

**MEMBERS INTERESTS 2012**

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	<b>General</b>		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest <b>because</b> it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/>          <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>          <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 16/7/12) or a pecuniary interest but it relates to the functions of my Council in respect of:  (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.  (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.  (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.  (iv) An allowance, payment or indemnity given to Members  (v) Any ceremonial honour given to Members  (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>	<i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/2/13 – 19/2/17)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

**'disclosable pecuniary interest'** (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

**Interest**

Employment, office, trade, profession or vocation

Sponsorship

**Prescribed description**

Any employment, office, trade, profession or vocation carried on for profit or gain.

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;*

*"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;*

*"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;*

*"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;*

*"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;*

*"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

**'non pecuniary interest'** means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

**'a connected person'** means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

**'body exercising functions of a public nature'** means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

**NB** Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

**PRESENT:** Councillor Devine (Chairman)

Councillors: Dowling Nixon  
Kay Patterson  
Mee Mrs Stephenson  
Ms Melling Wright

Officers: Commercial, Safety and Licensing Manager (Mr P Charlson)  
Principal Solicitor (Mrs K Lovelady)  
Senior Licensing Officer (Mrs S Jordan)  
Member Services Officer (Mrs J Brown)

In attendance: Trainee Solicitor (Ms N Pickford)

**14. APOLOGIES**

Apologies were received on behalf of Councillor McKay.

**15. MEMBERSHIP OF THE COMMITTEE**

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillors Delaney and C Marshall and the appointment of Councillors Dowling and Ms Melling for this meeting only, thereby giving effect to the wishes of the political groups.

**16. URGENT BUSINESS**

There were no items of urgent business.

**17. DECLARATION OF PARTY WHIP**

There were no declarations of Party Whip.

**18. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**19. MINUTES OF SUB-COMMITTEES OR WORKING GROUPS**

There were no Minutes to receive.

**20. MINUTES**

RESOLVED: That the Minutes of the meeting held on 2 June 2015 be received as a correct record and signed by the Chairman.

**21. PUBLIC REQUEST TO LICENCE A VEHICLE THAT DOES NOT MEET THE AGE CRITERIA WITHIN THE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE STATEMENT OF LICENCING POLICY 2013**

Consideration was given to the report of the Assistant Director Community Services as contained on pages 53 to 57 of the Book of Reports, the purpose of which was to consider a request received from a Private Hire Operator to licence a disabled access Private Hire Vehicle that does not meet the age criteria within the Hackney Carriage and Private Hire Statement of Licensing Policy 2013.

The Senior Licensing Officer outlined the report to Members.

The Private Hire Operator attended the meeting and invited Members of the Committee to inspect the vehicle. He outlined the reasons for his request and responded to questions from Members.

RESOLVED: That an exemption be made to the Hackney Carriage and Private Hire Statement of Licensing Policy 2013 in order to grant the request to licence disabled access Private Hire Vehicle GJ58 LPA

**22. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 2 (Identity of an Individual) and Paragraph 7 (Criminal Matters) part 1 of Schedule 12A outweighs the public interest in disclosing the information.

**23. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000205359 (IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000205359 having regard to the offences declared on the Statutory Declaration Form which accompanied the Application Form.

RESOLVED: That Application Number WK/000205359 be deferred for one cycle to allow receipt of the Disclosure Barring Service (DBS) report.

**24. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000201773 (IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000201773 having regard to the offences declared which accompanied the Application Form.

The Applicant attended the meeting and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Application Number WK/000201773 be REFUSED.

(Note: The Officers from Community Services left the meeting as Members considered their decision in this case).

**25. DISCRETIONARY RATE RELIEF APPEAL BY BRITISH HEART FOUNDATION (SECTION 47 LGFA ACT 1988 AMENDED BY SECTION 69 LOCALISM ACT 2011). (FINANCIAL / BUSINESS AFFAIRS - PARAGRAPH 3)**

Consideration was given to the report of the Transformation Manager as contained on pages 67 to 73 of the Book of Reports, the purpose of which was to present an appeal from a business rate payer against a decision to refuse their application for discretionary hardship rate relief under Section 47 LGFA 1988, amended by Section 69 Localism Act 2011, made in respect of their National Non Domestic Rates liability.

The Exchequer Services Manager outlined details of the appeal and report to Members

Representatives on behalf of the British Heart Foundation attended the meeting and presented their case and further responded to questions and comments raised by Members.

RESOLVED: That the appeal against refusal to grant discretionary hardship rate relief be refused in line with the Councils Working Practice.

(Note: The Officers from Revenues and Benefits Services and Community Services left the meeting as Members considered their decision in this case).

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- CHAIRMAN -





**AGENDA ITEM: 8**

**LICENSING & APPEALS  
COMMITTEE: 13 October 2015**

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**Report of: Assistant Director Community Services**

**Relevant Managing Director: Managing Director (People and Places)**

**Contact for further information: Mr Paul Charlson (ext 5246)  
(E-mail: [paul.charlson@westlancs.gov.uk](mailto:paul.charlson@westlancs.gov.uk))**

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**SUBJECT: REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY**

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Wards affected: Borough wide

## **1.0 PURPOSE OF REPORT**

1.1 To approve amendments to the draft Hackney Carriage and Private Hire Licensing Policy Statement prior to public consultation.

## **2.0 RECOMMENDATIONS**

2.1 That the amended draft Hackney Carriage and Private Hire Licensing Policy Statement attached at Appendix 2 to this report be approved.

2.2 That the Assistant Director Community Services be given delegated authority to subject the amended draft Hackney Carriage and Private Hire Licensing Policy Statement to a period of public consultation before returning the document to the Licensing and Appeals Committee for final approval.

## **3.0 BACKGROUND**

3.1 The Council's Hackney Carriage and Private Hire Policy Statement (the Policy) was first approved by this Committee in 2010. It was reviewed and revised in 2013; it received the approval of this Committee on 9 April 2013 and came into force on 10 April 2013. At that time, it was agreed that the Policy would remain in effect for three years, therefore requiring review by 9 April 2016.

## 4.0 ISSUES

4.1 The amended draft Policy is attached at Appendix 2 to this report. For ease of reference all proposed amendments are highlighted; however, Members' attention is drawn to the following:

- *New convictions policy*

Members will be aware of the requirements contained in the Policy that are likely to result in an application (or existing licence holder) being referred to the Committee for determination. The new convictions policy does not amend these requirements, but rather provides the Committee with guidance as to how it may assess those matters when required to make a decision.

The proposed convictions policy is based on a document agreed by Licensing Officer groups across Greater Manchester and [more recently] across Lancashire. It has been developed as a means to promote the consistency and transparency in licensing decisions.

- *Banning of the use of e-cigarettes from licensed vehicles*

Members will be aware that the use of e-cigarettes was prohibited from Council owned buildings in 2014. Officers have received complaints from the public and the licensed trade relating to the use of e-cigarettes in licensed vehicles and so this matter is presented to Members as an option as an attempt to control the use of these products.

For Members' information, the decision to ban e-cigarettes from Council buildings was made for the following reasons:

- The use of e-cigarettes is subject to limited regulation and they are not licensed as a medicine in the UK;
- Given the potential similarities in appearance, it would be difficult to distinguish between a tobacco cigarette and an e-cigarette, making enforcement of the Policies or no smoking legislation problematical;
- There have been issues regarding the safe use of e-cigarettes – for example, there have been reports of fire as a result of USB ports being used to recharge the battery within e-cigarettes;
- It is not appropriate to support a product that normalises the habit and/or practice of smoking (this specifically relates to the way e-cigarettes commonly resemble the appearance of tobacco cigarettes);
- To recognise the importance of the promotion a good role model for children – i.e. the less smoking appears as 'normal behaviour' to a child, the less likely they are to smoke. (It should be noted that whilst there is strong evidence to support the effect of a tobacco smoking role model on influencing a child to smoke, there is no current comparable evidence for the use of e-cigarettes. However, a 2013 Trading Standards Survey of 18,000 young people aged 14-17 years in the North West highlighted that 13% had tried e-cigarettes. This could potentially facilitate a life-long addiction to nicotine and provide a route into smoking tobacco cigarettes).

- *New urgent action procedure*



In certain circumstances it may be necessary for Officers to take urgent action when it comes to the attention of the Council that an existing licence holder has been either accused or convicted of an offence that may bring into question whether he/she is a fit and proper person to hold such a licence. This proposed procedure is for such circumstances where Officers believe that the matter raises concerns as to whether the relevant licence holder should be allowed to continue to operate under their licence and that decision cannot wait until the next scheduled session of this Committee.

- *Revised knowledge test including increased emphasis on licence conditions and controls to safeguard children and vulnerable adults*  
Given that driver licences are now granted for 3 years, it is proposed to revise and strengthen the knowledge test. As well as existing requirement, more emphasis will be placed on the applicant's knowledge of relevant licensing conditions as well as issues relating to the safeguarding of children and vulnerable adults.
- *Revised hearing procedures for new and existing licence holders*  
This Committee uses an established hearing procedure for applications, which had been adapted when considering existing licence holders. The Policy has been amended to provide clear and separate procedures for both new and existing licence holders.
- *Clearer requirements for executive vehicles*  
Proprietors of executive type vehicles licensed as Private Hire vehicles have always been able to seek the permission of the Council to waive certain conditions of licence. Due to increasing numbers of such enquiries, the Policy has been revised to include these requirements explicitly.
- *Private Hire Operator conditions*  
Private Hire Operator conditions have been amended and updated to allow for developments in technology.
- *Implement the requirements of the Deregulation Act 2015*  
Members will be aware of the changes implemented by this legislation on 1 October 2015. The Policy has been amended to reflect these changes, the most notable of which, is to increase the duration of driver and Private Hire Operator licences from 12 months to 3 and 5 years respectively.
- *Extend the Policy review period from three to five years*  
Given that the Policy has been in place since 2010 and is well established, it is proposed to lengthen the period by which the Policy must be reviewed from three to five years.

4.2 If Members approved the amended draft Policy, it is proposed that the document be subject to public consultation that will last from 19 October 2015 to 10 January 2016. During this time, all licensed drivers, vehicle owners and operators will be contacted to make them aware of the amendments and of the need to submit any comments during the consultation period. In addition, information will be posted on the Council's website, in the Licensing reception at Robert Hodge Centre and also in the local press.

- 4.3 Any comments received during the consultation period will be assessed and brought back to this Committee on 2 February 2016. If Members approve the final version of the Policy at that time, it will be implemented from 1 April 2016.

## **5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 5.1 The Policy has the potential to impact upon many areas within the Community. The Licensing Objectives, therefore, has some associations with the Community Strategy, and the proposals have the following links with the Community Strategy: Community Safety (issues A, C and E); Economy and Employment (issue D).

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 No additional financial or other resources are required.

## **7.0 RISK ASSESSMENT**

- 7.1 The Council has a legal duty to administer the Hackney Carriage and Private Hire licensing regime, but not to prepare and operate a Policy document. However, given the complexity of the licensing regime, it is good practice for the Council to formulate and publish relevant policies and standards. Given that Members have already approved the existing Policy, a failure to improve and maintain the requirements of the Policy could result in criticism from the community including statutory bodies, the taxi trade, the travelling public and other interested parties.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

### **Appendices**

1. Equality Impact Assessment.
2. Draft amended Hackney Carriage and Private Hire Policy Statement

## Appendix 1

# Equality Impact Assessment Form



<b>Directorate: People and Places</b>		<b>Service: Community Services</b>	
<b>Completed by: Paul Charlson</b>		<b>Date: 13/10/15</b>	
<b>Subject Title: REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY</b>			
<b>1. DESCRIPTION</b>			
Is a policy or strategy being produced or revised:	Yes	<i>*delete as appropriate</i>	
Is a service being designed, redesigned or cutback:	No		
Is a commissioning plan or contract specification being developed:	No		
Is a budget being set or funding allocated:	No		
Is a programme or project being planned:	No		
Are recommendations being presented to senior managers and/or Councillors:	Yes		
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	No		
Details of the matter under consideration:			
<i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i>			
<i>If you answered <b>No</b> to all the above please complete Section 2</i>			
<b>2. RELEVANCE</b>			
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No	<i>*delete as appropriate</i>	
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to Section 3</i>			
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>			
<b>3. EVIDENCE COLLECTION</b>			
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	All licensed HC & PH drivers and operators.		
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	All sections of the public used licensed HC & PH vehicles, this report relates to the Council's implementation of relevant licensing legislation.		

Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	All licensed HC & PH drivers and operators.
What will the impact of the work being carried out be on usage/the stakeholders?	Revised licence requirements and procedures.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The proposed Policy will be subject to public consultation. Any objections will be brought back to this Committee.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The proposed Policy will be subject to public consultation. Any objections will be brought back to this Committee.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions  <i>If no actions are planned state no actions</i>
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	The proposed Policy will be subject to public consultation. Any objections will be brought back to this Committee.

**WEST LANCASHIRE  
BOROUGH COUNCIL**

**HACKNEY CARRIAGE &  
PRIVATE HIRE**

**STATEMENT OF  
LICENSING POLICY 2016**

## **Introduction**

West Lancashire Borough Council is responsible for licensing Hackney Carriage and Private Hire vehicles, drivers and operators throughout the Borough. In exercising these responsibilities, the Council recognises both the needs of residents and the travelling public to have access to safe, convenient and effective taxi services and the importance of this provision to the taxi trade and local economy.

First introduced on 1st April 2010, and regularly reviewed since that time, this Policy Statement aims to provide clear guidance as to how the Council will discharge these responsibilities. Accordingly, this Policy Statement explains how regulation is achieved and decisions are taken so as to promote a consistent, transparent and proportionate licensing regime.

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## **1.0 Legal Background and Rationale**

- 1.1** The operation of Hackney Carriages and Private Hire vehicles has a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties. West Lancashire Borough Council, acting as the “Licensing Authority” (hitherto referred to as the Authority), under the Local Government (Miscellaneous Provisions) Act 1976, administers this regime and associated legislation.
- 1.2** This Policy Statement sets out the approach the Authority will take in the licensing of Hackney Carriages and Private Hire vehicles, drivers and operators when considering, and making decisions on, applications made under this regime. The Authority will aim to apply this Policy Statement in a consistent manner; however, the Authority may depart from this Policy Statement if it has reason to do so, but will give full justification for such departure.
- 1.3** Nothing in this Policy Statement will undermine the rights of any person to apply for a variety of authorisations under the licensing regime and have the application considered on its individual merits. However the Authority will expect all applications to comply with the requirements set out in this Policy.
- 1.4** This Policy Statement was approved by the Council’s Licensing and Appeals Committee on the 2<sup>nd</sup> February 2016. This Policy Statement shall be effective from the 1<sup>st</sup> April 2016 and shall remain in effect for five three years; therefore this Policy Statement will be reviewed by the 1<sup>st</sup> April 2021. Following this full review of its Policy Statement, and prior to its publication, the Authority will consult fully those groups and individuals consulted on this version.
- 1.5** This Policy Statement will also be kept under review during this three five year period, and accordingly, the Assistant Director Community Services will maintain an ‘Issues Log’ in which all issues pertaining to this Policy Statement will be recorded. Therefore the Authority will make revisions to the Policy Statement at such times as it considers appropriate, for example where relevant issues have arisen, or where matters recorded in the ‘Issues Log’ indicate that that such a review is required.



## **2.0 Scope**

**2.1** This Policy Statement covers the following licences:

- Private Hire Driver
- Private Hire Vehicle
- Private Hire Operator
- Hackney Carriage Driver
- Hackney Carriage Vehicle

**2.2** In this regard, this Policy Statement covers all permissions provided for by the licensing regime in relation to the authorisations detailed in paragraph 2.1, including new applications, transfers and (where required) renewals. This Policy Statement also includes the review (where required) of these authorisations, which could lead to a range of sanctions available to the Authority including, where circumstances require, the revocation of the authorisation. A glossary of the key terms used in this Policy Statement is detailed in Appendix A (page 50).

**2.3** All relevant application forms and guidance can be obtained from the Licensing Service (Appendix T, page 133).

### **3.0 Objectives**

**3.1** In carrying out its functions, the Authority will promote the following objectives:

- The protection of public health and safety
- The preservation of a professional and responsible Hackney Carriage and Private Hire trade
- Access to an efficient and effective public transport service
- The protection of the environment.

**3.2** The aim of the licensing process, in this context, is to regulate the Hackney Carriage and Private Hire trade 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.

**3.3** This Policy Statement recognises the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, which places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. This Policy Statement also recognises that the Council is required to produce a race equality scheme assessing the impact of proposed policies on race equality and to monitor policies for any adverse impact on the promotion of race equality, and this Policy Statement is referenced in this race equality scheme. The Authority, in determining applications, will have regard to this legislation so as to avoid any possible indirect discriminatory impact on particular ethnic groups.

**3.4** This Policy Statement recognises the Equality Act 2010, and this is directly addressed in this Policy Statement.

#### ***Data Protection***

**3.5** As part of the application process, all driver licence applicants are required to provide details of all convictions, cautions, and fines and charges that they may have accrued over time. All such offences should be disclosed regardless of age. The Authority will verify this information by checking the specific declaration with the details held by the Disclosure and Barring Service (DBS) and the Driver and Vehicle Licensing Agency (DVLA).

**3.6** Additional information including, UK or European driving licence, medical examination records and insurance details may also be required. The Authority will handle such data in accordance with the Data Protection Act 1998, the principles laid down by the Information Commissioner's Office and the Council's Data Retention and Disposal Schedule.

**3.7** The data is used as part of the statutory application process to determine whether applicants are a 'fit and proper' person to hold the respective licence. (See Sections 12.0 and 16.0 for more information). This process may include the information being presented to the Council's Licensing and Appeals Committee for determination. For the purposes of the Data Protection Act, the Council is the Data

Controller and the Data Protection Officer is Sylvia Smith, Senior Admin and Electoral Services Officer, who can be contacted on 01695 577177 or [sylvia.smith@westlancs.gov.uk](mailto:sylvia.smith@westlancs.gov.uk)

## **4.0 The Borough of West Lancashire**

**4.1** West Lancashire Borough Council is situated in the County of Lancashire, which contains 12 District Councils and 2 Unitary Councils, and is the most southerly of the Local Authorities within the County. The Borough has a population of 110,700 (National Census 2011) and covers an area of over 34,000 hectares, a large proportion of which is good and versatile agricultural land. The Borough has two market towns: Ormskirk and Burscough, with mainly rural parishes and villages to the north and the former New Town of Skelmersdale to the east.

**4.2** West Lancashire is an attractive area and has a good transport links. The Borough benefits from social, retail and leisure links with the nearby urban areas of Liverpool, Southport, Preston and Wigan. These factors have led to Ormskirk and other parts of the Borough becoming popular areas to live for commuters.

**4.3** The Authority licences approximately 404 Hackney Carriages and 39763 Private Hire vehicles, as well as 2018 Private Hire operators. It also licences approximately 430 drivers to drive Hackney Carriages and 3764 for Private Hire.

**4.4** The Authority seeks to maintain a balance between the needs of the taxi trade operating in its area and the needs of the travelling public. Full consideration has been given to all these issues in formulating this Policy Statement.

**4.5** Accordingly, the Authority is seeking to provide an attractive Borough. By engaging and consulting with the community, the Authority is seeking to:

- Improve the quality of life for all in the Borough
- Improve public transport
- Reduce the levels of crime and disorder
- Promote a strong and sustainable economy
- Aim to reduce levels of poverty and social exclusion in the Borough by developing a more inclusive community
- Help to improve the health and wellbeing of the Borough's residents

## **5.0 Development Process / Consultation**

- 5.1** This Policy Statement has been developed after proper consultation with all interested parties. A period of consultation operated from the 19 October 2015 6<sup>th</sup> February 2013 until the 10 January 2016 3<sup>rd</sup> April 2013, including presentation at the Hackney Carriage and Private Hire Forum on 19<sup>th</sup> February 2013 XXXX 2015. The list of consultees is maintained separately from this Policy Statement and is available from the Licensing Service using the contact details in Appendix T (page 133) or via [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing).
- 5.2** In determining this Policy Statement, the Authority has given regard to Legislation, available guidance and given proper weight to the views of those it has consulted.
- 5.3** This Policy Statement has not been developed in isolation. It has been developed in conjunction with other Lancashire Authorities and takes account of the position in adjoining Authorities, whilst being tailored specifically to the needs of the West Lancashire area.

## **6.0 Integration Strategies**

**6.1** Through the exercise of this Policy Statement, the Authority will ensure that the Licensing Service will endeavour to maintain suitable contacts to ensure the licensing objectives laid out in this Policy Statement are met. This will include regular liaison with those that have a direct impact upon the taxi trade, including:

- Lancashire Constabulary
- Lancashire County Council
- Department for Transport
- Vehicle Operator and Services Agency (VOSA)
- Neighbouring Local Authorities
- The vehicle testing stations contracted to the Council
- The Hackney Carriage and Private Hire Trade Forum

## 7.0 Administration, Exercise and Delegation of Functions

- 7.1** The Authority is involved in a wide range of licensing decisions and functions and the Licensing and Appeals Committee (the Committee) has responsibility for Hackney Carriage and Private Hire licensing. This Committee consists of 105 elected Members and has 1 Chairman and 1 Vice Chairman.
- 7.2** A meeting of Tthe Committee will sit to determine matters of policy, but will routinely hear applications for licences or issues relating to existing licences. In practice, this will mean those applications or licences that have specific issues or problems raised by Licensing Officers that give rise to serious concern that the granting or the continuation of the licence would undermine the objectives stated in Section 3.0this Policy Statement.
- 7.3** Applications and existing licences that are not contested by Licensing Officers are determined under delegation to the Assistant Director Community Services or the Committee. Table 1 summarises this delegation procedure.
- 7.4** All decisions made by either the Committee or the Assistant Director Community Services will be confirmed in writing to the applicant or licence holder forthwith.

**Table 1 - Delegations**

Matter to be dealt with	Delegated authority to:	
	Assistant Director Community Services (ADCS)	Licensing & Appeals Committee
Application for Private Hire/Hackney Carriage driver licence	Power to grant, unless applicant fails knowledge test when ADCS can refuse application	If ADCS mindful of refusal based on the requirements of this Policy Statement
Application for Private Hire/Hackney Carriage vehicle licence	Power to grant only unless vehicle fails testing requirements	If ADCS mindful of refusal based on the requirements of this Policy or for approval of new type of Hackney Carriage
Application for Private Hire Operator licence	Power to grant only	If mindful of refusal based on this Policy Statement
Revocation of Private Hire/Hackney Carriage driver licence	Urgent circumstances	All cases, unless urgent circumstances
Suspension of Private Hire/Hackney Carriage driver licence	Urgent circumstances	All cases, unless urgent circumstances
Refusal to renew Private Hire/Hackney Carriage Driver licence	Renew “without prejudice” to any action the Committee may take, unless application not accompanied by an appropriate Disclosure and Barring Service disclosure form, when ADCS can refuse	All cases

	to renew the application	
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**Table 1 – Delegations (continued from overleaf)**

Revocation of Private Hire vehicle/Hackney Carriage licence	Power to grant only Urgent circumstances	All cases, unless urgent circumstances
Suspension of Private Hire vehicle/Hackney Carriage licence	Power to grant only Urgent circumstances	All cases, unless urgent circumstances
Refusal to renew Private Hire vehicle/Hackney Carriage licence	Renew “without prejudice” to any action the Committee may take	All cases
Revocation of Private Hire Operator licence	Power to grant only Urgent circumstances	All cases, unless urgent circumstances
Suspension of Private Hire Operator licence	Power to grant only Urgent circumstances	All cases, unless urgent circumstances
Refusal to renew Private Hire Operator licence	Renew “without prejudice” to any action the Committee may take	All cases
Section 68 Suspension (Stop Notice)	All cases	-
Section 68 Suspension (Stop Notice) – power to suspend for 7 days	All cases	-
Section 50 Production Notice (insurance certificate)	All cases	-
Section 50 Production Notice (vehicle licence)	All cases	-
Section 53 Production Notice (driver licence)	All cases	-
No vehicle excise licence	All cases	-
Applications for exemption under Section 166 of the Equality Act 2010 (wheelchair exemptions)	To assess the application and power to grant only	If ADCS mindful of refusal based on the requirements of this Policy Statement
Applications for exemption under Section 169 of the Equality Act 2010 (assistance dogs exemptions in Hackney Carriages)	To assess the application and power to grant only	If ADCS mindful of refusal based on the requirements of this Policy Statement
Applications for exemption under Section 171 of the Equality Act 2010 (assistance dogs exemptions in Private Hire vehicles)	To assess the application and power to grant only	If ADCS mindful of refusal based on the requirements of this Policy Statement



## **8.0 Committee Hearings and Decisions**

### ***General***

**8.1** Committee hearings are arranged to determine any applications or existing licences that cannot be dealt with under delegated powers. All matters presented to the Committee will be in the format of a written report, of copy of which will be provided to the applicant or licence holder no later than 10 days before the Committee meeting.

**8.2** Each case will be determined on its individual merits and the Authority will give appropriate weight to:

- The Legislation
- The information provided by all parties to the hearing
- Available guidance
- This Policy Statement

**8.3** Unless an urgent matter requires determination, hearings will be held at set dates throughout the year and published on [www.westlancs.gov.uk](http://www.westlancs.gov.uk) Applicants and licence holders should therefore note that there may be a delay before their application can be determined by Committee. The Committee will conduct a quasi-judicial consideration of the application based upon the evidence presented. The business of the Committee is dictated by the number of matters presented for determination at that time. Accordingly, the duration of each session can vary and a delay may be incurred before each matter can be heard.

**8.4** A legal advisor, advocate or a friend may represent any applicant or licence holder, where such individuals choose not to represent themselves. Accordingly, in an effort to assist all parties when preparing for and participating in a hearing, the Authority has prepared two hearing procedures (Appendix J, page 82 (applicants) and Appendix K, page 84 (existing licence holders)). These procedures will be adhered to in all hearings, a relevant copy of which will be provided to all parties in advance of the hearing.

**8.5** Unless determining matters of policy, the Committee will usually meet in private to protect the personal and sensitive information relating to each applicant. To ensure impartiality, all Officers (apart from the Council's legal advisor and the Member Services Officer) are absent during the decision making process.

**8.6** Applicants and licence holders will normally be informed of the decision of the Committee on the day after the hearing, whereupon a written copy of the decision will be provided to the applicant. The decision determined by the Committee will be accompanied with clear reasons for the decision.

**8.7** To make a fair decision, it is important that the Committee is aware of all of the facts relating to any given case. Accordingly, the Committee will need to understand why the applicant feels that they should be granted a licence or why an existing licence holder should keep their licence in the face context of the matters brought to the Committee's attention. Therefore, the aforementioned

hearing procedures will ensure that the applicants and licence holders are given every opportunity to present suitable and sufficient evidence to support their case that they be granted a licence.

### ***Ex-parte hearings***

**8.10** Where sensitive information is received relating to an applicant or existing holder of a Hackney Carriage, Private Hire driver licence or Private Hire operator licence, an assessment will be made as to whether the hearing will be held ex-parte. This assessment will take account of the nature of the information and balance the right of a fair hearing against whether or not it is in the public interest to hold the hearing ex-parte.

### ***Urgent action relating to existing licence holders***

**8.8** In certain circumstances it may be necessary for the Assistant Director Community Services to take urgent action when it comes to the attention of the Council that an existing holder of a Hackney Carriage driver licence, Private Hire driver licence or Private Hire operator licence has been either accused<sup>1</sup> or convicted<sup>2</sup> of an offence that may bring into question whether he/she is a fit and proper person to hold such a licence.

**8.10** In such cases, the Assistant Director Community Services will follow the urgent action procedure (Appendix L, page 86).

**8.9** Similarly, in certain circumstances it may be necessary for the Assistant Director Community Services to take urgent action in relation to a Hackney Carriage licence or Private Hire vehicle licence. Such circumstances may include where the vehicle is alleged to have been involved in criminal activity. Where such action is needed, this shall follow the principles of the urgent action procedure (Appendix L, page 86).

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<sup>1</sup> Leeds CC v Hussain CO/1376/2002

<sup>2</sup> Section 61 of the Local Government Miscellaneous Provisions Act 1976

## 9.0 Compliance

9.1 Once licensed, it is essential that all drivers, and vehicles and operators comply with the conditions of licence and appropriate legislation. Well directed enforcement activity benefits not only the public, but also the responsible people in the Hackney Carriage and Private Hire trades. Therefore, the Authority will make arrangements to monitor drivers, and vehicles and operators and take appropriate enforcement action. Enforcement visits will therefore be carried out as a response to a complaint(s) or as part of a proactive targeted initiative.

9.2 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. In pursuance of its objective to preserve responsible Hackney Carriage/Private Hire businesses, the Authority shall operate a firm but fair enforcement regime. To balance 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 3.0 of this Policy Statement. However, where issues arise that require immediate action defects are such that vehicles need to be immediately prohibited, a significant impact on the licence holder's livelihood interference is inevitable.

9.3 Where enforcement action becomes necessary, it will be taken in accordance with the Community Services Enforcement Policy which is available from the Assistant Director Community Services, at the address given in Appendix T (page 133). To this end, the key principles of consistency, transparency and proportionality will be maintained.

9.4 The following details the options are available to the Authority when considering enforcement issues:

- **Warnings**

In respect of minor breaches of licence conditions the Authority shall issue a written warning as may be appropriate to the circumstances.

- **Production of relevant documentation**

An authorised officer may issue a document production notice to require a vehicle proprietor to produce certain documentation upon request, for example, driving licence or proof of insurance. Any failure to produce the requested documentation within the time stipulated on the notice may result in prosecution.

- **Suspension of vehicle licences**

Licensed vehicles shall be kept at all times in a safe, tidy and clean and reasonably efficient condition. Compliance with the vehicle specifications and conditions of licence is essential and will be enforced by periodic, random vehicle inspections by the Authority.

- **Condition notices**

Where it is found that any vehicle is not being properly maintained, a Condition 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. However, failure to comply with the requirements of the notice may result in the vehicle licence being suspended automatically.
- **Stop notices**

Where it is found that any vehicle is not being properly maintained and/or defect(s) in the vehicle put public safety at risk, a Stop Notice shall be served on the vehicle proprietor who must have the vehicle repaired and then produce to the Authority a Stop Notice Response Form issued by the testing station. The further use of the vehicle will be suspended until the defects have been remedied. The suspension will then 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.
- **Suspension of driver licences**

The Authority may suspend a driver's licence for a specified period. Such action will, however, only normally be taken after a hearing before the Committee.
- **Revocation and suspension of licences**

Unless action is taken under the urgent action procedure (Appendix L, page 86), Where a licence holder has been referred to the Committee, the Committee may order the revocation or suspension of the licence. Such action may be taken with immediate effect dependent upon the individual circumstances of the case.
- **Refusal to renew**

Where a properly-made application for renewal has provided evidence which is sufficient for Officers to be mindful to refuse to renew the licence, the application will be renewed by Officers without prejudice and the matter determined by the Committee.
- **Prosecution**

The Authority shall prosecute licence holders for relevant offences in accordance with the statutory Regulators Compliance Code and its own Enforcement Policy.

## **Complaints**

- 9.5** The Authority has a complaints procedure whereby the general public can submit complaints about licensed drivers and operators and details are included in Appendix M (page 88).

## **10.0 Appeals**

**10.1** Following a hearing, the Authority will notify the applicant or licence holder of the decision. This will be done in writing [normally] on the morning of the next working day following the Committee meeting.

**10.2** There is a right of appeal against the decision. An appeal would normally be lodged with the Justices' Chief Executive of the South West Lancashire Magistrates' Court within a period of 21 days, beginning from the day on which the Authority notified the applicant of the decision (i.e. the day after the hearing).

**10.3** On determining an appeal the Magistrates' Court may:

- Dismiss the appeal
- Substitute for the decision any other decision which could have been made by the Authority
- Remit the case to the Authority to dispose of it in accordance with the direction of the Court
- Make such order as to costs as it thinks fit

**10.4** As soon as the decision of the Magistrates' Court has been made, the Authority will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example as a result of a judicial review).

## **11.0 Fees**

- 11.1** The Legislation provides that fees charged to applicants should be sufficient to cover the costs of the application process and [where permitted by legislation] inspecting the vehicles, providing Hackney Carriage stands (taxi ranks) and administering the regulation of, and provisions for, of the Hackney Carriage and Private Hire trades.
- 11.2** Fees for any given year are set from the 1<sup>st</sup> April. A schedule of the proposed fees for any given year will be advertised in the local press and any comments received will be presented to the Committee for determination. Details of current licence fees are available at [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing)
- 11.3** The appropriate fee must be paid when any application is submitted. All fees are not eligible for refund. In exceptional cases fees may be refunded, but this will be done with the consent of the Commercial, Safety and Licensing Manager.
- 11.34** The preferred method of payment is by debit/credit card. (Note: a charge may be levied for some debit/credit card transactions). Payment by cheque or postal order is accepted only in exceptional circumstances. Cash payments are not accepted.

## **12.0 Private Hire Drivers**

**12.1** The statutory and practical criteria and qualifications for a Private Hire driver are broadly identical to those for a Hackney Carriage driver; however this Section specifically details the requirements for Private Hire drivers. , whereas the following Section details tThe requirements for Hackney Carriage drivers are provided in Section 16 (page 35).

**12.2** All applications must be made in the prescribed form and accompanied by the respective fee (see Section 11 for more information on application fees).

### ***Licences***

**12.3** This Authority requires that separate driver’s licences be held in respect of Hackney Carriage and Private Hire vehicles. Licences shall be issued for a maximum period of 3 years. 12 months (Application procedures are set out in Appendix N, (page 89). The following will be required as part of an application:

- Applicant must be at least 21 years of age
- Applicant must hold a full UK or European driving licence for at least 3 years
- A completed statutory declaration (see below)
- A Disclosure and Barring Service (DBS) enhanced disclosure, required on application and every three years thereafter if subsequent renewal applications are made
- A Driver and Vehicle Licensing Agency (DVLA) licence history, required on application and every three years thereafter if subsequent renewal applications are made.
- A completed medical examination form supplied by the Authority and completed by the applicant’s own general practitioner or medical practice (see paragraphs 12.9-12.11). The medical practice is likely to make a charge for this service.

### ***Foreign drivers***

**12.4** There are additional requirements for applicants from European Economic Area Countries and worldwide, which would include Certificates of Conduct from a relevant embassy. Please contact the Licensing Service using the details provided at Appendix T (page 133) for further information.

### ***Driver knowledge tests***

**12.5** The Authority considers it necessary for Private Hire drivers to know the area.

**12.6** In order to assist the Authority in determining the fitness of an applicant to hold a Private Hire driver’s licence, applicants are required to undertake a knowledge test. The test consists of 2 parts; the first part will challenge the applicant’s knowledge of the highway system in West Lancashire and the second part will test will the applicant’s knowledge of:

- Basic English language and numeracy
- Relevant licence conditions

- UK motoring law and good practice
- Customer care and
- Disability awareness
- Controls required to protect children and vulnerable adults.

**12.7** SeveralFive questions in the second part of the test are mandatory, which if any are answered incorrectly, will result in a failure of the entire test.

**12.8** An applicant must pass the knowledge test within 28 days of the date of the relevant DBS disclosure. Applicants that fail a test must pay a resit fee prior to the test date.

### ***Driving proficiency***

**12.9** The Driving Standards Agency (DSA) provides a driving assessment specifically designed for both Private Hire and Hackney Carriage drivers. This Authority believes that the standard DVLA driving test provides sufficient evidence of driving competency for drivers of Private Hire and Hackney Carriage vehicles in West Lancashire. It is considered that introducing a requirement that drivers pass the specific DSA test would not produce benefits, which are commensurate with the costs involved. However, this matter will be kept under close review.

### ***Driver qualification***

**12.10** At present there are no additional requirements for driver qualification. The Authority wishes to support drivers so they can offer a high standard of service throughout the Borough. Whilst this matter will be kept under close review, if minded to do so, the Authority would consider the introduction of a requirement for all licensed drivers to hold an approved driver qualification (for example, NVQ and/or BTEC).

### ***Medical examination***

**12.10** The Authority requires Group 2 Standards of Medical Fitness to Drive, as applied by DVLA to the licensing of lorry HGV and bus drivers, as the appropriate standard for licensed Private Hire drivers.

**12.11** Applicants are required to undertake a medical examination on application then on their 45<sup>th</sup> birthday and every 5 years until the age of 65 (i.e. on the driver's 50<sup>th</sup>, 55<sup>th</sup>, 60<sup>th</sup> and 65<sup>th</sup> birthdays) where upon an annual examination is required. Medical examinations must be conducted by the applicant's own general practitioner or medical practice. In exceptional circumstances, the applicant may be directed to the Council's independent medical advisor. Medical examinations must be completed on the renewal of the licence immediately before the driver reaches their 45<sup>th</sup>, 50<sup>th</sup>, 55<sup>th</sup>, 60<sup>th</sup> and 65<sup>th</sup> birthday.

**12.12** Licence holders shall advise the Authority of any deterioration in their health that may affect their driving capabilities. 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. Where there remains any doubt about the fitness of any applicant, the Committee will review the medical evidence and make any final decision in light of



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

### **Disclosure and Barring Service (DBS) disclosures**

**12.13** A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the DBS is required as these disclosures include details of convictions, Police Cautions and other relevant information. The Authority is an approved DBS body; therefore, applicants will deal with the DBS through the Authority and will be charged an appropriate fee.

**12.14** The Authority is bound by rules of confidentiality, and will not divulge information obtained to any third parties, unless in accordance with the Data Protection Act 1998. Only the applicant for a DBS enhanced disclosure will be sent a separate disclosure report to their home address from the DBS, while the Authority will not also receive a copy of the report. It is the responsibility of the applicant to provide the DBS enhanced disclosure report to the Authority. The Authority will not process an application where this report is not provided by the applicant.

**12.15** Whilst it is the responsibility of the applicant to ensure the DBS Disclosure form is correctly completed, Licensing Officers will check to accuracy of completed forms before they are sent to the DBS for processing. The DBS places very stringent controls on the Authority with regard to the accurate completion of Disclosure forms and therefore drivers should be aware that incorrectly completed forms may delay their application as they will not be accepted by the Authority.

**12.16** No application shall be processed where the DBS Enhanced Disclosure is older than one month. Furthermore, DBS Disclosures are not transferable from one agency to another. For example, a Disclosure undertaken as part of an application with another Local Authority will not be accepted by this Authority.

### ***Relevance of convictions, cautions etc. for applicants***

**12.17** In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merits. It will take account of the details of the DBS enhanced disclosure report, but only in so far as they are relevant to an application for a licence. When deciding what action is appropriate, the Committee will have regard to the Policy provided at Appendix S (page 115). The Committee need only consider an evidential argument that the applicant is not a fit and proper person on the 'balance of probabilities', rather than 'beyond reasonable doubt'. Accordingly, the Committee is not restricted to taking action only where an applicant has been convicted of an offence. The Committee may also take account of formal cautions, criminal charges, police intelligence or any other material provided during the application process.

**12.18** Accordingly, upon receipt of an DBS Enhanced Disclosure report from the applicant, Licensing Officers will assess whether any or all of the conviction(s) and/or 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. Licensing Officers will only bring a case before the Committee where the number and/or nature of the convictions, formal cautions and/or other

information relating to against the applicant raise doubts as to whether that individual is a fit and proper person to hold the respective driver licence.

**12.19** Whilst each case is determined on its merits, the following matters would be likely to result in an application being presented to the Committee for determination:

- Any convictions and/or formal cautions for serious offences, for example theft, burglary etc. within the 20 year period prior to the date of application
- Any convictions and/or formal cautions for violence or threats of violence, for example assault, grievous bodily harm, wounding etc. within the 20 year period prior to the date of application
- Any convictions and/or formal cautions for sexual and/or indecency offences
- Any convictions for serious aggravated offences, for example manslaughter, murder etc.
- Any convictions and/or formal cautions for drunken and/or disorderly behaviour (including such offences involving a motor vehicle) within the 20 year period prior to the date of application
- Any convictions and/or formal cautions for dealing, possession and/or use of drugs (including such offences involving a motor vehicle) within the 20 year period prior to the date of application
- Any convictions and/or formal cautions for deception and/or fraud within the 20 year period prior to the date of application
- Any convictions and/or formal cautions for serious traffic offences, for example driving without due care and attention, driving without insurance, driving whilst driving licence is disqualified within the 20 year period prior to the date of application
- Any convictions and/or formal cautions for lesser traffic offences, for example speeding and parking offences, were the number of points accrued on the applicant's driving licence is 9 or higher at the time of application
- Any convictions and/or formal cautions where sufficient points have been accrued resulting in a period of disqualification of the applicant's driving licence within the 20 year period prior to the date of application
- Any convictions and/or formal cautions that demonstrate a pattern of unacceptable behaviour, for example a series of speeding offences
- Any other conviction and/or formal caution and/or other matter that would suggest that the applicant is not a fit and proper person to hold the respective licence

**12.20** All reports are scrutinised by the Commercial, Safety and Licensing Manager and a representative of the Council's legal service to ensure compliance with this Policy Statement and to ensure a consistent approach is taken.

### ***Statutory declaration***

**12.21** The Rehabilitation of Offenders Act 1974 does not apply to applicants for Private Hire drivers' licences. Therefore all applicants are required to disclose all convictions and/or cautions. This means the applicant must disclose each and every conviction and/or caution recorded against them during their lifetime on initial application and then on every subsequent renewal application.

**12.22** Where an applicant fails to declare any convictions and/or cautions this may result in prosecution or referral to the Committee, or both. For renewal applications only: if an applicant fails to declare any convictions and/or cautions that have already been declared on a previous renewal application, they will be issued with a written warning on one occasion only. If the same applicant fails to declare any convictions and/or cautions on any subsequent renewal application following the issue of a written warning, this may result in prosecution or referral to the Committee, or both.

***Convictions, and/or formal cautions or other matters during period of licence***

**12.23** Where offences, leading to conviction, formal caution and/or charge, 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.

**12.24** Accordingly, drivers who are convicted, cautioned and/or charged for any criminal or motoring offence during the currency period of their licence, must disclose the conviction, caution and/or charge as well as any penalty imposed in writing to the Authority without delay, and in any event within 7 days. As criminal records are not being checked upon renewal, it is vital that this requirement is strictly adhered to. [For these purposes a fixed penalty motoring offence amounts to a conviction].

**12.25** If a licensed driver ceases to have a valid DVLA driving licence then their Private Hire driver's licence issued by this Authority shall be deemed invalid.

**12.26** Where any driver fails to notify the Authority of any convictions and/or formal cautions this may result in prosecution or referral to the Committee, or both.

**12.27** The same requirements detailed in paragraph 12.17 shall apply. Where the Council is made aware of any matter that would question a driver's on going status as a fit and proper person this may result in prosecution or referral to the Committee, or both.

Drivers will be referred to Committee on the basis set out in paragraph 12.18.

***Renewal of licences***

**12.286** The Authority will endeavour to issue a 'reminder' to all existing licence holders that their licence(s) are due for renewal – this will normally be 28 days prior to expiry. Application forms, appropriate fees, and supporting documentation (as set out in Appendix N, page 89), shall be produced at the Licensing Office. However, it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

**12.2927** Licences will not be renewed after expiry. If a licence holder fails to renew their licence on or before the respective expiry date, the licence will lapse and become invalid. Licence holders should note that if they allow their licence to expire, they will be required to make a new application in full. This will obviously incur a potentially significant time delay and therefore the cost implications of failing to

renew a licence could be significant. Licence holders are therefore strongly advised to ensure that they renew their licences prior to the expiry date. If the licence holder is aware of any reason that they may not be able to renew their licence before expiry, they must inform the Licensing Service immediately.

### ***Conditions of licence***

**12.3028** The Authority is empowered to attach conditions to a Private Hire driver's licence as are considered necessary.

**12.3129** The Authority considers that the conditions of licence as set out in Appendix F (page 75) are reasonable, necessary and appropriate for all licensed Private Hire drivers.

### ***Code of conduct***

**12.320** The standards expected of licensed drivers are set out in the Code of Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this Policy Statement. The code is attached at Appendix G (page 78).

**12.33** In line with relevant legislation, the Code of Conduct contains a requirement that prohibits drivers from smoking in the vehicle. This legislation applies equally to passengers using the vehicle. In a similar manner, and to protect both the driver and passengers, the use of electronic cigarettes (or similar devices) is also prohibited in licensed vehicles.

### ***Dress code***

**12.341** Anything that serves to enhance the professional image of the Private Hire trade, and promotes the concept that drivers of licensed vehicles are vocational drivers is to be welcomed. Accordingly, the dress code set out in Appendix H (page 80) shall be adhered to by all drivers.

### ***Assistance to passengers in wheelchairs***

**12.352** Once enacted, Section 165 of the Equality Act 2010 places duties on drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles.

**12.363** The duties under Section 165 are:

- To carry the passenger while in the wheelchair
- Not to make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat to carry the wheelchair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance as is reasonably required

**12.374** Section 167 of the Equality Act 2010 allows the Authority to maintain a list of "designated vehicles" - i.e. a list of wheelchair accessible Hackney Carriages and Private Hire vehicles licensed in its area. The consequence of being on this list is that the driver must undertake the duties detailed in Section 165.

- 12.385** Once enacted, Section 167 of the Equality Act 2010 will give the list of designated vehicles statutory effect. Any owner of a designated vehicle has the right to appeal against the Authority’s decision to include his or her vehicle on the list. The appeal will be heard by the Magistrates’ Court. Appendix Q (Page 95) lists those vehicles that the Authority has stipulated as “designated vehicles” under Section 167 of the Equality Act 2010.
- 12.3936** Section 166 of the Equality Act 2010 allows the Authority to exempt drivers from the duties to assist passengers in wheelchairs, but only if they are satisfied that it is appropriate to do so on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.
- 12.4037** Section 166 commenced on the 1<sup>st</sup> October 2010. Drivers of designated wheelchair accessible Hackney Carriages or Private Hire vehicles can apply for exemption from this date.
- 12.4138** The Authority will assess applications for exemption certificates in line with Regulations and this Policy Statement. If granted, the Authority will provide the driver with an Exemption Notice which must be displayed in the vehicle. If an application for exemption is refused, the applicant has the right of appeal to the Magistrates’ Court.

#### ***Guide dogs and assistance dogs***

- 12.4239** Sections 168 to 171 of the Equality Act 2010 address the carriage of guide dogs and other assistance dogs. Under this legislation, Hackney Carriage and Private Hire vehicle drivers (and Private Hire vehicle Operators) have a duty to accept assistance dogs. [Note: from 1<sup>st</sup> October 2010, these Sections repeal the relevant Sections in the Disability Discrimination Act 1995].
- 12.430** The change is a technical one rather than having any practical implications and there are no new or additional requirements that drivers (and Private Hire vehicle operators) will need to do in relation to assistance dogs. The existing obligations will carry on after 1<sup>st</sup> October 2010, but simply under different legislation.
- 12.441** This process is designed to ensure a smooth transition from the assistance dogs provisions in the Disability Discrimination Act 1995 to those contained in the Equality Act 2010. Therefore, the legislation will ensure that:
- The Exemption Notice Regulations (i.e. the Disability Discrimination Act 1995 (Hackney carriages)(i) (Carrying of Guide Dogs etc.) (England and Wales) Regulations 2000 (SI2000/2990) (as amended) and The Disability Discrimination Act 2003 (Private Hire Vehicles) (Carriage of Guide Dogs etc.) (England and Wales) Regulations 2003 (SI 2003/3122) (as amended)) made under Sections 37 and 37A of the Disability Discrimination Act 1995 will continue to have effect – as though they had been made under the Equality Act 2010
  - Hackney Carriage and Private Hire vehicle drivers who are already exempt from the duty to carry guide/assistance dogs can continue to rely on their certificate

of exemption issued by the Council even though the certificate refers to the Disability Discrimination Act 1995

- The Authority will continue to be able to issue certificates to drivers who are exempt from the duty to carry guide/assistance dogs even though the certificates say “issued under Section 37 or 37A of the Disability Discrimination Act 1995” on them. The certificates are now deemed to have been issued under the Equality Act 2010
- The Authority will continue to be able to issue the yellow Exemption Notices provided by the DFT which exempt drivers must display on their vehicles (and exempt drivers will continue to be able to display them), even though the Notices refer to the Disability Discrimination Act 1995.

**12.452** The Authority will assess applications for exemption certificates in line with Regulations and this Policy Statement. If granted, the Authority will provide the driver with an Exemption Notice which must be displayed in the vehicle. If an application for exemption is refused, the applicant has the right of appeal to the Magistrates’ Court.

***Independent Safeguarding Authority (ISA)***

**12.43** Those persons regularly working with children or vulnerable adults in certain settings – “regulated activity” - may also have to be vetted by the ISA. Accordingly, additional checks may be required as part of the application. Contact should be made with the Licensing Service, using the details in Appendix P Contact Details (page 105), who will be able to provide more information.

## **13.0 Private Hire Vehicles**

### ***Limitation of numbers***

**13.1** No powers exist for Licensing Authorities to limit the number of Private Hire vehicles that they licence.

### ***Specifications and conditions***

**13.2** Local Authorities have a wide range of discretion over the types of vehicle that they can licence as Private Hire vehicles. Government guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible and encouraged to make use of the “type approval” rules within any specifications they determine. Accordingly, the Council will require European Whole Vehicle Type Approval for all new licensed vehicles.

**13.3** The Authority shall impose such conditions, as it considers reasonably necessary, on 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.

**13.4** Appendix B (page 51) sets out the specification and minimum standards in respect of Private Hire vehicles.

**13.5** Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers shall be accepted, provided that there is compliance with the specification applicable to such vehicles.

### ***Accessibility***

**13.6** 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. It fully supports the view of the Equality and Human Rights Commission that,

*“Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible.”*

**13.7** For this reason, the Authority considers it important that people with disabilities have access to all forms of public transportation and encourages Private Hire operators and drivers to use vehicles that will assist those passengers with mobility difficulties.

**13.8** It is arguable that different accessibility considerations should apply between Hackney Carriage and Private Hire vehicles in that Hackney Carriages can be hired directly in the street or at a Hackney Carriage stand (“taxi rank”), by the customer dealing directly with a licensed driver. However, Private Hire vehicles can only be booked through a licensed Private Hire operator, normally by telephone or by

visiting a Private Hire operator office. It is, therefore, considered particularly vital that a person with disabilities should be able to hire a Hackney Carriage on the spot with the minimum delay or inconvenience and requiring that all Hackney Carriages are accessible achieves that aim.

**13.9** The Private Hire trade should be aware of a good practice guide produced by the Equality and Human Rights Commission, as drivers have a duty under the Equality Act 2010 to ensure disabled people are not discriminated against or treated less favourably.

**13.10** Section 167 of the Equality Act 2010 allows the Authority to maintain a list of “designated vehicles” - i.e. a list of wheelchair accessible Hackney Carriages and Private Hire vehicles licensed in its area. The consequence of being on this list is that the driver must undertake the duties detailed in Section 165 of the Equality Act 2010 see paragraphs 12.34-12.44.

**13.11** Once enacted, Section 167 of the Equality Act 2010 will give the list of designated vehicles statutory effect. Any owner of a designated vehicle has the right to appeal against the Authority’s decision to include his or her vehicle on the list. The appeal will be heard by the Magistrates’ Court. Appendix Q (Page 95) lists those vehicles that the Authority has stipulated as “designated vehicles” under Section 167 of the Equality Act 2010.

#### ***Maximum age of vehicles***

**13.12** The Authority shall consider how far its Policy can and should support any local environmental initiatives by future initiatives such as setting vehicle emissions standards or promoting cleaner fuels, as well as ensuring a modern standard and aesthetic of its licensed vehicles.

**13.13** Vehicles manufactured prior to 1994 do not have to meet emission limits designed to improve air quality. Therefore, in the interests of improving air quality, any application for the renewal of a Private Hire vehicle licence, shall, where the vehicle in question is more than 15 years old, be refused.

**13.14** All vehicles licensed under a new application must be a maximum of 6 years old and, if compliant with the requirements for licence, shall therefore be granted a vehicle licence until the age of 15 years, whereupon the vehicle must be replaced with one of a maximum age of 6 years. If a vehicle is replaced at any time, this must be with one a minimum of 3 years younger than the current licensed vehicle. However, if a vehicle is replaced at any time for reasons that are beyond the control of the driver, for example as of the result of criminal damage, this must be with one no older than the previously licensed vehicle.

#### ***Vehicle testing***

**13.15** Private Hire vehicles shall be 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.



- 13.16** As the term implies, Private Hire vehicles are used for reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required. This Policy Statement considers the MOT Inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA as the basic inspection standard for Private Hire vehicles. However, the standards contained in the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 96) are in addition to those in the MOT Inspection Manual. Therefore, when assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the Hackney Carriage and Private Hire vehicle test.
- 13.17** All Private Hire vehicles must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual - Car and Light Commercial', ISBN 0-9549239-0-1 as amended and the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 96).
- 13.18** The purpose of the Private Hire vehicle test is to confirm vehicles meet the more stringent standards set out in this Policy Statement. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. It is an offence under the Road Traffic Regulations to use an unroadworthy vehicle on the public highway. Private Hire drivers/operators who fail to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended, curtailed or revoked by the Council.
- 13.19** The inspection regime for vehicles has not been designed to create difficulties for the Hackney Carriage and Private Hire trades, but it is primarily to promote vehicle safety for the protection of passengers and not for the benefit of operators. The Council therefore considers the inspections requirements to be justified by the risks it aims to address.

### ***Signage and advertising***

- 13.20** It is important that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire vehicle. Private Hire vehicles shall not display roof-mounted signs of any description.
- 13.21** Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. All licensed vehicles, except those Private Hire vehicles deemed Prestige Vehicles by the Authority shall display plates on the rear of the vehicle.
- 13.22** Private Hire vehicles shall display door signs provided to the specification set out in the conditions of licence.
- 13.23** Vehicles shall not be allowed to display or written or other material on any window with the exception of those permitted by the conditions of licence.

- 13.24** Private Hire vehicles shall generally not be allowed to display or advertise written or other material on its bodywork. However, express permission may be obtained on a case by case basis.

### ***Security/CCTV***

- 13.25** The Private Hire trade provide a valuable public service particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. CCTV can be a valuable deterrent as well as protection for the driver from unjustified complaints.
- 13.26** It is not proposed that such measures such as CCTV should be required, as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. The Private Hire trade is, however, encouraged to consider the installation of CCTV in their vehicles on a voluntary basis.
- 13.27** 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. It is recommended that a minimum of 2 warning signs should be displayed prominently inside vehicles 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.

### ***Application procedures***

- 13.28** The application procedures for a Private Hire vehicle licence are not prescribed but shall be made on the specified application form in accordance with the application procedure set out in Appendix N (page 89).

### ***Consideration of applications***

- 13.29** 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.

### ***Renewal of licences***

- 13.30** The Authority will endeavour to issue a 'reminder' to all existing licence holders that their licence(s) are due for renewal – normally 28 days prior to expiry. Application forms, appropriate fees, and supporting documentation, as set out in Appendix N (page 89), shall be produced at the Licensing Office. However, it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.
- 13.31** 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 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.
- 13.32** Licences will not be renewed after expiry. If a licence holder fails to renew their licence on or before the respective expiry date, the licence will lapse and become

invalid. Licence holders should note that if they allow their licence to expire, they will be required to make a new application in full. This will obviously incur a potentially significant time delay, and dependent upon the age of the existing vehicle, it may require a change in vehicle to meet the age requirements set out in this Section. The cost implications of failing to renew a licence could therefore be significant, and licence holders are therefore strongly advised to ensure that they renew their licences prior to the expiry date. If the licence holder is aware of any reason that they may not be able to renew their licence before expiry, they must inform the Licensing Service immediately.

### ***Environmental considerations***

**13.33** Private Hire and Hackney Carriage vehicles are an essential form of transport in the West Lancashire area. Many people depend on Private Hire vehicles for trips that other forms of transport are incapable of making. It is, however, clearly important that emissions from all licensed vehicles are reduced as far as possible.

**13.34** Furthermore, by ensuring that older and therefore less efficient vehicles shall no longer be licensed by this Authority emissions are also controlled. Emissions from Private Hire 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.

### ***Stretched limousines***

**13.35** Stretched limousines are elongated saloon cars 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.

**13.36** Licensing Authorities have generally 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 them are left hand drive
- many are fitted with all round darkened glass
- many have been converted or modified after manufacture
- seating space per passenger is 460mm and could give a greater capacity than eight persons; and
- due to their origin many parts may not be available making adequate maintenance difficult.

**13.37** Most limousines are imported for commercial purposes and are therefore required to take an Individual Vehicle Approval (IVA) test. The IVA test verifies that the converted vehicle is built to a certain safety and environmental standards. 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.

**13.38** The 1976 Act defines a Private Hire vehicle as a motor vehicle constructed or adapted to carry fewer than nine passengers, other than the Hackney Carriage or public service vehicle, which is provided for Hire with the services of the driver for the purposes of carrying customers. Section 48 of the 1976 Act requires that before a licence is granted the Authority must be satisfied that the vehicle is compliant with its requirements.

**13.39** Any stretched limousines, which are offered for Private Hire, do, of course, require a licence. Some operators of these vehicles have a wedding car licence insurance policy on the basis that the vehicle will be used largely during daylight hours, once or twice per week. Before licensing for Private Hire, a full policy for Private Hire purposes will, therefore, be required. 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 granted an exemption from the requirement under the conditions of licence for Private Hire vehicles to be right hand drive
- be authorised as prestige type Private Hire vehicles
- be approved for licensing as Private Hire vehicles subject to the additional conditions detailed in Appendix O (page 92).

#### ***Contract vehicles***

**13.40** The Road Safety Act 2006 requires vehicles used for a contract with an organisation or company for carrying passengers for Hire or reward under a contract to be licensed as Private Hire vehicles. As a general guide this shall include executive Hire, chauffeur services, park and ride for private car parks, airport travel, stretch limousines and novelty vehicles.

#### ***Executive Prestige type vehicles***

**13.41** Proprietors of executiveprestige type vehicles licensed as Private Hire vehicles may seek the permission of the Authority to waive certain conditions of licence. The details of these requirements are provided in Appendix P (page 93). Those wishing to licence an executive vehicle should contact the Licensing Service (Appendix T, page 115), ideally prior to purchasing a vehicle, so as to avoid any unnecessary expense should the vehicle not be appropriate to be licensed as executive type.

#### ***Funeral vehicles***

**13.42** There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.

#### ***Wedding vehicles***

**13.43** A vehicle does not need to be licensed while it is being used in connection with a wedding.

## **14.0 Private Hire Operators**

**14.1** 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. Such licences shall be issued for a maximum of 5 years. Application procedures are set out in Appendix N (page 89).

**14.2** A Private Hire vehicle shall only be despatched to a customer by a Private Hire Operator who holds an 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.

**14.3** Applications for Operator's licences 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 an operator's licence.

### ***Criminal record checks***

**14.4** Private Hire Operators are not exempt in respect of the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. A Basic Disclosure from the Disclosure and Barring Service (DBS) and a certificate of good conduct from the relevant embassy for applicants who have lived overseas are, nevertheless, seen as appropriate.

**14.5** Before an application for a Private Hire Operator's licence will be considered, the applicant shall provide a current (less than 3 months 28 days old) Basic DBS Disclosure or disclosure of criminal convictions and a Certificate of Conduct from the relevant embassy in the case of an applicant who has lived overseas. The DBS disclosure shall be produced on application and every three years thereafter if subsequent renewal applications are made.

### ***Conditions***

**14.6** The Authority has power to impose such conditions on an operator's licence, as it considers reasonably necessary and these are set out at Appendix E (page 71).

### ***Insurance***

**14.7** 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. The minimum value of the cover provided by the insurance must be £5 million.

### ***Planning permission***

**14.8** Private Hire Operator's licences will not be granted without proof of the appropriate planning permission being granted for the proposed business.

### ***Licence duration***

**14.9** 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, this Authority considers this period to be too long. 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.

### ***Renewal of licences***

**14.910** The Authority will endeavour to issue a ‘reminder’ to all existing licence holders that their licence is due for renewal – normally 28 days prior to expiry. However, it is the licence holder’s responsibility to ensure that licences are renewed prior to their expiry.

**14.101** Licences will not be renewed after expiry. If a licence holder fails to renew their licence on or before the respective expiry date, the licence will lapse and become invalid. Licence holders should note that if they allow their licence to expire, they will be required to make a new application in full. This will obviously incur a potentially significant time delay and therefore the cost implications of failing to renew a licence could be significant. Licence holders are therefore strongly advised to ensure that they renew their licences prior to the expiry date. If the licence holder is aware of any reason that they may not be able to renew their licence before expiry, they must inform the Licensing Service immediately.

## **15.0 Fares – Private Hire**

- 15.1** A Table of Fares (“the tariff”) is set by the Authority for Hackney Carriages, but this control does not apply to fares set by Private Hire vehicle operators.
- 15.2** Hires that end outside of the Borough boundary can be negotiated prior to the commencement of the journey.

### ***Table of fares***

- 15.3** 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.

### ***Receipts***

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

### ***Electronic payments***

- 15.5** Vehicles may be fitted with means to accept electronic payments. However, such systems must be approved by the Council on an individual basis.

## **16.0 Hackney Carriage Drivers**

**16.1** The statutory and practical criteria and qualifications for a Hackney Carriage driver are broadly identical to those for a Private Hire driver; however this Section specifically details the requirements for Hackney Carriage drivers. , whereas tThe preceding Section details the requirements for Private Hire drivers are provided in Section 12.0 (page 18).

**16.2** All applications must be made in the prescribed form and accompanied by the respective fee (see Section 11 for more information on application fees).

### ***Licences***

**16.3** This Authority requires that separate driver’s licences be held in respect of Hackney Carriage and Private Hire vehicles. Licences shall be issued for a maximum period of 3 years. 12 months (Application procedures are set out in Appendix N, (page 89). The following will be required as part of an application:

- Applicant must be at least 21 years of age
- Applicant must hold a full UK or European driving licence for at least 3 years
- A completed statutory declaration (see below)
- A Disclosure and Barring Service (DBS) enhanced disclosure, required on application and every three years thereafter if subsequent renewal applications are made
- A Driver and Vehicle Licensing Agency (DVLA) licence history, required on application and every three years thereafter if subsequent renewal applications are made.
- A completed medical examination form supplied by the Authority and completed by the applicant’s own general practitioner or medical practice (see paragraphs 16.9-16.11). The medical practice is likely to make a charge for this service.

### ***Foreign drivers***

**16.4** There are additional requirements for applicants from European Economic Area Countries and worldwide, which would include Certificates of Conduct from a relevant embassy. Please contact the Licensing Service using the details provided at Appendix P Contact Details Appendix T (page 115) for further information.

### ***Driver knowledge tests***

**16.5** The Authority considers it necessary for Hackney Carriage drivers to possess a good working knowledge of the area for which they are licensed, because they can be hired directly, at ranks or on the street.

**16.6** In order to assist the Authority in determining the fitness of an applicant to hold a Hackney Carriage driver’s licence, applicants are required to undertake a knowledge test. The test consists of 2 parts; the first part will challenge the applicant’s knowledge of the highway system in West Lancashire and the second part will test will the applicant’s knowledge of:



- Basic English language and numeracy
- UK motoring law and good practice
- Customer care
- Disability awareness
- Controls required to protect children and vulnerable adults.

**12.7** Several questions in the second part of the test are mandatory, which if any are answered incorrectly, will result in a failure of the entire test.

**12.8** If an applicant fails four successive knowledge tests, they shall be required to wait at least four weeks before being permitted to take a fifth test. Applicants that fail a test must pay a resit fee prior to the test date.

### ***Driving proficiency***

**16.7** The Driving Standards Agency (DSA) provides a driving assessment specifically designed for Hackney Carriage and Private Hire drivers. This Authority believes that the standard DVLA driving test provides sufficient evidence of driving competency for drivers of Hackney Carriage and Private Hire vehicles in West Lancashire. It is considered that introducing a requirement that drivers pass the specific DSA test would not produce benefits, which are commensurate with the costs involved. However, this matter will be kept under close review.

### ***Driver qualification***

**16.8** At present there are no additional requirements for driver qualification. The Council wishes to support drivers so they can offer a high standard of service throughout the Borough. Whilst this matter will be kept under close review, if minded to do so, the Council would consider the introduction of a requirement for all licensed drivers to hold an approved driver qualification (for example, NVQ and/or BTEC).

### ***Medical examination***

**16.9** The Authority requires Group 2 Standards of Medical Fitness to Drive, as applied by DVLA to the licensing of lorry and bus drivers, as the appropriate standard for licensed Hackney Carriage drivers.

**16.10** Applicants are required to undertake a medical examination on application then on their 45<sup>th</sup> birthday and every 5 years until the age of 65 (i.e. on the driver's 50<sup>th</sup>, 55<sup>th</sup>, 60<sup>th</sup> and 65<sup>th</sup> birthdays) where upon an annual examination is required. Medical examinations must be conducted by the applicant's own general practitioner or medical practice. In exceptional circumstances, the applicant may be directed to the Council's independent medical advisor. Medical examinations must be completed on the renewal of the licence immediately before the driver reaches their 45<sup>th</sup>, 55<sup>th</sup>, 60<sup>th</sup> and 65<sup>th</sup> birthday.

**16.11** Licence holders shall advise the Authority of any deterioration in their health that may affect their driving capabilities. 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. Where there remains any doubt about the fitness of any applicant, the

Committee will review the medical evidence and make any final decision in light of the medical evidence available. No licence shall be issued until medical clearance (if required) has been established.

### ***Disclosure and Barring Service (DBS) disclosures***

**16.12** A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the DBS is required as these disclosures include details of convictions, Police Cautions and other relevant information. The Authority is an approved DBS body; therefore, applicants will deal with the DBS through the Authority and will be charged an appropriate fee.

**16.13** The Authority is bound by rules of confidentiality, and will not divulge information obtained to any third parties, unless in accordance with the Data Protection Act 1998. Only the applicant for a DBS enhanced disclosure will be sent a separate disclosure report to their home address from the DBS., while the Authority will not also receive a copy of the report. It is the responsibility of the applicant to provide the DBS enhanced disclosure report to the Authority. The Authority will not process an application where this report is not provided by the applicant.

**16.14** Whilst it is the responsibility of the applicant to ensure the DBS Disclosure form is correctly completed, Licensing Officers will check to accuracy of completed forms before they are sent to the DBS for processing. The DBS places very stringent controls on the Authority with regard to the accurate completion of Disclosure forms and therefore drivers should be aware that incorrectly completed forms may delay their application as they will not be accepted by the Authority.

**16.15** No application shall be processed where the DBS Enhanced Disclosure is older than one month. Furthermore, DBS Disclosures are not transferable from one agency to another. For example, a Disclosure undertaken as part of an application with another Local Authority will not be accepted by this Authority.

### ***Relevance of convictions, cautions etc. for applicants***

**16.16** In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merits. It will take account of the details of the DBS enhanced disclosure report, but only in so far as they are relevant to an application for a licence. When deciding what action is appropriate, the Committee will have regard to the Policy provided at Appendix S (page 115). When deciding what action is appropriate, the Committee need only consider an evidential argument that the applicant is not a fit and proper person on the 'balance of probabilities', rather than 'beyond reasonable doubt'. Accordingly, the Committee is not restricted to taking action only where an applicant has been convicted of an offence. The Committee may also take account of formal cautions, criminal charges, police intelligence or any other material provided during the application process.

**16.17** Accordingly, upon receipt of a DBS Enhanced Disclosure report from the DBS applicant, Licensing Officers will assess whether any or all of the conviction(s) and/or 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. Licensing Officers will only bring a case before the Committee were the number and/or nature of the convictions and/or formal cautions and/or other information relating to against the applicant raise doubts as to whether that individual is a fit and proper person to hold the respective driver licence.

**16.18** Whilst each case is determined on its merits, the following matters would be likely to result in an application being presented to the Committee for determination:

- Any convictions and/or formal cautions for serious offences, for example theft, burglary etc. within the 20 year period prior to the date of application
- Any convictions and/or formal cautions for violence or threats of violence, for example assault, grievous bodily harm, wounding etc. within the 20 year period prior to the date of application
- Any convictions and/or formal cautions for sexual and/or indecency offences
- Any convictions for serious aggravated offences, for example manslaughter, murder etc.
- Any convictions and/or formal cautions for drunken and/or disorderly behaviour (including such offences involving a motor vehicle) within the 20 year period prior to the date of application
- Any convictions and/or formal cautions for dealing, possession and/or use of drugs (including such offences involving a motor vehicle) within the 20 year period prior to the date of application
- Any convictions and/or formal cautions for deception and/or fraud within the 20 year period prior to the date of application
- Any convictions and/or formal cautions for serious traffic offences, for example driving without due care and attention, driving without insurance, driving whilst driving licence is disqualified within the 20 year period prior to the date of application
- Any convictions and/or formal cautions for lesser traffic offences, for example speeding and parking offences, were the number of points accrued on the applicant's driving licence is 9 or higher at the time of application
- Any convictions and/or formal cautions where sufficient points have been accrued resulting in a period of disqualification of the applicant's driving licence within the 20 year period prior to the date of application
- Any convictions and/or formal cautions that demonstrate a pattern of unacceptable behaviour, for example a series of speeding offences
- Any other conviction and/or formal caution and/or other matter that would suggest that the applicant is not a fit and proper person to hold the respective licence

**16.19** All reports are scrutinised by the Commercial, Safety and Licensing Manager and a representative of the Council's legal service to ensure compliance with this Policy Statement and to ensure a consistent approach is taken.

### ***Statutory declaration***

**16.20** The Rehabilitation of Offenders Act 1974 does not apply to applicants for Hackney Carriage drivers' licences. Therefore all applicants are required to disclose all convictions and/or cautions. This means the applicant must disclose each and

every conviction and/or caution recorded against them during their lifetime on initial application and then on every subsequent renewal application.

- 16.21** Where an applicant fails to declare any convictions and/or cautions this may result in prosecution or referral to the Committee, or both. For renewal applications only: if an applicant fails to declare any convictions and/or cautions that have already been declared on a previous renewal application, they will be issued with a written warning on one occasion only. If the same applicant fails to declare any convictions and/or cautions on any subsequent renewal application following the issue of a written warning, this may result in prosecution or referral to the Committee, or both.

***Convictions, and/or formal cautions or other matters during period of licence***

- 16.22** Where offences, leading to conviction, formal caution and/or charge, 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.

- 16.23** Accordingly, drivers who are convicted, cautioned and/or charged for any criminal or motoring offence during the currency period of their licence, must disclose the conviction, caution and/or charge as well as any penalty imposed in writing to the Authority without delay, and in any event within 7 days. As criminal records are not being checked upon renewal, it is vital that this requirement is strictly adhered to. [For these purposes a fixed penalty motoring offence amounts to a conviction].

- 16.24** If a licensed driver ceases to have a valid DVLA driving licence then their Hackney Carriage driver's licence issued by this Authority shall be deemed invalid.

- 16.25** Where any driver fails to notify the Authority of any convictions and/or formal cautions this may result in prosecution or referral to the Committee, or both.

- 16.26** The requirements detailed in paragraph 16.16 shall apply. Where the Council is made aware of any matter that would question a driver's on going status as a fit and proper person this may result in prosecution or referral to the Committee, or both.

Drivers will be referred to Committee on the basis set out in paragraph 16.18.

***Renewal of licences***

- 16.267** The Authority will endeavour to issue a 'reminder' to all existing licence holders that their licence(s) are due for renewal – this will normally be 28 days prior to expiry. Application forms, appropriate fees, and supporting documentation (as set out in Appendix N, page 89), shall be produced at the Licensing Office. However, it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

- 16.287** Licences will not be renewed after expiry. If a licence holder fails to renew their licence on or before the respective expiry date, the licence will lapse and become invalid. Licence holders should note that if they allow their licence to expire, they

will be required to make a new application in full. This will obviously incur a potentially significant time delay and therefore the cost implications of failing to renew a licence could be significant. Licence holders are therefore strongly advised to ensure that they renew their licences prior to the expiry date. If the licence holder is aware of any reason that they may not be able to renew their licence before expiry, they must inform the Licensing Service immediately.

### ***Conditions of licence***

**16.2928** The Authority is not permitted to attach conditions to a Hackney Carriage driver's licence.

**16.3029** It could be argued that many of the requirements prescribed within the Hackney Carriage byelaws are effectively Hackney Carriage driver licence conditions. These are included at Appendix D, page 67).

**16.310** A Hackney Carriage driver, once licensed, if he is in the possession of a Hackney Carriage vehicle under a hiring agreement becomes the proprietor of the vehicle and must adhere to the vehicle conditions of licence details in Appendix C (page 59).

### ***Code of conduct***

**16.321** The standards expected of licensed drivers are set out in the Code of Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this Policy Statement. The code is attached at Appendix G (page 78).

**16.33** In line with relevant legislation, the Code of Conduct contains a requirement that prohibits drivers from smoking in the vehicle. This legislation applies equally to passengers using the vehicle. In a similar manner, and to protect both the driver and passengers, the use of electronic cigarettes (or similar devices) is also prohibited in licensed vehicles.

### ***Dress code***

**16.342** Anything that serves to enhance the professional image of the Hackney Carriage trade, and promotes the concept that drivers of licensed vehicles are vocational drivers is to be welcomed. Accordingly, the dress code set out in Appendix H (page 80) shall be adhered to by all drivers.

### ***Assistance to passengers in wheelchairs***

**16.353** Once enacted, Section 165 of the Equality Act 2010 places duties on drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles.

**16.364** The duties under Section 165 are:

- To carry the passenger while in the wheelchair
- Not to make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat to carry the wheelchair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort

- To give the passenger such mobility assistance as is reasonably required

**16.375** Section 167 of the Equality Act 2010 allows the Authority to maintain a list of “designated vehicles” - i.e. a list of wheelchair accessible Hackney Carriages and Private Hire vehicles licensed in its area. The consequence of being on this list is that the driver must undertake the duties detailed in Section 165.

**16.386** Once enacted, Section 167 of the Equality Act 2010 will give the list of designated vehicles statutory effect. Any owner of a designated vehicle has the right to appeal against the Authority’s decision to include his or her vehicle on the list. The appeal will be heard by the Magistrates’ Court. Appendix Q (Page 95) lists those vehicles that the Authority has stipulated as “designated vehicles” under Section 167 of the Equality Act 2010.

**16.3937** Section 166 of the Equality Act 2010 allows the Authority to exempt drivers from the duties to assist passengers in wheelchairs, but only if they are satisfied that it is appropriate to do so on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

**16.4038** Section 166 commenced on the 1<sup>st</sup> October 2010. Drivers of designated wheelchair accessible Hackney Carriages or Private Hire vehicles can apply for exemption from this date.

**16.4139** The Authority will assess applications for exemption certificates in line with Regulations and this Policy Statement. If granted, the Authority will provide the driver with an Exemption Notice which must be displayed in the vehicle. If an application for exemption is refused, the applicant has the right of appeal to the Magistrates’ Court.

***Guide dogs and assistance dogs***

**16.420** Sections 168 to 171 of the Equality Act 2010 address the carriage of guide dogs and other assistance dogs. Under this legislation, Hackney Carriage and Private Hire vehicle drivers (and Private Hire vehicle Operators) have a duty to accept assistance dogs. [Note: from 1<sup>st</sup> October 2010, these Sections repeal the relevant Sections in the Disability Discrimination Act 1995].

**16.431** The change is a technical one rather than having any practical implications and there are no new or additional requirements that drivers (and Private Hire vehicle operators) will need to do in relation to assistance dogs. The existing obligations will carry on after 1<sup>st</sup> October 2010, but simply under different legislation.

**16.442** This process is designed to ensure a smooth transition from the assistance dogs provisions in the Disability Discrimination Act 1995 to those contained in the Equality Act 2010. Therefore, the legislation will ensure that:

- The Exemption Notice Regulations (i.e. the Disability Discrimination Act 1995 (Hackney carriages) (Carrying of Guide Dogs etc.) (England and Wales) Regulations 2000 (SI2000/2990) (as amended) and The Disability Discrimination

Act 2003 (Private Hire Vehicles)(l) (Carriage of Guide Dogs etcetc.) (England and Wales) Regulations 2003 (SI 2003/3122) (as amended)) made under Sections 37 and 37A of the Disability Discrimination Act 1995 will continue to have effect – as though they had been made under the Equality Act 2010

- Hackney Carriage and Private Hire vehicle drivers who are already exempt from the duty to carry guide/assistance dogs can continue to rely on their certificate of exemption issued by the Council even though the certificate refers to the Disability Discrimination Act 1995
- The Authority will continue to be able to issue certificates to drivers who are exempt from the duty to carry guide/assistance dogs even though the certificates say “issued under Section 37 or 37A of the Disability Discrimination Act 1995” on them. The certificates are now deemed to have been issued under the Equality Act 2010
- The Authority will continue to be able to issue the yellow Exemption Notices provided by the DFT which exempt drivers must display on their vehicles (and exempt drivers will continue to be able to display them), even though the Notices refer to the Disability Discrimination Act 1995.

**16.453** The Authority will assess applications for exemption certificates in line with Regulations and this Policy Statement. If granted, the Authority will provide the driver with an Exemption Notice which must be displayed in the vehicle. If an application for exemption is refused, the applicant has the right of appeal to the Magistrates’ Court.

***Independent Safeguarding Authority (ISA)***

**16.44** Those persons regularly working with children or vulnerable adults in certain settings – “regulated activity” - may also have to be vetted by the ISA. Accordingly, additional checks may be required as part of the application. Contact should be made with the Licensing Service, using the details in Appendix P Contact Details (page 112), who will be able to provide more information.

## **17.0 Hackney Carriage Vehicles**

### ***Limitation of numbers***

**17.1** The Authority does not currently impose any restriction as to the number of Hackney Carriage vehicle licences it will grant, which is deemed as best practice by the Department for Transport.

### ***Specifications and conditions***

**17.2** Local Authorities have a wide range of discretion over the types of vehicle that they can licence as Hackney Carriage vehicles. Government guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible and encouraged to make use of the “type approval” rules within any specifications they determine. Accordingly, the Council will require European Whole Vehicle Type Approval for all new licensed vehicles.

**17.3** The Authority generally licences the “London type cab” as a Hackney Carriage and will licence new vehicles on a case by case basis. Where necessary, the driver will be required to provide documentary evidence of European Whole Vehicle Type Approval. The Authority shall impose such conditions, as it considers reasonably necessary, on Hackney Carriage 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.

**17.4** Appendix C (page 59) sets out the specification and minimum standards for Hackney Carriages.

**17.5** Vehicles will, in general, be licensed for the carriage of up to four or five passengers provided that there is compliance with the specification applicable to such vehicles. Once licensed, vehicles cannot be used to ply for hire outside of the Borough.

### ***Accessibility***

**17.6** All licensed Hackney Carriages shall be wheelchair accessible.

**17.7** 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. It fully supports the view of the Equality and Human Rights Commission that,

*“Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible.”*

**17.8** For this reason, the Authority considers it important that people with disabilities have access to all forms of public transportation.



- 17.9** 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.
- 17.10** It is arguable that different accessibility considerations should apply between Hackney Carriage and Private Hire vehicles in that Hackney Carriages can be hired directly in the street or at a Hackney Carriage stand (“taxi rank”), by the customer dealing directly with a licensed driver. However, Private Hire vehicles can only be booked through a licensed Private Hire operator, normally by telephone or by visiting a Private Hire operator office. It is, therefore, considered particularly vital that a person with disabilities should be able to hire a Hackney Carriage on the spot with the minimum delay or inconvenience and requiring that all Hackney Carriages are accessible achieves that aim.
- 17.11** The Hackney Carriage trade should be aware of a good practice guide produced by the Equality and Human Rights Commission, as drivers have a duty under the Equality Act 2010 to ensure disabled people are not discriminated against or treated less favourably.
- 17.12** Section 167 of the Equality Act 2010 allows the Authority to maintain a list of “designated vehicles” - i.e. a list of wheelchair accessible Hackney Carriages and Private Hire vehicles licensed in its area. The consequence of being on this list is that the driver must undertake the duties detailed in Section 165 of the Equality Act 2010 see paragraphs 16.33 – 16.43.
- 17.13** Once enacted, Section 167 of the Equality Act 2010 will give the list of designated vehicles statutory effect. Any owner of a designated vehicle has the right to appeal against the Authority’s decision to include his or her vehicle on the list. The appeal will be heard by the Magistrates’ Court. Appendix QAppendix N (page 93) lists those vehicles that the Authority has stipulated as “designated vehicles” under Section 167 of the Equality Act 2010.

#### ***Maximum age of vehicles***

- 17.14** The Authority shall consider how far its Policy can and should support any local environmental initiatives by future initiatives such as setting vehicle emissions standards or promoting cleaner fuels, as well as ensuring a modern standard and aesthetic of its licensed vehicles.
- 17.15** Vehicles manufactured prior to 1994 do not have to meet emission limits designed to improve air quality. Therefore, in the interests of improving air quality, any application for the renewal of a Hackney Carriage vehicle licence, shall, where the vehicle in question is more than 18 years old, be refused.
- 17.16** All vehicles licensed under a new application be a maximum of 4 years old and, if compliant with the requirements for licence, shall be granted a vehicle licence until the age of 18 years, whereupon the vehicle must be replaced with one of a minimum of 3 years younger. If a vehicle is replaced at any time, this must be with one a minimum of 3 years younger than the current licensed vehicle. However, if a vehicle is replaced at any time for reasons that are beyond the control of the

driver, for example as of the result of criminal damage, this must be with one no older than the previously licensed vehicle.

- 17.17** To apply for a new vehicle licence, the applicant must be able to supply a suitable vehicle and provide proof that the applicant can finance and maintain the vehicle. The applicant must also provide a statement, including documentary evidence, as to why they believe there is a demand for another Hackney Carriage in the Borough.

### ***Vehicle testing***

- 17.18** Hackney Carriages shall be 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.

- 17.19** As the term implies, Hackney Carriages are used for hire or reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required. This Policy Statement considers the MOT Inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA as the basic inspection standard for Hackney Carriages. However, the standards contained in the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 96) are in addition to those in the MOT Inspection Manual. Therefore, when assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the Hackney Carriage and Private Hire vehicle test.

- 17.20** All Hackney Carriages must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual - Car and Light Commercial', ISBN 0-9549239-0-1 as amended and the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 96).

- 17.21** The purpose of the Hackney Carriage test is to confirm vehicles meet the more stringent standards set out in this Policy Statement. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. It is an offence under the Road Traffic Regulations to use an unroadworthy vehicle that is not roadworthy on the public highway. Hackney Carriage drivers/operators who fail to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended, curtailed or revoked by the Council.

- 17.22** The inspection regime for vehicles has not been designed to create difficulties for the Hackney Carriage and Private Hire trades, but it is primarily to promote vehicle safety for the protection of passengers and not for the benefit of operators. The Council therefore considers the inspections requirements to be justified by the risks it aims to address.

### ***Signage and advertising***

- 17.23** It is important that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire vehicle.

- 17.24** Roof signs fitted to Hackney Carriage vehicles shall be illuminated at all times when the vehicle is available for Hire.
- 17.25** Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. All licensed vehicles shall display plates on the rear of the vehicle.
- 17.26** Vehicles shall not be allowed to display or written or other material on any window with the exception of those permitted by the conditions of licence.
- 17.27** Hackney Carriage vehicles are permitted to have advertising on their bodywork with the approval of the Authority subject to restrictions included in the conditions of licence.

### ***Security/CCTV***

- 17.28** The Hackney Carriage trades provide a valuable public service particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. CCTV can be a valuable deterrent as well as protection for the driver from unjustified complaints.
- 17.29** It is not proposed that such measures such as CCTV should be required, as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. The Hackney Carriage trade is, however, encouraged to consider the installation of CCTV in their vehicles on a voluntary basis.
- 17.30** 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. It is recommended that a minimum of 2 warning signs should be displayed prominently inside vehicles 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.

### ***Application procedures***

- 17.31** The application procedures for a Hackney Carriage vehicle licence are not prescribed but shall be made on the specified application form in accordance with the application procedure set out in Appendix N (page 89).

### ***Consideration of applications***

- 17.32** 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.

### ***Renewal of licences***

- 17.33** The Authority will endeavour to issue a 'reminder' to all existing licence holders that their licence(s) are due for renewal – normally 28 days prior to expiry.

Application forms, appropriate fees, and supporting documentation (as set out in Appendix N, page 89), shall be produced at the Licensing Office. However, it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

**17.34** 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 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.

**17.35** Licences will not be renewed after expiry. If a licence holder fails to renew their licence on or before the respective expiry date, the licence will lapse and become invalid. Licence holders should note that if they allow their licence to expire, they will be required to make a new application in full. This will obviously incur a potentially significant time delay, and dependent upon the age of the existing vehicle, it may require a change in vehicle to meet the age requirements set out in this Section. The cost implications of failing to renew a licence could therefore be significant, and licence holders are therefore strongly advised to ensure that they renew their licences prior to the expiry date. If the licence holder is aware of any reason that they may not be able to renew their licence before expiry, they must inform the Licensing Service immediately.

#### ***Environmental considerations***

**17.36** Hackney Carriages vehicles are an essential form of transport in the West Lancashire area. Many people depend on Hackney Carriages for trips that other forms of transport are incapable of making. They are able to achieve higher occupancy rates than a saloon car and so, to some extent, already play their part in helping to achieve environmental improvements in the Borough. It is, however, clearly important that emissions from all licensed vehicles are reduced as far as possible.

**17.37** Furthermore, by ensuring that older and therefore less efficient vehicles shall no longer be licensed by this Authority emissions are also controlled. Emissions from Hackney Carriages 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.

#### ***Contract vehicles***

**17.38** The Road Safety Act 2006 requires vehicles used for a contract with an organisation or company for carrying passengers for Hire or reward under a contract to be licensed as Private Hire vehicles. As a general guide this shall include executive Hire, chauffeur services, park and ride for private car parks, airport travel, stretch limousines and novelty vehicles.

## **18.0 Fares – Hackney Carriages**

**18.1** The Hackney Carriage Table of Fares (“the tariff”) is set by the Authority and stipulates the maximum fare that can be charged by Hackney Carriage drivers which can be negotiated downwards by the Hirer.

**18.2** The Authority shall review the tariff upon request from the trade.

**18.3** Hires that end outside of the Borough boundary can be negotiated prior to the commencement of the journey.

### ***Table of fares***

**18.4** A table of authorised maximum fares shall be provided to each Hackney Carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all Hirers. The Table of Fares is also displayed at [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing)

### ***Receipts***

**18.5** Drivers shall, if requested by the passenger, provide written receipts for fares paid.

### ***Electronic payments***

**18.6** Vehicles may be fitted with means to accept electronic payments. However, such systems must approved by the Council on an individual basis.

## **19.0 Hackney Carriage Ranks**

- 19.1** The Authority shall work with the Hackney Carriage trade and other stakeholders to keep taxi ranks under constant review. Details of the locations of all taxi ranks in the Borough are provided at Appendix I (page 81).

## Appendix A Glossary of Terminology

The following terms are used throughout this document:

Private Hire vehicle	A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a Hackney Carriage or public service vehicle, or a London cab, which is provided for Hire with the services of a driver for the purpose of carrying passengers.
Hackney Carriage	The same meaning as in the Town Police Clauses Act 1847 and is the same meaning as "Taxi".
Private Hire driver licence	A licensed issued under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 permitting the holder to drive a Private Hire vehicle.
Hackney Carriage driver licence	A licensed issued under Section 46 of the Town and Police Clauses Act 1847 permitting the holder to drive a Hackney Carriage.
Private Hire driver badge	A badge issued by a district council under Section 64 of the Local Government (Miscellaneous Provisions) Act 1976.
Hackney Carriage driver badge	A badge issued by a district council under byelaws made under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976.
Operator licence	A licence issued under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976
To 'operate' (in the context of the above licence)	In the course of business to make provision for the invitation or acceptance of bookings for a Private Hire vehicle.
Private Hire vehicle licence	A licence issued under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 permitting a specific vehicle to be operated as a Private Hire vehicle.
Hackney Carriage licence	A licence issued under Sections 37 to 45 of the Town and Police Clauses Act 1847 permitting a specific vehicle to be operated as a Hackney Carriage.
Vehicle maintained in a "clean condition"	All body panels to be of uniform colour and finish throughout, unless otherwise authorised by the Council in writing, and to be washed and polished to a high standard. Windows to be clear and smear free both inside and out. Carpets and seating to be vacuumed and to be without cuts, tears or staining.

## **Appendix B            Private Hire Vehicle Specification and Conditions of Licence**

### ***SPECIFICATION***

#### **1     General**

- 1.1 All vehicles shall have an appropriate “Type Approval” which is either a European Whole Vehicle Type Approval (EWVTA) or UK Low Volume Type Approval (UKLVTA). Vehicles shall not have been altered since that approval was granted. A Single Vehicle Type Approval (SVTA) 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, may be attached to, or carried on, the inside or outside of the vehicle.
- 1.3 A Private Hire vehicle shall be capable of carrying no more than 4 passengers when manufactured, however the capacity will be determined on a case by case basis for vehicles such as minibuses.
- 1.4 Vehicles which could lead the public to believe that such a vehicle is a Hackney Carriage, shall not be licensed as a Private Hire vehicle.
- 1.5 All vehicles shall be less than FIFTEEN years old from the date of manufacture.
- 1.6 All Private Hire vehicles must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual - Car and Light Commercial', ISBN 0-9549239-0-1 as amended and the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 96).
- 1.7 The following Sections provide the outline requirements of the specification for Private Hire vehicles prior to examination and testing by a vehicle testing station approved by the Authority. The exact mechanical requirements for inspection and testing are contained in the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 96).

#### **2     Dimensions**

- 2.1 Whilst minimum standards of interior space are dictated in this specification (see Section 6), no maximum dimensions are dictated for any given private hire vehicle. The size of any given vehicle will be assessed on a case by case basis relevant to the suitability of the vehicle for purpose.

#### **3     Body**

- 3.1 The vehicle shall have no exterior visible signs of previous significant accident damage.
- 3.2 The paint work 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 significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.
- 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 of uniform standard, size and style, which conform to construction and use regulations. The vehicle must also be provided with a spare wheel.
- 4.2 Space-saver spare wheels, unless fitted as standard equipment to the vehicle, will not be accepted. In all other cases, provision shall be made for a standard road wheel to be secured in the vehicle for use as a spare. A vehicle presented for examination and test with a space saver spare wheel in use as a road wheel will fail the test.
- 4.3 Any spare wheel shall conform to construction and use regulations and be of the same standard and size as the existing road wheels unless exempted by paragraph 4.2 above. Any spare wheel not to the same style as the existing road wheels must only be used as an intermediate measure whilst the original road wheel is repaired.
- 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 If a vehicle is fitted with 'run flat' tyres by the manufacturer, the vehicle shall also be fitted with a tyre pressure sensor / warning device. Where the vehicle has been manufactured without a spare wheel well, the requirement to carry a spare wheel will not apply. If the vehicle is manufactured with a spare wheel well, a spare wheel (as detailed above) must be provided.

#### **5 Steering**

- 5.1 All vehicles shall be right-hand drive and shall have been so since the date of first registration.

#### **6 Interior**

- 6.1 The minimum leg room available to any passenger shall be 200mm. The rear leg room measurement will be taken from the base of the rear seat to the centre of the rear of the driver seat in front when the driver seat is positioned in the driver's normal seated position. The front passenger seat must be able to be positioned so as to provide a minimum leg room of 200mm to any passenger. Where there is no seat in front of the rear seats, the measurement will be taken from the base of the rear seat to the nearest obstruction in front.
- 6.2 The internal headroom from the seat cushion to the lowest part of the roof in a vertical line shall be a minimum of 920mm.

#### **7 Doors**

- 7.1 The vehicle shall have a minimum of 4 side opening doors which are easily accessible to passengers without the need to move or adjust any seats etcetc., to gain access to them. Access to and from vehicles such as minibuses will be determined on a case by case basis.
- 7.2 All vehicles shall have doors that open sufficiently wide to allow easy access in and egress from the vehicle.
- 7.3 All doors shall be fitted with reflectors/reflective strips or lights, which are clearly visible from the rear of the vehicle when the door is open.
- 7.4 All doors shall be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.
- 7.5 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in a fully open position.

## **8 Seats**

- 8.1 Vehicles shall have a passenger seating capacity of not less than 4 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 Each seat shall not be less than 406mm in width.
- 8.4 Where bench seats are provided, then the seat shall provide a minimum of 406mm seating space for each passenger i.e. a rear bench seat shall not be less than 1218mm in order to accommodate 3 passengers.
- 8.5 The seating configuration of the vehicle shall be as its factory manufactured state. Should any amendments to seating configuration be made, these should be done only with the permission of this Authority and in line with this Policy Statement.
- 8.6 Each row of seats shall have door access immediately adjacent to it, unless in the case of multi passenger vehicles (i.e. vehicles designed to carry 5 or more passengers) where the following shall apply:
  - All seats shall be fixed and permanent (i.e. not flexible configuration seating designed for family use);
  - At least one principle means of access/egress must be provided from the main passenger compartment which is immediately adjacent to a door;
  - Where additional secondary means of access/egress are fitted from the main passenger compartment, these should be clearly identified as such for use in cases of emergency;
  - A break glass hammer should be fitted to the rear windows (i.e. those furthest away from the principle means of access/egress) and be clearly labelled “EMERGENCY EXIT – break glass with hammer”.
- 8.5 Each row of seats made available shall have door access immediately adjacent to it unless access to rows of seats is by way of permanent passageway from such a door.
- 8.6 If a seat is to be removed to comply with this requirement, it shall be ideally removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.
- 8.7 Removed seating mounts must be rendered unusable and the floor surface to be smooth and unencumbered during the period of licence.

## **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 to ensure that the interior of the vehicle is clearly visible from the outside of the vehicle at all times. All vehicles shall be fitted with windscreen glass that has a light transmittance of 75%, and all other window glass shall have a light transmittance of not less than 70% EXCEPT those parts of the rear window or any side windows adjacent to the luggage space in any estate-type vehicle which can be of any tint fitted at manufacture providing it is not opaque.
- 9.3 No vehicle shall be fitted with any form of additional means to darken or tint the glass on any part of the vehicle.
- 9.4 A serviceable device for demisting the rear window shall be fitted.

## **10 Heating and ventilation**

10.1 Vehicles shall have an efficient heating and ventilation system.

## **11 Facilities for wheelchair users**

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

- Approved manufacturer installed 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 and maintained in accordance with manufacturer's specifications.
- A ramp or ramps for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear passenger door. 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 renewal and be so certified and produced to the Council approved testing station.

## **12 Fuel systems**

12.1 Fuel systems should be installed to current manufacturer and legal standards. Before commencing any gas fuel conversions it is essential that written approval is sought from the Council.

## **13 CCTV**

13.1 CCTV monitoring devices, 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 maintained in working order, 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 notwithstanding condition 4.2 in this specification.

14.2 Remoulded tyres will only be permitted where they are manufactured to British Standard BS AU 144e.

14.3 All tyres fitted to the vehicle shall meet current legal requirements.

## **15 Electrical equipment**

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

### **CONDITIONS**

#### **1. Maintenance of Vehicle**

a) The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for Hire be kept in an efficient, safe, tidy and clean condition\* and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations shall be fully complied with.

\*Clean condition is defined as follows:

“All body panels to be of uniform colour and finish throughout, unless otherwise authorised by the Council in writing, and to be washed and polished to a high standard. Windows to be clear and smear free inside and out. Carpets and seating to be vacuumed and to be without cuts, tears or staining”.

b) Without prejudice to the obligations imposed by (a) above, and without prejudice to any other inspections of the vehicle which may be required to comply with such regulations, the proprietor of the vehicle shall ensure that:

- i) the vehicle is inspected every week for such matters as may be prescribed by the Council;
- ii) a written record of such weekly inspections, and any additional inspections or service undertaken on the vehicle (in respect of such matters) is made at the time in the form prescribed by the Council; and
- iii) such written records are retained and kept in the vehicle at all times and are available for immediate production to an Authorised Officer of the Council or Police Officer on request.

Please note that the requirement to inspect the vehicle every week imposed by Condition 1(b) does not release the proprietor of the vehicle from his obligations to carry out further inspections to ensure compliance with Condition 1(a).

#### **2. Alteration of Vehicle**

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

#### **3. Identification Plate**

The plate identifying the vehicle as a Private Hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed on the outside of the vehicle in a conspicuous position and in such manner as to be easily removable by an Authorised Officer of the Council or a Police Constable.

#### **4. Interior Markings**

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence.

#### **5. Safety Equipment**

There shall be provided and maintained in the vehicle at all times when it is in use or available for Hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency. It should be noted that the first aid kit is intended for use by a person who has the appropriate knowledge of first aid.

#### **65. Signs, Notices etc.**

- a) No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision (including byelaws) or required or permitted by these conditions, provided however that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign which:
- i) is displayed in, on or from the vehicle while it is stationary;
  - ii) contains no words or numbers other than the name and address of an operator of the vehicle or the name under which he carried on his/her business and its address and, in either case, the name of a passenger to be carried in the vehicle; and
  - iii) is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.
- b) The proprietor shall cause to be affixed and maintained on the outside front doors of the vehicle an advertisement which contains only the name and telephone number of the operator of the vehicle in letters or figures between 2" (51mm) and 4" (102mm) in height and is on a notice not exceeding 12" (305mm) in height and 24" (610mm) in length, or is an all over company livery the form, contents and details of which have been approved in writing by the Assistant Director Community Services before such advertisement is displayed. Such advertisement shall also contain the words "PRIVATE HIRE ONLY – WEST LANCS B.C." also in letters figures between 2" (51mm) and 4" (102mm) in height. All lettering must be a minimum of 1/4" (6mm) in thickness. This specification is for saloon cars or similar. Variations applicable to larger vehicles will be approved on a case by case basis, where it is recognised that a larger sign may be more appropriate. The letters or figures on such signage must not be any smaller than stipulated above.
- c) The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notice relating to Private Hire vehicle which the Council may from time to time require.

#### **76. Change of Address**

The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

**87. Convictions, cautions, charges etc.**

The Proprietor shall inform the Council of any conviction, formal caution, fixed penalty, absolute discharge and/or criminal charge imposed on him/her (or, if the proprietor is a company or partnership, any of the directors or partners) during the period of the licence. This notification must be in writing and be made within seven days of the offence.

**98. Deposit of Driving Licence**

If the proprietor permits or employs any other person to drive the vehicle as a Private Hire vehicle, he shall before that person commences to drive the vehicle cause the driver to deliver to him his Private Hire driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

**109. Permitted Drivers of the Vehicle**

The proprietor or any other person permitted or employed to drive the vehicle as a Private Hire vehicle, must be the holder of a current Private Hire driver's licence granted by the West Lancashire Borough council according with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

**101. Deposit of Vehicle Licence**

The proprietor shall, upon the vehicle commencing work with an operator, deposit with the operator this licence for retention by him until such time as that vehicle ceases to work for that operator.

**112. Settle Agreements – Tyres**

Where a vehicle is hired out to a driver under settle agreement the proprietor (i.e. the licence holder) of the vehicle shall initiate the following:

- i) The proprietor of the vehicle shall immediately on the grant of this licence enter into a written agreement with a reputable tyre supplier that will enable the driver of the vehicle to obtain replacement tyres upon demand from such supplier. Such agreement must continue in force for the duration of this licence.
- ii) A copy of the written agreement referred to must be kept in the vehicle at all times and be available for and produced for inspection at the request of the Authorised Officer of the Council or Police Officer.
- iii) A further copy of the written agreement referred to must be lodged with the Council within fourteen (14) days of the grant of this licence.

**123. Inspection and Testing**

The proprietor shall, if requested by an Authorised Officer of the Council, or Police Officer, make the vehicle immediately available for inspection and testing at such time

and date as may be specified. Such inspections and testing shall be in addition to any other statutory provisions.

**134. Licensing Policy**

The Council's Hackney Carriage and Private Hire Licensing Policy shall be adhered to at all times. The Policy can be viewed at [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing)

## **Appendix C            Hackney Carriage Specification and Conditions of Licence**

### **SPECIFICATION**

#### **1        General**

- 1.1 All vehicles shall have an appropriate “type approval” which is either a European Whole Vehicle Type Approval (EWVTA) or UK Low Volume Type Approval (UKLVTA) and have been permitted for use by the Council. Vehicles shall not have been altered since the type approval was granted.
- 1.2 All vehicles shall have separate driver and passenger compartments.
- 1.3 All vehicles shall be so constructed as to facilitate the carriage of disabled persons and be capable of accommodating a disabled person in a wheelchair in the passenger compartment, provided that the wheelchair fits within the dimensions specified in the relevant paragraphs below. Rear loading type disabled access vehicles are not permitted unless fitted with a hydraulic lifting platform.
- 1.4 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.
- 1.5 No fittings, other than those approved, shall be attached to, or carried on, the inside or outside of the vehicle.
- 1.6 All vehicles shall be less than EIGHTEEN years old from the date of manufacture.
- 1.7 All Hackney Carriages must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual - Car and Light Commercial', ISBN 0-9549239-0-1 as amended and the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 96).
- 1.8 The following Sections provide the outline requirements of the specification for Hackney Carriages prior to examination and testing by a vehicle testing station approved by the Authority. The exact mechanical requirements for inspection and testing are contained in the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 96).

#### **2        Dimensions**

- 2.1 Whilst minimum standards of interior space are dictated in this specification (see Sections 6 & 7), no maximum dimensions are dictated for any given Hackney Carriage. The size of any given vehicle will be assessed on a case by case basis relevant to the suitability of the vehicle for purpose.

#### **3        Body**

- 3.1 The vehicle shall have no exterior visible signs of previous significant accident damage.
- 3.2 The paint work 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 significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.
- 3.4 Running boards shall only be permitted where they are fitted by manufacturers. The board shall be a minimum 125mm in width, all of which shall be available as a step.
- 3.5 Where the top tread of the entrance to the vehicle exceeds 460 mm and the vehicle is not fitted with approved running boards as described in paragraph 3.4, a



moveable intermediate step shall be provided at each entrance into the passenger compartment. The intermediate step shall be encased beneath the vehicle and be electrically or manually operated to extend outwards. When not in use and whenever the vehicle is in motion, the step shall not extend outwards beyond the vertical line of the bodywork.

- 3.6 Electrically operated steps, if fitted, shall be operated from within the driver's compartment and shall have a failsafe device linked to the handbrake mechanism to prevent the possibility of the vehicle being driven while the step is extended.
- 3.7 The step shall be covered with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the vehicle.

#### **4 Wheels**

- 4.1 The vehicle shall have four road wheels of uniform standard, size and style, which conform to construction and use regulations. The vehicle must also be provided with a spare wheel.
- 4.2 Space-saver spare wheels, unless fitted as standard equipment to the vehicle, will not be accepted. In all other cases, provision shall be made for a standard road wheel to be secured in the vehicle for use as a spare. A vehicle presented for examination and test with a space saver spare wheel in use as a road wheel will fail the test.
- 4.3 Any spare wheel shall conform to construction and use regulations and be of the same standard and size as the existing road wheels unless exempted by paragraph 4.2 above. Any spare wheel not to the same style as the existing road wheels must only be used as an intermediate measure whilst the original road wheel is repaired.
- 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 If a vehicle is fitted with 'run flat' tyres by the manufacturer, the vehicle shall also be fitted with a tyre pressure sensor / warning device. Where the vehicle has been manufactured without a spare wheel well, the requirement to carry a spare wheel will not apply. If the vehicle is manufactured with a spare wheel well, a spare wheel (as detailed above) must be provided.

#### **5 Steering**

- 5.1 All vehicles shall be right-hand drive and shall have been so since date of first registration

#### **6 Driver's compartment**

- 6.1 The driver's compartment shall be separated from the passenger compartment by a partition and transparent screen, capable of having fixed to it approved notices for the benefit of passengers. This shall not apply to a manufacturer fitted front seat, which has received prior approval from the Council.
- 6.2 Mesh type screens shall not be permitted
- 6.3 The driver's compartment shall be so designed that the driver has adequate room, can easily reach, and quickly operate, the controls and give hand signals on the offside of the vehicle.
- 6.4 Controls shall be so placed as to allow reasonable access to the driver's seat and, when centrally placed, shall be properly protected from contact with luggage.
- 6.5 A serviceable device for demisting the windscreen shall be fitted.

- 6.6 Vehicles shall be fitted with an intercom type system to permit the driver and passenger(s) to communicate verbally.
- 6.7 A suitable sliding window, or similar device, shall be fitted in the screen
- 6.8 Space shall be provided on the nearside of the driver compartment for the carriage of luggage. Access to this luggage space shall be by way of the nearside front door. The nearside front door shall be locked and only be capable of being unlocked, from either inside or outside the vehicle, by the driver.

## **7 Passenger compartment**

- 7.1 The vertical distance between the highest part of the floor and the roof shall not less than 1300 mm.
- 7.2 Suitable provision shall be made for the seating of not less than 4 and not more than 8 passengers. The carrying capacity of all vehicles shall be at the discretion of the Authority having regard to manufacturer's specifications and compliance with dimensions referred to in this document.
- 7.3 There shall be no steps within the passenger compartment.
- 7.4 The clear height of the doorway shall not be less than 1200 mm.
- 7.5 The nearside door and doorway shall be constructed so as to permit an unrestricted opening across the centre of the doorway of at least 740 mm.
- 7.6 Grab handles shall be placed at door entrances, to aid passenger ingress to and egress from the vehicle. These should be of a high visibility colour different from the interior colour scheme of the vehicle.
- 7.7 The outer edge of the floor at each entrance shall be fitted with non-slip treads.
- 7.8 The top tread for any entrance shall be at floor level of the passenger compartment and (except as detailed in 3.5 above) shall not exceed 460 mm above ground level when the vehicle is un-laden.
- 7.9 The minimum angle of the door when opened shall be 90 degrees.
- 7.10 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in the fully open position.
- 7.11 There shall be approved reflective strips on both the front and rear edges of the door.
- 7.12 The floor of the passenger compartment shall be covered with non-slip material, which can easily be cleaned.
- 7.13 All parts of the passenger compartment shall be clean and free of any damage, which may affect its suitability for the carriage of passengers.

## **8 Seats**

- 8.1 Occasional seats shall be at least 400mm. in width and the minimum distance from the back of the upholstery to the front edge of the seat shall be 355 mm.
- 8.2 Occasional seats shall be so arranged as to rise automatically when not in use.
- 8.3 Occasional and fixed seats, when not in use, shall not obstruct doorways.
- 8.4 Where the rear seat is of the bench type the overall width of the seat shall not be less than 1190 mm.
- 8.5 Suitable means shall be provided to assist persons to rise from the rear seat with particular attention to the needs of elderly and disabled passengers.
- 8.6 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.
- 8.7 All seats shall be fitted with fully operational seat belts, compliant with British Standards except where the law specifically provides an exemption.

## **9 Facilities for wheelchair users**

- 9.1 An approved manufacturer installed wheelchair restraint system shall be provided for the wheelchair and wheelchair disabled passengers and available for use at all times. The system shall be capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passenger shall be independent of each other. Facility shall be provided for the safe storage of a wheelchair without a passenger, whether folded or otherwise, if carried within the passenger compartment. The wheelchair restraint system shall be so designed that it does not cause any danger to other passengers and shall be maintained to the manufacturer's specification.
- 9.2 A ramp, or ramps, for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear passenger door, as a minimum. 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.

## **10. Heating and ventilation**

- 10.1 An adequate heating and ventilation system shall be provided for the driver and the passengers, and means provided for independent control by the driver and the passengers.

## **11 Windows**

- 11.1 Opening windows shall be provided in the rear of the vehicle capable of being opened by the rear seat passengers.
- 11.2 Vehicle windows shall have visual transmission to ensure that the interior of the vehicle is clearly visible from the outside of the vehicle at all times. All vehicles shall be fitted with windscreen glass that has a light transmittance of 75%, and all other window glass shall have a light transmittance of not less than 70% EXCEPT those parts of the rear window or any side windows adjacent to the luggage space in any estate-type vehicle which can be of any tint fitted at manufacture providing it is not opaque.
- 11.3 No vehicle shall be fitted with any form of additional means to darken or tint the glass on any part of the vehicle.
- 11.4 A serviceable device for demisting the rear window shall be fitted.

## **12 Interior lighting**

- 12.1 Adequate lighting shall be provided for the driver and passengers. Separate lighting controls for both passenger and driver shall be provided. In the case of the passenger compartment, an illuminated control switch shall be fitted, marked and in such a position that it is clearly visible to the passengers and is not easily confused with any other control.

## **13 Door Fittings**

- 13.1 An approved type of automatic door locking device shall be fitted to passenger doors. When the vehicle is stationary the passenger doors shall be capable of being readily opened from the inside and from the outside of the vehicle by one operation of the latch mechanism. The interior door handle shall be clearly identified, to prevent it being mistaken for any other control.

## **14 Fuel systems**

14.1 Fuel systems should be installed to current manufacturer and legal standards. Before commencing any gas fuel conversions it is essential that written approval is sought from the Council.

## **15 Tyres**

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

15.2 Remoulded tyres shall not be permitted, except where the remoulded tyre is clearly marked "TAXI". British Standard BS AU 144e shall apply to 205/65R15 tyres fitted to the E7 and Eurotaxi.

15.3 Tyres fitted to the vehicle shall meet current legal requirements.

## **16 Electrical equipment**

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

## **17 CCTV**

17.1 CCTV monitoring devices, 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 Any such equipment shall maintained in working order, 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.

## **CONDITIONS**

### **1. Maintenance of Vehicle**

- a) The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for Hire be kept in an efficient, safe, tidy and clean condition\* and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations shall be fully complied with.

\*clean condition is defined as follows:

“All body panels to be of uniform colour and finish throughout, unless otherwise authorized by the Council in writing, and to be washed and polished to a high standard. Windows to be clear and smear free inside and out. Carpets and seating to be vacuumed and to be without cuts, tears or staining.

- b) Without prejudice to the obligations imposed by (a) above, and without prejudice to any other inspections of the vehicle which may be required to comply with such regulations, the proprietor of the vehicle shall ensure that:
- i) the vehicle is inspected every week for such matters as may be prescribed by the Council;
  - ii) a written record of such weekly inspections, and any additional inspections or service undertaken on the vehicle (in respect of such matters) is made at the time in the form prescribed by the Council; and
  - iii) such written records are retained and kept in the vehicle at all times and are available for immediate production to an Authorised Officer of the Council or Police Officer on request.

Please note that the requirement to inspect the vehicle every week imposed by Condition 1(b) does not release the proprietor of the vehicle from his obligations to carry out further inspections to ensure compliance with Condition 1(a).

### **2. Alteration of Vehicle**

- i) No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.
- ii) If any existing vehicle is replaced, the replacement vehicle shall be designed or converted (as approved by the Public Carriage Office in London), to provide access and secure carriage of wheelchair bound passengers.
- iii) Vehicles shall be subject to random visual inspections by the Council’s Licensing Officers. If, in the opinion of the Licensing Officer, the vehicle does not pass the inspection, or if the Officer has cause to doubt the mechanical safety of the vehicle, they shall require it to be inspected at one of the Council’s approved testing stations. Any expenses incurred for such inspection to be paid by the vehicle proprietor.

**3. Safety Equipment**

There shall be provided and maintained in the vehicle at all times when it is in use or available for Hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency. It should be noted that the first aid kit is intended for use by a person who has the appropriate knowledge of first aid.

**54. Interior Markings**

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence.

**65. Signs, Notices etcetc.**

No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision (including byelaws) or required or permitted by these conditions, provided however that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign which:

- i)
  - a) is displayed in, on or from the vehicle while it is stationary;
  - b) contains no words or numbers other than the name and address of an operator of the vehicle or the name under which he carried on his/her business and its address and, in either case, the name of a passenger to be carried in the vehicle; and
  - c) is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.
- ii) is an advertisement in the form of an all over the vehicle livery (excluding the windows), or displayed on the roof (apex type) or on the outside of the front doors, the form, contents and details of which have been approved in writing by the Assistant Director Community Services before such advertisement is displayed provided that in any event advertisements in respect of the under-mentioned shall not be permitted:
  - a) Tobacco companies or tobacco product advertising
  - b) Alcohol or drug related advertising
  - c) Political advertising
  - d) Videos or video company advertising
  - e) Betting or gaming advertising
  - f) Sex product advertising

**76. Convictions, cautions, charges etc.**

The Proprietor shall inform the Council of any conviction, formal caution, fixed penalty, absolute discharge and/or criminal charge imposed on him/her (or, if the proprietor is a company or partnership, or any of the directors or partners) during the period of the licence. This notification must be in writing and be made within seven days of the offence.

**87. Conduct**

All proprietors shall comply with the Council's Code of Conduct and Dress Code.

**98. Settle Agreements – Tyres**

Where a vehicle is hired out to a driver under a settle agreement the proprietor (i.e. the licence holder) of the vehicle shall initiate the following:

- i) The proprietor of the vehicle shall immediately on the grant of this licence enter into a written agreement with a reputable tyre supplier that will enable the driver of the vehicle to obtain replacement tyres upon demand from such supplier. Such agreement must continue in force for the duration of the licence.
- ii) A copy of the written agreement referred to must be kept in the vehicle at all times and be available for and produced for inspection at the request of the Authorised Officer of the Council or Police Officer.
- iii) A further copy of the written agreement referred to must be lodged with the Council within fourteen (14) days of the grant of this licence.

**109. Medical Conditions**

The proprietor shall, at the earliest opportunity and in any event within seven days of diagnosis, disclose to the Council in writing details of any medical condition (as contained in the Group 2 entitlement of the Medical Aspects of Fitness to Drive Guide for Medical Practitioners published by the Medical Commission on Accident Prevention), either permanent or temporary, which affects or may affect the proprietor's ability to drive a Hackney Carriage vehicle. This includes but not exhaustively, the following: heart attack, angina, diabetes, epilepsy, stroke, high blood pressure, any surgical operation, any bone fracture or dislocation of joint, alcohol or drug addiction or dependency. In addition the proprietor must also notify to the Council in writing, at the earliest opportunity and in any event seven days of its being prescribed, details of any drug which may affect the proprietor's ability to drive.

**110. Licensing Policy**

The Council's Hackney Carriage and Private Hire Licensing Policy shall be adhered to at all times. The Policy can be viewed at [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing)

## **Appendix D                    Hackney Carriage Byelaws (as amended)**

Made under Section 68 of the Town and Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the West Lancashire Borough Council with respect to Hackney Carriages in the Borough of West Lancashire

### *Interpretation*

Throughout these Byelaws “the Council” means “The West Lancashire Borough Council” and “the Borough” means “The Borough of West Lancashire”.

### **Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence shall be display:**

- a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the Carriage and the number of passengers licensed to be carried to be legibly painted or marked on the inside of the Carriage and on the plate affixed to the outside of the Carriage.
- b) The proprietor of a Hackney Carriage shall affix a plate in the form specified by and provided by the Council to be clearly visible on the outside of the rear of the Carriage.
- c) The proprietor or driver of a Hackney Carriage shall not wilfully or negligently cause or suffer any such numbers as mentioned in 2 (a) above to be concealed from public view while the Carriage is standing or plying for Hire nor cause nor permit the Carriage to stand or ply for Hire with any such mark or plate so defaced so that any figure or material particular is illegible.

### **Provisions regulating how Hackney Carriages are to be furnished or provided:**

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) Keep the Carriage and the fittings and furniture in an efficient, safe, tidy and clean condition, well maintained and in every way fit for public service;
- g) Provide in the construction of the Carriage for reasonable space for the accommodation of luggage;
- h) Provide an efficient fire extinguisher, which shall be carried in such a position as to be readily available for use;
- 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.

### **The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:**

- a) The taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;
- b) Such key, flag or other device shall be capable of being locked in such a position that the



machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;

- c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures the fare which the proprietor or driver is entitled to demand and take for the Hire of the Carriage by distance in pursuance of the Table of Fares made by the Council in that behalf. Provided nevertheless that a proprietor shall not offend against this Byelaw where the Table of Fares is varied by the Council and he has not had a reasonable opportunity to cause the taximeter to be altered to record the rate of fares in accordance with the Table of Fares as varied;
- 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;
- 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.

**The proprietor of a Hackney Carriage shall cause the Carriage to be provided with a sign so constructed as to comply with the following requirements that is to say:**

- a) The sign shall bear the word "FOR HIRE" in plain letters at least one and a half inches in height;
- b) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the Carriage whether or not the Carriage is for Hire and for that purpose it shall be capable of being suitable illuminated;
- c) The requirement specified in (a) above shall not apply to a Hackney Carriage provided with a taximeter which bears the sign of European Economic community pattern approval or the mark of European Economic Community partial verification mention in regulation 2 of, and described in Schedule 1 to, the Measuring Instruments (European Community Requirements) Regulations 1975 or any other regulations replacing those regulations, or containing provisions for the same purpose, and for the time being in force.

**Provisions regulating the conduct of the proprietors and drivers of Hackney Carriages plying within the borough in their several employments, and determining whether such drivers shall wear any and what badges:**

The driver of a Hackney Carriage provided with a taximeter shall:

- a) When standing or plying for Hire, keep the key, flag or other device fitted in pursuance of the Bylaws in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- b) Before beginning the journey 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 and keep the machinery of the taximeter in action until the termination of the hiring;
- c) The Driver of a Hackney Carriage provided with a taximeter shall:  
Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness; this being the time between half an hour

after sunset and half an hour before sunrise and also at other times at the request of the Hirer;

- d) Immediately on completion of the hiring, cause the taximeter to cease recording, but allow the amount of fare recorded on it to remain displayed on the taximeter until the Hirer has had a reasonable opportunity of examining it.

The proprietor or Driver of a Hackney Carriage shall not, with intent to deceive, tamper with, or permit any person to tamper with, any taximeter with which the Carriage is provided, with the fittings thereof, or any part of the mechanism of the Hackney Carriage, connected or associated with such taximeter, or with seals affixed thereto.

**The Driver of a Hackney Carriage shall, when plying for Hire 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;
- 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.

A proprietor or driver of a Hackney Carriage, when standing or plying for Hire, shall not, by calling out or otherwise, importune any person to Hire such Carriage and shall not make use of the services of any other person for the purpose.

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 person conveyed in or entering or alighting from the vehicle.

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.

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.

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. Such driver shall, upon the termination or surrender of his Licence, return to the Council the driver's badge issued to him.

**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 to loading and unloading;
- 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.

The proprietor of a Hackney Carriage shall cause a statement (in a form and in printing approved by the Council) of the fares fixed by the byelaws in that behalf to be exhibited inside the Carriage, in clearly distinguishable letters and figures.

The proprietor or driver of a Hackney Carriage bearing a statement of rates 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:**

- a) The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as practicable thereafter carefully search the Carriage for any property which may have been accidentally left therein;
- b) 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:

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 its owner, to the office of the Council, and leave it in the custody of the officers in charge of the office on his giving a receipt for it;

Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five new pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

**Driver to produce copy of Byelaws:**

The driver of a Hackney Carriage who is standing, driving or plying for Hire shall at any time when required by an authorised officer, or any police constable, or any person who is in or upon the Carriage, produce a copy of Byelaws clean and in good order for perusal and inspection by that authorised officer, constable or person.

**Penalties:**

Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

## Appendix E Private Hire Operator Conditions of Licence

### 1. Definitions

- “Authorised Officer” has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
- “The Council” means the West Lancashire Borough Council.
- “The Operator” means a person holding a licence to operate Private Hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.
- “Private Hire Vehicle” has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
- “Hackney Carriage” has the same meaning as in the Town Police Clauses Act 1847 and is the same meaning as “Taxi”.
- “Employ” means to use the services of, whether under a contract of service or a contract for services or otherwise, and employee, employer and employed shall be construed accordingly.

### 2. Planning permission

Any premises used by the operator for the purpose(s) authorised by this licence shall have the appropriate planning permission for that use and the operator shall comply with any conditions attached to such permission.

### 3. Provisions for the public telephone and staff

The operator shall provide adequate telephone facilities and staff to provide an efficient service to the public using the operator’s facilities.

### 4. Facilities for passengers

1. The operator shall ensure that where any passenger waiting area or room is provided, it is kept physically separate from any driver rest area and operations room.
2. The operator shall ensure that members of his/her staff, drivers and vehicle proprietors do not congregate in any passenger waiting area or room.
3. The operator shall not allow ensure that his/her staff, drivers, vehicle proprietors, passengers or prospective passengers are not allowed to congregate on a public road, footpath or any other public place adjacent to his/her premises whilst waiting for the arrival of vehicles without permission of the Council. Such permission would normally be granted subject to one or more of the following:
  - i) Provision of a suitable SIA approved marshal;
  - ii) Appropriate methods to reduce noise and/or disturbance from queuing;
  - iii) Appropriate methods to keep customer queue sizes to a minimum;
  - iv) Provision of radio link to Council operated CCTV suite.
4. The operator, where a waiting area or room is provided for the use of passengers or prospective passengers;
  - i) Shall provide adequate seating for the use of those passengers or prospective passengers; and

- ii) Shall ensure that such room or area is kept clean, adequately heated, ventilated and lit; and
  - iii) Shall ensure that the interior and exterior of the premises is kept in good repair, to the satisfaction of the Council.
5. In any waiting room or area provided by the operator, no amusement machines, gaming machines, television or video machines, or other similar equipment shall be installed without prior written consent of the Council; and any such equipment installed in the drivers rest areas or operations room shall not be accessible to persons other than his/her drivers, vehicle proprietors, the operator and his/her staff.

## **5. Hirings**

- i. When the operator accepts a hiring, he/she, shall, unless prevented by some sufficient cause, ensure that a licensed Private Hire vehicle attends at the appointed time and place. Hirings must be made between the member of the public who books the Private Hire vehicle and the Operator.
- ii. When the operator accepts the hiring he/she shall immediately prior to the commencement of the journey make a permanent and unchangeable record of , enter all the details of the Hirer legibly in ink in the form prescribed by Condition 6.

## **6. Records of hirings**

- 1. The records of the hiring accepted by the operator required to be kept under Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 shall contain the following details, and shall be the responsibility of the operator to ensure the records are so kept.
  - i. Name of Hirer
  - ii. Time of pick-up
  - iii. Point of pick-up
  - iv. Destination
  - v. Information to indicate vehicle used and driver.
  - vi. Remarks, including details of any sub-contract to or from another operator.
- 2. The operator shall not dispose of any record of hiring's required to be made by Condition 5B within six months of the last hiring contained therein.

## **7. Records of vehicles and drivers**

- A. The operator shall maintain an up-to-date list record of the owners, the descriptions and registration numbers of all Private Hire vehicles employed by the business and their drivers, which shall include details of any unique driver identity reference any radio call sign used, and shall produce such a list this information on request to an Authorised Officer of the Council or Police Officer Constable.
- B. The operator shall immediately notify the Council Licensing Service Officer when any vehicle or driver ceases in his/her employ, or any vehicle or driver commences his/her employ.
- C. (i) The operator shall not operate any vehicle, in the Controlled Borough of West Lancashire, as a Private Hire vehicle unless that vehicle has been licensed by the Council as a Private Hire vehicle under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

(ii) The operator shall not cause, permit or allow any person, in the Controlled Borough of West Lancashire, to drive a Private Hire vehicle operated by him/her unless that person has been licensed by the Council as a Private Hire driver under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976. Before the operator causes, permits or allow any person to drive a Private Hire vehicle operated by him/her, he/she shall require such a person to deposit with him/her the current Private Hire drivers licence granted by the Council to that person, under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

- D. On leaving the employ of an operator, a driver or vehicle proprietor shall be entitled to receive immediately on demand the return of the licences mentioned in condition 7 (c) (ii)

## **8. Complaints**

- A The operator shall on receipt of any complaint relating to a contract for Hire or purported contract for Hire relating to or arising from his/her business, immediately notify the complainant of his/her right to forward the complaint to the Council.
- B Any complaint shall be investigated immediately by the operator and the complainant notified by the outcome within a reasonable time.
- C Where a complaint is investigated by an Authorised Officer of the Council, the operator shall conform to any directions of the Officer in respect of that complaint.

## **9. Convictions, cautions, charges etc.**

The operator shall inform the Council of any conviction, formal caution, fixed penalty, absolute discharge and/or criminal charge imposed on him/her (or, if the proprietor is a company or partnership, any of the directors or partners) during the period of the licence. This notification must be in writing and be made within seven days of the offence.

## **Cheques**

A Licence in respect of which the licence fee has been paid by a cheque shall not be effective until the cheque has been cleared.

## **10. Local Government Act and Conditions Attached To Licences**

The operator shall make available, on the premises from which he operates, for inspection by members of the public, a copy of the Local Government (Miscellaneous Provisions) Act 1976, these Conditions and the Conditions attached to a vehicle and a driver licence.

## **11. Taximeters**

- A. Where any vehicle operated is fitted with an approved taximeter, the operator shall ensure that the taximeter is set to the fare rate notified to the Council and properly sealed in accordance with the Council regulations.
- B. The operator shall ensure that vehicles operated by him/her which are fitted with a taximeter, charge a fare or charge calculated from the point in the Borough at which the Hirer commences his journey and shall not exceed that displayed on the taximeter at the finish of his/her journey, the taximeter being brought into operation at the commencement of the journey.

### **13. Change Of Address**

The operator shall notify the Council in writing of any change of his/her address within 7 days of such taking place.

### **14. Touting Etc.**

The operator shall not;

- A. Tout or solicit on a road or other public place any person to Hire or be carried for Hire in a private vehicle; or
- B. Cause or procure any other person to tout or solicit on a road or other public place any person to Hire or be carried for Hire in any Private Hire vehicle.

In this condition:

“Road” means any highway and any other road to which the public has access including bridges over which a road passes.

### **15. Notices**

- A. Where the operator provides a waiting area or room for the use of passengers or prospective passengers he/she shall;
  - (i) Display an approved notice indicating the availability of items set out in Condition 110; and
  - (ii) Display an approved notice setting out the normal scale of fares he/she charges together with the method by which such fare will normally be calculated.
- B. Such notices shall be displayed in a position that can be easily read by passengers or prospective passengers.

### **16. Records of Insurance Cover**

The operator shall ensure that all Private Hire and Hackney Carriage vehicles operated by him/her, are insured to carry passengers for Hire and, in this regard, shall keep suitable copies of all current insurance certificates in respect of such vehicles, which he/she shall, on request, produce to an Authorised Officer of the Council or any Police Officer.

### **17. Licensing Policy**

The Council’s Hackney Carriage and Private Hire Licensing Policy shall be adhered to at all times. The Policy can be viewed at [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing)

## **Appendix F                    Private Hire Driver Conditions of Licence**

### **1.        Conduct of Driver**

The driver shall comply with the Council's Code of Conduct and Dress Code.

### **2.        Passengers**

- a)        The driver shall not convey or permit to be conveyed in a Private Hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- b)        The driver shall not allow more than one person or any child below the age of ten years to be conveyed in front of the Private Hire vehicle beside him.
- c)        The driver shall not without consent of the Hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.
- d)        The driver shall if required by the Hirer of a Private Hire vehicle provide him with a written receipt for the fare paid.

### **3.        Lost Property**

- a)        The driver shall immediately after the termination of any hiring of a Private Hire vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- b)        If any property accidentally left in a Private Hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, he shall take it as soon as possible and in any event within twenty-four hours if not sooner claimed by or on behalf of its owner to a convenient Police Station and leave it in the custody of the officer in charge on his giving a receipt for it.

### **4.        Animals**

The driver shall not convey in a Private Hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle and shall ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle.

### **5.        Prompt Attendance**

The driver of a Private Hire vehicle, if he is aware that the vehicle has been Hired to be in attendance at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at the appointed time and place, unless delayed or prevented by sufficient cause.

### **6.        Copy of Conditions**

The driver shall at all times when driving a Private Hire vehicle carry with him a copy of these conditions and shall make it available for inspection by the Hirer or any other passenger on request.



**7. Deposit of Licence**

The driver shall, upon commencing work with an operator, deposit with that operator this licence for retention by him until such time as the driver ceases to work with that operator.

**8. Taximeter**

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

**9. Fare to be demanded**

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

**10. Change of Address**

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

**11. Convictions, cautions, charges etc.**

The driver shall inform the Council of any conviction, formal caution, fixed penalty, absolute discharge and/or criminal charge imposed on him/her (or, if the proprietor is a company or partnership, any of the directors or partners) during the period of the licence. This notification must be in writing and be made within seven days of the offence.

**12. Return of Badge**

The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the driver's badge issued to him by the Council when granting this licence.

**13. Vehicles permitted to be driven**

The driver shall drive only Private Hire vehicles, which, are licensed by the West Lancashire Borough Council in accordance with Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

**14. Guide Dogs & Assistance Dogs / Wheelchair Users**

a) It is a legal requirement that:

- Drivers must carry a guide dog, or assistance dog, belonging to a passenger free of charge and/or
- Drivers of 'designated vehicles' must provide reasonable assistance to wheelchair bound passengers free of charge unless the driver has a proven medical condition that would preclude him/her from doing so.

b) The driver shall produce to the Council a Medical Certificate signed by his General Medical Practitioner, to prove such a medical condition, on his

application for a Private Hire driver licence, or if he/she develops such a medical condition after the grant of a licence as soon as he/she is aware of it.

- c) The driver shall also make his/her Operator aware of any such medical condition at the time of commencement of working for that Operator, as soon as he/she is aware of such a medical condition, whichever is the earlier.
- d) "Guide dog" means a dog which assists a person with sight impairment.
- e) "Assistance dog" means a dog which assists a person with a hearing or other impairment.

#### **15. Medical Conditions**

The driver shall, at the earliest opportunity and in any event within seven days of diagnosis, disclose to the Council in writing details of any medical condition (as contained in the Group 2 entitlement of the Medical Aspects of Fitness to Drive guide for Medical Practitioners published by the Medical Commission on Accident Prevention), either permanent or temporary, which affects or may affect the driver's ability to drive a Private Hire vehicle. This includes, but not exhaustively, the following: heart attack, angina, diabetes, epilepsy, stroke, high blood pressure, any surgical operation, any bone fracture or dislocation of joint, alcohol or drug addiction or dependency. In addition, the proprietor must also notify to the Council in writing, at the earliest opportunity and in any event within seven days of its being prescribed, details of any drug which may affect the proprietor's ability to drive.

#### **16. Licensing Policy**

The Council's Hackney Carriage and Private Hire Licensing Policy shall be adhered to at all times. The Policy can be viewed at [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing)

## **Appendix G            Code of Conduct**

### ***Preservation of a professional and responsible Hackney Carriage and Private Hire trade***

Licence holders shall promote the Hackney Carriage and Private Hire trade by:

- Complying with this Code of Conduct
- Complying with all the conditions of their licence, byelaws and the Authority's Hackney Carriage and Private Hire Licensing Policy Statement
- Behaving in a civil, orderly and responsible manner at all times, including being polite, helpful and fair to passengers
- Paying attention to personal hygiene and dress so as to present a professional image to the public (see Dress Code)
- Not eating or drinking in the vehicle in the presence of customers
- Keep their vehicles clean and suitable for Hire to the public at all times
- Respecting authorised Officers during their normal course of their duties

### ***Protection of public health and safety***

Licence holders shall:

- Maintain their vehicles in a safe and satisfactory condition at all times
- Not consume alcohol immediately before or at any time whilst driving or being in charge of a Hackney Carriage or Private Hire vehicle
- Not drive while having misused legal or taken illegal drugs
- Comply with legislation regarding the length of working hours
- Drive with care and due consideration for other road users and pedestrians
- Obey all Traffic Regulation Orders and directions at all times
- Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle
- Not smoke or use electronic cigarettes (or similar devices) in the vehicle at any time

### ***Access to an efficient and effective public transport service***

Licence holders shall:

- Attend punctually when undertaking pre-booked Hires
- [Unless granted exemption by the Council under the Equality Act 2010] Assist, where necessary, passengers into and out of vehicles
- Provide passengers reasonable assistance with luggage

### ***Protection of the environment***

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

- Not sound the horn or other audible warning instrument on the vehicle, other than in accordance with the Highway Code, to attract the attention of passengers
- Keep the volume of music media players, VHF radios and/or other audio/visual devices to a minimum
- Switch off the engine if required to wait
- Take whatever additional action is necessary to avoid disturbance to residents in the locality

At taxi ranks licence holders shall, in addition to the requirements above:

- Rank in an orderly manner and proceed along the rank in order and promptly

At Private Hire offices, licence holders shall:

- Not allow their music media players, VHF radios and/or other audio/visual devices to cause disturbance to residents of the neighbourhood
- Take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

All of the above items are deemed to be of equal importance.

## **Appendix H            Dress Code**

The Authority is committed to encouraging the professional image of the trade and it considers that drivers should conform to a minimum standard of dress in order to maintain the profile of the licensed trade in West Lancashire.

### **Acceptable Standards of Dress**

- Shirts, blouses, T-shirts, or sweat tops should cover the shoulders and be of sufficient length to enable them to be tucked into trousers or shorts
- Shirts or blouses can be worn with a tie or open-necked
- Trousers may be either full length or shorts if tailored
- Smart jeans type trousers are permitted
- Footwear should fit around the heel of feet

### **Unacceptable standards of dress within this Code**

- Bare chests
- Unclean or damaged clothing or footwear
- Clothing with offensive words, logos or graphics
- Clothing with studs or sharp edges
- Beach type footwear (e.g. Flip flops and mules)
- Hooded garments ('hoodies') worn with hood up whilst driving

## **Appendix I            List of Hackney Carriage Ranks**

Hackney Carriage ranks are situated in the following locations:

- The Concourse, Skelmersdale: 10 vehicles on the stand adjacent to the front entrance, plus feeder rank for 8 vehicles
- Digmoor Parade Car Park, Digmoor, Skelmersdale: 3 vehicles
- South side of Sandy Lane Centre, Old Skelmersdale: 2 vehicles
- North side of Sandy Lane Centre, Old Skelmersdale: 6 vehicles
- Outside Asda, Ingram, Skelmersdale: 4 vehicles
- Lord Street, Burscough: 2 vehicles
- Bus station car park, Ormskirk: 3 vehicles
- Bus station car park, Ormskirk: 5 vehicles (23:00 – 06:00)
- Leyland Way, Ormskirk: 2 vehicles

## **Appendix J                    Hearing Procedure - applicants**

### **Licensing and Appeals Committee: Hearing procedure for Private Hire and Hackney Carriage Driver Licence Applications**

All hearings for driver licence applications will normally be conducted in private. The Committee will hear and determine each application separately.

1.     The Chairman will introduce the Committee to the applicant and explain the purpose of the hearing.
2.     The Chairman will inform the applicant that the hearing will be carried out in accordance with this procedure and that there are no specific time constraints upon the applicant when presenting their case.
3.     The Chairman will ask the applicant to confirm their full name and address.
4.     The Chairman will ask the applicant to confirm that they have received a copy of the relevant Committee report and hearing procedure.
5.     The Chairman will ask the applicant to confirm whether they intend to be represented at the hearing or whether the applicant wishes to represent him/herself. (If the applicant is to be represented, the Chairman will ask the representative to confirm their full name, address and their relationship to the applicant).
6.     The Chairman will ask the applicant whether they intend to refer to any other person as part of their case, for example witnesses or character references. (If the applicant is to refer to any such person, the Chairman will ask those persons to confirm their full name, address and their relationship to the applicant).
7.     The Chairman will outline the specific application and the reasons why the applicant has been required to attend the hearing.
8.     The Chairman will invite the applicant to present their case and ask the applicant why they feel they should be granted the licence as applied for.
9.     The Applicant will address the Chairman's question and present their case. This should include reference to the information contained in the Committee report and any other information the applicant wishes to bring to the attention of the Committee, including any witnesses or character references.
10.    When the applicant has presented their case, the Chairman will invite the Members of the Committee to ask questions of the applicant based upon the evidence presented by the applicant and the information contained in the Committee report. (Members of the Committee may also ask Licensing Officers for any clarification with regard to the application).

11. Upon the conclusion of questions by Members of the Committee, the Chairman will ask the Legal Advisor whether there are any other matters to be raised or resolved before the Committee makes its decision.
12. The Chairman will confirm that the members of the Committee have no further relevant questions or comments arising from the hearing.
13. The Chairman will ask the applicant to confirm whether they feel they have been given sufficient opportunity to present their case and invite the applicant to make any closing remarks.
14. The Chairman will thank the applicant for their attendance and inform the applicant that the Committee will now make its decision, the result of which together with the reasons for that decision, will be provided in writing to the applicant at a nominated date, time and location. (Normally applicants are notified of the Committee's decision on the next working day).
15. The Chairman will inform the applicant that the Committee is not a court of law and that if the applicant is unhappy with the decision of the Committee, they have the right of appeal to the Magistrate's Court within 21 days of notification of the Committee's decision.
16. The applicant will leave the hearing, together with all Officers, except for the Legal Advisor and Member Services Officer.
17. The Committee will debate the individual application and make a decision.
18. When the Committee has reached a decision, the Officers will be invited back into the hearing and the Chairman will verbally confirm the decision of the Committee and the reasons for that decision.
19. The Committee will then move onto the next item of business (if any).

End.



## **Appendix K            Hearing Procedure - existing licence holders**

### **Licensing and Appeals Committee: Hearing procedure for existing Hackney Carriage and Private Hire Drivers or Private Hire Operators**

All hearings will normally be conducted in private. The Committee will hear and determine each matter separately.

1. The Chairman will introduce the Committee to the licence holder and explain the purpose of the hearing.
2. The Chairman will inform the licence holder that the hearing will be carried out in accordance with this procedure and that there are no specific time constraints upon the licence holder when presenting their case.
3. The Chairman will ask the licence holder to confirm their full name and address.
4. The Chairman will ask the licence holder to confirm that they have received a copy of the relevant Committee report and hearing procedure.
5. The Chairman will ask the licence holder to confirm whether they intend to be represented at the hearing or whether the licence holder wishes to represent him/herself. (If the licence holder is to be represented, the Chairman will ask the representative to confirm their full name, address and their relationship to the licence holder).
6. The Chairman will ask the licence holder whether they intend to refer to any other person as part of their case, for example witnesses or character references. (If the licence holder is to refer to any such person, the Chairman will ask those persons to confirm their full name, address and their relationship to the licence holder).
7. The Chairman will outline the specific case and the reasons why the licence holder has been required to attend the hearing.
8. The Chairman will invite the Licensing Officer to present the case in detail.
9. The Chairman will invite the licence holder to present their case and ask the licence holder why they feel they feel the Committee should not take action against the licence.
10. The licence holder will address the Chairman's question and present their case. This should include reference to the information contained in the Committee report and any other information the licence holder wishes to bring to the attention of the Committee, including any witnesses or character references.
11. When the licence holder has presented their case, the Chairman will invite the Members of the Committee to ask questions of the licence holder based upon the evidence presented by the licence holder and the information contained in the

Committee report. (Members of the Committee may also ask Licensing Officers for any clarification with regard to the case).

12. Upon the conclusion of questions by Members of the Committee, the Chairman will ask the Legal Advisor whether there are any other matters to be raised or resolved before the Committee makes its decision.
13. The Chairman will confirm that the members of the Committee have no further relevant questions or comments arising from the hearing.
14. The Chairman will ask the licence holder to confirm whether they feel they have been given sufficient opportunity to present their case and invite the licence holder to make any closing remarks.
15. The Chairman will thank the licence holder for their attendance and inform the licence holder that the Committee will now make its decision, the result of which together with the reasons for that decision, will be provided in writing to the licence holder at a nominated date, time and location. (Normally licence holders are notified of the Committee's decision on the next working day).
16. The Chairman will inform the licence holder that the Committee is not a court of law and that if the licence holder is unhappy with the decision of the Committee, they have the right of appeal to the Magistrate's Court within 21 days of notification of the Committee's decision.
17. The licence holder will leave the hearing, together with all Officers, except for the Legal Advisor and Member Services Officer.
18. The Committee will debate the individual case and make a decision.
19. When the Committee has reached a decision, the Officers will be invited back into the hearing and the Chairman will verbally confirm the decision of the Committee and the reasons for that decision.
20. The Committee will then move onto the next item of business (if any).

End.

## Appendix L                      Urgent Action Procedure

### **Procedure for any urgent action to be taken against existing hackney carriage and private hire drivers or private hire operators**

This procedure is to be used when it comes to the attention of the Council that a current holder of a Hackney Carriage driver licence, Private Hire driver licence or Private Hire Operator has been either accused<sup>3</sup> or convicted<sup>4</sup> of an offence that may bring into question whether he/she is a fit and proper person to hold such a licence.

Urgent action is defined as where the Assistant Director Community Services (ADCS) believes that the information received raises concerns as to whether the relevant licence holder should be allowed to continue to operate under their licence and that decision cannot wait until the next scheduled Licensing and Appeals Committee (the Committee).

When considering whether the matter is of an urgent nature, the types of offences that may warrant such urgent action include, but are not limited to:

- Drugs possession/intention to supply/production of drugs and similar offences;
- Organised crime;
- Violence including possession of offensive weapons;
- Sexual offences;
- Serious aggravated offences;
- Any other offence that the ADCS deems appropriate.

If the ADCS considers that urgent action is required, he will undertake the following procedure without undue delay in order to hold a hearing of the Urgent Hearing Panel (UHP) to determine the matter:

1. The ADCS will consult with the Chairman of the Committee to determine that urgent action is warranted. If the Chairman of the Committee is not available, the ADCS shall consult with the Deputy Chairman of the Committee or the relevant Portfolio Holder or the Leader of the Council in that order. The ADCS and relevant Councillor shall agree how quickly the UHP shall be convened.
2. The ADCS shall then convene the UHP which will consist of:
  - The ADCS and/or the Commercial, Safety and Licensing Manager (CS&LM);
  - A Senior Licensing Officer;
  - A legal advisor.
3. The UHP shall be chaired and the decision taken by the ADCS or his delegated deputy, the CS&LM. If either are not available, the UHP will be chaired and the decision taken by another Assistant Director of the Council or suitable alternative Officer of similar seniority.

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<sup>3</sup> Leeds CC v Hussain CO/1376/2002

<sup>4</sup> Section 61 of the Local Government Miscellaneous Provisions Act 1976

4. The licence holder shall be invited to attend the UHP to present their case and make representations as to why action should not be taken. All reasonable attempts will be made by the Licensing Service to contact the licence holder and invite them to attend the UHP. If the licence holder can be contacted, but is unable to attend in person, the Hearing may be held by way of a telephone conference.
5. If there is sufficient time before the convening of the UHP and the Licensing Service has been unsuccessful in contacting the licence holder, the Licensing Service will hand deliver a letter to the relevant address on file no later than the day before the Hearing is to commence. The letter will outline the case and provide a copy of this procedure.
6. If the licence holder cannot, is unable or unwilling to attend or cannot be contacted after such reasonable attempts, the UHP may proceed in the licence holder's absence considering the overriding duty to protect the public. A record will be kept of the attempts to contact the licence holder.
7. The Hearing will follow the principles of the Licensing and Appeals Committee Hearing Procedure for existing Hackney Carriage and Private Hire Drivers or Private Hire Operators (Appendix K, page 84). The Minutes of the Hearing will be taken by the Legal Officer.
8. Once the Hearing has concluded, the ADCS shall decide whether to suspend or revoke the relevant licence or to take no further action. If the ADCS decides to take action, he must also decide whether or not the allegation or conviction is so serious that the sanction should take immediate effect.
9. Once the ADCS has made a decision, he shall notify the Chairman of the Committee or the Deputy Chairman, relevant Portfolio Holder or Leader as appropriate.
10. Once the relevant Councillor has been notified, a Notice shall be drafted stating the decision of the ADCS and the reasons for the decision. The Decision Notice will also give reasons as to why the ADCS considered that urgent action was required and why the matter could not have waited to the next scheduled meeting of the Committee. The Decision Notice will also contain notification that the licence holder has the right to appeal within twenty one days of the decision to the Magistrates' Court.
11. The Decision Notice will be served personally on the licence holder at the Licensing Service office. If the licence holder is unwilling or unable to attend the Licensing Service office or the Council has been unable to contact the licence holder, the Notice will be hand delivered to their address on file.
12. Once the licence holder has been notified of the ADCS decision, Officers shall notify Members of the Committee by way of a Members Update, attaching a copy of the Decision Notice. If it is deemed that the information obtained at the Hearing is confidential, the update may be marked confidential.

## **Appendix M           Complaints Procedure**

It is a common misconception that the Council employs licensed drivers. This is not the case. Hackney Carriage and Private Hire licences allow holders to run what is considered to be their own businesses.

As individual business owners, licensees are in a position to run their businesses as they see fit, with the proviso that they meet the requirements of the licences held and the law governing the licence. Therefore any complaints about service should be directed to the relevant operator.

All complaints which are pursued by the Council are based upon the driver's fitness to hold a licence and/or the condition of the licensed vehicle. Accordingly, any complaints about driving manner should also be directed to the Police.

Each step of any complaint investigation must be documented due to the fact that there is potential for the complaint to progress to being heard in Court.

The complainant should therefore provide the following information as a minimum:

- Date and time of the incident
- Vehicle identification (plate number, description of vehicle etc.)
- Identification of Licensed Operator (if applicable)
- Identification of the driver (licence number, personal description)
- Description of the incident

Whilst we are happy to take complaints over the telephone, we may ask the complainant to confirm this information in writing. This can be submitted by email, via our website, fax or letter - using the contact details in Appendix T (page 115).

Many investigations are concluded within 5 working days; however the length of time taken to conclude the investigation is largely dependent upon the licensed operator's and driver's response time to our correspondence. You will be provided with a formal response detailing conclusions reached resulting from our investigation will be provided.

## **Appendix N                    Application Procedures**

### **1.        Application procedures – vehicles**

- 1.1        When presenting a new or renewal application, the following documents **MUST** accompany the completed application form:
- (i)        DVLA Registration Document (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as proprietor(s) thereof);
  - (ii)       Valid Certificate of Insurance;
  - (iii)      MOT/Compliance Certificate;
  - (iv)      [For stretched limousines] Single Vehicle Approval Certificate (SVA).

### **New Application**

- 1.2        The applicant must make an appointment to attend the Licensing Office to initiate the application.
- 1.3        The Authority will provide vehicle proprietors with a unique reference number which must be provided to the vehicle testing station allocated at the time of the appointment. The inspection will not be completed without this reference number.
- 1.4        Vehicle proprietors shall be directed by the Authority to an approved vehicle testing station to have vehicles inspected and tested. Applicants are required to make arrangements directly with the approved vehicle testing station to conduct the examination.
- 1.5        Prior to submitting the vehicle for examination, proprietors shall ensure that the vehicle complies with the Council’s Hackney Carriage and Private Hire Licensing Policy.
- 1.6        If at any stage of the application, the applicant does not provide the required information and/or fails to complete the application process within 28 days from the last known date of contact, the application will be marked as ‘not proceeded with’.

### **Renewal Application**

- 1.6        In respect of renewal applications vehicles will be required to attend an approved vehicle testing station to have vehicles inspected and tested before an appointment with the Authority is made, the vehicle should not be examined more than 4 weeks before its licence is due to expire. However, it is advised to arrange the examination and test at least 7 days prior to the renewal appointment in case the vehicle examination identifies the need for repair work and retesting which can then be undertaken prior to the expiry of the licence.
- 1.7        If the vehicle fails the examination and the repair requires specific work that could not be reasonably foreseen prior to the expiry of the licence and/or requires a specific part that could not have been reasonably obtained prior to the expiry of the licence, a period of up to 28 days from the date of the expiry of the licence may be granted to allow vehicle owner to complete the work. The effect of this period is to give the vehicle owner reasonable time to complete the work, whilst also avoiding the lapse of the licence. Such a period will be granted at the sole discretion of the Authority and the vehicle owner must provide suitable evidence to substantiate that the work is necessary and that the repair could not have been reasonably foreseeable prior to the expiry of the licence and/or the part could not have been reasonably obtained prior to the expiry of the licence. In any event, if the required work is not completed by the end of the period granted by the Authority, the licence will lapse.

- 1.8 Vehicle proprietors shall be subject to a re-charge fee by the vehicle testing station in respect of vehicles that fail the vehicle test and undergo a second examination and test. The full examination and test fee shall be charged to proprietors who fail to attend appointments for vehicle examination and tests without notifying the vehicle testing station.
- 1.9 When a vehicle has passed its test, the applicant must make an appointment to attend the Licensing Office to complete the application.

## **2. Application procedures – drivers**

- 2.1 Applications for Hackney Carriage or Private Hire drivers' licences are not limited and may be made at any time of the year. This is subject to the applicant must having held a full DVLA driving licence (which may be a European driving licence subject to 2.4 below) for more than three years and having attained the age of 18 years.
- 2.2 Applicants must make an appointment to attend the Licensing Office to initiate the application.
- 2.3 A fee will be required for all application forms and payment can only be made with a debit/credit card or cheque/postal order.
- 2.4 Applicants who hold a European driver's licence, other than Great Britain, must produce a GB counterpart issued by the DVLA a minimum of 12 months prior to the date of application.
- 2.5 Applicants will be required to complete an application form for an Enhanced Disclosure from the Disclosure and Barring Service on first application and every 3 years thereafter. Three forms of personal identification is required (passport, DVLA driving licence, birth certificate or marriage certificate) as well as a utility bill showing the applicants current address. Applicants will also need to provide their national insurance number.
- 2.6 Applicants will be required to provide a completed DVLA mandate which must be accompanied with a cheque or postal order made out to DVLA for £5.00
- 2.7 Applicants from European Economic Area and worldwide are also required to provide a Certificate of Conduct from the embassy of the applicants' country of origin or place of recent residence.
- 2.8 Applicants from outside the European Economic Area must also provide evidence of their entitlement to work and reside in the UK.
- 2.9 Foreign nationals from Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia are also required to be registered under the Home Office Worker Registration Scheme.
- 2.10 If new applicants are confident that the DBS Disclosure will be satisfactory then they can proceed to arrange appointments to obtain a completed medical certificate from a General Practitioner; to undertake the Authority local knowledge test. Otherwise, as the above actions will incur costs, applicants may prefer to wait for the return of the DBS Disclosure and clearance from the Authority to continue with the application.
- 2.11 Applicants shall provide a completed medical examination form supplied by the Authority on application then on their 45<sup>th</sup> birthday and every 5 years until the age of 65 (i.e. on the driver's 50<sup>th</sup>, 55<sup>th</sup>, 60<sup>th</sup> and 65<sup>th</sup> birthdays) where upon an annual examination is required. Medical examinations must be conducted by the applicant's own general practitioner or medical practice. In exceptional circumstances, the applicant may be directed to the Council's independent medical advisor. Medical examinations must be completed on the renewal of the licence immediately before the driver reaches their 45<sup>th</sup>, 55<sup>th</sup>, 60<sup>th</sup> and 65<sup>th</sup> birthday.

- 2.12 If at any stage of the application, the applicant does not provide the required information and/or fails to complete the application process within 28 days from the last known date of contact, the application will be marked as 'not proceeded with'.

### **3. Consideration of driver applications**

- 3.1 On receiving the Enhanced Disclosure from the DBS new applicants should visit the Licensing Office to provide the completed medical. Disclosure and medical forms will not be accepted if more than 28 days old.
- 3.2 If satisfied, from the information available, that the applicant is a fit and proper person to hold a licence, the Officer has delegated power to grant the application and issue a 12 month<sup>3</sup> year paper licence.
- 3.3 All licences remain the property of the Authority and must be surrendered if the driver licence is suspended or revoked by the Authority.
- 3.4 If the Authority is not satisfied, on the information before it, that the applicant should be granted a licence, the matter may be referred to the Licensing and Appeals Committee for a hearing in accordance with the Council's Hackney Carriage and Private Hire Licensing Policy.

### **4. Application procedures – Operators**

- 4.1 Applicants must make an appointment to attend the Licensing Office to initiate the application.
- 4.2 A fee will be required for all application forms and the fee will be determined by the amount of vehicles intended to operate. Payment can only be made with a debit/credit card or cheque/postal order.
- 4.3 Applicants will be required to provide a standard disclosure of convictions on first application and every 3 years thereafter.
- 4.4 Applicants will be required to provide evidence of public liability insurance and where necessary employers liability insurance.
- 4.5 The applicant must provide a full list of drivers and vehicles they intend to operate.
- 4.6 All required documentation must be provided on appointment in order for the application to be processed.
- 4.7 Vehicle door signage must be approved by the Council before use and displayed on all relevant vehicles. Details of signage requirements are contained in the Council's Hackney Carriage and Private Hire Licensing Policy.

### **5. Consideration of operator applications**

- 5.1 All licences remain the property of the Authority and must be surrendered if the driver licence is suspended or revoked by the Authority.
- 5.2 If the Authority is not satisfied, on the information before it, that the applicant should be granted a licence, the matter may be referred to the Licensing and Appeals Committee for a hearing in accordance with this Policy.



## **Appendix O            Stretched Limousine Policy**

### **1        *Definition of a stretched limousine***

1.1      For the purposes of this Policy and licence conditions a stretched limousine is defined as follows:

A stretched limousine is a motor vehicle that has undertaken a Ford 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;
- not a decommissioned military or emergency service vehicle; and
- prior to the adoption of this Policy could not be licensed as a Private Hire vehicle by this Authority.

### **2        *Additional requirements***

2.1      Except in exceptional circumstances, stretch limousines will only be licensed up to the age of 5 years from the date of manufacture, and in any event, this is subject to the production of relevant original documentation and a satisfactory vehicle inspection.

2.2      Only vehicles fitted with glass affording clear, unobstructed visibility into the vehicle passing by in the nearside lane, when the vehicle is viewed from the pavement shall be licensed by the Council.

## Appendix P Executive vehicle requirements

- 1.1 For executive type vehicles, a proprietor can apply to obtain a plate exemption.
- 1.2 Proprietors of executive type vehicles licensed as Private Hire vehicles, or Private Hire vehicles used in special circumstances, may seek the permission of the Authority to waive the conditions of their licence relating to the display of licence plates.
- 1.3 Executive vehicles remain licensed as Private Hire vehicles and all journeys and contracts must be pre-booked through a licensed Operator, although such vehicles should be used solely to undertake prestige work and should not be despatched to customers in the ordinary way.
- 1.4 Proprietors wishing to obtain a plate exemption will be asked to book an initial assessment of their vehicle by the Licensing Service. This will allow Officers to inspect the vehicle and to give further advice on the plate exemption procedure.
- 1.5 At the Initial Assessment, Officers will decide whether or not the vehicle is deemed to be an executive type vehicle. If so, the Proprietor will be allowed to apply for a licence in the usual way.
- 1.6 If approved, the proprietor will be notified of the successful application and will be issued with the following:
  - i) An agreement letter detailing that the vehicle is exempt from displaying a Private Hire Plate. The agreement is required to be carried on the vehicle at all times and to be available for inspection by an authorised officer of the Council, a police officer or by the hirer of the vehicle, on request.
  - ii) A windscreen sticker for display in the front windscreen of the vehicle denoting that the same information as a Private Hire Vehicle Plate.
  - iii) A Private Hire Vehicle Plate to be secured/ fixed into the boot of the vehicle.
- 1.7 If the exemption request is not approved, the Licensing Service will write to the applicant giving reasons as to why the application has been refused.
- 1.8 It is the responsibility of the proprietor, in line with the vehicle licence renewal, to make a renewal application for the plate exemption. There are no exceptions.
- 1.9 The conditions for plate exempt vehicles are:
  - i) Vehicles granted a plate exemption waiver shall be used only for executive type hirings and shall not be used for standard private hirings.
  - ii) The Operator receiving a booking for a plate exempted vehicle shall provide the hirer with details of the vehicle registration number and the name of the driver, prior to the hiring commencing.

- iii) The private hire identification disc issued by the Council shall be displayed within the front nearside of the windscreen at all times and legible from outside the vehicle.
- iv) The rear vehicle licence plate shall be securely fixed within the boot of the vehicle in a manner which enables it to be easily inspected.
- v) The driver's badge shall be available for inspection by an authorised officer of the Council, a police officer or by the hirer of the vehicle, on request.
- vi) The Council's agreement to a plate exemption is required to be carried on the vehicle at all times and to be available for inspection by an authorised officer of the Council, a police officer or by the hirer of the vehicle, on request.
- vii) The driver of a plate exempted vehicle shall wear professional business attire.
- viii) The hirer shall not have the facility to settle accounts and / or tender direct payment to the driver by any means. Payment may only be made, either before or after the journey, direct to the Operator or their accounting system.
- ix) No alcoholic drink shall be sold or purchased in or from the vehicle.

## **Appendix Q      Designated vehicles (Equality Act 2010: Section 167)**

### ***Hackney Carriages:***

- Peugeot E7
- Peugeot Expert E7
- Peugeot Euro7
- LTI TX Series
- Carbodies Fairway
- Metrocab Series III
- Metrocab Taxi

### ***Private Hire Vehicles:***

- Ford Transit minibus

## **Appendix R            Hackney Carriage and Private Hire Vehicle Inspection Standards**

### **INTRODUCTION**

One of the principles aims of West Lancashire Borough Council's (the Council) licensing regime for Hackney Carriages (HC) and Private Hire Vehicles (PHV) is to protect the public. The public should have reasonable access to safe and well maintained HC and PHV, for example, it is clearly important that somebody using a HC or PHV should be confident that the vehicle is safe.

Under the Contract for the testing of HC and PHV, the Council holds a contractual relationship with nominated Vehicle Examiners to conduct inspections of HC and PHV. This standards document has been prepared to provide a technical guide for Vehicle Examiners when inspecting HC and PHV. All vehicles presented for inspection must comply with these standards.

This document does not establish a detailed inspection regime to create difficulties for the HC and PHV trades, but it is primarily to promote vehicle safety for the protection of passengers and not for the benefit of operators. The Council therefore considers the contents of this document to be justified by the risks it aims to address.

### **SCOPE**

These standards apply to all HC and PHV licensed by the Council. The contents of this document are derived from the specification for HC and PHV contained in the Council's Hackney Carriage and Private Hire Licensing Policy (the Policy), which is based on the National Inspection Standards for Hackney Carriages and Private Hire Vehicles published by the Public Authority Transport Network and the Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance.

This document considers the MOT Inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA as the basic inspection standard for HC and PHV. Therefore, the standards contained in this document are in addition to those in the MOT Inspection Manual. Vehicle Examiners should therefore be aware that in assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the HC & PHV test.

Accordingly, this document should be read in conjunction with the Policy, the National Inspection Standards for Hackney Carriages and Private Hire Vehicles published by the Public Authority Transport Network and the Vehicle & Operator Services Agency (VOSA) publication 'MOT Inspection Manual - Car and Light Commercial Vehicle Testing', ISBN 0-9549239-0-1 as amended.

### **VEHICLE TESTING**

As the term implies, HC and PHV are vehicles used for hire and reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required.

All HC and PHV are licensed for 12 months. All HC and PHV must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual - Car and Light Commercial', ISBN 0-9549239-0-1 as amended. The purpose of the HC & PHV test is to confirm vehicles meet the more stringent standards set out in this document. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. If in the opinion of the Vehicle Examiner the vehicle has not been fully prepared, the test will be terminated and a further full test could be required. It is an offence under the Road Traffic Regulations to use an unroadworthy vehicle a vehicle that is not roadworthy on the public highway. HC & PHV drivers/operators who fail to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended, curtailed or revoked by the Council.

### **SPECIFICATION OF VEHICLE TYPES THAT MAY BE LICENCED**

The legislation gives the Council a wide range of discretion over the types of vehicle that it can licence as HC or PHVs. Vehicle Examiners will be aware that the Council specifies that HC must be a purpose-built vehicle. With regard to PHV, the Council adopts the principle of specifying as many different types of vehicles as possible, so long as the vehicle meets the specification contained in the Policy.

### **ACCESSIBILITY**

In addition to their general conditions, these standards consider accessibility for disabled people (including - but not only - people who need to travel in a wheelchair) of the vehicles the Council licences as a HC. Whilst it remains the Department for Transport's intention to make accessibility regulations for HC under the Disability Discrimination Act 1995, it actively encourages local authorities to produce a HC accessibility policy. The Council's requirements are detailed in the Policy.

### **TYPE APPROVAL**

It may be that from time to time the Council will be asked to licence, a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local licensing authority's criteria for licensing, but may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

European Whole Vehicle Type approval;  
British National Type approval; or

British Single Vehicle Approval (before 29 April 2009) or:  
Individual Vehicle Approval (from 29 April 2009)

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at: [www.dft.gov.uk](http://www.dft.gov.uk)

### STOP LAMPS - HIGH LEVEL STOP LAMPS

Method of Inspection	Reason for Rejection
<p>Any additional stop lamps fitted and connected must be tested. Where high level stop lamps are fitted and there is doubt as to whether they are connected, the benefit of this doubt should be given to the presenter.</p> <p>Check the high level stop lamp where fitted:</p> <p>a. Is not obscured, and is not obviously incorrectly positioned.</p> <p>b. At least 50% of the lamp must be visible from the rear.</p>	<p>High level stop lamp is</p> <p>a. Obscured or obviously incorrectly positioned.</p> <p>b. Less than 50% of the lamp not working or obscured.</p>

### ELECTRICAL WIRING AND EQUIPMENT

Method of Inspection	Reason for Rejection
<p>This examination is limited to that part of the electrical system that can be readily seen without dismantling any part of the vehicle.</p> <p>a. Check all electrical wiring for:</p> <ul style="list-style-type: none"><li>• Condition.</li><li>• Security.</li><li>• Position.</li></ul> <p>• Signs of overheating.</p> <p>• Heavy oil contamination.</p> <p>b. Battery and carrier for:</p> <ul style="list-style-type: none"><li>• Security.</li><li>• Battery for leaks.</li></ul> <p>c. Check all switches controlling all obligatory lights.</p>	<p>a. Wiring is</p> <ul style="list-style-type: none"><li>• Not adequately insulated.</li><li>• Not adequately secured.</li><li>• Positioned so that it is chafing or clipped to a fuel line or likely to be damaged by heat so that insulation will become ineffective.</li><li>• With clear evidence of overheating.</li><li>• Heavily contaminated with oil.</li></ul> <p>b. Battery and carrier:</p> <ul style="list-style-type: none"><li>• A battery and /or carrier not secure and likely to become displaced.</li><li>• Battery leaking.</li></ul> <p>c. Insecurity or malfunction of a switch controlling an obligatory light.</p>

## ADDITIONAL LAMPS

Method of Inspection	Reason for Rejection
<p>With the ignition switched on check:</p> <p>Reversing lamps</p> <p>a. The reversing lamps emit a diffused white light when reverse gear is selected.</p> <p>b. The lamps extinguish when neutral gear is selected.</p> <p>c. The lamps are in good working order and are secure.</p> <p>d. The lamps do not flicker when lightly tapped by hand.</p> <p>Front Fog/Driving Lamps</p> <p>Check that:</p> <p>e. A single front fog lamp emitting a white or yellow diffused light illuminates only when dipped beam is selected.</p> <p>f. A pair of matched fog lamps both emitting a white or yellow diffused light should illuminate together.</p> <p>g. A pair of matched, long-range driving lamps, both emitting a white diffused light should illuminate together.</p> <p>'For Hire' and roof signs</p> <p>Check that:</p> <p>h. Correct style and type of sign fitted.</p> <p>i. Ensure the sign is securely fastened to the vehicle.</p> <p>j. Check condition and security of wiring</p> <p>k. Functional test of signs for illumination</p>	<p>A reversing lamp:</p> <p>a. That fails to operate or does not emit a white diffused light</p> <p>b. Fails to extinguish when neutral or forward gear is selected.</p> <p>c. Are not in good working order or insecure.</p> <p>d. Lamps flicker when tapped lightly by hand.</p> <p>Front Fog/Driving Lamps</p> <p>e. Lamp inoperative or operates other than in dipped beam mode.</p> <p>f. Lamps operate incorrectly.</p> <p>g. Lamps operate incorrectly.</p> <p>'For Hire' and roof signs</p> <p>h. Incorrect colour or details shown on sign.</p> <p>i. Insecure sign.</p> <p>j. Wiring is not in good condition and is loose or chaffed.</p> <p>k. Illumination not consistent across the sign, i.e. all light bulb(s) LED(s) illuminated when switched on.</p>



### STEERING CONTROL - STEERING WHEEL

Method of Inspection	Reason for Rejection
<p>With both hands rock the steering wheel from side to side at right angles to steering column and apply slight downward and upward pressure to the steering wheel rim (in line with column). Note:</p> <ul style="list-style-type: none"><li>a. Fractures in steering wheel hub.</li><li>b. Fractures in steering wheel rim.</li><li>c. Steering wheel spokes loose or fractured.</li><li>d. Jagged edges on steering wheel rim.</li><li>e. If possible, check the retaining device on steering wheel is fitted.</li></ul>	<ul style="list-style-type: none"><li>a. Steering wheel hub fractured.</li><li>b. Steering wheel rim fractured.</li><li>c. A steering wheel spoke loose or fractured.</li><li>d. Jagged edges on steering wheel rim likely to injure the driver.</li><li>e. A steering wheel hub-retaining device not fitted.</li></ul>

### STEERING CONTROL - STEERING COLUMN

Method of Inspection	Reason for Rejection
<ul style="list-style-type: none"><li>a. Try to lift the steering in line with the steering column and note the movement at centre of steering wheel.</li><li>b. Push steering wheel away and then pull it towards you. Note any side play.</li><li>c. While steering wheel is rotated, check for deterioration in any flexible coupling or universal joint of steering column.</li><li>d. Where practical, check any clamp bolts for presence and security of locking devices. (These may be located in the engine compartment or under chassis).</li></ul>	<ul style="list-style-type: none"><li>a. Excessive movement of centre of steering wheel in line with steering column (end float). <b>Note:</b> Certain types of steering column might show some movement not due to excessive wear, e.g. those fitted with universal joints or flexible couplings</li><li>b. Excessive side play indicating worn top bearings or insecure top mounting bracket.</li><li>c. A flexible coupling or universal joint deteriorated, worn or insecure.</li><li>d. A coupling clamp bolt or locking device loose or missing.</li></ul>

### SUSPENSION SPRING UNITS AND LINKAGES

Method of Inspection	Reason for Rejection
<p>Coil Springs</p> <ul style="list-style-type: none"><li>a. Welding repairs</li></ul>	<ul style="list-style-type: none"><li>a. Repaired by welding</li></ul>

### BRAKES

No additional inspection requirements.
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## TYRES

Method of Inspection	Reason for Rejection
<p>Condition of Tyres</p> <p>On all the tyres, including spare wheel - where fitted, examine each tyre meets all the requirements laid down in the MOT Inspection Manual for Car &amp; Light Commercial Vehicles (ISBN 0-9549239-0-1) or as amended,</p> <p><b>Note 1</b> Where a doughnut tank is fitted in the boot for LPG, the spare wheel if still carried in the boot must be properly secured. Alternatively, a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.</p>	<p>Not in accordance with the MOT Inspection Manual for Car &amp; Light Commercial Vehicles (ISBN 0-9549239-0-1) or as amended.</p> <p><b>Note 2</b> Space saver tyres should only be approved with the support of a method statement highlighting driver responsibilities with regard to the maximum permitted speed and that space savers are a temporary 'get-you-home tyre'.</p>

### SPECIAL NOTICE – STRETCHED LIMOUSINES:

In the case of American imported stretched limousines, vehicle Examiners will need to be vigilant when inspecting tyres for suitability. Most converted stretched limousines are converted from Ford Lincoln Town Cars with a number of Cadillac variants also.

In approved 'stretch' limousine conversions, the maximum weight is approximately 7,100lbs (3.2tonnes) and care should be exercised when determining suitable tyre ratings. Generally speaking a Ford Lincoln or Cadillac would require a tyre rating index of at least 107 T, which gives a load rating of 2,149 lbs. (975 kg.) with a maximum speed of 118 miles per hour.

### STRETCHED LIMOUSINES

More information, guidance and the procurement of suitable tyres can be obtained from:

- North Hants Tyres & Wheels, Henry John House, 2 Ivy Road, Aldershot GU12 4TX Tel: 01252 318666
- National Limousine & Chauffeur Association on: [www.nlca.co.uk](http://www.nlca.co.uk)

## SEAT BELTS

No additional inspection requirements.

**VEHICLE BODY AND CONDITION – (EXTERIOR)**

<b>Method of Inspection</b>	<b>Reason for Rejection</b>
<p data-bbox="185 230 494 259">Body Condition (Exterior)</p> <p data-bbox="185 300 794 400">Examine the body thoroughly for security, corrosion, damage, poor repair/paint match or sharp edges that are likely to cause injury.</p>	<p data-bbox="813 230 1123 259">Body Condition (Exterior)</p> <ul style="list-style-type: none"><li data-bbox="813 300 1426 365">a. An insecure or missing body panel, trim, step or accessory.</li><li data-bbox="813 405 1426 470">b. Any sharp edge whatsoever which may cause injury.</li><li data-bbox="813 510 1426 575">c. Heavy scuffing, abrasions or deformation to front and rear bumper.</li><li data-bbox="813 616 1426 761">d. All body panels should be in good, clean condition with no broken, untreated paintwork so as not to detract from the overall appearance of the vehicle.</li><li data-bbox="813 801 1426 866">e. A single dent of more than 80mm width in any one panel.</li><li data-bbox="813 907 1426 1050">f. Dull, faded paintwork which has lost its uniform finish or paint miss match to a panel(s) to such an extent that it detracts from the overall appearance of the vehicle.</li><li data-bbox="813 1090 1426 1256">g. Evidence of poor repairs and or paint finish to a repaired panel(s) including significant runs and overspray to adjoining panels/trim that detracts from the overall appearance of the vehicle.</li><li data-bbox="813 1296 1426 1397">h. Obvious signs of rust/corrosion of any size particularly those that are covered by advertising signs.</li><li data-bbox="813 1438 1426 1538">i. Lack of clearly displayed or omission of 'No Smoking' signs. Signs must be visible to all passengers.</li></ul>

## VEHICLE BODY, SECURITY AND CONDITION – (INTERIOR)

Method of Inspection	Reasons for Rejection
<p>Body Condition (Interior)</p> <p>a. Examine thoroughly the interior for damaged, insecure or loose fixtures, fittings or accessories.</p> <p>b. Dirty, missing and worn trim, carpets, seat belts, mats, headlining, boot area and inclusion of prescribed items. Remove mats to inspect carpets underneath for cleanliness and wear.</p> <p>c. Examine interior lights, motion door locks and warning lights.</p> <p>d. Examine heating and ventilation systems for correct operation, including passenger compartment controls where fitted (includes electric front and rear screen demisters).</p> <p>e. Examine all windows ensuring they are operational and allow lowering and rising easily.</p> <p>f. Examine interior door locks, grab handles/rails safety covers.</p> <p>g. Examine grills/partitions for security and condition.</p> <p>h. Examine electrical wiring for condition, security, including intercom systems.</p> <p>i. Examine the boot for access, contents, cleanliness, and water ingress.</p>	<p>a. Insecure and loose fixtures, fittings or accessories.</p> <p>b. Missing, heavily soiled, stained, worn or insecure trim, carpets, headlining, and mats or any of the aforementioned not repaired in a uniform manner to match existing colour and/or material.</p> <p>c. An inoperative interior light (all lights must illuminate if they are part of the manufacturer's standard equipment). Missing or defective motion switch/lock or warning lamp not illuminated.</p> <p>d. A system(s), which does not function correctly, or any part is missing including vents, controls and switches.</p> <p>e. An opening window that is inoperative or requires unreasonable force to open and or close mechanism broken/missing.</p> <p>f. Missing, defective or loose door locks, child locks, protective covers grab handles and rails. Grab handles/rails, which are rigid to aid the blind and partially sighted, and are worn to excess.</p> <p>g. A grill/partition which is insecure or has sharp edge which may cause injury to passengers or driver.</p> <p>h. Frayed, chaffing wiring, non-shielded terminals and cables so routed that they cause a trip hazard, cables that can be easily disconnected. Intercom system defective, warning light inoperative and signs illegible/missing.</p> <p>i. Unable to open, close and or lock boot lid, failure of boot lid support mechanism, defective seals/evidence of water ingress, dirty boot and or carpets, loose items stored in boot (i.e. spare wheel tools and equipment etc.).</p>

**VEHICLE BODY, SECURITY AND CONDITION – (INTERIOR continued)**

<b>Method of Inspection</b>	<b>Reasons for Rejection</b>
<p>Additional items to be inspected in limousines and novelty vehicles:</p> <p>j. All fixtures and fittings i.e. mirror balls, drinks cabinets, televisions etc. must be stored securely and not hinder the ingress or egress from the passenger compartment.</p> <p>k. A notice identifying the maximum seating capacity to be displayed in the passenger compartment and clearly visible to all passengers. It may be necessary to display more than one sign indicating the maximum seating capacity.</p> <p><b>Note: Any vehicle presented in a dirty, untidy condition will not be tested.</b></p>	<p>j. Any fixture or fitting, that is loose or insecure or where walkways are blocked that prevents ease of ingress or egress from the passenger compartment.</p> <p>k. No maximum seating capacity sign or signs displayed. A sign or signs not clearly visible to all passengers.</p>

## DOORS & SEATS

Method of Inspection	Reason for Rejection
<p>a. Examine the condition of all doors and emergency exits. Check door locks, striker plates, handles and hinges for security, wear and missing and damaged trim/cover plates.</p> <p>b. Check markings describing the presence and method of opening emergency exit(s) are readily visible on or adjacent to the exit and are legible.</p> <p>c. Check that seats are secure, clean and not unduly worn.</p> <p>IMPORTANT NOTE: With the exception of 'novelty vehicles' only vehicles with forward and rear facing seats will be accepted.</p> <p>For more information on seating for novelty vehicles see Section 12.2</p> <p>Accessibility: Wheelchair Vehicles</p> <p>Door Configurations for wheelchair accessible vehicles:</p> <p>d. Single rear door – must open to a minimum of 90 degrees and be capable of locking in place.</p> <p>e. Twin rear doors – both must open to a minimum of 180 degrees and be capable of being locked in place. This is to enable an attendant (driver or guide) to assist the wheelchair passenger if required.</p>	<p>a.</p> <p>(i) A door or emergency exit does not latch securely in the closed position.</p> <p>(ii) A door or emergency exit cannot be opened from both the inside and outside the vehicle from the relevant control in each case.</p> <p>(iii) Missing, loose or worn handles, lock or striker plate.</p> <p>b.</p> <p>(i) Markings describing the presence and method of opening an emergency exit missing, illegible or incorrect.</p> <p>(ii) Missing, loose or damaged trim/cover plate.</p> <p>c. Seat cushion(s) stained, torn, significantly holed, worn or insecure. A seat that does not provide adequate support at base or backrest. Torn, slashed or badly stained seats are not acceptable.</p> <p>d. Door does not open to a full 90 degrees and cannot be secured in the open position.</p> <p>e. Twin doors do not open to a full 180 degrees and cannot be secured in the open position</p>

## BUMPER BARS

Method of Inspection	Reason for Rejection
Examine the bumper bars and check:  a. They are secure to their mountings.  b. The mountings are secure to the vehicle.  c. There is no evidence of damage.	  a. A loose bumper bar or mounting. A weakened bumper bar and/or mounting is insecure because of poor repairs.  b. A fractured mounting bracket. Mounting bolts so worn or elongated that the bumper bar is likely to detach partially or completely from the vehicle when in use. A bumper bar secured by wire or other temporary means is regarded as insecure and must be rejected.  c. Bumper bars which have jagged edges, cracks, splits or projections, which may cause injury to persons near the vehicle. Paint miss match or fading which is significantly different to that of the rest of the paintwork.

## EXHAUST SYSTEM

Method of Inspection	Reason for Rejection
a. Where applicable, check for presence, security and adequacy of grease shields to hot exhausts.	a. A heat shield missing, insecure or inadequate.

## FUEL SYSTEM - PIPES & TANKS

Method of Inspection	Reason for Rejection
a. Examine fuel tank(s) for security and leaks.  b. Check that fuel tank filler caps are: <ul style="list-style-type: none"><li>• Present.</li><li>• Of the correct type.</li><li>• Secure and seated properly to ensure correct function of sealing.</li></ul> c. Examine pipes to see they are securely clipped to prevent damage by chafing and cracking, and are not in a position where they will be fouled by moving parts.  d. Check that no fuel pipe runs immediately adjacent to or in direct contact with electrical wiring or the exhaust system.	  a. Fuel tank insecure or leaking.  b. A filler cap missing or unsuitable or in such condition that it would not prevent fuel leaking or spilling.  Note: Temporary/emergency fuel caps are not permitted.  c. Damaged, chafed, insecure pipes, or pipes so positioned that there is a danger of them fouling moving parts.  d. A fuel pipe immediately to or in direct contact with electrical wiring or exhaust system.

## MIRRORS

Method of Inspection	Reason for Rejection
<p>The number and position of all obligatory mirrors must be checked:</p> <p>a. Check the condition of each mirror reflecting surface and whether a person sitting in the driver's seat can see clearly to the rear.</p>	<p>Note: A defective additional external mirror is not a reason for rejection.</p> <p>a. Mirror condition</p> <ul style="list-style-type: none"> <li>• A mirror reflecting surface deteriorated or broken.</li> <li>• In such a position that a person sitting in the driver's seat cannot see clearly to the rear.</li> </ul>

## WINDSCREEN - VIEW TO THE FRONT

Method of Inspection	Reason for Rejection
<p>Sit in the driver's seat and check that there is reasonable view of the road ahead, bearing in mind the original design of the vehicle.</p> <p>a. For all air operated wipers examine:</p> <ul style="list-style-type: none"> <li>• The condition of any visible piping</li> <li>• The function of the operating mechanism, and</li> <li>• The function of necessary valves to protect the braking system</li> </ul> <p>Note: Equipment or objects not originally fitted to the vehicle as part of the original design must not obstruct the designed forward view of the driver. In particular, objects such as (but not limited to) pennants, cab decorations and external stone guards/visors should not interrupt the view through the swept area by the windscreen wipers.</p>	<p>The position or size of any object restricts the driver's view of the road ahead, bearing in mind the original design of the vehicle.</p> <p>a. Air operated wipers</p> <ul style="list-style-type: none"> <li>• Pipes inadequately clipped or supported</li> <li>• Incorrect function of the wipers or leaking components</li> <li>• Incorrect operation of protection valves</li> </ul>



## WINDOW GLASS OR OTHER TRANSPARENT MATERIAL

Method of Inspection	Reason for Rejection
<p>a. Visually check the condition of all windscreens, internal screens, partitions, side, rear, roof and door windows for cracks, surface damage and discolouration.</p> <p>b. Check presence and security of all windscreens, side, roof, or rear windows, or internal screens or partitions.</p> <p>c. Check for evidence of obvious leaks from all windscreens and side, rear, roof or door windows.</p> <p>d. Check for presence, security and condition of guard rails or barriers at windows, internal screens or partitions.</p> <p>e. For all vehicles first used before 1 January 1959. As far as is practicable, check that glass fitted to windscreens and outside windows facing to the front is safety glass, except glass fitted to the upper deck of a double deck bus.</p> <p>f. For all vehicles used on or after 1 January 1959, as far as is practicable, check that glass used for windscreens and all outside windows is safety glass, or safety glazing.</p> <p>g. Vehicles first used on or after 1 June 1978, check that windscreens and other windows, wholly or partly, on either side of the drivers' seat are made from safety glass displaying an acceptable safety mark.</p> <p>Note: Marking is not required for safety glass used on vehicles first used before 1 June 1978.</p>	<p>a. A crack, surface damage or discoloration in glass or other transparent material that:</p> <ul style="list-style-type: none"><li>• Impairs the driver's front, side, or rear view of the road or;</li><li>• Presents a danger to any person in the vehicle.</li></ul> <p>b. A windscreen or any other outside window missing, or any windscreen, window, internal screen or partition insecure.</p> <p>c. Any external window or windscreen is obviously leaking.</p> <p>d. A guard-rail or barrier at a window, internal screen or partition missing, insecure or damaged.</p> <p>e. The windscreen and/or any outside window facing to the front of a vehicle obviously not safety glass fitted to a vehicle first used before 1 January 1959.</p> <p>f. Glass used for a windscreen or an outside window is obviously not safety glass.</p> <p>g. For vehicles first used on or after 1 June 1978, that windscreens and/or other windows wholly or partly on either side of the driver's seat that are not made from safety glass display an acceptable safety mark.</p> <p>Notify the Council of any vehicle windows that do not have visual transmission to ensure that the interior of the vehicle is clearly visible from the outside. See Section 9 of Appendix B and Section 11 of Appendix C.</p>

## SPEEDOMETER

Method of Inspection	Reason for Rejection
<p>a. Check that a speedometer is fitted.</p> <p>b. Check the condition of the speedometer.</p> <p>c. Check that the speedometer can be illuminated.</p>	<p>a. Speedometer not fitted.</p> <p>b. Speedometer not complete or clearly inoperative, or dial glass broken or missing.</p> <p>c. The speedometer cannot be illuminated.</p>

## TRANSMISSION

Method of Inspection	Reason for Rejection
<p>Examine transmission, check for:</p> <p>a. Missing or loose flange bolts.</p> <p>b. Cracked or insecure flanges.</p> <p>c. Wear in shaft and/or wheel bearings.</p> <p>d. Security of bearing housings.</p> <p>e. Cracks or fractures in bearing housings.</p> <p>f. Wear in universal joints.</p> <p>g. Deterioration of flexible couplings.</p> <p>h. Distorted, damaged shafts.</p> <p>i. Deterioration of bearing housing flexible mountings.</p> <p>j. Clearance between transmission shafts and adjacent components.</p> <p>Front Wheel Drive:</p> <p>k. Check the drive shaft inner and outer universal joint couplings and constant velocity joints for:</p> <ul style="list-style-type: none"> <li>• Wear and security.</li> <li>• Damage to flexible rubber or fabric universal joints.</li> <li>• Security and oil contamination of flexible rubber or fabric universal joints.</li> <li>• Condition, presence and security of constant velocity joint gaiters.</li> </ul>	<p>a. A loose or missing flange bolt(s).</p> <p>b. A flange cracked, or loose on the transmission shaft.</p> <p>c. Excessive wear in shaft bearing.</p> <p>d. A bearing housing insecure to its fixing.</p> <p>e. A cracked or fractured bearing housing.</p> <p>f. Excessive wear in a universal joint.</p> <p>g. Deterioration of a transmission shaft flexible coupling.</p> <p>h. A damaged, cracked or bent shaft.</p> <p>i. Deterioration of a flexible mounting of a bearing housing.</p> <p>j. Evidence of fouling between any transmission shaft and an adjacent component.</p> <p>k.</p> <ul style="list-style-type: none"> <li>• Drive shaft constant velocity or universal joint coupling worn or insecure.</li> <li>• A flexible rubber or fabric universal coupling unit damaged by severe cracking or breaking up.</li> <li>• A flexible rubber or fabric universal coupling unit excessively softened by oil contamination or insecure.</li> <li>• A drive shaft constant velocity joint gaiter split, missing or insecurely mounted.</li> </ul>

### ENGINE AND TRANSMISSION MOUNTINGS

Method of Inspection	Reason for Rejection
a. Examine condition of: <ul style="list-style-type: none"> <li>• mountings</li> <li>• sub-frames</li> </ul> And	} } } } Any mounting or sub-frame which is:
b. The security to chassis and check for: <ul style="list-style-type: none"> <li>• fractures</li> <li>• looseness</li> <li>• deterioration</li> </ul>	} - loose } - fractured } - deteriorated } - inappropriate repair } }

### OIL AND WATER LEAKS

Method of Inspection	Reason for Rejection
a. Check vehicle for oil and water leaks from any assembly or component to the ground.  b. And/or which could be deposited on surrounding bodywork or onto the brake, exhaust system.  <b>Note:</b> If necessary, the engine can be run at idle speed to confirm the existence of an oil leak.	a. An oil or water leak, from any assembly, which deposits fluids underneath the vehicle whilst stationary.  b. Leaks which, when the vehicle is moving, could be deposited upon the surrounding bodywork, exhaust and brake system so that it would: <ul style="list-style-type: none"> <li>• Contaminate areas</li> <li>• Could potentially cause a health, safety or fire risk</li> </ul>

### LUGGAGE / LOAD SPACE

Method of Inspection	Reason for Rejection
Physical separation is not so much an issue as is the safety of passengers in the event of an accident. In most cases, the boot space will provide suitable luggage storage. The luggage should therefore be secure and prevented from becoming dislodged in an accident in such a manner as may cause injury. Such security can be by means of a sheet or net, which could be anchored to the floor of the luggage area. Clearly if the luggage compartment is not physically separated from the passenger compartment then care will need to be taken so as not to carry any hazardous items such as fuel cans, detergents or other loose items that could leak if they become damaged.	If fitted and required, load restraint system: <ul style="list-style-type: none"> <li>• Not present at time of test.</li> <li>• Faulty or unserviceable.</li> </ul>

## WHEELCHAIR RESTRAINT & ACCESS EQUIPMENT (where fitted)

Method of Inspection	Reason for Rejection
<p>WHEELCHAIR RESTRAINT</p> <p>a. Where applicable check condition and operation of wheelchair restraint.</p> <p>b. A system for the effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces.</p> <p>WHEELCHAIR ACCESS &amp; EQUIPMENT</p> <p>A vehicle shall be fitted with either of the following forms of wheelchair access equipment:</p> <p><u>Ramps</u></p> <p>c. Check that appropriate ramps fitted are securely installed in the designated storage area. Examine for damage, deformity, sharp edges etc. and provision of anti-slip covering.</p> <p><u>Wheelchair lift</u></p> <p>d. A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. A report, confirming that the lifting equipment is safe to use, shall be presented at the time of the vehicle inspection. Vehicles presented for inspection with a wheel chair lift will require a LOLER certificate that is valid for a period of six months from the date of issue.</p> <p>Note: Passenger lifting equipment will need to be thoroughly examined by a competent person, in use, at least once every six months.</p> <p>e. Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to safe working load of 250kgs and certified to BS 6109.</p> <p>f. Wheelchair access equipment shall be fitted either into the rear or side access door of the vehicle. Where it is fitted to a side door this shall be the door situated on the near side of the vehicle, i.e. kerbside when stopped in a normal road.</p>	<p>a. A wheelchair restraint is defective, worn or missing.</p> <p>b. Wheelchair anchorage systems and devices does not conform to European Directive 76/115 EEC (as amended by 90/629 EEC).</p> <p>c. Ramps missing, insecurely stored, damaged/deformed, anti-slip covering in poor condition or missing.</p> <p>d. Vehicle not presented with a valid or current LOLER certificate.</p> <p>e. The installed ramp does not have any visible reference to a maximum safe working load or certification to BS 6109.</p> <p>f. Wheelchair access equipment is fitted to the off- side access door of the vehicle.</p>

### WHEELCHAIR RESTRAINT & ACCESS EQUIPMENT (where fitted) continued

Method of Inspection	Reason for Rejection
<p>g. The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1,220mm). The measurement shall be taken from the upper centre of the aperture to a point directly below on either, the upper face of the fully raised lift platform, or the upper face of the ramp fully deployed on level ground.</p> <p>h. A locking mechanism shall be fitted that holds the access door in the open position whilst in use.</p> <p>i. All wheelchair tracking must be fit for purpose and structurally sound.</p> <p>Further information on disabled people's transport is available from the Disabled Persons Transport Advisory Committee (DPTAC) <a href="http://www.dptac.gov.uk">www.dptac.gov.uk</a></p>	<p>g. There is not clear headroom in the aperture within the central third of 48 inches (1,220mm).</p> <p>h. No evidence of a suitable locking mechanism to hold the door open.</p> <p>i. Damaged or insecure tracking or detritus deposits within the tracking rails</p>

### FIRE EXTINGUISHER

Method of Inspection	Reason for Rejection
<p>a. Check the fire extinguisher for:</p> <ul style="list-style-type: none"> <li>• Extinguisher is no more than 5 years old from date of manufacture.</li> <li>• Seal.</li> <li>• Type – water, CO2 or foam or dry powder.</li> <li>• Approved mark - BS5423 or EN3.</li> </ul> <p>b. The fire extinguisher must be kept in an accessible position inside the vehicle. The extinguisher may be carried out of view, i.e. in a fastened glove compartment provided there is a clear sign on the dashboard, stating the location.</p>	<p>a. A fire extinguisher is missing or:</p> <ul style="list-style-type: none"> <li>• Is more than 5 years old from date of manufacture.</li> <li>• Broken or missing seal.</li> <li>• No approved marking visible or other non-approved marking shown.</li> </ul> <p>b. Not fitted in an accessible position or its position is not clearly marked.</p>

### FIRST AID KIT

Method of Inspection	Reason for Rejection
<p>a. Check the first aid kit for presence, the expiry date and the seal is intact.</p> <p>b. The first aid kit must be kept in an accessible position inside the vehicle. The first aid kit may be carried out of view, i.e. in a fastened glove compartment provided there is a clear</p>	<p>a. A first aid kit is missing, out of date, broken or the seal has been broken.</p> <p>b. The first aid kit is not fitted in an accessible position or its position is not clearly marked.</p>

sign on the dashboard, stating the location.	
<b>NOVELTY VEHICLES (STRETCH LIMOUSINES)</b>	
<b>Method of Inspection</b>	<b>Reason for Rejection</b>
<p>Vehicle Identification Number (VIN)</p> <p>a. Vehicle Identification Number (VIN), should be checked to ensure it complies with the guidance as follows:</p> <ul style="list-style-type: none"> <li>• For vehicles constructed from 1998 onwards the VIN should begin with ILI;</li> <li>• Pre 1998 vehicles (not recommended for licensing as private hire vehicles) VIN should begin with ILM;</li> <li>• If a VIN begins with ILN or anything other, then this is likely to be a non-approved ('cut-and-shut') modification.</li> </ul> <p>Seating Capacity</p> <p>b. It is strongly recommended that prior to the inspection of a novelty vehicle the inspector checks the seating capacity on the V5C to ensure it does not exceed 8 passenger seats.</p> <p>Undue Stresses</p> <p>c. Vehicle Examiners should be aware of undue stresses caused to the steering, brakes and tyres due to the additional weight imposed on the vehicle at the modification process.</p>	<p>a. Inappropriate VIN markings displayed or no VIN markings present.</p> <p>b. If the V5C states more than 8 passengers, then this vehicle MUST NOT be tested or licensed as a Private Hire Vehicle. The vehicle should be referred to VOSA for licensing as a passenger carrying vehicle (PCV).</p> <p>c. Tolerances and wear should be as defined in the VOSA Car &amp; Light Commercial Vehicle Testing Manual as follows:</p> <ul style="list-style-type: none"> <li>• Steering - Section 2</li> <li>• Brakes - Section 3</li> <li>• Tyres - Section 4</li> </ul>

#### Passenger Notices

#### Driver Declaration

Local licensing authorities are strongly advised to obtain a declaration, from the operator of a licensed novelty vehicle, that vehicles with side facing seats will never be used to carry passengers less than 16 years of age, regardless of whether the vehicle is fitted with or without seatbelts.

#### Passenger Notices

i. In addition, notices forbidding children to be carried in side facing seats must be displayed in prominent positions, i.e. on entry to the passenger compartment and on the inside of the vehicle on either side of the passenger compartment. In addition, local licensing authorities may require outward facing signs adjacent to all entrance/exit doors to the passenger compartment.

ii. Further notices should be displayed inside the vehicle, where all passengers can clearly read the notice, advising passengers of the maximum carrying capacity of the vehicle and a warning to passengers that should the capacity be exceeded then the vehicle will not be insured.





## West Lancashire Borough Council

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### Hackney Carriage & Private Hire Licensing

#### Statement of Policy - relevant convictions, cautions, complaints and other relevant matters

#### 1.0 Introduction

1.1 This document should be read in conjunction with the Council's Hackney Carriage and Private Hire Statement Licensing Policy 2016 and sets out the approach the Council will take in determining relevant convictions, cautions, complaints and other relevant matters in relation to:

- Hackney Carriage drivers
- Private Hire drivers
- Private Hire Operators

1.2 Accordingly, this Policy covers applications (new and renewal) as well as existing licensed drivers and operators.

1.3 The Council will aim to apply this Policy in a consistent manner; however, it may depart from this Policy if it has reason to do so, but will give full justification for such departure.

#### 2.0 Definitions

2.1 "Individual" - an existing licence holder, an applicant for a new licence or an applicant for the renewal of an existing licence.

2.2 "Issue" – includes the following:

- Complaints made to the Council, Police, Private Hire Operator or any other agency
- Breaches of licence conditions
- Intelligence received from other agencies, which includes circumstances that have not resulted in a criminal conviction, caution or other disposal. By way of example, this would also include incidents that have resulted in a police investigation, but there has been no further action due to the criminal burden of proof, if the Council is satisfied that the incident occurred based on the balance of probabilities

2.3 "The Council" – West Lancashire Borough Council.



### **3.0 General**

3.1 Licences may only be granted where the Council is satisfied that the individual is a “fit and proper person” to hold such a licence.

3.2 This Policy is intended to give guidance on one aspect of whether an individual is or is not a “fit and proper” person; specifically, the situation where an individual has previous convictions, cautions, complaints and/or other relevant matters.

3.3 The Council is concerned to ensure:

- That an individual is a “fit and proper” person
- That the public are not exposed to individuals with a history of dishonesty, indecency and/or violence
- The safeguarding of children, young persons and vulnerable adults

3.4 The public are not normally permitted to attend hearings relating to specific driver or operator licences. In determining an application or licence, the Council will take account of the human rights of the wider public and balance these against the human rights of the individual.

3.5 When submitting an application for a licence to drive a Hackney Carriage or Private Hire vehicle, or for an Operator licence, individuals are required to declare any and all previous convictions. Individuals are also required to declare any and all:

- Formal/simple cautions
- Matters of restorative justice
- Fixed penalties and endorsable fixed penalties
- Details of criminal matters of which they are currently the subject of criminal investigation and/or prosecution

3.6 The information will be treated in confidence and will only be taken into account in relation to the relevant application in order to assist the Council in determining whether the applicant is a “fit and proper” person to hold a driver’s licence for the purposes of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, and / or whether the Council should exercise any of its powers under Section 61 and 62 of this Act (i.e. suspension, revocation or refusal to renew a existing licence).

3.7 Driver licence applicants should be aware that the Council is empowered by law to check with the Disclosure and Barring Service for the existence and content of any criminal record and / or intelligence held in their name. Furthermore, the Council will, where appropriate, contact other agencies for any other information (e.g. other local authorities, the Police, Children’s Services) which they may hold in order to determine the application or existing licence. This information will be kept in strict confidence and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and good practice after the application is determined or any appeal against such determination is decided.

- 3.8 The disclosure of a criminal conviction, caution or other relevant information relating to an individual's conduct will not debar that individual from being granted, retaining or renewing a licence. It will depend on whether or not an individual can satisfy the Council that they are a "fit and proper" person to hold such a licence.
- 3.9 The Council may not be satisfied that an individual is a "fit and proper" person to hold a licence for any good reason. If adequate evidence that an individual is a fit and proper person is not presented or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.
- 3.10 In considering evidence of an individual's good character and fitness to hold a driver / operator licence and where previous convictions / cautions or other information relating to criminal matters or character are disclosed, the Council will consider:
- The nature of the offence / issue and penalty
  - When it was committed / took place
  - The date of conviction / issue and the length of time elapsed
  - The age of the individual when the offence / issue took place
  - Whether or not it is part of a pattern of behaviour
  - The intent the harm could or did cause
  - Any other factors which may be relevant
- 3.11 Where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq (1998)*].
- 3.12 The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining new / renewal applications for driver and operator licences, and also when considering whether to take any action against an existing licence holder.
- 3.13 The guidelines do not address every type of offence and do not prevent the Council from taking into account offences not specifically addressed in the guidelines or other conduct that may be relevant to an individual. If an individual has a conviction for an offence not covered by these guidelines, regard will be made to the factors contained in paragraph 3.10 when deciding whether any action should be taken.
- 3.14 Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.
- 3.15 The guidelines are not an attempt to define what a "fit and proper person" is.
- 3.16 Any individual refused a driver licence, or has such licence suspended or revoked, on the grounds that the Council is not satisfied he / she is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

- 3.17 Any individual who is refused an operator licence has a right to appeal to the Magistrates Court within 21 days of the notice of refusal.
- 3.18 The guidelines will be used for the determination of new applications, the renewal of existing licences and the review of existing licences in relation to Hackney Carriage drivers, Private Hire drivers and Private Hire Operators.

## **GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS, CAUTIONS, COMPLAINTS AND OTHER RELEVANT MATTERS**

### **4.0 General Policy**

4.1 Each case will be decided on its own merits.

4.2 The Council has a duty to ensure so far as is possible that drivers are “fit and proper” persons to hold licences. One aspect of this is the extent to which previous convictions indicate that an individual is not a “fit and proper” person and / or may take advantage of passengers, abuse or assault them or otherwise take advantage of the role that the licence provides. This includes, but is not limited to, convictions for:

- Offences against children, young people or vulnerable adults
- Dishonesty
- Sexual offences
- Violence and drugs
- Traffic offences

4.3 Restorative justice and other criminal disposals are increasingly used by the Police as a less formal method of dealing with issues and an alternative to the criminal court system. The Council recognises that restorative justice and other out of court disposals tend to be applied in less serious cases or for first time offenders. Nevertheless, all such disposals will be taken into account when determining if an individual is a “fit and proper” person.

4.4 An individual with a conviction for a serious offence(s) need not be automatically barred from obtaining a licence, but would normally be expected to:

- Remain free of conviction for an appropriate period; and
- Show adequate evidence that he or she is a “fit and proper” person to hold a licence (the onus is on the individual to produce such evidence)

4.5 Simply remaining free of conviction will not generally be regarded as sufficient evidence that a person is a “fit and proper” person to hold a licence.

4.6 It may be appropriate to depart from these guidelines in certain situations, these include:

- Where the offence is isolated and there are mitigating circumstances
- Where a conviction defaults outside of the policy between the application date and the determination date

4.7 Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account. Any case which involves a sexual offence, murder or manslaughter the application / licence will normally be refused / revoked.

4.8 The Council will convene to consider any information / representations that an individual is not / no longer a “fit and proper” person or has proven to have breached

a licence condition. In such cases the Council may refuse, revoke or suspend a licence for any specified period. The Council may also determine that such action be implemented with immediate effect.

- 4.9 The following examples afford a general guide on the action, which might be taken where convictions are disclosed.

## **5.0 Dishonesty offences**

5.1 Drivers of a Hackney Carriage and / or Private Hire vehicles are expected to be persons of trust. Licences awarded by the Council are to those considered under the Council's guidelines, to be a fit and proper person. This is because it is the Council's view that it is relatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may include especially vulnerable people and children.

5.2 For these reasons the Council takes a serious view of any convictions involving dishonesty. In general, an applicant with convictions for dishonesty which is less than **5 years** of the conviction date, is unlikely to be considered favourably and be referred to a hearing for determination.

5.3 In particular, an application will normally be refused where the applicant has a conviction for an offence listed below and the conviction is less than 3-5 years prior to the date of the application. Between 3 and 5 years after conviction, or release from prison (whichever is the most recent), regard will be made to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

- Burglary
- Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- Blackmail
- Bribery
- Conspiracy to defraud
- Forgery ( e.g. producing false insurance policy)
- Fraud
- Handling or receiving stolen goods
- Obtaining money or property by deception
- Theft
- Offence of possession of goods with false trade mark for sale or hire-Trade Marks Act 1994
- Other deception
- Similar offences
- Offences which replace any of the above offences

## **6.0 Violent offences**

6.1 Members of the public and in particular, the elderly, infirm and children or vulnerable adults entrust their personal safety to Private Hire and Hackney Carriage drivers whenever they take a journey. Passengers often travel alone and are vulnerable to physical attack etc.

6.2 Users of Private Hire and Hackney Carriage vehicles have a right to expect that drivers are not individuals with a predisposition towards or a propensity for violent behaviour at any level.

6.3 Convictions for violence are amongst the most serious of all criminal offences.

*Offences of violence against children and young people*

6.4 Drivers of Private Hire and Hackney Carriage vehicles are often entrusted with the transportation of children and young persons who are particularly vulnerable whilst in the care of the driver. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

6.5 The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence involve children or young persons.

6.6 An extremely serious view will be taken where an applicant has been convicted of any offence of violence involving a child (under 14 years of age) or a young person (aged 14 to 17 years) and, in order to afford an appropriate degree of protection to children and young people, an applicant will be required to provide substantial evidence of rehabilitation before the Council will be satisfied that the applicant is a “fit and proper” person.

6.7 Convictions of less than **10 years old** prior to the date of application will be referred to a hearing. A conviction less than 5 years old will generally be refused. Between 5 and 10 years after conviction, or release from prison (whichever is the most recent), regard will be made to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

6.8 Where the commission of an offence involved the loss of life, a licence will normally be refused.

*Offences against adults*

6.9 Hackney Carriage and Private Hire vehicle drivers maintain close contact with the people from all parts of the community and the Council takes the view that law abiding citizens should not be exposed to a risk of violence by placing them in a vehicle driven by a person with a history of criminal violence. The elderly and infirm, the vulnerable, lone females and people who are drunk are all at particular risk from a driver with a tendency to resort to violence.

6.10 Where the commission of an offence involved the loss of life, a licence will normally be refused.

6.11 Convictions of less than **10 years** old prior to the date of application, or their release from prison (whichever is most recent) will be referred to a hearing. A conviction less than 3 years old will generally be refused.

*Offence types*

6.12 Convictions falling into the most serious group offences of violence involving the loss of life is likely to result in refusal of an application:

- murder

- manslaughter
- culpable homicide
- Similar offences
- Offences which replace the above offences

6.13 Applicants with one or more convictions for very serious violence should expect the application to be refused until a period of at least **ten years** has elapsed from the date of conviction or their release from prison (whichever is most recent), including:

- Arson
- Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861)
- Which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- Actual bodily harm (s.47 Offences Against the Person Act 1861) (v) Which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- Grievous bodily harm with intent (s.18 Offences Against the Person Act 1861)
- Grievous bodily harm with intent (s.20 Offences Against the Person Act 1861)
- Robbery
- Possession of firearm
- Riot
- Kidnap
- Assault Police
- Common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- Violent disorder
- Resisting arrest
- Similar offences
- Offences which replace the above offences

6.14 Applicants with one or more convictions for serious violence should expect the application to be refused until a period of at least **five years** has elapsed from the date of conviction or their release from prison (whichever is most recent), including:

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Fear of provocation of violence which is racially-aggravated (s.4 Public Order Act 1986) or (s.31(1)(a) Crime and Disorder Act 1998)
- Intentional harassment, alarm or distress which is racially-aggravated (s.4A Public Order Act 1986 offence) or (s.31(1)(b) Crime and Disorder Act 1998)
- Harassment which is racially-aggravated (s.2 Protection from Harassment Act 1997) or (s.32(1)(a) Crime and Disorder Act 1998)
- Putting people in fear of violence which is racially-aggravated (s.4 Protection from Harassment Act 1997) or (s.32(1)(b) Crime and Disorder Act 1998)
- Harassment, alarm or distress which is racially-aggravated (s.5 Public Order Act 1986) (s.31(1)(c) Crime and Disorder Act 1998)
- Similar offences
- Offences which replace the above offences



6.15 Applicants with one or more convictions for other offences of violence should expect the application to be refused until a period of at least **three years** has elapsed from the date of conviction or their release from prison (whichever is most recent), including:

- Common assault
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Affray
- Battery
- Harassment, alarm or distress (S5 Public Order Act 1986 offence)
- Fear of provocation of violence (s.4 Public Order Act 1986 offence)
- Intentional harassment, alarm or distress (s4A Public Order Act 1986 offence)
- Obstruction
- Possession of offensive weapon
- Criminal damage
- Similar offences
- Offences which replace the above offences

## **7.0 Drugs offences**

7.1 An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and the conviction is less than **5 -10 years** prior to the date of application or their release from prison (whichever is most recent). Between 5 and 10 years, regard will be had to the circumstances of the offence and any evidence demonstrating that the individual is now a fit and proper person to hold a licence.

7.2 An application will normally be refused where the applicant has more than one conviction for offences related to the possession of drugs and the convictions are less than 5 years prior to the date of the application.

7.3 An application from an individual who has an isolated conviction for an offence related to the possession of drugs within the last 3 to 5 years will require careful consideration of the facts.

7.4 If any applicant was an addict then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

## **8.0 Sexual and indecency offences**

8.1 Any individual currently on the sex offenders" register would not normally be granted a licence.

### *Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)*

8.2 Drivers of Hackney Carriages and Private Hire vehicles are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.

*Intelligence and other information which has not resulted in a criminal conviction*

8.3 The Council will sometimes be made aware of other intelligence or low level information about an individual which has not resulted in the conviction of that person but is relevant in relation to their character. The Council will give appropriate consideration to this information and will seek to consult with other appropriate agencies in order to ensure that they have a comprehensive understanding. Where appropriate, the Council will investigate such information/ intelligence. Any additional information gathered through the investigation process may then be taken into account at any subsequent hearing.

*Offences against persons other than children and young persons*

8.4 Hackney Carriage and Private Hire vehicle drivers often carry unaccompanied passengers; therefore applicants will normally be refused a licence if they have a conviction for:

- Indecent assault
- Rape
- Other similar offences
- Offences under the Sexual Offences Act 2003

8.5 Applicants will normally be refused a licence if they have a conviction relating to sexual offences until they can show a substantial period (**normally 10 years**) free from any such conviction or their release from prison (whichever is most recent). Between 5 and 10 years following conviction or their release from prison (whichever is most recent), regard will be had to the circumstances of the offence and any evidence demonstrating that such an individual is now a fit and proper person to hold a licence, including:

- Importuning
- Indecent exposure
- Soliciting
- Other similar offences or offences under the Sexual Offences Act 2003 when the provisions of that Act come into force

8.6 The Council may also consider such circumstances that, if they occurred at the time of the consideration of the application, would not be a criminal offence.

## **9.0 Motoring offences**

*Disqualification*

9.1 Where an applicant has been disqualified from driving because of a major traffic offence, the applicant will generally be refused a drivers licence for a Hackney Carriage or Private Hire vehicle unless a period of **3 years** free from conviction has passed since the reinstatement of the DVLA licence, and **5 years** where the disqualification relates to drink driving.

- 9.2 Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time, this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 3 years free from conviction must have elapsed from the restoration of the DVLA licence.
- 9.3 In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the Council is likely to refuse a Hackney Carriage or Private Hire driver licence because different criteria apply and an applicant will normally be expected to show a period of **12 months** free from conviction from the date the Court made its finding of exceptional circumstances justifying the non-qualification.

#### *Major Traffic Offences*

- 9.4 An application will normally be refused where the applicant has a conviction for an offence within **2 years** of the date of the application from the date of conviction. More than one conviction for this type of offence within the last **5 years** from the date of conviction is likely to merit refusal. A list of offences to which this paragraph applies is attached as Table 1.

#### *Minor Traffic Offences*

- 9.5 Isolated convictions for minor traffic offences should not prevent a person from obtaining a licence. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature, the applicant will normally be expected to show a period free of conviction of at least **6 months** from the date of conviction. A list of offences to which this paragraph applies is attached as Table 2.

#### *Hybrid Traffic Offences*

- 9.6 Offences of the type listed in Table 2 will be treated as major traffic offences if the Court awarded 4 or more penalty points for the offence and as minor traffic offences if the Court awarded 3 or less penalty points for the offence.

#### *Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws*

- 9.7 One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") and Hackney Carriage Byelaws is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire) when deciding whether an individual is to be treated as a fit and proper person to hold a licence. In particular, an applicant will normally be refused a licence if he / she has been convicted of an offence under the Acts at any time during the **2 years** preceding the application from the date of conviction or has more than one conviction within the last **5 years** preceding the date of the application from the date of conviction.

#### *Drunkennes*

- 9.8 Driving whilst under the influence of drink is unacceptable under any circumstances and puts not only the driver, but passengers and other road users at risk. Such

irresponsible behaviour is not conducive with the responsibilities of a Private Hire or Hackney Carriage driver.

#### *With a motor vehicle*

9.9 A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An application will normally be refused where the applicant has a conviction for an offence within **2 years** of the date of the application. More than one conviction for this type of offence within the last **5 years** from the date of conviction is likely to merit refusal. Where a disqualification has occurred as a result of a drink-driving offence, at least **5 years** free from conviction should elapse after the restoration of the DVLA licence before an applicant is considered for a licence.

9.10 In addition, applicants will normally be required to show a period of at least **5 years** has elapsed after completion of detoxification treatment if he / she were an alcoholic.

#### *Not in a motor vehicle*

9.11 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence. In addition, applicants will normally be required to show a period of at least **5 years** has elapsed after completion of detoxification treatment if he / she were an alcoholic.

## **10.0 General**

### *Spent Convictions*

10.1 The Council will only consider spent convictions if it appears to be relevant for deciding whether an individual is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction.

### *Cautions, Reprimands and Fixed Penalties*

10.2 For the purpose of these guidelines formal cautions, reprimands and fixed penalties shall be treated as though they were convictions.

### *Other relevant offences*

10.3 The Council takes a serious view of any convictions involving the law and practice concerning bail conditions. In general if an application is received with a conviction which is less than **3-5 years** of the conviction date or their release from prison (whichever is most recent), it is unlikely to be considered favourably.

10.4 In particular, an application will normally be refused where the applicant has a conviction for offences committed under the:

- Bail Act 1976
- Bail (Amendment) Act 1993
- Magistrates' Court Act 1980
- Magistrates' Court Rules 1981

- Criminal Justice Act 2003
- Powers of Criminal Courts (sentencing) Act 2000

or similar offences or offences which replace the above offences and the conviction(s) are less than **3 years** prior to the date of application. Between **3 and 5 years**, regard will be had to the circumstances of the offence and any evidence demonstrating that such an individual is now a fit and proper person to hold a licence.

**Table 1****MAJOR TRAFFIC OFFENCES**

AC10:	Failing to stop after an accident
AC20:	Failing to give particulars or to report an accident within 24 hours
AC30:	Undefined accident offences
BA10:	Driving while disqualified by order of Court
BA30:	Attempting to drive while disqualified by order of Court
CD10	Driving without due care and attention
CD20:	Driving without reasonable consideration for other road users
CD30:	Driving without due care and attention or without reasonable consideration for other road Users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for
CD80	Causing death by careless, or inconsiderate, driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers
DD40:	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
DR10:	Driving or attempting to drive with alcohol level above limit
DR20:	Driving or attempting to drive while unfit through drink
DR30:	Driving or attempting to drive then failing to supply a specimen for analysis
DR40:	In charge of a vehicle while alcohol level above limit
DR50:	In charge of a vehicle while unfit through drink
DR60:	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR70:	Failing to provide specimen for breath test
DR80:	Driving or attempting to drive when unfit through drugs
DR90:	In charge of a vehicle when unfit through drugs
IN10:	Using a vehicle uninsured against third party risks
LC20:	Driving otherwise than in accordance with a licence
LC30:	Driving after making a false declaration about fitness when applying for a licence
LC40:	Driving a vehicle having failed to notify a disability
LC50:	Driving after a licence has been revoked or refused on medical grounds
MS50:	Motor racing on the highway
MS60:	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)

TT99	To signify a disqualification under 'totting-up' procedure. If the total of penalty points reaches 12 or more within three years, the driver is liable to be disqualified
UT50:	Aggravated taking of a vehicle
<b><i>Aiding, abetting, counselling or procuring</i></b>	
Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)	
<b><i>Causing or permitting</i></b>	
Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)	
<b><i>Inciting</i></b>	
Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)	
Or similar offences or offences which replace the above offences	

**Table 2****MINOR TRAFFIC OFFENCES**

CU10:	Using vehicle with defective brakes
CU20:	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30:	Using a vehicle with defective tyres
CU40:	Using a vehicle with defective steering
CU50:	Causing or likely to cause danger by reason of load or passengers
CU80	Using a mobile phone while driving a motor vehicle
MS10:	Leaving a vehicle in a dangerous position
MS20:	Unlawful pillion riding
MS30:	Play street offences
MS40:	Driving with uncorrected defective eyesight or refusing to submit to a test
MS70:	Driving with uncorrected defective eyesight
MS80:	Refusing to submit to an eyesight test
MS90:	Failure to give information as to identity of driver, etc.
MW10:	Contravention of Special Road Regulations (excluding speed limits)
PC10:	Undefined contravention of Pedestrian Crossing Regulations
PC20:	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30:	Contravention of Pedestrian Crossing Regulations with stationary vehicle
SP10:	Exceeding goods vehicle speed limit
SP20:	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30:	Exceeding statutory speed limit on a public road
SP40:	Exceeding passenger vehicle speed limit
SP50:	Exceeding speed limit on a motorway
SP60:	Exceeding speed limit offence
TS10:	Failing to comply with traffic light signals
TS20:	Failing to comply with double white lines
TS30:	Failing to comply with a "Stop" sign
TS40:	Failing to comply with direction of a constable or traffic warden
TS50:	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60:	Failing to comply with school crossing patrol sign
TS70:	Undefined failure to comply with a traffic direction sign
<b><i>Aiding, abetting, counselling or procuring</i></b>	
Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)	
<b><i>Causing or permitting</i></b>	
Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)	



<b><i>Inciting</i></b>
Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)
Or similar offences or offences which replace the above offences

## **Appendix T            Contact Details**

For information on any aspect of the Hackney Carriage and Private Hire licensing regime, please contact the Licensing Service:

Telephone:    01695 577177  
Fax:            01695 585126  
Email:         [licensing.enquiries@westlancs.gov.uk](mailto:licensing.enquiries@westlancs.gov.uk)  
Webpage:     [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing)

Further information on this Policy Statement can be obtained from the Licensing Service. The Assistant Director Community Services, David Tilleray, has overall responsibility for the Licensing Service. The service is managed by the Commercial, Safety and Licensing Manager, Paul Charlson, who can be contacted on 01695 585246 or [paul.charlson@westlancs.gov.uk](mailto:paul.charlson@westlancs.gov.uk)