

Appendix 1

**West Lancashire Borough Council – Private Hire and Hackney Carriage Licensing
Policy 2009**

West Lancashire Borough Council

Hackney Carriage & Private Hire

Statement of Licensing Policy 2009

Introduction

West Lancashire Borough Council has responsibility for licensing Hackney Carriage and Private Hire vehicles, drivers and operators throughout the Borough. It had traditionally exercised this responsibility through a number of different policies and procedures that had been developed over a significant number of years.

Whilst many of these policies were adequate, they were not clearly explained in a single document. Accordingly, this draft Policy Statement attempts to provide this information and thereby aims to provide clear guidance to the taxi trade and the travelling public.

To ensure that the Council is able to maintain a contemporary, vibrant and forward looking Licensing Service, this Policy Statement represents a significant review of all policies and practices relevant to the Hackney Carriage and Private Hire licensing regime. Before adopting the policy, the Council will consult widely with those who may be affected by it and will consider all representations made as a result.

Therefore, the purpose of this draft policy document is to propose to:

- Establish 4 licensing objectives to guide all licensing decisions
- Bring all policies & procedures in line with Department of Transport Best Practice Guidance
- Revise, extend and clarify the specification of licensed vehicles including requirements in respect of disability access as well as introducing an age limit of 15 years for all licensed vehicles
- Refuse to licence the front passenger seat of Hackney Carriages on safety grounds
- Introduce policies to help promote the use of environmentally friendly practices
- Formalise controls and conditions for stretched limousines and similar vehicles
- Improve the knowledge test for new drivers
- Clarify the medical fitness standard for licensed drivers
- Introduce formal written policies in respect of:
 - The relevance of criminal convictions
 - Enforcement
- Establish a formal procedure for hearings
- Review and amend the conditions attached to drivers' licences
- Review and amend the Code of Conduct for licensed drivers
- Introduce a Dress Code for drivers
- Review and amend the conditions and requirements attached to Private Hire Operator's licences
- Formalise the requirements for advertising and signage on both Hackney Carriages and Private Hire vehicles

It is hoped that this document will serve to provide clarity for the taxi trade and the travelling public by establishing a distinct framework of standards that will be to the benefit of residents and businesses alike. Your comments on the content of this document are welcome.

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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 Carriage 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 shall be effective from the *[insert date]* and shall remain in effect for three years; therefore this Policy Statement will be reviewed by the *[insert date]*. 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.
- 1.6 This Policy Statement will also be kept under review during this three year period, and accordingly, the Executive Manager 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, variations 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 31).

2.3 All relevant application forms and guidance can be obtained from the Licensing Service (Appendix N, page 69).

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 Disability Discrimination Act 1995, and this is directly addressed in this Policy Statement.

4.0 The Borough of West Lancashire

4.1 West Lancashire is the most southerly of the Local Authorities within Lancashire. It has a population of 108,500 (National Census 2001) 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, (there are 19 Parish Councils and one Parish Meeting), and the former New Town of Skelmersdale to the east.

4.2 West Lancashire is an attractive area and has a good road and rail network. 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 49 Hackney Carriages and 350 Private Hire vehicles, as well as 13 Private Hire operators. It also licences approximately 54 drivers to drive Hackney Carriages and 353 for Private Hire.

4.5 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.

4.6 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 well being 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 public consultation operated from the 22nd June 2009 until the 11th September 2009 and the Authority has given due regard to the responses from this consultation process when formulating this Policy Statement. The list of consultees is maintained separately from this Policy Statement and is available from the Licensing Service using the contact details in Appendix N (page 69) or via the Council's website www.westlancs.gov.uk/licensing
- 5.2** In determining this revised 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

Through the exercise of this Policy Statement, the Council 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
- Testing stations
- Representatives of the Hackney Carriage and Private Hire trades

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 these functions. This Committee consists of 15 elected Members and has 1 Chairman and 1 Vice Chairman.
- 7.2 A meeting of the Committee will sit to hear applications for licences. In practice this will mean those applications that have specific issues or problems raised by Licensing Officers that give rise to serious concern that the granting of the licence would undermine the objectives stated in Section 3.0.
- 7.3 Applications that are not contested by Licensing Officers are determined under delegation to the Executive Manager Community Services. Table 1 summarises this delegation procedure.
- 7.4 All decisions made by either the Committee or the Executive Manager Community Services will be confirmed in writing to the applicant forthwith.

Table 1 - Delegations

Matter to be dealt with	Delegated authority to:	
	Executive Manager Community Services (EMCS)	Committee
Application for Private Hire/Hackney Carriage driver licence	Power to grant, unless applicant fails knowledge test when EMCS can refuse application	If EMCS mindful of refusal
Application for Private Hire/Hackney Carriage vehicle licence	Power to grant only	If EMCS mindful of refusal or for approval of new type of Hackney Carriage
Application for Private Hire Operator licence	Power to grant only	If mindful of refusal
Revocation of Private Hire/Hackney Carriage driver licence	Exceptional circumstances	All cases
Suspension of Private Hire/Hackney Carriage driver licence	Exceptional circumstances	All cases
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 CRB disclosure form, when EMCS can refuse to renew the application	All cases

Table 1 – Delegations (continued from overleaf)

Revocation of Private Hire/Hackney Carriage vehicle licence	Power to grant only	All cases
Suspension of Private Hire/Hackney Carriage vehicle licence	Power to grant only	All cases
Refusal to renew Private Hire/Hackney Carriage vehicle licence	Renew “without prejudice” to any action the Committee may take	All cases
Revocation of Private Hire Operator licence	Power to grant only	All cases
Suspension of Private Hire Operator licence	Power to grant only	All cases
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	-

8.0 Committee Hearings and Decisions

General

8.1 Committee hearings are arranged to determine any applications that Licensing Officers have brought to the attention of the Committee and which therefore 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 14 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 Hearings will be held at set dates throughout the year, published on the Council's website www.westlancs.gov.uk/licensing. The Committee will conduct a quasi-judicial consideration of the application based upon the evidence presented.

8.4 A legal advisor, advocate or a friend may represent any applicant, 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 a hearing procedure (Appendix J, page 63). This procedure will be adhered to in all hearings, a 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 details of applicants. To ensure the impartiality of such decisions, all Officers, apart from the Council's legal advisor and the Member Services Officer, are absent during the decision making process.

8.6 Applicants will 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 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 in the face of the matters brought to the Committee's attention. Therefore, the aforementioned hearing procedure will ensure that the applicant is given every opportunity to present suitable and sufficient evidence to support their case that they be granted a licence.

9.0 Compliance

9.1 Once licensed, it is essential that all drivers and vehicles comply with the conditions of licence and appropriate legislation. The Authority will make arrangements to monitor drivers and vehicles 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 defects are such that vehicles need to be immediately prohibited, 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 Executive Manager Community Services, at the address given in Appendix N (page 69). To this end, the key principles of consistency, transparency and proportionality will be maintained.

9.4 The following details the options 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 Notice**

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 Notice**

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**

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 dependant 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 K (page 65).

10.0 Appeals

10.1 Following a hearing, the Authority will notify the applicant of the decision. This will be done in writing 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 Drivers

11.1 The statutory and practical criteria and qualifications for a Private Hire driver are broadly identical to those for a Hackney Carriage driver. The Sections below, therefore, apply equally to Private Hire and Hackney Carriage drivers unless indicated.

11.2 All applications must be made in the prescribed form and accompanied by the respective fee (see Section 16 for more information on application fees).

Licences

11.3 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 12 months (Application procedures are set out in Appendix L, page 66). 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 Criminal Record Bureau (CRB) 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 on first application and every 5 years thereafter until aged 60 years when annual examinations are required (see below). The medical practice is likely to make a charge for this service.

Foreign Drivers

11.4 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 N (page 69) for further information.

Driver Knowledge Tests

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

11.6 In order to assist the Authority in determining the fitness of an applicant to hold a Hackney Carriage or Private Hire Driver's licence, applicants are required to undertake a 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 UK motoring law and good practice, customer care and disability awareness.

Five 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.

Driving Proficiency

11.7 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

11.8 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

11.9 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 and Private Hire drivers.

11.10 Applicants are required to undertake a medical examination on application then every 5 years until 60 years of age, where upon an annual examination is required. Medical examinations must be conducted by the applicant's own general practitioner. In exceptional circumstances, the applicant may be directed to the Council's independent medical advisor.

11.11 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.

Criminal Record Bureau (CRB) Disclosures

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

11.13 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. The applicant for a CRB enhanced disclosure will be

sent a separate disclosure report to their home address from the CRB, while the Authority will also receive a copy of the report.

11.14 Whilst it is the responsibility of the applicant to ensure the CRB Disclosure form is correctly completed, Licensing Officers will check to accuracy of completed forms before they are sent to the CRB for processing. The CRB 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.

11.15 No application shall be processed where the CRB Enhanced Disclosure is older than one month. Furthermore, CRB 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

11.16 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 disclosure, but only in so far as they are relevant to an application for a licence.

11.17 Accordingly, upon receipt of an Enhanced Disclosure from the CRB, Licensing Officers will assess whether any or all of the conviction(s) and any additional information received is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence. Licensing Officers will only bring a case before the Committee where the number and/or nature of the convictions against the applicant raise doubts as to whether that individual is a fit and proper person to hold the respective driver licence.

11.18 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.
- Any convictions and/or formal cautions for violence or threats of violence, for example assault, grievous bodily harm, wounding etc.
- Any convictions and/or formal cautions for sexual and/or indecency offences
- Any convictions and/or formal cautions for drunken and/or disorderly behaviour (including such offences involving a motor vehicle)
- Any convictions and/or formal cautions for dealing, possession and/or use of drugs (including such offences involving a motor vehicle)
- Any convictions and/or formal cautions for deception and/or fraud
- 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
- 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 and/or were sufficient points have been accrued resulting in a period of disqualification of the applicant's driving licence

- 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 or other matter that would suggest that the applicant is not a fit and proper person to hold the respective licence

11.19 All reports are scrutinised by the Public Protection and Licensing Manager, Executive Manager Community Services 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

11.20 The Rehabilitation of Offenders Act 1974 does not apply to applicants for both Hackney Carriage and Private Hire drivers' licences. Therefore applicants are required to disclose **all** convictions. This means the applicant must disclose **each and every** conviction recorded against them during their lifetime.

11.21 Where any applicant fails to declare any convictions this may result in prosecution or referral to the Committee, or both.

Convictions and/or formal cautions during period of licence

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

11.23 Accordingly, drivers who are convicted and/or cautioned for any criminal or motoring offence during the currency of their licence, must disclose the conviction and/or caution 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].

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

11.25 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.

Renewal of Licences

11.26 Existing driver licence holders shall be reminded prior to their expiry date that their licences are due to be renewed – normally 28 days prior to expiry. Application forms, appropriate fees, and supporting documentation (as set out in Appendix L, page 66), shall be produced at the Licensing Office. It is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

- 11.27** If a driver fails to renew their licence on or before the respective expiry date, the licence will lapse and become invalid, and accordingly, the driver will be required to make a full new application. The cost implications of failing to renew a licence could therefore be significant, and drivers are therefore strongly advised to ensure that they renew their licences prior to the expiry date. If the driver is aware of any reason that they may not be able to renew their licence before expiry, they must inform the Licensing Office immediately. A licence will only be renewed after its expiry date in very exceptional circumstances, which may require supporting documentary evidence and the matter considered on its merits.

Conditions of Licence

- 11.28** The Authority is not permitted to attach conditions to a Hackney Carriage driver's licence. It is, however, empowered to attach such conditions to a Private Hire driver's licence as are considered necessary.
- 11.29** 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 47).
- 11.30** The Authority considers that the conditions of licence as set out in Appendix F (page 56) are reasonable, necessary and appropriate for all licensed Private Hire drivers.
- 11.31** 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 39).

Code of Conduct

- 11.32** 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 document. The code is attached at Appendix G (page 59).

Dress Code

- 11.33** Anything that serves to enhance the professional image of the Hackney Carriage and Private Hire trade, and promotes the concept that drivers of licensed vehicles are vocational drivers is to be welcomed. Accordingly, the dress code set out in Appendix H (page 61) shall be adhered to by all drivers.

Independent Safeguarding Authority (ISA)

- 11.34** 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 Office, using the details in Appendix N (page 69), who will be able to provide more information.

12.0 Vehicles

Limitation of Numbers

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

12.2 The Authority does not currently impose any restriction as to the number of Hackney Carriage vehicle licences it will grant.

Specifications and Conditions

12.3 Local Authorities have a wide range of discretion over the types of vehicle that they can licence as Hackney Carriage or 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.

12.4 The Authority generally licences the “London type cab” as a Hackney Carriage but also maintains a list of alternative vehicles licensed as Hackney Carriages. The Authority shall impose such conditions, as it considers reasonably necessary, on Hackney Carriage and Private Hire vehicle licences. These vehicles provide a service to the public, so it is appropriate to set criteria for the standard of the external and internal conditions of the vehicle, provided that these are not unreasonably onerous.

12.5 Appendix B (page 32) sets out the specification and minimum standards in respect of Private Hire vehicles, where as Appendix C (page 39) sets out the specification and minimum standards for Hackney Carriages.

12.6 Vehicles will, in general, be licensed for the carriage of up to four or five 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. In the interests of the safety of the driver, the front seat of Hackney Carriages will not be licensed to carry passengers.

Accessibility

12.7 All licensed Hackney Carriages shall be wheelchair accessible.

12.8 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 Disability 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.”

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

- 12.9** 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.
- 12.10** 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.
- 12.11** The trades should be aware of a good practice guide produced by the Disability Rights Commission.

Maximum Age of Vehicles

- 12.12** 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.
- 12.13** 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 Hackney Carriage or Private Hire vehicle licence, shall, where the vehicle in question is more than 15 years old, be refused.
- 12.14** All vehicles licensed for the first time 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 a 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 of a maximum of 6 years old.

Vehicle Testing

- 12.15** Hackney Carriage and Private Hire vehicles shall be granted licences for a maximum period of 6 months. Prior to being granted a licence each vehicle shall be examined and tested at a vehicle testing station approved by the Authority.

Signage and Advertising

- 12.16** 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.
- 12.17** Roof signs fitted to Hackney Carriage vehicles shall be illuminated at all times when the vehicle is available for Hire.

- 12.18** 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.
- 12.19** Private Hire vehicles shall display door signs provided to the specification set out in the conditions of licence.
- 12.20** 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.
- 12.21** Private Hire vehicles shall not be allowed to display or advertise written or other material on its bodywork. 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

- 12.22** The Hackney Carriage and Private Hire 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.
- 12.23** 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 and Private Hire trades are, however, encouraged to consider the installation of CCTV in their vehicles on a voluntary basis.
- 12.24** 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

- 12.25** The application procedures for a Hackney Carriage or 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 L (page 66).

Consideration of Applications

- 12.26** 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

- 12.27** Existing vehicle licence holders shall be reminded prior to their expiry date, normally within at least 28 days, that their licences are due to be renewed. Application forms, appropriate fees, and supporting documentation, as set out in Appendix L (page 66), shall be produced at the Licensing Office. It is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.
- 12.28** 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.
- 12.29** Licences will not be renewed after expiry. 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 dependant upon the age of the existing vehicle, it may require a change in vehicle to meet the age requirements set out in this Section.

Environmental Considerations

- 12.30** Hackney Carriages and Private Hire 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 Hackney Carriages are reduced as far as possible.
- 12.31** 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 and 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

- 12.32** 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.
- 12.33** 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.

12.34 Most limousines are imported for commercial purposes and are therefore required to take a Single Vehicle Type Approval (SVA) test. The SVA Scheme is an Inspection Scheme for vehicles that are not approved to British and European Standards and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads. When presented for SVA 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.

12.35 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.

12.36 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 M (page 68).

Contract Vehicles

12.37 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.

Prestige Type Vehicles

12.38 Proprietors of prestige type vehicles licensed as Private Hire vehicles may seek the permission of the Authority to waive certain conditions of licence.

Funeral Vehicles

12.39 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

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

13.0 Private Hire Operators

- 13.1** 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.
- 13.2** 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.
- 13.3** 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

- 13.4** 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 Criminal Records Bureau and a certificate of good conduct from the relevant embassy for applicants who have lived overseas are, nevertheless, seen as appropriate.
- 13.5** Before an application for a Private Hire Operator's licence will be considered, the applicant shall provide a current (less than 3 months old) Basic CRB 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 CRB disclosure shall be produced on application and every three years thereafter if subsequent renewal applications are made.

Conditions

- 13.6** 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 52).

Insurance

- 13.7** 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

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

Licence Duration

- 13.9** 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.

- 13.10** Holders of existing Private Hire Operator's licences shall be reminded preceding their expiry, when their licences are due to be renewed – normally within 14 days.

14.0 Fares

- 14.1** 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.
- 14.2** The Authority shall review the tariff upon request from the trade. This control does not apply to fares set by Private Hire vehicle operators.
- 14.3** Hires that end outside of the Borough boundary can be negotiated prior to the commencement of the journey in both Private Hire vehicles and Hackney Carriages.

Table of Fares

- 14.4** 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 on the Council’s website www.westlancs.gov.uk/licensing
- 14.5** 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

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

Electronic payments

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

15.0 Fees

- 15.1** The legislation provides that fees charged to applicants should be sufficient to cover the costs of inspecting the vehicles, providing Hackney Carriage stands (taxi ranks) and administering the regulation of the Hackney Carriages and Private Hire trades.
- 15.2** Fees for any given year are set from the 1st 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.
- 15.3** 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 Public Protection and Licensing Manager.
- 15.4** Payments can be made by cheque, postal order or by debit/credit card (Note: a charge may be levied for debit/credit card transactions). Cash payments are not accepted.

16.0 Ranks

- 16.1** 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 62).

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 vehicle 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.
- 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.

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. The board shall be a minimum 125mm in width, all of which shall be available as a step.

4 Wheels

- 4.1 The vehicle shall have four road wheels of uniform standard, size and style, which conform to construction and use regulations.
- 4.2 Space-saver spare tyres, where fitted as standard equipment to the vehicle, will not be accepted. Provision shall be made for a standard road wheel to be secured in the vehicle. A vehicle presented for examination and test with a space saver spare tyre in use as a road wheel will fail the test.
- 4.3 Any spare wheel shall conform to construction and use regulations and be of the same standard and size as the existing road wheels. 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 the vehicle shall be fitted with a tyre pressure sensor / warning device.

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 measurement will be taken from the base of the seat to the centre of the rear of the seat in front when the front seat is at its full, rearwards extension. Where there is no seat in front the measurement will be taken from the base of the 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 etc, to gain access to them.
- 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 1218 mm in order to accommodate 3 passengers.
- 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 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 irreplaceable and the floor surface to be smooth and unencumbered.

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. This shall be assessed on the basis of the vehicle being observed whilst stationary and whilst passing in either direction on a 2 lane carriageway when viewed from the pavement.
- 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 Wheelchair carrying facilities

- 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 not be permitted.
- 14.3 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.

6. 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 Executive Manager 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.

- 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.

7. 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.

8. Convictions

The proprietor shall within seven days disclose to the Council, in writing, details of any convictions, formal cautions or absolute discharges 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. Licensing Policy

The Council's hackney carriage and private hire licensing policy (this document) shall be adhered to at all times. The policy can be viewed on the Council's website www.westlancls.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). Vehicles shall not have been altered since that 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 should be of London cab type or Euro 7 or TSW200.
- 1.7 All vehicles shall be less than FIFTEEN years old from the date of manufacture.

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.
- 4.2 Space-saver spare tyres, where fitted as standard equipment to the vehicle, will not be accepted. Provision shall be made for a standard road wheel to be secured in the vehicle. A vehicle presented for examination and test with a space saver spare tyre in use as a road wheel will fail the test.
- 4.3 Any spare wheel shall conform to construction and use regulations and be of the same standard and size as the existing road wheels. 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.
- 4.5 If a vehicle is fitted with 'run flat' tyres, the vehicle shall be fitted with a factory fitted tyre pressure sensor / warning device.

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.
- 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 400 mm. 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 the disabled

- 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. This shall be assessed on the basis of the vehicle being observed whilst stationary and whilst passing in either direction on a 2 lane carriageway when viewed from the pavement.
- 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".
- 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 e 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) That, with effect from the 1st October 1996, 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) A Hackney Carriage vehicle will be licensed up to the age of eleven (11) years. After that age the vehicle shall be subject to random visual inspections by the Council's Licensing Officer. 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, he shall cause 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.

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. Signs, Notices etc

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 Executive Manager 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

6. Convictions

The Proprietor shall within seven days disclose to the Council, in writing, details of any convictions, formal cautions or absolute discharges 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.

7. Conduct

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

8. 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.

9. 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 II 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.

10. Licensing Policy

The Council's hackney carriage and private hire licensing policy (this document) shall be adhered to at all times. The policy can be viewed on the Council's website 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 on or 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 Operators 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. 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 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.
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.
- ii. When the operator accepts the hiring he/she shall immediately prior to the commencement of the journey, 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 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 radio call sign used, and shall produce such a list on request to an Authorised Officer of the Council or Police Constable.
- B. The operator shall immediately notify the Council Licensing 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
The operator shall, before operating any vehicle as a Private as a Private Hire vehicle, require the proprietor of the 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 complain 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

The operator shall notify the Council in writing of any conviction recorded against him/her by any court within 7 days of such conviction being imposed.

10. 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.

11. 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.

12. 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 11; 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.

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

The driver shall within seven days disclose to the Council in writing details of any conviction, formal caution and/or absolute discharge imposed on him/her during the period of the licence.

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

- a) It is a legal requirement that the driver shall carry a guide dog, or assistance dog, belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude him/her from doing so.
- b) The driver shall produce to the Council a Medical Certificate signed by his 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 a 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 II 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.

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 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
- 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')

Appendix I List of Hackney Carriage Ranks

Hackney Carriage ranks are situated in the following locations:

- The Concourse, Skelmersdale: 14 vehicles on the stand adjacent to the front entrance, plus feeder rank for 12 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
- Leyland Way, Ormskirk: 2 vehicles

Appendix J Hearing Procedure

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 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 N (page 69).

Many investigations are concluded within 5 working days; however the length of time taken to conclude the investigation is largely dependant 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.

Appendix L Application Procedures

1. Application Procedures – Vehicles

- 1.1 Vehicle proprietors shall make arrangements directly with Authority approved vehicle testing stations to have vehicles examined and tested.
- 1.2 Prior to submitting the vehicle for examination proprietors shall ensure that the vehicle is in good condition, i.e. mechanically sound, bodywork satisfactory.
- 1.3 In respect of renewal applications vehicles should not be examined more than 4 weeks before its licence is due to expire. However, it is advised to arrange the examination and test at least 7 days prior to the application appointment in case the vehicle examination identifies the need for repair work and retesting which can then be undertaken prior to the expiry of the licence.
- 1.4 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.
- 1.5 When a vehicle has passed its test the application must be made to the Licensing Office.
- 1.6 When presenting an 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; and for stretched limousines:-
 - (iv) Single Vehicle Approval Certificate (SVA).

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 one year and having attained the age of 18 years.
- 2.2 Applicants shall visit the Licensing Office.
- 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 Criminal Records Bureau on first application and every 3 years thereafter. Two 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 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.

- 2.7 Applicants from outside the European Economic Area must also provide evidence of their entitlement to work and reside in the UK.
- 2.8 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.
- 2.9 If new applicants are confident that the CRB 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 CRB Disclosure and clearance from the Authority to continue with the application.
- 2.10 Applicants shall provide a completed medical examination form supplied by the Authority and completed by a general practitioner on first application and every 5 years thereafter until aged 60 years when annual examinations are required. The medical practice is likely to make a charge for this service.

3. The Consideration of Applications

- 3.1 On receiving the Enhanced Disclosure from the CRB new applicants should visit the Licensing Office to provide the completed medical. Disclosure and medical forms will not be accepted if more than 3 months 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 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.

Appendix M 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 N Contact Details

Further information on this Policy Statement or any aspect of the Hackney Carriage and Private Hire licensing regime can be obtained from the Public Protection and Licensing Manager using the contact details below. The Executive Manager Community Services, David Tilleray, has overall responsibility for the Licensing Service.

Paul Charlson - Public Protection and Licensing Manager
West Lancashire District Council, Westec House, Derby Street, Ormskirk, Lancashire
L39 2DQ

Telephone: 01695 585246

Fax: 01695 585126

Email: licensing.enquiries@westlancs.gov.uk

Webpage: www.westlancs.gov.uk/licensing