



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

# **Hackney Carriage and Private Hire Licensing Policy 1 April 2021**

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# PART 1 INTRODUCTION

## 1.1 Powers and Duties

- 1.1.1 The licensing of hackney carriages dates back to 1847 and for private hire vehicles (outside London) to 1976.
- 1.1.2 The Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”), as amended, places on South Kesteven District Council, as the Licensing Authority (“the Authority”), a duty to carry out its licensing functions in respect of hackney carriages and private hire vehicles.
- 1.1.3 This document sets out the policy that the Authority will apply when making decisions about new applications and licences currently in force.
- 1.1.4 Regulation makes our society more secure. It protects customers and employees, it protects businesses and it protects the environment. Better regulation means maintaining and improving customer protection and at the same time providing the right environment for business to thrive. It shall be undertaken in a way that is effective, does not create unnecessary burdens, and is consistent, transparent, proportionate, accountable and fair.

## 1.2 Objectives

- 1.2.1 Hackney carriage and private hire vehicles play a vital and integral part in an integrated transport system. They also provide services in situations where other forms of transport are either not available (rural areas and late evenings) or for persons with mobility difficulties.

The Authority shall seek to promote the following objectives:

- the protection of the public.
  - the establishment of professional and respected hackney carriage and private hire trades.
  - access to an efficient and effective public transport service.
  - the protection of the environment.
  - the safety of the drivers.
- 1.2.2 The Authority aims to regulate the service in order to promote the above objectives. It is the Authority’s wish to facilitate well-run and responsible businesses, which display sensitivity to the wishes and needs of the general public.
- 1.2.3 When considering each of the policies detailed in this document, regard has been given to the Regulators’ Code <https://www.gov.uk/government/publications/regulators-code> in order to ensure that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.

## 1.3 Best Practice Guidance

- 1.3.1 In formulating this policy, the Authority has had regard to the following documents:
  - Taxi and Private Hire Vehicle Licensing: Best Practice Guidance, Department for Transport (DfT) (March 2010)
  - Best Practice Guidance to Inspection of Hackney Carriage and Private Hire Vehicles, Freight Standards Association (August 2012)
  - Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades, Institute of Licensing (April 2018)

- Statutory Taxi and Private Hire Vehicle Standards, Department for Transport, July 2020

## **1.4 Status**

- 1.4.1 In exercising its discretion in carrying out its regulatory functions, the Authority shall have regard to this policy document and the objectives set out above in 1.2.
- 1.4.2 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Authority to depart substantially from its policy - clear and compelling reasons shall be given for doing so.

## **1.5 Implementation**

- 1.5.1 This revised policy shall take effect from 1 April 2021 and the Authority expects new and existing applicants for licences to comply with its terms immediately unless specifically detailed otherwise within this policy.
- 1.5.2 The Authority will keep this policy under review and will consult where appropriate on proposed revisions. Minor amendments to ensure content is up to date but that do not affect the intent of the policy such as contacts, web addresses etc. will be delegated to Officers.
- 1.5.3 From the effective date, this policy will override and supersede all existing policies in relation to hackney carriage and private hire licensing.

## **1.6 Licensing Profile**

- 1.6.1 A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public. A private hire vehicle can only be licensed if it is constructed or adapted to seat up to 8 passengers. Private hire vehicles must be booked in advance by customers through an operator and may not ply for hire in the street.
- 1.6.2 The Authority currently licences approximately 340 hackney carriages, 28 private hire vehicles and 25 private hire operators.
- 1.6.3 There are approximately 275 drivers licensed to drive hackney carriages, 41 licensed to drive private hire vehicles and 109 licensed to drive both (dual licensed).

## **1.7 Consultation**

- 1.7.1 In reviewing this policy the Authority has consulted with the following stakeholders:
  - Licence holders.
  - Lincolnshire Police.
  - General public.
  - Other Authority services.

## **1.8 Partnership Working**

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

## **1.9 Information Sharing and Data Protection**

- 1.9.1 The Authority works in partnership with other enforcement agencies such as the Police, Defra, HM Revenue and Customs, Home Office, DVSA, Department of Work and Pensions, Benefit Fraud etc. and will share information with other Council departments or regulatory bodies where appropriate.
- 1.9.2 The Authority is legally required to provide information if requested, pursuant to a criminal offence, or to detect fraud, or immigration offences.
- 1.9.3 The Authority has a duty to provide hackney carriage and private hire vehicle licence information to the Department of Environment, Food and Rural Affairs (DEFRA). This is submitted under the Air Quality (taxi and private hire vehicles database) (England and Wales) Regulations 2019 as part of the government's national plan to tackle roadside pollution. The data is held in a database for 7 years and allows licensing authorities to clearly identify and charge (where appropriate) a taxi/PHV licensed by another authority which has entered or is moving around their Clean Air Zone (CAZ). The data provided is
- vehicle registration number
  - vehicle licence plate number
  - date the licence is valid from
  - date the licence expires
  - type of vehicle licence
  - whether the vehicle is wheelchair accessible vehicle
- 1.9.4 The legislation requires local authorities to maintain a public register.
- 1.9.5 The Authority will work with neighbouring authorities and report to them any relevant matters that relate to their licence holders.
- 1.9.6 The Authority will utilise the Local Government Association (LGA) register of Hackney Carriage and Private Hire Licence Refusals and Revocations called NR3, which has been introduced within the National Anti-Fraud Network. The register allows Authorities to record and share details of where a hackney carriage or private hire drivers' licence has been refused or revoked and allow Authorities to check new applicants against the register.
- 1.9.7 The Authority complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of information and has a written policy on these matters, which is available to those who wish to see it on request.
- 1.9.8 The Authority complies in full with the Data Barring Service (DBS) Code of Practice for Disclosure and Barring Service Registered Persons. See section 3.7 of this policy.
- 1.9.9 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for the Authority to make a "barring" referral to the DBS. A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, may be referred to the DBS. The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role.

## **1.10 Whistleblowing**

1.10.1 The Authority takes wrong-doing very seriously. Hotlines have been established to allow staff, councillors and the public to raise concerns. Though reports can be raised anonymously, individuals are encouraged to leave as much information as possible to assist with the investigation. The Authority's Whistleblowing policy is available at [www.southkesteven.gov.uk/index.aspx?articleid=8137](http://www.southkesteven.gov.uk/index.aspx?articleid=8137)

## **PART 2 VEHICLES**

### **2.1 Limitation of Numbers**

2.1.1 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

2.1.2 The current legal provision on quantity restrictions for hackney carriages is set out in section 16 of the Transport Act 1985. This provides "that the grant of a (hackney carriage) licence may be refused, for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if, but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet."

2.1.3 In line with the DfT *Taxi and Private Hire Vehicle Licensing: Best Practice Guidance*, and Competition and Markets Authority Guidance on the Regulation of Taxis and Private Hire Vehicles: understanding the impact on competition the Authority does not impose a quantity restriction on the licences that are issued in respect of hackney carriages.

### **2.2 Specifications and Conditions**

2.2.1 Local Licensing Authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriage or private hire vehicles.

2.2.2 Government guidance suggests that they should adopt the principle of specifying as many different types of vehicle as possible and are encouraged to make use of the "type approval" rules within any vehicle specifications they adopt.

2.2.3 The Authority accepts that there are a wide range of vehicles available that are suitable for use as a hackney carriage or private hire vehicles. In accordance with central Government's guidance, all vehicles therefore shall have an appropriate 'type approval' which is either a:

- European Whole Vehicle Type approval;
- British National Type approval; or
- British Single Vehicle Approval (SVA) or subsequently an Individual Vehicle Approval (IVA).

2.2.4 As a guide, most large volume production vehicles produced in the UK and EU States after 1987 will satisfy British and/or European Whole Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non-EU State since its original manufacture will require separate IVA (SVA) and/or Department for Transport approval and such documentation must be submitted with an application.

- 2.2.5 The Authority shall impose such conditions as it considers reasonably necessary on hackney carriage and private hire vehicle licences. These vehicles provide a service to the public, so it is appropriate to set criteria for the standard of the external and internal conditions of the vehicle, provided that these are not unreasonably onerous.
- 2.2.6 **Appendix A** sets out the specification and minimum standards in respect of hackney carriages and for private hire vehicles.
- 2.2.7 Vehicles shall be licensed for the carriage of not more than 8 passengers. All applications for a licence in relation to vehicles that have a maximum capacity of 3 passengers shall be referred to the Licensing Committee.

### **2.3 Accessibility**

- 2.3.1 Hackney carriages and private hire vehicles are an essential mode of transport for many disabled and older people. The combination of the personal service they offer, their wide availability and door to door operations enable them to respond particularly well to the travelling needs of people with disabilities.
- 2.3.2 The Authority is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life.
- 2.3.3 In addition to the general conditions, accessibility for people with disabilities (including, but not only people, who need to travel in a wheelchair) is, therefore, an important consideration in respect of vehicles licensed as hackney carriages/private hire vehicles.
- 2.3.4 The Authority encourages the provision of wheelchair accessible vehicles. There will be a 20% reduction from the application fee for such vehicles. Current fees are published in the Council's Fees and Charges.
- 2.3.5 The Equality Act 2010 brings together in one Act a number of different pieces of legislation about discrimination, - including disability discrimination. The Authority considers it important that people with disabilities have access to all forms of public transportation.
- 2.3.6 The Equality Act 2010 places certain duties on licensed drivers to provide assistance to people in wheelchairs and to carry them safely. There are similar requirements on drivers in relation to the treatment of passengers with an assistance dog. Neither drivers nor operators of licensed vehicles can make any extra charge or refuse to carry such passengers. It is a criminal offence to breach any of these requirements.
- 2.3.7 Licensed drivers who are unable to carry out the duties imposed upon them under the Equality Act 2010 may apply to the Authority for an exemption certificate from those duties. This Authority must issue an exemption certificate to that licensed driver if they are satisfied that it is appropriate to do so on medical or physical grounds. The application must be supported by a declaration from a medical practitioner who has full knowledge of the applicant's medical history. The cost of obtaining this declaration must be met by the applicant. Even if a medical ground or other physical condition exists, a driver has no defence against the offence of failing to provide assistance to people in wheelchairs contrary to s165 Equality Act, if he has not been issued an exemption certificate.
- 2.3.8 The Authority has published a list of vehicles designated for the purposes of section 165 of the Equality Act 2010.

## 2.4 Maximum Age of Vehicles

- 2.4.1 The *Taxi and Private Hire Vehicle Licensing: Best Practice Guidance* asks Licensing Authorities to “support any local environmental policies that the local authority may have adopted”. This would include any local vehicle emission standard.
- 2.4.2 A further Government report suggests that, by adopting targeted air quality policies for road transport, significant reductions can be achieved for atmospheric pollutants. It highlights the impact that European-wide emission limits are having on improving air quality.
- 2.4.3 The Authority recognises the global climate emergency and considers that efforts should be made to improve, as far as is reasonable, the efficiency of vehicles licensed by the Authority, particularly in the emission of pollutants.
- 2.4.4 In order to minimize the emission of atmospheric pollutants and encourage the uptake of zero and ultra-low emission vehicles, an application for a new hackney carriage or private hire vehicle licence will not be accepted unless the vehicle is less than 5 years old. The vehicle licence can continue to be renewed until it reaches the age of 10 years. See paragraph 2.4.6 below.
- 2.4.5 To support the provision of disabled accessible vehicles (including purpose built vehicles) and encourage the uptake of hybrid, ultra-low and zero emission vehicles (including plug in hybrid, electric and Hydrogen fuel cell), the renewal age for these vehicles is extended to 12 years as long as vehicle continues to pass the necessary compliance test.
- 2.4.6 The requirement under paragraph 2.4.4 for vehicles to be less than 5 years old at first registration will take effect from **1 October 2021**.

## 2.5 Vehicle Testing

- 2.5.1 The Authority needs to be satisfied that licensed vehicles operating within its area are safe to do so.
- 2.5.2 Hackney carriage and private hire vehicles are granted licences for a maximum period of 12 months. Prior to being granted a licence each vehicle shall be examined and tested at a vehicle testing station approved by the Authority. The compliance test comprises a mechanical examination to current MOT standard and an additional check of items not covered by the MOT test. Once licensed, the vehicle must undergo a further full examination and test at a vehicle testing station approved by the Authority at 6 monthly intervals.
- 2.5.3 In line with MOT changes from May 2018, where a licenced vehicle is presented for testing and fails an authorised examination and test, being considered “dangerous” in accordance with the MOT testing defect categories, it must not be driven from the date of that test regardless of whether or not the previous certificate has expired. A suspension notice will be issued and will not be lifted until the vehicle has undergone a further test at the proprietors expense, and been passed fit for use by the Authority. If the Authorised Officer is not satisfied that the defect has been repaired within 2 months from the service of the suspension notice, by virtue of the Local Government (Miscellaneous Provisions) Act 1976, the licence will be deemed to have been revoked.
- 2.5.4. Where a licensed vehicle is presented for testing and fails an authorised examination test and the defect is considered “major” **and** it is deemed unsafe as a passenger vehicle by the vehicle examiner, regardless of whether or not the previous certificate has expired, this may result in the vehicle proprietor being issued with a suspension notice in order to prevent the vehicle being

used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use by the Authority. If the Authorised Officer is not satisfied that the defect has been repaired within 2 months from the service of the suspension notice, by virtue of the Local Government (Miscellaneous Provisions) Act 1976, the licence will be deemed to have been revoked.

2.5.5 A compliance test must be completed before the expiry date of the current test. The certificate must be received by the Licensing Team within 2 working days of the test taking place. Failure to produce the compliance certificate will result in the issuing of penalty points under the South Kesteven Scheme and may result in other actions, including suspending the licence.

2.5.6 A proprietor/driver shall comply with any request by an Authorised Officer or Police Officer inspecting the vehicle who is not satisfied as to the fitness of the vehicle or the accuracy of any fitted meter. Either Officer may give a written notice to the proprietor/driver of the vehicle to make the hackney carriage and/or taxi meter available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the Officer is satisfied as to the vehicle's fitness or as to the accuracy of the meter.

## 2.6 Accident Reporting and Insurance Write Offs

2.6.1 Under Section 50(3) of the 1976 Act, Proprietors of licensed vehicles are required to inform the Authority's Licensing Team "as soon as reasonably practicable, and in any case within 72 hours of the occurrence of "any accident to such hackney carriage or private hire vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein". Failure to inform the authority of an accident within 72 hours will result in penalty points been issued

2.6.2 A driver involved in an accident must provide details of the accident to the Authority's Licensing Team before further use as the damage to the vehicle may be required to be assessed by an officer or vehicle testing station approved by the Authority at the vehicle proprietors' expense. If necessary, the vehicle proprietor will be issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has been passed as fit for use by the Authority.

2.6.3 Drivers, proprietors and operators are advised that this Authority may be contacted by insurance companies to verify an accident damage report and details provided.

2.6.4 Where a vehicle has been "written off" by an insurance company the Authority will deal with these vehicles as follows:

Category (from October 2017)	Action
A (scrap only)	Will not be licensed or re-licensed
B (break for parts)	Will not be licensed or re-licensed
S (structurally damaged but repairable)	the Authority will consider licensing, or re-licensing only if it has passed an 'AutoLIGN' inspection (at the cost of the proprietor), and a satisfactory report / certificate produced.
N (not structurally damaged, repairable)	the Authority will consider licensing, or re-licensing. However, dependant on the information contained within the report by the insurance assessor, a vehicle may have to pass

	an 'AutoLIGN' inspection (at the cost of the proprietor), and a satisfactory report / certificate produced.

## 2.7 Signage and Advertising

- 2.7.1 It is important that the public should be able to identify and understand the difference between a hackney carriage and a private hire vehicle. Appendix A details the requirements for vehicle identification plates and signage.
- 2.7.2 Private hire vehicles shall not be permitted to display roof-mounted signs and any signs that include the words "Taxi" or "Cab" or "For Hire" anywhere on the vehicle.
- 2.7.3 Roof signs fitted to hackney carriage vehicles shall be illuminated at all times when the vehicle is available for hire.
- 2.7.4 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed.
- 2.7.5 All licensed vehicles, except those private hire vehicles deemed Prestige/Executive Vehicles by the Authority shall display plates externally on the rear of the vehicle. Appendix K.
- 2.7.6 Vehicles shall not be allowed to display written or other material on any window with the exception of those permitted by the conditions of the licence and those required by law or manufacturer's mark.
- 2.7.7 Licensed vehicle proprietors will be permitted, subject to prior written approval of the Authority, to display signs, advertisements, notices or other markings on the outside of their vehicle. However, they shall be subject to the following conditions:
- All advertisements shall comply with the Committees of Advertising Practice Codes <https://www.gov.uk/marketing-advertising-law/advertising-codes-of-practice> and shall be in a form acceptable to the Authority.
  - No advertisement shall relate to or advertise alcohol, smoking materials or be of a political or religious nature, organization or campaign;
  - Advertising will be 2 dimensional in design and limited to the front and rear door panels;
  - Any damaged or disfigured advertisement signs shall be immediately removed.

## 2.8 Driver Safety and CCTV

- 2.8.1 The hackney carriage and private hire trades provide a valuable service, particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. Licensed drivers deal with strangers, often in isolated places and carry cash and may be at risk of violence and other offences such as non-payment of fares, verbal and racist abuse.
- 2.8.2 There are a number of ways to reduce the risks such as pre-payment of fares, driver screens, CCTV surveillance systems and radio link schemes.

- 2.8.3 Measures such as CCTV are not required as part of the licensing regime, as it is considered that they are best left to the judgment of the owners and drivers themselves. The hackney carriage and private hire trades are, however, encouraged to consider the installation of CCTV systems in their vehicles on a voluntary basis.
- 2.8.4 CCTV security systems for the purpose of assisting driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored/recorded. Any such equipment shall be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver/proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment. A minimum of two warning signs should be displayed prominently inside vehicles so as to be easily seen by passengers. Further information can be found on the following link <https://ico.org.uk/>.
- 2.8.5 Proprietors are required to notify the Authority's Licensing Team if their vehicle is fitted with CCTV (or if it is subsequently removed) within 5 days of installation or removal. Failure to do so will result in the issuing of penalty points by an Authorised Officer.
- 2.8.6 In any licensed vehicle where a CCTV security system is fitted, the proprietor shall ensure that the system does not interfere with other equipment, is properly installed, maintained and serviced to ensure clear images are recorded. Equipment must be available to be inspected and images downloaded by an Authorised Officer or Constable on request.

## **2.9 Application Procedures**

- 2.9.1 The application procedures for a hackney carriage or private hire vehicle licence are not prescribed in law, but shall be made on the specified application form produced by South Kesteven District Council and be accompanied by the appropriate fee in accordance with the application procedure set out in **Appendix C**.

## **2.10 Consideration of Applications**

- 2.10.1 The Authority shall consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.
- 2.10.2 The Authority does not allow dual plating of vehicles due to the difficulty in enforcing such practice and the confusion it can cause customers.
- 2.10.3 Pursuant to section 57 of the Local Government (Miscellaneous Provisions) Act 1976, the Authority can ask applicants whether they intend to use the vehicle in the district of South Kesteven or outside of the district.
- 2.10.4 Applicants will need to be able to show what proportion of their business they propose to carry out in South Kesteven and what business will be carried out elsewhere, including the geographical location.
- 2.10.5 If there are concerns that the hackney carriage is being used primarily outside of this area then the decision on whether to grant or renew a licence will be made by the Licensing Committee.
- 2.10.6 The above is in accordance with the decision in R (App Newcastle City Council) v Berwick-upon-Tweed Borough Council [2008] EWHC 2369.

## **2.11 Renewal of Licences**

- 2.11.1 Existing vehicle licence holders shall be reminded prior to their expiry date that their licences are due to be renewed. Notwithstanding this, it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.
- 2.11.2 It is recommended that vehicles should be examined and tested at one of the Authority's approved testing stations at least 7 days prior to submitting the application. This is to allow time for a vehicle to be repaired and then re-tested, should the vehicle examination identify the need, prior to the expiry of the licence.

## **2.12 Environmental Considerations**

- 2.12.1 Hackney carriages and private hire vehicles are an essential form of transport in the South Kesteven area. Many people depend on hackney carriages and private hire vehicles for trips when other forms of transport are unsuitable. However, the Authority is committed to reducing the environmental impacts of vehicles licensed to operate in the district by reducing the emissions of pollutants such as Nitrous Oxides (NOx), Particulate Matter (PM), Carbon Dioxide (CO<sub>2</sub>) and Carbon Monoxide (CO).
- 2.12.2 The Authority has declared an Air Quality Management Area (for Nitrogen Dioxide) in the centre of Grantham. Improving the fuel types of vehicles that are used within the district can form a part of a wider strategy to assist with improving air quality for residents and visitors.
- 2.12.3 To support this, an application for a new hackney carriage or private hire vehicle licence will not be accepted unless the vehicle is less than 5 years old. The vehicle licence can continue to be renewed until it reaches the age of 10 years (12 years in the case of disabled access, low and ultra-low vehicles). See section 2.4.
- 2.12.4 Liquid petroleum gas (LPG) conversions are acceptable. Any conversion to LPG must be undertaken by an approved converter and the conversion certificate produced to the Authority for inspection.
- 2.12.5 To incentivise investment in zero emission, lower emission vehicles the Authority will discount the annual vehicle licence fees. Reductions will be reviewed annually and published in the Council's Fees and Charges. From 1 April 2021 the reductions are:
- Fully electric vehicles - 50% discount
  - Plug in hybrid, hydrogen fuel cell and LPG vehicles - 20% discount
- 2.12.6 The Authority would support initiatives which would be beneficial to the environment such as taxi sharing schemes and taxi and private hire vehicle buses.

## **2.13 Engine Idling**

- 2.13.1 Drivers are reminded that the highway code states that 'you must not leave a parked vehicle unattended with the engine running or leave a vehicle engine running unnecessarily while the vehicle is stationary on a public road'.
- 2.13.2 Drivers must not idle a vehicle's engine unnecessarily when stationary on a Hackney Carriage Rank or Stand. The following exemptions will apply:

- a) Where the driver cannot prevent a motor vehicle from idling because of a mechanical difficulty over which he/she has no control.
- b) Where a passenger is in the act of boarding or alighting from the vehicle.
- c) A driver of a vehicle clearing snow or ice from the windscreen of the vehicle.
- d) A driver is in the vehicle and operating air conditioning or heating on exceptionally hot/cold days.
- e) While there is a passenger on board.
- f) Electric or plug-in hybrid vehicles.
- g) Anything done with the permission or at the direction of a Police Officer.

2.13.3 The Authorised Officer may issue penalty points where a driver has previously been warned about engine idling on a rank and is found to be doing so on a subsequent occasion.

## 2.14 Stretched Limousines

2.14.1 Stretched limousines are elongated vehicles that have been increasingly used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States of America, has been increasing. Their use generally includes all private hire work plus special occasions such as days at the races, stag and hen parties and children's birthday parties.

2.14.2 Licensing authorities have, in the past, considered there to be some problems preventing stretched limousines from being licensed including:

- some of the vehicles are capable of carrying more than eight passengers.
- many of the vehicles are left hand drive.
- many of the vehicles are fitted with all around darkened glass.
- many of the vehicles have been converted or modified after manufacture.
- seating space per passenger is 460mm and could give a greater capacity than eight persons.
- due to their origin, many parts may not be available, making adequate maintenance difficult.

2.14.3 Most limousines are imported for commercial purposes and were historically required to take a Single Vehicle Type Approval (SVA) test - this is now the Individual Vehicle Approval (IVA) scheme. The IVA Scheme is an inspection scheme for vehicles that are not approved to British and European Standards, and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads. When presented for IVA, the vehicle is produced with a declaration that it will never carry more than eight passengers. The importer must inform any person who may use it of this restriction. Any subsequent purchasers must also be informed of the restriction.

2.14.4 Any stretched limousines, which are offered for private hire, require a licence. Before licensing for private hire a full insurance policy for private hire purposes will be required.

2.14.5 Applications to licence stretched limousines as private hire vehicles will be treated on their merits. However, imported stretched limousine type vehicles will be:

- authorised as prestige type private hire vehicles; and
- approved for licensing as private hire vehicles, subject to the additional conditions detailed in **Appendix B**.

## **2.15 Contract Vehicles**

2.15.1 The Road Safety Act 2006 requires vehicles used under a contract with an organisation or company, for carrying passengers for hire or reward be licensed as private hire vehicles. As a general guide this shall include executive hire, chauffeur services including recovery from hot air balloon rides, park and ride for private car parks, airport travel, stretch limousines and novelty vehicles.

## **2.16 Prestige Type Vehicles - Exemption from displaying plate**

2.16.1 The 1976 Act gives a district council the discretion to grant a proprietor a dispensation from displaying the licence plate on their licensed private hire vehicle. Each application for a dispensation will be considered by the Authorised Officer on its own merits. The overriding consideration will be public safety.

2.16.2 The granting of any dispensation by the Authority will be confirmed in writing by the Authorised Officer and a copy of the dispensation shall be carried in the vehicle at all times and shall be produced to an Authorised Officer on request.

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

## **2.17 Exempt Vehicles**

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

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

## **2.18 Smoking and the Use of Vaping Devices etc.**

2.18.1 Drivers are reminded that it is an offence to smoke or allow someone to smoke in a licenced vehicle at any time, including when the vehicle is being used for social, domestic and pleasure purposes. For the avoidance of doubt, the Authority also forbids the use of electronic cigarettes, vaping devices or any other kind of smoking substitute in licensed vehicles at all times whether by drivers or passengers.

2.18.2 All licensed vehicles must comply with the requirements for the Health Act 2006 and display 'No Smoking' signs.

2.18.3 Drivers and Proprietors may be issued with penalty points under the South Kesteven District Council penalty point scheme. See **Appendix J**.

## **PART 3 DRIVERS**

### **3.1 General**

- 3.1.1 The statutory and practical criteria and qualifications for a private hire driver are similar to those for a hackney carriage driver. The sections below, therefore, apply equally to private hire and hackney carriage drivers unless indicated.
- 3.1.2 The Authority will not licence anyone to drive a hackney carriage or private hire vehicle unless it is satisfied that they are a “fit and proper” person to hold that licence.
- 3.1.3 The term “fit and proper” is not legally defined. It is for the Authority to determine the information is necessary to enable it to determine whether a person is fit and proper. This includes a range of documentary evidence, practical criteria and assessments as detailed in this policy.

### **3.2 Licences**

- 3.2.1 Separate driver’s licences shall be held in respect of driving hackney carriage and private hire vehicles. Where a licensed private hire driver wishes to drive a hackney carriage, he will be required to hold a dual licence. Licences shall be issued for a maximum period of 3 years or for such a lesser period, as the Authority consider appropriate in the circumstances.
- 3.2.2 Applicants shall be over 18 years of age and shall have held a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 12 months.
- 3.2.3 Holders of EC or EEA driving licences must register their non GB driving licence with the DVLA. Alternatively, they may elect to exchange the licence for a GB licence.
- 3.2.4 All driving licences will be checked annually with the DVLA. Failure to produce the necessary documents by each anniversary of the licence may result in penalty points under the South Kesteven Penalty Point Scheme, see Appendix J or may be referred to the Licensing Committee.

### **3.3 Eligibility to Live and Work in the UK**

- 3.3.1 Licensing authorities are under a duty not to issue licences to people who are disqualified by their immigration status from holding them. In determining whether someone is disqualified, the Authority will have regard to the statutory guidance issued by the Home Office.
- 3.3.2 Proof of the right to live and work in the UK must be provided by driver and operator applicants in accordance with the Immigration Act 2016.
- 3.3.3 Where a person’s immigration permission to be in the UK is time-limited to less than the statutory length for a driver or operator licence, the licence will be issued for a duration which does not exceed the applicant’s period of permission to be in the UK and work.
- 3.3.4 In the event that the Home Office cuts short or ends a person’s immigration permission (referred to as curtailment or revocation), any licence issued as a consequence of an application which was made on or after 1 December 2016, that the person holds will automatically lapse.

### **3.4 Topographical Knowledge (Driver Knowledge Tests)**

- 3.4.1 Hackney carriage drivers need a good working knowledge of the area for which they are licensed, because vehicles can be hired directly at ranks or on the street. The Authority also considers it necessary for private hire drivers to know the area. In addition, it is expected that drivers should be able to communicate with their customers, convey important safety information and be able to carry out the basic arithmetic associated with the paying of fares.
- 3.4.2 In order to assist the Authority in determining the fitness of an applicant to hold a hackney carriage or private hire driver's licence, applicants are required to demonstrate an understanding of this policy, pass an arithmetic test and a practical test (the practical test is applicable to hackney applicants only) aimed at challenging their knowledge of the district. Applicants who cannot demonstrate that they hold a qualification taught and examined in English (the subject of the qualification does not matter as long as it was taught in English) will also be required to undertake an English language skills test. Additional fees are payable.
- 3.4.3. The tests must be taken within one month of the Authority receiving the DBS disclosure result. If this test is not taken within one month, the applicant will be required to re-apply as a new applicant.
- 3.4.4 There is no limit on the number of times the test can be taken, however, the applicant must pay the appropriate fee on each occasion so is advised to consider whether they require any form of training to improve their language skills before taking the test.
- 3.4.5 The practical test will be undertaken in the area of the district where the driver expects to primarily operate. Should substantiated complaints relating to the driver's knowledge of the area be received, they may be required to undertake a re-test.
- 3.4.6 The English language skills test does not automatically apply to existing drivers. However, any current licensed driver may be required to undertake the assessment where the Authorised Officer believes there are reasonable grounds to require assessment. Reasonable grounds would include instances where Authorised Officers have identified through enforcement activity or substantiated complaint that a driver may have insufficient English language proficiency.

### **3.5 Driving Proficiency**

- 3.5.1 The Lincolnshire Road Safety Partnership (LRSP) provides a driving assessment specifically designed for hackney carriage and private hire drivers.
- 3.5.2 First time applicants having more than 6 points (both current and expired accrued within a 4 year period) on their DVLA Driving Licence are required to pass the LRSP assessment prior to the granting of the licence.
- 3.5.3 Existing drivers with more than 8 points (both current and expired accrued within a 4 year period) on their DVLA Driving Licence are required to pass the LRSP test within 3 months from the time of accruing the points or their licence will be suspended until such time as the test has been passed.

### **3.6 Driver Qualification**

- 3.6.1 The Authority encourages all passenger transport drivers, whose role demands high standards in driving and customer service, to obtain a nationally recognised qualification. These would cover customer care - including how best to meet the needs of people with disabilities and other

sections of the community - and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict.

### **3.7 Medical Examination**

- 3.7.1 The DfT recognises that it is good practice for medical checks to be made on each driver before grant of a licence and thereafter at each renewal. There is general recognition that it is appropriate for hackney carriage and private hire vehicle drivers to have more stringent medical standards than those applied to normal car drivers.
- 3.7.2 The Authority requires Group 2 Standards of Medical Fitness, as applied by the DVLA to the licensing of lorry and bus drivers, as the appropriate standard for licensed hackney carriage and private hire drivers.
- 3.7.3 Applicants shall provide the Authority with the prescribed medical examination form completed by their own General Practitioner (GP), or a Doctor who has access to the applicant's medical history, on first application and every 3 years thereafter until aged 65 years. Once the driver has reached the age of 65 years or if they have a relevant medical condition, an annual medical will be required thereafter. The applicant will be responsible for paying the fee for the examination to the relevant surgery and for ensuring all sections are completed in full by their GP. The certification must be less than three months old. Application procedures are detailed in Appendix C.
- 3.7.4 Holders of Public Service Vehicle (PSV) and/or Heavy Goods Vehicle (HGV) licences, where the holder is able to produce proof of current medical examination less than 3 months old, shall not be required to undergo a medical examination on first application.
- 3.7.5 If, once licensed, the driver's medical circumstances change they must advise the Authority by the next working day.
- 3.7.6 Where there is any doubt as to the medical fitness of an applicant or a licensed driver, the Authority will require them to undergo a further medical examination or review by a GP or other approved practitioner. They will be expected to give an opinion on the applicant/driver's ability to meet the Group 2 standard.
- 3.7.7 Where there remains any doubt about the fitness of any applicant, the Licensing Committee will review the medical and any other evidence and make any final decision in light of the evidence available.
- 3.7.8 No licence shall be issued until medical fitness has been established. Where a medical is due for an existing driver they will be required to submit the medical certificate before their renewal licence can be granted.

### **3.8 Safeguarding and Child Exploitation**

- 3.8.1 All new drivers must complete and pass a Child Sexual Exploitation and Safeguarding test prior to being issued with a Hackney Carriage or Private hire driver's licence.
- 3.8.2 Existing drivers will be required to complete and pass a refresher course every three years as part of the licence renewal process. See **Appendix C**.
- 3.8.3 All drivers must follow the Code of Good Conduct at **Appendix G**.

### **3.9 Disclosure & Barring Service (DBS)**

- 3.9.1 As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, the Authority complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.
- 3.9.2 The Authority also complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.
- 3.9.3 In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. Certificate information is only used for the specific purposes for which it was requested and for which the applicant's full consent has been given.
- 3.9.4 A DBS Certificate is seen as an important safety measure by the Authority to ascertain whether or not an applicant is fit to hold a licence. An Enhanced DBS Certificate is required.
- 3.9.5 The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire drivers licences. They are required to disclose all convictions, including those that would normally be regarded as spent.
- 3.9.6 South Kesteven District Council is an approved DBS Registered Body and new driver applicants must apply for a DBS certificate through the Authority's Licensing Team and pay the appropriate fee. The Authority will not accept portability of a DBS unless all relevant checks, including the Barred List checks have been obtained. In this case, Certificates must be less than 3 months old.
- 3.9.7 An Enhanced DBS is required with all new applications and every 6 months for existing drivers. At initial application and at renewal for existing licensees (following the implementation of this policy), the applicant will be required to subscribe to the DBS Update Service throughout the currency of their licence.
- 3.9.8 Every 6 months, the Authorised officer, will undertake an online check of the DBS Update Service to check the driver's current status. Depending on what is revealed in the check, the Authority may require an additional DBS check to be undertaken at the applicant's expense.
- 3.9.9 All existing licenced drivers must subscribe to the DBS update service when their next DBS certificate becomes due and will be required to renew their subscription on an annual basis, before their current subscription ends.
- 3.9.10 Where a driver fails to maintain and/or renew their subscription before it ends they will be required to apply for a new Enhanced DBS check and register for the update service again at their own expense.
- 3.9.11 The Authority does not receive the DBS disclosure certificate directly from the DBS. It is the responsibility of the applicant to ensure the Licensing Team has sight of the disclosure before a decision can be made as to whether or not a licence can be renewed/issued. Licences will not be issued without a valid DBS certificate.

### **3.10 Certificate of Good Conduct (residency outside the UK)**

- 3.10.1 Any applicant who has, from the age of 10 years, spent 6 continuous months or more living outside the United Kingdom will be required to provide a Certificate of Good Conduct from the Embassy of every country where they have lived other than the UK (after the age of 10 years old). This must be no older than 3 months at time of presentation. The Certificate of Good Conduct must be obtained and translated into English at the applicants own expense.
- 3.10.2 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the appendix D to this document, the applicant should seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.
- 3.10.3 A licence will not be granted or renewed in the absence of a current Certificate of Good Conduct.

### **3.11 Relevance of Convictions and Cautions**

- 3.11.1 In relation to the consideration of convictions and police cautions recorded against persons, the Authority has adopted the policy set out in **Appendix D** under Relevance of Convictions.
- 3.11.2 In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merit. It will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the DBS, an Authorised Officer will assess whether any or all of the convictions, and any additional information received, is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence in line with the policy at **Appendix D**. Where the Authorised Officer's assessment results in any doubt, the application will be referred to the Licensing Committee.

### **3.12 Application Procedure**

- 3.12.1 An application for a hackney carriage or private hire driver's licence shall be made on the specified application form. The application procedure is set out in **Appendix C**.
- 3.12.2 Any dishonesty by an applicant or other person on the applicant's behalf which is discovered to have occurred in any part of the application process e.g. failure to declare convictions, false names or addresses etc will result in the application being referred to the Licensing Committee. This could result in the licence being refused, or if already granted, revoked and may result in prosecution.

### **3.13 Renewal of Licences**

- 3.13.1 The Authority aims to send a reminder to licence holders in the month preceding the expiry date of their licence. However, it remains the responsibility of the driver to renew in good time. Completed application forms, appropriate fees, and supporting documentation, as set out in **Appendix C**, must be submitted at the time of application.

### **3.14 Conditions of Licence**

- 3.14.1 The Authority is not permitted to attach conditions to a hackney carriage driver's licence, however, they are subject to the Council's Hackney Carriage Byelaws. See **Appendix F**

3.14.2 The Authority considers that the conditions of licence as set out in **Appendix E** are reasonable, necessary and appropriate for all licensed private hire drivers.

### **3.15 Convictions – Licence Holders**

3.15.1 Once a licence has been granted, there is a continuing requirement on the licence holder to maintain their safety and suitability. Any conviction or other actions on the part of the licence holder which would have prevented them from being granted a licence on initial application will result in referral of the licensee to the Licensing Committee and may result in the licence being revoked.

3.15.2 Where offences, leading to conviction or police caution, are committed by licensed drivers, it is important - in the interests of consistency and transparency - that a procedure is in place to consider what effect this should have on their licence.

3.15.3 Licence holders must notify the Authority's Licensing team in writing within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence, any motoring offence or fixed penalty.

3.15.4 If a licensed driver ceases to have a valid DVLA driving licence then their hackney carriage or private hire driver's licence issued by this Authority shall be deemed invalid.

3.15.5 Convictions, police caution and breaches of legislation, licence conditions, byelaws and of this policy, by licence holders, shall be dealt with in accordance with this Authority's enforcement policy as set out at **Appendix I**.

### **3.16 Driver's Conduct**

3.16.1 The standards expected of licensed hackney drivers are set out in sections 5 to 13 of the byelaws made under the Town Police Clauses Act 1847 and the Public Health Act 1875, which should be read in conjunction with the other statutory and policy requirements set out in this document. The byelaws are attached as **Appendix F**. Failure to comply with the requirements of the byelaws may result in action being taken which may affect the licence.

### **3.17 Dress Code**

3.17.1 Drivers are a front line transport service for visitors and residents and as such, all drivers are required to be respectably dressed, clean and tidy in appearance. Drivers are expected to dress in smart/casual clothing. "Unsatisfactory appearance" is part of the South Kesteven District Council Penalty Points Scheme. See **Appendix J**.

## **PART 4 PRIVATE HIRE OPERATORS**

### **4.1 Requirements and Obligations**

- 4.1.1 Any person who operates a private hire service (who is not also a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the Authority for a Private Hire Operator's licence. The objective in licensing private hire operators is the safety of the public, who will be using operator's premises, and vehicles and drivers, arranged through them. Best practice, in respect of the controls required over private hire operators, is to ensure that the costs of any licence requirements are commensurate with benefits that they seek to achieve.
- 4.1.2 A private hire vehicle shall only be dispatched to a customer by a private hire operator who holds a Private Hire Operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. A private hire operator shall ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.
- 4.1.3 An application for a Private Hire Operator's licence shall be made on the prescribed form, together with the appropriate fee. The Authority will then decide whether the applicant is a fit and proper person to hold a Private Hire Operator's licence.
- 4.1.4 All three licences (Private Hire Operator's Licence, Private Hire Driver's Licence and Private Hire Vehicle Licence) must be granted by the same Authority.
- 4.1.5 Proof of the right to live and work in the UK must be provided by the applicant in accordance with the Immigration Act 2016.

### **4.2 Criminal Record Checks**

- 4.2.1 Spent convictions can be taken into account when determining the suitability for a licence and the applicant must produce a Basic Disclosure Certificate from the DBS as part of the application (or if they have lived outside of the UK for a period of six months or more in the last 5 years a certificate of good conduct from the relevant embassy).
- 4.2.2 Before an application for a private hire operator's licence will be considered, the applicant shall provide a current (less than 1 month old) Basic Disclosure Certificate.
- 4.2.3 Licensed Operators must submit a Basic Disclosure Certificate to the Licensing Team annually on the anniversary date of their licence. Where the Operator is also a licenced driver and a 6 monthly enhanced DBS check is undertaken it is not necessary to submit a Basic Disclosure Certificate.

### **4.3 Conditions**

- 4.3.1 The Authority has power to impose such conditions on a private hire operator's licence as it considers reasonably necessary, and these are set out in **Appendix H**.

### **4.4 Insurance**

- 4.4.1 Before an application for a private hire operator's licence is granted, the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed.

- 4.4.2 The Private Hire Operator Licence Conditions (Appendix H), requires the operator to ensure that a certificate of motor insurance which covers every private hire vehicle operated by him/her under the licence is held. This must be produced to the Authorised officer on request.

#### **4.5 Licence Duration**

- 4.5.1 Section 10 of the Deregulation Act 2015 amends the 1976 Act, such that the licence shall remain in force for 5 years or such lesser period as the Authority considers appropriate. In line with DfT Best Practice Guidance. This Authority shall grant private hire operator licences for a period of 5 years from the date of grant, subject to the power to grant a licence for a shorter period should this be appropriate in the circumstances.
- 4.5.2 Holders of existing private hire operator licences shall be reminded, in the month preceding their expiry, when their licences are due to be renewed. Notwithstanding this, the responsibility to apply to renew a licence and produce the necessary documentation rests solely with the licence holder.

#### **4.6 Record Keeping**

- 4.6.1 The 1976 Act requires Operators to keep records of each booking. Records must be kept in a suitable form that does not permit backdating. Records must be available for inspection by or be provided to the Authorised Officer in a suitable format, on request, at all reasonable times. See **Appendix H**.
- 4.6.2 The Operator must maintain a register of all staff that will take bookings or dispatch vehicles. This must be available for inspection by or be provided to the Authorised Officer in a suitable format, on request, at all reasonable times. See Appendix H.
- 4.6.3 Operators must evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register.
- 4.6.4 Operators must have a policy on employing ex-offenders in roles that would be on the staff register detailed in 4.6.2. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in Appendix D, other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car. Operators must provide a copy of the policy to an Authorised Officer/Police Officer on request.
- 4.6.5 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

#### **4.7 Sub-Contracting**

- 4.7.1 The Deregulation Act 2015 amended section 55 of the Local Government (Miscellaneous Provisions) Act 1976 to permit private hire operators licensed by the Authority to sub-contract a private hire booking to another operator licenced by the Authority or any other local authority.
- 4.7.2 Regardless of which operator fulfils the booking, the operator may only dispatch a vehicle licensed by the same Authority that licences the operator and driven by a driver licenced by that same Authority

- 4.7.3 Operators that accept a booking remain legally responsible for that booking even if they subcontract that booking to another operator. They should record that booking as usual, noting the fact that it was sub-contracted.

## **PART 5 DISCIPLINARY AND ENFORCEMENT MEASURES**

### **5.1 Enforcement**

- 5.1.1 The Government believes that regulators should have access to effective sanctions that are flexible and proportionate and that ensure the protection of workers, consumers, and the environment when tackling non-compliance by businesses.
- 5.1.2 It is recognised that a risk-based approach to enforcement by the Authority benefits not only the public, but also the responsible members of the hackney carriage and private hire trades.
- 5.1.3 In pursuance of its objective to encourage responsible hackney carriage/private hire businesses, the Authority shall operate a firm but fair disciplinary and enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in section 1.2 of this document. Where defects are such that vehicles need to be immediately prohibited, livelihood interference is inevitable.
- 5.1.4 The Enforcement Policy as set out at **Appendix I** will ensure that the Authority's enforcement effort is reasonable, transparent and well directed.

### **5.2 Disciplinary Hearings**

- 5.2.1 Disciplinary matters are considered by the Authority's Licensing Committee.

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

- 5.3.1 In respect of minor breaches of licence conditions, Authorised Officers shall issue penalty points and warnings in accordance with the approved scheme. The Penalty points' scheme is included at **Appendix J**.
- 5.3.2 A licence holder issued with penalty points may appeal against such a decision to the Head of Service in the first instance. If a satisfactory resolution cannot be found, then the appeal will be referred to a manager from an independent business area for review. If the recipient still does not agree the appeal will be heard by the Licensing Committee.

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

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

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

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

5.5.1 Where a licence holder has been referred to the Licensing Committee, the Committee may order the revocation or suspension of the licence.

5.5.2 Where any licence is revoked or suspended it must be returned to the Licensing Team immediately, and in any case within no more than 48 hours of notification of the decision.

## **5.6 Prosecution**

5.6.1 The Authority shall prosecute licence holders for relevant offences in accordance with the statutory Regulator's Code and the Authority's Enforcement Policy.

## **5.7 Complaints**

5.7.1 Complaints regarding licensed drivers, operators and vehicles can be reported to the Authority Licensing Team. All complaints will be investigated by an Authorised Officer in accordance with our service standards and enforcement policy.

# **PART 6 OFFENCES**

6.1.1 The Authority has had regard to the Department for Transport Statutory Taxi & Private Hire Vehicle Standards (July 2020) and the Institute of Licensing "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades" in formulating its policy. The Authority's Convictions Policy is detailed in **Appendix D**.

6.1.2 The Convictions Policy will apply to new and renewal applications and where applicable; transfers for drivers and operators, when reviewing an existing licence and decisions to suspend or revoke a licence.

# **PART 7 DELEGATED POWERS**

## **7.1 Licensing Committee**

7.1.1 The Licensing Committee of the Authority is responsible for the management of the Hackney Carriage and Private Hire Licensing regime in the district, along with the formulation and review of its policy in this regard.

7.1.2 The Licensing Committee of the Authority has delegated its authority to act as authorised officer and authorise officers to act for the purposes of licensing hackney carriage and private hire vehicles under the provisions of the 1976 Act and the Town Police Clauses Act 1847 and exercise the powers of the Authority in respect of specific offences. The full details of the delegated powers can be found in the Authority's Constitution.

## **PART 8 FARES**

### **8.1 General**

- 8.1.1 The Authority has partially deregulated fares, in that proprietors may set their own rates. Prior to charging the deregulated fare, a copy is to be deposited with the Authority.
- 8.1.2 A Hackney Carriage Default Table of Fares (“the tariff”) is set by the Authority for those proprietors that do not wish to set their own fees. A copy of the default table of fares will be provided to each applicant.
- 8.1.3 The Authority is able to review the Default Table of Fares annually. Any changes shall be advertised by the Authority in a paper circulating in the district in accordance with legislation.
- 8.1.4 The Authority is not able to set fares for private hire vehicles.
- 8.1.5 When a journey ends outside the district boundaries of the Authority a fare greater than that that would have been shown on the meter may be charged **but only if an agreement has been made with the hirer in advance.**

### **8.2 Table of Fares**

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

### **8.3 Receipts**

- 8.3.1 Drivers shall, if requested by the passenger, provide written receipts for fares paid.

## **PART 9 FEES**

### **9.1 Fee Structure**

- 9.1.1 The legislation provides that fees charged to applicants should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands (taxi ranks) and administering the regulation of the hackney carriages and private hire trades.
- 9.1.2 The Authority shall review the fee structure annually. Any changes shall be advertised by the Authority in a paper circulating in the district in accordance with legislation.
- 9.1.3 All applications must be accompanied by the appropriate fee.

### **9.2 Payment Refunds and Transfers**

- 9.2.1 Proprietors who change their vehicle part way through the licensing period will be eligible for a credit towards their new vehicle’s licence. This will be at a proportion of the annual fee, based on each full day remaining on the licence.

- 9.2.2 Except under exceptional circumstances, drivers or vehicle licences surrendered prior to their expiry shall not be eligible for a refund of the unexpired portion of the licence.

## **PART 10 HACKNEY CARRIAGE STANDS**

- 10.1.1 The purpose of hackney carriage stands is to provide the public with a set location where they can hire a licensed hackney carriage. The stand is the only situation where a hackney carriage may ply for hire in a stationary position and shall be situated in locations where the public most need hackney carriages, for example - adjacent to transport facilities, retail areas and places of employment, entertainment and leisure facilities. Stands are sited so that passengers can board or alight from the vehicle safely. Stands can be for continual or part time use.
- 10.1.2 The provision of hackney carriage stands is not a legal requirement and may be removed or relocated at the discretion of the Authority.
- 10.1.3 Please see the council's website for the current location of the taxi ranks in the South Kesteven area.

# APPENDIX A

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

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

### Vehicle Age

An application for a hackney carriage or private hire vehicle licence (other than a limousine or a prestige vehicle) will not be accepted if the vehicle is five years or older. The age of the vehicle will be taken from the date of first registration on the logbook which and must be submitted with all applications. See Part 2, paragraph 2.4 of this policy.

The vehicle will continue to be licensed until it reaches 10 years of age, or 12 years of age for a purpose built taxis, wheelchair accessible vehicles, zero and ultra-low emission vehicles (ULEV)

An ULEV is currently defined as any car or van that emits 75g/km CO<sub>2</sub> or less. It is expected that this definition will change over time, with vehicles requiring lower tail pipe emissions. For the purposes of this policy, the standard that was relevant at the date of first registration of vehicle will be used.

## THE SPECIFICATION

### 1 General

- 1.1 Where vehicles have not been manufactured in the UK or imported by the manufacturer, they shall have an appropriate "Type Approval" which is either an EC Whole Vehicle Type Approval (ECWVTA) or British National Type approval. Vehicles shall not have been altered since that approval was granted. An Individual Vehicle Approval (IVA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.
- 1.2 No fittings, other than those approved in this policy or required in the twice yearly examination and test by the authorised testing station, may be attached to or carried on the inside or outside of the vehicle.

### 2 Dimensions

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

### 3 Body

- 3.1 The vehicle shall have no signs of previous significant accident damage.
- 3.2 The paintwork shall be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.
- 3.3 The bodywork shall have no untreated or unrepaired body defect or significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being

blistered. All rust spots and repairs in excess of 100 millimetres diameter are to have been prepared and repainted with matching colour up to insurance finishing standard.

#### **4 Wheels**

- 4.1 The vehicle shall have four road wheels unless agreed by the Licensing Committee.
- 4.2 Space-saver spare tyres, where supplied as standard equipment to the vehicle, will be accepted. Provision shall be made for a standard road wheel to be secured in the vehicle should a space saver tyre be used in an emergency. A vehicle presented for examination and test with a space saver spare tyre in use as a road wheel will fail the test.
- 4.3 Any spare wheel shall conform to construction and use regulations.
- 4.4 A wheel brace and jack to enable the effective change of a tyre and wheel shall be carried, except where Paragraph 4.5 applies.
- 4.5 Where an aerosol inflation and sealant device is supplied with the vehicle as standard by the manufacturer, a spare tyre need not be carried.
- 4.6 If a vehicle is fitted with 'run flat' tyres, the vehicle shall be fitted with a tyre pressure sensor / warning device.

#### **5 Steering**

- 5.1 It is recommended that all vehicles should be right hand drive but left hand drive vehicles will be considered.

#### **6 Interior**

- 6.1 The interior of the vehicle is to be kept in a clean and tidy condition at all times.

#### **7 Doors**

- 7.1 The vehicle shall have a minimum of 4 opening doors that are easily accessible to passengers unless agreed by the Licensing Committee.
- 7.2 All vehicles shall have doors that open sufficiently wide to allow easy access and egress from the vehicle.
- 7.3 All doors shall be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.
- 7.4 The interior door handle shall be clearly visible and easily accessible to passengers.

#### **8 Seats**

- 8.1 Vehicles shall have a passenger seating capacity of not less than 3 persons unless agreed by the Licensing Committee.
- 8.2 Each seat shall be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.

8.3 Where seat covers are used they shall be properly affixed to the seat so as not to become loose during use. They shall be clean and devoid of damage of any kind.

## **9 Windows**

9.1 Opening windows shall be provided in the rear of the vehicle capable of being opened by the rear seat passengers.

9.2 Vehicle windows shall have visual transmission of light of not less than 70% in respect of windscreens and windows to either side of the driver.

9.3 No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

## **10 Heating and ventilation**

10.1 Vehicles shall have an efficient heating and ventilation system.

## **11 Wheelchair carrying facilities**

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

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

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

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

11.4 The Authority has published a list of vehicles designated for the purposes of section 165 of the Equality Act 2010.

## **12 CCTV Systems**

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

### **13 Tyres**

- 13.1 All tyres, including the spare tyre, shall comply with the vehicle manufacturer's specification.
- 13.2 Re-cut tyres are not acceptable for vehicles that are internationally classified as M1 passenger vehicles and remould tyres shall only be acceptable if they carry a recognised approval marking (BSAU144e) and display:-
- Nominal size;
  - Construction type (e.g. radial ply);
  - Load capacity; and
  - Speed capability.

### **14 Electrical Equipment**

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

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

### **15 Examination and test**

- 15.1 Before a licence is granted for the use of a vehicle as a hackney carriage or private hire vehicle, the vehicle shall be examined and tested by an Authority approved testing station. Once licensed, the vehicle undergoes a further full examination and test at a vehicle testing station approved by the Authority at 6 monthly intervals.
- 15.2 All vehicles should be routinely serviced to ensure safety. The Authority expects all vehicle proprietors and drivers to undertake planned, preventative maintenance. The purpose of the 6 monthly compliance test carried out by an Authorised garage is to confirm the safety and quality of the vehicle rather than highlight what maintenance needs to be undertaken. The Authorised Officer may issue penalty points under the South Kesteven District Council Scheme for failure to maintain a vehicle in a satisfactory condition. See Appendix J.
- 15.3 Where a licenced vehicle is presented for testing and fails an authorised examination and test, being considered "dangerous" in accordance with the MOT testing defect categories, it must not be driven from the date of that test regardless of whether or not the previous certificate has expired. A suspension notice will be issued and will not be lifted until the vehicle has undergone a further test at the proprietors expense and been passed fit for use by the Authority. If the defect is not repaired within 2 months from the service of the suspension notice, the vehicle licence maybe revoked by the Licensing Committee.
- 15.4. Where a licensed vehicle is presented for testing and fails an authorised examination test and the defect is considered "major" **and** it is deemed unsafe as a passenger vehicle by the vehicle examiner, regardless of whether or not the previous certificate has expired, this may result in the vehicle proprietor being issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use by the Authority. If the defect is not repaired within 2 months from the service of the suspension notice, the vehicle licence maybe revoked by the Licensing Committee.

## **16 Licence Identification Plates**

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

## **17 Signs and Notices**

- 17.1 Vehicles shall not display roof signs or allow any other signs or advertising below roof height without the prior approval of the Authority.
- 17.2 On the dashboard of the vehicle or on the windscreen, in a position for passengers to clearly see, there shall be displayed an internal licence identifying the vehicle licence details as provided by the Authority.
- 17.3 The vehicle shall display “no smoking” signage which complies with the requirements of the Health Act 2006.

## **18. Receipts**

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

## **19 Luggage**

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

## **20 Property**

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

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

- 21.1 The proprietor shall ensure that the vehicle, all its fittings and equipment at all times when the vehicle is in use or available for hire as a hackney carriage or private hire, is kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986) shall be fully complied with. It is not sufficient to wait until a compliance test to find out if the vehicle is still roadworthy.
- 21.2 Where a separate compartment is provided for passengers, the proprietor shall provide sufficient means by which any person in the compartment may communicate with the driver.
- 21.3 The proprietor shall at all times provide adequate lighting and heating for the interior of the vehicle.

## **22 Advertisements**

- 22.1 Licensed vehicle proprietors will be permitted, subject to prior approval of the Authority, to display signs, advertisements, notices or other markings on the outside of their vehicle. However they shall be subject to the following conditions:
- All advertisements shall comply with the Committee of Advertising Practice Codes or successor body;
  - No advertisement shall relate to or advertise alcohol, smoking materials or be of a political or religious nature, organization or campaign;
  - Advertising will be 2 dimensional in design and limited to the front and rear door panels;
  - Any damaged or disfigured advertisement signs shall be immediately removed.

## **23 Communication Devices**

- 23.1 Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus shall be fixed in the passenger compartment or in the rear boot compartment if LPG or CNG tanks or equipment are in use.
- 23.2 Any radio apparatus shall be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.
- 23.3 No other radio equipment, either in the driver or the passenger compartment, is permitted without the prior approval of the Authority.

## **24 Auxiliary equipment**

- 24.1 Any auxiliary equipment that is fitted to a vehicle shall not impede the driver in any way or hinder his/her view, impede or cause hazard to passengers or other road users.

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

- 25.1 Proprietors shall notify the Authority's Licensing team in writing within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence, any motoring offence or fixed penalty.

## **26 Change of Address**

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

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

### **27 Taxi Signs**

- 27.1 Licensed hackney carriages must carry a roof sign capable of internal illumination with lettering not exceeding 76mm in height on the forward and/or rear faces only. The sign may bear the name of the proprietor and/or the word 'TAXI' and/or the telephone number of the firm and shall be illuminated at all times that the vehicle is available for hire.

### **28 Taximeters**

- 28.1 A licensed hackney carriage vehicle shall be fitted with a taximeter.
- 28.2 The taximeter shall be positioned so that all letters and figures on its face shall be at all times illuminated and plainly visible to any passenger.
- 28.3 The taximeter when standing at a rank or plying for hire shall be kept locked in a position in which no fare is recorded on its face.
- 28.4 When the taximeter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that shall be charged for a journey.
- 28.5 If the taximeter has been altered for whatever reason, the proprietor of the vehicle shall forthwith make arrangements for resetting with the approved meter agent.
- 28.6 The vehicle taximeter shall be brought into operation at the commencement of **all** hires and the fare demanded by the driver shall not be greater than that shown on the meter and agreed by this Authority. In the event of a hire ending outside the Authority's boundary, the fare that may be charged for the journey is such fare or rate of fare, if any, as was agreed before the hiring was effected. If no such agreement was made at the start of the journey then the fare to be charged should be no greater than that that would have been shown on the taximeter.
- 28.7 Other than a taximeter, there shall be no other device which displays the fare. This is to avoid confusion with customers. Only the meter is to be used to calculate the fare.

## **29. Table of fares**

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

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

## **30. Meters**

- 30.1 If the vehicle is fitted with a meter for recording the fare it shall display and maintain the statement of fares inside the vehicle in such a position as to be clearly visible at all times to the hirer. The statement of fares shall include the following information:

- The minimum hire charge;
- The rate charged per mile;
- Any additional charges.

- 30.2 The meter shall:-

- be fitted in a position where it is not easily visible from outside the vehicle;
- be checked by an authorized meter agent before it is used;
- not display a "For Hire" sign at any time;
- be fitted in such a position that its figures are clearly visible to passengers and that it is sufficiently illuminated; and
- be fitted to the vehicle so as not to be practicable for any person to tamper with them.

- 30.3 If a meter is fitted, the fare charged shall not exceed that stated in the statement of fares as displayed in the vehicle unless a rate has been separately agreed between the hirer and the licensed private hire operator at the time of booking and prior to the journey commencing.

- 30.4 If a meter is installed, there shall be no other device which displays the fare. This is to avoid confusion with customers. Only the meter is to be used to calculate the fare.

## **31 Trailers and Roof Carriers**

- 31.1 The vehicle may tow a trailer but shall:

- comply with the towing weights specified by the vehicle's manufacturer;
- provide secure and weatherproof storage for luggage;
- display the licence plate on a platform kit at the rear.

- 31.2 If a roof carrier is to be used for luggage or goods, in addition to normal luggage, it shall be of a type fitted to the guttering or to the roof rails provided by the vehicle's manufacturer.

## **32 Taxi Signs**

- 32.1 The proprietor of a private hire vehicle shall not display, or suffer or permit to be displayed on a private hire vehicle, any sign or notice which consists of or includes the word TAXI or CAB whether in the singular or plural or FOR HIRE or any word or words of similar meaning or appearances to any one of those words, whether alone or as part of another word.

## APPENDIX B

### ADDITIONAL CONDITIONS FOR PRIVATE HIRE LIMOUSINES

#### 1. DEFINITION OF A LIMOUSINE

- 1.1 For the purposes of this policy and licence conditions, a stretched limousine is defined as follows: -
- 1.2 A stretched limousine is a motor vehicle that has undertaken a Ford Motor Company Qualified Vehicle Modifier (QVM) or Cadillac Master Coachbuilder (CMC) or an equivalent conversion programme resulting in its lengthening by an additional body section that is:-
- Capable of carrying up to but not exceeding 8 passengers.

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

	<b>Issue</b>	<b>Licence Condition</b>	<b>Justification</b>
1.	Left hand drive vehicles	Permit left hand drive limousines to be licensed.	The majority of stretched limousines are imported from the United States of America and are left hand drive. The Department for Transport has recommended that Authorities should not refuse to licence limousines simply because they have characteristics which contravene their existing policy, i.e. left hand drive.
2.	Sideways Seating	Permit limousines with sideways facing seating to be considered for private hire vehicle licensing, but no seat must be positioned so that it permanently obstructs any door.	A main characteristic of stretched limousines is their sideways facing bench seats. In line with the Department for Transport guidance the Authority will consider the suitability of limousines with sideways seating for licensing.
3.	Signage	Provided that they have received written consent from the Authority - limousines may, in certain circumstances, not be required to display identification signs required by other private hire vehicles.	Signage serves to distinguish private hire vehicles from ordinary saloon cars and to make them clearly identifiable to the public. However, the naturally distinctive appearance of stretched limousines means that they are very unlikely to be confused with a private road user's vehicle or a hackney carriage vehicle.
4.	Tinted Glass	Be no restriction to the level of tint for the glass windows in the passenger compartment. However, tinted glass in the windscreen and front doors shall be restricted	It is recognised that the privacy provided by tinted glass in the passenger compartment is a central characteristic of a limousine.

		to the requirements of the SVA Standards.	
5.	Fare Table/Taximeter	Limousines are not required to display a fare table or contain a taximeter. Any taximeter fitted must be in accordance with the Authority's private hire requirements detailed at item 31 of the policy.	Stretched limousines often do not operate under a fare system as journeys are generally pre-paid in advance based on the length of time they are hired for.
6.	Roadworthiness	Shall hold a valid Single Vehicle Approval (SVA) Certificate or equivalent.	SVA test comprises of a visual examination of a vehicle and certifies its safety and roadworthiness.
7.	Insurance	An appropriate insurance policy must be in place, which covers use of the vehicle for hire and reward.	Some limousines may be operating under insurance policies which do not cover use for hire and reward and take into account that the vehicle has been stretched.
8.	Tyres	The limousine must be fitted with tyres that meet the size, rating and weight specification.	Given the increased weight of the vehicle - tyres of the correct weight and size rating must be used at all times.
9.	Vehicle Testing	The limousine shall be examined twice a year to the appropriate Class MOT standard.	To ensure that limousines licensed by the Authority are maintained to high standards and remain safe.

10.	Maximum Passengers	The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers.	Authorities can only licence vehicles with a maximum seating capacity of up to 8 passengers.
		Any seats in the driver's compartment, other than the driver's seat, shall not be used to carry passengers.	This is to ensure that passengers are not carried in the front of the vehicle to improve driver and passenger safety.
		The vehicle must not carry more than 8 passengers at any time.	This condition shall be enforced by Authorised Officers performing random inspections of licensed vehicles.
		In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry 8 passengers.	To inform customers of the maximum carrying capacity of the vehicle.
11.	Seat Belts	Seatbelts must be fitted to all seats and must be worn at all times by passengers whilst the vehicle is in motion.	In accordance with Road Vehicles (Construction & Use) Regulations 1986.
12.	Alcohol	Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the retail sale and supply of alcohol.	To comply with alcohol licensing requirements and to safeguard public safety.
		Alcohol shall only be served while the vehicle is stationary. Whilst the vehicle is in motion the receptacle shall be placed in a secure holder.	Public safety

		If the passengers are below the age of 18 years, then no alcohol shall be permitted in the vehicle for consumption in the vehicle.	Protection of children from harm
		Any glassware in the vehicle must be made of strengthened glass. Use of polycarbonate vessels should be considered.	Public safety
13.	Entertainment	The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of any of the passengers in the vehicle.	To safeguard children and vulnerable adult passengers from viewing unsuitable material.
13.	Entertainment (cont.)	The limousine operator shall ensure that a Performing Rights Society licence is held (if appropriate).	Many limousines have the capability of playing recorded media for the entertainment of customers and so the operator must ensure the appropriate royalties are paid.
		If the limousine parks to provide some form of entertainment to its passengers then a Premises Licence must be in place in accordance with the Licensing Act 2003.	Entertainment regulated under the Act includes recorded TV, video, video games, loudspeakers, or any other activity provided for the passenger's enjoyment.
14.	Authority Notices	The proprietor shall when directed by the Authority, display and maintain any notices in a conspicuous position.	To convey information to passengers where appropriate.

15	Advertisements	No other signs, notices or any other marking will be displayed on or in the vehicle without the written consent of the Authority.	To ensure that any material displayed in the limousine is suitable for public viewing.
16.	Luggage	Ensure that loose luggage is not carried within the passenger compartment of the vehicle.	Passenger safety.
17.	Safety Hammer	Vehicles must be supplied with a safety hammer, capable of being used to break the glass windows of the vehicle and shall be securely located in the driver's compartment but in view and accessible to passengers in an emergency.	Passenger safety.
18.	Identification Badges	An approved holder displaying the private hire vehicle licence, as supplied by the Authority, must be displayed on the dashboard of the vehicle or on the windscreen, in a position for all the passengers to clearly see.	To show that both the driver and vehicle are licensed.
		The licence identification plate, as supplied by the Authority, must be securely fixed to the rear exterior boot lid of the vehicle.	To ensure that driver and vehicle is licensed, however the distinctive appearance of the vehicle will ensure that it will not be confused with a private road vehicle.

19.	CCTV	CCTV is not required, as part of the licensing regime, as it is considered that they are best left to the judgment of the owners and drivers themselves. The trades are, however, encouraged to consider the installation of CCTV in their vehicles on a voluntary basis.	Driver and passenger safety.
20.	Sunroof/Ceiling	If fitted - any sunroof switch to be isolated so that it cannot be operated by passengers. Any mirrored or glass ceiling or fixtures shall be made of strengthened glass.	Driver and passenger safety.
21.	Interior	Adequate illumination shall be provided in the passenger compartment.	Passenger safety.
22.	Doors	All doors shall be capable of being opened from inside as well as from outside the vehicle.	To enable access/egress.
23.	Communication	A means of two way communication between the driver and passengers shall be installed to the satisfaction of the Authority.	Passenger and driver safety.

### **3 DRIVER AND OPERATOR LICENSING REQUIREMENTS**

- 3.1 In addition to the limousine being licensed as a private hire vehicle with the Authority, the limousine operator is required to hold a Private Hire Operators' Licence with the Authority.
- 3.2 All bookings for a limousine licensed as a private hire vehicle must be booked through the licensed Private Hire Operator.
- 3.3 Once licensed as a private hire vehicle the limousine can only be driven by a licensed private hire driver (this licence must also be issued by the Authority).

# APPENDIX C

## APPLICATION PROCEDURES

### 1. Application Procedures – Vehicles

- 1.1 Vehicle proprietors shall make arrangements directly with the Authority approved vehicle testing stations to have vehicles examined and tested.
- 1.2 Prior to submitting the vehicle for examination, proprietors shall ensure that the vehicle is in good condition, i.e. mechanically sound; bodywork satisfactory.
- 1.3 In respect of renewal applications, vehicles shall not be examined more than 4 weeks before their licence is due to expire. However, it is recommended the examination and test is arranged at least 7 days prior to the application appointment in case the vehicle examination identifies the need for repair work and re-testing which can then be undertaken prior to the expiry of the licence.
- 1.4 Vehicle proprietors may be subject to a recharge fee by the vehicle testing station in respect of vehicles that fail the vehicle test and undergo a second examination and test.
- 1.5 If the 6 monthly compliance test is not carried out on or before the expiry date, the licence will be deemed to have expired. This means that it will be treated as a new application subject to it still meeting the age specification.
- 1.6 When submitting an application the following documents **MUST** accompany the completed application form:-
  - (i) **DVLA Vehicle Registration Certificate** (which must show the applicant is the registered keeper of the vehicle) or a bill of sale identifying the vehicle, seller and purchaser as long as this is accompanied by the part of registration certificate showing the year of registration of the vehicle;
  - (ii) **Valid Certificate of Insurance;**
  - (iii) **Compliance Certificate;**and additionally for stretched limousines:
  - (iv) **Individual Vehicle Approval Certificate (IVA) or Single Vehicle Approval Certificate (SVA).**

### 2. Application Procedures – Drivers

- 2.1 Applications for hackney carriage or private hire driver licences may be made at any time of the year. Applicants shall hold a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA).
- 2.2 Applicants shall have held a full UK, EC or EEA driving licence for at least 12 months and be aged 18 years or over.
- 2.3 Holders of EC or EEA driving licences must register their non GB driving licence with the DVLA. Alternatively, they may elect to exchange the licence for a GB licence.

- 2.4 All driving licences will be checked annually with the DVLA. Licenses are required to provide the necessary “check code” to the Licensing Team.
- 2.5 An Enhanced DBS is required with all new applications and a check made by licensing officers every 6 months for existing drivers. Following the implementation of this policy, all existing drivers will be required to subscribe to the DBS Update Service at their next scheduled DBS certificate check and maintain the subscription throughout the currency of their licence.
- 2.6 The applicant will be required to provide a range of original documents to prove their identify for the Enhanced DBS certificate application. Details of acceptable identification are detailed on the Government website: <https://www.gov.uk/guidance/documents-the-applicant-must-provide>
- 2.7 Where an applicant who has, from the age of 10 years, spent 6 continuous months or more living outside the United Kingdom, they will be required to provide a Certificate of Good Conduct from the Embassy of every country where they have lived other than the UK (after the age of 10 years old). This must be no older than 3 months at time of presentation. The Certificate of Good Conduct must be obtained and translated into English at the applicants own expense.
- 2.8 Applicants shall make a declaration that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.
- 2.9 Applicants shall provide the Authority with the prescribed medical examination form completed by their own General Practitioner (GP), or a Doctor who has access to the applicant’s medical history, on first application and every 3 years thereafter until aged 65 years. Once the driver has reached the age of 65 years or if they have a relevant medical condition, and annual medical will be required thereafter. The applicant will be responsible for paying the fee for the examination to the relevant surgery and for ensuring all sections are completed in full by their GP. The certification must be less than three months old
- 2.10 Applicants who are required to undertake annual medical examinations will only be issued a licence for a 1 year period.
- 2.11 The application will not be accepted unless it is complete and with all the relevant documentation.
- 2.12 All applications must be submitted **IN PERSON** at one of the Authority’s offices. This is to enable the applicants identify to be verified and a photograph to be taken for the driver identification badge.

### **3. Driver Qualifications**

#### **3.1 Introduction**

- 3.1.1 New driver applicants must demonstrate an understanding of this policy and must successfully pass all the following elements before a licence can be granted:
- A basic arithmetic test based on calculating change
  - A local knowledge test of the area the district, focused on the area they propose to work in (Hackney Carriage only)

- An English language skills test (where unable to produce evidence of previous qualifications, see section 3.2)

3.1.2 First time applicants having more than 6 points (both current and expired accrued over a 4 year period) on their DVLA Driving Licence are required to pass the Lincolnshire Road Safety Partnership assessment prior to the granting of the licence.

### **3.2 Driver Competency Tests**

3.2.1 All new drivers will be required to pass a basic arithmetic test aimed at challenging their ability to calculate change. The pass mark is 100%.

3.2.2 Applicants for Hackney Carriage or Dual Licences will be required to undertake a practical local knowledge test aimed at testing their knowledge of the local area including locations of interest e.g. railway station etc and main routes. The pass mark is 80%.

3.2.3 Applicants who can demonstrate (by producing the original certificate and/or examination transcript) that they have previously passed a relevant qualification taught and examined in English will not be required to undertake the English-language skills test.

3.2.4 It is not possible to provide an exhaustive list of all the qualifications that will be accepted - however, typical examples may include:

- GCSE or GCE O-level (grade C or higher) or Scottish Intermediate 2
- GCE A-level or Scottish Higher
- NVQ, BTEC, City and Guilds or similar vocational qualification (level 2 or higher)
- Higher education award (for example a degree, HND or HNC) qualification equivalent to any of the above, issued by a recognised examining body in an English-speaking country other than the UK a TOEFL, IELTS or ESOL qualification at CEFR level B2 or higher

3.2.5 The Authority requires qualifications which include a significant amount of verbal or written content in the English language. In all cases, the Authorised Officer's decision as to whether to accept a qualification not listed above will be final. If a candidate does not hold one of these qualifications, or cannot produce acceptable evidence of the qualification, they will be required to undertake the speaking and listening assessment.

3.2.6 The assessment involves a speaking and listening assessment provided by a specialist external company which must be undertaken over the telephone at the Council offices. At the end of the test, a report will be produced (a copy of which will be provided to the applicant), with a score indicating overall ability. The applicant will also be graded separately on sentence usage, vocabulary, fluency and pronunciation, all of which will contribute to the overall score.

3.2.7 The Authority requires applicants to score at least 58 out of 80. This indicates that the candidate is a confident English speaker (equivalent to level B2 on The Common European Framework of Reference for Languages (CEFR) scale). Speech is generally fluent and intelligible, the applicant is able to speak fluently on a range of everyday topics and give and understand most instructions.

3.2.8 The applicant must have attempted all relevant elements of the competency test within one month of the Authority receiving the Enhanced DBS Disclosure Certificate.

- 3.2.9 There is no limit on the number of times the test can be taken, however, the applicant must pay the appropriate fee on each occasion (for tests and re-tests) so is advice to consider whether they require any form of training to improve their skills before taking or re-taking the test.
- 3.2.10 The English language skills test does not apply to existing drivers. However, any existing licensed driver may be required to undertake the assessment (at their own expense) where the Authorised Officer believes there are reasonable grounds to require assessment. Reasonable grounds would include instances where authorised officers have identified through enforcement activity or a substantiated complaint that a driver may have insufficient English language proficiency. Where an existing licensed driver fails the assessment, they will be referred to the Licensing Committee, this may result in a licence being suspended or revoked.
- 3.2.11 The practical local knowledge test will be undertaken in the area of the district where the expects to primarily operate. Where authorised officers have identified through enforcement activity or a substantiated complaint that an existing licensed driver may not have adequate knowledge of the area, they will be required to re-take the test at their own expense. Where an existing licensed driver fails the assessment, they will be referred to the Licensing Committee, this may result in a licence being suspended or revoked.

## **4 Existing Drivers**

### **4.1 Driver renewals**

- 4.1.1 Drivers who allow their licence to lapse for a period of less than 28 days, will be considered as a returning driver but will not be able to drive until the licence has been issued. They will also accrue penalty points.
- 4.1.2 All previously licensed drivers whose licences have expired for more than 28 days shall be treated as a new driver and may be required to undertake all the tests and other requirements applicable to a new driver.
- 4.1.3 Existing drivers with more than 8 points on their DVLA Driving Licence will be required to pass the LRSP hackney carriage or private hire vehicle practical driver's test within 3 months of acquiring the points or have their licence automatically suspended. In accordance with the DVLA guidelines and for the purposes of the 'fit and proper' test (sec 51, 1976 Act in respect of private hire drivers and sec 59, 1976 Act in respect of hackney carriage drivers), the points remain accountable for four years.
- 4.1.4 The Authority will carry out an annual check of DVLA licence records. Drivers must provide the relevant check code to enable this.
- 4.1.5 The applicant is required to subscribed to the DBS Update Service throughout the currency of their licence. Where an individual fails to renew their subscription they will be required to apply for a new Enhanced DBS check and register for the update service again.

## **5 The Consideration of Applications**

- 5.1 The Authority must receive sight of the Enhanced Disclosure from the DBS. This must be submitted in a sealed envelope, marked private and confidential, for the attention of the Licensing Team. This will be viewed by an Authorised Officer who is a Counter Signatory or Lead Signatory for the DBS.

- 5.2 The Authority will not accept portability of DBS certificates that have been obtained through a different authority unless all relevant checks e.g. the Barred List checks have been obtained.
- 5.3 If satisfied from the information available that the applicant is a fit and proper person to hold a licence, the Authorised Officer has delegated power to grant the application and issue a licence.
- 5.4 A driver badge will be issued which shall remain the property of the Authority and must be surrendered if the driver licence is suspended or revoked by the Authority.
- 5.5 The badge shall be displayed on the driver's person at all times they are acting as a licensed driver.
- 5.6 If the Authority is not satisfied from the information available that the applicant should be granted a licence, the matter will be referred to the Licensing Committee for a hearing.

# APPENDIX D

## CONVICTIONS POLICY

### 1. Introduction

- 1.1 The key consideration of the Authority and the overriding objective in the licensing of hackney carriage and private hire vehicles, drivers, and operators is the safety of the travelling public. The Authority therefore considers its robust approach to convictions and motoring convictions to be fully justified.
- 1.2 This policy provides a baseline for consideration of the impact of convictions, cautions or other matters of conduct on whether a person may be considered fit and proper to hold a licence. This policy relates to applications for Hackney Carriage and Private Hire driver's licenses, Vehicle Proprietors licences and Private Hire Operator licences.
- 1.3 Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means there are no "spent" convictions and any and all criminal convictions can be taken into account by the Authority in assessing an applicant as fit and proper. Spent convictions can also be taken into account when determining suitability of vehicle proprietors and private hire operators.
- 1.4 The Authority has had regard to the Department for Transport, Statutory Taxi and Private Hire Vehicle Standards, July 2020 in preparing this policy

### 2. General Policy

- 2.1 Matters that have not resulted in a criminal conviction can be taken into account by the Authority. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but have not resulted in conviction.
- 2.2 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction (because a caution can only be issued following an admission of guilt and is equivalent to a guilty plea on prosecution).
- 2.3 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination of the licence will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged the Authority will decide what action to take on a case by case basis in the light of this document.
- 2.4 In all cases, the Authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merit, in the light of this document.
- 2.5 For the avoidance of doubt, whether a driver was driving a licensed vehicle or not at the time of an offence is not relevant.
- 2.6 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.

- 2.7 There is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales in this document are intended to reduce the risk to the public to an acceptable level. Time periods are relevant and weighty considerations but are not the only determining factor.
- 2.8 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. Patterns of repeated unacceptable or criminal behaviour are likely to give greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 2.9 Most applicants or licensees will have no convictions and that is clearly the ideal situation. It is accepted that human beings do make mistakes and lapse in their conduct for various reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.
- 2.10 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority will take an individual's barred status into account alongside other information available. In the interests of public safety, the Authority will not usually issue a licence to any individual that appears on either the children or adult barred list. Should the Authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion will be recorded.
- 2.11 Once a licence has been granted there is a continuing requirement on the licensee to maintain their fit and proper person status. Any convictions or other actions which would have prevented them from being granted a licence on initial application will lead to that licence being revoked by the Licensing Committee.
- 2.12 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the Authority will take that conviction into account and use this document as an indication of the approach that should be taken.
- 2.13 This document does not replace the duty of the Authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the Authority will consider the matter from first principles and determine the fitness and propriety of the individual.
- 2.14 Each case will be determined on its own merits. This document provides the general principles relating to the determination of cases which shall generally be followed where convictions are disclosed.
- 2.15 Where an applicant or existing licensee has declared or committed any other offence not listed in this document or the circumstances of the case justify it, an Authorised Officer may refer it to the Licensing Committee for determination.

### **3. Hackney Carriage and Private Hire Drivers**

- 3.1 A driver has direct responsibility for the safety of their passengers and the safety of other road users. They also have significant control over passengers who are in the vehicle. As those

passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

- 3.2 Where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are fit and proper.
- 3.3 In relation to single convictions, the following minimum time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted

<b>Type of Offence</b>	<b>Minimum Time Period Since Completion of Sentence</b>
Crimes resulting in death or was intending to cause death or serious injury to another person	A licence will not normally be granted
Crime involving, relating to or having any connection with abuse, exploitation, slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse etc. irrespective of whether the victim was an adult or child	A licence will not normally be granted
Illegal sexual activity or any form of indecency*	A licence will not normally be granted
Violence or any offence connected with violence	10 years
Possession of a weapon or other weapon related offence	7 years
Crimes involving or connected with discrimination in any form	7 years
Dishonesty, or any offence where dishonesty is an element of the offence	7 years
The supply of drugs, or possession with intent to supply or connected with intent to supply	10 years
Possession of drugs, or related to the possession of drugs	5 years and may have to undergo testing at own expense to demonstrate not using controlled drugs
Drink driving or driving under the influence of drugs	7 years and may have to undergo testing at own expense to demonstrate not using controlled drugs
Using a hand-held mobile phone or hand-held device while driving	5 years since completion of sentence or driving ban imposed whichever is the later
Minor traffic or vehicle related offences (see 3.4.1 and 3.4.2)	Where an applicant has 7 or more points on their DVLA licence, a licence will not normally be granted until at least 5 years
Major traffic or vehicle related offences (see 3.4.3)	7 years
Convictions concerned or connected to hackney carriage or private hire activity (excluding vehicle use)	7 years

Convictions for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles)	7 years
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\*in addition to this, a licence will not normally be granted to any applicant currently on the Sex Offenders Register or any 'barred' list

### 3.4 Other Motoring Convictions and Offences

3.4.1 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

3.4.2 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not normally be granted until at least 5 years have elapsed since the completion of any sentence imposed.

3.4.3 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance, or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## 4. Private Hire Operators

4.1 A private hire operator ("an operator") does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

4.2 As with drivers, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

4.3 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

## 5 Vehicle Proprietors

5.1 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times, and they must ensure the vehicle is not used for illegal or illicit purposes.

5.2 As with drivers, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence

5.3 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

# APPENDIX E

## PRIVATE HIRE DRIVER LICENCE CONDITIONS

### 1. Conduct of Driver

1.1 The holder of a Private Hire Driver's Licence ("the driver") shall comply with the following conditions:

- a) The driver shall be respectably dressed and clean and tidy in appearance.
- b) The driver shall, at all times when acting in accordance with the driver's Licence granted to them, wear such badge as supplied by the Authority in such position and manner as to be plainly and distinctly visible at all times. The driver shall not allow the badge to be used by any other person or cause or permit any other person to wear it. On termination or surrender of the driver's Licence, the badge must be returned to the Authority immediately.
- c) The driver shall behave in a civil, polite and orderly manner at all times in the course of carrying out their duties as a licensed driver and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- d) The driver shall not wilfully or negligently cause or permit the vehicle licence plates to be concealed from public view.
- e) The driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- f) The driver, when hired to drive to a particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest route.
- g) The driver shall not convey, or permit to be conveyed, in such vehicle any number of persons greater than the number of persons specified in the licence and also referred to on the vehicle licence plate.
- h) The driver shall convey a reasonable amount of luggage and provide reasonable assistance in loading and unloading luggage.
- i) The driver shall not solicit, by calling out, or otherwise importune any person to hire or be carried for hire, and shall not accept an offer for the hire of the vehicle except where that is first communicated to the driver by the Operator.
- j) The vehicle shall be presented in a clean and tidy condition for each journey.
- k) The private hire vehicle shall only be driven by a licensed private hire driver who has the consent of the proprietor of the vehicle.
- l) The driver shall comply with any hirer's request not to drink or eat in the vehicle or play any radio or sound equipment which is not connected with the operation of the business.
- m) The driver shall not operate the horn as a means of signalling that the vehicle has arrived for a hire.

## **2. Fares and journeys**

- 2.1 The operator of a private hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.
- 2.2 The driver shall, if requested by the hirer, provide a written receipt for the fare paid. Each receipt should show the date of journey, driver badge number and amount paid.
- 2.3 If the private hire vehicle is fitted with a taximeter, then the driver of the vehicle shall, unless the hirer expresses at the commencement of the journey their desire to engage by time, bring the meter into operation at the commencement of the journey:
  - (i) Bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter before beginning a journey for which a fare is charged for distance and time, and keep the machinery of the taximeter in action until the termination of the hiring.
  - (ii) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer; and
  - (iii) 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, if the vehicle is fitted with a fare meter, the fare shown on the face of the meter.

## **3. Duties of Licence Holder**

- 3.1 The driver's licence must be made available for inspection, on request, by an Authorised Officer/Police Officer.
- 3.2 The Private Hire Driver's Licence or copy thereof must be presented to the proprietor/operator at the beginning of employment.
- 3.3 All licences and badges issued remain the property of the Authority at all times. They must be returned forthwith when employment as a licensed driver ceases, or if the licence expires and is not renewed, or where the licence is suspended or revoked.
- 3.4 The driver must notify the Authority in writing, within 7 days, of any change of name or address.
- 3.5 The driver must notify the Authority, in writing, within a period of 48 hours, of any conviction for a criminal offence, motoring offence or receipt of a police caution or fixed penalty imposed whilst the licence is in force.
- 3.6 The driver shall report an accident in a private hire vehicle within 72 hours of the occurrence, where damage materially affects the safety, performance and appearance of the licensed vehicle, or the comfort or convenience of persons carried.
- 3.7 The driver shall keep a copy of these driver conditions in the licensed vehicle being used by that driver.
- 3.8 The driver shall inform the Authority, in writing, immediately, of any deterioration in health or injury that would affect their ability to drive a private hire vehicle.

#### **4. Found Property**

- 4.1 A driver shall, after the termination of each hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein. Any item(s) found should be handed in as soon as possible, and in any event within 48 hours, to the nearest Police Station and left in the custody of an Authorised Officer on their giving a receipt for it.

#### **5. The Carriage of Animals**

- 5.1 A driver shall not carry, in a private hire vehicle whilst being hired, any animal which belongs to or is being looked after by themselves, the proprietor or operator of the vehicle.
- 5.2 Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.
- 5.3 A driver shall, however, carry assistance dogs. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs which assist disabled people with a physical impairment.
- 5.4 Any driver with a medical condition, which may be exacerbated by such dogs, may apply to the Authority for exemption from the condition in paragraph 5.3. A certificate of exemption will be supplied on production of suitable medical evidence.

#### **6. Wheelchair Accessible Vehicles**

- 6.1 All drivers of wheelchair accessible vehicles must:
- Be fully conversant with the correct method to operate ramps, lifts and wheelchair restraints that can be fitted to the vehicle;
  - ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and that the brakes of the wheelchair have been applied prior to the vehicle setting off; and
  - ensure that any wheelchairs, equipment and passengers are carried in such a way that no danger is likely to be caused to any passenger, in accordance with the Road Vehicles (Construction & Use) Regulations 1986.

# APPENDIX F

## HACKNEY CARRIAGE BYELAWS

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

### Interpretation

1. Throughout these byelaws "the Council" means the South Kesteven District Council and "the district" means South Kesteven.

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

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be marked on the outside and inside of the carriage, on plates affixed thereto supplied by the Council.
- (b) A proprietor or driver of a hackney carriage shall:-
  - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
  - (ii) not cause or permit the carriage to stand or ply for hire with any such 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 any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say:-
- (a) the taximeter shall be fitted with a device the operation of which will bring the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - (b) such device shall be capable of being locked in such a position that the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) when the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
  - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
  - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges

5. The driver of a hackney carriage provided with a taximeter shall:
- (a) when standing or plying for hire, keep the device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) before beginning a journey for which a fare is charged for distance and time, bring the taximeter into action by operating the device, so that the word "HIRED" is legible on the face of the taximeter and keep the taximeter in action until termination of the hiring; and
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
- (a) proceed with reasonable speed to one of the stands appointed by the Council;

- (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
  9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
  10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
  11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
  12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
  13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
    - (a) convey a reasonable quantity of luggage;
    - (b) afford reasonable assistance in loading and unloading; and
    - (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

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

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate of fare prescribed by the council, the rate or fare being calculated by distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.
15. 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 Authority which it may not be possible to record on the face of the taximeter.

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

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

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

#### Penalties

- 18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds each day during which the offence continues after conviction therefore.

#### Repeal of Byelaws

- 19. The byelaws relating to hackney carriages which were made by the Grantham Borough Council on the 1st day of September 1953 and which were confirmed by one of Her Majesty's Principal Secretaries of State on the 16th day of February 1954 are hereby repealed.

Given under the Common Seal of the South Kesteven District Council this eighth day of June 2000.

The Common Seal of the  
SOUTH KESTEVEN DISTRICT COUNCIL  
was hereunto affixed in the presence of:-

J G Bishop, Head of Administration (SEAL)

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into force on the 1st day of January 2001.

E C Neve

Signed by authority of the Secretary of State

## APPENDIX G

**CODE OF GOOD CONDUCT – This code of conduct will be issued as a separate document to all drivers on application or renewal.**

This Code should be read in conjunction with the other statutory and policy requirements set out in this document. By accepting their licence, the holder is deemed to have accepted the terms and conditions.

### 1 SAFEGUARDING CHILDREN AND VULNERABLE ADULTS

Hackney carriage and private hire drivers (“drivers”) are in a position of trust in respect of the safety and welfare of their passengers. The Authority, through its licensing team and committees, have to ensure that all drivers are ‘fit and proper’ to undertake their work as drivers and they are also ambassadors for the South Kesteven District. It is essential that the council and drivers work together to ensure members of the public are treated with dignity and respect and any concerns are reported.

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

South Kesteven District Council has introduced this **Code of Conduct** which is aimed at providing the best possible service by protecting both passengers and drivers, ensuring that concerns, suspicions of abuse, neglect or exploitation can be reported and therefore minimise the risk of misunderstandings.

Drivers are expected to comply with this Code of Conduct. Failure to do so may result in the driver being referred to Committee to explain to Councillors the circumstances surrounding any incident. Where there is a repeated and/or serious failure to comply drivers can expect to have their licence suspended or revoked.

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

#### **Drivers should:**

- Place the safety and well-being of passengers before any personal or commercial goals and before loyalty to friends.
- respect all individuals, regardless of age, developmental stage, disability gender, sexual orientation, gender reassignment religion/belief, language spoken, race or ethnicity.

#### **Be aware of:**

- The importance of the use of appropriate language.
- Be aware of the vulnerability of children and some adults, and of passengers with additional needs, be they adults or children.
- Any instruction given about the care or first aid requirements of a passenger.

- The caution necessary in dealing with passengers in distress.
- Personal beliefs and standards, including dress and religion.
- Passengers misreading situations.
- The use of social networking sites such as Facebook and Twitter. These are public websites and therefore passengers conveyed may access a driver's site. Ensure you use the appropriate privacy settings to avoid passengers viewing your social media sites.

**Should never:**

- Become over-friendly in any way with passengers or engage in any form of relationship, infatuation, crush or show favouritism.
- Administer medication unless a specific request has been made by the hirer.
- Photograph or video passengers in your care unless used in compliance with data protection legislation and any relevant codes of practice issued by the Home Office or Information Commissioner's Office.
- Engage with passengers through social networking sites (such as Facebook and Twitter), instant messengers (such as MSN) or any other online communication software such as mobile phone applications or video games.
- Phone or send text messages to passengers other than directly concerning the hiring of your vehicle.
- Swear, make personal or humiliating comments, or tell inappropriate jokes.
- Offer or accept sweets, cigarettes or gifts of any sort.
- Stop anywhere other than the specified pick up/drop off points other than at the request of the hirer.
- Show passengers videos or pictures on your mobile phone or any other electronic device.
- Refuse to carry any passenger without reasonable excuse.
- Touch a passenger, unless in an emergency situation or if required to do so because of the additional need of the passenger.

**Safeguarding:**

If a driver has concerns or suspect abuse, neglect or exploitation of a passenger then these should not be ignored. If there are any doubts or concerns about the way someone is being treated, it is important to report this. The safeguarding of children and vulnerable adults is everybody's business. Remember that information could help a vulnerable child or adult.

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

Otherwise the following procedures should be complied with in reporting any information or suspicions you may have of anyone being subject to abuse, neglect or exploitation:

**Action to be taken if you have concerns**

- If your concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the police on **999 or 112** (from a mobile).
- If you are suspicious or are concerned that a child or an adult is suffering or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation but is

not of an urgent matter, please call the Lincolnshire Safeguarding Customer Service Centre on **01522 782111 for children or 01522 782155 for adults.**

- If you would prefer to speak to the police on a non-urgent matter then call them on **101** and follow directions for the Lincolnshire Police.

## **2 Responsibility to the Trade**

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trades by:

- complying with this Code of Good Conduct.
- complying with all the conditions of their licence, byelaws and the Authority's Hackney Carriage and Private Hire Licensing Policy.
- behaving in a civil, orderly and responsible manner at all times.

## **3 Responsibility to Clients**

Licence holders shall:

- maintain their vehicle(s) in a safe and satisfactory condition at all times.
- keep their vehicle(s) clean and suitable for hire to the public at all times.
- attend punctually when undertaking pre-booked hires.
- assist, where necessary, passenger into and out of the vehicle.
- Provide reasonable assistance to passengers with their luggage.

## **4 Responsibility to Residents**

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

- not sound the vehicle's horn illegally between 11.30pm and 7.00am or from a stationary vehicle, except when another road user poses a danger).
- keep the volume of music media player media systems and VHF radios to a minimum.
- switch off the engine if required to wait.
- take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

## **5 Responsibilities at Ranks and Offices**

Licence holders shall:

- rank in an orderly manner and proceed along the rank in order and promptly;
- remain in attendance of their vehicle;
- not allow their music media players or VHF radios to cause disturbance to residents of the neighbourhood.
- take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

## 6 General

Drivers shall:

- pay attention to personal hygiene and dress so as to present a professional image to the public.
- be polite, helpful and fair to passengers.
- drive with care and due consideration for other road users and pedestrians.
- obey all Traffic Regulation Orders and directions at all times.
- not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle.
- not drive while having misused legal or taken illegal drugs.
- fulfil their responsibility to ensure that adequate rest periods are taken during and after the working day.
- not eat in the vehicle in the presence of customers.
- respect officers at authority offices and elsewhere during the normal course of their duties.

# APPENDIX H

## PRIVATE HIRE OPERATOR LICENCE CONDITIONS

### 1 Standards of Service

The Operator shall:

- 1.1 Provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- 1.2 Ensure that, their office staff behave in a civil and orderly manner at all times.
- 1.3 Ensure that, when a vehicle has been hired, it arrives punctually at the appointed place unless delayed by unforeseen circumstances.
- 1.4 Ensure that premises provided for the purpose of hiring or waiting are kept clean, adequately lit, heated and ventilated.
- 1.5 Ensure that any waiting area provided has adequate seating facilities and, if provided, any telephone facilities are in good working order.
- 1.6 Ensure that any sanitary conveniences and washing facilities provided for customers and/or licensed drivers and vehicle proprietors are placed at readily accessible areas in the building. They and the rooms containing them should be kept clean, be adequately ventilated and lit. Washing facilities should have running hot and cold water, soap and clean towels or other means of cleaning or drying. Men and women should have separate facilities unless each facility is in a separate room with a lockable door and is for use by only one person at a time.

### 2 Records

- 2.1 Records shall be kept by operators in a suitable form that does not permit backdating and in a format easily able to be inspected by an Authorised Officer/Police Officer.
- 2.2 Extracts of the records shall be provided to or made available to be taken away by Authorised Officers/Police Officers.
- 2.3 All booking records maintained by the operator shall be kept for at least 12 months after entry and shall be produced for inspection, on request, by Authorised Officers/Police Officers.
- 2.4 Operators must evidence that they have had sight of a Basic DBS check on all booking and despatch staff. The record must be retained for the duration that the individual remains on the staff register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate must be requested and sight of this recorded.

### **3 Bookings**

3.1 Prior to each journey, the operator shall enter the following particulars of every booking in the above records (2):

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

### **4 Vehicles**

4.1 The operator shall keep a copy of licences issued by the Authority, for private hire vehicles it operates.

### **5 Drivers**

5.1 The operator shall keep a copy of licences issued by the Authority, for drivers it operates.

5.2 The operator shall keep records of the following:

- driver call signs.
- date of when a new driver begins service.
- date when a driver ceases service.

5.3 If the operator becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to drive then they shall inform the Authority immediately.

5.4 The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking is not permitted without the informed consent of the booker.

### **6 Change of Address**

6.1 The operator shall notify the Authority in writing of any change affecting this licence, including change of address (including any address from which they operate or otherwise conduct their business), which takes place during the currency of the licence. Such notice shall be given within 7 days of the change to the Licensing Team.

## **7 Disclosure of Convictions**

- 7.1 The operator shall, notify the Authority's Licensing Team within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence, any motoring offence or fixed penalty notice. imposed on him/her during the currency of his/her operator's licence. If the operator is a company or partnership, this requirement shall apply if any of the directors or partners receives a conviction or fixed penalty notice.
- 7.2 The provisions of the Immigration Act 2016 add immigration offences to the list of grounds on which operator and private hire hackney carriage driver offences may be suspended or revoked by the Authority. Where licences expire, or are revoked or suspended on immigration grounds they must be returned to the Authority's Licensing Team of the Authority within 7 days. Failure to return the licence is a criminal offence.

## **8 Insurance**

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

## **9 Display of Terms and Conditions**

- 9.1 The operator shall keep a copy of these conditions at all premises used for a private hire business and shall make the same available for inspection by customers and on request by Authorised Officers and the Police.

## **10. Policy on Employing Ex-Offenders**

- 10.1 The Operator must have a policy on employing ex-offenders in roles that would be involved in the booking and despatch of vehicles and held on the staff register. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in Appendix D, other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

### **Note: Planning Consent**

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

# APPENDIX I

## ENFORCEMENT POLICY & PRACTICE

### 1 Enforcement Policy Statement

- 1.1 It is the statutory duty of the Authority to ensure that licensed drivers and operators are licensed correctly and carry out their trade in accordance with both the relevant law, byelaws, statutory notices, policies and conditions attached to licences.
- 1.2 Each application and enforcement action will be determined on its own merits.
- 1.3 Determination of applications and enforcement decisions will be made in accordance with this policy and this Authority's constitution. Officers have delegated powers to make decisions and may also refer certain matters to the Licensing Committee if appropriate.
- 1.4 Members, when determining applications for a licence, renewals or reviews of a licence, will have regard to Hackney Carriage and Private Hire legislation, this Policy and any other relevant legislation, case law, guidance and other relevant South Kesteven District Council policies.
- 1.5 All enforcement will be undertaken in accordance with the Authority's current enforcement policy.

# APPENDIX J

## PENALTY POINTS SCHEME

### The Scheme

#### 1. Introduction

- 1.1 Hackney carriage and private hire operators, drivers and vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Authority's Byelaws and the Rules, Regulations and Conditions set by the Licensing Committee.
- 1.2 Should operators, drivers or proprietors of vehicles commit an offence or breach of those rules, regulations or conditions of licence, notices will be given detailing the offence/breaches and the number of points allocated.
- 1.3 The aim of a penalty point's scheme is to work in conjunction with other enforcement options. It provides a formalised, stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of driver's behaviour and conduct, so as to ascertain whether they are a fit and proper person. It does not prejudice the Authority's ability to take other actions.
- 1.4 The primary objective of the penalty point's scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.
- 1.5 Penalty points remain for a rolling twelve month period so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licence holder. However, spent points may still be considered if a pattern of misdemeanours emerge, i.e. regularly being late for renewals and submissions of compliance tests.

#### 2. Issue of Penalty Points

- 2.1 The Authorised Officer shall investigate alleged offences or breaches of the rules or conditions. When substantiated this may result in the issue of penalty points as detailed.
- 2.2 Complaints concerning significant breaches of conduct, conditions of licence or policy, or a pattern of poor behaviour/repeated breaches of similar offences, will be subject to investigation by Authorised Officers and may be referred to the Licensing Committee for consideration.
- 2.3 Where a licence holder accumulates 12 or more penalty points in any 12 month period, the matter will be referred to the Licensing Committee for the Committee to decide whether the driver remains a 'fit and proper' person. The Committee may then suspend or revoke a licence, or issue a warning to the licence holder, depending on the circumstances. Periods of suspension of a licence by the Committee will be dependent on the nature of the breaches of the legislation/conditions and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.
- 2.4 Points issued to either the proprietor of a vehicle or a driver will be confirmed in writing within 10 working days from the discovery of the contravention.

- 2.5 The system will operate without prejudice to the Authority's ability to take other action that it is entitled to take under legislation, byelaws and regulations.
- 2.6 A licence holder issued with penalty points may appeal against such a decision to the Head of Service in the first instance within seven days of the receipt of the notice. If a satisfactory resolution cannot be found then the appeal will be reviewed by a manager from an independent business area for a decision. If the recipient still does not agree with the decision the appeal will be heard by the Licensing Committee.
- 2.7 If a decision is made to issue points to a proprietor/driver rather than prosecute, for a matter which is also a criminal offence e.g. bald tyres; no badge etc., those person(s) will not then be the subject of a prosecution by the Authority in respect of the same matter for which the points were issued, but is not exempt from action by other authorities e.g. The Police.

**SOUTH KESTEVEN DISTRICT COUNCIL  
PENALTY POINT SCHEME**

	<b>Offence/Breach of Condition</b>	<b>Maximum Points Awarded by Authorised Officers</b>	<b>Driver</b>	<b>Vehicle Proprietor or Operator</b>
1	Providing false or misleading information on licence application form / failing to provide relevant information or the relevant fee (including dishonoured cheques).	6	✓	✓
2	Failure to notify, in writing, the Authority of change of address within 7 calendar days.	3	✓	✓
3	Refusal to accept hiring without reasonable cause e.g. drunk or rude customer.	6	✓	
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares.	6	✓	
5	Plying for hire by private hire drivers.	9	✓	✓
6	Using a mobile phone whilst driving as witnessed by an officer of the Authority.	6	✓	
7	Using unlicensed vehicle for carrying passengers for hire or reward or vehicle without insurance.	12	✓	✓
8	Failure to produce relevant documents within timescale, when requested by an Authorised Officer/Police Officer.	4	✓	✓
9	Failure to maintain vehicle in a satisfactory condition – including interior or exterior.	4	✓	✓
10	Failure to provide proof of insurance cover when requested.	6	✓	
11	Failure to produce hackney carriage or private hire vehicle for testing when required.	6	✓	✓
12	Using a vehicle whilst subject to a suspension order issued by an Authorised Officer/Police Officer.	12	✓	✓
13	Using a vehicle for which the licence has been revoked.	12	✓	✓
14	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence condition.	4	✓	✓

	<b>Offence/Breach of Condition</b>	<b>Maximum Points Awarded by Authorised Officers</b>	<b>Driver</b>	<b>Vehicle Proprietor or Operator</b>
15	Carrying more passengers than stated on the vehicle licence.	6	✓	
16	Failure to display external/internal licence plate as required.	4	✓	✓
17	Carrying an offensive weapon in the vehicle.	12	✓	
18	Failure to notify transfer of private hire or hackney carriage vehicle licence.	4		✓
19	Failure to carry an effective fire extinguisher.	4	✓	✓
20	Failure to apply for prior approval for advertising signage on the outside of the vehicle.	3	✓	✓
21	Displaying unsuitable or inappropriately sited signs or advertisements in or on the vehicle.	3	✓	✓
22	Failure to use authorised roof light.	4	✓	
23	Displaying unauthorised written or other material on any window.	4	✓	✓
24	Failure to comply with a requirement, provide information or assistance to an Authorised Officer/Police Officer.	6	✓	✓
25	Using a non-approved or non-calibrated taximeter.	6	✓	✓
26	Obstruction of Authorised Officer/Police Officer wishing to examine a licensed vehicle.	12	✓	✓
27	Evidence of smoking/vaping or using e-cigarettes or other similar devices vehicle.	3	✓	✓
28	Evidence of food or drink in vehicle. *see below	3	✓	✓
29	Displaying any feature on a private hire vehicle that may suggest that it is a taxi.	6	✓	✓
30	Using a vehicle the appearance of which suggests that it is a taxi.	6	✓	✓
31	Failure to carry an assistance dog without requisite exemption.	12	✓	
32	Driver not holding a current DVLA Driving licence.	12	✓	✓
33	Failure to wear driver's badge.	4	✓	
34	Failure to notify, in writing, a change in medical circumstances.	6	✓	
35	Unsatisfactory appearance of driver.	3	✓	
36	Failure to observe rank discipline (hackney carriage only).	4	✓	

	<b>Offence/Breach of Condition</b>	<b>Maximum Points Awarded by Authorised Officers</b>	<b>Driver</b>	<b>Vehicle Proprietor or Operator</b>
37	Failure to maintain proper records of private hire vehicle.	3		✓
38	Failure to keep or produce records of private hire bookings or other documents required to be kept or produced.	6		✓
39	Misleading use of the words 'Taxi' or 'Cab' on advertising materials.	3		✓
40	Failure to issue receipt on request.	3	✓	
41	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence.	4	✓	✓
42	Unsatisfactory behaviour or conduct of driver.	4	✓	
43	Failure to notify the Authority, in writing, of any motoring or criminal convictions within 48 hours of said conviction or cautions during period of current licence.	6	✓	
44	Failure to behave in a civil and orderly manner.	4	✓	
45	Failure to give assistance with loading/unloading luggage to or from any building or place.	3	✓	
46	Failure to display table of fares.	4	✓	✓
47	Failure to carry legal spare wheel or authorised suitable alternative and tools.	4	✓	✓
48	Failure to attend punctually at appointed time and place without sufficient cause.	4	✓	
49	Using a licensed vehicle with defective tyre(s).	4 per tyre	✓	✓
50	Failure to submit Certificate of Compliance to the Authority within 2 working days of the expiry of the certificate following the intermediate 6 monthly inspection.	4	✓	✓
51	Failure to display a current licence plate.	4	✓	✓
52	Waiting or stopping in any area where parking is prohibited unless requested by a paying customer present in the vehicle.	3	✓	
53	Failure to comply with any other licence condition not detailed in the table.	3	✓	✓

	<b>Offence/Breach of Condition</b>	<b>Maximum Points Awarded by Authorised Officers</b>	<b>Driver</b>	<b>Vehicle Proprietor or Operator</b>
54	Failure to renew driver, vehicle or operator licence before expiry.	4	✓	✓
55	Leaving a taxi unattended on a taxi rank	4	✓	✓
56	Idling a vehicle's engine unnecessarily when stationary on a Hackney Carriage Rank or Stand	4	✓	✓
57	Failure to notify of installation or removal of CCTV system	4	✓	✓

\* Drivers shall not leave evidence of food or drink in their vehicle whilst working

Ticks indicate potential recipients of penalty points for infringements.

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

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

# APPENDIX K

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

### 1. Statement of Intent

- 1.1 The aim of this guidance is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow “executive type vehicles” to operate without displaying external identification plates.

### 2. Introduction

- 2.1 The displaying of the external identification plate on a licensed vehicle and a driver’s badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public’s) safety.
- 2.2 However, there are occasions when the requirement to display an external identification plate may have the opposite effect in terms of customer safety and could have commercial implications for the operating business. The display of Local Authority licence plates externally may also deter some corporate customers from using the service; and in some circumstances the identification of the vehicle as a licensed vehicle may allow “high risk” passengers to be more readily targeted putting both them and the driver at risk.
- 2.3 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver’s badge. The same legislation also allows South Kesteven District Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver’s badge.
- 2.4 It is not intended that all private hire vehicles licensed by South Kesteven District Council should be exempt from the Authority’s requirement to display an external identification plate, however the Authority recognises that there may be circumstances when it would be appropriate for vehicles operating this type of service, to be considered suitable for such an exemption.
- 2.5 In creating its policy, South Kesteven District Council does not seek to provide a definitive list of vehicles it considers to be suitable (subject to use) for exemption from the requirement to display external identification plates.
- 2.6 This guidance provides information to potential applicants on the standards of vehicle comfort and equipment that the Authority considers should be the minimum standard of comfort and vehicle type before the Authority would consider such an application. This guidance should be read in conjunction with the Authority’s existing policy relating to private hire vehicles as it establishes additional criteria that the Authority (and its officers) will take into account when determining applications for a private hire vehicle to be exempt from displaying external identification plates.

### **3 The Policy**

- 3.1 Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.
- 3.2 Each application will be assessed on its own merit and each vehicle will be inspected by an authorised officer to ensure that it is fit for purpose.
- 3.3 Applications for exemption from the requirement to display an external identification plate on the rear of a private hire vehicle may be considered where the following requirements are met;
  - a) Vehicle models must be either four door saloons, or five door estates or five door hatchbacks. Applications will not normally be accepted in respect of people carrier type vehicles.
  - b) Vehicles must be of a high standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as “S” and “E” Class Mercedes Benz, 7 Series BMW, Lexus “GS” or “LS” models, Audi A8 series, Jaguar, Rolls Royce and Bentley saloons. (The highest specification executive type cars from other manufacturers may also be considered).
  - c) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.
  - d) The type of work undertaken is “executive” in nature. This means that the vehicle is used specifically to provide transport under a contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.
- 3.4 Applications may only be made by a person holding a private hire operator’s licence issued by South Kesteven District Council.
- 3.5 Where a proprietor wishes to make an application for a vehicle to be exempt from displaying an external identification plate they will be required to complete the appropriate application form. The application form will be accompanied by documentation that supports the application and the application fee; which will be non-refundable.
- 3.6 The Council may require applicants to provide any additional documentation as reasonably necessary to allow the Council to make an informed decision. Where such documentation is not provided to the satisfaction of the Council the application will be refused.
- 3.7 South Kesteven District Council is entitled to recover its costs relating to the administration of applications for an exemption notice and the issue of the exemption notice where applications are granted and may charge such fees as it believes are appropriate to recover all or part of those costs.
- 3.8 The fee to accompany an application for an exemption notice is detailed in the Council’s fees and charges which is reviewed annually and is non-refundable.
- 3.9 Where an application is granted and a vehicle is exempted from displaying its external identification plate an exemption notice will be issued as soon as practical after the decision is made.
- 3.10 Where a vehicle is exempted from the requirement to display an external identification plate the vehicle will also be exempted from the need to display the internal identification plate.

- 3.11 Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicles current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for a period of time that is coterminous with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.
- 3.12 Exemption notices may be renewed annually subject to the vehicle undergoing a re-inspection by an Authorised Officer to ensure that it continues to be fit for purpose. The annual renewal fee for an exemption notice is detailed in the Council's fees and charges which is reviewed annually and is non-refundable.
- 3.13 The Authority to determine any application for an exemption notice is by virtue of this guidance delegated by the Council to Authorised Officers.
- 3.14 In the event of an applicant being dissatisfied with the decision of the officer, the applicant may make a written application for a review of the decision by the Licensing Committee.
- 3.15 Other than where to do so would conflict with the requirements of this guidance, all vehicles granted an exemption notice must, in addition to the requirements of this guidance, comply with the requirements for private hire vehicles contained within the Authority's Information – Taxi and Private Hire Licensing document and the Council's Bye Laws.
- 3.16 **THE BELOW CONDITIONS APPLY TO ALL PRIVATE HIRE VEHICLES GRANTED AN EXEMPTION BY SOUTH KESTEVEN DISTRICT COUNCIL FROM THE REQUIREMENT TO DISPLAY AN EXTERNAL IDENTIFICATION PLATE, AND ARE IN ADDITION TO THE CRITERIA AND CONDITIONS SET OUT IN SOUTH KESTEVEN DISTRICT COUNCIL'S INFORMATION – TAXI AND PRIVATE HIRE LICENSING POLICY AND THE COUNCIL'S BYE LAWS.**

The identification plate and exemption notice provided by the Authority pursuant to requirements of the Local Government (Miscellaneous Provisions) Act 1976 shall remain the property of the Authority.

- a) Any vehicle granted an exemption from displaying an external identification plate will be required to have the identification plate normally displayed on the rear of the vehicle, affixed to the inside of the boot lid. The plate when so affixed **must** be readily visible when that boot lid is raised.
- b) In the event of loss or damage rendering such plate or notice unserviceable the proprietor shall make immediate application for a replacement for which a fee is payable.
- c) The exemption notice issued by the Authority will be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Authority or any Police Officer.
- d) When issued with an exemption notice, the vehicle will not be required to display any other signs (including the internal identification plate) which the Authority may at any time require private hire vehicles to display.
- e) The proprietor will not display in on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicles status as a private hire vehicle.
- f) During the period of the exemption notice, the driver shall not be required to wear the private hire driver's identification badge but will have it available for immediate inspection by the authorised officer of the Authority or any Police Officer on request.
- g) During the period of the exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed in for example, a formal chauffeur or business suit with collar and tie.

- h) The proprietor shall within 1 working day notify the Authority of any change in the use of the vehicle.
- i) The proprietor shall not use the vehicle for private hire purposes other than for executive use (i.e. normal daily private hire use).
- j) The driver and passenger front side window glass and the front windscreen must be clear. However, tinted windows can be fitted to the side and rear window glass of the vehicle provided that they comply with current legislation.
- k) The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the Authority of the sale/transfer of ownership immediately and in writing and provide details of the new owner. The exemption notice must be returned to the Authority along with the private hire vehicle identification plate unless being sold to another private hire operator licensed by the Authority; in which case, only the exemption notice has to be returned.
- m) A taximeter will not be installed in the vehicle.