Hackney Carriage and Private Hire Licensing Policy

1 January 2012

CONTENTS

LIST OF APPENDICES 3

1 INTRODUCTION 4

2 VEHICLES 6

3 DRIVERS 13

4 PRIVATE HIRE OPERATORS 18

5 DISCIPLINARY AND ENFORCEMENT MEASURES 19

6 OFFENCES 21

7 DELEGATED POWERS 21

8 FARES 21

9 FEES 22

10 HACKNEY CARRIAGE STANDS 23

LIST OF APPENDICES

Appendix A	Vehicle Specifications and Conditions of Licence for Hackney Carriage and Private Hire Vehicles	24
Appendix B	Additional Conditions for Private Hire Limousines	34
Appendix C	Application Procedures – Vehicles and Drivers	41
Appendix D	Drivers - Relevance of Convictions to Applications	44
Appendix E	Drivers - Private Hire Driver Licence Conditions	48
Appendix F	Drivers – Hackney Carriage Byelaws	52
Appendix G	Drivers – Code of Good Conduct	57
Appendix H	Private Hire Operator Licence Conditions	59
Appendix I	Enforcement Policy & Practice	62
Appendix J	Penalty Points Scheme	63
Appendix K	Location of Hackney Carriage Stands (Ranks)	68

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 *Statutory Code of Practice for Regulators* http://www.berr.gov.uk/files/file45019.pdf 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, advice contained in the *Taxi and Private Hire Vehicle Licensing: Best Practice Guidance* issued by the Department for Transport in March 2010 has assisted the Authority together with local circumstances and operational requirements.

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 policy shall take effect from 1 January 2012 and the Authority expects new applicants for licences to comply with its terms immediately. It is acknowledged however that certain provisions may place financial obligations on existing licence-holders and accordingly a transitional period is implemented, during which, necessary changes must be made. Accordingly, the full weight of this policy regarding the vehicle age shall not take effect until 1 July 2012.

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

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 329 hackney carriages, 41 private hire vehicles and 24 private hire operators.

1.6.3 It has approximately 313 drivers licensed to drive hackney carriages, 38 licensed to drive private hire vehicles and 65 licensed to drive both (dual licensed).

1.7 Consultation

1.7.1 In preparing this policy the Authority has consulted with the following stakeholders:-

- Licence holders;
- Local trade organisations;
- Disability groups;
- Lincolnshire Police;
- Lincolnshire County Council;
- General public;
- VOSA;
- Other Authority services.

1.8 Partnership Working

1.8.1 The Authority will work in partnership with the following agencies to promote the policy objectives:-

- Local hackney carriage and private hire trades;
- Lincolnshire Police;
- Local residents;
- Disability groups;
- Service users;
- Vehicle and Operator Services Agency (VOSA);
- Lincolnshire County Council;
- HM Revenue and Customs;
- Department for Work and Pensions;
- Other Authority departments.

2 VEHICLES

2.1 Limitation of Numbers

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

2.1.2 In line with the *Taxi and Private Hire Vehicle Licensing: Best Practice Guidance,* 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).

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.

2.2.4 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.

2.2.5 **Appendix A** sets out the specification and minimum standards in respect of hackney carriages and for private hire vehicles.

2.2.6 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 will encourage the provision of wheelchair accessible vehicles.

2.3.3 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.

The Equality Act 2010 brings together in one Act a number of different pieces of legislation about discrimination, - including disability discrimination. The new Act includes many of the taxi and private hire (PHV) provisions which were in the Disability Discrimination Act 1995, but also includes some important changes.

The Authority considers it important that people with disabilities have access to all forms of public transportation.

2.3.4 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.

2.3.5 A good practice guide, "Making private hire services more accessible to disabled people" has been produced by the Disabled Persons Transport Advisory Committee and can be obtained from www.dptac.independent.gov.uk/pubs/phv.

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 The Authority will support any local environmental initiatives such as setting vehicle emissions standards or promoting cleaner fuels.

2.4.3 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.

2.4.4 It is therefore considered 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. Newer vehicles have improved fuel efficiency and will emit fewer pollutants, if they are properly maintained, than older vehicles. Vehicles manufactured prior to 1994 did not have to meet emission limits (Euro1 Technology).

2.4.5 In order to minimize the emission of atmospheric pollutants, an application for a new hackney carriage or private hire vehicle licence will not be accepted if it is seven years or older. The vehicle will continue to be licensed until it reaches the age of 10 years (12 years for purpose built vehicles) as long as the vehicle passes the compliance tests at the required times.

2.4.6 In exceptional circumstances, applications for the licensing of older vehicles i.e. which have undergone engine modification to current emission standard, will be referred to the Licensing Committee for consideration.

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. Once licensed the vehicle undergoes a further full examination and test at a vehicle testing station approved by the Authority at 6 monthly intervals.

2.5.3 Licensed vehicles that fail an authorised examination and test, **and**, are deemed unsafe as a passenger vehicle by the vehicle examiner, 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 shall be revoked by the Licensing Officer.

2.5.4 A proprietor shall comply with any request by a Licensing 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 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.

2.5.5 Proprietors of licensed vehicles are required to inform the Authority "as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof", (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".

2.6 Signage and Advertising

2.6.1 It is important that the public should be able to identify and understand the difference between a hackney carriage and a private hire vehicle.

2.6.2 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.

2.6.3 Roof signs fitted to hackney carriage vehicles shall be illuminated at all times when the vehicle is available for hire.

2.6.4 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed.

2.6.5 All licensed vehicles, except those private hire vehicles deemed Prestige Vehicles by the Authority, shall display plates externally on the rear of the vehicle.

2.6.6 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, such as road fund licence, or manufacturer's mark.

2.6.7 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 Committee of Advertising Practice Codes http://www.cap.org.uk/The-Codes.aspx 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

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 It is not proposed that measures such as CCTV should be 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.

2.8.5 In any licensed vehicle where a CCTV security system is fitted, the proprietor shall ensure that the system is properly maintained and serviced to ensure clear images are recorded. A minimum of two warning signs should be displayed prominently inside vehicles so as to be easily seen by passengers.

2.8.6 The Government has produced two short guidance documents for drivers which describe various precautionary measures that drivers can take to prevent violence as well as offering practical advice on what can be done in the event of a threat or violent incident. These documents can be obtained by visiting www.dft.gov.uk/pgr/crime/taxiphv or by contacting the Authority.

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 http://www.southkesteven.gov.uk 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.

2.11 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. Please be advised that it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

2.11.2 It is advised that vehicles should be examined and tested at one of the Authority's approved testing stations at least 7 days prior to the application appointment. 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. It is, however, clearly important that emissions from licensed vehicles are reduced as far as possible.

2.12.2 It is therefore important that efforts are made to improve, as far as possible, the efficiency of licensed vehicles by, in particular, reducing the levels of CO_2 emitted. Liquid petroleum gas (LPG) conversions are therefore acceptable. Any conversion to LPG must be undertaken by an approved converter and the conversion certificate produced to the Authority for inspection.

2.12.3 Emissions from licensed vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at ranks. It is, however, proposed that this aspect be tackled through education and promotion.

2.12.4 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 Stretched Limousines

2.13.1 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.

2.13.2 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.

2.13.3 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.

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

2.13.5 Applications to licence stretched limousines as private hire vehicles will be treated on their merits. It is, however, proposed that imported stretched limousine type vehicles be:

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

2.14 Contract Vehicles

2.14.1 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.

2.15 Prestige Type Vehicles

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

2.15.2 The granting of any dispensation by the Authority will be confirmed in writing by the Licensing 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.

2.15.3 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.

2.16 Exempt Vehicles

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

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

2.17 Smoking

2.17.1 From 1 July 2007 all public transport vehicles, which include hackney carriage and private hire vehicles, were required to be smoke free at all times.

3 DRIVERS

3.1 Parallel Procedures

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.

3.2 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 12 months but the Authority shall grant licences for a lesser period if deemed appropriate.

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. In addition to the above, licensed drivers who hold an EC/EEA driving licence shall obtain a GB counterpart licence. If this document cannot be produced within 3 months of the licence being issued the licence will be suspended until production of the counterpart. Applicants with an EC/EEA driving licence shall also be required to obtain a GB counterpart document prior to the issue of a licence.

3.2.3 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.

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

3.2.5 A Criminal Record Bureau Disclosure shall be produced on application and every three years thereafter if subsequent renewal applications are made. Where an applicant has resided in the UK for less than 5 years, or has spent a period of 3 months or more within the last 5 years as a non-resident, the Authority will require a certificate of good conduct, obtained at the applicant's own expense, authenticated by the relevant Embassy of the country of residence. The applicant will also arrange for the certificate to be translated into English.

3.2.6 Applicants shall also provide a completed medical examination form supplied by the Authority and completed by their own General Practitioner, or a Doctor who has access to the applicant's medical history, on first application and every 3 years thereafter until aged 65 years or if they have a relevant medical condition, when annual examinations are required. This will be at the applicant's own expense. Application procedures are detailed in **Appendix C.**

3.3 Topographical Knowledge (Driver Knowledge Tests)

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

3.3.2 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 undertake a communications test to challenge their understanding of the English language and numeracy, and a test to challenge their knowledge of the area within the district of South Kesteven.

3.3.3 The knowledge test must be taken within 2 months of receipt of the CRB disclosure. If this test is not taken within the two months, the applicant will be required to re-apply as a new applicant.

3.4 Driving Proficiency

3.4.1 The Driving Standards Agency (DSA) provides a driving assessment specifically designed for hackney carriage and private hire drivers.

3.4.2 This Authority believes that the standard DVLA driving test normally provides evidence of driving competency for drivers of hackney carriage and private hire vehicles in South Kesteven. It is considered that introducing a routine requirement that drivers pass the specific DSA test would not produces benefits which are commensurate with the costs involved.

3.4.3 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 DSA test prior to the granting of the licence.

3.4.4 Existing drivers with 9 or more points (both current and expired accrued within a 4 year period) on their DVLA Driving Licence are required to pass the DSA test within 3 months from the time of accruing the points or their licence will be suspended until such time as the DSA test has been passed.

3.5 Driver Qualification

3.5.1 The Authority believes all passenger transport drivers, whose role demands high standards in driving and customer service, would benefit from 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.

3.5.2 Applicants are encouraged to attain a Vocational Related Qualification (VRQ) in Transporting Passengers by Taxi and Private Hire or a National Vocational Qualification (NVQ) in Road Passenger Vehicle Driving. From April 2011 this has been replaced by the Qualifications and Credit Framework (QCF) BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver (Level 2).

3.6 Medical Examination

3.6.1 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.

3.6.2 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.

3.6.3 Licence holders shall advise the Authority of any deterioration in their health that may affect their driving capabilities by the next working day.

3.6.4 Where there is any doubt as to the medical fitness of the applicant, the Authority may require the applicant to undergo and pay for a further medical examination by a Medical Doctor appointed by the Authority.

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

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

3.7 Criminal Records Bureau (CRB) Disclosures

3.7.1 A criminal record check on a driver is seen as an important safety measure. A minimum of a Standard Disclosure through the Criminal Records Bureau is required.

3.7.2 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.

3.7.3 Before an application for a driver's licence will be considered, the applicant must apply for a CRB Disclosure of criminal convictions through the Licensing Section of South Kesteven District Council.

3.7.4 The Authority is an approved Criminal Records Bureau body. Applicants must deal with the Criminal Records Bureau through the Authority and will be charged an appropriate fee.

3.7.5 Applicants for renewal of a driver's licence are required to have a criminal record check from the CRB every third year.

3.7.6 The Authority is bound by rules of confidentiality, and will not divulge information obtained from the CRB report to any third parties. The applicant for a CRB disclosure will be sent a copy of the disclosure report to their home address, while the Authority may also receive a separate copy of the report.

3.8 Relevance of Convictions and Cautions

3.8.1 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.

3.8.2 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 Criminal Records Bureau, a Licensing 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**.

3.9 Application Procedure

3.9.1 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.**

3.10 Renewal of Licences

3.10.1 The licensing authority will aim to send a reminder by post to licence holders in the month preceding their expiry when their licences are due to be renewed but the responsibility is on 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. Licences cannot be renewed following their expiry.

3.11 Conditions of Licence

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

3.11.2 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.

3.12 Convictions – Licence Holders

3.12.1 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.

3.12.2 Drivers, who are convicted of any criminal or motoring offence or issued with a police caution during the currency of their licence, must disclose the conviction and the penalty imposed to the Authority, verbally by the end of the next working day followed up in writing within seven days of conviction.

3.12.3 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.

3.12.4 Convictions, police cautions 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.**

3.13 Driver's Conduct

3.13.1 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.

3.14 Dress Code

3.14.1 Anything that serves to enhance the professional image of the hackney carriage and private hire trade, and promotes the concept that drivers of licensed vehicles are vocational drivers, is to be welcomed. This would include drivers dressing in smart casual clothes.

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

4.2 Criminal Record Checks

4.2.1 Private hire operators are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence, but a Basic Disclosure from the Criminal Records Bureau nevertheless is seen as appropriate. Whilst at this time a Basic Disclosure is not available via the CRB in England and Wales, it can be obtained in Scotland for residents in England and Wales.

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 CRB Disclosure or police check. The CRB disclosure shall be produced on application and every three years thereafter if subsequent renewal applications are made unless they are currently licensed as a South Kesteven Hackney or Private Hire driver.

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.

4.5 Licence Duration

4.5.1 The Department for Transport considers that annual licence renewal is not necessary or appropriate for private hire operators. They recommend, as good practice, that a licence period of five years would be reasonable. However, although the operator will not have as much direct contact with the public as a driver, an operator will be privy to confidential information on bookings, and this Authority considers a five year period to be too long.

4.5.2 This Authority shall grant Private Hire Operator licences for a period of one year from the date of grant, subject to the power to grant a licence for a shorter period should this be appropriate in the circumstances.

4.5.3 Holders of existing Private Hire Operator licences shall be reminded, in the month preceding their expiry, when their licences are due to be renewed.

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 1.2.1 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, the Authority shall issue penalty points, warnings and cautions, as are appropriate to the circumstances. 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 which will result in a hearing before the Licensing Committee.

5.4 Suspension of Vehicle Licences

5.4.1 Licensed vehicles shall be kept at all times in an efficient, 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 Licensing 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.

5.6 Prosecution

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

5.7 Complaints

5.7.1 Complaints regarding licensed drivers, operators and vehicles can be reported to the Authority's Customer Service Centre. All complaints will be investigated by a Licensing Officer in accordance with our service standards and enforcement policy.

6 OFFENCES

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

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.

8 FARES

8.1 General

8.1.1 The Authority has 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 on request.

8.1.3 The Authority shall review the Default Table of Fares annually. A notice of any variation to the default scale shall be advertised by the Authority in a paper circulating in the district, with a date set of 14 days from publication for making objections to the proposed variation. If no objections are received the fare variation will have immediate effect at the end of the 14 day consultation period. If any objections are received the matter will be referred to the Licensing Committee for consideration and a further implementation date set.

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.

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. A notice of any variation to the current scale of charges for vehicles and operators shall be advertised by the Authority in the local newspapers circulating in the district of the Authority, with a date set of 28 days from publication for making objections to the proposed fee. If no objections are received, or if all objections are withdrawn, the new fees will come into force on the date of the expiration of the period or the withdrawal of the objection, whichever is the later. If any objections are received the matter will be referred to the Licensing Committee for consideration and a further implementation date set, which will not be later than two months after the initial date on which the new fee shall come into force, with or without modification after considering the objections.

9.2 Payment Refunds and Transfers

9.2.1 The appropriate fee must be paid when the application is submitted.

9.2.2 A charge will be levied to cover the administrative costs associated with the transfer of ownership of a vehicle or refusal of any application.

9.2.3 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 month remaining on the licence, less one full month as an administration fee.

9.2.4 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.

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 Details of all public taxi ranks in the area are attached at **Appendix K**.

APPENDIX A

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

New Applications
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.

Existing Licensed Vehicles
Vehicles which are 10 years (12 years for purpose built) and older at the time of the implementation of the policy and are currently licensed as Hackney Carriage or Private Hire Vehicles by the Authority, will continue to be licensed on renewal, subject to a Compliance Certificate being in place and providing the application is made before the expiry of the existing licence for a maximum period of two years.

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 seven years or older. The age of the vehicle will be taken from the date of first registration on the log book and therefore this must be submitted with all applications.

The vehicle will continue to be licensed until it reaches 10 years of age or 12 years of age for a purpose built taxi provided it passes the compliance tests.

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.

3.4 Running boards shall only be permitted where they are fitted by manufacturers.

4 Wheels

4.1 The vehicle shall have four road wheels.

4.2 Space-saver spare tyres, where fitted 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.

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 and not more than 8 persons.

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 the 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.

12 Fuel systems

12.1 Before commencing any gas fuel conversions it is essential that written approval is sought from the Authority. The guidelines set out below give indication of current requirements.

12.2 All vehicles which are powered by Liquefied Petroleum Gas (LPG) or Compressed Natural Gas (CNG) shall comply with all the relevant legislation set out in the Road Vehicles (Construction and Use) Regulations 1986 (as amended).

12.3 LPG conversions shall also comply with the current LP Gas Association's, Code of Practice 11 Autogas Installations. Conversion shall still comply with Road Vehicles (Construction and Use) Regulations 1986.

12.4 Compressed Natural Gas (CNG) vehicles shall comply with current guidelines. Conversion shall still comply with Road Vehicles (Construction and Use) Regulations 1986 and certain additional safety features as required by the Authority.

12.5

- An appropriate certificate of installation shall be provided to the Authority at the time of inspection;
- An annual exhaust emissions test certificate shall be provided when the vehicle is presented for licensing;
- An appropriate certificate of LPG / CNG Fuel Tank Integrity will be required and subsequently an annual system inspection certificate.

12.6 An exemption may be granted to LPG / CNG vehicles requiring them to carry a spare wheel. This would be subject to individual application and the provision that the driver of such a vehicle subscribes to a tyre repair/replacement or vehicle breakdown organisation.

13 CCTV Systems

13.1 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.

14 Tyres

14.1 All tyres, including the spare tyre, shall comply with the vehicle manufacturer's specification.

14.2 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.

15 Electrical equipment

15.1 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

16 Examination and test

16.1 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.

16.2 Licensed vehicles that fail an authorised examination and test, **and**, are deemed unsafe as a passenger vehicle by the vehicle examiner, will 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 notice will 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 Licensing Officer.

17 Licence Identification Plates

17.1 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.

17.2 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 place on the rear window of the vehicle. Prestige 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 a Licensing Officer/Police Officer on request.

17.3 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.

17.4 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.

17.5 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.

18 Signs and Notices

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

18.2 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.

19. Receipt book

19.1 The proprietor of a hackney carriage or private hire vehicle shall ensure that a carbon receipt book is available in the vehicle at all times. A receipt will be given on request 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; and
- Amount paid.

20 Luggage

20.1 The proprietor shall at all times provide facilities for the conveyance of luggage safely and protected from inclement weather.

20.2 Where luggage is stored other than in a boot (e.g. in an MPV), it shall be properly secured.

21 Property

21.1 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’.

22 Furnishing and maintenance of vehicle

22.1 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.

22.2 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.

22.3 The proprietor shall at all times provide adequate lighting and heating for the interior of the vehicle.

23 Advertisements

23.1 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.

24 Communication Devices

24.1 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.

24.2 Any radio apparatus shall be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.

24.3 No other radio equipment, either in the driver or the passenger compartment, is permitted without the prior approval of the Authority.

25 Auxiliary equipment

25.1 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.

26 Convictions including cautions and fixed penalties

26.1 Proprietors shall within seven days of conviction, disclose to the Authority, in writing, details of any convictions including formal cautions and fixed penalty notices received during the period of the licence.

27 Change of Address

27.1 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

28 Taxi Signs

28.1 Licensed hackney carriages must carry a roof sign capable of internal illumination of the dimensions set out below 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.

28.2 The roof sign, as required in 28.1 above, shall not exceed the following dimensions:

Width (across vehicle) – 600mm
Depth (front and back) – 200mm
Height – 210mm

29 Taximeters

29.1 A licensed hackney carriage vehicle shall be fitted with a taximeter.

29.2 The taximeter and fittings shall be fixed to the vehicle with seals or other appliances, so as not to be practicable for any person to tamper with them by breaking, damaging or permanently displacing the seals or other appliances.

29.3 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.

29.4 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.

29.5 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.

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

29.7 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 Authorities 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.

30. Table of fares

30.1 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.

<u>Additional requirements for Private Hire Vehicles</u>

31. Meters

31.1 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.

31.2 The meter shall:-

• be fitted in a position where it is not easily visible from outside the vehicle;
• be checked and sealed 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 with seals or other appliances, so as not to be practicable for any person to tamper with them by breaking, damaging or permanently displacing the seals or other appliances.

31.3 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.

32 Trailers and Roof Carriers

32.1 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.

32.2 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.

33 Taxi Signs

33.1 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

	Issue	**Licence Condition**	**Justification**
1.	Left hand drive vehicles	Permit left hand drive limousines to be licensed.	The majority of stretched limousines are imported from the United States of America and are left hand drive. The Department for Transport has recommended that Authorities should not refuse to licence limousines simply because they have characteristics which contravene their existing policy, i.e. left hand drive.
2.	Sideways Seating	Permit limousines with sideways facing seating to be considered for private hire vehicle licensing, but no seat must be positioned so that it permanently obstructs any door.	A main characteristic of stretched limousines is their sideways facing bench seats. In line with the Department for Transport guidance the Authority will consider the suitability of limousines with sideways seating for licensing.
3.	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 to the requirements of the SVA Standards.	It is recognised that the privacy provided by tinted glass in the passenger compartment is a central characteristic of a limousine.
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	It is not proposed that measures such as CCTV should be 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 should not be examined more than 4 weeks before their licence is due to expire. However, it is advised to arrange the examination and test 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 When presenting an application at the Authority's Customer Service Centre, the following documents **MUST** accompany the completed application form:-

(i) **DVLA Vehicle Registration Certificate** (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as the proprietor(s) thereof) 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). In addition any applicant who holds an EC/EEA driving licence shall also have a GB counterpart document.

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 Applicants will be required to complete an application form and pay the appropriate fee for a disclosure from the Criminal Records Bureau (CRB) on first application and every 3 years thereafter. Three forms of personal identification are required as well as a utility bill showing the applicant's current address. Applicants will also need to provide their national insurance number. Details of acceptable identification are detailed on the Government website: http://www.direct.gov.uk/en/index.htm (enter "CRB" into 'Search this site').

2.4 Where an applicant has resided in the UK for less than 5 years, or has spent a period of 3 months or more within the last 5 years as a non-resident, the Authority will require a certificate of good conduct authenticated by the relevant embassy of that country of residence, provided at the applicant's own expense, in addition to the enhanced CRB check.

2.5 Applicants shall make a declaration that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

2.6 Applicants are required to pass a medical examination of Group II standards and shall provide the completed medical examination form supplied by the Authority and completed by their own General Practitioner, or a General Practitioner with access to the applicant's medical record, on first application and every 3 years thereafter until aged 65 years, or annually with a medical condition when annual examinations are required. The medical practice is likely to make a charge for this service.

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

2.8 All applications will have to be submitted **IN PERSON** at one of the Authority's offices - Stamford, Bourne, The Deepings and Grantham - in order for photographs to be taken by digital camera.

3. New Driver Qualifications

3.1 Introduction

3.1.1 In order to maintain the high standards that the Authority expects of its drivers operating within the district - a basic numeracy, literacy and knowledge of locations is assessed by the Authority through a knowledge test.

3.2 Local Knowledge Test

3.2.1 All new drivers are required to undertake a basic numeracy, literacy and knowledge of locations within the Authority's area test.

3.2.2 One knowledge test is included in the cost of the initial fee on application. If further tests are required these will be arranged and an additional administrative fee will be charged, to be paid prior to the test. Subsequent tests must be a minimum of one week apart. The tests must be held within two months of the first failed test date or the application will be returned and deemed not duly made.

3.2.3 The literacy and numeracy test aims to identify understanding of the English language and basic mathematics.

3.2.4 The local knowledge test is practical and aims to identify knowledge of locations of places of interest and routes.

3.2.5 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 Driving Standards Agency hackney carriage or private hire vehicle practical driver's test prior to the granting of the licence.

4 Existing Drivers

Driver renewals

4.1 Drivers who allow their licence to lapse, for a period of less than 6 months, will accrue penalty points. They will be considered as a returning driver but will not be able to drive until the licence has been issued.

4.2 All previously licensed drivers who permit their licence to lapse for longer than 6 months after the renewal date shall be treated as a new driver and are required to undertake all the tests and other requirements applicable to a new driver.

4.3 Existing drivers with 9 or more points on their DVLA Driving Licence will be required to pass the Driving Standards Agency 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.

5 The Consideration of Applications

5.1 On receiving the Enhanced Disclosure from the CRB, new applicants should make an appointment with the Authority to undertake the tests.

5.2 If satisfied, from the information available, that the applicant is a fit and proper person to hold a licence, the Licensing Officer has delegated power to grant the application and issue a 12 month licence.

5.3 A driver badge will also be issued which shall remain the property of the Authority and must be surrendered if the driver licence is suspended or revoked by the Authority. The badge shall be displayed on the driver's person at all times they are acting as a licensed driver.

5.4 If the Authority is not satisfied, from the information available, that the applicant should be granted a licence, the matter will be referred to the Licensing Committee for a hearing.

APPENDIX D

RELEVANCE OF CONVICTIONS TO APPLICATIONS

1. Introduction

1.1 The following guidelines shall be used to determine the relevance of criminal and other convictions in relation to applications for hackney carriage and private hire driver licences and private hire operator licences.

1.2 It should be noted that, since 2002, hackney carriage and private hire vehicle drivers are exempted from the protection of the Rehabilitation of Offenders Act 1974, so that all convictions whether spent or not can be considered as to whether they are relevant in respect of any proceedings held in respect of an application for the grant, renewal or cancellation of a licence to be a hackney carriage or private hire vehicle driver.

2. General Policy

2.1 Each application will be determined on its own merits.

2.2 A person with a conviction for serious crime need not be permanently barred from obtaining a licence but shall be expected to have remained free of conviction for 3 to 5 years, according to the circumstances of the offence, before an application is granted. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances.

2.3 However the overriding consideration will be the protection of the public, particularly children and vulnerable adults.

2.4 A police caution for violence, dishonesty and drug related offences shall generally be taken into account for a period of 2 years. In all other cases a police caution shall generally be taken into account for a period of 12 months.

2.5 Listed in points 3 - 10 below are some general principles relating to the determination of applications for drivers and operators which shall generally be followed where convictions are disclosed.

2.6 References to convictions include police cautions, warnings, reprimands and issue of fixed penalty notices.

3. Minor Traffic Offences

3.1 Convictions for minor traffic offences such as obstruction, waiting in a restricted street, speeding, etc. shall not prevent a person from proceeding with an application.

3.2 If an existing licensed hackney carriage or private hire vehicle driver applicant accrues 9 or more points in a four year period, or accrues sufficient DVLA penalty points to require a period of disqualification of the applicant's driving licence - a hackney carriage or private hire vehicle driver's licence may be granted after the restoration of the DVLA driving licence, subject to them passing the DSA test.

3.3 New or first time applicants having more than 6 points in a four year period on their DVLA Driving Licence are required to pass the DSA test prior to submitting their application.

4. Major Motoring Offences

4.1 Convictions for motoring offences such as

- reckless driving;
- driving without due care and attention;
- driving with no valid insurance;
- using a motor vehicle in an unfit condition;
- driving whilst disqualified

raise concern as to the applicant's fitness to hold a licence.

A minimum of 3 years shall have elapsed since the incident before such an application will be considered by the Authority. An applicant can, however, request that the application be referred to the Licensing Committee for determination.

4.2 A conviction for causing death by careless driving or by dangerous driving shall result in the application being referred to the Licensing Committee for determination.

5. Drunkenness

5.1 With a motor vehicle

5.1.1 A serious view shall be taken of convictions for driving or being in charge of a vehicle whilst under the influence of alcohol or other substances. A single conviction for these offences raises serious concerns as to the applicant's fitness to hold a licence. At least 3 years should have elapsed since the restoration of the DVLA Driving Licence before such an applicant is considered for a licence.

5.1.2 More than one conviction shall result in the application being referred to the Licensing Committee.

5.1.3 If there is any indication that the applicant is an alcoholic, a medical examination shall be arranged by the applicant, at their expense, with their GP before the application is considered. If the applicant is found to be an alcoholic, a period of 3 years must elapse after treatment is complete before an application can be considered. An applicant can, however, request the application be referred to the Licensing Committee for determination.

5.2 Not in a motor vehicle

5.2.1 An isolated conviction for drunkenness shall not debar an applicant from obtaining a licence. However, a number of convictions for drunkenness could indicate a problem necessitating a medical examination to be arranged by the applicant, at their expense, with their GP at the Authority's request. If the applicant is found to be an alcoholic, a period of 3 years must elapse after treatment is complete before an application can be considered. An applicant can, however, request the application be referred to the Licensing Committee for determination.

6. Drugs

6.1 An applicant with a conviction for a drug related offence shall be required to show a period of at least 3 years free of convictions before an application is considered, or 5 years after the completion of detoxification treatment if an addict. An applicant can, however, request the application be referred to the Licensing Committee for determination.

7. Sexual or Indecency Offences

7.1 Hackney carriage and private hire drivers often carry unaccompanied passengers, including children and vulnerable adults. Applicants with a conviction for indecent exposure, indecent assault, importuning for an immoral purpose, or any sexual offences will normally not be permitted to submit an application until a period of 5 years has elapsed since the offence. More than one conviction of this kind will preclude consideration for 10 years. All such applications would, in any case, be referred to the Licensing Committee for determination.

8. Violence

8.1 As hackney carriage and private hire drivers have close contact with the general public, a serious view shall be taken with applicants who have a conviction for grievous bodily harm, wounding or assault. At least 3 years should have elapsed since the incident before an application is considered. An applicant can, however, request the application be referred to the Licensing Committee for determination.

9. Dishonesty

9.1 Hackney carriage and private hire drivers are expected to be trustworthy. The delivery of unaccompanied property is indicative of the trust that businesses place in licensed drivers. Moreover, it is comparatively easy for dishonest drivers to defraud the public, by demanding more than the normal fare. Overseas visitors, in particular can be confused due to the change in currency. For these reasons a serious view will be taken of any convictions involving dishonesty. At least 3 years should have elapsed since the incident before an application is considered. An applicant can, however, request the application be referred to the Licensing Committee for determination.

10. Other offences and special circumstances

10.1 If an applicant has declared or committed any other offence not listed above or the circumstances of the case justify it, a Licensing Officer may refer it to the Licensing Committee for determination.

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:

1.2 The driver shall be respectably dressed and clean and tidy in appearance.

1.3 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.

1.4 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.

1.5 The driver shall not wilfully or negligently cause or permit the vehicle licence plates to be concealed from public view.

1.6 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.

1.7 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.

1.8 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.

1.9 The driver shall convey a reasonable amount of luggage and provide reasonable assistance in loading and unloading luggage.

1.10 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.

1.11 The vehicle shall be presented in a clean and tidy condition for each journey.

1.12 The private hire vehicle shall only be driven by a licensed Private Hire Driver who has the consent of the proprietor of the vehicle.

1.13 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.

1.14 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 a Licensing 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 7 days, 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 17l 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.

    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 Authorityl which it may not be possible to record on the face of the taximeter.

15.

    (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

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

    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 should be read in conjunction with the other statutory and policy requirements set out in this document.

1 Responsibility to the Trade

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

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

By accepting their licence, the holder is deemed to have accepted the above terms and conditions.

2 Responsibility to Clients

Licence holders shall:

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

3 Responsibility to Residents

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

(a) 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);
(b) keep the volume of music media player media systems and VHF radios to a minimum;
(c) switch off the engine if required to wait; and
(d) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

4 Responsibilities at Ranks and Offices

Licence holders shall:-

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

5 General

Drivers shall:-

(a) pay attention to personal hygiene and dress so as to present a professional image to the public;
(b) be polite, helpful and fair to passengers;
(c) drive with care and due consideration for other road users and pedestrians;
(d) obey all Traffic Regulation Orders and directions at all times;
(e) not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
(f) not drive while having misused legal or taken illegal drugs;
(g) fulfil their responsibility to ensure that adequate rest periods are taken during and after the working day;
(h) not eat in the vehicle in the presence of customers; and
(i) 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 a Licensing Officer/Police Officer.

2.2 Extracts of the records shall be available to be taken away by Licensing Officers/Police Officers.

2.3 All records maintained by the operator shall be kept for at least 12 months after entry and shall be produced for inspection, on request, by any Licensing Officers/Police Officers.

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; and
- 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; and
- 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.

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 Section.

7 Disclosure of Convictions

7.1 The operator shall, within 7 days of conviction, notify the Authority in writing of any conviction 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.

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.

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.

Note: Planning Consent

To operate a private hire business from a residential dwelling, planning permission for such business use may be be required. All applications for an Operator's Licence are forwarded to the Planning Department for their approval.

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 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. Those persons who do not agree with the issue of the points may request an interview to discuss the incident. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Licensing Committee and/or prosecution.

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.

2. Issue of Penalty Points

2.1 Complaints concerning significant breaches of conduct, conditions of licence or policy will be subject to investigation by Licensing Officers and may be reported to the Licensing Committee for the issue of discretionary points.

2.2 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 is 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.

2.3 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.

2.4 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.

2.5 Any appeals regarding the issuing of penalty points will be referred to the Licensing Committee who will have the discretion to award a greater number of points than displayed on the tariff, if the appeal is not upheld. Drivers must appeal, against any points issued by Licensing Officers, to the Licensing Committee within 21 days from the time the points are issued.

2.6 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.

SOUTH KESTEVEN DISTRICT COUNCIL
PENALTY POINT SCHEME

	Offence/Breach of Condition	**Maximum Points Awarded by Authorised Officers**	**Driver**	**Vehicle Proprietor or Operator**
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	Failure to display current vehicle excise licence (tax disc).	4		✓
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 a Licensing 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.	4		✓
12	Using a vehicle whilst subject to a suspension order issued by a Licensing 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	✓	✓

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 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 a Licensing Officer/Police Officer.	6	✓	✓
25	Using a non approved or non-calibrated taximeter.	6	✓	✓
26	Obstruction of Licensing Officer/Police Officer wishing to examine a licensed vehicle.	12	✓	✓
27	Evidence of smoking in 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	✓	
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		✓

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

** Further conditions may be added as the policy is reviewed. Not all offences are listed.

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 7 days 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 bald tyre(s).	4 per tyre	✓	✓
50	Failure to submit Certificate of Compliance to the Authority following the intermediate 6 monthly inspection.	6		✓
51	Failure to display a current licence plate.	4		✓
52	Waiting or stopping on a double yellow line area, bus stop or private land (without the owner's permission) and double parking unless requested by a paying customer present in the vehicle.	3	✓	
53	Failure to comply with any other condition not detailed in the table. ** see above	3	✓	✓
54	Failure to renew driver's licence before expiry.	4	✓	
55	Appeal of points by way of Licensing Committee.	4 - 12	✓	✓

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.

If the matter is referred to the Licensing Committee, the Committee may impose up to 12 points.

APPENDIX K

LOCATION OF HACKNEY CARRIAGE STANDS (RANKS)

Grantham

- St Peter's Hill (opposite the Guildhall Arts centre) – operates 24 hours
- Wharf Road (next to the bus station) – operates 24 hours
- Narrow Westgate/Market Place – operates Monday to Sunday 1900 to 06:00 hrs
- Wide Westgate (opposite Welby Street) – operates Sunday to Friday 1900 to 0700 hrs only
- Railway Station – operates 24 hours – rank not appointed by the Council

Stamford

- Broad Street – operates 24 hours (except Fridays)
- St Mary's Hill (outside Town Hall) – operates 2100 to 0300 hrs

Bourne

- Market Place – operates 24 hours