



# Draft Hackney Carriage and Private Hire Licensing Policy For consultation



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<b>1</b>	<b>Introduction</b>
	<p>Fylde Council is responsible for the regulation of the hackney carriage and private hire trade within the Borough of Fylde.</p> <p>When developing this policy the following have been taken into consideration:</p> <ul style="list-style-type: none"> <li>- The aims and objectives of the Policy (see below)</li> <li>- Current Legislation</li> <li>- The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" March 2010</li> <li>- Regulators Code 2014</li> <li>- Local Government Association template Criminal Convictions Policy 2015</li> </ul> <p>The Policy sets out application requirements and standards that must be met by the hackney carriage and private hire trade licensed by Fylde Council. When carrying out its regulatory functions, the Council will have regard to this Policy. Each application or enforcement measure will be considered on its own merits, however where it is necessary to depart substantially from the Policy, clear and compelling reasons will be given.</p>
<b>2</b>	<b>Aims and objectives of the licensing policy</b>
	<p>The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. The Council's aim is to facilitate well run and responsible businesses which display sensitivity to the wishes and needs of the general public.</p> <p>Fylde Council will carry out this licensing function with a view to promoting the following:</p> <ul style="list-style-type: none"> <li>- The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder,</li> <li>- The safety and health of the public and drivers,</li> <li>- Vehicle safety, comfort and access,</li> <li>- Encouraging environmental sustainability</li> </ul> <p>Fylde Council aims to ensure that the hackney carriage and private hire services offered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.</p>
<b>3</b>	<b>Delegations</b>
	Under the Council Constitution the Public Protection Committee has the delegated power to license hackney carriages and private hire vehicles

	<p>under (a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; and (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 and to license drivers of hackney carriages and private hire vehicles under sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>The Director of Resources has delegated powers to suspend or revoke the licence of a driver of a hackney carriage or private hire vehicle (including suspending or revoking with immediate effect) under section 61 of the Local Government (Miscellaneous Provisions) Act 1976.</p>
<b>4</b>	<b>Hackney Carriage and Private Hire Drivers</b>
	An applicant must satisfy the Council that they are a fit and proper person to become licensed. Once licensed the driver must remain a fit and proper person throughout the duration of the licence.
<b>4.1</b>	<b>Fit and Proper Person Test</b>
	<p>Licensed drivers are in a position of trust transporting the young and vulnerable at all times of the day and night. The legislation requires that licences can only be granted if the Council is satisfied that the applicant is a fit and proper person.</p> <p>Whilst there is no definition of a fit and proper person, decisions from the Courts over the years have come to the conclusion that the Council is effectively asking the following question:</p> <p><i>Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?</i></p> <p>During the application process the Council will undertake a number of checks to gather the information necessary to assess the suitability of the applicant.</p> <p>Factors that will be taken into account when reaching a decision include:</p> <ul style="list-style-type: none"> <li>- Criminality (whether the applicant has any criminal convictions or cautions)</li> <li>- Driving Licence – length held and penalty points endorsed</li> <li>- Right to work in the UK</li> <li>- Medical Fitness</li> <li>- General Conduct/standards of behaviour</li> <li>- Conduct of the applicant during the application process</li> </ul>

	<ul style="list-style-type: none"> <li>- Previous licensing history</li> <li>- Knowledge of the Borough of Fylde, and other matters such as the Highway Code and taxi law</li> <li>- Ability to communicate and understand English</li> </ul> <p>This is not an exhaustive list of matters that will be considered and further information will be sought from other agencies such as the Police, Safeguarding Boards and other licensing authorities as appropriate.</p>
<b>4.2</b>	<b>Making an application</b>
	<p>It is the policy of the licensing authority that every application for a licence to drive a hackney carriage and/or private hire vehicle must be accompanied by satisfactory evidence of the following matters (and that applications that are incomplete will not be deemed to have been made until such time as they are completed)</p> <ul style="list-style-type: none"> <li>- That the applicant has the right to live and work in the Country</li> <li>- An enhanced criminal record check</li> <li>- A certificate of their current medical fitness to Group 2 standard</li> <li>- That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive</li> </ul> <p>Applications will not generally be considered until the following has been established:</p> <ul style="list-style-type: none"> <li>- That the applicant has adequate literacy and numeracy skills to provide the service that they wish to be licensed for</li> <li>- That the applicant has completed training specific to the service they wish to be licensed to provide including safeguarding and child sexual exploitation</li> <li>- For persons wishing to be authorised to drive wheelchair accessible vehicles that the applicant has the ability to safely load and secure wheelchair users in wheelchair accessible vehicles whilst in the wheelchair</li> <li>- That the applicant has sufficient knowledge of the Borough, the Highway Code and other issues such as legislation relating to hackney carriages and private hire vehicles (such as the carriage of assistance dogs) as may be prescribed by the Council.</li> </ul>
<b>4.2.1</b>	<b>Application Form</b>
	<p>Applicants are expected to act with honesty and integrity throughout the application process. There is an expectation that the information requested, for example previous convictions and cautions, will be fully and accurately disclosed. Applicants are required to disclose all convictions and cautions including those that would normally be considered spent as both hackney carriage and private hire drivers are included as exceptions within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.</p>

	Care should be taken by the applicant when completing the form as failure to make full and accurate disclosure can it itself result in refusal of the application.
<b>4.2.2</b>	<b>Disclosure and Barring Service Check</b>
	<p>A criminal record check of a driver is seen as an important safety measure. An enhanced disclosure through the Disclosure and Barring Service (DBS) is required as these disclosures include details of live and spent convictions, police cautions and other relevant information from the Police.</p> <p>Before an application will be considered, the applicant must provide a current (less than 3 months old) enhanced disclosure certificate which must indicate that the application has been processed in relation to both the child and adult workforce employment positions.</p> <p>It should be noted that the Disclosure and Barring Service send the certificate to the applicant direct. The original certificate must be produced to the Licensing Authority to progress the application.</p> <p><b>A licence will not be granted or renewed in the absence of a current enhanced DBS certificate.</b></p> <p>The Licensing Authority supports the use of the update service provided by the DBS which enables relevant information to be received as quickly as possible in order to take appropriate and proportionate action to protect public safety. The Licensing Authority encourages applicants to register for the update service and to nominate the licensing authority to receive updates. Registration lasts for one year and costs £13 per annum and licence holders are expected to maintain this registration throughout the duration of the licence.</p>
<b>4.2.3</b>	<b>Applicants with Periods of Residency Outside the UK</b>
	Where a new applicant has spent six continuous months or more overseas, the Licensing Authority will expect to see evidence of a criminal record check or a certificate of good conduct from the country/countries visited covering the period before an application may be made.
<b>4.2.4</b>	<b>Relevance of Convictions and Cautions</b>
	In assessing whether the applicant is a fit and proper person to hold or retain a licence, each individual case will be considered on its merits having regard to the policy on convictions and cautions which can be found at appendix A.
<b>4.2.5</b>	<b>Medical Assessment</b>



	<p>The Council is of the opinion that it is appropriate for licensed drivers to be subject to more stringent medical standards than those applicable to normal car drivers because:</p> <ul style="list-style-type: none"> <li>- They carry members of the public who expect a safe journey</li> <li>- They are on the road longer than most car drivers</li> <li>- They are required to assist disabled passengers and handle luggage</li> </ul> <p>Therefore the Group 2 standard of medical fitness as applied by the DVLA to the licensing of lorry and bus drivers is the appropriate standard for licensed hackney carriage and private hire drivers.</p> <p>Applicants and licence holders are required to undergo a medical assessment on first application, on reaching 45 years of age and then every 5 years thereafter until the age of 65 when annual examinations will be required. Holders of current PSV and/or HGV licences, Pilot Licences or similar where the holder is able to produce proof of a current medical examination equal to or over the requirements not be required to undergo further assessment.</p> <p>Where there is any doubt to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination by a Doctor appointed by the Council.</p> <p>Licence holders must notify the Council of any deterioration or other change in their health that may affect their driving capabilities. This includes but is not restricted to the list of conditions which must be notified to the DVLA. Where there remains any doubt about the fitness of the applicant, the Public Protection Committee will review the evidence and make a final decision.</p> <p>No licence shall be issued until medical clearance (if required) has been established.</p> <p><b>Exemption Certificates</b></p> <p>Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicle without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If an application is successful the driver will be issued with an exemption certificate and a notice of exemption. The notice of exemption must be displayed in the vehicle either on the windscreen or in a prominent position on the dashboard.</p>
<b>4.2.6</b>	<b>Knowledge of the Borough</b>

	<p>Applicants for a new licence are required to have passed the Councils Knowledge of the Borough test. This test will ensure that the applicant has sufficient knowledge in relation to:</p> <ul style="list-style-type: none"> <li>- A basic level of English language</li> <li>- Child/Adult Safeguarding awareness</li> <li>- Highway Code</li> <li>- Taxi Law</li> </ul> <p>If an applicant fails four successive knowledge tests their application will be rejected and a period of 12 months must elapse before a new application is submitted. Applicants who cannot demonstrate a basic level of English language will be provided with information on relevant courses that can bring them up to the required standard.</p> <p>Applicants who have been licensed previously by Fylde Council will not be required to pass a knowledge test if their last licence expired less than three years prior to the date of the new application.</p>
<b>4.2.7</b>	<p><b>Child Sexual Exploitation and Abuse</b></p> <p>One of the aims of this policy is to protect the public and safeguard children and the vulnerable. For this reason the Council believes that it is appropriate for licensed drivers to undertake basic safeguarding training.</p> <p>Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person) receives "something" (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. In all cases, those exploiting the child/young person have the power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources.</p> <p>The Licensing Authority are aware of concerns that children and young people may be taken to public or private venues, rooms, hotels or houses for the purpose of sexual abuse.</p> <p>All drivers are therefore expected to report any suspicion or concerns that a child or young person is being transported for the purposes of sexual abuse. Where a driver becomes aware or concerned that they or other drivers are transporting a young person or a number of young people to specific premises or venues either accompanied or alone on a regular basis and they suspect the young person may be subject to exploitation they must report their concerns to Lancashire Police.</p> <p>Failure to report a suspicion or concern that a young person may be being sexually exploited could lead to the licence being revoked and</p>

	<p>the individual could also be considered complicit in the sexual exploitation in any subsequent criminal investigation.</p> <p>It is a requirement that all existing licensed drivers undertake CSE training before their licence is renewed.</p>
<b>4.2.8</b>	<p><b>Right of Driver to Work in the UK</b></p> <p>The Council will require all applicants for new licences to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that may be provided include (but are not limited to):</p> <ul style="list-style-type: none"> <li>- A UK passport confirming that the holder is a British Citizen (or citizen of another EEA country including Switzerland)</li> <li>- Passport or other travel document endorsed to show that the holder is allowed to stay in the UK and undertake paid employment</li> <li>- Full UK birth/adoption certificate</li> <li>- An immigration document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment</li> <li>- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.</li> </ul> <p>When an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.</p>
<b>4.3</b>	<p><b>Standards Expected of a Licensed Driver</b></p>
<b>4.3.1</b>	<p><b>Licence Conditions</b></p> <p>The Council may attach such conditions to a private hire driver's licence as it considers reasonably necessary. The standard conditions can be found at Appendix B. Conditions may not be attached to a hackney carriage driver's licence, however they are required to abide by the Hackney Carriage Byelaws.</p>
<b>4.3.2</b>	<p><b>General Conduct</b></p> <p>The standards expected of licensed drivers are set out in the Code of Good Conduct. This code, set out at Appendix C should be read in conjunction with the other statutory and policy requirements set out in this document.</p>

4.3.3	<p><b>Dress Code</b></p> <p>It is recognised that both the hackney carriage and private hire trade play an important part in portraying a positive image of the Fylde. Anything that serves to enhance the professional image of the trade and promotes the concept that the drivers of licensed vehicles are professional vocational drivers is to be welcomed. To ensure that the objectives above are met a dress code for licensed drivers has been set see Appendix D. It is a condition of licence that drivers adhere to this policy.</p>
4.3.4	<p><b>Code of Conduct when working with vulnerable passengers</b></p> <p>It is essential that young, elderly and other vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. Accordingly a specific Code of Conduct must be complied with when working with vulnerable passengers. This Code can be found at Appendix E.</p>
5	<p><b>Hackney Carriage and Private Hire Vehicles</b></p> <p>Fylde Council does not have a general policy to limit the number of hackney carriages, which may be licensed within its area. The policy adopted in 2005 required that any new Hackney Carriage vehicle licences are only granted in respect of vehicles that:</p> <ul style="list-style-type: none"> <li>(i) are less than a year old at the time of the initial grant of the Hackney Carriage licence and</li> <li>(ii) conform, initially and thereafter, to the Conditions of Fitness as laid down by the Metropolitan Police and the Road Vehicles (Construction and Use) Regulations 1986 until further conditions are issued by the Department for Transport concerning technical requirements.</li> </ul> <p>The effect of the introduction of this condition has been to relax the policy of on restriction of licensed hackney vehicle numbers whilst establishing a control measure in respect of the number of additional vehicles licensed. Any new vehicles to the licensed taxi fleet have now to be purpose built taxis and are, therefore, wheelchair accessible.</p> <p>The Policy was subsequently amended in 2006 to that shown below</p> <p>Any new Hackney Carriage vehicle licences are only granted in respect of vehicles that are:</p> <ul style="list-style-type: none"> <li>(i) less than two years old at the time of the initial grant of the new Hackney Carriage licence and</li> <li>(ii) a TX11 taxi or purpose built EuroCab, designed and developed for use as a wheelchair accessible taxi. Wheelchair access must be from the side and not from the rear. The vehicle must be unaltered from the manufacturers/converters specification and documentation must be</li> </ul>

	<p>produced to show that the vehicle is certified to M1, European Whole Vehicle Approval or Low Volume Approval standards. Any replacement vehicle must also meet the standard required of such newly licensed hackney carriage vehicles.</p> <p>It could be argued the policy has had limited success and the Council continues to be concerned about the availability of wheelchair accessible vehicles within the Borough.</p> <p>Therefore, through this revised Taxi Licensing Policy it is proposed to update the Policy as follows:</p> <p>Any new Hackney Carriage vehicle licences are only granted in respect of vehicles that are:</p> <ul style="list-style-type: none"> <li>i) less than four years old at the time of the initial grant of the new Hackney Carriage licence and</li> <li>(ii) a purpose built vehicle, designed and developed for use as a wheelchair accessible taxi. Wheelchair access must be from the side and not from the rear. The vehicle must be unaltered from the manufacturers/converters specification and documentation must be produced to show that the vehicle is certified to M1, European Whole Vehicle Approval or Low Volume Approval standards. Any replacement vehicle must also meet the standard required of such newly licensed hackney carriage vehicles.</li> <li>iii) Any application should be submitted with supporting information in relation to the Intended Use Policy (app</li> </ul> <p>The Council has no power to limit or otherwise restrict the number of private hire vehicles.</p>
<b>5.2</b>	<p><b>Vehicle Specification</b></p> <p>The Council has a series of specifications which a vehicle will need to comply with if it is to be licensed. These specifications can be found at Appendix F.</p> <p>Not all types of vehicles are suitable to be licensed as hackney carriage or private hire vehicles. In the event of a dispute over the suitability of a vehicle the final decision rests with the Public Protection Committee.</p>
<b>5.3</b>	<p><b>Maximum Age of Vehicles</b></p> <p>Vehicles will not generally be licensed beyond 12 years of age. An Exceptional Quality Policy has been introduced which may be seen at appendix G which may extend the life of a licensed vehicle on an annual basis subject to the requirements being complied with.</p>
<b>5.4</b>	<p><b>Vehicle Testing</b></p>

	<p>All vehicles are subject to an annual inspection by the Councils Vehicle Maintenance Unit. This inspection is not a Certificate of Compliance and vehicle proprietors are expected to obtain separate MOT certification.</p>
<b>5.5</b>	<p><b>Signage</b></p> <p>Hackney Carriage vehicles are required to display plates on both the front and rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed. All hackney carriage vehicles, except for mini buses, transits, people carrier type vehicles and those with built in roof signs should carry illuminated roof mounted signs indicating that they are a taxi. Mini buses, transits and people carrier type vehicles must display the single word "taxi" on the front and rear of the vehicle.</p> <p>In order to differentiate between the two types of licensed vehicle, private hire vehicles are not permitted to carry roof-mounted signs of any kind or any references to the word "taxi" or "hackney".</p> <p>Private hire vehicles (unless benefitting from dispensation from displaying signage) must display the Council supplied signage on both the front doors of each Private Hire vehicle.</p> <p>Additional advertising, whether it be Company livery or third party advertising may be displayed on Hackney Carriage Vehicles and limited signage to assist in the identification of a private hire vehicle may be displayed as specified in appendix F.</p>
<b>5.6</b>	<p><b>Application Process</b></p> <p>The Council will consider all applications for vehicle licences on their own merits.</p> <p>A valid application will consist of:</p> <ul style="list-style-type: none"> <li>- Vehicle application form</li> <li>- Fee</li> <li>- The original vehicle registration document (V5), certificate of registration for the vehicle or a bill of sale. Licences will not be renewed unless the full V5 document has been produced to the Council.</li> <li>- Vehicle Inspection Report from the Council's testing station.</li> <li>- Valid policy of insurance</li> </ul>
<b>5.7</b>	<p><b>Grant and renewal of licences</b></p> <p>Vehicle licences will be issued for a period of 12 months.</p>
<b>5.8</b>	<p><b>Conditions</b></p>

	<p>The Council may attach such conditions as it considers reasonably necessary to the grant of a hackney carriage or private hire vehicle licence. The following condition is attached to all hackney carriage licences:</p> <p><i>Any hackney carriage operating to different tariffs must display a statement of fares which shall be fitted and maintained in such a position as to be clearly visible at all times to the hirer.</i></p> <p>The standard conditions attached to a private hire vehicle licence can be found at Appendix H</p>
<b>5.10</b>	<p><b>Accidents</b></p> <p>If at any time a licensed vehicle is involved in an accident, however minor, the driver must inform the licensing service as soon as possible and in any event within one working day. An accident report form must then be completed and submitted to the licensing service within 72 hours of the accident occurring (except in exceptional circumstances when the licensing team may agree to the report being filed outside of that time limit).</p> <p>The vehicle must be presented for inspection at the Council's testing station as soon as possible after the accident has taken place at the licence holder's expense. The inspection should be booked via the licensing team. Failure to present the vehicle for inspection may result in the vehicle licence being suspended until such time as the vehicle is produced for examination.</p> <p>If the vehicle is so damaged that it cannot be driven, the licensing team must be informed of this fact. In such cases, the vehicle proprietor is advised to take photographic evidence of the vehicle's condition to clearly illustrate the reason why the vehicle cannot be driven or be presented for examination.</p>
<b>5.11</b>	<p><b>Meters</b></p> <p>All hackney carriages must be fitted with an approved meter. Private hire vehicles may be fitted with a meter but this is not a requirement of licensing. If a private hire vehicle is fitted with a meter it should not display the words "for hire" unless this wording cannot be viewed from outside of the vehicle.</p> <p>It is the view of the Council that at the time of writing, GPS devices are not considered to be a suitable replacement for taxi meters, but have no objection to them being used alongside conventional taxi meters.</p>
<b>5.12</b>	<p><b>Fares</b></p>

	<p>The Council sets the maximum rates that may be charged by hackney carriage vehicles. Private Hire Vehicles may set their own fare structure.</p> <p>The decision of the Court in <i>Curzon v</i> is noted regarding the accuracy of taxi meters and in line with 5.8 above, where the meter is set to a tariff lower than the Council maximum, a clear notice should be displayed in the vehicle.</p>
<b>5.13</b>	<p><b>CCTV</b></p> <p>Vehicles may be fitted with an appropriate CCTV system. If a system is installed it should be operational at all times the vehicle is in use. The CCTV system must:</p> <ul style="list-style-type: none"> <li>- Be of a make, type and design approved by the Council;</li> <li>- Will not be changed in any way from its original design, be free of damage and maintained in working condition;</li> <li>- The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle;</li> <li>- The recording system and memory card (or other image recording system) must be securely stored within the vehicle and away from public access; Installation and maintenance must be in accordance with the manufacturer's specifications and recommendations;</li> <li>- Images contained in the recording device may only be downloaded by an authorised officer of the Council or Police Officer unless the vehicle licence holder or licensed driver is registered with the Information Commissioner as a Data Controller</li> </ul>
<b>6</b>	<p><b>Operators</b></p>
<b>6.1</b>	<p><b>Requirement for a licence</b></p> <p>A private hire vehicle may only be dispatched 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 must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence. All licences must be issued by the same local authority.</p> <p>Applications for operator licences must be made on the form provided by the Council together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an operator's licence. In the case of a company the Council must be satisfied that all company directors/secretary are fit and proper.</p> <p>On the spot bookings - where a private hire vehicle is approached on the street by a potential customer, in the Council's view, the booking would only be lawful if it is made by the potential customer contacting</p>



	the operator themselves. It would not be a lawful booking if the driver contacted the operator to make the booking on behalf of the customer.
<b>6.2</b>	<p><b>Fitness and propriety</b></p> <p>In assessing whether the applicant for an operator's licence is a fit and proper person, the Council will have regard to the following:</p> <ul style="list-style-type: none"> <li>- Criminal record including convictions, cautions, warnings and reprimands</li> <li>- Demeanour, general character, non-criminal behaviour, honesty and integrity</li> <li>- Previous conduct</li> <li>- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices, etc)</li> </ul> <p>If the application is received from a person not already licensed as a driver by Fylde Council, the applicant will be required to produce a Basic Disclosure from the Disclosure and Barring Service. They will also be required to undertake the Council's Safeguarding Awareness Training.</p>
<b>6.3</b>	<p><b>Insurance</b></p> <p>Before an application is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance.</p>
<b>6.4</b>	<p><b>Conditions</b></p> <p>Conditions are attached to an operator's licence. The standard conditions can be found at Appendix I.</p>
<b>6.5</b>	<p><b>Address of Operator</b></p> <p>The Council will specify in the licence the address from which the operator may operate. The operator must notify the Council in writing of any change of address.</p> <p>The Authority will not normally grant an operator's licence for an operator with an operating base that is outside the Fylde Borough Council area. This is to ensure that proper regulation and enforcement measures may be taken by the Authority and is in no way intended to be a restraint of trade.</p>
<b>7</b>	<b>Compliance and Enforcement</b>
<b>7.1</b>	<b>Enforcement</b>

	<p>The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. To this end the Council aims to provide an efficient, targeted and proportionate regulatory service to those it regulates.</p> <p>The Regulator's Code was brought into force in 2014 which states that the Council should:</p> <ul style="list-style-type: none"> <li>- Carry out their activities in a way that supports those they regulate to comply and grow</li> <li>- Provide simple and straightforward ways to engage with those they regulate and hear their views</li> <li>- Base their regulatory activities on risk</li> <li>- Share information about compliance and risk</li> <li>- Ensure clear information guidance and advice is available to help those they regulate meet their responsibilities to comply</li> <li>- Ensure that their approach to their regulatory activities is transparent.</li> </ul> <p>Where appropriate, referrals will be made to other agencies. This will include but is not limited to the Police, HM Customs and Excise, DVLA and the Children's and Adult Safeguarding teams.</p> <p>The Council will respond to complaints made by the public and referrals from other agencies and bodies. In addition officers will undertake proactive inspections and testing as either day to day activity or as a part of programmed operations.</p>
<p><b>7.1</b></p>	<p><b>Disciplinary Hearings</b></p> <p>Licence holders may be referred to the Public Protection Committee for committing offences, failure to comply with any part of this policy, or for other any other conduct which impacts on their fitness to be a licence holder. The Committee will consider the impact of the offending/conduct on the individual's fitness to hold a licence and take such action as is appropriate in the circumstances.</p> <p><b>Warnings</b></p> <p>These may be issued for minor infringements. A warning letter will remain on file for a period of three years and will be referred to in the event that the licence holder is taken before the Sub-Committee for any other reason.</p> <p><b>Suspensions</b></p> <p>Vehicles can be suspended in accordance with section 68 Local Government (Miscellaneous Provisions) Act 1976 if an officer is not satisfied as to the fitness of a vehicle.</p>

	<p>Drivers can be suspended under section 61 Local Government (Miscellaneous Provisions) Act 1976. This suspension can be ordered to take immediate effect in certain circumstances.</p> <p><b>Revocations</b></p> <p>Both vehicle and drivers licences may be revoked by the Sub-Committee.</p> <p>If the seriousness of the case merits revocation, this course of action will be available to the Sub-Committee even if it is the first enforcement action taken against the driver/vehicle.</p> <p>The Council is aware of the judgement in Singh and will not suspend a licence and subsequently revoke. Where there are concerns regarding a person's fitness and propriety the Council will generally revoke the licence. Should information subsequently come to light which alters the Council's view, a licence will be restored with no financial penalty to the applicant.</p>
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## Appendix A - Taxi and PHV Licensing Criminal Convictions' Policy

1.	Introduction
1.1	The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire vehicle licence.
1.2	<p>The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:</p> <ul style="list-style-type: none"> <li>• That a person is a fit and proper person.</li> <li>• That the person does not pose a threat to the public.</li> <li>• That the public are safeguarded from dishonest person.</li> <li>• The safeguarding of children, young persons and vulnerable adults.</li> </ul>
1.3	<p>The term “ fit and proper person” for the purposes of licensing is not legally defined and in assessing whether someone is “fit and proper” the Council will consider the following together with any other relevant information:</p> <ul style="list-style-type: none"> <li>• Criminality</li> <li>• Human rights</li> <li>• Period of holding a driver's licence</li> <li>• Number of penalty points endorsed on driving licence</li> <li>• Right to work</li> <li>• Medical fitness</li> <li>• Conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process)</li> <li>• Previous licensing history of existing and former licence holders</li> </ul> <p>In addition the Council will also consider further information provided by sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards and other statutory agencies.</p>
1.4	<p>This policy provides guidance to any person with an interest in hackney carriage and private hire licensing. In particular, but not exclusively:</p> <ul style="list-style-type: none"> <li>• Applicants for drivers' licenses</li> <li>• Existing licensed drivers whose licences are being reviewed</li> <li>• Licensing officers</li> <li>• Members of the Public Protection Committee</li> <li>• Magistrates hearing appeals against local authority decisions</li> </ul>
1.5	Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Public Protection Sub-Committee. Whilst officers and the Sub-Committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.

<b>2</b>	<b>General policy</b>
2.1	There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.
2.2	<p>A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:</p> <ul style="list-style-type: none"> <li>a. Remain free of conviction for an appropriate period; and</li> <li>b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence).</li> </ul> <p>(Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence).</p>
2.3	Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].
<b>3</b>	<b>Appeals</b>
3.1	Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.
3.2	Any applicant refused an operator licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.
3.3	Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.
<b>4</b>	<b>Powers</b>
4.1	Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

4.2	The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
4.3	In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.
<b>5</b>	<b>Consideration of disclosed criminal history</b>
5.1	Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operators licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into: <ul style="list-style-type: none"> <li>• How relevant the offence(s) are to the licence being applied for</li> <li>• How serious the offence(s) were</li> <li>• When the offence(s) were committed</li> <li>• The date of conviction</li> <li>• Circumstances of the individual concerned</li> <li>• Sentence imposed by the court</li> <li>• The applicant's age at the time of conviction.</li> <li>• Whether they form part of a pattern of offending</li> <li>• Any other character check considered reasonable (e.g. personal references)</li> <li>• Any other factors that might be relevant</li> </ul>
5.2	Existing holders of drivers' licences are required to notify the licensing authority in writing within seven days of being arrested, receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).
5.3	Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing office on 01253 658422 in confidence for advice.
5.4	The licensing authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.

5.5	Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. Applicants for an operator's licence will be required to obtain a standard DBS check at their own expense (unless they are the holder of a current hackney carriage or private hire drivers licence issued by Fylde Council). The licensing authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.
5.6	The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.
5.7	It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
5.8	For renewal applications and current licence holders the policy will not be applied retrospectively where there are no new concerns or convictions. The policy will be applied to existing licence holders if any additional convictions are incurred or they are otherwise brought to the attention of the Council for conduct that would call into question a person's suitability to hold a licence.
5.9	Offences not covered by this Policy will be considered by the Council when determining whether the applicant/licensed driver is a fit and proper person.
<b>6</b>	<b>Serious offences involving violence</b>
6.1	Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.
6.2	In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
6.3	Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as: <ul style="list-style-type: none"> <li>• Murder</li> </ul>

	<ul style="list-style-type: none"> <li>• Manslaughter</li> <li>• Manslaughter or culpable homicide while driving</li> <li>• Terrorism offences</li> <li>• Or any similar offences (including attempted or conspiracy to commit) offences which replace the above</li> </ul>
6.4	<p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence to those below and the conviction is less than 10 years prior to the date of application:</p> <ul style="list-style-type: none"> <li>• Arson</li> <li>• Malicious wounding or grievous bodily harm which is racially aggravated</li> <li>• Actual bodily harm which is racially aggravated</li> <li>• Grievous bodily harm with intent</li> <li>• Robbery</li> <li>• Possession of firearm</li> <li>• Riot</li> <li>• Assault Police</li> <li>• Common assault with racially aggravated</li> <li>• Violent disorder</li> <li>• Resisting arrest</li> <li>• Or any similar offences (including attempted or conspiracy to commit) offences which replace the above</li> </ul>
6.5	<p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence to those below and the conviction is less than 5 years prior to the date of application:</p> <ul style="list-style-type: none"> <li>• Racially-aggravated criminal damage</li> <li>• Racially-aggravated offence</li> <li>• Or any similar offences (including attempted or conspiracy to commit) offences which replace the above</li> </ul>
6.6	<p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 3 years prior to the date of application:</p> <ul style="list-style-type: none"> <li>• Common assault</li> <li>• Assault occasioning actual bodily harm</li> <li>• Affray</li> <li>• S5 Public Order Act 1986 offence (harassment, alarm or distress)</li> <li>• S.4 Public Order Act 1986 offence (fear of provocation of violence)</li> <li>• S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)</li> <li>• Obstruction Page 24 of 49</li> <li>• Criminal damage</li> <li>• Or any similar offences (including attempted or conspiracy to commit) offences which replace the above</li> </ul>



6.7	A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.
6.8	In the event of a licence being granted, a strict warning both verbally and in writing should be administered.
<b>7</b>	<b>Possession of a weapon</b>
7.1	If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.
7.2	2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted
<b>8</b>	<b>Sex and indecency offences</b>
8.1	As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinized. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period free of conviction for such offences before a licence will be granted.
8.2	Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as: <ul style="list-style-type: none"> <li>• Rape</li> <li>• Assault by penetration</li> <li>• Offences involving children or vulnerable adults</li> <li>• Sexual assault</li> <li>• Indecent assault</li> <li>• Exploitation of prostitution</li> <li>• Grooming, Trafficking for sexual exploitation or other sexual exploitation related offences</li> <li>• Possession of indecent photographs, child pornography etc.</li> <li>• Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver</li> <li>• Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.</li> </ul>
8.3	Before an application will be considered, an applicant should be free of conviction for at least 10 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as: <ul style="list-style-type: none"> <li>• Indecent exposure</li> <li>• Soliciting (kerb crawling)</li> </ul>

	<ul style="list-style-type: none"> <li>• Or any similar offences (including attempted or conspiracy to commit).</li> </ul>
8.4	In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.
8.5	A licence will not normally be granted if an applicant has more than one conviction for a sexual/indecency offence.
<b>9</b>	<b>Dishonesty</b>
9.1	<p>A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For all these reasons, a serious view is taken of any conviction involving dishonesty.</p>
	<p>In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:</p> <ul style="list-style-type: none"> <li>• theft</li> <li>• burglary</li> <li>• fraud</li> <li>• benefit fraud</li> <li>• handling or receiving stolen goods</li> <li>• forgery</li> <li>• conspiracy to defraud</li> </ul> <p>Page 26 of 49 Hackney Carriage and Private Hire Licensing Policy 2016</p> <ul style="list-style-type: none"> <li>• obtaining money or property by deception</li> <li>• other deception</li> <li>• taking a vehicle without consent</li> <li>• and any similar offences</li> <li>• Or any similar offences (including attempted or conspiracy to commit) offences which replace the above</li> </ul>
9.3	A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.
9.4	Applicants or existing licence holders that are found to have intentionally misled the Council, or lied as part of the application process, will not normally be issued with a licence.
<b>10</b>	<b>Drugs</b>

10.1	A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.
10.2	A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.
10.3	A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.
10.4	An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply) within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
10.5	If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.
10.6	A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.
<b>11</b>	<b>Driving offences involving the loss of life</b>
11.1	A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.
11.2	Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as: <ul style="list-style-type: none"> <li>• Causing death by dangerous driving</li> <li>• Causing death by careless driving whilst under the influence of drink or drugs</li> <li>• Causing death by driving: unlicensed, disqualified or uninsured drivers</li> <li>• or any similar offences</li> </ul>
<b>12</b>	<b>Drink driving/driving under the influence of drugs/using a mobile phone whilst driving</b>
12.1	As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. Normally at least 3 years, after the restoration of the driving licence following a drink/drug drive

	conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.
12.2	<p>Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance <a href="http://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf">http://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf</a>) which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they :</p> <ul style="list-style-type: none"> <li>• are much less aware of what's happening on the road around them</li> <li>• fail to see road signs</li> <li>• fail to maintain proper lane position and steady speed</li> <li>• are more likely to 'tailgate' the vehicle in front</li> <li>• react more slowly, take longer to brake and longer to stop</li> <li>• are more likely to enter unsafe gaps in traffic</li> <li>• feel more stressed and frustrated</li> </ul>
12.3	There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.
12.4	A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.
<b>13</b>	<b>Licensing offences</b>
13.1	Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since.
13.2	A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.
<b>14</b>	<b>Insurance Offences</b>
14.1	A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour.
14.2	A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.

14.3	An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operators' licence revoked immediately and be prevented from holding a licence for at least three years.
<b>15</b>	<b>Outstanding charges or summonses</b>
15.1	If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
15.2	If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.
<b>16</b>	<b>Non-conviction information</b>
16.1	If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.
16.2	In assessing the action to take, the safety of the travelling public must be the paramount concern.
<b>17</b>	<b>Cautions</b>
17.1	Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.
<b>18</b>	<b>Licences issued by other licensing authorities</b>
18.1	Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.
18.2	Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.
<b>19</b>	<b>Summary</b>

19.1	To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.
19.2	Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.
19.3	While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

## Appendix B – Private Hire Driver Conditions

1	A driver at all times when acting in accordance with the driver's licence granted to him wear such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times.
2	Any change affecting this licence must be notified within 14 days of such to the Chief Executive.
3	This licence must be made available for inspection on request by any authorised officer of the Council or any Police Officer.
4	The driver or proprietor of a Private Hire Vehicle shall not cause, allow or permit any advertisement or signs of any kind to appear on any part of the vehicle, apart from Fylde Borough Council Private Hire Door signs, or any additional approved livery,
5	The driver or proprietor shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view or allow the licence plate to be so defaced as to make any figure or material particular illegible.
6	The driver of a Private Hire Vehicle shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
7	The driver of a Private Hire Vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
8	The proprietor or driver of a Private Hire Vehicle when hired to drive to a particular destination shall proceed to that destination by the shortest route.
9	A proprietor or driver of a Private Hire Vehicle shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified on the Private Hire Vehicle Licence.
10	A proprietor or driver of a Private Hire Vehicle shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.
11	A proprietor or driver of a Private Hire Vehicle shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein, carry it as soon as possible and in any event

	within 48 hours to the Town Hall, or the nearest Police Station and leave it in the custody of an authorised officer on his giving a receipt for it.
12	A driver of a Private Hire Vehicle shall not by calling out or otherwise importune any person to hire such vehicle and shall not make use of the services of any other person for the purpose.
13	If the Private Hire Vehicle is fitted with a taximeter then (unless the hirer expresses at the commencement of the journey his desire to engage by time) the meter shall be brought into operation at the commencement of the journey and the fare demanded by the Private Hire Vehicle Proprietor or Driver shall not be greater than that fixed by this Council in connection with the hire of Hackney Carriages.
14	In the event of a journey commencing in but ending outside the Fylde Borough there may be charged for the journey such fare or rate if any as was agreed before the hiring was affected, if no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the hire of Hackney Carriages.
16	At all such times whilst the vehicle is being used as a Private Hire Vehicle there shall be displayed on the windscreen of such vehicle (adjacent to the vehicle excise licence disc) the licence disc issued by the Council which identifies the vehicle as a Private Hire Vehicle.



## Appendix C – Code of Conduct for Licence Holders

<p>This code of conduct should be read in conjunction with the other statutory and policy requirements set out in this document.</p>
<p>Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:</p> <ul style="list-style-type: none"><li>• Complying with the Code of Conduct;</li><li>• Complying with all the conditions of their licence, the Hackney Carriage and Private Hire Policy and where applicable the hackney carriage byelaws</li><li>• Behaving in a civil, orderly and responsible manner at all times</li></ul>
<p>Licence holders shall:</p> <ul style="list-style-type: none"><li>• Maintain their vehicles in a safe and satisfactory condition at all times;</li><li>• Keep their vehicles clean and suitable for hire to the public at all times;</li><li>• Attend punctually when undertaking a pre-booked hiring;</li><li>• Assist, where necessary, passengers into and out of vehicles</li><li>• Offer passengers reasonable assistance with luggage</li></ul>
<p>To avoid nuisance to residents when picking up or waiting for a fare, a licensed driver shall:</p> <ul style="list-style-type: none"><li>• Not sound the vehicle horn illegally;</li><li>• Keep the volume of radio/music to a minimum</li><li>• Switch off the engine if required to wait</li></ul>
<p>At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall in addition to the above:</p> <ul style="list-style-type: none"><li>• Rank in an orderly manner and proceed along the rank in order, moving along promptly</li><li>• Remain in or near to the vehicle</li></ul>
<p>At private hire offices a licence holder shall:</p> <ul style="list-style-type: none"><li>• Not undertake servicing or repairs of vehicles;</li><li>• Not allow their radio/music to cause disturbance to residents</li><li>• Take whatever action is necessary to avoid disturbance to residents which might arise from the conduct of their business.</li></ul>
<p>Licensed drivers shall</p> <ul style="list-style-type: none"><li>• Pay attention to personal hygiene and dress so as to present a professional image to the public;</li><li>• Be polite and helpful to passengers</li><li>• Treat all customers with dignity and respect regardless of their sex, race, disability, sexual orientation, trans gender, religion or belief</li><li>• Drive with care and due consideration for other road users and pedestrians</li><li>• Obey all traffic order and directions at all times</li><li>• Not consume alcohol</li></ul>

## Appendix D – Driver Dress Code

The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Fylde to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

### **Acceptable Standard of Dress**

All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

As a minimum standard, males should wear knee length shorts/long legged trousers and a shirt which has a full body and as a minimum short sleeves.

As a minimum standard, females should wear knee length shorts/long legged trousers, skirt or dress and a shirt / blouse which has a full body and as a minimum short sleeves.

### **Footwear**

Footwear for all drivers shall fit around the heel of the foot.

### **Unacceptable Standard of Dress**

The following are deemed to be unacceptable:

- (a) Clothing that is not kept in a clean condition, free from holes and rips.
- (b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- (c) Sportswear (e.g. football / rugby kits, track suits, beach wear etc.).
- (d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- (e) Drivers not having either the top or bottom half of their bodies suitably clothed.
- (f) The wearing of hoods or other clothing that obscures the driver's vision or their identity

The above lists are not exhaustive and Authorised Officers of the Council will assess whether standards of dress are acceptable or not. In such instances, the Officer's decision will have effect as though it were included in the above lists and the licensed driver will be required to comply accordingly.

## Appendix E – Code of Conduct when working with Vulnerable Passengers

<p>A vulnerable passenger is a person whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, elderly person and someone with learning difficulties for example. It can include someone who is vulnerable due to an excessive level of intoxication.</p>
<p>The code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. Licensed drivers should adopt the following practices:</p>
<p>Drivers should carry photo ID at all times and wear it in accordance with the conditions of licence/byelaws</p>
<p>The driver/operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver/operator is responsible for the provision of appropriate measures however they should check that they are in place.</p>
<p>When making a journey with vulnerable passengers photo identification should be produced to the carer responsible for the vulnerable person. If necessary you should obtain a record of the carer's contact details if there is no chaperone.</p>
<p>When making a journey with vulnerable passengers photo identification should be produced to the carer responsible for the vulnerable person. If necessary you should obtain a record of the carer's contact details if there is no chaperone.</p>
<p>When making a journey with vulnerable passengers photo identification should be produced to the carer responsible for the vulnerable person. If necessary you should obtain a record of the carer's contact details if there is no chaperone.</p>
<p>If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the Council.</p>
<p>If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the Council.</p>
<p>Always ask if a vulnerable person needs help do not assume</p>
<p>Drivers should remain professional at all times and should not:</p> <ul style="list-style-type: none"><li>• Touch a vulnerable person inappropriately</li></ul>

- Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
- Behave in a way that may make a vulnerable passenger feel intimidated or threatened
- Attempt to misuse personal details obtained via the business about a vulnerable person

A log should be maintained by drivers where a service has been provided to a vulnerable passenger including any incidents occurring/actions taken or refusals of service.

If you are concerned about the safety, welfare or behaviour of a vulnerable person you should report this to the police by telephoning 101 (or in appropriate cases by calling 999)

If you are concerned about someone else's conduct you should report your concerns to the Council's licensing department 01253 658422, the police on 101 or Crimestoppers 0800 555111

## Appendix F – Vehicle Specification

<b>General</b>
All licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle (Hackney or private hire). This is in addition to all requirements of the Road Traffic legislation, which relates to all motor vehicles. All hackney carriage vehicles will also be subject to the requirements of the bye-laws made in respect of hackney carriages in so far as they relate to vehicles.
All vehicles shall have an appropriate "type approval" which is either a :- i) European Whole Vehicle Type approval; ii) British National Type approval; or iii) British Single Vehicle Approval. It is also recommended that vehicles with Euro NCAP star ratings of 4 or more should be considered when purchasing a new vehicle.
All vehicles shall be right hand drive (unless satisfying the additional conditions relating to limousines).
The maximum permitted length is 18 feet and the maximum permitted weight is 3500kg.
All vehicles, other than stretched limousines that also meet at least the Euro 1 emissions standards, shall be less than twelve years old from the date of manufacture, unless appropriate for the Exceptional Quality Policy.
Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time.
Sufficient means shall be provided by which any person in the vehicle may communicate with the driver.
All vehicles shall at all times be maintained in sound and roadworthy condition and serviced according to the manufacturer's recommendations.
No material alteration or change in the specification, design, condition or appearance of the vehicle may be made without first complying with road traffic and insurance legislation and secondly the approval of the Licensing Team. It is unlikely that anything not of the manufacturer's specification other than vehicle colour will be authorised.
<b>Doors</b>
All saloons, hatchbacks, estates or purpose built taxi vehicles shall have at least 4 side opening doors, which may be opened from the inside and the outside. Minibuses, transits and people carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors.

<b>Interior Dimensions</b>
Height Inside: there must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.
Knee Space: there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.
<b>Seats</b>
Access to every passenger seat must be unobstructed and be easily accessible to passengers without the need for seats to be folded or removed and without the need for more than one passenger to move. Minibuses and MPV's that are unable to comply with this requirement may still be approved at the discretion of the Authority.
Passenger seats must be at least 400mm (16") wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 860mm (34") headroom for all passenger seats measured from the rear of the seat cushion to the roof lining. There must be a minimum of 180mm (7") legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.
In relation to the carriage of Child Passengers under 3 years of age in the front seat, an appropriate child restraint MUST be worn. If a child restraint is not available, children under three must travel in the rear and may be unrestrained. Children of three years or over, up to 135cm tall must sit in the rear and use an adult seat belt. Children aged twelve years or more, or over 135cm tall, may travel in the front but must wear a seat belt.
<b>Seat Belts</b>
All vehicles must be fitted with fully operational rear seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.
<b>Luggage</b>
Adequate storage for passenger luggage separated from the passenger compartment without obstructing any emergency exits must be available. Luggage carried must be suitably secured in place.
<b>Maintenance and Condition of the Vehicle</b>

The interior and exterior of the vehicle shall be maintained in a clean, safe and proper manner to the reasonable satisfaction of the Council and without prejudice to the foregoing in particular the exterior of the vehicle shall be free of large dents, rust or unrepaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of all stains, splits, tears to the same and the seats shall be required to function in accordance with the original manufacturer's specification.

Vehicles shall be liable to be inspected and tested at any time. If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the defects to be remedied. If public safety is compromised by the defects, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

### **Licence Plates, Signage and Stickers**

Except as provided at below, at all times while the vehicle is being used as a hackney or private hire vehicle there shall be securely fixed to the front and rear of the vehicle the appropriate Vehicle Licence Plates supplied by the Council.

The number of persons licensed to be carried in the vehicle shall be exhibited outside the vehicle on the Vehicle Licence Plates referred to above. (For these purposes children (of any age) are counted as one person).

At all times while the vehicle is being used as either a hackney carriage or private hire vehicle there shall be displayed on the windscreen of such vehicle (top left-hand corner of the windscreen) the licence disc, which identifies the vehicle as either a private hire or hackney carriage vehicle. On this will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.

Provided that they have received express written consent from the Council, limousines and other professionally chauffeured vehicles may, in certain circumstances, not be required to display the external vehicle licence plates but must comply with the requirements of 13.3 above in respect of displaying the internal licence disc.

All applications for dispensation from the requirements to display external vehicle licence plates will be considered by the Public Protection Committee who will take account of the individual circumstances of the case. Dispensations are unlikely to be granted unless the applicant can satisfy the committee that their vehicle(s) are of such a type and age that they would be appropriate for executive travel and that such work represented at least 80% of their total business (verified by operator records in the case of existing vehicles). Such vehicles must display a windscreen badge, provided by the

council. These badges will show the details of the vehicle as they appear on the plate. Vehicle licence plates and door signs will be provided and must be carried in the boot of the vehicle at all times. Vehicles given this exemption will normally be limousines, executive type cars, such as top range Mercedes, BMW's etc.

### **Roof Signs**

Hackney carriage vehicles, other than minibuses, transits, people carrier type vehicles and those with built-in roof signs, must be fitted with an illuminated external sign on and above the roof of the vehicle showing the word "TAXI" " or "TAXIS" on the side facing the front and the name of the company, or its telephone number, or the word "TAXI" " or "TAXIS", or any combination of the three on the side facing towards the rear of the vehicle. The roof sign and lettering shall be of an appropriate size to enable it to be read clearly from a distance of 14 metres.

The roof sign must be centrally mounted on the vehicle roof and must be adequately secured either directly to the roof by suitable magnets or other means or by mounting on a single roof bar and secured by bolts, straps, or clamps.

Minibuses, transits and people carrier type vehicles which are not fitted with an appropriate roof sign, as indicated above, shall have the word "Taxi" in letters of between 20 cm and 30 cm in height displayed on the front and rear of the vehicles so that they can be clearly identified as a hackney carriage vehicle.

A sign must also be affixed to the vehicle indicating that smoking is not permitted in the vehicle.

### **Private Hire Vehicle**

Self-adhesive identification signs as approved and supplied by the Council, indicating that insurance is invalid unless the vehicle is booked by private hire, must be affixed to the to the drivers' door and front passenger door panels of the vehicle. These signs should not be tampered with in any way and must be displayed at all times whilst the vehicle has current private hire plates affixed.

A Private Hire Vehicle must not carry any roof sign or any markings that might give the impression that it is a Hackney Carriage. Any advertising or signage on the vehicle must specifically not include the words "taxi", "cab", "hackney carriage" or "hire" the use of which is not permitted. No alternative words or spellings, such as "Kab", which would have the effect of leading the public to believe that a vehicle is a hackney carriage available for hire, may be used on the vehicle.

Additional livery relating to the Private Hire Operator may be displayed. For saloons, hatchbacks and estate cars the lettering of all advertising/graphics etc must be a maximum height of 7.5 cm and must be confined to either the



rear doors or the rear of the vehicle to a size which does not exceed 800 sq. cms on either side or on the rear of the vehicle.

For minibuses, transits and similar people carrier type vehicles, the lettering of all advertising/graphics etc must be a maximum height of 12.5 cm and must be confined to either the rear doors, the rear wings or the rear of the vehicle to a size which does not exceed 1400 sq. cms. on either side or on the rear of the vehicle.

No signs whatsoever, other than the identification signs approved and supplied by the Council must be affixed to the drivers' door and front passenger door panels of the vehicle.

### **Advertising on Hackney Carriages**

Advertising that has received approval from the Licensing Team, including full vehicle vinyl wraps is permitted on Hackney Carriage Vehicles.

The following types of advertising will not be approved:

- Advertising of a sexual nature
- Advertising promoting alcohol
- The advertising of cigarettes and other forms of tobacco products including e-cigarettes and similar products
- Advertising promoting gambling or forms of gambling

No sign or advertisement should obliterate the vehicle licence plate or the registration number of the vehicle.

### **Advertising on Private Hire Vehicles**

Advertising of businesses or products is not permitted on a private hire vehicle other than the details of the operator of the vehicle.

### **Meters**

A calendar-controlled taximeter must be fitted and must be correctly calibrated, sealed and fully functional and easily visible to passengers.

The Council acknowledge the case law in Curzon and that a meter may be set to tariff less than the Council maximum. Where a meter is set lower than the Council maximum, a notice shall be displayed in the vehicle clearly displaying the tariff the meter is set too.

### **Private Hire Meters**

Private Hire Vehicles may be fitted with a taximeter, but are not required to be fitted with meters. Any taximeter fitted to a private hire vehicle must comply with those requirements set out above which appertain to such meters when fitted in hackney carriage vehicles.

<b>Trailers</b>
<p>Trailers may only be used with the prior approval of the Council and subject to the following requirements:</p> <ul style="list-style-type: none"> <li>- Trailers can only be used in connection with private hire bookings and cannot be used for plying for hire on a rank;</li> <li>- The trailer must at all times comply with all requirements of Road Traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986;</li> <li>- The vehicle insurance must include cover for towing a trailer</li> <li>- Trailers must not be left unattended anywhere on the highway</li> <li>- The speed restrictions applicable to trailers must be observed at all times</li> <li>- A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.</li> </ul>
<b>Disability Access</b>
<p>The design of the vehicle should ensure that any wheelchair is loaded from the side rather than the rear of the vehicle. The exception being when hydraulic lifting platforms are fitted to a vehicle.</p>
<p>Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:</p> <ul style="list-style-type: none"> <li>(i) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.</li> <li>(ii) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.</li> <li>(iii) A suitable restraint must be available for the occupant of a wheelchair.</li> <li>(iv) Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.</li> <li>(v) Ramps and lifts must be securely stored in the vehicle before it may move off.</li> </ul> <p>Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.</p> <p>Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.</p>
<b>Vehicles Powered by Liquid Petroleum Gas (LPG)</b>
<p>An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate</p>

issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice; and that the vehicle is therefore considered safe.
If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.
<b>Tinted Windows</b>
Any window tint must comply with relevant UK legislation.
<b>Changes</b>
Any change affecting this vehicle licence must be notified within 14 days of such change, to the Licensing Team.  When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the Licensing Officer, in writing, before such change takes place. Failure to do so is likely to result in the refusal to renew the licence.
<b>Unauthorised Use</b>
The proprietor of a private hire vehicle or hackney carriage shall not allow the vehicle to be driven and used for hire by any person who does not hold a current private hire or hackney carriage driver's licence, as appropriate, issued by Fylde Council.
<b>Accident Reporting</b>
If any licensed vehicle is involved in an accident, this must be reported to the Licensing Officer as soon as reasonably practicable and in any event within 72 hours of the accident.  Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected (at the owner's or operator's expense) to determine its fitness for continued use.  A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle, provided: (i) the damage to, or defect in, the vehicle has been reported; (ii) application is made in the usual way for a change of vehicle (albeit temporarily); (iii) the replacement vehicle meets the licensing criteria and is suitable to be used for hire purposes;

(iv) the hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator.

### **Additional Conditions relating to Limousines**

#### Types of Vehicles

The vehicle must have one of the following:

- (i) British Single Vehicle Approval Certificate
- (ii) A European Whole Vehicle Approval Certificate
- (iii) UK Low Volume Type Approval Certificate
- (iv) Limousine Declaration of Condition of Use

#### Vehicle and Safety Equipment

Stretched limousines and similar vehicles shall comply with the existing conditions of licence applicable to all licensed private hire vehicles in so far as they are not superseded by these additional conditions and the local private hire licence fee shall be the same

The Proprietor of a vehicle shall:-

(i) ensure that the fire extinguisher required to comply with the standard Vehicle Conditions of Licence applicable to all licensed private hire vehicles should be mounted on brackets, in a convenient position in the driver's compartment;

(ii) ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles(Construction & Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reasons for non-compliance is rectified;

(iii) ensure that loose luggage is not carried within the passenger compartment of the vehicle;

(iv) ensure that any CCTV cameras installed in the vehicle have received prior written approval of the Council and are operated in accordance with this Policy

(v) display a Council approved sign, in a position clearly visible to passengers, warning customers that camera surveillance equipment may be in operation.

Vehicles may be left or right hand drive providing that they have proof of full DETR vehicle type approval.

The passenger compartment of the vehicle may be fitted with darkened or blackened glass.

The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.

#### Use of Vehicle

The vehicle shall not be used for every day Private Hire use.

The proprietor of the vehicle shall:-

- (i) ensure that the vehicle is at all times only driven by a person who holds a current Private Hire Vehicle Driver's Licence issued by Fylde Borough Council;
- (ii) not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers;
- (iii) not convey any passengers in the front compartment of the vehicle;
- (iv) not supply any intoxicating liquor in the vehicle unless there is in force an appropriate premises licence permitting the sale or supply of the same.

#### Vehicle Identification Discs

The vehicle will not be required to display the front and rear, external private hire vehicle licence plates which must normally be displayed by licensed private hire vehicles. The proprietor of the vehicle will be issued, by the Council, with two licence discs which identify the vehicle as a private hire vehicle on which will be displayed the registration number that vehicle and the number of passengers permitted to be carried.

The proprietor shall ensure that:-

- (i) one vehicle identification disc is displayed on the top left-hand corner of the front windscreen in a conspicuous position where it can be clearly seen from the outside of the vehicle and all wording and lettering contained thereon read. The other identification disc shall be fixed inside the vehicle in such a position (such as the bulkhead or security screen) as to be visible to persons conveyed therein;
- (ii) no Private Hire Limousine Vehicle Disc shall be parted with, lent or used on any other vehicle and the loss or damage of the vehicle discs shall be reported to the Council as soon as the proprietor is aware of the loss. In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle discs and licence to the Council within seven days.

#### 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, other than those specifically approved by the Council.

#### Insurance/ MOT Certificate

The vehicle must not be used to carry passengers for private hire special events unless there is in force for the vehicle:

- (i) a current Certificate of Compliance test certificate.
- (ii) a policy of insurance covering the use of the vehicle for private hire special events and the proprietor of the vehicle is shown as the policy holder and any other licensed Private Hire Limousine Vehicle Drivers who drive the vehicle are covered.

These documents shall be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.

The proprietor shall deposit a valid and current copy of the Certificate of Compliance Test Certificate and Certificate of Insurance or cover note with the Operator before the vehicle is used to accept bookings provided by the Operator.

If the insurance cover on the vehicle is cancelled, expires or fails to cover the use to which the vehicle is being put, the Licence Officer shall be informed immediately and the vehicle shall not be used until appropriate cover is obtained.

## Appendix G – Exceptional Quality Policy

The Hackney Carriage and Private Hire Licensing Policy document provides that no vehicle shall be licensed if it is over the age of 12 years unless it satisfies an exceptional quality policy.

To be considered suitable for the Exceptional Quality Policy, the following conditions apply.

- The vehicle must pass the initial pit test – vehicles with three or fewer faults (excluding bulbs) will be permitted to undertake the necessary repairs and submit for a re-test; vehicles with four or more faults will fail and will not be permitted a re-test.
- The vehicle must meet the full exterior and interior specification detailed below (each point listed below would constitute one defect). Vehicles with three or fewer defects as detailed below will be permitted to undertake necessary repairs and submit for a re-test. Vehicles with four or more defects will fail, and will not be permitted a re-test.

### **Exterior**

All bodywork to be clean and sound, free from rust, corrosion, dents, scrapes or significant scratches or loose panels

All paintwork must be in first class condition with no egg-shell finish or different shades or colours either inside or outside which are visible to the public

All wheel trims to be fitted according to the manufacturer's specification and all matched

Door or wing mirrors to be in good condition. 2 wing mirrors and an interior mirror are required.

Front and rear registration plates to be clean, clear, unbroken and conform to the relevant legislation. Hinging rear number plates must be maintained so that the number plate is visible at all times.

Front and rear bumpers to have no rust, corrosion, dents, cracks or scrapes and be securely fitted. End caps must be fitted

Mud flaps, if fitted should be maintained

No broken, cracked or missing glass or surrounds on all front and rear lights where fitted and must display the correct colour

Radiator grills should be secure and the original specification

Windscreen and rear screen wiper arms should be in good condition and rust free and properly fitted

All door locks and boot locks fitted to be in working order

All doors should be easily opened and in good working order

All door handles should be properly fitted easily operated and of original specification

A spare wheel which conforms to legal requirements must be carried and securely fitted along with the relevant jack and wheel brace

All tyres to conform to legal requirements

All road wheels to be clean and free from significant marks or damage and rust free

Vehicle to have a current MOT certificate

Evidence of servicing and maintenance over the last twelve months must be produced.

### **Interior**

All seats to be manufacturer's original design, should match, be securely fitted with no stains, holes or tears, without seat covers

All seat belts should be clean, in good working order. There must be sufficient seatbelts to cover every licensed seat. All anchorage point covers should be properly fitted and match original trim

All panels should be clean and match original trim

Fitted carpets should be of original specification, securely fitted with no stains or holes

All instruments and accessories should be fitted securely, match trim and be in good working order.

Headlining to be stain free, clean with no holes or tears

All windows to operate correctly and easily

Brake, clutch and accelerator pedal rubbers to be fitted and in good condition

The inside of the vehicle should be free from any trailing or loose wires

The boot and/or luggage space should be clean and tidy with an unstained carpet or cover to manufacturer's specification



If a hatchback, the boot cover must be original with both lifting straps fitted. A cargo guard should be fitted in estate vehicles

Gear lever gaiters, if fitted, should be in good condition

All lights should be in working order with appropriate covers securely fitted

Window locks, handles where provided by the manufacturer to be in working order

Heated rear screen to be in proper working order.

Ramps, if fitted must be in good working order.

#### Guidance Notes

In the event of a vehicle being issued with an immediate or delayed prohibition notice by VOSA, the vehicle will immediately be disqualified from complying with the exceptional condition exemption.

Vehicle owners should note that this document only details the elements necessary to comply with the exceptional quality policy. Any licensed vehicle must comply with the requirements of Annexe A of the Hackney Carriage and Private Hire Policy at all times

MOT items – Any individual fault which would cause the vehicle to fail the standard MOT test will count as one fault. For example a leaking brake cylinder and a bald tyre are 2 faults.

Interior and exterior faults – as a general rule, each defect identified during the inspection will count as one fault, however multiple faults of an identical nature will count as one fault. For example – holes in two seats will count as one fault. Similarly, dents found on two separate panels will count as one fault.

Fixing – all trim should be present, correctly aligned and fixed in accordance with the manufacturer's specification.

Poor Workmanship – repairs should be carried out to a high standard. Defects resulting from poor preparation or poor application of a paint finish are likely to result in the vehicle not reaching the required standard. Such defects may include runs, dust in the paint, orbital sander marks, poor paint coverage and overspray.

Gloss Finish – Paintwork should have a gloss finish over the whole vehicle. Where the paintwork has begun to fade due to age and the effects of ultraviolet degradation over large areas of the vehicle, where it cannot be returned to an acceptable gloss level by the use of cutting compounds refinishing may be required.

Replacement panels – vehicles which have been damaged and had replacement panels fitted are acceptable as hackney carriage and private hire vehicles provided that

- The repairs have been carried out to a high standard
- The replacement panel has been fitted to the vehicle manufacturer's specification using approved fittings, and
- The replacement panel has been correctly aligned, level with all adjacent panels. The gaps between panels should be uniform and similar to those between original panels.

### Appeals

Where a proprietor is aggrieved by the decision of a vehicle tester concerning the standard of the vehicle, the initial appeal shall be to the mechanics supervisor. In the event that the proprietor remains aggrieved, a further appeal will lie to Steve Fulton FMS Manager.

### Definition of consumables

The following items will not be counted as faults, but should be rectified as soon as reasonably practicable:

- Light bulbs not working
- No fire extinguisher
- No fare card on display
- Absence of vehicle signage
- A missing licence plate
- Taxi meter not operating correctly

## Appendix H – Private Hire Vehicle Licence Conditions

There shall be a policy of insurance or such security as complies with the requirements of Part IV of the Road Traffic Act 1972 during the currency of the private hire vehicle licence.
Any change affecting this licence must be notified within 14 days of such change to the Council.
Any proprietor of a private hire vehicle shall report to the Council as soon as reasonably practicable and in any case within 72 hours of the occurrence thereof any accident to such private hire vehicle.
This licence must be available for inspection at all times on request by any authorised officer of the Council or any Police Officer.
The proprietor of a private hire vehicle shall not allow the vehicle to be driven and used for private hire by any person who does not hold a current private hire driver's licence issued by Fylde Borough Council.
At all times while the vehicle is being used as a private hire vehicle there shall be affixed to the rear of such vehicle in such a manner as to be distinctly visible the licence plate issued by the Council which identifies the vehicle as a private hire vehicle.
<p>The proprietor of a private hire vehicle shall:-</p> <ul style="list-style-type: none"><li>- cause the fittings and furniture, the floor and floor coverings of the vehicle to be kept in a clean condition.</li><li>- Provide at least two doors for the use of persons conveyed in such vehicle and a separate means of ingress and egress for the driver. Provide any necessary windows and a means of opening and closing not less than one window on either side.</li><li>- Provide an efficient fire extinguisher, which shall be carried in such a position as to be readily available for use.</li><li>- The driver or proprietor of a private hire vehicle shall not cause, allow or permit a roof sign to be affixed to the vehicle.</li></ul>
The driver or proprietor of a vehicle must affix identification signs, issued by the Council, to the driver's door and passenger door of the said vehicle. (These signs should not be tampered with in any way.
If the private hire vehicle is fitted with a taximeter than (unless the hirer expressed at the commencement of the journey his desire to engage by time) the meter shall be brought into operation at the commencement of the journey and the fare demanded by the private hire vehicle proprietor or driver shall not be greater than that fixed by this Council in connection with the hire of hackney carriages.

In the event of such a journey commencing in but ending outside the Fylde Borough there may be charged for the journey such fare or rate of fare if any as was agreed before the hiring was effected, if no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the hire of hackney carriages.

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

If the vehicle hereby licensed is fitted with a taximeter:

- The taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the vehicle, and for the purpose the letters and figures shall be capable of being suitably illuminated during any period of the hiring.
- The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances, so as not to be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
- The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Transport Licensing Act 1957 and also at any time at the request of the hirer.
- If the taximeter has been altered for whatever reason, the proprietor of the vehicle shall forthwith report the alteration to the Council may be made.

A private hire vehicle shall not be of the London Taxi type.

At all such times while the vehicle is being used as a private hire vehicle there shall be displayed on the windscreen of such vehicle (top left-hand corner of the windscreen) the licence disc, which identifies the vehicle as a private hire vehicle.

The Holder of the licence shall not refuse any reasonable request to carry a guide dog accompanying a blind passenger or a "helping dog" accompanying a disabled passenger.

## Appendix I – Private Hire Operator Conditions

Records, which must be kept by operators, under the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a non-erasable form in a suitable log or book, the pages of which are numbered consecutively for a period of 2 years. If records are kept in computerised format these should be kept for a period of two years (unless an alternative period has been agreed with the Council in writing) and should be made available to an authorised officer of the Council on request.

Prior to each journey, the operator shall enter the following particulars of every booking of a private hire vehicle accepted, pursuant to section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976, containing the following particulars, namely: -

- the date of the booking
- the name of the hirer
- the time of pick-up
- the address of the point of pick-up
- the time at which a driver was allocated to the booking
- the plate number (or other identification) of the vehicle allocated
- 

The operator shall keep records of the particulars of all private hire vehicles operated by him/her, pursuant to section 56 (3) of the Act such details to include the following particulars, namely:-

- Type, Make, Model, Colour and Engine Size of Vehicles
- the year when the vehicle was first licensed for private hire
- Vehicle Registration Numbers
- the number of seats for passengers
- owners
- a copy of a current insurance certificate
- whether a meter is fitted
- Private Hire Vehicle Licence number
- A copy of the Private Hire Vehicle licence

The operator shall keep records of the particulars of all drivers of private hire vehicles operated by him/her, pursuant to section 56 (3) of the Act such details to include the following particulars, namely:-

- details as to the drivers of the vehicles, and their call signs
- details of when any new driver begins service
- details of when any driver's service ceases Page 48 of 49
- details of any change of address of any driver in service
- if he/she becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out his/her duties, details of that information
- expiry dates of driver's badges and vehicle licences
- a copy of the Private Hire drivers licence
- a copy of the DVLA licence

All records must be maintained by the operator shall be kept for at least 12 months after entry and shall be produced for inspection, on request, by any authorised officer.

The operator shall notify the Authority in writing of any change affecting this licence including change of address (including any address from which he operates or otherwise conducts his business), which takes place during the currency of the licence. Such notice shall be given within 14 days of the change to the Licensing Officer.

The operator shall, within 7 days of conviction, notify the Licensing Service in writing of any conviction or fixed penalty imposed on him during the currency of his/her operator's licence. If the operator is a company or partnership, this requirement shall apply if any of the directors or partners receives a conviction or fixed penalty.

The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by him under the licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.

If the Operator has premises to which the public have access, in connection with the hiring of vehicles, he shall ensure that there is public liability insurance in force, which indemnifies him against any claim for loss, damage or personal injury by any person using those premises.

## Appendix J – Fares

### Hackney Carriage Fares

Hackney Carriage Fare scales will not generally be reviewed more than once per year between January and March with any change agreed being implemented once the required period for objection specified in the Public Notice has passed.

In reviewing the scale of maximum fares to be charged locally, consideration will be given to the percentage by which the “National Average” of Tariff One and Tariff Two, 2 mile journey fares (as published in Private Hire & Taxi Monthly magazine) increased over the previous calendar year (i.e. January to January). In general, this average percentage will constitute the maximum Tariff One and Tariff Two percentage increase in fares above which the authority would not generally consider any application for a tariff increase.

## Appendix K – Intended Use Policy

### Applications for the New Grant of a Hackney Carriage Licence

Applicants for new hackney carriage vehicle proprietor licences shall be expected to demonstrate a bona fide intention to ply for hire within the local authority area of Fylde under the terms of the licence for which application is being made.

There will be a presumption that applicants who do not intend to a material extent to ply for hire within the local authority area of Fylde will not be granted a hackney carriage vehicle proprietor's licence authorising them to do so. Each application will continue to be decided on its merits.

Even where the applicant intends to ply for hire to a material extent in the Fylde local authority area, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

### Applications for the Renewal of a Hackney Carriage Licence

Applicants for the renewal of licences will be required to inform the Authority whether they have a bona fide intention to ply for hire within the Fylde local authority area under the terms of the licence for which application is being made.

There will be a presumption that applicants who do not intend to a material extent to ply for hire within Fylde will not be granted a hackney carriage vehicle proprietor's licence authorising them to do so. Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act") gives the authority a broad discretion to refuse to renew a licence for any reasonable cause. Each application will be decided on its merits.

Even where the applicant intends to ply for hire to a material extent in the Fylde local authority area, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

### Transfer of Ownership of Hackney Carriage

The transferee of a licensed hackney carriage shall be asked to inform the Authority whether they have a bona fide intention to ply for hire within the Fylde local authority area. Transferees should note the obligation under Section 73 the 1976 Act to give to an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation.



Transferees of existing licences shall be expected to have a bona fide intention to ply for hire with the Fylde local authority area under the terms of the licence in respect of the vehicle being transferred.

Where the transferee of a licensed hackney carriage is found to have no intention to ply for hire to a material extent within the Fylde local authority area and/or intends to trade in another local authority area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence. Where the transferee proposes to operate remotely from Fylde there will be a presumption that his licence will be revoked. Each case will be decided on its merits.

#### **Change of Vehicle – When a Proprietor Replaces a Licensed Vehicle**

Applicants seeking the grant of a hackney carriage vehicle proprietor's licence for a vehicle intended to replace another licensed vehicle shall be asked to inform the authority of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire to a material extent within Fylde will not have the new licence granted.

Even where the applicant intends to ply for hire to a material extent in Fylde, if the intention is to trade in another local authority area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.

#### **Revocation of Licence**

Where a licence has been granted under the terms that the applicant intends to ply for hire to a material extent within Fylde but is subsequently found not to be plying for hire to a material extent in Fylde and/or to be trading in another local authority area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) there will be a presumption that the licence will be reviewed by the Authority which could lead to the revocation of that licence.

#### **Exceptional Circumstances**

Each application will be decided on its merits. However, the presumptions that intended use is to ply for hire to a material extent within Fylde will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances exist will be expected to be able to satisfy the Authority that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if it were not suspended or revoked as the case may be.

## **Reasons for Policy**

The Authority wishes to ensure that applications for the grant of hackney carriage vehicle proprietor licences are determined in accordance with the guidance given by the High Court in its judgement and the Declaration made in the case of Newcastle City Council v Berwick upon Tweed (2008).

The Authority is required to register the name of the new proprietor of a hackney carriage vehicle. Section 3 of this policy is intended to put the Authority in a position to respond responsibly to the transfer of a Fylde hackney carriage into the name of someone who operates outside Fylde or remotely from it.

Unless there has been a change in the vehicle proprietor's intentions with regard to plying for hire within Fylde, there should be no reason why he should not be granted a licence for a replacement vehicle. On the other hand, an applicant who obtained his first licence on the expressed intention of plying for hire to a material extent within Fylde and who on application to replace that vehicle with another discloses that he no longer so intends, effectively engages the presumption against grant that is mentioned earlier.

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Review Date: Month / Year

Our Ref: XXXXXXXXX

Authorised by: Insert Name and Position

