



**HYNDBURN**

The place to be  
an excellent council

**RULES REGULATIONS  
AND  
PROCEDURES  
FOR**

**HACKNEY CARRIAGE  
&  
PRIVATE HIRE**

**LICENSING**

This policy sets out the manner in which applications for hackney carriage and private hire licences will be considered by Hyndburn Borough Council, 'The Council'.

## **1.0 Background**

1.1 Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside normal hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

1.2 The aim of licensing the hackney carriage and private hire trade is, primarily, to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision.

It is important that the Council's hackney carriage and private hire licensing powers are used to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required

1.3 This guidance sets out what is considered to be best practice in terms of hackney carriage and private hire licensing. It does not seek to cover the whole range of possible licensing requirements. It seeks to concentrate only on those issues which are significant.

## **2.0 Best practice Guidance and Legislation**

2.1 The Department For Transport (DFT) has national responsibility for hackney carriage and private hire legislation in England and Wales.

2.2 In producing this policy the latest version of the Department For Transport (DFT) Best Practice Guidance which was published in 2010 to assist local authorities with the regulation of the hackney carriage and private hire trades has been considered. The DFT Guidance was directed at local authorities in England and Wales to "decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes". There was recognition, within the document, that it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters.

2.4 This document also takes account of the legislative basis of the Council's taxi licensing powers, contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended, the requirements of the Immigration Act 2016 and the requirements made under Sections 165 and 167 of the Equality Act 2010.

## **SI 2017/107 - The Equality Act 2010 (Commencement No. 12) Order 2017**

This Order brings into force on the 6th April 2017 sections 165 and 167 (in so far as they are not already in force) of the Equality Act 2010 (c.15).

Section 165 imposes duties on the driver of a designated taxi and the driver of a designated private hire vehicle (“a designated vehicle”), to carry passengers who are either wheelchair users or wheelchair users accompanying passengers, so as to enable wheelchair users to access and exit designated vehicles.

Section 165 also creates a new criminal offence if the driver of a designated vehicle fails to comply with the duties specified in section 165.

Section 166 provides that the driver of a designated vehicle is exempted from the duties imposed by section 165 if a licensing authority issues the driver with an exemption certificate which is in force and the prescribed notice of the exemption is exhibited in the designated vehicle in the prescribed manner.

Section 166 also provides that a taxi or private hire vehicle is “designated” if it appears on a list maintained under section 167.

Section 167 provides that for the purposes of section 165, a licensing authority may maintain a list of vehicles which are either taxis or private hire vehicles and conform to such accessibility requirements as the licensing authority thinks fit. This authority intends to maintain a list of such vehicles

### **3.0 Powers and duties**

3.1 This statement of licensing policy is written pursuant to the powers conferred by the Town Police Clause Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Hyndburn Borough Council (‘the Council’) the duty to carry out its licensing functions in respect of hackney carriages and private hire vehicles and drivers.

3.2 The aim of the licensing process is to regulate the hackney carriage and private hire trade in order to promote well-run and responsible businesses that display sensitivity to the wishes and needs of the general public

### **4.0 Policy Status**

4.1 In exercising its discretion in carrying out regulatory functions, the Council will have regard to this policy document.

4.2 Notwithstanding the existence of this policy, each application or

enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy, clear and compelling reasons will be given for so doing.

- 4.3 This policy (and associated work procedures) will provide those Council Officers who are required to administer the licensing function with appropriate guidelines within which to act. The Council may need to consider applications outside the policy.
- 4.4 The document is not intended to be a full and/or authoritative statement of the law or its associated guidance and does not in any way constitute legal advice. The relevant statutory provisions will take precedence.

# OPENING HOURS OF LICENSING OFFICE

Monday-Friday

0900 – 1600

## Notes for the Guidance of Applicants For Hackney Carriage and Private Hire Drivers Licences

Applicants for Hackney Carriage or Private Hire Drivers licences are required to have held for a minimum of one year a full driving licence issued in the UK at the date of application, the European Community (EC) or one of the other countries in the European Economic Area (EEA).

All non-UK licence holders will still be required to provide a copy of their EC/EEA driving licence with their application.

All applicants for hackney carriage and private hire drivers' licences will be subject to an online DVLA check in relation to any points or disqualifications on their licence.

Application forms for hackney carriage and private hire drivers licences can be obtained from Scaitcliffe House, Ormerod Street, Accrington or can be downloaded at [www.hyndburnbc.gov.uk](http://www.hyndburnbc.gov.uk), or collected from customer services.

The completed application forms should be returned to the Scaitcliffe House address. An appointment will be made for all new and renewal applicants at which time you will be required to complete an enhanced criminal record check, and produce the documents listed below.

- (a) Current Full European Driving Licence,
- (b) A full medical certificate in the prescribed form, issued by a general practitioner on first application and every 3 years thereafter (dated within 2 months of application) Once a driver reaches the age of 65 he/she will be required to provide a full medical certificate annually.

(i) all medical checks must be carried out by:-

- the applicant's own GP;
- someone from the GP practice to which the applicant is registered; or
- an agent appointed by the GP;

(ii) full access to the applicant's medical records must be available to the GP carrying out the check at all times;

(iii) the medical records must be taken into account when carrying out the medical examination

(c ) Appropriate fee.

(d) Proofs of identity for DBS check (further details will be given when appointment is made)

No licence will be granted until **all** required documents have been received and satisfactory DBS results have come back to us. Please note all application processes must be completed within 6 months of the date of issue of the DBS certificate or a new certificate will be required.

If a person applying for an enhanced disclosure has not lived in the UK for five years or more, then an equivalent DBS check (certificate of good conduct duly authenticated) will need to be completed by the UK Embassy for the country in which the applicant has previously been living.

Your right to work in the UK will be checked as part of your licence application. This could include the licensing authority checking your immigration status with the Home Office. We may share information with the Home Office. You must therefore provide a document or document combination that is stipulated as being suitable for this check. The list of documents is set out on our website

<https://www.hyndburnbc.gov.uk/download-package/proof-of-right-to-work/>

You must provide the original document(s), such as your passport or biometric residence permit, as indicated in the published guidance, so that the check can take place. The document(s) will be copied and the copy retained by the licensing authority. The original document will be returned to you. Your application will not be considered valid until all the necessary information and original document(s) have been produced and the relevant fee has been paid.

If there are restrictions on the length of time you may work in the UK, your licence will not be issued for any longer than this period. In such circumstances the check will be repeated each time you apply to renew or extend your licence, If, during this period, you are disqualified from holding a licence because you have not complied with the UK's immigration laws, your licence will lapse and you must return it to the licensing authority. Failure to do so is a criminal offence.

All new applicants will be required to pass a local knowledge test. The test will be based on topographical knowledge of the local area and knowledge of the local Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing. There will be a fee payable for the test in advance. If you fail the test you will not be issued with a licence. However you will be able to re sit the test until such time as you can pass it. All re sits will be charged at the original test rate.

Applicants are required to attend the Steering to Success course at Accrington and Rossendale College

Details of convictions or cautions for any offence whether driving offences (including fixed penalty notices) or any other offence must be declared as part of your

application. If you have convictions your application will be considered in accordance with the Council's Convictions Policy and may be refused.

### **Disclosure and Barring Service**

The applicant will be asked to detail, on the application form, any convictions, cautions or fixed penalties which have been recorded against them. By the provision of the Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment)Order 2002, applications by prospective Hackney Carriage and Private Hire Drivers must detail all convictions regardless of when they occurred, as the 'spent' convictions provisions do not apply to these occupations. The subsequent check to the Disclosure and Barring Service (DBS) will serve to confirm the information provided. You must not rely on that check to provide the correct information, as any application which does not supply the complete information at the outset may be considered to be incomplete and a view may be taken that a deliberate attempt has been made to conceal convictions which have not been declared. It is a criminal offence to make a false declaration to obtain a Licence.

### **Statement of Policy Regarding Relevant Convictions**

When submitting an application for a licence to drive a Hackney Carriage or drive or operate a Private Hire Vehicle, individuals are requested to declare any convictions or cautions they may have. The information given will be treated in confidence by the Council (subject to it being required for legal proceedings or for the purpose of any legal obligation imposed on the Council) and will only be taken into account in relation to the application in question. Hyndburn Borough Council, as a Licensing Authority, is empowered in law to check with the Disclosure and Barring Service for the existence and content of any criminal record held in the name of an applicant. Information received will be kept in strict confidence subject to the above qualification while the application process takes its course and will be retained for no longer than is necessary. The disclosure of a criminal record or other information will not debar any applicant from obtaining a licence unless the Council considers that the conviction renders him or her unsuitable. In making this decision, the Council will consider the nature of the offence, how long ago and at what age it was committed and any other factors which may be relevant. When making a decision the Council will have regard to its Convictions Policy.

Any applicant refused a Licence on the grounds that he/she is not a fit and proper person to hold such a licence has the right of appeal to a Magistrates' Court.

Each case will be determined on its own merits, however the overriding consideration will be the protection of the public.

A copy of the Councils Convictions Policy is available on our web site or from the Licensing Department, Scaitcliffe House, Ormerod Street, Accrington.

**IT IS AN OFFENCE FOR A PERSON TO DRIVE A LICENSED HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE UNLESS AND UNTIL A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE IS GRANTED. IT IS AN OFFENCE FOR THE PROPRIETOR OF A LICENSED HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE TO EMPLOY ANY PERSON TO DRIVE SUCH A VEHICLE WHO IS NOT THE HOLDER OF A CURRENT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

# **BYELAWS**

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Council of the Borough of Hyndburn with respect to hackney carriages in the Borough of Hyndburn.

## **1. Interpretation**

Throughout these byelaws “the Council” means the Council of the Borough of Hyndburn and “the district” means the Borough of Hyndburn.

## **2. Licence Plate**

The proprietor or driver of a hackney carriage shall:-

- (a) not wilfully or negligently cause or suffer any licence plate issued by the Council to be concealed from public view while the carriage is standing or plying for hire;
- (b) not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

## **3. Condition and Furnishings of Hackney Carriages**

The proprietor of a hackney carriage shall:-

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;

- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide and maintain in the vehicle at all times when it is in use or available for hire, a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

#### **4. Use of Taximeter**

- (a) The driver of a hackney carriage shall make use of the taximeter as follows:-
  - (i) as soon as the hirer commences his journey the driver shall bring the machinery of the taximeter into action by moving the key, flag or other device, so that the word "HIRED" is legible on the face on the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - (ii) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness this being the time between half-an-hour after sunset to half an hour before sunrise and also at any other time at the request of the hirer.
- (b) The driver shall not cause the fare recorded on the taximeter to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare unless credit is to be given.

#### **5. Interference with equipment**

The driver of a hackney carriage shall not tamper with or permit any person to tamper with, any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto, nor with any other equipment attached to or forming part of the vehicle.

#### **6. Advertisements etc.**

- (a) The driver of a hackney carriage shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the vehicle except with the written consent of the Council.

#### **7. Use of Stands**

The driver of a hackney carriage shall, when plying for hire in any street and not actually hired;

- (a) proceed with reasonable speed to one of the stands appointed by the Council;

- (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
- (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
- (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

## **8. Importuning**

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

## **9. Conduct of Driver**

The driver shall:-

- (a) at all times behave in a civil and orderly manner and take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
- (b) not without the express consent of the hirer \*smoke, drink or eat in the vehicle;
- (c) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (d) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

**\*N.B. It is now an offence to smoke or to allow any person to smoke in a licensed vehicle at any time. All vehicles must display no smoking signs**

**\*This includes any types of E Cigarette.**

## **10. Prompt Attendance**

The driver of a hackney carriage shall, if he is aware that the vehicle has been hired to be in attendance at any appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance

at an appointed time and place, punctually attend at that time and place, unless delayed or prevented by sufficient cause.

## **11. Passengers**

- (a) The driver shall not convey or permit to be conveyed in a hackney carriage a greater number of persons than that prescribed in the licence for the vehicle, provided however that for this purpose two children below the age of ten years may be counted as one person insofar as the rear seating only is concerned;
- (b) The driver shall not allow there to be conveyed in the front of a hackney carriage:-
  - (i) any child below the age of ten years; or
  - (ii) more than one person above that age.

## **12. Driver's badge**

The driver's badge provided by the Council shall be worn by the driver of a hackney carriage in such position and manner as to be plainly visible.

## **13. Assistance with luggage**

The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the vehicle:-

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading;
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such a person.

## **14. Lost Property**

The driver of a hackney carriage shall:-

- (a) 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;
- (b) if any property accidentally left therein by any person who may have been conveyed in the vehicle be found by or handed to him carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station within the district where he should report it to the officer in charge of the station.

## **15. Copy of Byelaws**

The driver shall at all times when driving a hackney carriage carry with him a copy of these byelaws and shall make them available for inspection by the hirer or any other passenger on request.

## **16. Written receipts**

The driver shall, if requested by the hirer of a hackney carriage provide him with a written receipt for the fare paid.

## **17. Animals**

- (a) The driver shall not convey in a hackney carriage any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle. Any animals belonging to or in the custody of any passenger which is conveyed in the vehicle shall only be conveyed in the rear of the vehicle
- (b) The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the carriage, carry a guide dog accompanying a visually handicapped passenger.

**\*N.B. Guide dogs are trained to travel in the passenger foot well and at the request of the handler this should be permitted.**

## **18. Rates or Fares**

The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed for the time being by the Council, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter save for any extra charges detailed in the fare table which it may not be possible to record on the face of the taximeter.

## **19. Statement of Fares**

- (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council in the form issued by the Council to be exhibited inside the carriage;
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or

suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

## **20. Penalties**

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

**\*These matters do not constitute part of the Byelaws, however they are added to allow for changes in legislation and requirements.**

## **REQUIREMENTS** **LICENSED HACKNEY CARRIAGE DRIVERS**

- NOTE:**
- (1) Failure to adhere to this Code may result in suspension or revocation of the licence pursuant to Section 61(1)(b) of the Local government (Miscellaneous Provisions) Act, 1976.
  - (2) This Code is equally applicable when the hackney carriage is being used for private hire purposes.
- 

### **1. Contracts for Private Hire**

Where a Hackney Carriage vehicle is hired pursuant to a telephone call to a booking office linked by radio to the vehicle, the contract of hire shall be deemed to be made with the person or body operating the booking office, and shall not be set into operation until the hirer has commenced his journey.

### **2. Use of Taximeter/Table of Fares**

It is an offence for any hackney carriage driver to charge more than the metered rate for journeys within the District. Any driver found doing this may face revocation of his/her drivers licence or prosecution. The meter must be set at the point of pick up.

The driver may at his/her discretion require the payment of an agreed sum in advance of the journey. A receipt will be given and the amount will be set against the metered fare.

#### 4. Child Seats/Seatbelts

Rear facing baby seats **MUST NOT** be used in a seat protected by a frontal air-bag unless the air-bag has been deactivated manually or automatically.

It is impracticable to expect the right child seat or booster to be available in a taxi unless carers have brought one with them. Therefore, there is a qualified exception so that if child restraints are not available in a licensed taxi or licensed private hire vehicle.

- under 3s may travel unrestrained but in the rear only;
- those 3 years and above must use an adult belt in the rear seat only.

Remember that a child up to 135cms in a front seat of **ANY** vehicle must use the correct child seat or booster

**The driver of the vehicle is responsible for seat belt wearing by children under 14 years** (except in taxis with fixed partitions)

#### 6. Animals

- (1) The Licensee shall at all times carry guide/hearing/assistance dogs, free of charge, unless he has a proven medical condition that would preclude such action and is in receipt of a Notice of Exemption issued by the Council, in accordance with section 169 Equality Act 2010
- (2) The Licensee has a responsibility to ensure that their company/employer is aware of such a medical condition when they are first employed.

**\*N.B. Guide dogs are trained to travel in the passenger foot well and at the request of the handler this should be permitted.**

#### 7. Change of Address

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

#### 8. Convictions or Cautions

The licensee shall within seven days disclose to the Council in writing details of any conviction, caution or fixed penalty imposed on him during the period of the licence.

#### 9. Health

The licensee shall inform the Licensing Manager without delay about the onset or worsening of any health condition likely to cause him to be a source of danger to the public when driving either now or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease,

heart disease, angina, 'coronaries', high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug-taking, and loss of a limb or use of a limb. **THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED. THESE ARE EXAMPLES ONLY.**

Temporary conditions, other than recurrent ones, not expected to last more than three months need not be reported. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

## **10. Suspension or Revocation of Licence**

a) The breach by the licensee of any provision of this code or the byelaws may be treated by the Council as reasonable cause for the suspension or revocation of the licence under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act, 1976.

Section 52 of the Road Safety Act 2006 has introduced 2 new sections into Section 61 as follows:-

Sub-section 2A provides that a suspension or revocation will take effect 21 days after the driver has received notification of the decision to suspend or revoke his licence. The day on which he receives notification will be day one.

Sub-section 2B provides that if the Council believe that it would be in the interest of public safety to suspend or revoke the licence with immediate effect it may do so provided that the usual decision notice given to the driver states that the licence is suspended or revoked immediately and explains why.

## **11. Return of Licence and Badge**

In the event of the suspension or revocation of a licence the Licensee shall forthwith upon receiving written notice, return the licence and the driver's Identity badge which may have been issued to him to the Licensing Office and such badge shall likewise be returned on the expiry of the licence without immediate renewal.

## **12. Variation of Policy**

The Council may at any time during the period of the licence or upon renewal thereof vary in its discretion any provision of this policy.

## **13. Production of Driving Licence and Insurance**

The licensee shall, within 7 days of receiving written notice requiring him to do so, produce to the Licensing Office his current DVLA Driving Licence and insurance for inspection.

## REQUIREMENTS FOR PRIVATE HIRE DRIVERS

### 1. Conduct of Driver

The driver shall:

- (a) afford all reasonable assistance with passengers' luggage.
- (b) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner.
- (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him.
- (d) not without the express consent of the hirer drink or eat in the vehicle.
- (e) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- (g) If the driver must use a telephone to take business calls whilst a customer is in his vehicle, the call must always be hands free and must be kept to an absolute minimum. Prolonged conversations whilst driving could affect concentration and put the passenger and other road users at risk.

**NB. It is an offence to smoke in any licensed vehicle at any time. The Council does not permit the use of E Cigarettes in a licensed vehicle at any time.**

### 2. Seatbelts/Child Seats

Rear facing baby seats **MUST NOT** be used in a seat protected by a frontal air-bag unless the air-bag has been deactivated manually or automatically.

It is impracticable to expect the right child seat or booster to be available in a taxi unless carers have brought one with them. Therefore, there is a qualified exception so that if child restraints are not available in a licensed taxi or licensed private hire vehicle.

- under 3s may travel unrestrained but in the rear only;

- those 3 years and above must use an adult belt in the rear seat only.

Remember that a child up to 135cms in a front seat of **ANY** vehicle must use the correct child seat or booster

**The driver of the vehicle is responsible for seat belt wearing by children under 14 years** (except in taxis with fixed partitions)

### **3. Written Receipts**

The driver shall if requested by the hirer of a private hire vehicle provide him with a written receipt for the fare paid.

### **4. Animals**

The Licensee shall not convey in a Private Hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.

The Licensee shall at all times carry guide/hearing/assistance dogs, free of charge, unless he has a proven medical condition that would preclude such action and is in receipt of a Notice of Exemption issued by the authority, in accordance with section 169 Equality Act 2010 The Licensee has a responsibility to ensure that their company/employer is aware of such a medical condition when they are first employed.

### **5. Prompt Attendance**

The driver of a private hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place.

### **6. Shortest Route**

The driver of a private hire vehicle when hired to drive to any particular destination shall, subject to directions given by the hirer, proceed to that destination by the shortest available route.

### **7. Fare to be Demanded**

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

### **8. Deposit of Licence**

If the driver is permitted or employed to drive a private hire vehicle of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit a copy of his private hire drivers licence with that proprietor for retention by the proprietor until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of the proprietor.

## 9. Change of Address

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

## 10. Convictions and Cautions

The driver shall within seven days disclose to the Licensing Office in writing details of any conviction, caution or fixed penalty imposed on him during the period of the licence.

## 11. Suspension/Revocation

- (a) The breach by the licensee of any provision of this code or may be treated by the Council as reasonable cause for the suspension or revocation of the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act, 1976. Section 52 of the Road Safety Act 2006 has introduced 2 new sections into Section 61 as follows:-

Sub-section 2A provides that a suspension or revocation will take effect 21 days after the driver has received notification of the decision to suspend or revoke his licence. The day on which he receives notification will be day one.

Sub-section 2B provides that if the Council believe that it would be in the interest of public safety to suspend or revoke the licence with immediate effect it may do so provided that the usual decision notice given to the driver states that the licence is suspended or revoked immediately and explains why.

## 12. Return of Licence and Badge

In the event of the suspension or revocation of a licence the Licensee shall forthwith upon receiving written notice, return the licence and the driver's Identity badge which may have been issued to him to the Licensing Office and such badge shall likewise be returned on the expiry of the licence without immediate renewal

## 13. Health

The licensee shall inform the Licensing Manager without delay about the onset or worsening of any health condition likely to cause him to be a source of danger to the public when driving either now or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, heart disease, angina, 'coronaries', high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug-taking, and loss of a limb or use of a limb. **THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED. THESE ARE EXAMPLES ONLY.**

Temporary conditions, other than recurrent ones, not expected to last more than three months need not be reported. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

#### 14. Production of Driving Licence & Insurance

The licensee shall, within 7 days of receiving written notice requiring him to do so, produce to the Licensing office his current Driving Licence & insurance for inspection

#### 15. Variation of Policy

The Council may at any time during the period of the licence or upon renewal thereof vary in its discretion any provision of this policy.

## Notes for the Guidance of Applicants For Hackney Carriage & Private Hire Vehicle Licences

Application forms for licences can be obtained from the Licensing Department, Scaitcliffe House, Ormerod Street, Accrington or can be downloaded at [www.hyndburnbc.gov.uk](http://www.hyndburnbc.gov.uk).

An applicant who is not already a licensed driver with this Council will be subject to a Disclosure and Barring Services check.

**Spent Convictions:** Under the provisions of the Rehabilitation of Offenders Act 1974 you are not obliged to disclose any offences resulting in one of the sentences shown in the left-hand column below if the corresponding period in the right-hand column has elapsed. **(It should be noted however that spent convictions, when revealed by other checks that the Council is permitted to undertake, may be taken into account if they are considered relevant in determining whether an applicant is a fit and proper person to hold a private hire or hackney carriage vehicle licence.)**

### REHABILITATION PERIODS

Sentence	Rehabilitation period Age 18 or over when convicted from end of sentence including licence period	Rehabilitation period Age under 18 when convicted from the end of sentence including rehabilitation period
Community order or youth rehabilitation order*	Total length of order plus 1 year	Total length of order plus 6 months

Prison sentence or detention in a young offender institution for 6 months or less	Total length of sentence (including licence period) plus 2 years	Total length of sentence (including licence period) plus 18 months
Prison sentences of over 6 months, and up to and including 30 months	Total length of sentence (including licence period) plus 4 years	Total length of sentence (including licence period) plus 2 years
Prison sentences or detention in a young offender institution for over 30 months and up to 48 months	Total length of sentence (including licence period) plus 7 years	Total length of sentence (including licence period) plus 3.5 years.
Imprisonment or detention in a young offender institution for over 48 months (4 years) or a public protection sentence	Never spent	Never spent
Fines (even if subsequently imprisoned for fine default)***	1 Year	6 months
Absolute discharge	spent immediately	spent immediately
Simple caution/youth caution**	spent immediately	Spent immediately
Conditional caution/youth conditional caution	3 months or when caution ceases to have effect if earlier	3 months or when caution ceases to have effect if earlier
Absolute discharge	Spent immediately	Spent immediately
Bind over	At the end of the order	At the end of the order
Conditional discharge order	At the end of the order	At the end of the order
Compensation order****	When paid in full	When paid in full
Attendance centre order	At the end of the order	At the end of the order
Care order	When order ceases to have effect	When order ceases to have effect
Confiscation order	When order ceases to have effect	When order ceases to have effect
Forfeiture order	When order ceases to have effect	When order ceases to have effect
Hospital order	When order ceases to have effect	When order ceases to have effect
Referral order	At the end of the order	At the end of the order
Relevant order****	When order ceases to have effect	When order ceases to have effect
Reparation order	Spent immediately	Spent immediately
Disqualifications	When order ceases to have effect	When order cease to have effect

Endorsements	5 years	2.5 years
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\*A community order or youth rehabilitation order which has no specified end date has a default rehabilitation period of two years from date of conviction or from the time the disposal is administered. If the order is subsequently changed, this will not affect the rehabilitation period. The rehabilitation period is not halved if the person was under 18 when convicted. The changes made to the rehabilitation of Offenders Act 1974 by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 provided for all subsequent community orders to have an end date.

\*\*Youth caution replaces the disposals – reprimands and final warnings which were abolished in April 2013

\*\*\*The rehabilitation period of a fine applies even if the person is subsequently imprisoned for default of the fine. Fines arising from fixed penalty notices and penalty notices for disorder (PND) are not covered by the Act as they do not form part of an individual’s criminal record so they do not have a rehabilitation period.

\*\*\*\*It is important that individuals obtain proof of payment of the compensation order from the court and keep this document to prove it has been paid in full. This evidence may be required before a basic disclosure can be issued by Disclosure Scotland

\*\*\*\*\*A relevant order (e.g. restraining order or sexual offences prevention order (SOPO) which has no specified end date has a default rehabilitation period of two years from the date of conviction or from the time the disposal is administered

## Vehicle Testing

Before a vehicle licence can be issued the vehicle must be mechanically tested and inspected by the Council’s nominated garage. This process is referred to as “the Engineer’s Report” or “Certificate of Compliance”.

The licence of any vehicle which fails its inspection will be automatically suspended until such time as the vehicle has been re-examined and the necessary pass certificates obtained.

When a car already licensed by this Council reaches **2 years of age** it will be required to pass the Council’s vehicle examination test **twice yearly**. Any vehicle over the age of 2 years will only be issued with a 6 month plate. When a vehicle reaches **10 years of age** it will be subject to the Council’s vehicle examination test **three times per year** and it will only be issued each time with a four month licence. When a vehicle reaches the age of 15 years it will cease to be licensed.

Vehicles cannot be licensed simultaneously for both public hire (hackney) and private hire.

Vehicles which are licensed by another local authority will not be licensed by this (Hyndburn Borough Council) authority.

Applicants for private hire vehicle licences, who intend to operate independently, must obtain a private hire operator's licence, and any necessary planning permission from the Council's Planning Department, before such vehicle licence can be issued.

All vehicles shall have an appropriate "Type Approval" which is either a European Community Whole Vehicle type approval (ECWVTA) or UK Low Volume Type Approval (UKLVTA) Vehicles shall not have been altered since that approval was granted. A Single Vehicle Type approval (SVA) may be accepted for wheelchair accessible vehicles. On 29<sup>th</sup> April 2009 the SVA was replaced by Individual Vehicle Approval (IVA).

Vehicles presented for licensing, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

Licensed vehicles which have M type approval (European Community Whole Vehicle Type Approval) and have been modified or have been subject to any alterations since manufacture will be considered for licensing provided that they are presented with:

(i) United Kingdom Low Volume / Small Series Type Approval for Passengers Cars; or

(ii) United Kingdom Single Vehicle Type Approval: or

(iii) A 'status' certificate which certifies the seating arrangement to the strength and anchorage positional requirements of 76/115/EEC for M1 loading mounted to a steel plate. The certificate will include the following

- Signature, printed name and declaration of the engineer who fitted the seats and seat belt to state that they were fitted in the approved manner to meet M1 standards
- Date the fitting of the seating arrangement took place.
- The registration and chassis number of the vehicle to which the certificate applies.
- Mileage of the vehicle when the conversion was certified.
- The additional information to the Status certificate must be on letter headed paper and include the proprietor of the business.

From 1<sup>st</sup> July 2013 motor vehicles which have N type approval (European Community Whole Vehicle Type Approval) will not be considered unless they are presented with United Kingdom Low Volume / Small Series Type Approval for Passenger Cars.

Vehicles should have no damage affecting the structural safety of the vehicle. The authority **will not** licence any vehicle that has been a Category C insurance 'write off'.

Sufficient means shall be provided by which any person in the vehicle may communicate with the driver.

When submitting applications for Hackney Carriage/Private Hire vehicle licences, the application should be accompanied by the following documentation: -

- (a) Registration document in name of applicant.
- (b) Current certificate of insurance. (Photocopies not acceptable)
- (c) Authority test certificate
- (d) Appropriate fee
- (e) Appropriate type approval

**Insurance policies** – If insurance is not produced at the time of licence renewal or when requested by the Licensing Section, the vehicle licence will be immediately suspended to ensure public safety. A copy of the certificate of motor insurance must be carried in the vehicle at all times that the vehicle is available for hire or hired.

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

### **HACKNEY CARRIAGE VEHICLE LICENCES**

## **CONDITIONS OF LICENCE**

### **1. Specification and Maintenance of Vehicle**

The vehicle must have at least four doors, all of which are capable of being opened from the inside.

The vehicle must be capable of carrying not less than four passengers but not more than eight.

The vehicle shall be of right-hand drive manufacture and not converted as such.

Any vehicle that is to be converted to Liquid Petroleum Gas (LPG) must be with the express permission of the Council. Only a garage authorised to do so may carry out the conversion. A Certificate of Compliance is to be obtained immediately after any such conversion and presented to the licensing department for inspection. All conversions must be carried out by a Department for Transport (DFT) approved centre and all conversions must be certified in writing by the approved centre that has carried out the conversion.

Any vehicle that is presented for licensing and has already been converted to LPG, must have been converted at a DFT approved centre and any such

conversion must be certified in writing by the approved centre that has carried out the conversion.

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. Eighty six centimeters is the minimum requirement.

There must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort. There must be at least eighteen centimeters between the back of the front seat and the front of the next row of rear seats.

The seat provided for each passenger must have a minimum width of 405 millimeters (16 inches) measured across its narrowest parts.

All passenger seats shall be provided with a lap and diagonal 3 point seat belt which comply with the strength requirements specified in European Directive 76/115 EC (as amended by Directive 96/38 EC) and Regulations 46 and 47 of the Road Vehicle (Construction and Use) Regulations 1986, whether or not those Directives or Regulations apply to that particular seat or the vehicle.

The boot/luggage compartment should be empty except for spare wheel, fire extinguisher, essential tools and first aid kit, (to comply with Health and Safety (First Aid) Regs 1981). The compartment should be clean and any covering free from major cuts, tears or other damage or staining.

The vehicle glass is to be kept clear of all obstructions.

Hackney carriage vehicles should be capable of carrying one average size piece of luggage per passenger carried. The driver must make provisions to ensure that the luggage can be carried safely and securely, whilst still allowing room for the passengers to travel in comfort

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

All new or replacement hackney carriage vehicles must be;-

a "London" type hackney carriage, or a suitable wheelchair accessible vehicle, approved by the Council, for licence numbers 54 to 62

a saloon car approved by the Council to be fitted with a swivel seat for licence numbers 1 to 53

Swivel seats must be fitted to compatible vehicles by an authorised company in accordance with the vehicle and seat manufacturers guidance and the company concerned must provide certification of compliance with these requirements; and

The swivel seat must be fitted when the vehicle is presented for a taxi vehicle test. If a swivel seat isn't fitted, the vehicle will fail its test.

Swivel seats are not available for **every** make and model of vehicle manufactured. Vehicles in which it is not possible to install such a seat, will **NOT** be acceptable for licensing unless the height of the seat (28" from the ground to highest part of seat squab) is such that it offers no benefit to the disabled (e.g. some MPV's and purpose built people carriers).

A swivel seat is required to allow access for disabled or elderly people in and out of the vehicle. The seat works by rotating 90° and then sliding forwards. The person can then sit on the seat and rotate back in to the vehicle. You must ensure that the seat is then locked back in to position

A demonstration video can be found on [www.elap.co.uk](http://www.elap.co.uk)

The vehicle shall have four road wheels of uniform standard, size and style, which conform to construction and use regulations.

If the vehicle has been manufactured with a spare wheel well, the vehicle must be equipped with a spare wheel, a wheel brace and a jack.

Space-saver spare wheels will be accepted, but only if fitted as standard equipment to the vehicle by the vehicle manufacturer.

In all other cases, the spare wheel must be a standard road wheel that conforms to construction and use regulations and is of the same standard and size as the existing road wheels.

A vehicle presented for examination and test with a space saver spare wheel in use as a road wheel will fail the test.

If the vehicle has been manufactured without a spare wheel well /cage, the requirement to carry a spare wheel will not apply. In such cases:

The vehicle may be fitted with a full set of 'run flat' tyres, or

If a vehicle is not fitted with 'run flat' tyres, an inflation kit which includes a puncture sealant must be provided which is in a serviceable condition.

In the event of the need arising for the fitting of a space saver tyre or the use of a run flat tyre or an inflation kit, then the appropriate remedial action to replace with 'new', as per original specification, must be undertaken upon completion of the journey".

The Proprietor shall permit an authorised officer of the Council or a Police Officer to inspect and test the vehicle or any taximeter affixed to such vehicle

at all reasonable times. If the officer is not satisfied as to the fitness of the Hackney Carriage or as to the accuracy of the taximeter, he shall be able to direct the vehicle to the Council's nominated inspection/testing centre immediately for further examination. If further inspection and testing is required, the licence shall then be suspended until such time as the officer is satisfied with the vehicle. The plate shall, on suspension of the licence, be handed to the officer but will be returned upon reinstatement of the licence. However, if the officer is not so satisfied as to the fitness or condition of the vehicle within a period of two months, the licence shall be revoked.

## **2. Insurance**

At all times, the Proprietor shall, during the currency of the vehicle licence, keep in force in relation to the user of the Hackney Carriage, a policy of insurance which covers third party liability both in respect of physical injury or death and in respect of damage to personal belongings. A copy of the appropriate insurance certificate should be carried in the vehicle at all times that the vehicle is available for hire or hired, and made available for inspection by an authorised officer on request.

## **3 Taximeter**

The taximeter provided in the vehicle must be tested, approved and sealed by the Council and must display only the tariff or tariffs to be charged at the relevant time as contained in the table of fares fixed by Hyndburn Borough Council.

## **4 Alteration of Vehicle**

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

## **5 Safety Equipment**

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances,(to comply with Health and Safety(First Aid) Regs 1981), such equipment to be carried in such a position in the vehicle as to be readily accessible for immediate use in an emergency and a notice shall be displayed in the vehicle as to where they are kept

**Your attention is drawn to your liability if rendering first aid, the kit carried is to enable ONLY those trained in its use to render assistance to third parties. If the need for its use should arise it should only be used by a person who holds a current recognised first aid certificate. If a passenger requested the equipment then it may be provided for self administration by the customer in the interest of customer care.**

## **6. Interior Markings**

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

## **7. Signs, Notices etc.**

The display of signs on Hackney Carriages shall be restricted to the roof. A roof sign must be fitted and must be capable of illumination and be illuminated at all times when (and only when) the vehicle is available for hire.

Advertising on any glasswork on a hackney carriage or private hire vehicle is prohibited

The Hyndburn Borough Council licence plate must be permanently displayed on the outside rear of the vehicle, either immediately above or below the bumper without obstructing the registration plate. The plate must be displayed on the vehicle at all times whether the vehicle is plying for hire or not.

The licence plate is the property of the Council, to whom it must be returned within seven days if the licence is ever suspended, revoked or not renewed for any reason.

A licensed vehicle must display a Council issued self-adhesive sticker in both rear passenger windows stating 'if you have any comments regarding this vehicle or driver please contact the licensing office on 01254 380616.

When a hackney carriage vehicle is being used to fulfil a booking made by a private hire operator the hackney carriage must have affixed to the 2 rear passenger doors the company door signs of the private hire operator that took the booking or of the private hire operator that the booking has been sub contracted to.

All wheelchair accessible hackney carriage vehicles must display the nationally recognised wheelchair accessible sign in at least two prominent positions visible from the outside of the vehicle.

## **8. Convictions and Cautions**

The proprietor shall within seven days disclose to the Licensing Office in writing details of any conviction or caution or fixed penalty imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

## **9. Deposit of Drivers' Licences and Keeping of Records**

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

The proprietor of the vehicle shall keep a complete and accurate record of the name of the person driving the vehicle at any time. This information must be kept for a period of six months and produced upon request to an authorised officer or constable.

## **10. Change of Vehicle Owner.**

If a proprietor transfers his/her interest in a vehicle to somebody else he/she must immediately give notice of the transfer in writing on the prescribed form to the licensing section, giving the name and address of the transferee. In no circumstances may the vehicle be used by the new owner until a new licence has been issued to that person and all documentation completed and any necessary fee paid. (Local Government (Miscellaneous Provisions) Act 1976, s 49)

## **11. Accidents**

If the vehicle is involved in an accident it must be reported to the licensing authority and an accident form completed within 72 hours. Replacement vehicles will have the original plate transferred to them. When the original vehicle has been repaired and tested the plate will be transferred back to it.

## **12. Video/DVD**

There should be no DVD or Video systems operated in the vehicle for the entertainment of passengers or the driver. If these are fitted as standard they must be disconnected. (This is to ensure there is no distraction for the driver and to avoid the risk of unsuitable DVDs or videos being shown)

Without prejudice to the above mentioned provisions, the Proprietor on receipt of any notice in writing from the Council, shall present the Hackney Carriage for inspection and testing by or on behalf of the Council within such period and at such a place as specified by the Council. The separate occasions of inspection and testing shall not exceed three in number in any one period of twelve months.

## **13. Windows**

There will be no tinted windows allowed in licensed vehicles except where the windows are fitted as standard during the initial manufacture of the vehicle.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**PRIVATE HIRE VEHICLE LICENCES**

**CONDITIONS OF LICENCE**

**1. Specification and Maintenance of Vehicle**

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

The vehicle must have at least four doors, all of which are capable of being opened from the inside.

The vehicle must be capable of carrying not less than four passengers but not more than eight.

The vehicle shall be of right-hand drive manufacture and not converted as such.

Any vehicle that is to be converted to Liquid Petroleum Gas (LPG) must be with the express permission of the Council. Only a garage authorised to do so may carry out the conversion. A Certificate of Compliance is to be obtained immediately after any such conversion and presented to the licensing department for inspection. All conversions must be carried out by a DFT approved centre and all conversions must be certified in writing by the approved centre that has carried out the conversion.

Any vehicle that is presented for licensing and has already been converted to LPG, must have been converted at a DFT approved centre and any such conversion must be certified in writing by the approved centre that has carried out the conversion.

All passenger seats shall be provided with a lap and diagonal 3 point seat belt which comply with the strength requirements specified in European Directive 76/115 EC (as amended by Directive 96/38 EC) and Regulations 46 and 47 of the Road Vehicle (Construction and Use) Regulations 1986, whether or not those Directives or Regulations apply to that particular seat or the vehicle.

The boot/luggage compartment should be empty except for spare wheel, fire extinguisher, essential tools and first aid kit, (to comply with Health and Safety (First Aid) Regs 1981). The compartment should be clean and any covering free from major cuts, tears or other damage or staining.

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. Eighty six centimeters is the minimum requirement.

There must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort. There must be at least eighteen centimeters between the back of the front seat and the front of the next row of rear seats.

The seat provided for each passenger must have a minimum width of 405 millimeters (16 inches) measured across its narrowest parts.

The vehicle glass is to be kept clear of all obstructions

Tinted windows will not be acceptable in any licensed vehicle unless it is fitted as standard at manufacture.

## **2. Alteration of Vehicle**

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

## **3. Identification Plate/Signs**

On licensed vehicles there shall be displayed only on the two rear passenger doors a sign bearing the name and telephone number of the firm from which the vehicle is being operated at that time. This sign must be approved by the Council for that firm. The font size must be such that the sign can be read from a distance of 20 metres (about 5 car lengths) in good daylight by a person with "normal" eyesight or by a person wearing their usual glasses or contact lenses. The door signs must only include one company name that is the name of the private hire company in question and not any names which are incorporated.

The dimensions and colour of these signs will be approved by the Council before applying them to the vehicle.

Minibuses may display the names and telephone number of the firm. This sign must be approved by the Council for that firm. The font size must be such that the sign can be read from a distance of 20 metres (about 5 car lengths) in good daylight by a person with "normal" eyesight or by a person wearing their usual glasses or contact lenses.

The dimensions and colour of these signs will need to be approved by the Council before applying them to the vehicle.

On all Private Hire Vehicles there shall be displayed two door signs supplied by the Council which must be, be self-adhesive non removable, issued and approved by the Council. The sign will state 'Private Hire Vehicle Insurance invalid unless you pre-book this vehicle with a Private Hire firm'. On saloon type vehicles these signs will be displayed on both front doors (middle of the panel). On multi-purpose vehicles and minibuses they will be displayed on both front doors. The insurance sticker will also display the vehicle number

A licensed vehicle must display a Council issued self- adhesive sticker in both rear passenger windows stating 'If you have any comments regarding this vehicle or driver please contact the licensing office on 01254 388111

The Council will permit additional signage on vehicle bonnets as this will not distract attention from the mandatory signage.

The dimensions and colour of these signs will need to be approved by the Council before applying them to the vehicle.

The plates identifying the vehicle as a private hire vehicle are required to be exhibited on the vehicle pursuant to section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 one shall be securely fixed to the rear of the vehicle in a conspicuous position and in such manner as to be easily removable by an authorised officer of the Council or a constable. The plate should never be removed from the vehicle whilst it remains licensed by this Council.

Private hire vehicles are not permitted to have a top sign fitted at any time.

#### **4. Exemption from displaying licence plates and / or Council door signs**

Exemptions from displaying licence plates and / or Council door signs will only be given to vehicles which are primarily used, i.e. 95% for executive hire and/or corporate contracts.

Executive hire would be work purely carried out for companies, collecting clients etc. from hotels, business premises, airports, train stations etc. Executive hire would also be any work where a vehicle has been hired by the hirer for a period of not less than 24 hours e.g. chauffeur service.

Operators or vehicle owners wishing to be exempt from displaying licence plates and / or Council door signs must submit their proposals in writing to the Council. The proposals must include the types of vehicles to be used and the type of executive or corporate contract work to be carried out.

Evidence must be provided on initial application for exemption, of at least three months records of existing account work and thereafter every six months evidence will be required, that the exempt vehicle is still being used for 95% executive hire and/or corporate contracts. If the evidence isn't provided the exemption will be removed. The evidence must prove that your vehicle is generally used almost exclusively (i.e. up to 95%) for account work and not used for any other booked work.

It is not intended that all private hire vehicles should have access to this exemption. It is only considered appropriate to consider

issue of exemption notices where the following requirements are met:

- The vehicle to be exempted is of high quality both in terms of brand and condition.
- Vehicles will normally be the accepted luxury brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus. The highest specification executive type cars from other manufacturers may also be considered. The Licensing Manager will determine in each case whether these two conditions have been met
- Vehicles will display a disc, issued by the Council, in the front windscreen.
- The vehicle must have no visible defects, dents or blemishes to the external bodywork or internal trim.

**N.B The wording of the above paragraph was amended of 12th February 2018 to provide clarification.**

## **5. Interior Markings**

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

## **6. Safety Equipment**

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, (to comply with Health and Safety (First Aid) Regs 1981), such equipment to be carried in such a position in the vehicle as to be readily accessible for immediate use in an emergency and a notice shall be displayed in the vehicle as to where they are kept.

**Your attention is drawn to your liability if rendering first aid, the kit carried is to enable ONLY those trained in its use to render assistance to third parties. If the need for its use should arise it should only be used by a person who holds a current recognised first aid certificate. If a passenger requested the equipment then it may be provided for self administration by the customer in the interest of customer care.**

## **6. Change of Address**

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

## **7. Convictions and Cautions**

The proprietor shall within seven days disclose to the Council in writing details of any conviction imposed on him or caution or fixed penalty (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

## **8. Deposit of Drivers' Licences and Keeping of Records**

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

The proprietor of the vehicle shall keep a complete and accurate record of the name of the person driving the vehicle at any time. This information must be kept for a period of six months and produced upon request to an authorised officer or constable.

## **9. Insurance**

At all times, the Proprietor shall, during the currency of the vehicle licence, keep in force in relation to the user of the private hire vehicle a policy of insurance which covers third party liability both in respect of physical injury or death and in respect of damage to personal belongings. A copy of this certificate should be carried in the vehicle and made available for inspection by an authorised officer on request.

## **10. Accidents**

If the vehicle is involved in an accident it must be reported to the licensing authority and an accident form completed within 72 hours. Replacement vehicles will have the original plate transferred to them. When the original vehicle has been repaired and tested the plate will be transferred back to it.

## **11. Video/DVD**

There should be no DVD or Video systems operated in the vehicle for the entertainment of passengers or the driver. If these are fitted as standard they must be disconnected. (This is to ensure there is no distraction for the driver and to avoid the risk of unsuitable DVDs or videos being shown)

Without prejudice to the above mentioned provisions, the Proprietor on receipt of any notice in writing from the Council, shall present the Hackney Carriage for inspection and testing by or on behalf of the Council within such period and at such a place as specified by the Council. The separate occasions of inspection and testing shall not exceed three in number in any one period of twelve months.

## **12. Windows**

There will be no tinted windows allowed in licensed vehicles except where the windows are fitted as standard during the initial manufacture of the vehicle.

# Notes for the Guidance of Applicants For Private Hire Operators Licences

Application forms for operators' licences can be obtained from the Scaitcliffe House, Ormerod Street, Accrington or can be downloaded at [www.hyndburnbc.gov.uk](http://www.hyndburnbc.gov.uk).

An applicant who intends to operate private hire vehicles from premises must obtain any necessary planning permission before any licence can be issued.

An applicant wishing to operate a private hire vehicle from domestic premises may require planning permission from the Council's Planning Department before undertaking such an activity and before any licence can be issued.

Applicants for private hire operators' licences cannot use the same (or similar) name as any private hire firm currently operating within the district or any name previously used within the district and registered by the operator at Companies House.

An applicant who is not already a licensed driver with this Council will be subject to a Basic Criminal Record Disclosure.

It is the duty of all operators to ensure that the staff they employ to work in their operating office are suitable to do so and are not persons who may abuse their position to take advantage of any member of the public. Operators are in receipt of certain information such as the details when a property will be left empty for a period of time, and details of customers phone numbers. For that reason it is paramount that the person receiving the information is honest and trustworthy and would not either abuse the information themselves or pass the information on to unscrupulous persons who may use the information to their own advantage. All employees of the private hire operator will be subject to a basic criminal record disclosure. Whilst the Council acknowledges that we are not in a position to dictate to an operator who should be working for them, a very serious view will be taken of any operator that does not ensure that the staff that they employ are honest and trustworthy and have not been convicted of any serious offence. This could cause the 'fitness and propriety of the operator to be brought into question and could lead the Council to consider whether the operator's licence should be suspended or revoked.

## **Spent Convictions:**

Under the provisions of the Rehabilitation of Offenders Act 1974 you are not obliged to disclose any offences resulting in one of the sentences shown in the left-hand column below if the corresponding period in the right-hand column has elapsed. **(It should be noted however that spent convictions, if revealed by any checks that the Council is permitted to carry out, may be taken into account if they are considered relevant in determining whether an applicant is a fit and proper person to hold a private hire operator's licence.)**

## REHABILITATION PERIODS

<b>Sentence</b>	<b>Rehabilitation period Age 18 or over when convicted from end of sentence including licence period</b>	<b>Rehabilitation period Age under 18 when convicted from the end of sentence including rehabilitation period</b>
Community order or youth rehabilitation order*	Total length of order plus 1 year	Total length of order plus 6 months
Prison sentence or detention in a young offender institution for 6 months or less	Total length of sentence (including licence period) plus 2 years	Total length of sentence (including licence period) plus 18 months
Prison sentences of over 6 months, and up to and including 30 months	Total length of sentence (including licence period) plus 4 years	Total length of sentence (including licence period) plus 2 years
Prison sentences or detention in a young offender institution for over 30 months and up to 48 months	Total length of sentence (including licence period) plus 7 years	Total length of sentence (including licence period) plus 3.5 years.
Imprisonment or detention in a young offender institution for over 48 months (4 years) or a public protection sentence	Never spent	Never spent
Fines (even if subsequently imprisoned for fine default)***	1 Year	6 months
Absolute discharge	spent immediately	spent immediately
Simple caution/youth caution**	spent immediately	Spent immediately
Conditional caution/youth conditional caution	3 months or when caution ceases to have effect if earlier	3 months or when caution ceases to have effect if earlier
Absolute discharge	Spent immediately	Spent immediately
Bind over	At the end of the order	At the end of the order
Conditional discharge order	At the end of the order	At the end of the order
Compensation order****	When paid in full	When paid in full
Attendance centre order	At the end of the order	At the end of the order
Care order	When order ceases to have effect	When order ceases to have effect
Confiscation order	When order ceases to have effect	When order ceases to have effect
Forfeiture order	When order ceases to have effect	When order ceases to have effect
Hospital order	When order ceases to have effect	When order ceases to have effect
Referral order	At the end of the order	At the end of the order
Relevant order****	When order ceases to have effect	When order ceases to have effect

Reparation order	Spent immediately	Spent immediately
Disqualifications	When order ceases to have effect	When order cease to have effect
Endorsements	5 years	2.5 years

\*A community order or youth rehabilitation order which has no specified and date has a default rehabilitation period of two years from date of conviction or from the time the disposal is administered. If the order is subsequently changed, this will not affect the rehabilitation period. The rehabilitation period is not halved if the person was under 18 when convicted. The changes made to the rehabilitation of Offenders Act 1974 by the Legal Aid Sentencing and Punishment of Offenders Act 2012 provided for all subsequent community orders to have an end date.

\*\*Youth caution replaces the disposals – reprimands and final warnings which were abolished in April 2013

\*\*\*The rehabilitation period of a fine applies even if the person is subsequently imprisoned for default of the fine. Fines arising from fixed penalty notices and penalty notices for disorder (PND) are not covered by the Act as they do not form part of an individual’s criminal record so they do not have a rehabilitation period.

\*\*\*\*It is important that individuals obtain proof of payment of the compensation order from the court and keep this document to prove it has been paid in full. This evidence may be required before a basic disclosure can be issued by Disclosure Scotland

\*\*\*\*\*A relevant order (e.g. restraining order or sexual offences prevention order (SOPO) which has no specified end date has a default rehabilitation period of two years from the date of conviction or from the time the disposal is administered

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

### PRIVATE HIRE OPERATORS’ LICENCES

## **CONDITIONS OF LICENCE**

### **1. Records**

- (1) The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, the pages of which are numbered consecutively, (an electronic version is acceptable), and the operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:-
- (a) The time and date of the booking.
  - (b) The name and address of the hirer.
  - (c) How the booking was made (i.e. by telephone, personal call etc.).

- (d) The time of pick-up.
- (e) The point of pick-up.
- (f) The destination.
- (g) The time at which a driver was allocated to the booking.
- (h) The registration number of the vehicle allocated for the booking.
- (i) Remarks (including details of any sub-contract).

The operator shall also keep records of the particulars of all private hire vehicles operated by him. These particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.

All records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry.

## **2. Standard of Service**

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

## **3. Change of Address**

The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change taking place.

## **4. Convictions**

The operator shall within seven days disclose to the Council in writing details of any conviction or caution or fixed penalty imposed on him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

## 5. Drivers

An operator must only use drivers and vehicles that hold the relevant licences issued by Hyndburn Borough Council. Operators must keep a copy of all private hire drivers licences, and photographs of drivers, that are used by them. If operators intend to sub contract work to a company outside of Hyndburn Borough Council, they must ensure that the operator holds an appropriate licence and only uses appropriately licensed vehicles and drivers.

When a customer is sent a text message to inform them that their vehicle has arrived, the operator must also inform the customer in that text of the cost of the journey. This will help to ensure that a disagreement in relation to the requested fare does not arise between the driver and the passenger

### **General Licence Conditions Applying To All Drivers, Proprietors and Operators**

All drivers/operators/proprietors shall operate strictly within the terms of any licence issued, all relevant legislation and other conditions within this handbook, but these may not necessarily be exhaustive.

**N.B.** Any lapse in any licence will result in any application being treated as a new application and **not** renewal and full application requirements will have to be satisfied. Only in exceptional circumstance will late applications for renewal be considered. Each matter will be dealt with on its own merit.

