately insured for public hire will result in the immediate suspension of the Hackney Carriage Vehicle Licence.

## 6.9 Vehicle Age Limits 01/05/2022 – 01/05/2023

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.

The Council will where appropriate, issue Hackney Carriage and Private Hire Vehicle Licences to vehicles which:

- a) Are no older than 4 years, when first presented for licensing
- b) In respect of vehicles with a Euro Rating 6 for diesel and petrol fuelled vehicles, or Hybrid and electric vehicles, are no older than 6 years when first presented for licensing.

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.

Any vehicle current performing "special educational needs school transport" may be granted the exemption from being categorised into (a) where its euro rating does not comply with euro 6. Thus, these types of vehicle will fall into category (b) at the discretion of the licensing manager upon assessment of the vehicle by officers.

### **Referrals to General Licensing committee**

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 vehicle's life
- Details of all replacement parts fitted throughout the vehicle's 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

Each case will be determined on its own individual merits and any departures from this policy will be in exceptional circumstances only and will be recorded along with the reasons such a departure. Any departure from the policy will not create a precedent for future decisions.

Determination of the number of passengers which the vehicle will be licensed to carry will be the responsibility of the Licensing Officer on presentation of the vehicle at first inspection.

*The vehicle Age Policy will be reviewed in 2025.*

#### 6.10 Wheelchair Accessibility/ Licensing of Hackney Carriage Vehicles

The council does not cap the number of hackney carriage vehicles which meet the age criteria and are wheelchair accessible.

The council does cap the number of non-wheelchair accessible hackney carriage vehicles to 100.

This number will be regulated by the Licensing Manager in consultation with the Chair of Licensing and will only be increased if the market demands, through evidence of significant unmet demand from the public.

The council will review the number of non-wheelchair accessible hackney carriage vehicles on its fleet every 6 months on 1st May and 1st November each year.

When the number of non-wheelchair accessible hackney carriage vehicles is lower than 100 vehicles currently licenced, applications will be assessed by officers.

Priority will be given to proprietors of currently licenced private hire vehicles or a proprietor of a currently licence wheelchair accessible hackney carriage vehicle whom does not possess legacy rights to change the licenced vehicle to a non-wheelchair accessible vehicle.

Hackney Carriage Proprietors in possession of a current non wheelchair accessible Hackney Carriage vehicle licence that was issued to them before April 2022 may continue to replace their vehicle with either a wheelchair accessible vehicle or a non-wheelchair accessible vehicle, as they would still hold legacy rights of a non-wheelchair accessible hackney carriage licence.

The decision will be reviewed in 2025, 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 duty under section 165 Equalities act 2010.

#### 6.11 Passenger numbers

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.

The Council will not normally licence a vehicle with fewer than 4 opening doors.

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.

The Council will only licence a vehicle to transport passengers in a rear facing seat, which have the appropriate vehicle type approval. Applications for vehicle licences to transport fewer than 4 passengers will be referred to the General Licensing Committee for consideration.

#### 6.12 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 South Ribble Hackney Carriage Tariff and vehicles must be presented, on request, to an authorised officer of the Council to validate the accuracy of the taximeter.

Alternatively, the use of a digital / GPS taximeter is acceptable in new licensed vehicles so long as its accuracy is tested by a Licensing officer against a measured mile.

#### 6.13 CCTV

The Council recommends the use of CCTV systems in vehicles for the safety of both the driver and passenger.

CCTV or any other image recording device may be used within a Hackney Carriage subject to the Council being given prior notification of the installation.

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

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.

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.

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.

#### 6.14 Intended Use

The Council has adopted a specific and distinct Intended Use Policy. Please refer to this document for details of the Council's approach to Intended Use.

#### 6.15 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.

## 6.16 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.

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 Council's 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.

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## 7 Private Hire Vehicles

### 7.1 Private Hire Vehicle Conditions

All Private Hire Vehicle Licences issued by the Council are subject the conditions in Appendix 7.

### 7.2 Duration of Licences

Private Hire Vehicle Licences will be issued for a maximum of 12 months. The Council will consider issuing a vehicle licence for a shorter period where it deems it appropriate in the individual circumstances.

### 7.3 General

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.

Private Hire vehicles must be right hand drive and shall have been so since the date of first registration. Private Hire vehicles must not display any signs, notices or advertisements that are not legally required or have been expressly requested by the Council.

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.

### 7.4 Body

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.

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

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.

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

### 7.5 Windows

Any Private Hire vehicle which is first licensed shall be fitted with glass windows which permit a minimum of 50% light transmission (irrespective of whether the vehicle was manufactured contrary to this standard). No vehicle shall be fitted with additional film designed to tint or darken the glass.

The Proprietor of a Private Hire Vehicle of exceptional quality and exclusively used for executive hire work may apply for an exemption from the requirement to be fitted with glass windows which permit a minimum of 50% light transmission.

In determining whether a vehicle is considered suitable for this exemption, the Committee will take into account factors including (but not restricted to):

- i) the make, model and value of the vehicle;
- ii) the exceptional condition of the vehicle, including the bodywork and interior passenger accommodation;
- iii) whether any particular contract relies on the specific use of the vehicle; iv) the nature of the operator's business; and
- v) how and where the vehicle is advertised and marketed.

## 7.6 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 6 for the current roadworthiness standard and list of approved garages.

## 7.7 Insurance

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 adequately insured for private hire will result in the immediate suspension of the Private Hire Vehicle Licence.

## 7.8 **Vehicle Age Limits 01/05/2022 – 01/05/2023**

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.

The Council will where appropriate, issue Hackney Carriage and Private Hire Vehicle Licences to vehicles which:

- a) Are no older than 4 years, when first presented for licensing
- b) In respect of vehicles with a Euro Rating 6 for diesel and petrol fuelled vehicles, or Hybrid and electric vehicles, are no older than 6 years when first presented for licensing.

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.

Any vehicle current performing "special educational needs school transport" may be granted the exemption from being categorised into (a) where its euro rating does not comply with euro 6. Thus, these types of vehicle will fall into category (b) at the discretion of the licensing manager upon assessment of the vehicle by officers.

### **Referrals to General Licensing committee**

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 vehicle's life
- Details of all replacement parts fitted throughout the vehicle's 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

Each case will be determined on its own individual merits and any departures from this policy will be in exceptional circumstances only and will be recorded along with the reasons such a departure. Any departure from the policy will not create a precedent for future decisions.

Determination of the number of passengers which the vehicle will be licensed to carry will be the responsibility of the Licensing Officer on presentation of the vehicle at first inspection.

*The vehicle Age Policy will be reviewed in 2025.*

## 7.9 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.

## 7.10 Passenger numbers

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.

The Council will not normally licence rear facing seats unless which have the appropriate vehicle type approval.

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

## 7.11 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.

## 7.12 CCTV

The Council recommends the use of CCTV systems in vehicles for the safety of both the driver and passenger.

CCTV or any other image recording device may be used within a Hackney Carriage subject to the Council being given prior notification of the installation.

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

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.

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.

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.

### 7.13 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.

In determining whether a vehicle is considered suitable for this exemption, the Committee will take into account factors including (but not restricted to):

- i) the make, model and value of the vehicle; ii) the exceptional condition of the vehicle, including the bodywork and interior passenger accommodation; iii) whether any particular contract relies on the specific use of the vehicle; iv) the nature of the operator's business; and
- v) 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.

### 7.14 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.

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.

## 8 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.

## 9. 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 8.

### 9.1 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.

### 9.2 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 Licenses 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.

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

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

### 9.3 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. Holders of existing private hire operator's licences will be required to undertake this training before their licence is renewed.

Operators must ensure that all dispatch staff they employ also undertake appropriate Safeguarding training. This training will either be provided directly by Council staff or commissioned from an appropriate provider. Operators will be expected to keep adequate records of all Safeguarding training undertaken by staff (including name of staff member and date undertaken) and to make all such records available for inspection by an officer of South Ribble Council on request.

#### 9.4 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.

#### 9.5 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.

#### 9.6 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.

#### 9.7 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.

The Operator is also required to keep records of any hackney carriage and driver licensed by other authorities used by the operator for private hire bookings. Such details must be notified to the Council in writing forthwith and in any event within 72 hours using form OPDVS.

## 9.8 HMRC Check Code

All applicants upon renewal of a private Hire Operator Licence are required perform a tax check via the Gov.uk website and obtain a “tax check code”.

This code must then present as part of the renewal application documentation.

Applicants must authorise via declaration on the application form, the licensing authority to undertake checks with HMRC. Officers will then enter the tax code into the gov.uk website for confirmation from HMRC that they have completed the tax check. .

Applications for will not proceed with applications for renewals until the tax check is completed and they’ve received the code.

## 10. 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’s current Taxi and Private Hire Enforcement Policy is attached at Appendix 9.

## 11. 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.

## 12. 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.

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## Appendix 1

Effective from 1 March 2017

Modified 01/05/2022

### GENERAL LICENSING COMMITTEE

#### **Statement of Policy relating to the relevance of previous convictions, cautions, complaints and other matters which may impact on the granting of a licence**

##### **Procedure Number:**

1. Introduction
  - 1.1 This policy provides guidance to the General Licensing Committee on the criteria to take into account when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a hackney carriage and/or a private hire driver licence. Whilst criminal convictions will play a significant part in the Licensing Authority's determination on whether an individual is fit and proper or not, the Council will also take into account other factors such as demeanour, general character, non-criminal behaviour, driving abilities and other police information etc.
  - 1.2 Whilst this policy applies to the determination of driver licences, the principles within it are equally applicable to the determination of a private hire operator and vehicle/hackney carriage licence applications. Consequently, where a conviction (as defined below) is considered relevant to fitness and propriety/suitability of an individual to hold (or be granted) a private hire operator licence or a vehicle licence, then this policy must be referred to in the determination of that licence/application.
  - 1.3 This policy will be immediately applied to all current licences, in addition to being considered at the time of renewal and grant of a licence.
  - 1.4 It is the responsibility of South Ribble BC (the Council) to issue hackney carriage and private hire licences under the Local Government (Miscellaneous Provisions) Act 1976. In exercising this duty the Council will consider the need to ensure the safety of the public as its primary consideration. Licences will not be issued unless the person is considered to be "fit and proper".
  - 1.5 In seeking to safeguard the safety of the public. The Council will be concerned to ensure:
    - That a person is a fit and proper person in accordance with sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976
    - That the person does not pose a threat to the public
    - That the public are safeguarded from dishonest persons
    - The safety of children, young persons and vulnerable adults
  - 1.6 The term "fit and proper person" for the purposes of taxi and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences/applications are effectively asking the following question of themselves:

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

If the answer to the question is an unqualified “yes”, then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision then further consideration should be given as to whether a licence should be granted to that person.

## 1.7

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Council will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder the Council will take into consideration the following factors:

- Criminality
- Period of holding a driver’s licence
- Number of endorsed driving licence penalty points
- Right to work,
- Medical fitness
- Standard of driving/driving ability
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process)
- The previous licensing history of existing/former licence holders

In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Board, other licensing authorities and statutory agencies

1.8 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for a driver’s licence
- Existing licensed drivers whose licences are being renewed
- Licensing Officers
- Members of the General Licensing Committee
- Magistrates and Judges hearing appeals against local authority decisions

1.9 In considering this guidance the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the committee may depart from the guidelines

1.10 In this policy the word “conviction” is to be defined as including convictions, cautions, warnings, reprimands and other relevant information. In this policy “from date sentence has ended” is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term “since completion of the sentence” is to be construed in a similar way.

1.11 In this policy the word “applicant” refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders that are subject of periodic auditing or having their licences reviewed by the Council as part of the policy implementation process. It also includes existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.

The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where further material comes to light.

## 2 **General Policy**

2.1 Whilst the General Licensing Committee may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:

- a. Remain free of conviction for an appropriate period as detailed below; and
  - b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.2 The standards and criteria set out in paragraphs 6 to 16 below are those that would normally be applied to applications and licences. The Council may depart from these criteria however it must only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.
- 2.3 Where there is information available to show that an applicant may not be a fit and proper person or an existing holder may no longer be fit and proper the applicant/licence holder will be referred to a meeting of the General Licensing Committee:
- a) Hearing with notice -Where a committee is asked to consider whether or not a person is fit and proper, notice of the time and date of the meeting will be given to the applicant/licence holder in advance in order to allow the person to seek independent legal advice and to attend and be represented at the hearing.
  - b) Ex-parte hearing – Where a committee is convened as a result of sensitive information being received by the Council an assessment will be undertaken in balancing a person’s right to a fair hearing against whether or not it is in the public interest to hold the hearing ex parte.
  - c) Where new offences are created or existing offences are consolidated or re-enacted they will be treated in a manner appropriate to their severity, whether or not this guidance has been updated to reflect the changes.
- 2.4 Where an individual has had an application refused or a licence revoked the General Licensing Committee will normally refuse any subsequent application made within 12months of the date of the previous refusal or revocation, unless there has been a substantial material change in the individual’s circumstances. Applications received more than 12 months after the refusal/revocation will be considered in accordance with this policy.

### **3. Appeals**

- 3.1 Any applicant refused a driver’s licence, or who has their licence suspended or revoked on the grounds that the Council is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate’s Court within 21 days of the notice of refusal.

*In cases where a driver has successfully won an appeal challenge against a revocation of their Licence through the court procedure and is entitled to drive. The Council will expedite reissuing of the badge for the remaining life of Licence before revocation.*

### **4. Powers**

- 4.1 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to suspend, revoke or refuse to renew a licence if the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 allows a Council to take into account all convictions recorded against an applicant or the holder of a hackney carriage/private hire driver’s licence, whether spent or not. Therefore the Council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.
- 4.3 Under the provisions of Sections 51, 55 and 59 Local Government (Miscellaneous Provisions) Act 1976, the Council is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire driver’s licence is a “fit and proper person” to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Council will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of the conviction, warning, caution etc.
- Circumstances of the individual concerned
- Any sentence imposed by the court
- The applicant's age at the time of the offence/incident leading to the conviction etc
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal reference)
- Any other factors that might be relevant, for example
  - The previous conduct of an existing or former licence holder
  - Whether the applicant has intentionally misled the Council or lied as part of the application process
  - Information provided by other agencies/Council departments

4.4 Existing holders of driver's licences are required to notify the Council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the Council within 2 working days of their arrest of any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal application.

4.5 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing service on 01772 625357 for advice.

4.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense this includes any fees payable to the DBS.

4.7 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities and information disclosed by the Police under the Common Law Police Disclosure Scheme or other similar arrangements. Examples of such information sources that may be used include social care information, benefit payments etc.

4.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence (S57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

4.9 Any offences or behaviour not covered by this Policy will not prevent the Council from taking into account those offences or behaviours.

## **5 Options when determining an application/licence**

5.1 When determining an application or reviewing an existing licence the Council have the following options:

- Approve the application or take no further action
- Refuse the application/revoke the licence/suspend the licence
- Issue a warning
- For existing drivers who have accumulated 9 or more points on their DVLA licence, their drivers licence will normally be suspended until the driver has successfully undertaken a driving test to DVSA standards. Such test will be at the licence holder's expense.

## **6. Serious offences involving violence**

6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will be refused if the applicant has a conviction for an offence that involved the loss of life.

- 6.2 A licence will not be granted where the applicant has a conviction for an offence such as:
- Murder
  - Manslaughter
  - Manslaughter or culpable homicide while driving
  - Terrorism offences
  - Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- 6.3 Consideration may only be given to granting/issuing a licence if at least 10 years have passed since the completion of any sentence and/or licence period following conviction for an offence shown below:
- Arson
  - Malicious wounding or grievous bodily harm which is racially aggravated
  - Assault occasioning actual bodily harm
  - Assault occasioning grievous bodily harm
  - Robbery
  - Possession of a firearm
  - Riot
  - Assault Police
  - Violent disorder
  - Resisting arrest
  - Any racially-aggravated offence against the person or property
  - Common assault
  - Affray
  - Any offence that may be categorised as domestic violence
  - Any Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
  - Any offences (including attempt or conspiracy to commit offences) that are similar to those above
- 6.4 Consideration may only be given to the granting/issuing of a licence if at least 5 years have passed since the completion of any sentence and/or licence period following conviction for an offence shown below:
- Obstruction
  - Criminal Damage
  - Harrassment – breach of restraining order
  - Any offences (including attempt or conspiracy to commit offences) that are similar to those above.
- 6.5 A licence will not be granted if an applicant has more than one conviction for an offence of a violent nature.
- 7. Possession of a weapon**
- 7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.
- 7.2 Depending on the circumstances of the offence at least 7 years must have passed since the completion of the sentence, before the licence is granted.

## **8 Sexual and indecency offences**

8.1 As licensed drivers often carry unaccompanied and vulnerable passenger, the Council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual and indecency offences that involve a third party will be refused a licence. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and/or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003)
- Possession of indecent photographs depicting child pornography
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Making obscene/indecency telephone calls
- Indecent exposure
- Any similar offence (including attempt or conspiracy to commit offences) which replace the above

8.2 In addition to the above, the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar register.

## **9 Dishonesty**

9.1 A licensed private hire or taxi driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transaction and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

9.2 In general, a minimum period of 5 years free of conviction or at least 7 years have passed since the completion of the sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Fare overcharging
- Any similar offences (including attempt or conspiracy to commit offences) which replace the above.

9.3 Applicants or existing licence holders that are found to have intentionally misled the Council or lied as part of the application process, will not be issued with a licence.

## **10. Exploitation**

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

#### 11. Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

### 12 Alcohol and Drugs

12.1 A serious view is taken of any drug related offence. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should be treated with considerable concern. The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully.

12.2 As licence holders are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 5 years after the restoration of the driving licence following a drink driving conviction should elapse before an application will be granted. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be granted. An application will normally be refused where the applicant has a conviction for driving/being in charge under the influence which does not result in a disqualification within two years of the date of application.

12.3 An isolated conviction for drunkenness not related to the driving of a vehicle need not debar an applicant from gaining a licence. In some cases a warning may be deemed appropriate. More than one conviction could indicate a medical problem necessitating critical examination and refusal of a licence.

12.4 Because of the nature of a driver's involvement with the public, a licence will not be granted where the applicant has a conviction for an offence related to the supply of drugs.

12.5 A licence will not be granted where the applicant has a conviction for offences related to the possession of illegal/controlled drugs until at least 10 years have passed since the completion of any sentence and/or licence period and only then after full consideration of the nature of the offence and the quantity/type of drugs involved.

12.6 If there is evidence of persistent drug use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict then they would be required to show evidence of 5 years free from drug taking after detoxification treatment.

### 13. Driving offences involving the loss of life

13.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

A licence will not be granted if an applicant has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences (including attempt or conspiracy), offences which replace the above

## 14 Other traffic offences

- 14.1 Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences, waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal.
- 14.2 New applicants and existing licensed drivers with a conviction for a “major traffic offence” as defined below will be referred to the Committee for determination where the conviction is less than 5 years prior to the date of application. A conviction less than 2 years prior to the date of application will generally be refused.
- 14.3 *Where any of the offences which contribute to the totting up disqualification are classed as a “major” traffic offence an application will normally be refused unless a period of 3 years free from conviction has elapsed from the date of restoration of the DVLA licence, **7 years where the disqualification relates to driving whilst under the influence/being unfit through drink or drugs***

### 14.4 “Major traffic offences”

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of court
BA30	Attempting to drive while disqualified by order of court
CU80	Using mobile phone whilst driving
DD40	Dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving/attempting to drive then failing to supply specimen for analysis
DR31	Driving/attempting to drive when unfit through drugs
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drugs
DR60	Failure to provide a specimen for analysis in circumstances other than driving/attempting to drive
DR61	Failure to provide a specimen for drug analysis in circumstances other than driving/attempting to drive
DR70	Failing to provide a specimen for a breath test
DR90	In charge of a vehicle when unfit through drugs
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to the identity of a driver, etc.
UT50	Aggravated vehicle taking
	Offences of aiding, abetting counselling or procuring the above offences (offence coded as above but last digit is a 2)
	Offences of causing or permitting above offences (offence coded as above but last digit is a 4)
	Inciting (offence coded as above but last digit is a 6)
	Any intermediate traffic offence (as defined below) which has attracted 4 or more penalty points

#### 14.5 “Intermediate” traffic offences

Where an individual has a single intermediate traffic offence (as defined below) within the 12 months immediately preceding the date of application, they will normally be expected to show a period of at least 6 months free from conviction before an application is considered.

Where an individual has 2 or more intermediate traffic offences in the 12 months immediately preceding the date of application, the individual will normally be expected to show a period of at least 12 months free from conviction before an application is considered.

Where the conviction resulted in a period of disqualification an application will generally be refused unless the individual can show a period free from conviction has elapsed from the restoration of the DVLA licence which is twice the period of the disqualification imposed. For example a 3 month disqualification requires a 6 month period free from conviction.

CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of unsuitable vehicle/dangerous condition
CU30	Using vehicle with defective tyre
CU40	Using vehicle with defective steering
CU50	Causing/likely to cause danger by reason of load or passengers
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Drive without due care and attention/without reasonable consideration
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle
SP30	Exceeding statutory speed limit on a public road – not dealt with as a fixed penalty
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on motorway
SP60	Exceeding speed limit
	Offences of aiding, abetting counselling or procuring the above offences (offence coded as above but last digit is a 2)
	Offences of causing or permitting above offences (offence coded as above but last digit is a 4)
	Inciting (offence coded as above but last digit is a 6)
	Any minor traffic offence (as defined below) which has attracted 4 or more penalty points

#### 14.6 “Minor” traffic offences

Where an individual has a single minor traffic offence (as defined below) in the 12 months immediately preceding the date of application, the application will normally be granted with a letter of warning being placed on file.

Where an individual has two or more minor offences in the 12 months immediately preceding the date of application an individual will normally be expected to show a period of at least 6 months free from conviction before an application is considered.

Where the conviction resulted in a period of disqualification an application will generally be refused unless the individual can show a period free from conviction has elapsed from the restoration of the DVLA licence which is equal to the period of the disqualification imposed.

MS10	Leaving vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight

MS80	Refusing to submit to an eye test
MW10	Contravention of special road regulations (excluding speed limits)
PC10	Contravention of pedestrian crossing regulations
PC20	Contravention of pedestrian crossing regulations with a moving vehicle
PC 30	Contravention of pedestrian crossing regulations with a stationary vehicle
SP30	Speeding dealt with by way of a fixed penalty
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a "stop" sign
TS40	Failing to comply with the direction of a constable or traffic warden
TS50	Failing to comply with a traffic sign (excluding stop, traffic lights, double white lines)
TS60	Failing to comply with a school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign
	Offences of aiding, abetting counselling or procuring the above offences (offence coded as above but last digit is a 2)
	Offences of causing or permitting above offences (offence coded as above but last digit is a 4)
	Inciting (offence coded as above but last digit is a 6)

#### 14.7 "Totting Up"

Where a driver obtains 12 or more penalty points with a three year period, they will be liable to be disqualified from driving by the court.

An application will generally be refused unless the individual can show a period of 12 months free from conviction has elapsed following the restoration of the DVLA licence.

*Where the conviction resulted in a period of disqualification, an application will normally be refused unless a period of 3 years free from conviction has elapsed from the date of restoration of the DVLA licence, **7 years** where the disqualification relates to driving whilst under the influence/being unfit through drink or drugs.*

There may be occasions where an applicant has accrued sufficient points for the court to consider disqualification, but there is a successful argument made that there should be no disqualification because it would cause exceptional hardship. In these circumstances the Council expects the individual to supply full details of each of the matters that led to the totting up. The Council will take those matters into account in accordance with this policy when deciding whether to grant or refuse an application or whether to take action against an existing licence. Should the individual not supply this information, the Council will take the failure to do so into account when deciding whether to take any such action.

### 15 Insurance offences

- 15.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years however strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.
- 15.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his operator's licence revoked immediately and will not be permitted to hold a licence for a period of at least three years.

## **16 Licensing Offences**

- 16.1 Certain offences under taxi legislation - plying for hire, overcharging and refusing to carry disabled persons - will prevent a licence being granted or renewed until a period of 3 years has passed since conviction.
- 16.2 Where an individual has any other licensing conviction arising from the Town Police Clauses Act 1847, Part II Local Government (Miscellaneous Provisions) Act 1976 or the Hackney Carriage Byelaws or Section 167 Criminal Justice and Public Order Act 1994, they will normally be refused a licence if the conviction is during the 2 year period immediately preceding the date of application.
- 16.3 Where there is more than one licensing conviction an application will normally be refused unless at least 5 years has passed since the completion of the most recent sentence.

## **17 Outstanding charges or summonses**

- 17.1 If the individual is the subject of an outstanding charge or summons their application may be suspended until the matter is resolved, this decision will be made on a case by case basis.

## **18 Non-conviction information**

- 18.1 The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint) the credibility of both the witness/complainant and the licence holder will be taken into account.
- 18.2 If an applicant has been arrested or charged, but not convicted, for serious offences which suggest he/she could be a danger to the public, consideration should be given to refusing the application. Such offences would include violent and/or sexual offences.
- 18.3 Licence holders will be referred to the Committee in situations where it is clear that their behaviour is not influenced by verbal or written warnings administered by Licensing Officers.
- 18.4 Any licence holder who receives a third warning, wither written or verbal, in respect of a breach or complaint within an 18month period (calculated by reference to the date of the breach/complaint) will be brought before the Committee.
- 16.5 In certain situations the breach or complaint may be deemed so serious that an immediate response is warranted. In those cases the Council will utilise its emergency powers under Standing Order 38 and report the circumstances to the next scheduled Licensing Committee.
- 18.3 In assessing the action to take, the safety of the travelling public must be the paramount concern.

## **19 Applicants with a period of residency outside the UK**

- 19.1 If an applicant has spent six continuous months or more overseas (since the age of 16) the Council will expect to see evidence of a criminal record check from the country/countries visited during the period.
- 19.2 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy.

## **20 Summary**

- 20.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (depending on the crime committed) before an application is likely to be successful. If there is any doubt about the suitability of an individual to

be licensed, the Committee needs to be mindful of the need to protect the public and caution should be exercised.

- 20.2 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing the applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if the offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.
- 20.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation to have immediate effect, and the notice given to the driver includes a statement that it is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.
- 20.4 At least three years should elapse after the restoration of a DVLA driving licence before a licence would be granted for a hackney carriage or private hire driver's licence.

This Statement of Policy relating to the relevance of previous convictions, cautions, complaints and other matters which may impact on the granting of a licence was adopted by Council on 1 March 2017

Signed:

A handwritten signature in black ink that reads "A. Glover". The signature is written in a cursive style and is contained within a thin black rectangular border.

Interim Licensing Manager

2 March 2017

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# Hackney Carriage / Private Hire GROUP II MEDICAL EXAMINATION REPORT FORM

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## INFORMATION NOTES

It is a requirement under Section 57 of the Local Government (Miscellaneous Provisions) Act, 1976, to provide a Medical Examination Report to the effect that you are physically fit to drive a Hackney Carriage / Private Hire vehicle.

**This form is to be completed by the applicant's own General Practitioner (GP) or any other doctor with FULL ACCESS to applicant's medical records and is for the confidential use of the Licensing Authority.**

A Group II Medical Report Form is required every 5 years until the age of 65. From the age of 65, each renewal application must be accompanied by a Group II Medical Report Form.

Any fee charged by the GP / Doctor is payable by the applicant.

- Please use this form to record medical examination details
- Please complete in block capital letters and in black ink

Licensing Officers are not permitted to complete or amend forms on behalf of applicants for legal reasons.

Please return this form once fully completed to:

**South Ribble Borough Council - Licensing Unit Civic Centre West Paddock  
Leyland PR25 1DH**

*The Licensing Section is committed to an accessible public transport system in which all members of society have the same opportunity to travel. Taxis and Private Hire vehicles are a vital link in the transport chain and it is important that people who use them have confidence that drivers will accept them and transport them in safety and reasonable comfort, providing assistance as may be reasonably required.*

## Guidance Notes



**WHAT YOU HAVE TO DO:**

1. Before consulting your GP please read the notes 'Medical standards for drivers of passenger carrying vehicles', below.
2. If, after reading the notes, you have any doubts about your ability to meet the medical or eyesight standards, consult your GP/Optician before you arrange for this medical form to be completed as your GP will normally charge you for completing it. In the event of your application being refused, the fee you pay your GP is not refundable. South Ribble Borough Council has no responsibility for the fee payable to your GP.
3. Fill in Section 9 and 10 of this report in the presence of the GP carrying out the examination as well as at the top of each page of this form.
4. Application forms must be submitted together with the Group II Medical Report Form otherwise there may be delays in processing your application.

**WHAT THE GP HAS TO DO:**

1. Arrange for the patient to be seen and examined.
2. Complete Sections 1-8 of this report. You may find it helpful to consult the DVLA's "At a Glance" booklet. This is available for download at the 'medical rules for all drivers' Section of [www.directgov.uk/motoring](http://www.directgov.uk/motoring)
3. Applicants who may be asymptomatic at the time of the examination should be advised that, if in future they develop symptoms of a condition which could affect safe driving and they hold either a Hackney Carriage and / or Private Hire driver licence **they must inform** the Licensing Section at Civic Centre, West Paddock Leyland PR25 1DH.
4. Please ensure that you have completed all Sections within this form. If this report does not bring out important clinical details with respect to driving, please give details in Section 7.

**MEDICAL STANDARDS FOR DRIVERS OF PASSENGER CARRYING VEHICLES:**

Medical standards for drivers of passenger carrying vehicles are higher than those required for car drivers. The following conditions are likely to be a bar to the holding of a Hackney Carriage/ Private Hire driver licence:

1. Epileptic Attack

Applicants must have been free of epileptic seizures for at least the last ten years and have not taken anti-epileptic medication during this ten year period. The Licensing Section are likely to refuse or revoke the licence if these conditions cannot be met.

2. Diabetes

Insulin treated diabetics licensed before 1 April 1991 are dealt with individually and licensing is subject to satisfactory annual consultant medical certification and to the proviso that they are not suffering from any other relevant disabilities. Since 1 April 1991 diabetic patients on insulin are barred from first applying for a passenger carrying vehicle driving licence and from renewing thereafter unless they can meet the criteria of Appendix C1.

3. Eyesight

All applicants must be able to read in good daylight a number plate at 20.5 metres (67 feet) and, if glasses or corrective lenses are required to do so, these must be worn while driving. In addition applicants must have:

- A visual acuity of at least 6/9 in the better eye
- A visual acuity of at least 6/12 in the worse eye
- If these are achieved by correction the uncorrected visual acuity in each eye must be no less than 3/60

**Full name of Applicant:** ..... **DOB:**.....



Applicants are also barred from holding a licence if they have:

- Uncontrolled diplopia (double vision)
- Or do not have a normal binocular field of vision

#### 4. Other medical conditions

In addition applicants and renewals are likely to be refused if they are unable to meet the national recommended guidelines in the following cases:

- Within three months of myocardial infarction, any episode of unstable angina, CABG or coronary angioplasty
- A significant disturbance of cardiac rhythm occurring within the past five years unless special criteria are met
- Suffering from or receiving medication for angina or heart failure
- Hypertension where the BP is persistently 180+ Systolic OR 100+ Diastolic.
- A stroke or TIA within the last twelve months
- Unexplained loss of consciousness within the past five years
- Meniere's and other conditions causing disabling vertigo, within the past twelve months and with a liability to recurrence
- Recent severe head injury with serious continuing after effects or major brain surgery
- Parkinson's disease, multiple sclerosis or other "chronic" neurological disorders likely to affect limb power and co-ordination
- Suffering from a psychotic illness in the past three years or suffering from dementia
- Alcohol dependency or misuse or persistent drug or substance misuse or dependency in the past three years
- Insuperable difficulty in communicating by telephone in an emergency
- Any other serious medical condition which may cause problems for road safety when driving a passenger carrying vehicle
- If major psychotropic or neuroleptic medication is being taken
- Any malignant condition within the last two years likely to metastasise to the brain

### **C1 CRITERIA FOR INSULIN DEPENDENT DRIVERS**

Recent regulation changes allow insulin dependent drivers to apply for, or renew, their entitlement to drive a Private Hire and/ or Hackney Carriage vehicle, subject to them meeting all the 'qualifying conditions'.

The qualifying conditions that must be met when applicants apply are as follows:

1. They must have had no hypoglycaemic attacks requiring assistance whilst driving within the previous 12 months.
2. They will not be able to apply until their condition has been stable for a period of a least one month.
3. They must regularly monitor their condition by checking their blood glucose levels at least twice daily and at times relevant to driving. DVLA advise the use of a memory chip meter for such monitoring.
4. They must arrange to be examined every 12 months by a hospital consultant, who specialises in diabetes. At the examination the consultation will require sight of their blood glucose records for the last 3 months.
5. They must have no other condition, which would render them a danger when driving this type of vehicle.
6. They will be required to sign an undertaking to comply with the directions of doctors treating the diabetes and to report immediately to DVLA any significant change to their condition.



At a meeting of the Secretary of State for Transport's Honorary Medical Advisory Panel on Driving and Diabetes Mellitus, the Panel was made aware that some licensing authorities were permitting drivers with insulin treated diabetes to be issued with taxi licences. The Panel was of the view that the group 2 medical was still the best practice standard for drivers, but that it would be reasonable for licensing authorities to accept the C1 criteria above should they wish to do so.

### **MEDICAL EXAMINATION REPORT**

Please give patient's weight (kg/st)

Height (cms/ft)

Please give details of smoking habits, if any

Please give number of alcohol units taken each week

Is the urine analysis positive for Glucose? No (please  appropriate box) Yes  tick for

Details of specialist(s)/consultants, including addresses	1.	2.	3.
Speciality			
Date last seen			
Current medication exact dosage and reason treatment			

including for each

Date when first licensed to drive a taxi/PH vehicle  And/or lorry  And/or bus

**Full name of Applicant:** ..... **DOB:**.....



**1 Vision**

The visual acuity, as measured by the 6 metre Snellen chart, must be at least 6/7.5 (decimal Snellen equivalent 0.8) in the better eye and at least Snellen 6/60 (decimal Snellen equivalent 0.1) in the other eye. Corrective lenses may be worn to achieve this standard. A LogMAR reading is acceptable.

You MUST answer ALL the following questions

1. Please confirm (✓) the scale you are using to express the driver's visual acuities.

Snellen  Snellen expressed as a decimal  LogMAR

2. Please state the visual acuity of each eye.

<u>UNCORRECTED</u>		<u>CORRECTED</u>		<b>(using the prescription worn for driving)</b>
	Left		Right	
Right			Left	

3. Please give the best binocular acuity with corrective lenses if worn for driving.

Please  tick ✓ the appropriate boxes YES NO

4. If glasses were worn, was the distance spectacle prescription of either lens used of a corrective power greater than plus 8 (+8) dioptries?  YES  NO

5. If a correction is worn for driving, is it well tolerated?  YES  NO

**If you answer Yes to ANY of the following, give details in the box provided.**

6. Is there a history of any medical condition that may affect the applicant's binocular field of vision (central and/or peripheral)?  YES  NO

7. Is there diplopia?  YES  NO

(a) Is it controlled?  YES  NO

If **Yes**, please ensure you give full details in the box provided.

8. Is there any reason to believe that there is impairment of contrast sensitivity or intolerance to glare?  YES  NO

9. Does the applicant have any other ophthalmic condition?  YES  NO

**Full name of Applicant:** ..... **DOB:**.....



Details

Name and signature of professional carrying out Vision Assessment:

Name (print)

Signature  Date

**2** Nervous System

Please tick ✓ the appropriate boxes

YES NO

1. Has the applicant had any form of seizure?

If **NO**, please go to **question 2**

If **YES**, please answer questions a-f

(a) Has the applicant had more than one attack?

(b) If Yes, please give date of first and last attack

First  
Last

D D	M M	Y Y
D D	M M	Y Y

(c) Is the applicant currently on anti-epilepsy medication?

If **YES**, please complete current medication on the appropriate section at the front of this form

**Full name of Applicant:** ..... **DOB:**.....



(d) If no longer treated, please give date when treatment ended

D D	M M	Y Y
-----	-----	-----

(e) Has the applicant had a brain scan? If **YES**, please state:

MRI

D D	M M	Y Y
-----	-----	-----

CT

D D	M M	Y Y
-----	-----	-----

(f) Has the patient had an EEG?

D D	M M	Y Y
-----	-----	-----

If **YES** to any of the above, please supply reports if available.

2. Is there a history of blackout or impaired consciousness within the last 5 years? If **YES**, please give date(s) and details in **Section 7**

3. Does the applicant suffer from narcolepsy or cataplexy? If **YES**, please give date(s) and details in **Section 7**

4. Is there a history of, or evidence of **ANY** conditions listed at a-h below?

If **NO**, go to **Section 3**.

If **YES**, please tick the relevant box(es) and give dates and full details at **Section 7** and supply any relevant reports.

(a) Stroke or TIA

If **YES**, please give date

D D	M M	Y Y
-----	-----	-----

Has there been a **full** recovery?

(b) Sudden and disabling dizziness/vertigo within the last year with a liability to recur

(c) Subarachnoid haemorrhage

(d) Serious traumatic brain injury within the last 10 years

(e) Any form of brain tumour

(f) Other brain surgery or abnormality

(g) Chronic neurological disorders

(h) Parkinson's disease

3 Diabetes Mellitus \_\_\_\_\_



Please tick ✓ the appropriate boxes

YES NO

1. Does the applicant have diabetes mellitus?

If NO, please go to Section 4

If YES, please answer the following questions.

2. Is the diabetes managed by:- (a) Insulin?

D D	M M	Y Y
-----	-----	-----

If YES, please give date started on insulin

(b) If treated with insulin are there at least 3 months of blood glucose readings stored on a memory meter(s)?

If NO, please give details in Section 7.

(c) Other injectable treatments?

(d) A Sulphonylurea or a Glinide?

(e) Oral hypoglycaemic agents and diet?

If YES to any of a-e, please complete current medication on the appropriate section on the front of this form

(f) Diet only?

3. (a) Does the applicant test blood glucose at least twice every day?

(b) Does the patient test at times relevant to driving?

(c) Does the patient carry fast acting carbohydrate within easy reach when driving?

(d) Does the applicant have a clear understanding of diabetes and the necessary precautions for safe driving?

4. Is there any evidence of impaired awareness of hypoglycaemia?

5. Is there a history of hypoglycaemia in the last 12 months requiring the assistance of another person?

6. Is there evidence of:- (a) Loss of visual field?

(b) Severe peripheral neuropathy, sufficient to impair limb function for safe driving?

If YES to any of 4-6 above, please give details in Section 7

7. Has there been laser treatment or intra-  vitreal treatment for retinopathy?

<input type="checkbox"/>	<input type="checkbox"/>	
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If YES, please give date(s) of treatment



**4** Psychiatric Illness

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Please tick ✓ the appropriate boxes

YES NO

Is there a history of, or evidence of, ANY of the conditions listed at 1-7 below?

If NO, go to **Section 5**

If YES, please tick the relevant box(es) below and give date(s), prognosis, period of stability and details of medication, dosage and any side effects in **Section 7. NB.**

Please enclose relevant hospital notes.

**NB.** If applicant remains under specialist clinic(s) ensure details are completed at the top of page 1.

1. Significant psychiatric disorder within the past 6 months

2. Psychosis or hypomania/mania within the past 3 years, including psychotic depression

3. Dementia or cognitive impairment

4. Persistent alcohol misuse in the past 12 months

5. Alcohol dependence in the past 3 years

6. Persistent drug misuse in the past 12 months

7. Drug dependency in the past 3 years

**5** Cardiac

---

**Please follow the instructions in all sections (5A-5G) giving details as required in Section 7 and enclose hospital notes relevant to this condition.**

**NB.** If applicant remains under specialist cardiac clinic(s) ensure details are completed.

**5A** Coronary artery disease

---

Please tick ✓ the appropriate boxes

YES NO

Is there a history of, or evidence of, coronary artery disease?

If NO, go to **Section 5B**

If YES please answer all questions below and give details at **Section 7** of the form.

1. Has the applicant suffered from Angina?

If YES, please give the date of the last known attack



D D	M M	Y Y
-----	-----	-----

2. Acute coronary syndromes including Myocardial infarction?

D D	M M	Y Y
-----	-----	-----

If **YES**, please give date

3. Coronary angioplasty (P.C.1)

D D	M M	Y Y
-----	-----	-----

If **YES**, please give date of most recent intervention

4. Coronary artery by-pass graft surgery?

D D	M M	Y Y
-----	-----	-----

If **YES**, please give date

**Please proceed to Section 5B**

**5B Cardiac arrhythmia**

Please tick ✓ the appropriate boxes

YES NO

**Is there a history of, or evidence of, cardiac arrhythmia?**

If **NO**, go to **Section 5C**

If **YES** please answer all questions below and give details in **Section 7**.

1. Has there been a **significant** disturbance of cardiac rhythm? i.e. Sinoatrial disease, significant atrio-ventricular conduction defect, atrial flutter/fibrillation, narrow or broad complex tachycardia in the last 5 years?

2. Has the arrhythmia been controlled satisfactorily for at least 3 months?

3. Has an ICD or biventricular pacemaker (CRST-D type) been implanted

4. Has a pacemaker been implanted?

If **YES**:-

(a) Please supply date of implantation

D D	M M	Y Y
-----	-----	-----

(b) Is the applicant free of symptoms that caused the device to be fitted?

(c) Does the applicant attend a pacemaker clinic regularly?

**Please go to Section 5C**

**5C Peripheral arterial disease (excluding Buerger's disease) aortic aneurysm/dissection**

Please tick ✓ the appropriate boxes

YES NO

Is there a history or evidence of **ANY** of the following:

If **YES** please answer all questions below, and give details in **Section 7**. If

**NO**, go to **Section 5D**



1. Peripheral arterial disease (excluding Buerger's Disease)

2. Does the patient have claudication?

If **YES**, for how long in minutes can the patient walk at a brisk pace before being symptom-limited? Please give details

3. Aortic aneurysm (please circle) **YES** **NO**

If **YES**:

a) Site of Aneurysm: **Thoracic**  **Abdominal**

b) Has it been repaired successfully?

c) Is the transverse diameter **currently** > 5.5cm?

If **NO**, please provide latest measurement and date obtained

	D D	M M	Y Y
--	-----	-----	-----

4. Dissection of the aorta repaired successfully:    
 If **YES**, please provide copies of all reports to include those dealing with surgical treatment

5. Is there a history of Marfan's disease? If **YES**, provide relevant hospital notes

**Please go to Section 5D**

**5D** Valvular / congenital heart disease

Please tick ✓ the appropriate boxes YES NO

Is there a history of, or evidence of, valvular / congenital heart disease?

If **NO**, go to **Section 5E**

If **YES** please answer all questions below and give details at **Section 7** of the form.

1. Is there a history of congenital heart disorder?

2. Is there a history of heart valve disease? — —
3. Is there any   history of embolism? (**not** pulmonary)    
 embolism)
4. Does the applicant currently have significant symptoms?
5. Has there been any progression since the last licence application? (if relevant)

Please go to Section 5E

5E Cardiac Other

---

Please tick ✓ the appropriate boxes

YES NO

Does the applicant have a history of **ANY** of the following conditions:

If **NO**, go to **Section 5F**

If **YES** please answer all questions below and give details at **Section 7** of the form.

- (a) a history of, or evidence of heart failure?
- (b) established cardiomyopathy?
- (c) has a Left Ventricular Assist Device (LVAD) been implanted?
- (d) a heart or heart/lung transplant?
- (e) untreated atrial myxoma?

Please go to Section 5F

5F Cardiac Investigations

---

**THIS SECTION MUST BE COMPLETED FOR ALL APPLICANTS**

Please tick ✓ the appropriate boxes

YES NO

1. Has a resting ECG been undertaken?

If **YES** does it show:-

- (a) pathological Q waves?
- (b) left bundle branch block?
- (c) right bundle branch block?

If yes to a, b or c please provide a copy of the ECG report or comment at **Section 7**

2. Has an exercise ECG been undertaken (or planned)?

DD	MM	YY		
----	----	----	--	--

If **YES**, please give date and give details in **Section 7**  
Please provide relevant reports if available

3. Has an echocardiogram been undertaken (or planned)?

DD	MM	YY
----	----	----

a) If **YES** please give date and give details in Section 7

(b) If undertaken, is/was the left ejection fraction greater than or equal to 40%? Please provide relevant reports if available

4. Has a coronary angiogram been undertaken (or planned)?

DD	MM	YY
----	----	----

If **YES**, please give date and give details in **Section 7**  
Please provide relevant reports if available

5. Has a 24 hour ECG tape been undertaken (or planned)?

DD	MM	YY
----	----	----

If **YES**, please give date and give details in **Section 7**  
Please provide relevant reports if available

6. Has a myocardial perfusion scan or stress echo study been undertaken (or planned)?

DD	MM	YY
----	----	----

If **YES**, please give date and give details in **Section 7**  
Please provide relevant reports if available

Please go to **Section 5G**

**5G Blood Pressure**

**THIS SECTION MUST BE COMPLETED FOR ALL APPLICANTS**

Please tick ✓ the appropriate boxes

YES NO

1. Please record today's blood pressure reading

--

2. Is the applicant on anti-hypertensive treatment?

If **YES**, please provide three previous readings and dates.

DD	MM	YY	
DD	MM	YY	

**Full name of Applicant:** ..... **DOB:**.....

DD	MM	YY

**6 General**

Please tick ✓ the appropriate boxes

YES NO

Please answer **ALL** questions in this section. If your answer is 'YES' to any of the questions, please give full details in **Section 7**.

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 1. Is there <b>currently</b> any functional impairment that is likely to affect control of the vehicle?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is there a history of bronchogenic carcinoma or other malignant tumour with a significant liability to metastasise cerebrally?                                      | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Is there any illness that may cause significant fatigue or cachexia that affects safe driving?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Is the applicant profoundly deaf? If <b>YES</b> , is the patient able to communicate in the event of an emergency by speech or by using a device, e.g. a textphone? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Does the patient have a history of liver disease of any origin?   | <input type="checkbox"/> | <input type="checkbox"/> |
| If <b>YES</b> , please give details in <b>Section 7</b>  | <input type="checkbox"/> | <input type="checkbox"/> |

6. Is there a history of renal failure?  
If **YES**, please give details in **Section 7**

7. (a) Is there a history of, or evidence of, obstructive sleep apnoea syndrome?

(b) Is there any other **medical condition** causing excessive daytime sleepiness?

If **YES**, please give diagnosis

If **YES** to 7a or b please give

DD	MM	YY
----	----	----

(i) Date of diagnosis

(ii) Is it controlled successfully?

(iii) If **YES**, please state treatment

(iv) Please state period of control

(v) Date last seen by consultant

DD	MM	YY
----	----	----

8. Does the applicant have severe symptomatic respiratory disease causing chronic hypoxia?

9. Does any medication currently taken cause the applicant side effects that could affect safe driving?

If **YES**, please provide details of medication and symptoms in **Section 7**

10. Does the applicant have an ophthalmic condition? If **YES**, please provide details in **Section 7**

11. Does the applicant have a medical condition that would affect his/her ability to carry assistance dogs whilst driving?

12. Does the applicant have a medical condition that would affect his/her ability to assist passengers in wheelchairs?

13. Does the applicant have any other medical condition that could affect safe driving? If **YES**, please supply details


THIS SECTION IS INTENTIONALLY BLANK

7

**Please forward copies of relevant hospital notes only.  
PLEASE DO NOT send any notes not related to fitness to drive.**



**Full name of Applicant:.....DOB:.....**

## Examining doctor's Details

To be completed by doctor carrying out the examination

**Please ensure all sections of the form have been completed. Failure to do so will result in the form being rejected.**

**8** Doctor's details

---

I confirm that is  **FIT**  **UNFIT**   
 to  
**undertake the duties of a Hackney Carriage / Private Hire Driver**

Signature of Medical Practitioner    Date



Name
Address
Email address
Telephone
Fax number

**Surgery Stamp**

*(Please print name and address in capital letters)*

GMC Registration Number

--	--	--	--	--	--	--	--	--	--

**9** Applicant's consent and declaration

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**Consent and Declaration**

This section **MUST** be completed and must **NOT** be altered in any way. Please read the following important information carefully then sign the statements below.

**Full name of Applicant:**.....**DOB:**.....

**Important information about Consent**

On occasion, as part of the investigation into your fitness to drive, South Ribble Borough Council, may require you to undergo a medical examination or some form of practical assessment. In these circumstances, those personnel involved will require your background medical details to undertake an appropriate and adequate assessment. Such personnel might include doctors, orthoptists at eye clinics or paramedical staff at a driving assessment centre. Only information relevant to the assessment of your fitness to drive will be released. In addition, where the circumstances

of your case appear exceptional, the relevant medical information would need to be considered by one or more of the Secretary of State's Honorary Medical Advisory Panels. The membership of — — these Panels conforms strictly to the principle of confidentiality.

**Consent and Declaration**

**I authorise my Doctor(s) and Specialist(s) to release report/medical information about my condition, relevant to my fitness to drive, to the Secretary of State's medical adviser.**

**I authorise the Secretary of State to disclose such relevant medical information as may be necessary to the investigation of my fitness to drive, to doctors, paramedical staff and Panel members, and to inform my doctor(s) of the outcome of the case where appropriate.**

**I declare that I have checked the details I have given on the enclosed questionnaire and that, to the best of my knowledge and belief, they are correct.**

**I understand that it is a criminal offence if I make a false declaration to obtain a driving licence and can lead to prosecution.**

Signature

Date

— —

## Applicant's Details

**To be completed in the presence of the GP / Doctor carrying out the examination**

Please make sure that you have printed your name and date of birth on each page before sending this form with your application

### **10** Your details

Your full name	Date of Birth	DD	MM	YY	
Your address					
		Home tel.			
		no.			
		Work/Day no.			
Email address					

### About your GP / Group Practice

GP/Group name
Address
Telephone
Email address
Fax number

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South Ribble Borough Council  
Licensing Unit  
Civic Centre, West Paddock  
Leyland  
PR25 1DH  
Tel: 01772 – 625580 / 625357  
Email: [licensing@southribble.gov.uk](mailto:licensing@southribble.gov.uk)

### **Standard Conditions attached to a Private Hire Drivers licence**

#### **Local Government (Miscellaneous Provisions) Act, 1976 part 2 Section 1**

##### 1. Driver licences / Conditions

- (a) Each licensed driver shall deliver to his employing Private Hire operator his/her licence to drive a Private Hire vehicle. The employing Private Hire Operator shall be responsible for the safe custody of the Private Hire driving licence during the period of employment and shall return it to the Council at the request of an Authorised Officer.
- (b) The driver shall at all times when driving a Private Hire vehicle carry with him, a copy of these conditions and shall make them available for inspection by the hirer or any other passenger on request.

##### 2. Change of Operator

A licensed driver must inform the Licensing Unit immediately in writing and in any case not more than 72 hours after the event if he/she changes Private Hire Operator.

##### 3. Change of address

The driver shall notify the Licensing Unit, in writing of any change of address during the period of the licence within seven days of such change taking place.

##### 4. Medical circumstances

- (a) A licensed driver must notify the Council in writing, within 72 hours, of any changes to his/her medical circumstances as contained in the Group II entitlement of the 'Medical Aspects of Fitness to Drive Guide for Medical Practitioners' as published by the Medical Commission on Accident Prevention whether it being permanent or temporary which affects or may affect the driver's ability to drive a Private Hire vehicle.  
This includes, but not exhaustively, the following:- heart attack, angina, diabetes, epilepsy, stroke, high blood pressure, any surgical operation, any bone fracture or dislocation of joint, alcohol or drug addiction or dependency.
- (b) A licensed driver must comply with the request of an Authorised Officer of the Council to undertake a medical examination with their General Practitioner or consultant or the Council's authorised Occupation Health representative to satisfy the Council that they are fit to safely undertake public transport duties. The driver must supply an original copy of that medical opinion to the Council. The Authorised Officer may suspend the licence, if not satisfied that the Condition set out here is not being complied with within a reasonable timescale, or that the medical condition of the licensed driver is such that the licence should be suspended in any case, or that the medical condition appears to be such that it is in the interest of safety to suspend the licence.

- (c) Disability discrimination - Every licensed driver must conform to the requirements of the Equality Act 2010, and associated legislation.

5. Requirements to report convictions & associated incidents<sup>3</sup>

1. Any of the following events must be reported in writing to the Licensing Section within 72 hours during the currency of a licence giving full details of:-

- i any conviction or finding of guilt (criminal or driving matter);
- ii any caution (issued by the Police or any other agency);
- iii issue of any Magistrate's Court summons against them;
- iv issue of any fixed penalty notice for any matter;
- v any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
- vi their arrest for any offence (whether or not charged)

2. When required, a licensed driver will undertake enhanced Disclosure and Barring vetting (DBS) at his/her own expense and within a timescale set by the Council.

6. Training to expected standards of service and safety

- (a) During the lifetime of a drivers licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation the licence may be suspended or revoked. The cost of such training will be borne by the licence holder.
- (b) The driver of any wheelchair accessible vehicle must undertake appropriate training, approved by the Council, to ensure that passengers are handled and conveyed safely.

7. Driver badges

Each driver shall at all times, when driving a licensed Private Hire vehicle, display their driver's badge issued by the Council, in a prominent place on the outer clothing at the front of the upper body. A replacement badge may be issued on application in return for the prescribed fee. The badges issued by the Council shall remain the property of the Council and must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for any reason.

8. Conduct of driver

The driver shall:

- (a) Alight from the vehicle and provide reasonable assistance with passengers' luggage and ensure its safe storage within the vehicle.

- (b) Where a passenger has an obvious or apparent disability, the driver shall alight from the vehicle, offer assistance and ensure the passenger is seated safely in the vehicle before commencing the journey.
- (c) Ensure that any disabled aid, wheelchair or assistance dog is appropriately and safely stored or accommodated within the vehicle.
- (d) On arrival at the pick-up point of a booked journey, use the Operators 'ring back' system or radio the Operator base to enable the customer to be informed of the booked vehicles arrival.
- (e) At the conclusion of a journey the driver shall similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.
- (f) Particular care must be taken with unaccompanied children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination. In respect of passengers with significant visual impairment who are taken to hospitals or other medical establishments, personal guidance and assistance should be given to ensure that they arrive at an appropriate place of contact i.e. a reception desk.
- (g) At all times be clean and respectable in his / her dress and person and behave in a civil and orderly manner.
- (h) Take all reasonable steps to ensure safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.
- (i) Not without the express consent of the hirer, drink or eat in the vehicle and in any case NEVER whilst driving.
- (j) Not smoke at any time within the licensed vehicle, or allow any other person to do so, or adjacent to it, which results in smoke entering the vehicle.
- (k) Not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle, which may only be by way of the Operators radio or data head linked to the Operators dispatch system.
- (l) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment. In the vehicle which he/she is driving, to be a source of nuisance to any person, whether inside or outside the vehicle.
- (m) Not use a mobile telephone unless in emergency circumstances e.g. a '999' call. It must not be used for social calls or for the purpose of recording a booking which the Operator has not despatched.
- (n) Not record, or cause to be recorded in the Operators booking system any hiring they have undertaken; are undertaking; or considering undertaking which was not despatched by the Operator. Any such attempt to circumvent the relevant legislation in order to give the appearance that a journey was lawfully pre-booked will be considered as a serious breach of primary legislation and Conditions and may result in the suspension or revocation of the drivers licence.
- (o) Other than satellite navigation information, not display any moving images or have any nonfactory fitted form of visual display screen fitted to the licensed vehicle.

## 9. Passengers

- (a) The driver shall not convey or permit to be conveyed in a Private Hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (b) The driver shall not allow there to be conveyed in the front of a Private Hire vehicles any child below the age of ten years.
- (c) The driver shall not without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.

#### 10. Prompt attendance

- (a) The driver of the 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 he/she 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.
- (b) The driver shall immediately report to the Operator such delay.

#### 11. Taximeter

If a Private Hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause any fare recorded thereon, to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

#### 12. Fare to be demanded & issuing of receipts

- (a) The driver shall not demand from any hirer of a Private Hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator, or the hirer and the driver. If the vehicle is fitted with a tariff meter and there has been no previous agreement as to the fare, the driver shall not demand from any hirer a fare in excess of that shown on the face of the meter.
- (b) The driver will supply the hirer, or one of the party accompanying the hirer, upon request and free of charge, a formal receipt for the cost of the journey. The information to be included on the receipt is: - the name of the operator, the date & time of the hiring, the drivers licence badge number, the cost of the journey and signature and printed name of the driver.

#### 13. Guide Dogs & Assistance Dogs

- (a) The driver shall carry a Guide Dog, or Assistance Dog, belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude him/her from doing so.
- (b) The driver shall produce to the Council, a Medical Certificate signed by his/her General Medical Practitioner, to prove such a medical condition, on his/her application for a Private Hire driver licence, or if he/she develops such a medical condition after the grant of a licence as soon as he/she is aware of it.
- (c) The driver shall also make his/her Operator aware of any such medical condition at the time of commencement of working for that Operator, as soon as he/she is aware of such a medical condition, whichever is the earlier.
- (d) "Guide dog" means a dog, which assists a person with sight impairment.
- (e) "Assistance dog" means a dog which assists a person with a hearing or other impairment.

#### 14. Animals

The driver shall not convey in the Private Hire vehicle any animal belonging to, or in the custody of himself/herself or the Proprietor or Operator of the vehicle and shall ensure that any animal belonging to or in the custody of any passenger, is conveyed in the rear of the vehicle.

#### 15. Lost property

- (a) Any property or articles of any description left in a Private Hire vehicle by a passenger shall forthwith, and in any event not later than 72 hours, be delivered to the Private Hire Operator who

must make appropriate arrangements for the secure storage of such items, for a minimum of 12 weeks. Prompt and appropriate enquiries must be made by the driver in order to return the property to the owner.

- (b) A record of the property must be retained for a period of 3 months by the driver whose responsibility it was to take care of the property when found.

#### **16. Miscellaneous**

South Ribble Borough Council reserves the right to add, amend or waive conditions attached to the grant of a licence as and when it deems necessary. All such changes will notified in writing.

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# HACKNEY CARRIAGE BYELAWS

Made under Section 68 of the  
Town Police Clauses Act 1847  
and Section 171 of the Public  
Health Act 1875

**2002**

CA15

(Revised 10/02/04)

SOUTH RIBBLE BOROUGH COUNCIL

BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Borough Council of South Ribble with respect to hackney carriages hired in the Borough of South Ribble.

### INTERPRETATION

1. Throughout these byelaws "the Council" means the Borough Council of South Ribble and "the district" means the Borough of South Ribble.

#### 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; and
  - (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 which shall be carried in such a position as to be readily available for use; and
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed attached and maintained as to comply with the following requirements, that is to say:-
- (a) the taximeter shall be fitted with a key, flag or other device the 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 key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and 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 equal to the rate or fare which the driver is entitled to demand and take for the hire of the carriage by distance and time;
  - (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 fittings thereof shall be so affixed in 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 seal or other appliances.
5. The proprietor of a hackney carriage shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements that is to say:
- (a) the sign shall bear the words "FOR HIRE" in plain letters at least 1.5 inches high; and
  - (b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire and for that purpose it shall be capable of being suitably illuminated.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES

6. The driver of a hackney carriage provided with a taximeter shall:-
- (a) when standing or plying for hire keep the taximeter locked in a position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of Byelaw 5 above so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage;
  - (b) as soon as the carriage is hired whether by distance or by time, operate the said taximeter so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage;
  - (c) as soon as the carriage is hired by distance and time, and before commencing the journey, bring the machinery of the taximeter into action by moving the key, flag or other device fitted for the purpose so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - (d) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise and also at any other time at the request of the hirer; and
  - (e) immediately on completion of the hiring, cause the taximeter to cease recording, but allow the amount of the fare recorded on it to remain displayed on the taximeter until the hirer has had a reasonable opportunity of examining it.
7. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
8. The driver of a hackney carriage 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.
- 9. 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.
- 10. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 11. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- 12. 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 two plates affixed to the outside of the carriage.
- 13. 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.
- 14. 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.
- 15. The proprietor or driver of a hackney carriage shall not, when standing or plying for hire, wash such carriage in any street or public place.
- 16. The driver of a hackney carriage shall not, in such carriage when driving for hire, except with the permission of the person hiring or being conveyed in such carriage, smoke tobacco or other substance.
- 17. Every proprietor or driver of a hackney carriage who shall knowingly convey in the carriage the dead body of any person, shall immediately thereafter notify the fact to the Head of Environment and Building Control of the Council.

18. The driver of a hackney carriage shall at all times while standing, driving or plying for hire, keep a complete copy of these byelaws with such carriage and shall on request produce the same for perusal and inspection by any person hiring such carriage.

PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES HIRED WITHIN THE DISTRICT AND SECURING THE DUE PUBLICATION OF SUCH FARES

19. The proprietor or driver of a hackney carriage plying for hire 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 hire his desire to engage by time.

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

20. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council 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.

PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

21. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
22. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound its estimated value or the fare for the distance from the place of finding to the office of the Council, whichever be the greater, but not more than five pounds.

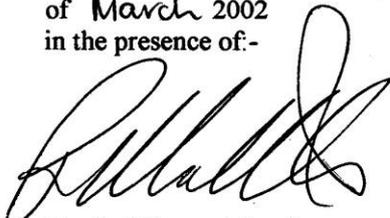
PENALTIES

23. 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 therefor.

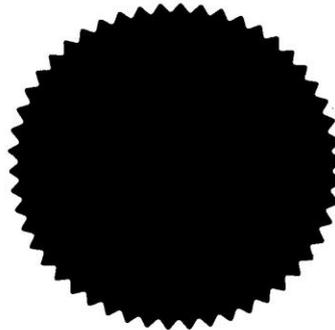
24. REPEAL OF BYELAWS

The byelaws relating to hackney carriages made by the Council on 14 May 1979 and which were confirmed by an Assistant Secretary of State at the Home Office on 9 August 1979 and came into effect on 11 September 1979 are hereby repealed.

The Common Seal of the  
South Ribble Borough Council  
was hereby affixed this 7 day  
of March 2002  
in the presence of:-



Head of Support Services



Min 66 19/02/02  
Licensing Committee

Council 06/03/02  
Min 136

The foregoing byelaws are hereby confirmed by the  
Secretary of State and shall come into force on the  
10<sup>th</sup> day of June 2002

*Jan Anderson*

Signed by authority of the Secretary of State

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### **Hackney Carriage Vehicle Conditions**

1. This licence is issued on the condition that the vehicle to which it relates is not licensed as either a Hackney Carriage or Private Hire Vehicle by any other Council. If the Licensing Authority are made aware of other vehicle licences (Hackney Carriage or Private Hire) running concurrently within this licence, the licence will be revoked.
2. Where a vehicle has been converted to run on LPG a certificate must be produced, from the UKLPG (formerly the LPG Association) confirming that the LPG installation conforms to the Association's Code of Practice and is therefore considered safe, prior to a licence being issued.
3. A copy of the current table of fares (tariff card), as supplied by the Council, must be displayed on the inside of the vehicle in a conspicuous position so as to be clearly visible to any person carried in the vehicle. This table of fares must not have been altered in any way.

The tariff card shall not be displayed from any window of the vehicle.

4. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without written approval of the Council at any time while the licence is in force.
5. Plates provided by the council identifying the vehicle as a hackney carriage shall be affixed to the front and rear of the vehicle in a position specified by the Council. The plates shall be capable of being easily removed by a Police Constable or Authorised Officer of the Council.
  - a. The proprietor shall cause to be clearly marked and maintained inside the vehicle a internal plate in such a position as to be visible at all times to persons conveyed therein, the number of this licence and the number of passengers prescribed in this licence
  - b. The number of passengers conveyed in the vehicle should not be more than the number prescribed in the licence, regardless of the age or size of the passenger.
  - c. The external plate should not be displayed from the interior of the vehicle.
7. The luggage compartment must be completely separate from the passenger carrying area. In the case of estate cars this means that there must be a secure guard fitted between the luggage and passenger compartments.
8. Luggage must be suitably restrained where it is likely to cause injury to the occupant of the vehicle in the event of an accident.
9. The proprietor of a Hackney Carriage vehicle shall provide sufficient means by which any person in the vehicle may communicate with the driver.
10. All vehicles must display no-smoking signs in each passenger-carrying compartment of the vehicle, these signs relating to tobacco, e-cigarettes and vaping devices.

11. A vehicle may tow a trailer only when one is required in order to convey a hirer's luggage. If a trailer is towed it shall:
  - a. Be roadworthy at all times, comply with all requirements of the current Road Traffic legislation and the towing weights specified by the vehicle manufacturer.
  - b. The vehicle insurance must include cover for towing a trailer.
  - c. Comply with the speed restrictions applicable to trailers at all times
  - d. Provide secure and weatherproof stowage for the luggage.
  - e. The driver will hold the appropriate licence category on their DVLA driving licence to tow a trailer.
12. The vehicle must not have been written off for insurance purposes at anytime.
13. The vehicle must be kept in good condition and in particular meet the following criteria at all times:
  - a. Vehicles should have no damage affecting the structural safety of the vehicle.
  - b. The body of the vehicle must be watertight and draught proof.
  - c. Vehicles should be free of significant areas of visible rusting. Minor blemishes are acceptable, but should be regularly treated and painted to match existing paintwork.
  - d. Vehicles should not have any major dents or similar damage to the bodywork.
  - e. Vehicles should have no scratches down to the metal of more than 5 cm in length and no scratches down to the base coat longer than 20 cm.
  - f. All panels on all vehicles shall be painted in a uniform colour and all original panels and trim shall be in place.
  - g. All seats, including the drivers, must be fully intact, free from cuts, holes, stains or burns, except of a very minor nature. Any repairs must have been carried out in a professional manner. Seat covers are acceptable provided that they meet the above standard.
  - h. All carpets and floor coverings shall be complete and free from all major cuts, tears or obvious stains.
  - i. All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or staining.
  - j. The luggage compartment must be clean and tidy.
14. Any Hackney Carriage vehicle which is first licensed shall be fitted with glass windows which permit a minimum of 50% light transmission (irrespective of whether the vehicle was manufactured contrary to this standard). No vehicle shall be fitted with additional film designed to tint or darken the glass.
15. The licence holder must within 72 hours supply the Council with details of any:
  - a. Change of the owners address.
  - b. Change of premises where the vehicle is normally kept.
  - c. Accident causing damage or materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.

The Notification may be by oral report in the first instance, but must be followed up in writing within 7 days of oral notification.

16. The licence holder must give within 7 days written notification to the Council of changes to the following:
  - a. The name and address of every additional owner or part owner of the vehicle.
  - b. The name and address of anyone concerned either solely or in partnership with any other person in keeping, employing or letting the vehicle for hire.
  - c. Details of any conviction recorded against:

- i. The owner of the vehicle.
  - ii. Any company of which he/she is a director or secretary.
  - iii. Any person he/she is in partnership with or who has any interest in the vehicle.
17. A Hackney Carriage vehicle may be used to ply for hire from a taxi rank or public highway within the Borough. Vehicles may also ply for hire on private land, with consent from the land owner. A Hackney Carriage vehicle shall not be left unattended for any period of time by the driver of said vehicle on any Hackney Carriage rank.
18. All badges, signs and licence plates issued remain the property of the Council at all times. On surrender, expiry, suspension or revocation of the vehicle licence, the licence holder must return the external and internal plates to the Council within 7 days.
19. No animals belonging to the proprietor or driver of the vehicle shall be conveyed in the vehicle. A blind or otherwise disabled passenger shall be entitled as of right to be accompanied by a guide/assistance dog in the vehicle unless the driver has been granted an exemption from the Equalities Act 2010. No additional cost can be levied for the carriage of an assistance/guide dog.
20. The proprietor of the vehicle shall at reasonable times permit an Authorised Officer or Police Constable to inspect the vehicle or any taximeter affixed to it for the purpose of ascertaining its fitness;
  - a. Should the Authorised Officer or Police Constable not be satisfied as to the fitness of the vehicle or its taximeter, the proprietor shall make the vehicle available for further inspection and testing at such reasonable time and place as is specified by notice in writing given by the Authorised Officer or Police Constable.
  - b. The proprietor shall comply with any notice given by an Authorised Officer or Police Constable suspending the vehicle licence until such time as he is satisfied as to its fitness or any taximeter affixed to it.
21. There shall be provided and maintained in the vehicle at all times, a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.
  - a. The first aid kit is for use by the driver to administer first aid to him/her self and is required under the Health & Safety (First aid) Regulations 1981.
  - b. The first aid kit must not be used to administer first aid to another person unless the person issuing first aid has received sufficient training to do so.
22. No signs, notices, flags, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision. This condition shall not prevent there being affixed to the vehicle:

- a. A sign indicating the name and/or address and/or telephone number of the proprietor of the vehicle, such sign to be of a type and design to be approved by the Council in writing prior to application to the vehicle.
23. The vehicle must be fitted with an illuminated roof sign on which the word 'Taxi' must appear and be clearly visible from in front of the vehicle. The roof sign must:
    - a) Be securely fixed to the vehicle roof at all times.
    - b) Illuminate automatically when the vehicle taximeter is set to 'for hire'
  24. All vehicles must have at least 4 road wheels and tyres fitted in accordance to the manufacturer's specification. A road legal spare wheel or space saver wheel or repair kit must be carried in the vehicle as supplied by the manufacturer when new, together with any necessary jack and tools. Any spare or space saver wheel should be carried in the vehicle in the place allocated by the manufacturer.

This condition will not be applied to any vehicle fitted with run flat tyres which were fitted and supplied to the specification of the manufacturer.
  25. The proprietor shall in the event that he/she transfers his/her interest in the vehicle:
    - a) Notify the Council forthwith and in any event in writing within 14 days of the name and address of the person to whom they have transferred their interest.
    - b) Complete any documentation required by the Council.
  26. A licence in respect of which the fee has been paid for either in part or in full by cheque shall be of no effect in the event that cheque is subsequently dishonoured.
  27. A copy of these conditions along with the Hackney Carriage Byelaws will be kept in the licensed Hackney Carriage vehicle at all times and will be made available upon request to any passenger, Authorised Officer or Police Constable.
  28. No CCTV system shall be installed in a vehicle without the prior written consent of the Council
  29. South Ribble Borough Council reserves the right to add, amend or waive conditions attached to the grant of a licence as and when it deems necessary.

THESE CONDITIONS ARE EQUALLY APPLICABLE WHEN THE HACKNEY CARRIAGE IS BEING USED FOR PRIVATE HIRE PURPOSES.

FAILURE TO COMPLY WITH ANY OF THE ABOVE CONDITIONS MAY RESULT IN THE HACKNEY CARRIAGE VEHICLE LICENCE BEING SUSPENDED OR REVOKED AND WILL ATTRACT PENALTY POINTS IN ACCORDANCE WITH THE COUNCILS ENFORCEMENT POLICY.

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**Appendix 6**
**PRIVATE HIRE VEHICLE & HACKNEY CARRIAGE  
ROADWORTHINESS TEST w.e.f. 22 November 2017**

<b>Vehicle Reg. Mark:</b>		<b>Make &amp; Model:</b>		<b>Colour:</b>		<b>Plate No.:</b>	
<b>V.I.N. or Chassis No.:</b>		<b>Recorded Mileage:</b>		<b>Date of Manufacture:</b>	__/__/__	<b>C.C.:</b>	
<b>CHECK ITEM</b>		<b>Pass</b>	<b>Fail</b>	<b>DEFECTS / COMMENTS</b>			
1	Steering control						
2	Horn						
3	Dashboard indication of operative lamps (indicators, hazards, side, head & fog lamps)						
4	A.B.S. warning system/controls						
5	Condition of parking brake system (lever)						
6	Front – seat belts						
7	Front – seats backrest security						
8.	Washers & wipers						
9	Drivers view of the road						
10	Mirrors						
11	Interior lights						
<b>INSTRUCTION: TESTER GET OUT OF THE VEHICLE AND ASK AN ASSISTANT TO SIT IN CAR (THIS COULD BE THE CUSTOMER). WALK ROUND THE VEHICLE IN AN ANTI-CLOCKWISE DIRECTION, CHECKING FOR GENERAL VEHICLE CONDITION ALL THE TIME.</b>							
12	Driver's door operational						
13	Inner sill condition offside						
14	Front – shock absorbers						
15	Front – number plate & V.I.N. Number						
16	Under-bonnet inspection						
17	Front – lamps condition & operation						
18	Front – direction indicators						
19	Headlamps operational						
20	Headlamps aim						
21	Front – nearside door operation						
22	Inner sill condition nearside						
23	Rear – nearside door operation inc. child-lock						
24	Rear – seatbelts						
25	Rear – seat backrest security						
26	Rear – shock absorbers						
27	Rear – number plate						
28	Rear – lamps condition & operation						
29	Rear – reflectors						
30	Fog lamps						
31	Stop lamps						
32	Rear – direction indicators						
33	Boot or hatch operation						

34	Fuel filler cap		
35	Rear – offside door operation inc. child-lock		
36	General vehicle condition – interior		
<b>INSTRUCTION: TESTER TO RAISE VEHICLE ON LIFT OR ENTER THE INSPECTION PIT. UNDER BODY INSPECTION TO BE CONDUCTED IN ROTATION AS PER THE M.O.T. INSPECTION MANUAL CONTINUOUSLY CHECKING FOR GENERAL VEHICLE CONDITION.</b>			
37	Front – suspension		
38	Steering mechanism/system (under load)		
39	Power steering		
40	Transmission shafts		
41	Brake pipes (pressure system)		
42	Condition of parking brake system		
43	Exhaust system – with engine running		
44	Rear – suspension		
45	General vehicle condition – exterior		

CHECK ITEM		Pass	Fail	DEFECTS / COMMENTS
<b>INSTRUCTION: TESTER TO RAISE REAR WHEELS USING JACKING BEAM</b>				
46	Rear – wheel bearings			
47	Rear – tyre condition			
48	Rear – road wheels			
49	Rear – tyre type			
50	Rear – tyre load/speed ratings (Class V & VIII)			
<b>INSTRUCTION: TESTER TO LOWER REAR OF VEHICLE AND RAISE FRONT WHEELS USING JACKING BEAM</b>				
51	Front – wheel bearings			
52	Front – tyre condition			
53	Front – road wheels			
54	Front – tyre type			
55	Front – tyre load/speed ratings (Class V & VIII)			
56	Spare wheel & tyre condition (inc. space saver); N/A if run-flats			
<b>INSTRUCTION: TESTER REMOVE JACKING BEAM, LOWER VEHICLE TO GROUND LEVEL OR GET OUT OF THE INSPECTION PIT</b>				
57	Steering (lock to lock on turning plates)			
<b>INSTRUCTION: TESTER TO GET BACK INTO VEHICLE AND MOVE ON TO THE ROLLER BRAKE TESTER</b>				
58	Front – nearside service brake performance			
59	Front – offside service brake performance			
60	Rear – nearside service brake performance			
61	Front – offside service brake performance			
62	Service brake condition			
63	Parking brake performance			
64	Parking brake condition			
65	Additional braking devices (Class V)			
<b>INSTRUCTION: TESTER TO MOVE VEHICLE OFF ROLLER BRAKE TESTER; CHECK ENGINE IS UP TO OPERATIONAL TEMPERATURE &amp; PURGE EXHAUST</b>				
66	Exhaust emissions – petrol/diesel			
67	Speedometer; including trip			
68	Oil and waste leaks			
69	Fuel tank and system			
70	Licence plates; interior & exterior front/rear (or letter of exemption)			
71	Luggage security			
72	First Aid kit			

73	Fire extinguisher		
74	'FOR HIRE' & roof sign working		
75	<b>HCVs ONLY</b> Tariff card clearly displayed, Byelaws & HCV Conditions in vehicle		
76	<b>PHVs ONLY</b> – Side Stickers on rear doors, PHV & PHD Conditions in vehicle		
77	Road test		
78	No smoking stickers		

79	CCTV stickers (if CCTV installed)			
<b>WHEELCHAIR ACCESSIBLE VEHICLES ONLY</b>			<b>Pass</b>	<b>Fail</b>
80	Check central locking system – rear passenger door must stay closed & locked when the vehicle is in motion and also when stopped with footbrake applied (if applicable)			
81	Check that appropriate wheelchair ramps are carried in the vehicle (if applicable)			
82	Check that wheelchair lift functions and is free from damage etc. (if applicable)			
83	Wheelchair securing belt (& extensions)			
84	Wheelchair passenger belt (if applicable)			

**THE VEHICLE TO WHICH THIS TEST SHEET REFERS HAS (PLEASE TICK):**

- FAILED ON THE ABOVE MENTIONED POINTS**  
 **PASSED THE ROADWORTHINESS TEST**

NAME OF TESTER: (In capitals)	TESTING STATION STAMP & No.:	Date of Test:
Signature of tester:		Date of Re-Test: (if applicable)

**NOTICE TO DRIVER/VEHICLE PROPRIETOR**  
**IF THIS VEHICLE HAS FAILED INSPECTION ON ANY OF THE ABOVE POINTS THE VEHICLE MUST NOT BE USED AS A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE. THE VEHICLE MUST NOT BE USED UNTIL ALL FAULTS HAVE BEEN RECTIFIED, THE VEHICLE RETESTED AND PASSED INSPECTION.**

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Civic Centre  
West Paddock  
Leyland  
PR25 1DH

Tel: 01772 625580

Email: [licensing@southribble.gov.uk](mailto:licensing@southribble.gov.uk) Website: [www.southribble.gov.uk](http://www.southribble.gov.uk)

### **Private Hire Vehicle Conditions**

- 1) This licence is issued on the condition that the vehicle to which it relates is not licensed as either a Hackney Carriage or Private Hire Vehicle by any other Council. If the licensing unit becomes aware of other vehicle licences (Hackney Carriage or Private Hire) running concurrently within this licence the licence will be revoked.
- 2) Where a vehicle has been converted to run on LPG a certificate must be produced, from the UKLPG (formerly the LPG Association) confirming that the LPG installation conforms to the Association's Code of Practice and is therefore considered safe, prior to a licence being issued.
- 3) While there is no requirement to do so the vehicle may be fitted with a taximeter. If the vehicle is fitted with a taximeter then it must be constructed, installed and maintained so as to comply with the following conditions:
  - a) The taximeter shall be installed by a competent person.
  - b) The taximeter shall be calibrated to the vehicle and the table of tariffs applied by a person approved by the manufacturer of the taximeter.
  - c) The taximeter shall be maintained in proper working order and condition.
  - d) When the machinery of the taximeter is in action there shall be recorded on the face of the meter, in clearly legible figures, the fare or rate of fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance and time in accordance with the table of fares charged by the operator.
  - e) The meter shall be positioned so that all the letters and figures on its face are at all times plainly visible to any person being conveyed in the vehicle even during darkness.

If the vehicle is not fitted with a taximeter, then at all times whilst the vehicle is being used as a private hire vehicle, there shall be exhibited inside the vehicle, so as to be plainly visible to passengers carried therein, a notice issued by the Council indicating that the hire charges for the vehicle are not prescribed by the Council but are a matter for negotiation by the hirer.

- 4) No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without written approval of the Council at any time while the licence is in force.
- 5) The plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976, shall be securely fixed to the rear of the vehicle in a conspicuous position and in such manner as to be easily removed by an authorised officer of the Council or a constable.
  - a) The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein, the number of this licence and the number of passengers prescribed in this licence

## Appendix 7

- b) The number of passengers conveyed in the vehicle should not be more than the number prescribed in the licence, regardless of the age or size of the passenger.
- c) The external plate should not be displayed from the interior of the vehicle.
- 6) Advertising will not be permitted on private hire vehicles unless it relates specifically to the Private Hire Operator.
- 7) The luggage compartment must be completely separate from the passenger carrying area. In the case of estate cars this means that there must be a secure guard fitted between the luggage and passenger compartments.
- 8) Luggage must be suitably restrained where it is likely to cause injury to the occupant of the vehicle in the event of an accident.
- 9) All vehicles must display no-smoking signs in each passenger-carrying compartment of the vehicle, these signs relating to tobacco, e-cigarettes and vaping devices.
- 10) A vehicle may tow a trailer only when one is required in order to convey a hirer's luggage. If a trailer is towed it shall:
  - a) Be roadworthy at all times, comply with all requirements of the current Road Traffic legislation and the towing weights specified by the vehicle manufacturer.
  - b) The vehicle insurance must include cover for towing a trailer.
  - c) Comply with the speed restrictions applicable to trailers at all times
  - d) Provide secure and weatherproof cover for the luggage.
  - e) The driver will hold the appropriate licence category on their DVLA driving licence to tow a trailer.
- 11) The vehicle must not have been written off for insurance purposes at anytime.
- 12) The vehicle must be kept in good condition and in particular meet the following criteria at all times:
  - a) Vehicles should have no damage affecting the structural safety of the vehicle.
  - b) The body of the vehicle must be watertight and draught proof.
  - c) Vehicles should be free of significant areas of visible rusting. Minor blemishes are acceptable, but should be regularly treated and painted to match existing paintwork.
  - d) Vehicles should not have any major dents or similar damage to the bodywork.
  - e) Vehicles should have no scratches down to the metal of more than 5 cm in length and no scratches down to the base coat longer than 20 cm.
  - f) All panels on all vehicles shall be painted in a uniform colour and all original panels and trim shall be in place.
  - g) All seats, including the drivers, must be fully intact, free from cuts, holes, stains or burns, except of a very minor nature. Any repairs must have been carried out in a professional manner. Seat covers are acceptable provided that they meet the above standard.
  - h) All carpets and floor coverings shall be complete and free from all major cuts, tears or obvious stains.
  - i) All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or staining.
  - f) The luggage compartment must be clean and tidy.
- 13. Any Private Hire vehicle which is first licensed shall be fitted with glass windows which permit a minimum of 50% light transmission (irrespective of whether the vehicle was manufactured contrary to this standard). No vehicle shall be fitted with additional film designed to tint or

darken the glass. The Proprietor of a Private Hire Vehicle of exceptional quality and exclusively used for executive hire work may apply for an exemption from the requirement to be fitted with glass windows which permit a minimum of 50% light transmission.

- i) the make, model and value of the vehicle;
  - ii) the exceptional condition of the vehicle, including the bodywork and interior passenger accommodation;
  - iii) whether any particular contract relies on the specific use of the vehicle; iv) the nature of the operator's business; and
  - v) how and where the vehicle is advertised and marketed.
- 13) The licence holder must within 72 hours supply the Council with details of any:
- a) Change of the owners address.
  - b) Change of premises where the vehicle is normally kept.
  - c) Accident causing damage or materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.

The Notification may be by oral report in the first instance, but must be followed up in writing within 7 days of oral notification.

- 14) The licence holder must give within 7 days written notification to the Council of changes to the following:
- a) The name and address of every additional owner or part owner of the vehicle.
  - b) The name and address of anyone concerned either solely or in partnership with any other person in keeping, employing or letting the vehicle for hire.
  - c) Details of any conviction recorded against:
    - i. The owner of the vehicle.
    - ii. Any company of which he/she is a director or secretary.
    - iii. Any person he/she is in partnership with or who has any interest in the vehicle.
- 15) A Private Hire vehicle must not be used to ply for hire from a taxi rank or in any other such manner which may give members of the public the impression that it is a taxi.
- 16) If a written exemption notice has been issued it must be carried in the vehicle at all times. Failure to do so will invalidate the exemption. If, after an exemption notice is issued, the circumstances of the exemption change, such as a change of use for the vehicle, the licence holder must inform the Council within 14 days of the change in order that the exemption can be reconsidered.
- 17) All badges, signs and licence plates issued remain the property of the Council at all times. On surrender, expiry, suspension or revocation of the vehicle licence, the licence holder must return the external and internal plates to the Council within 7 days.
- 18) No animals belonging to the proprietor or driver of the vehicle shall be conveyed in the vehicle. A blind or otherwise disabled passenger shall be entitled as of right to be accompanied by a guide/assistance dog in the vehicle unless the driver has been granted exemption from the Equalities Act 2010. No additional cost can be levied for the carriage of an assistance/guide dog.
- 19) The proprietor of the vehicle shall at reasonable times permit an authorised officer or police constable to inspect the vehicle or any taximeter affixed to it for the purpose of ascertaining its fitness;

- a) Should the authorised officer or police constable not be satisfied as to the fitness of the vehicle or its taximeter the proprietor shall make the vehicle available for further inspection and testing at such reasonable time and place as is specified by notice in writing given by the authorised officer or police constable.
  - b) The proprietor shall comply with any notice given by an authorised officer or police constable suspending the vehicle licence until such time as he is satisfied as to its fitness of any taximeter affixed to it.
- 20) There shall be provided and maintained in the vehicle at all times, a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.
- j) The first aid kit is for use by the driver to administer first aid to themselves and is required under the Health & Safety (First aid) Regulations 1981.
  - ii) The first aid kit must not be used to administer first aid to another person unless the person issuing first aid has received sufficient training to do so.
- 21) No signs, notices, flags, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these conditions, provided however that this condition shall not prevent there being affixed to the vehicle:
- a) A sign indicating the name and/or address and/or telephone number of the proprietor of the vehicle may be attached to the front nearside and offside door only. Such sign to be no more than a size of 50cm x 50cm. The type and design to be approved by the Council in writing prior to application to the vehicle.
  - b) There may be displayed within the vehicle for the information of passengers, a table of fares in a form and printing previously submitted and approved by the Council in writing. The table of fares must not be displayed in the vehicle windows.
  - c) There shall be externally and directly affixed centrally to the rear nearside and offside door only a sign issued and approved by the council's licensing department relating to the use of the vehicle.
- 22) All vehicles must have at least 4 road wheels and tyres fitted in accordance to the manufacturer's specification. A road legal spare wheel or space saver wheel or repair kit must be carried in the vehicle as supplied by the manufacturer when new, together with any necessary jack and tools. Any spare or space saver wheel should be carried in the vehicle in the place allocated by the manufacturer. This condition will not be applied to any vehicle fitted with run flat tyres which were fitted and supplied to the specification of the manufacturer.
- 23) The proprietor shall in the event that he/she transfers his/her interest in the vehicle:
- a) Notify the Council in writing as soon as the transfer takes place and in any event within 14 days of the name and address of the person to whom he/she has transferred his/her interest.

## Appendix 7

- b) Complete any documentation required by the Council.
- 24) A licence in respect of which the fee has been paid for either in part or in full by cheque shall be of no effect in the event that cheque is subsequently dishonoured.
- 25) A copy of these conditions will be kept in the licensed Private Hire vehicle at all times and will be made available upon request to any passenger, authorised officer or police constable.
- 26) No CCTV system shall be installed in a vehicle without the prior written consent of the Council.
- 27) South Ribble Borough Council reserves the right to add, amend or waive conditions attached to the grant of a licence as and when it deems necessary.

FAILURE TO COMPLY WITH ANY OF THE ABOVE CONDITIONS MAY RESULT IN THE ISSUE OF PENALTY POINTS AND/OR THE SUSPENSION OR REVOCATION OF THE PRIVATE HIRE VEHICLE LICENCE WHERE APPROPRIATE.

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Tel: 01772 – 625580 / 625357  
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### **Standard Conditions attached to a Private Hire Operator licence**

### **Local Government (Miscellaneous Provisions) Act 1976 – Part 2**

#### **1. OPERATOR LICENCES**

Any person wishing to acquire a licence to operate a Private Hire vehicle shall be a 'fit and proper person' and produce such information as reasonably required by the Authority or undertake such appropriate training and testing as required to assist in establishing that assessment.

The application to the Council shall be solely in their name on the prescribed form, and they must pay such fee as prescribed by the Council. Such fee is not returnable and may be set to enable the Council to tier fees appropriately relative to the number of vehicles operated.

Every applicant for an Operator's licence shall be required to disclose on the application form details of:-

- a) Any conviction or finding of guilt (criminal or driving matter);
- b) Any caution (issued by the Police or any other agency);
- c) Issue of any Magistrate's Court summons against them;
- d) Issue of any fixed penalty notice for any matter (excepting fixed penalty notices for standard parking offences);
- e) Any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
- f) Their arrest for any offence (whether or not charged)

Every applicant for an Operator licence shall be required to: -

Complete the appropriate application form

- Complete a Disclosure and Barring Service (DBS) Basic Disclosure form at their own expense with the Council prior to the grant of the licence (unless already a licensed Hackney Carriage / Private Hire Driver within South Ribble Borough Council). The original document must be produced to the Licensing Unit prior to the grant of the Private Hire Operator licence.
- Attend any Private Hire Operator training and appropriate assessment, if deemed necessary by the Council.

Every applicant shall in addition to the information specified in the above two paragraphs, provide the name, date of birth, address and National Insurance number of any other person that the applicant proposes to operate the business in partnership with. Such other persons will be required to undertake the same 'fit and proper person' assessment, training and testing requirements.

The Licensed Operator shall require a Basic Criminal Records Disclosure Certificate for any employee who he/she employs to dispatch drivers and vehicles, who do not hold a South Ribble Driver's Licence.

## Appendix 8

Records indicating the full name, address, date of birth and National Insurance number of dispatch staff who are not also Licensed Driver's, shall be maintained and made available to an Authorised Officer of the Council immediately on request.

Each Operator licence issued by the Licensing Authority shall be issued only in the name of the applicant and that person shall be deemed solely responsible as the Operator upon the licence being granted. The licence is not transferable from the first mentioned person to another person.

A Disclosure and Barring Service (DBS) Basic Disclosure certificate must be renewed every 3 years or, on renewal of the licence for all partners within the company and dispatch staff, where an existing Enhanced Criminal Records disclosure, is not already in place.

### **2. DURATION OF LICENCE**

Each Operator licence issued by the Licensing Authority shall be valid for a period of FIVE years or such a period as the Licensing Authority may decide, subject to any changes to primary legislation.

### **3. PLACE OF BUSINESS**

A licensed Operator will only conduct the business from the booking office address specified on the licence;

- a) Each booking office address requires a separate licence. (NB: any licensed Operator wishing to conduct a business from an address other than that specified on the Operator licence shall make application to the Licensing Authority on the prescribed forms which will be regarded by the Licensing Authority as a new application for an operator licence, and the applicant shall satisfy the requirements of the Licensing Authority accordingly). An application on or within the grounds of liquor licensed premises will not ordinarily be accepted.
- b) The current Operator licence must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public with the exception of such times as the licence is presented to the Licensing Authority for amendment, or it is required to be produced for inspection by an Authorised Officer of the Licensing Authority or a Police Constable.
- c) Where a Private Hire Operator provides facilities for members of the public to enter the premises specified on the operator licence, for the purpose of making a booking for the services of a licensed vehicle, or awaiting the arrival of a licensed vehicle subsequent to any booking, they must 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.
- d) 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.
- e) 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.
- f) No operator shall cause or permit any such area referred to in c) above to be used for any other purpose than that outlined above.

## Appendix 8

- g) All licensed Operators shall have in force a Public Liability Insurance policy providing a minimum of £2,000,000 indemnity in respect of any one incident where there is public access to a booking office.
- h) All licensed Operators shall have in force an Employers Liability Insurance policy complying with the Employers Liability (Compulsory Insurance) Act 1969 covering death or personal injury arising out of any incident during the course of a person's employment.

### 4. OFF STREET PARKING

- a) During the currency of the licence, the Operator shall ensure there is sufficient, designated off street parking provision at all times for the number of vehicles being operated.
- b) No licensed Operator shall use any land or premises for the said purpose where that Operator does not have lawful right of use of that land or premises. The Operator, if required to do so by an Authorised Officer of the Licensing Authority or Police Constable, shall produce such documentary evidence as may be reasonably required to establish the Operator's lawful right to use such land or premises for the purposes of providing off-street parking provision for private hire vehicles.

### 5. ADVERTISING

- a) No Operator may use or include in any sign, advertisement, printed material (including for the avoidance of doubt any telephone directory, photography or film) or broadcast whether by way of radio, cinema or television, the words **TAXI, CAB, HACKNEY or CARRIAGE**, whether in the singular, plural or combination of words which would suggest that the vehicle is a Hackney Carriage (Taxi).
- b) Where any Operator in the course of their business, uses the trading name or business address specified on the Operator licence to offer the services of a Hackney Carriage to the general public, the Operator shall not use the words **TAXI, CAB, HACKNEY or CARRIAGE** or any combination or derivation thereof in any advertising manner, unless the number of Hackney Carriages that the Operator can offer (without engaging the services of any other company or trading concern) is not less than 49% of the number of licensed private hire vehicles specified on the form OPDVS.

### 6. NOTIFIABLE ALTERATIONS

- a) *Place of Residence* - During the currency of the licence, the Operator shall notify the Licensing Authority in writing of any temporary change of residence which is for a period in excess of 21 days. In either case, the Licensing Authority shall be notified in writing within 7 days of such change taking place.
- b) *Radio Equipment* - Where any licensed Operator is granted a licence by the DTI to use radio equipment, and where that equipment is to be used for the purposes of conducting the business specified on the Operator licence, the Operator shall within 7 days of the grant of a licence issued by the DTI (or agencies) notify the Licensing Authority in writing stating the serial number and letters of the licence and any transmission frequencies authorised for use. The Operator shall also notify the Licensing Authority in writing of any authorised change in transmission frequencies or of any additional frequencies within 7 days of such changes taking place.
- c) *Disposal of Business* - Each Private Hire Operator, when disposing of any business interest, shall within 14 days give notice in writing to the Licensing Authority that the business registered in his/her name has terminated.

### 7. ABSENCE FROM BUSINESS AND COMMUNICATION WITH PRIVATE HIRE OPERATORS

## Appendix 8

- a) Private Hire Operators must notify the Council and nominate a responsible person to take responsibility on an interim basis if they are absent for 15 days or more and supply contact detail of the manager to the Local Authority.
- b) At all times the Private Hire Operator will ensure that the Local Authority has his / her most up to date contact detail including a mobile telephone number and email address. There should be a generic email address for the company and a confidential email address for the Operator so that sensitive information can be properly handled and held confidentially by the Operator.

### **8. PUBLIC COMPLAINTS ABOUT A PRIVATE HIRE OPERATOR SERVICE**

- a) Private Hire Operators must maintain a register of complaints by the public in a format approved by the Council (computerised or hard copy). The format of the complaints register must be maintained in the manner prescribed by the Council and include as a minimum:
  - Date/Time of complaint made
  - Name/address of person making complaint
  - Contact details of complainant (phone/email)
  - Nature of complaint
  - Full details of journey (including date/time/name of customer)
  - Driver/vehicle involved
  - Complaint assigned to (if dealt within due to 'Low level' then Private Hire Operator(s) and/or appointed manager only)
- b) Upon receiving a 'specified complaint' or allegation listed in c) below, regarding any person licensed by this Authority, or otherwise engaged in fulfilling Private Hire bookings on behalf of the licensed Operator, the Operator must notify the Licensing Authority immediately via email to [licensing@southribble.gov.uk](mailto:licensing@southribble.gov.uk) or by telephone and forward full details of the complaint to the Licensing Unit in any event within 72 hours.
- c) The specified complaints or allegations are:
  - Of sexual misconduct, sexual harassment or inappropriate sexual attention
  - Racist behaviour
  - Violence
  - Dishonesty
  - Breaches of equality

In straight forward terms, allegations of criminal behaviour whilst acting as a Private Hire Driver.

- d) 'Low level' complaints can build up a business profile that can be indicative of a professional development need, or in the worst case the concealing of some potential significant offending or allegations of unsafe behaviour. These concerns are to be dealt with by a requirement to maintain a 'register of complaints' and outcomes, for inspection by the Authority for a set period, of 12 months.

### **9. SPECIFIED DRIVERS AND VEHICLES**

- a) The Operator shall notify the Licensing Authority of each and every Private Hire Driver or Vehicle employed or used by the operator in his/ her Operator Driver & Vehicle Schedule (Form OPDVS). Where an Operator ceases to employ or use any licensed Private Hire driver or Vehicle, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the form OPDVS to the Licensing Authority for amendment by an Authorised Officer. The Private Hire driver licence must be returned to the driver.

## Appendix 8

- b) Each Operator will retain at the address from which the business is conducted, the Private Hire driver licence of every licensed Private Hire driver employed or used by that Operator.
- c) The Private Hire driver licences shall be available at all times for inspection by any Authorised Officer of the Licensing Authority or Police Constable who may take the licence(s) away from the premises, if so required.
- d) Every Private Hire driver licence retained by the Operator must display the trade name and Operator licence number relating to his licence.

### 10. RECORD OF BOOKINGS

- a) The records required to be kept by the Operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable bound book, the pages of which shall be consecutively numbered. Entries must only be made at the time the booking is received and there should be no blank pages or lines whatsoever in the booking records.
- b) All entries kept in the book must be in English, clearly legible and written in black or blue ink.
- c) A computer program can also be used by any licensed Private Hire operator instead of handwritten records.

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:

- i. The time and date of the booking (24 hour clock shall be used)
  - ii. The time required (24 hour clock shall be used)
  - iii. The full name, address and contact number of the hirer.
  - iv. A detailed point of pick-up (not simply Hough Lane or Bamber Bridge etc.)
  - v. The specific destination address.
  - vi. The driver's identifying number/name
  - vii. Remarks (including details of any sub-contract).
- d) All records shall be maintained and kept up-to-date at all times, and shall be available for inspection at all reasonable times without notice by an Authorised Officer, the Police or DVSA.  
For the purpose of further investigation, records may be removed from the premises if so required, or copied to disk, in the case of computer records. GPS information must be securely stored when so required by the Council.  
The Private Hire Operator or responsible manager will certify them as a true and accurate record.
  - e) A copy of any document or recording shall be made available for collection by any duly Authorised Officer of the Council or Police Officer.
  - f) The operator shall also keep records of the particulars of all Private Hire vehicles operated by him, which particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used on the OPDVS form.
  - g) All records kept by the operator shall be securely retained and preserved for a period of not less than two years following the date of the last entry.

## 11. ACCEPTANCE OF BOOKINGS AND STANDARD OF SERVICE

- a) Every contract for the hire of a Private Hire vehicle shall be deemed to be made with the licensed Operator who accepted the booking, whether or not that licensed Operator subsequently provides the vehicle(s).
- b) The Operator shall provide a prompt, efficient and reliable service to members of the public at all times and shall ensure that when a Private Hire vehicle has been hired to be in attendance at an appropriate time and place, that vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that time and place.
- c) Operators are reminded that even upon the transfer of a booking to another licensed Private Hire Operator they remain accountable for that service delivery.

## 12. 'OUT OF TOWN' HACKNEY CARRIAGES ACTING AS PRIVATE HIRE VEHICLES FOR LICENSED OPERATORS WITHIN SOUTH RIBBLE

### a) SCHEDULE OF DRIVERS / VEHICLES

- i. The Private Hire Operator shall notify the Licensing Authority in writing forthwith, and in any event within 72 hours, details of each and every Hackney Carriage driver employed, or used for Private Hire bookings via the Operator Driver/Vehicle Schedule (Form OPDVS); this includes Hackney Carriage drivers licensed by South Ribble Borough Council or other Local Authorities.
- ii. Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the corrected form OPDVS to the Licensing Authority for amendment by an Authorised Officer.
- iii. The Private Hire Operator must obtain copies of the following documentation, before dispatching the Hackney Carriage Vehicle:
  - A copy of the Hackney Carriage Driver/Vehicle licence granted by the appropriate Local Authority
  - A copy of the driver's DVLA licence
  - A copy of the Vehicle MOT certificate
  - A copy of the current Insurance certificate
  - A copy of the Vehicle registration document (logbook)

These documents must be forwarded to the South Ribble Borough Council Licensing Unit forthwith, and in any event within 72 hours of registering that driver on the form (OPDVS).

### b) ADVERTISING ON VEHICLES

- i. Where a Hackney Carriage vehicle is licensed by another Authority, the Hackney Carriage driver or Hackney Carriage vehicle is expressly prohibited from using any literature, documentation, and advertising or otherwise display any signage associated with South Ribble Borough Council which suggests or might lead to a misunderstanding that the vehicle is licensed by this Authority.
- ii. Where a Hackney Carriage is licensed by another Authority and operating as a Private Hire from a South Ribble Borough Council licensed Private Hire Operator base, such a Hackney Carriage Vehicle must display the following:

## Appendix 8

- Nearside and offside front doors with South Ribble Borough Council Licensed Private Hire Operator company door stickers (permanently affixed and not magnetic)
- A standard removable vinyl sticker in black writing with a white background stating '**This vehicle is NOT licensed by South Ribble Borough Council**' to be displayed on both nearside and offside rear entrance doors. The size of the sticker must be a minimum 250mm (length) x 110mm (height) in font size 12mm

### c) TELEPHONE BOOKINGS

- i. The receipt of advance bookings by the licensed Operator for Hackney Carriage vehicles licensed by another Authority or which are subsequently allocated to a HCV licensed by another Authority must be maintained in the same register of bookings or computerised booking system.
- ii. There must be a pre-recorded intercept message on the telephone booking line which clearly states to prospective customers the following:

*“The driver and vehicle that fulfils your booking may not be licensed by South Ribble Borough Council. If you have any concerns about your driver or vehicle please contact South Ribble Borough Council’s Licensing Unit. Please be aware that they can only take enforcement action against drivers and vehicles with South Ribble Licences. If your driver or vehicle is licensed elsewhere your complaint will be forwarded to the relevant Council.*

## 13. TRAINING TO BE EXPECTED AND STANDARDS OF SERVICE AND SAFETY DURING THE LIFETIME OF A LICENCE

During the lifetime of a Private Hire Operator licence, an Authorised Officer of the Council may require the licence holder and specified employees to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be made in writing.

A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council.

If there is a refusal or failure to attend, or the licensed Operator does not meaningfully participate in the training or attain the training accreditation, the licence may be suspended or revoked.

The cost of such training will be borne by the licence holder.

## 14. REQUIREMENTS TO REPORT CONVICTIONS AND ASSOCIATED INCIDENTS

- a) Any of the following events must be reported in writing to the Licensing Unit within 72 hours, during the currency of a licence, will full details of:
  - i. Any conviction or finding of guilt (criminal or driving matter);
  - ii. Any caution (issued by the Police or any other agency);
  - iii. Issue of any Magistrate’s Court summons against them; iv. Issue of any fixed penalty notice for any matter;
  - v. Any harassment or other form of warning or order within the criminal law including Anti-Social

## Appendix 8

Behaviour Orders or similar; vi. Their arrest for any offence (whether or not charged)

- b) When required, a licensed Private Hire Operator will undertake a Disclosure and Barring Service (DBS) vetting at his/her own expense and within a timescale set by the Council.

### **15. GUIDE DOGS**

- a) Every Proprietor, Driver and Operator of a licensed Private Hire vehicle shall ensure that guide dogs are carried within the passenger compartment of the vehicle on request.
- b) Operators are reminded of their responsibilities under the Equality Act, 2010, and are advised that discrimination could seriously and adversely impact upon their operating licence.

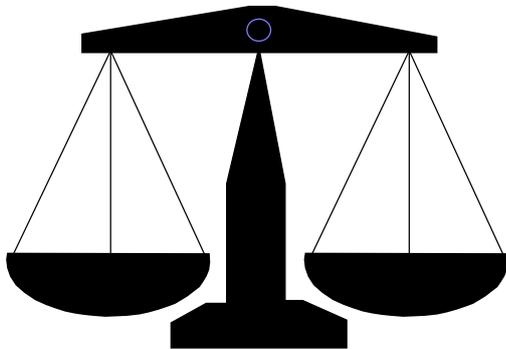
### **16. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, PART 2**

Every Private Hire Operator shall make themselves aware of the provisions of the 1976 Act and any other relevant legislation, including the Licensing Authority conditions attached to the grant of a Private Hire Operator, driver or vehicle licence.

*South Ribble Borough Council reserves the right to add, amend or waive conditions attached to the grant of a licence as and when it deems necessary.*

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## **Taxi and Private Hire Licensing Enforcement Policy**



XX January 2016

### ***Principles***

When considering the need for enforcement action, authorised officers will have regard to the Regulators Compliance Code and the Council's own Enforcement Statement and relevant Policies.

- *Consistency*: to ensure that similar issues are dealt with in the same way whilst taking into account

- the attitude and actions of the offender; □  
the history of previous incidents or breaches □ the likely effectiveness of the action taken.
- *Fairness*: to ensure a fair and even handed approach that promotes decisions which are not influenced by gender, ethnic origin, religious or political beliefs or sexual preferences or by contractual or other relationships to the Licensing Authority its members or officers.
- *Transparency*: to ensure that any enforcement action taken by the Licensing Authority is easily understood by individuals and that clear distinctions are made between legal requirements and that which is desirable.
- *Targeting*: to ensure that any enforcement action taken is focused primarily on those activities which give rise to the most risk or where the risks are considered to be inadequately controlled.
- *Proportionality*: any actions taken will reflect that seen as necessary to achieve compliance with legislation and relate directly to the actual or potential risk to the travelling public. Enforcement activities will be focused on those individuals or businesses where the Licensing Authority is in possession of :

- intelligence from partners and/or

evidence indicating breaches of the law and /or attempts to mislead officers.

- *Helpfulness*: Enforcement officers will be courteous and identify themselves by name and if requested will provide a contact telephone number. In most circumstances officers will seek to help individuals and businesses.
- *Accountable*: The Licensing Authority has responsibility to the public for its actions and will provide clear, accessible policies and a fair and efficient complaints procedure.

### ***Levels of Enforcement Action***

The Licensing Authority may either alone, or in conjunction with its partner organisations use one or a combination of methods to achieve compliance with the law.

Actions taken will follow any procedures laid down in the law, codes of practice and guidance notes. In order to further promote consistency, due regard will also be had to the advice and guidance available from the Institute of Licensing, the Crown Prosecution Service, the Offices of the Surveillance Commissioner and other such organisations.

- Education - To raise awareness about legal standards and promote good practice.
- Informal action - Where contraventions are seen to be minor in nature or compliance is believed possible without recourse to more formal sanctions written or verbal warnings will be issued.
- Formal enforcement - A range of formal sanctions may be considered including where appropriate Fixed Penalty Notices, Simple Cautions or prosecution.

### ***Informal Action***

The approach of giving advice and writing letters about minor contraventions is accepted and understood by most businesses. This informal approach may be used where:

- the contravention identified by the officer is not serious enough to warrant more formal action;
- past history indicates that informal action will achieve compliance;
- confidence in the management is high

Informal action may take the form of

- advice;
- verbal warnings;
- written warnings;

### ***Referral to General Licensing Committee***

Licence holders will be referred to the General Licensing Committee for a decision on whether they remain a fit and proper person to be licensed. Decisions to refer will be made on a case by case basis taking into account the nature and seriousness of the alleged conduct/non-compliance and the licence holder's previous history.

### ***Fixed Penalty Notices***

A number of offences may be dealt with by way of fixed penalty and the Council will issue Fixed Penalty Notices where it is appropriate to do so.

### ***Simple Cautions***

In some cases, a simple caution may be a suitable alternative to prosecution and generally this option will be considered before prosecution.

A simple caution is however still a serious matter. It remains a live consideration for the Licensing Authority for 5 years and will influence any decision to institute proceedings should the offender be found infringing the law again. It can also be referred to in Court proceedings where it is relevant, for up to 5 years following the date of issue.

Simple cautions may be used in a variety of circumstances. Their value in terms of formal enforcement mean they can be used to deal quickly with offences, or to avoid unnecessary appearances in the criminal courts or to reduce the chances of offenders re-offending.

Before a simple caution can be issued the Licensing Authority must have sufficient evidence of guilt to give a realistic prospect of conviction, the offender must fully acknowledge and admit to the offence, understand the significance of receiving a caution and be able to give informed consent to the caution.

Simple cautions will be issued by an appropriate Director. The offender will normally be required to receive it in person.0020

Should a suspected offender decline the offer of a formal caution, the Authority will consider the need to prosecute.

## ***Prosecution***

The Licensing Authority will use discretion in deciding whether to initiate a prosecution and have regard to the corporate prosecutions policy. Whilst other approaches may be effective where the circumstances warrant it, prosecution without prior warning and recourse to alternative sanctions may take place.

The Licensing Authority will consider prosecution when:

- It is appropriate in the circumstances, as a way to draw attention to the need for compliance with the law and the maintenance of standards required by law. This is especially so where there would be a normal expectation that a prosecution would be taken, or where through the conviction of offenders, others may be deterred from similar failures to comply with the law; *or*
- Where there is the actual or potential for harm arising from the breach; *or*
- It has good reason to suspect that non-compliance will continue until such time as the offender(s) is/are called to account for their actions in a criminal court. *or*
- There has been a failure to supply without reasonable excuse or knowingly or recklessly supplying false or misleading information  
*or*
- Council staff have been obstructed when carrying out their authorised duties *or*
- There is evidence that someone is impersonating Council staff.

Before deciding to prosecute, the Licensing Authority must satisfy itself that it has identified the most appropriate individual(s) to pursue, that there is sufficient evidence for a realistic prospect of conviction, taking into account any defence that may be available and that it is in the public interest to do so.

The following is a list of some of the criteria that would normally be taken into account when assessing the public interest element of a potential prosecution, although the list is by no means exhaustive.

- Prevalence of the offence
- Need for a suitable deterrent
- Risk of danger or injury to an individual, the community or the environment
- Failure to respond to advice about legal requirements
- Disregard of legal requirements for financial reward
- Potential or actual financial loss to a third party
- History of similar offences/persistent breaches of legislation
  
- Where fraud, negligence or guilty knowledge is a factor
- Where there are a combination of relatively minor breaches

Wherever possible the offender will be advised at the earliest opportunity that the Licensing Authority has sufficient evidence and is considering prosecuting for the offence. All prosecutions will be brought without any unnecessary delays

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**INTENDED USE POLICY FOR THE LICENSING OF HACKNEY CARRIAGES**

1) Reasons for Policy

- 1.1 The Council wishes to ensure that applications for the granting of Hackney Carriage licences are determined in accordance with the aim of maintaining the safety of the public through having safe vehicles, fit and proper drivers and appropriate conditions of hire. This is best achieved through a licensing regime that can be applied and enforced by the local Licensing Authority as described by the High Court in its judgement and the declaration made in the case of Newcastle City Council v Berwick upon Tweed Council [2008].

2) Applications for the New Grant and Renewal of a Hackney Carriage Licence

- 2.1 Applicants for new Hackney Carriage vehicle proprietor licences and renewals of licences shall be expected to demonstrate a bona fide intention to ply for hire within the local authority area of the Borough of South Ribble under the terms of the licence for which application is being made.
- 2.2 Each application will be decided on its merits. However, there will be a presumption that applicants who do not intend to entirely or predominantly ply for hire within the local authority area of the Borough of South Ribble will not be granted a hackney carriage vehicle licence authorising them to do so.
- 2.3 Even where the applicant intends to ply for hire, to a material extent, in the Borough of South Ribble local authority area, if the intention is also to trade in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.
- 2.4 All applicants will be expected to complete an Intended Use Declaration as part of the application process. The Declaration will be as follows (or will be drafted in such a way to have a similar effect and meaning):

**DECLARATION FOR THE INTENDED USE OF HACKNEY CARRIAGES**

I have been advised that, in carrying out its functions under section 37 of the Town Police Clauses Act 1847 and section 57(1) of the Local Government (Miscellaneous Provisions) Act 1976, the Council expects applicants for Hackney Carriage vehicle licences to demonstrate a bona fide intention to ply for hire within the administrative area of the Council.

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

Name: \_\_\_\_\_

Vehicle Registration: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**3) Transfer of Ownership of Hackney Carriage**

- 3.1 The transferee of a licensed Hackney Carriage shall be asked to inform the Authority whether they have a bona fide intention to ply for hire within the Borough of South Ribble local authority area. Transferees should note the obligation under Section 73 of the Local Government (Miscellaneous Provisions) Act 1976

to give to an Authorised Officer, information which may reasonably be required by him/her for the purpose of carrying out his/her functions under the legislation.

- 3.2 Transferees of existing licences shall be expected to have a bona fide intention to ply for hire with the Borough of South Ribble local authority area under the terms of the licence in respect of the vehicle being transferred.
- 3.3 Where the transferee of a licensed Hackney Carriage is found to have no intention to ply for hire, to a material extent, within the Borough of South Ribble local authority area and/or intends to trade in another local authority area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence. Where the transferee proposes to operate remotely from the Borough of South Ribble, there will be a presumption that his licence will be revoked. Each case will be decided on its merits.
- 3.4 All applicants will be expected to complete an Intended Use Declaration as part of the application process, as above.

#### 4) Change of Vehicle – When a Proprietor replaces a Licensed Vehicle

- 4.1 Applicants seeking the granting of a Hackney Carriage vehicle proprietor's licence for a vehicle intended to replace another licensed vehicle shall be asked to inform the authority of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire, to a material extent, within the Borough of South Ribble will not have the new licence granted.
- 4.2 Even where the applicant intends to ply for hire to a material extent in the Borough of South Ribble, but the intention is also to trade in another local authority area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.
- 4.3 All applicants will be expected to complete an Intended Use Declaration as part of the application process, as above.

#### 5) Revocation or Suspension of Licence

- 5.1 Where a licence has been granted under the terms that the applicant intends to ply for hire, to a material extent, within the Borough of South Ribble but is subsequently found not to be plying for hire, to a material extent, in the Borough of South Ribble and/or to be trading in another local authority area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, there will be a presumption that the licence will be reviewed by the Authority which could lead to the suspension or revocation of that licence. Each case will be decided on its own merits.

#### 6) Exceptional Circumstances

- 6.1 Each application will be decided on its merits. However, the presumptions that intended use is to ply for hire, to a material extent, within Borough of South Ribble will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist, will be expected to be able

to satisfy the Authority, at a meeting of the General Licensing Committee, that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if it were not suspended or revoked as the case may be.

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**10. PROCEDURE FOR ENSURING ROADWORTHINESS OF LICENSED VEHICLES  
WHICH HAVE BEEN SUBJECT TO MODIFICATION**

## 1) Introduction

South Ribble Borough Council has a responsibility to ensure that all vehicles operating as hackney carriage and private hire vehicles are fit for purpose. This is particularly important for vehicles which have been adapted, converted or modified to carry passengers who use wheelchairs or who have specialised needs.

South Ribble is home to one of the largest number of vehicles which have been self-converted from vans to carry wheelchair passengers. Whilst the current roadworthiness checks ensure that a vehicle is mechanically sound, they do not extend to checking that the modifications have been carried out to the required standard.

Typically the types of vehicles adapted or modified are:

- small vans (N1 vehicles); and
- minibus type vehicles (M2 vehicles) – although these could be classified as a standard M1 vehicle.

Further details on the relevant classifications are given below:

**M1** vehicles designed and constructed for the carriage of passengers comprising no more than eight seats in addition to the driver's seat

**M2** vehicles designed and constructed for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding 5 tonnes

**N1** Vehicles designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes

This policy will apply to **all** vehicles that have been converted, modified or adapted from the original manufacturer's specification since first registration and is intended to provide additional safeguards to ensure that the conversion, modification or adaptation has been completed to the required standard and remains in such state for the period that the vehicle is licensed by this Authority.

This policy will not apply to any vehicle including wheelchair accessible vehicles that are produced for licensing that have not been converted, modified or adapted since its initial registration.

## 2) Standards for modified minibuses/PSV's

Vehicles which are described other than M1 on the V5 registration document must enable passengers seated behind the driver to have access to at least 2 doors (side or rear opening) without having to climb over or fold down any seats. Such vehicles must also satisfy the following:

- all retro-fitted seatbelts must meet MOT installation and condition standards;
- the passenger interior floor area must be of a flat, non-slip, non-trip surface. Where wheelchair tracking is fitted, the Council recommends the fitting of blanking strips;
- partitioned rear passenger compartments must be heated and capable of variable control. Such heaters must be linked accordingly to the main vehicle heating system and be capable

of variable control. All exposed piping and wiring must be secure and adequately insulated. Water leaks are unacceptable;

- no interior surface within the passenger compartment shall contain sharp edges likely to cause injury;
- all interior trim must match and be fitted to a professional standard. Evidence of obvious work or modification should not be on view;
- all seating in the vehicle must be intact, in a safe condition and M1 compliant;
- all vehicles must be fitted with safety glass containing an approved marking to this effect. Any partition fitted with safety glazing (plastic) must be of a suitable material (e.g. shatterproof);
- rear compartments entrance/exit areas must be adequately illuminated at floor and at higher levels. Such lighting must operate automatically when each rear passenger door is opened;
- all passenger doors must be capable of being restrained in the open position;
- each rear passenger door aperture must contain at least one grab handle to assist passengers while entering/exiting the vehicle. Each handle must be securely fixed using a substantial mounting such as machine screws that are capable of holding a reasonable force;
- each rear passenger compartment must contain at least two opening windows that can be opened from the interior for ventilation purposes; and
- the maximum height from the road surface to the passenger floor should be 250mm for the first step and 300mm for any subsequent step. Vehicles exceeding this figure must have some form of step incorporated into the bodywork (this may be of a retracting or folding type).

Additional requirements for wheelchair accessible vehicles:

- where the vehicle is fitted with a tail lift, a “LOLER” certificate must be obtained prior to the vehicle inspection;
- the rear compartment entrance/exit doors must be of a suitable size to allow access for a wheelchair;
- where passengers or the seating arrangement for passengers are rear-facing, an adequate turning circle within the vehicle is needed;
- the vehicle must be capable of adequately securing a wheelchair to the vehicle floor using a suitable type of restraint;
- appropriate wheelchair restraint(s) must accompany the vehicle when it is presented for test;
- wheelchair ramps must be capable of being securely fixed to the vehicle during use. They must be of a type and length allowing safe and easy use by the person loading the wheelchair;
- wheelchair ramps must be safely and securely stored in a suitable area of the vehicle when they are not in use; and
- seatbelts must be fitted to restrain wheelchair occupants. A single seatbelt must not be used to restrain both the wheelchair and occupant.

### 3) Vehicle Certification

Within Europe two systems of type approval have been in existence for over 20 years. The first is based on European Regulations and Directives providing approval for whole vehicles, vehicle systems and components. The second is based on United Nations Regulations dealing with systems

and components but not whole vehicles. "Type approval" is the process of ensuring that production of new vehicles, their systems and components have been designed and constructed to meet agreed standards of safety, security and environmental protection.

There are a number of vehicle certifications:

1. European Community Whole Vehicle Type Approval (ECWVTA)
2. European Small Series Type Approval for cars (ECSSTA)
3. National Small Series Type Approval (NSSTA)
4. Individual Vehicle Approval (IVA)

4) Requirements for initial licence application

With effect from 27/01/2021 , the owners of vehicles of categories M1,M2 or N1 which have been converted, adapted or modified from the original manufactures specification ( whether undertaken by the vehicle licence holder or a third party ),and which have not previously been licensed as a hackney carriage or private hire vehicle by South Ribble Borough Council will be required to undergo a test and inspection by Lancashire County Council or South Ribble Borough Councils Depot. The test shall be arranged by the Licence holder who will pay any fees levied by LCC or SRBC. Once a certificate or clearance has been made by LCC or SRBC the Licence Holder will submit a copy of the certificate with the Licence Authority

If the vehicle is installed with any sort of lifting equipment the Licence Holder will ensure the equipment is serviced and certificated in accordance with the LOLER Regulations. A copy of this certificate will be lodged with the Licensing Authority at intervals specified by the testing regime relating to the relevant equipment.

If after first examination a vehicle is substantially varied or altered it shall be subject to an additional test by LCC.

Substantially altered or varied will include;

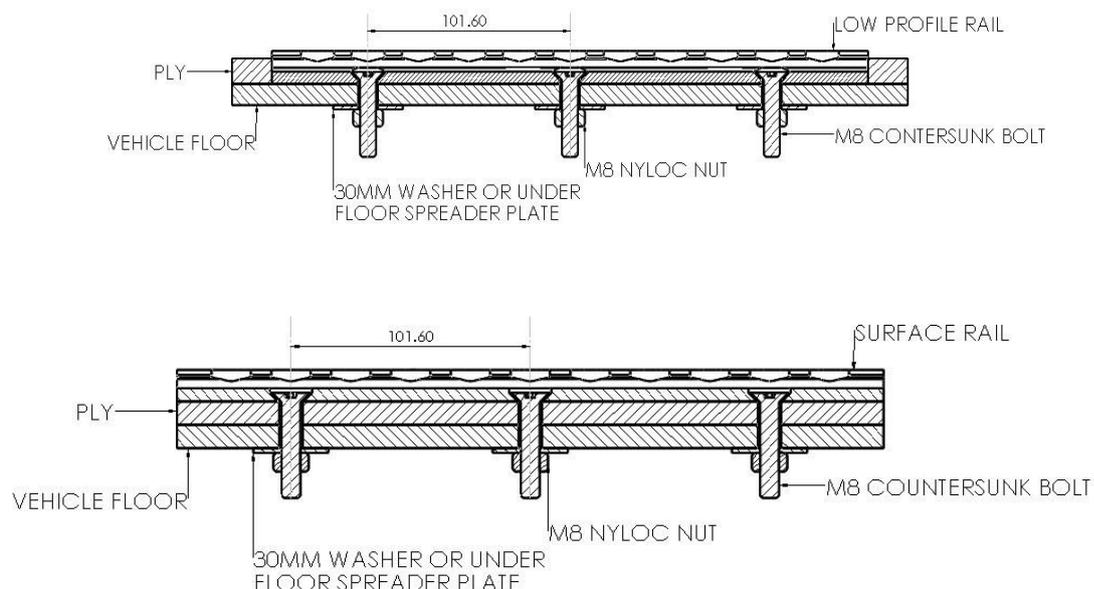
1. A change or alteration to the tracking lay out (extended or reduced)
2. Additional seats or seat belt mounts installed outside of existing tracking.

– details to tests to be undertaken on modified vehicles

## **Lancashire County Council/South Ribble Borough Council Test for vehicles supplied with wheelchair** **Accessible fittings**

### Tracking

1. Floor rails correctly fitted and secured with M8 fasteners, are capable of meeting the strength requirements of M1 load.
2. “Cant rail” for third point occupant restraint fitment or can be use as location for equipment storage correctly fitted and secured with M8 fasteners, are capable of meeting the strength requirements of M1 load.
3. Correct 30mm washer or underfloor spreader plate fitted
  - Where the 30mm washer or underfloor spreader plate cannot be used, in such instances it is acceptable to use steel plate of equivalent strength and cross sectional area.



### **Note 1**

1. The minimum acceptable length of rail that can safely be installed in a vehicle is 1300 mm. This will accommodate one wheelchair positioned centrally.
2. The rail must be fitted ensuring fasteners are fitted to the extreme end hole positions.

### **Note 2**

1. For details of the space required within a vehicle for a wheelchair installation, reference should be made to the guidelines within the British or International standard ISO 10542-1 part 2, "Technical systems and aids for disabled or handicapped persons - Wheelchair Tiedown and Occupant Restraint Systems".

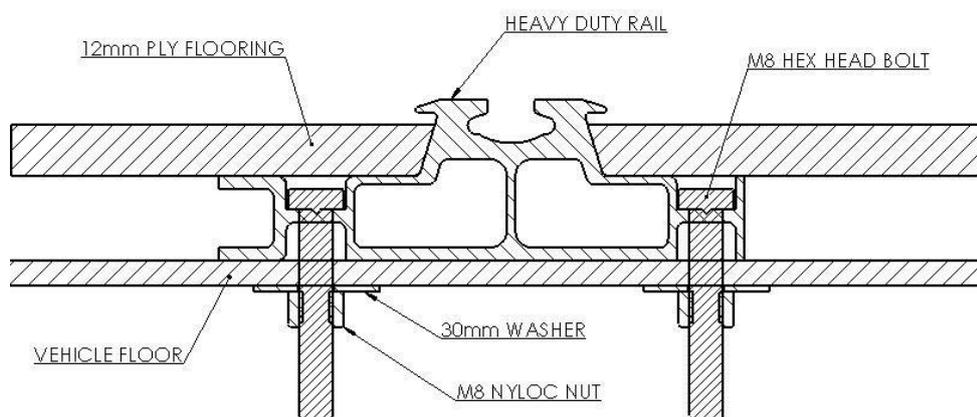
### Note 3

1. Some vehicle layouts may have problems using Low Profile rail with pre-drilled countersunk holes due to under floor obstructions, such as box sections or angle brackets. In these situations where a hole is “missed”, it is required to generate two new holes, one on either side of the original, with the maximum distance between them being 101 mm.
2. The original unused hole must finally be filled with a short self-tapping screw with a matching head.

### Note 4

1. It is critical that the installed rail is flat along its length and correctly positioned relative to any other rail lengths fitted in the vehicle floor. Elements within a pattern of rails must also be parallel to one another. This is particularly important if fitting Unwin “Fixed Base Equipment” or manufacturing removable seats, to ensure they will fit universally along the rails.

### Heavy Duty Rail



Available in 3.95 and 4.50 metre lengths, this rail profile can be installed with a maximum unsupported span of 600 mm under normal conditions.

Additional fasteners must be fitted at the ends of the rail, in particular at the rear end.

Fasteners to be used on installation

Bolts:- M8 steel, hexagon headed grade 8.8, plated, guide length 40 - 50 mm.

Nuts:- M8 steel, nyloc, grade 8, plated.

Washers:- M8 steel, plain, plated.

Torque settings:- 20 nm (15 lbs/ft).

### Under Floor Reinforcement on Heavy Duty Rail.

Contact manufacturer for specific recommendations.

#### Seats

Where the intention is seats are easily moved within or removed from the vehicle the following will apply;

1. If seatbelts are attached to the seat and the vehicle is to be sold within the EU, the vehicle builder will invariably require evidence that the assembly meets the appropriate Directives.
2. The removable seat fixture must have been successfully tested and VCA witnessed to M1 loads applied to a single seat up to 33kg with three fixing bolts. Evidence that seats are M1 compliant must be provided by the operator.
3. Removable seat fixtures should **ONLY** be fitted and used in accordance to the manufacturer's instructions.

#### Check specific to Wheelchair Tie down Restraints & Wheelchair Passenger Restraints

1. International standard ISO 10542-1, "Technical systems and aids for disabled or handicapped persons - Wheelchair Tie-down and Occupant Restraint Systems" must be complied with.
2. Evidence of equipment being International standard ISO 10542-1 compliant must be visible on equipment. This is usually via a label woven into the equipment. If the operator is unable to supply this evidence the equipment will be rejected.  
N.B. The use of only a pelvic belt as an occupant restraint is unlikely to provide adequate safety to a wheelchair user in the event of a frontal impact.

## Inspection List

**Tracking/Wheelchair securing fittings** (Floor) (Minimum wheelchair space of 1200mm long by 700mm wide with an internal saloon head room height of 1400mm available for each wheelchair to be carried)

- i. Check for ISO 10542-1 or equivalent
- ii. Check correct fittings are being used
- iii. Check spacing for securing bolts iv. Check correct washers are being used
- v. Minimum wheelchair space of 1200mm long by 700mm wide
- vi. Check maximum distance between securing cups or length of tracing.  
(minimum 1200mm)
- vii. If tracking being used,
  - check rails are parallel.

- Check minimum width between rails (minimum acceptable 300mm)
- Check track for cleanliness and usability

**Solo Anchorage Systems** or similar (Minimum wheelchair space of 1200mm long by 700mm wide with an internal saloon head room height of 1400mm available for each wheelchair to be carried)

- Complies with ISO10542 standard requirements
- Correct bolts and spreader washers used
- Minimum wheelchair space of 1200mm long by 700mm wide

**Wheelchair Tie-down Restraints & Wheelchair Passenger Restraints**

- Check for ISO 10542-1 or equivalent markings
- Check for maximum capacity markings on Wheelchair Tie-down Restraints
- ISO 10542-1 or equivalent markings only present, assume maximum capacity 85kg iv. If ISO 10542-1 or equivalent markings present and additional maximum capacity shown on official labelling make note of capacity, e.g. 120kg.
- Check the retractors by pulling out the webbing to ensure they are locking properly
- Ensure the webbing is not cut, frayed, damaged or contaminated by polishes, oils or chemicals
- Check that metal parts are not worn, broken or cracked
- Check connector parts to ensure they are not cracked, broken or missing
- Check that mounting hardware, such as bolts, nuts, etc. are secure
- Check floor anchorages for proper securement and operation
- Check lap and shoulder belt webbing is not cut, frayed or damaged
- Check buckles/carabiners for damage

**Seating**

- M1 Compliant seating being used in vehicles of 8 passenger seats or less
- Seat back secure
- Seat cushion secure
- Seat legs attached to the vehicle in such a way that the load path will be transferred back into the vehicle
- Seat belt stalks operating correctly
- Compliant bolts and spreaders used

**Cant Rail (if used)**

- Attached to a secure part of the bodywork
- Correct bolts and spreaders used

**Secure storage arrangements**

Any equipment should be safely stowed when not in use. In particular it should:

- i. be removed from any tracking (if fitted); and
- ii. be secured so as to pose neither danger nor nuisance is likely to be caused to any person or property (in accordance with Construction and Use Regulation 100).

## CONCLUSION

The above testing regime is intended to provide reassurance to elected members, drivers, vehicle users and residents of the Borough that all wheelchair accessible vehicles are subject to adequate and appropriate roadworthiness tests.

*This Statement of Policy relating to the procedure for ensuring roadworthiness of licenced vehicles which have been subject to modification was adopted by council on 27/01/2021.*

## 11. Whistleblowing policy.

This relates to the reporting of allegations of illegalities or wrong doings in the taxi/private hire trades regulated by South Ribble Borough Council Licensing.

Such reports may be considered as “whistleblowing” and there exists legislation to protect such individuals in certain circumstances. You will be considered a whistle-blower if you’re a worker and you report certain types of wrongdoing, so as an employed Private Hire driver for example. This will usually be something you’ve seen at work.

The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.

Private Hire and Hackney Carriage Drivers or others in the taxi trade can raise any concerns with South Ribble Borough Council directly. Any information will be treated confidentially, taken seriously, and appropriately investigated.

A taxi driver or other person employed in the Taxi/Private Hire trade may choose to contact South Ribble Borough Council Licensing anonymously by submitting evidence, along with any other relevant details. In these cases, a reporter may lose their whistleblowing law rights.

As such we would encourage any person aware of wrong doings in the taxi trade occurring in South Ribble to report the matter to South Ribble Licensing with their full details to enable officers to ask for further information and attain the best evidence possible. Reporters will not have a say in how the concern is dealt with but can be kept updated as far as confidentiality rules allow. In these circumstances where the reporter makes it clear at the outset, that they do not want anyone else to know it was them who raised the concern, then reports will be treated confidentially, and we will do all we can to ensure details of the reporter will not be released.

Employed individuals might be able to benefit from the protections in whistleblowing legislation depending on their status and way of working. If an individual is unsure if they are protected, independent advice should be sought, for example from Citizens’ Advice. More information is available on the [Government’s website](#).

An employer may also have a whistleblowing policy and in this case any person with a concern to raise should also review their policy in deciding a course of action. South Ribble Borough Council Licensing do not require Private Hire Operators to have a specific policy on whistleblowing, but we do encourage the adoption of such policies. Larger organisations are likely to have a policy covering whistleblowing in relation to their employees.

In all cases if a crime is being or has been committed, drivers and others should report this to the Police either by calling 999/101 or making a report after the event to Lancashire Police

*Where employees of South Ribble Borough Council have any concerns about the legal and correct application of legislation or policy in respect of regulating the taxi trade or generally about the licensing function South Ribble Borough Council has an internal confidential reporting policy available to enable confidential reporting, investigation and response.*

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