



# **Hackney Carriage and Private Hire Licensing Policy**

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# **1 INTRODUCTION**

## **1.1 Licensing Policy**

- 1.1.1 This document sets out the policy that the Authority will apply when making decisions about new applications and licences currently in force.
- 1.1.2 This policy has been formulated with regard to guidance issued by the Department for Transport and seeks to reduce regulatory burdens to promote business growth by ensuring requirements are reasonable and justified.
- 1.1.3 The policy will be reviewed at least every 5 years, but interim reviews will be considered should there be significant issues that require inclusion.
- 1.1.4 The BRDO (Better Regulation Delivery Office) Regulators' Code has been considered in order to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between the licensing authority and the trade.
- 1.1.5 Any guidance contained within this policy is to be treated as a guide only and final interpretation of the law will ultimately rest with the courts.
- 1.1.6 Any obligation in this policy not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
- 1.1.7 Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

## **1.2 Legislation**

- 1.2.1 The principal legislation under which functions are undertaken is contained in:
  - Town Police Clauses Act 1847
  - Local Government (Miscellaneous Provisions) Act 1976
  - Road Traffic Act 1988
  - Transport Act 1985
- 1.2.2 The Council adopted the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 by a resolution dated 22<sup>nd</sup> March 1979.

### **1.3 Applying the Policy**

- 1.3.1 This policy will be applied in the majority of cases when considering licence applications, but the licensing authority will consider each application on its individual merits and may, at times, allow exceptions to the general policy.
- 1.3.2 It will be the applicant's responsibility to show that an exception should be made and whether specific circumstances justify allowing an exception<sup>1</sup>.

### **1.4 Equality and Diversity**

- 1.4.1 The Council's policies and procedures will be applied fairly to all irrespective of race, religion, gender, disability, sexual orientation or age. This will apply to applicants for licences, customers and complainants.
- 1.4.2 The licensing authority will take a very serious view of any complaints of discrimination involving licensees.

### **1.5 Safeguarding**

- 1.5.1 Everyone has a responsibility for protecting and safeguarding children and adults who may be vulnerable. In the event that a driver, vehicle proprietor or operator has concerns that a child or adult is suffering or is likely to suffer from any form of maltreatment (whether financial, physical, sexual, emotional or neglect) this should be reported in the following ways:
  - 1.5.2 If a child or vulnerable adult is in immediate danger or left alone, contact the Police or call an ambulance on 999;
  - 1.5.3 In all other cases involving children, referrals should be made to the Redcar Multi-Agency Children's Hub on 01642 130700 or email [redcarmach@redcar-cleveland.gov.uk](mailto:redcarmach@redcar-cleveland.gov.uk);
  - 1.5.4 In all other cases involving adults, referrals should be made to Redcar and Cleveland Borough Council on 01642 771500 or email [contactus@redcar-cleveland.gov.uk](mailto:contactus@redcar-cleveland.gov.uk).
- 1.5.5 The licensing authority will take all reasonable steps to ensure that the drivers and operators of taxis and private hire vehicles pose no threat to children or vulnerable persons.
- 1.5.6 The licensing authority has the power to refuse, revoke or suspend licences after convictions for various offences or for any other reasonable cause.
- 1.5.7 Any allegations made against licence holders suspected of inflicting harm on children will be reported to the Designated Officer (LADO) who will ensure that all the appropriate actions are taken in line with the Council's Safeguarding Policy both in regard to the subject of the alleged abuse and the perpetrator. A decision will also be made in relation to any necessary action to be taken against the licence, which could include suspension or revocation.



## 1.6 Child Exploitation

- 1.6.1 Councils can help to protect some of their most vulnerable residents, including children at risk of sexual exploitation, through effective licensing regimes.
- 1.6.2 Criminal exploitation is a form of modern slavery that sees victims being forced to work under the control of highly organised criminals in activities such as forced begging, shoplifting and pickpocketing, cannabis cultivation, drug dealing and financial exploitation. Criminal Exploitation occurs where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child, young person or vulnerable adult. The victim may have been criminally exploited even if the activity appears consensual. Criminal Exploitation does not always involve physical contact; it can also occur through the use of technology.
- 1.6.3 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas within the UK, using dedicated mobile phone lines or another form of “deal line”. They are likely to exploit children, young people and vulnerable adults to move and store the drugs and money and they will often use coercion, intimidation, violence (including sexual violence) and weapons. County lines activities and the associated violence, drug dealing and exploitation have a devastating impact on children, young people and vulnerable adults as well as families and local communities.
- 1.6.4 Sexual exploitation is a form of sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child, young person or vulnerable adult into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Sexual exploitation does not always involve physical contact; it can also occur through the use of technology. Violence, coercion and intimidation are common. Involvement in exploitative relationships is characterised by the limited availability of choice for the child, young person or adult at risk, as a result of their social, economic or emotional vulnerability. A common feature of sexual exploitation is that the victim does not recognise the coercive nature of the relationship and does not see themselves as a victim of exploitation.
- 1.6.5 Modern Slavery is a serious crime being committed across the UK in which victims are exploited for someone else’s gain. It can take many forms including trafficking of people, forced labour and servitude. Victims are often hidden away, may be unable to leave their situation, or may not come forward because of fear or shame.
- 1.6.6 Human trafficking is the **movement of people by means such as force, fraud, coercion or deception**, with the aim of exploiting them. It is a form of modern slavery. Human trafficking is a crime and does not always involve international transportation; trafficking in the UK includes commercial, sexual and bonded labour<sup>2</sup>.
- 1.6.7 Children and young people may be taken to public or private venues, rooms, hotels or houses for the purpose of sexual exploitation. All drivers, vehicle proprietors and operators are expected to report any suspicion or concerns that a child or young person is being transported for the purposes of sexual exploitation.

1.6.8 Children and young people may be taken to public or private venues, and public spaces for the purpose of criminal exploitation, to collect and deliver or deal drugs on behalf of others. All drivers, vehicle proprietors and operators are expected to report any suspicion or concerns that a child or young person is being transported for the purposes of criminal exploitation.

1.6.9 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, venues or public spaces 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 Cleveland Police.

## **1.7 Safeguarding and Child Sexual Exploitation Awareness Course**

1.7.1 All drivers of hackney carriages and private hire vehicles must sit a safeguarding and child sexual exploitation awareness course that has been approved by the Council. New drivers must provide evidence of passing the course before a licence is granted.

## **2 DRIVERS OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

### **2.1 Introduction**

2.1.1 The licensing authority issues licences in respect of:

- Hackney carriage drivers;
- Private hire drivers; and
- Combined hackney carriage and private hire drivers.

2.1.2 The licensing authority must be satisfied that every licensed driver of a hackney carriage or private hire vehicle is a fit and proper person to hold a licence.

2.1.3 There is no judicially approved test of fitness and propriety but one which has developed over time is; "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?<sup>3</sup>". If the answer to the question is 'yes', the test is satisfied. If there are doubts, further consideration will be given as to whether or not the individual is a fit and proper person to hold a hackney carriage and/or a private hire driver licence.

2.1.4 When establishing whether or not an individual is a fit and proper person, the licensing authority will consider the relevance of any criminal convictions (see Appendix 1) and it may take into account any other relevant information relating to: -

- the applicant's character;
- the applicant's experience as an employed driver or hackney carriage or private hire driver;
- the applicant's criminal record;
- the applicant's driving ability;
- the applicant's knowledge of spoken/written English, the locality and rules governing licensees;
- the applicant's medical condition;
- any other matter that the licensing authority considers relevant.

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<sup>3</sup> Button on Taxis Licensing Law and Practice Third Edition (page 389) – James Button

## **2.2 Application Process for New Drivers**

2.2.1 An application will not be processed by the licensing authority unless it is in receipt of:

- a fully completed application form;
- the appropriate fee;
- the applicant's full driving licence issued by the DVLA (or a full driving licence issued by an EEA state);
- a recent photograph of the applicant; and
- documentation to confirm that the applicant has a right to work in the UK.

2.2.2 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:

- a medical assessment issued in accordance with paragraph 2.4; and
- an enhanced criminal record check from the Disclosure and Barring Service (see paragraph 2.5); and
- a certificate of good conduct (only if the applicant has lived overseas in the 10 year period leading up to the date of application – see 2.6);
- a record of passing a written test prepared and delivered by Redcar and Cleveland Borough Council on the applicant's knowledge of the locality and the rules governing licensees;
- evidence that the applicant has undertaken and passed a child sexual exploitation awareness course that has been approved by the Council; and
- evidence of satisfactory completion of a driving assessment, approved by Redcar & Cleveland Borough Council

2.2.3 An appeal against a refusal to grant a hackney carriage or private hire driver licence lies to the Magistrates' Court. Any appeal must be made within 21 days following notice of a decision.

## **2.3 Application Process for Licence Renewals**

2.3.1 Any application for the renewal of a licence will not be accepted after the date of expiry. In these cases, the driver will cease to be a licensed driver until such a time as a new application is received and subsequently granted.

2.3.2 All renewal applications must be accompanied by the relevant fee.

2.3.3 An appeal against a refusal to renew licence lies to the Magistrates' Court. Any appeal must be made within 21 days following notice of a decision.

## **2.4 Medicals**

- 2.4.1 When applying for the grant of a new driver licence, a medical form obtained from Redcar & Cleveland Borough must be completed by the applicant's GP or by another doctor with access to the applicant's medical history.
- 2.4.2 A further medical is required when a driver reaches the age of 45 years and every 5 years thereafter until the age of 65 years. Drivers aged over 65 years must provide a medical assessment form every year.
- 2.4.3 All medicals are to be to the standard required for vocational licences as described in Group 2 of 'Medical Standards of Fitness to Drive'.

## **2.5 Criminal Record Check (DBS)**

- 2.5.1 A criminal record check is an important safety measure, particularly for those working closely with children and the vulnerable. Drivers are subject to an Enhanced Disclosure through the Disclosure and Barring Service (DBS).
- 2.5.2 The disclosure may include details of spent and unspent convictions, cautions, reprimands, final warnings and any other information held in police records that is considered relevant by the police (e.g., details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations).
- 2.5.3 When applying for the grant of a new driver licence, the applicant is required to apply for an Enhanced DBS certificate which includes a check of the children and adults Barred Lists.
- 2.5.4 All licensed drivers are required to be continually subscribed to the DBS update service. The licensing authority will check the Update Service for new information every six months and if new information becomes available, drivers will be required to apply for a new Enhanced DBS Certificate at their own cost. Failure to subscribe to the Update Service could lead to the suspension or revocation of the driver's licence.
- 2.5.5 Drivers that were licensed before the publication of this policy will have six months from the date the policy was published to apply for an Enhanced DBS certificate and then subscribe to the DBS Update Service.
- 2.5.6 The Council's DBS Handling Policy is attached at Appendix 4 to this policy.

## **2.6 Certificate of Good Conduct**

- 2.6.1 If an applicant has lived overseas in the 10 year period leading up to the date of application, they must produce a criminal record check or 'certificate of good conduct'. Applications need to be made in the relevant country or to the relevant embassy in the UK. Information on the application process is available here: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseasapplicants>

## **2.7 Duration**

- 2.7.1 All hackney carriage and private hire driver licences will expire three years from the date of the grant of the licence. A licence may be granted for a period of less than three years but only in the circumstances of an individual case, not because of a blanket policy<sup>4</sup>.

## **2.8 Conditions**

- 2.8.1 The licensing authority can impose conditions on any private hire driver licence (see Appendix 2 for standard conditions) and all hackney carriage drivers are subject to the Hackney Carriage Byelaws (see Appendix 3).
- 2.8.2 An appeal against conditions attached to a driver's licence lies to the Magistrates' Court. Any appeal must be made within 21 days from the date the notice of a decision is served.

## **2.9 Driving Assessment**

- 2.9.1 New drivers must provide evidence of satisfactory completion of a driving assessment, approved by Redcar & Cleveland Borough Council. Guidance on booking an appropriate assessment is included on the Council's website.

## **2.10 DVLA Driving Licence**

- 2.10.1 An applicant for a hackney carriage or private hire driver licence must have held a full driving licence issued by the DVLA (or a full driving licence issued by an EEA state) for at least 12 months.
- 2.10.2 All applicants are required to provide authorisation to view an applicant's driving licence record. Guidance on how to do this is provided with the application pack.

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<sup>4</sup> Section 53(1) of the Local Government (Miscellaneous Provisions) Act 1976 as amended by section 10(2) of the Deregulation Act 2015

## **2.11 National Register of Taxi Licence Refusals and Revocations (NR3)**

- 2.11.1 The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire driver licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or a private hire vehicle drivers' licence.
- 2.11.2 Where a driver licence is revoked, or an application for one refused, the Council will automatically record this decision on NR3.
- 2.11.3 All applications for a new driver licence or a driver licence renewal will automatically be checked on the register. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of a register search will only be used in respect of the specific application and will not be retained beyond the determination of that application and for the duration of any appeal proceedings.
- 2.11.4 Any request for further information that is made from another authority will be considered on its own merits, taking into account the data subject's rights and the position and responsibilities of a taxi driver.
- 2.11.5 The Council will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained the Council's Guidelines Relating to the Relevance of Criminal convictions (see Appendix 1). Where the reason for the refusal to grant or revocation relates to a conviction which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.
- 2.11.6 The Council will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:
- the date the request was received;
  - the name or names searched;
  - whether any information was provided;
  - if information was provided, why it was provided;
  - if information was not provided, why it was not provided; and
  - how and when the decision (and any information) was communicated to the requesting authority.

## **2.12 Wheelchair Accessible Vehicles**

2.12.1 In accordance with section 167 of the Equality Act 2010, the Council may maintain a list of wheelchair accessible hackney carriage and private hire vehicles which will be known as the Council's 'List of Designated Vehicles'.

2.12.2 For the purposes of this policy, a vehicle is wheelchair accessible if it is adapted or designed to carry at least one wheelchair user whilst in their wheelchair and is not exempt from appearing on the Council's 'List of Designated Vehicles'.

2.12.3 Drivers of Designated Vehicles must comply with the following duties;

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

2.12.4 The Act defines mobility assistance as assistance:

- to enable the passenger to get into or out of the vehicle;
- if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- to load the passenger's luggage into or out of the vehicle;
- if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

2.12.5 Drivers can apply for an exemption from the duties to assist passengers in wheelchairs. The Council will only grant such an exemption if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or exceptionally difficult for him or her to comply with the duties.

2.12.6 Drivers applying for exemption certificates must obtain a medical certificate from a registered medical practitioner at their own expense.

2.12.7 In the event of an exemption certificate being granted, drivers will be required to display an exemption notice in their vehicles at all times.



## **2.13 Duty to Carry Assistance Dogs**

- 2.13.1 Guide dogs are working animals (not pets) and their owners rely on them for both independence and mobility. Guide dogs have up to two years of intensive training and are monitored closely throughout their working lives. In addition, guide dog owners are given training on how to maintain the extremely high standards of grooming which the dogs require, and the dogs are regularly checked by vets. In terms of travel, guide dogs are trained to sit at their owner's feet at all times, not to bother other people and not to climb on seats.
- 2.13.2 Licensed hackney carriage drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their taxis without additional charge. Similar rules apply to drivers and operators of private hire vehicles.
- 2.13.3 Drivers who have a medical condition that is aggravated by exposure to dogs may apply to the licensing authority for an exemption from this duty on medical grounds. A notice of any exemption granted by the licensing authority must be displayed in the vehicle while the exempted driver is using it.
- 2.13.4 If any other driver fails to comply with these duties, they will be guilty of a criminal offence and, on conviction, will be liable to a fine of up to £1,000 (level 3 on the standard scale).

## **2.14 Smoking**

- 2.14.1 Legislation was introduced in August 2007 to prevent smoking in the workplace. A licensed vehicle is deemed to be a workplace and as such drivers must not smoke in any licensed vehicle or permit passengers to smoke whilst being carried in the vehicle. Failure to comply with this may lead to a fixed penalty notice being issued or a criminal prosecution.

## **2.15 Deposit of Licence**

- 2.15.1 All licensed drivers are required to deposit their licence with the proprietor of the vehicle being driven. The licence should be retained by the proprietor until such time as the driver ceases to be permitted or employed to drive the vehicle under his or her proprietorship<sup>5</sup>. This requirement only applies where the driver and the proprietor are not the same person.

## **2.16 Return of Badge**

- 2.16.1 Upon expiry, revocation or suspension of a driver licence, the holder of the licence shall return to the licensing authority the driver's badge issued to him/her by the licensing authority when granting the licence.

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<sup>5</sup> Section 48 of the Town Police Clauses Act 1847

## **2.17 Dress Code**

2.17.1 Whilst the Authority does not wish to impose a dress code by way of conditions to any licence, it expects a high standard will be maintained at all times. Licensed drivers will be expected to dress appropriately and to pay particular attention to their personal hygiene.

## **2.18 Driver Conduct**

2.18.1 All licensed drivers are expected to:

- comply with all licence conditions, byelaws and the requirements in this policy;
- drive with care and due consideration for other road users and pedestrians; and
- not consume alcohol before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle.

2.18.2 Any failure to comply may raise doubts as to the driver's status as a fit and proper person, in which case, the matter may be referred to the Council's Taxi Panel for consideration.

## **2.19 Change of Address**

2.19.1 The driver must inform the Council in writing within 7 days of any change of address.

## **2.20 Convictions and Other Sanctions**

2.20.1 Any licensed driver must at the earliest opportunity, and in any case, within 48 hours, disclose to the licensing authority in writing the details of any arrest and release, criminal charge or conviction imposed upon him or her. The same applies to any simple cautions, fixed penalties, DVLA licence endorsements and community resolutions.

2.20.2 Any failure to disclose such information may raise doubts over the licence holder's honesty and suitability to hold a licence, regardless of the outcome. Any failure to comply may be referred to the Taxi Panel for consideration.

## **2.21 Issue of Drivers Badge**

2.21.1 The Council will issue a driver badge which, when acting in accordance with the driver licence, shall be worn in such a position and manner as to be plainly and distinctly visible at all times.

## **2.22 Seat Belts**

2.22.1 The law relating to the use of seatbelts differs slightly in connection with private hire and hackney carriage vehicles.

2.22.2 A private hire driver is required to wear a seat belt when he/she is not carrying passengers.

- 2.22.3 There is no legal requirement for a driver to wear a seat belt whilst using a licensed hackney carriage vehicle for public hire purposes, provided the vehicle is displaying the correct plates and signage etc.
- 2.22.4 Although exemptions apply to both hackney carriage and private hire drivers at certain times, all drivers are advised to wear a seat belt even when there is no legal obligation to do so.
- 2.22.5 It is the driver's responsibility to ensure that children under the age of 14 years are restrained correctly in accordance with the law.

## **2.23 Meters**

- 2.23.1 The licensing authority requires all hackney carriages to be fitted with a calendar controlled taxi meter. The meter must be maintained in good working order at all times and must be sealed and calibrated to the correct tariff by an authorised agent.
- 2.23.2 All meters must meet any statutory requirements and the accuracy of any meter must be maintained.
- 2.23.3 The meter must be engaged for every journey from the point at which the hirer commences his/her journey. The meter must be engaged whether the vehicle has been pre-booked or not.
- 2.23.4 The driver cannot charge in excess of the council's table of fares for any journey within the district of Redcar and Cleveland. If the hiring takes the journey outside the district of Redcar and Cleveland, the driver cannot charge any more than this table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey.
- 2.23.5 The table of fares represents the maximum charge, but drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows.

## **2.24 Calculation of Licence Fees**

- 2.24.1 The costs associated with the issue and administration of hackney carriage and private hire driver licences can be recovered via the licence fee.
- 2.24.2 Licence fees are calculated based on the amount of processing time for each application and the overall cost of providing the service.
- 2.24.3 The cost of the service is determined by several factors including employee and other support costs (such as accommodation, utilities, IT support, legal costs, software, insurance, printing, postage etc.) as well as specific costs such as time spent on complaints, committees, inspections, advertising, administration, consultations etc.
- 2.24.4 The licence fee is refundable upon request in the event of an unsuccessful application. However, the licensing authority will not reimburse any other costs (e.g., medicals, DBS certificates, tests, etc.).

## **3 HACKNEY CARRIAGES**

### **3.1 Introduction**

- 3.1.1 A hackney carriage is a public transport vehicle which is licensed to ply for hire. It is unlawful for a vehicle to be used for the carriage of passengers for immediate hire until such time as a hackney carriage licence is issued in respect of the vehicle.
- 3.1.2 The maximum number of passengers that can be carried in a vehicle for it to be capable of being licensed as a hackney carriage is eight.
- 3.1.3 A vehicle licensed as a hackney carriage continues to be a hackney carriage at all times and anyone driving the vehicle needs a hackney carriage driver licence. The only exception to this general rule is for a person driving a hackney carriage in connection with any test of the mechanical condition of the vehicle or its meter.
- 3.1.4 All hackney carriages must be intended for use predominantly, or entirely, within the borough of Redcar and Cleveland.

### **3.2 Age of Vehicle**

- 3.2.1 In the case of an application for the 'Grant' of a vehicle licence, the vehicle shall be under 6 years of age. The vehicle shall not be more than 12 years of age in the case of any application for the renewal of a licence. Vehicles that are 12 years of age or over at the time the policy is published will be allowed to renew the vehicle once following the publication of the policy.
- 3.2.2 All references to an application for the 'grant' of a licence means an application in relation to a vehicle that is not the subject of a current hackney carriage vehicle licence at the time of application.
- 3.2.3 The age of a vehicle shall be taken from the date of first registration detailed in the vehicle registration document (V5C).

### **3.3 Vehicle Specification**

- 3.3.1 All hackney carriage vehicles must be wholly white in colour.
- 3.3.2 Vehicles that have been declared to be an insurance 'write off' in category A or B will not be licensed.
- 3.3.3 The licensing authority will only generally issue a licence in respect of a hackney carriage if:
- It is fit for its purpose, safe and comfortable for its users and any members of the public;
  - It has at least four doors for the use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver (in the case of a hatchback type saloon, the hatch will not be considered or counted as a door for means of entry or egress);

- The front windscreen allows at least 75% of light through and the front side windows allow at least 70% of light through. All other windows should allow at least 34% of light through;
- It has nearside and offside exterior rear view mirrors;
- A spare wheel conforming to legal requirements has been provided and properly fitted in the vehicle along with a jack and wheel brace, unless this requirement has been specifically disapplied by an authorised officer in instances where a manufacturer's alternative is provided;
- It is equipped with a minimum of four road wheels fitted with manufacturers' recommended size tyres;
- It has a clean and smart appearance, both externally and internally;
- It is right hand drive;
- It has a permanent roof which is watertight – standard sunroof allowed (i.e., sunroof fitted when new by manufacturer);
- It has seating arrangements in accordance with manufacturer's specification and current Construction and Use Regulations applicable to the vehicle;
- It has seat belts in all passenger seats (irrespective of age);
- It has a separate locking luggage area (i.e., boot) or in the case of an estate vehicle, a permanent grille, luggage bar(s) or manufacturer's recommended device fitted sufficiently to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat;
- It has means for carrying a reasonable amount of luggage for the number of passengers for which the vehicle is licensed to carry (if seats are located within the luggage space, the vehicle may be licensed to carry a lower number of passengers in order to comply with the luggage space requirement); and
- There are sufficient means by which a passenger can communicate with the driver.

### **3.4 Proprietorship**

- 3.4.1 A person applying for a hackney carriage vehicle licence must be the proprietor of the vehicle to which the application relates. If the applicant is not the sole proprietor, they must name all joint proprietors including anyone involved in the day-to-day usage of the vehicle.
- 3.4.2 Unless the applicant's name is the only name on the Vehicle Registration Document, the application should include any person (or company) involved in the keeping, employing, or letting for hire the vehicle. Where two or more proprietors are named, a licence will be issued in respect of two or more proprietors.

### **3.5 Inspection of Vehicle**

- 3.5.1 The vehicle must be mechanically inspected by the council's nominated testing centre prior to a licence being granted.
- 3.5.2 Following the grant of a hackney carriage vehicle licence, the vehicle must be submitted for a further vehicle test no later than 6 months into the licensing period. Tests may not be cancelled or delayed. In some circumstances, test dates may be brought forward where holidays clash.
- 3.5.3 An authorised officer may require any vehicle, and its fittings, to be presented for inspection at any time to ensure compliance with legislation, byelaws, or licence conditions. Failure to attend for inspection as requested may lead to suspension or revocation of the licence.

### **3.6 Documents**

- 3.6.1 An authorised officer may require the proprietor of a vehicle to produce any associated documentation for examination to ensure compliance with legislation, byelaws or licence conditions. Failure to produce any documentation as requested may lead to suspension or revocation of the licence.

### **3.7 Alteration of Vehicle**

- 3.7.1 No alterations in the specification, design or appearance of the vehicle shall be made without the written approval of the Council.

### **3.8 Plates, Signs and Decals**

- 3.8.1 At all times, the following plates, signs and other items, which are provided by the council, must be clearly displayed on or in a hackney carriage vehicle:
- External plates – external plates shall be securely fixed at all times to the front and rear of the vehicle
  - Door decals – a door decal shall be securely fixed to each front door
  - Roof sign – a sign, capable of being illuminated, bearing the word "TAXI" facing towards the front of the vehicle shall be mounted on the roof of the vehicle. The only other text on the sign shall be the firm's name and/or telephone number.
  - Complaint signs – an adhesive sign advising passengers how to complain should be displayed in a position that can be easily read by passengers.
  - Table of fares – an adhesive sign advising passengers of the council's table of fares should be displayed in a position that can be easily read by passengers.
  - No smoking sign – an adhesive sign advising passengers not to smoke should be displayed in a position that can be easily seen by passengers.

- 3.8.2 The licensing authority must be informed in writing should one of the licence plates or door decals become lost, stolen, damaged or defaced. The damaged or defaced plate/decal must be submitted immediately to the licensing authority along with a report of the damage and a request to replace the damaged item.
- 3.8.3 No vehicle shall be used for public or private hire purposes without the required plates and door decals.
- 3.8.4 The licence plates and door decals are the property of the council and shall be returned to the licensing authority forthwith upon the suspension, surrender, revocation or expiry of the licence. It is an offence to fail to comply with a request to return the licence plate.
- 3.8.5 The following is normally permitted without authorisation from an authorised officer:
- any sign indicating membership of a national motoring organisation; and
  - the taxi company logos displayed on the exterior of the vehicle which do not contain anything of a religious or political nature or contain any matter likely to cause offence; and
  - any warning sign indicating that school children are being carried within the vehicle; and
  - any sign indicating that the vehicle is capable of carrying passengers in wheelchairs.
- 3.8.6 Any sign permitted must be positioned so as not to impede visibility and in any event no sign shall be placed on the rear window of the vehicle, nor any hanging obstruction be placed in any part of the vehicle.
- 3.8.7 Any additional signage should only be placed following written approval by an authorised officer.

### **3.9 Application Process for New Vehicles**

- 3.9.1 Applications will not be processed by the licensing authority unless it is in receipt of:
- a fully completed application form; and
  - the appropriate fee; and
  - the vehicle registration document (V5C) or 'new keeper supplement' (V5C/2) in the name of the proprietor/part-proprietor (or proof of ownership – i.e., a bill of sale from a reputable firm). In the event a 'new keeper supplement' has been provided, the vehicle registration document (V5C) in the name of the new proprietor(s) must be submitted to the licensing authority within 28 days of the licence being granted.
- 3.9.2 In the event a 'new keeper supplement' has been provided, the vehicle registration document (V5C) in the name of the new proprietor(s) must be submitted to the licensing authority within 28 days of the licence being granted.
- 3.9.3 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:
- a Basic DBS Disclosure (unless exempt in accordance with section 3.11), and

- a certificate of good conduct (only if the applicant has lived overseas in the 10 year period leading up to the date of application – see 3.12);
- a current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire; and
- Evidence of a valid MOT certificate for all vehicles over one year from the date of first registration as shown on the vehicle registration document
- proof that the licensing authority's testing arrangements have been satisfied (i.e., a passed test paper completed and signed by the Council's testing station).

3.9.4 If the application meets all criteria laid down in the policy, a licence will normally be granted.

3.9.5 If the authorised officer has reason to refuse a licence, the application and any supporting documentation will be referred to the Council's Taxi Panel for a decision.

3.9.6 An appeal against a refusal to grant a hackney carriage licence lies to the Crown<sup>6</sup>. Any appeal must be made within 21 days from the date on which notice of a decision was served.

### **3.10 Renewal Process**

3.10.1 Applications for renewal should be made at least two weeks before the expiry date of the current licence to allow reasonable time for the application to be processed.

3.10.2 Any application for the renewal of a licence will not be accepted after the date of expiry. In these cases, the vehicle will cease to be a licensed vehicle until such a time as a new application for this vehicle is received and subsequently granted. The age policy detailed in section 3.2 will apply in these cases.

3.10.3 Applications will not be processed by the licensing authority unless it is in receipt of:

- a fully completed application form; and
- the appropriate fee.

3.10.4 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:

- a Basic DBS Disclosure (unless exempt in accordance with section 3.11), and
- a current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire;
- Evidence of a valid MOT certificate for all vehicles over one year from the date of first registration as shown on the vehicle registration document
- proof that the licensing authority's testing arrangements have been satisfied (i.e., a passed test paper completed and signed by the Council's testing station).

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<sup>6</sup> By virtue of section 7 of the Public Health Acts (Amendment) Act 1907



3.10.5 If the authorised officer has reason to refuse a licence, the application and any supporting documentation will be referred to the Council's Taxi Panel for a decision.

3.10.6 An appeal against a refusal to renew a hackney carriage licence lies to the Magistrates. Any appeal must be made within 21 days from the date on which notice of a decision was served<sup>7</sup>.

### **3.11 Criminal Record Check (DBS)**

3.11.1 Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that they take appropriate steps to ensure that vehicles and drivers are safe and suitable. All proprietors are therefore required to produce an annual basic disclosure from the DBS in order for the licensing authority to satisfy itself that proprietors pose no threat to the public and have no links to serious criminal activity.

3.11.2 In the case of a company or partnership, a basic disclosure must be provided by all directors or partners.

3.11.3 A basic criminal record check will not be required for any proprietors who are already regarded as a fit and proper person, evidenced by their possession of a hackney carriage/private hire driver licence issued by Redcar & Cleveland Borough Council.

### **3.12 Certificate of Good Conduct**

3.12.1 If an applicant (including any director or partner of a company or partnership) has lived overseas in the 10-year period leading up to the date of application, he/she must produce a criminal record check or 'certificate of good conduct'. Applications need to be made in the relevant country or to the relevant embassy in the UK. Information on the application process is available here:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

### **3.13 Conditions**

3.13.1 The licensing authority can impose conditions on a hackney carriage licence. The conditions attached at Appendix 6 will be imposed unless the specific circumstances of an application justify a variation.

3.13.2 An appeal against conditions attached to a licence lies to the Magistrates Court. Any appeal must be made within 21 days from the date on which notice of a decision was served.

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<sup>7</sup> By virtue of section 60 of the Local Government (Miscellaneous Provisions) Act 1976

### **3.14 Transfer of Licence**

3.14.1 If a proprietor transfers their interest in a vehicle to somebody else, they must give notice of the transfer in writing to the licensing authority within 14 days, giving the name and address of the person to whom the interest in the vehicle has been transferred.

3.14.2 The new owner of a vehicle must make an application to transfer the licence into their name.

3.14.3 To ensure ongoing compliance with the Council's policy, the new proprietor of the vehicle must provide the following to the Licensing Team:

- a Basic DBS Disclosure (unless exempt in accordance with section 3.11);
- a certificate of good conduct (only if the applicant has lived overseas in the 10 year period leading up to the date of application – see 2.6); and
- a current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire.

3.14.4 The vehicle registration document (V5C) in the name of the new proprietor(s) must be submitted to the licensing authority within 28 days of the licence being transferred.

### **3.15 Convictions and Other Sanctions**

3.15.1 Any licence holder must at the earliest opportunity, and in any case, within 48 hours, disclose to the licensing authority in writing the details of any arrest and release, criminal charge or conviction imposed upon them. The same applies to any simple cautions, fixed penalties, DVLA licence endorsements and community resolutions.

3.15.2 Any failure to disclose such information may raise doubts over the licence holder's honesty and suitability to hold a licence, regardless of the outcome. Any failure to comply may be referred to the Taxi Panel for consideration.

### **3.16 Change of Directors/Partners**

3.16.1 Where a hackney carriage vehicle licence is held by a company or partnership, any changes to the directors or partners must be notified to the licensing authority as soon as practicable and, in any case, within seven days of any such change.

### **3.17 Change of Address**

3.17.1 All hackney carriage proprietors must notify the licensing authority in writing of any change of address during the period of the licence within seven days of such change taking place.

### **3.18 Towing of Trailers**

- 3.18.1 No licensed vehicle may tow any trailer unless permission has been granted by the Licensing Authority and a further licence plate has subsequently been issued.
- 3.18.2 No such permission will be given unless evidence of valid insurance to cover such use for hire has been produced.
- 3.18.3 The vehicle licence plate giving the licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle.
- 3.18.4 The contents of such trailer must be secured and covered in a proper manner. Any trailer used must comply with regulations in all respects.

### **3.19 Dual Plating**

- 3.19.1 No vehicle will be granted a licence if it is licensed in another district due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance (i.e., signs, meters, suspensions or revocation).

### **3.20 Mechanical Breakdown**

- 3.20.1 If any vehicle becomes unfit to complete a hiring during a hiring:
- The driver shall be entitled to demand the fare for the distance already travelled.
  - The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring, the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed.
  - Any such incident must be reported to the Licensing Team within one working day.

### **3.21 Vehicle Damage**

- 3.21.1 Any vehicle damage materially affecting the safety, performance or appearance of the vehicle shall be reported in writing to the licensing authority by the proprietor as soon as practicable and in any event within 72 hours of its occurrence.
- 3.21.2 If any damage is considered by the authorised officer to be extensive enough to affect the safety or general appearance of the vehicle, a notice of suspension will be issued. The licence will be suspended until the vehicle is repaired to the satisfaction of the licensing authority.

### **3.22 Complaints**

- 3.22.1 The proprietor of any hackney carriage who receives a complaint concerning the driver's conduct or about the vehicle's fitness, appearance, safety or fare levied shall inform the Licensing Team, in writing, within 72 hours of the receipt of such a complaint.

### 3.23 Convictions

3.23.1 The proprietor of a licensed vehicle must at the earliest opportunity, and in any case, within 7 days, disclose to the licensing authority in writing the details of any conviction or caution imposed upon him or her (or in the case of a company or partnership, on any of the directors or partners). Convictions include all motoring offences and fixed penalty endorsements.

### 3.24 Ranks

3.24.1 The following hackney carriage stands have been appointed for public hire purposes in accordance with section 63 of the Local Government (Miscellaneous Provisions) Act 1976:

Location of stand	Permitted vehicles	Hours of operation
Newcomen Terrace, Redcar (outside Regency Mansions)	5	24 hours
Bath Street, Redcar (outside The Deck nightclub)	4	8pm – 6am
High Street, Redcar (outside Aruba nightclub)	7	8pm – 4am
Esplanade, Redcar	4	24 hours
Queen Street, Redcar (near the town clock)	6	24 hours
Westgate, Guisborough (opposite the town hall)	2	8pm – midnight
Westgate, Guisborough (outside the Tap & Spile pub)	3	6pm – 6am
West Street car park, Normanby (designated bays)	2	24 hours
West Street car park, Normanby (remaining car park)	Unlimited	6pm – 8am
William Street, Eston (at the junction with High Street)	4	24 hours

3.24.2 The number of vehicles standing at any rank must not exceed the number for which the rank is appointed at any time.

3.24.3 It is an offence to leave a hackney carriage vehicle unattended on a taxi rank. Hackney carriages can only wait on a rank whilst standing for hire.

3.24.4 It is not acceptable to make bookings to pick up from the rank. Ranks are to be used exclusively to stand for public hire, not to pick up bookings and not to park whilst looking for customers. If any member of the public approaches a vehicle on the rank, they are entitled to expect to be offered a public hire service.

### **3.25 Safety Equipment**

3.25.1 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

### **3.26 LPG**

3.26.1 If the installation and maintenance of a liquefied petroleum gas fuel system (hereinafter referred to as an "LPG System") or other secondary fuel system (hereinafter referred to as "an alternative fuel system") is required in addition to the existing primary fuel system fitted to the vehicle, 21 days` written notice of such requirement shall be given to the council.

### **3.27 CCTV**

3.27.1 Where a CCTV system has been installed in a hackney carriage or private hire vehicle, the proprietor will be required to ensure compliance with all licence conditions relating to CCTV. The council's policy in relation to the use of CCTV in licensed vehicles is attached at Appendix 7.

### **3.28 Drivers**

3.28.1 No person other than a licensed hackney carriage driver shall drive the vehicle at any time.

### **3.29 Insurance**

3.29.1 All proprietors are required to ensure that a valid insurance policy which includes the carriage of passengers or goods for public hire or reward is kept in force in respect of any hackney carriage vehicle and in relation to its use by any drivers employed by the proprietor.

3.29.2 On being required by an authorised officer of the Council or a police officer, the original certificate of insurance shall be made available for examination, provided that, if the driver fails to provide such certificate on request, the holder of this licence shall within seven days of such request produce it to the licensing authority at the offices of the council.

### **3.30 Smoking and e-cigarettes**

3.30.1 All hackney carriage vehicles are required to be smoke free at all times and 'No smoking' signage must be displayed in the vehicle in accordance with the legislation. Failure to comply with this may lead to a fixed penalty notice being issued or a criminal prosecution.

3.30.2 The use of electronic cigarettes/vapours is not permitted in hackney carriage vehicles

### **3.31 Holding Driver Licence**

3.31.1 The proprietor of any licensed hackney carriage vehicle is required to hold the hackney carriage driver licence of any person permitted to drive the vehicle. The licence should be retained by the proprietor until such time as the driver ceases to be permitted or employed to drive the vehicle under his or her proprietorship.

### **3.32 Meters**

3.32.1 The licensing authority requires all hackney carriages to be fitted with a calendar controlled taxi meter. The meter must be maintained in good working order at all times and must be sealed and calibrated to the correct tariff by an authorised agent.

3.32.2 All meters must meet any statutory requirements and the accuracy of any meter must be maintained.

3.32.3 The meter must be engaged for every journey from the point at which the hirer commences his/her journey. The meter must be engaged whether the vehicle has been pre-booked or not.

### **3.33 Fares**

3.33.1 The hackney carriage table of fares is set by the Authority and is a maximum fare that can be charged by hackney carriage drivers.

3.33.2 It is an offence to charge in excess of the council's table of fares for any journey within the district of Redcar and Cleveland. If the hiring takes the journey outside the district of Redcar and Cleveland, the driver cannot charge any more than this table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey.

3.33.3 The table of fares shows the maximum charge and drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows.

### **3.34 Calculation of Licence Fees**

3.34.1 The costs associated with vehicle inspections, administration, the provision of hackney carriage stands, and the table of fares will be recovered via the licence fees for hackney carriage licences.

3.34.2 Licence fees are calculated based on the amount of processing time for each application and the overall cost of providing the service.

- 3.34.3 The cost of the service is determined by several factors including employee and other support costs (such as accommodation, utilities, IT support, legal costs, software, insurance, printing, postage etc.) as well as specific costs such as time spent on complaints, committees, inspections, advertising, administration, consultations etc.
- 3.34.4 Some costs are associated with specific applications, and these must be recovered accordingly. For instance, the costs of the hackney carriage stands, and the table of fares must be recovered only from hackney carriage vehicle licence fees whereas other costs (such as policy and service development) will apply to all licence fees.
- 3.34.5 The licence fee is refundable upon request in the event of an unsuccessful application. However, the licensing authority will not reimburse the applicant for any payments made in relation to mechanical tests.

### **3.35 Accessibility**

- 3.35.1 Hackney carriages are an essential mode of transport for disabled and elderly persons. The combination of the personal service they offer, their wide availability and their door-to-door operations enable them to respond particularly well to the travel needs of people with mobility difficulties.
- 3.35.2 The Authority is committed to ensuring a wide variety of opportunities is available to those with mobility difficulties. For this reason, the Authority considers it important that people with impairments have access to all forms of public transportation.
- 3.35.3 All licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. However, an application for the exemption from this requirement can be made in writing to the licensing authority.

### **3.36 Designated List of Wheelchair Accessible Vehicles**

- 3.36.1 In accordance with section 167 of the Equality Act 2010, the Council may maintain a list of wheelchair accessible hackney carriage and private hire vehicles which will be known as the Council's 'List of Designated Vehicles'.
- 3.36.2 For the purposes of this policy, a vehicle is wheelchair accessible if it is adapted or designed to carry at least one wheelchair user whilst in their wheelchair and is not exempt from appearing on the Council's 'List of Designated Vehicles'.
- 3.36.3 A vehicle may be temporarily removed from the 'List of Designated Vehicles' where it is to be driven by a driver who is exempt from the duties contained in Section 165 of the Act. In such cases, the proprietor must inform the Council, in writing, of the period in which the vehicle will be removed.
- 3.36.4 Section 172 of the Act enables vehicle owners to appeal against the decision of a local authority to include their vehicles on the designated list. That appeal should be made to the Magistrate's Court and must be made within 28 days of the vehicle in question being included on the LA's published list.

### **3.37 Horse Drawn Carriages**

- 3.37.1 Proprietors of horse-drawn carriages will be subject to any hackney carriage vehicle licence conditions excluding those specifically relating to vehicle design.
- 3.37.2 A Veterinary Certificate signed by a Veterinary Surgeon stating that each horse is fit to carry out the work required shall be submitted as part of the application process.
- 3.37.3 A competent person nominated by the council (and representing the British Driving Society, the British Horse Society, the Heavy Horse Society or other body able to assess the competence of drivers) shall assess and provide a report stating that the driver is competent to drive the carriage as part of the application process.
- 3.37.4 The location of the stables in which the horses are normally housed shall be notified to the licensing authority as part of the application process. Access to the stables shall be granted to authorised officers and their advisers at any time.
- 3.37.5 Should the council receive a report from the RSPCA, a Veterinary Surgeon or other qualified person that the conditions under which the horses are being kept are not in the interests of the health of the animal and its capacity to pull a carriage, the licence shall be suspended by officers until satisfied that the horses are being kept in a satisfactory manner. The stables must satisfy the fire safety requirements for stables by Fire & Rescue Service. In the event that the stables do not satisfy these requirements, the licence will be suspended until adequate fire precautions have been made.
- 3.37.6 The licence will be granted for a maximum period of 12 months.
- 3.37.7 The following conditions are attached to all horse drawn hackney carriage licences:
- a) No horse shall be harnessed to or used in connection with the licensed vehicle unless within the preceding twelve months, a veterinary surgeon has examined the horse and issued in respect of it a certificate of fitness in a form approved by the Council.
  - b) Vets' papers relating to the horse in harness should be available for inspection on request by an authorised officer.
  - c) A horse which is harnessed to or used in connection with a licensed hackney carriage shall not be used for more than seven hours of work in any one day.
  - d) If in harness for seven consecutive hours the horse shall during that period have a break of not less than one hour and shall be fed and watered,
  - e) No horse shall be harnessed to or used in connection with the licensed vehicle unless it is fitted with an identifying microchip, the number of which has been notified to the Licensing Service.
  - f) All carriages must be fitted with a dung catching device while the carriage is in use on any public highway.
  - g) Lights and signals (where so directed) should be fitted to the carriage at all times and should be capable of being lit by the driver. Between dusk and dawn lighting on a carriage is restricted to two standard rear position lamps and two standard front position lamps only



- h) The table of fares as prescribed by Redcar and Cleveland Council shall be displayed in the carriage in such a manner that it is capable of being easily viewed by the passengers being conveyed in the carriage.
- i) Members of the public must be seated within the carriage and must not sit next to the driver.

## **4 PRIVATE HIRE VEHICLES**

### **4.1 Introduction**

- 4.1.1 Private hire vehicles are licensed to carry out pre-booked work only, which is obtained through a licensed private hire operator. Private hire vehicles cannot “ply for hire” or wait on a hackney carriage stand.
- 4.1.2 The maximum number of passengers that can be carried in a vehicle for it to be capable of being licensed as a private hire vehicle is eight.
- 4.1.3 A vehicle licensed as a private hire vehicle continues to be a private hire vehicle at all times and anyone driving the vehicle needs a private hire driver licence.

### **4.2 Age of Vehicle**

- 4.2.1 In the case of an application for the ‘Grant’ of a vehicle licence, the vehicle shall be under 6 years of age. The vehicle shall not be more than 12 years of age in the case of any application for the renewal of a licence. Vehicles that are 12 years of age or over at the time the policy is published will be allowed to renew the vehicle once following the publication of the policy.
- 4.2.2 All references to an application for the ‘grant’ of a licence means an application in relation to a vehicle that is not the subject of a current private hire vehicle licence at the time of application.
- 4.2.3 The age of a vehicle shall be taken from the date of first registration detailed in the vehicle registration document (V5C).

### **4.3 Vehicle Specification**

- 4.3.1 All private hire vehicles must be wholly any colour other than white.
- 4.3.2 Vehicles that have been declared to be an insurance ‘write off’ in category A or B will not be licensed.
- 4.3.3 The licensing authority will only generally issue a licence in respect of a private hire vehicle if:
  - It is fit for its purpose, safe and comfortable for its users and any members of the public;
  - It has at least four doors for the use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver (in the case of a hatchback type saloon, the hatch will not be considered or counted as a door for means of entry or egress);
  - The front windscreen allows at least 75% of light through and the front side windows allow at least 70% of light through. All other windows should allow at least 34% of light through;
  - It has nearside and offside exterior rear view mirrors;

- A spare wheel conforming to legal requirements has been provided and properly fitted in the vehicle along with a jack and wheel brace, unless this requirement has been specifically disapplied by an authorised officer in instances where a manufacturer's alternative is provided;
- It is equipped with a minimum of four road wheels fitted with manufacturers' recommended size tyres;
- It has a clean and smart appearance, both externally and internally;
- It is right hand drive;
- It has a permanent roof which is watertight – standard sunroof allowed (i.e., sunroof fitted when new by manufacturer);
- It has seating arrangements in accordance with manufacturer's specification and current Construction and Use Regulations applicable to the vehicle;
- It has seat belts in all passenger seats (irrespective of age);
- It has a separate locking luggage area (i.e., boot) or in the case of an estate vehicle, a permanent grille, luggage bar(s) or manufacturer's recommended device fitted sufficiently to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat;
- It has means for carrying a reasonable amount of luggage for the number of passengers for which the vehicle is licensed to carry (if seats are located within the luggage space, the vehicle may be licensed to carry a lower number of passengers in order to comply with the luggage space requirement); and
- There are sufficient means by which a passenger can communicate with the driver.

#### **4.4 Proprietorship**

- 4.4.1 A person applying for a private hire vehicle licence must be the proprietor of the vehicle to which the application relates. If the applicant is not the sole proprietor, he/she must name all joint proprietors including anyone involved in the day-to-day usage of the vehicle.
- 4.4.2 Unless the applicant's name is the only name on the Vehicle Registration Document, the application should include any person (or company) involved in the keeping, employing or letting for hire the vehicle. Where two or more proprietors are named, a licence will be issued in respect of two or more proprietors.

#### **4.5 Inspection of Vehicle**

- 4.5.1 The vehicle must be mechanically inspected by the Council's nominated testing centre prior to a licence being granted.

4.5.2 Following the grant of a private hire vehicle licence, the vehicle must be submitted for a further vehicle test no later than 6 months into the licensing period. Tests may not be cancelled or delayed. In some circumstances, test dates may be brought forward where holidays clash.

4.5.3 An authorised officer may require any vehicle, and its fittings, to be presented for inspection at any time to ensure compliance with legislation, byelaws or licence conditions. Failure to attend for inspection as requested may lead to suspension or revocation of the licence.

#### **4.6 Documents**

4.6.1 An authorised officer may require the proprietor of a vehicle to produce any associated documentation for examination to ensure compliance with legislation, byelaws or licence conditions. Failure to produce any documentation as requested may lead to suspension or revocation of the licence.

#### **4.7 Alteration of Vehicle**

4.7.1 No alterations in the specification, design or appearance of the vehicle shall be made without the written approval of the Council.

#### **4.8 Plates, Signs and Decals**

4.8.1 At all times, the following plates, signs and other items, which are provided by the council, must be clearly displayed on or in a private hire vehicle:

- External plates – external plates shall be securely fixed at all times to the front and rear of the vehicle
- Door decals – a door decal shall be securely fixed to each rear door
- Roof sign – Roof signs are not permitted to be used on any private hire vehicle.
- Complaint signs – an adhesive sign advising passengers how to complain should be displayed in a position that can be easily read by passengers
- No smoking sign – an adhesive sign advising passengers not to smoke should be displayed in a position that can be easily seen by passengers

4.8.2 The licensing authority must be informed in writing should one of the licence plates or door decals become lost, stolen, damaged or defaced. The damaged or defaced plate/decal must be submitted immediately to the licensing authority along with a report of the damage and a request to replace the damaged item.

4.8.3 The licence plates and door decals are the property of the council and shall be returned to the licensing authority forthwith upon the suspension, surrender, revocation or expiry of the licence. It is an offence to fail to comply with a request to return the licence plate.

4.8.4 The following is normally permitted without authorisation from an authorised officer:

- any sign indicating membership of a national motoring organisation; and
- the taxi company logos displayed on the exterior of the vehicle which do not contain anything of a religious or political nature or contain any matter likely to cause offence; and
- any warning sign indicating that school children are being carried within the vehicle; and
- any sign indicating that the vehicle is capable of carrying passengers in wheelchairs.

4.8.5 Any sign permitted must be positioned so as not to impede visibility and in any event no sign shall be placed on the rear window of the vehicle, nor any hanging obstruction be placed in any part of the vehicle.

4.8.6 Any additional signage should only be placed following written approval by an authorised officer.

#### **4.9 Application Process for New Vehicles**

4.9.1 Applications will not be processed by the licensing authority unless it is in receipt of:

- a fully completed application form; and
- the appropriate fee; and
- the vehicle registration document (V5C) or 'new keeper supplement' (V5C/2) in the name of the proprietor/part-proprietor (or proof of ownership – i.e., a bill of sale from a reputable firm).

4.9.2 In the event a 'new keeper supplement' has been provided, the vehicle registration document (V5C) in the name of the new proprietor(s) must be submitted to the licensing authority within 28 days of the licence being granted.

4.9.3 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:

- a Basic DBS Disclosure (unless exempt in accordance with section 4.11); and
- a certificate of good conduct (only if the applicant has lived overseas in the 10 year period leading up to the date of application – see 4.11);
- a current vehicle insurance certificate or cover note which includes the carriage of passengers for private hire;
- Evidence of a valid MOT certificate for all vehicles over three years from the date of first registration as shown on the vehicle registration document
- proof that the licensing authority's testing arrangements have been satisfied (i.e., a passed test paper completed and signed by the Council's testing station).

- 4.9.4 If the application meets all criteria laid down in the policy, a licence will normally be granted.
- 4.9.5 If the authorised officer is not satisfied a licence should be granted, the application and any supporting documentation will be referred to the Council's Taxi Panel for a decision.
- 4.9.6 An appeal against a refusal to grant a private hire vehicle licence lies to the Crown<sup>8</sup>. Any appeal must be made within 21 days from the date on which notice of a decision was served.

#### **4.10 Renewal Process**

- 4.10.1 Applications for renewal should be made at least two weeks before the expiry date of the current licence to allow reasonable time for the application to be processed.
- 4.10.2 Any application for the renewal of a licence will not be accepted after the date of expiry. In these cases, the vehicle will cease to be a licensed vehicle until such a time as a new application for this vehicle is received and subsequently granted. The age policy detailed in section 4.2 will apply in these cases.
- 4.10.3 Applications will not be processed by the licensing authority unless it is in receipt of:
- a fully completed application form; and
  - the appropriate fee.
- 4.10.4 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:
- a Basic DBS Disclosure (unless exempt in accordance with section 4.11), and
  - a certificate of good conduct (only if the applicant has lived overseas in the 10 year period leading up to the date of application – see 2.6);
  - a current vehicle insurance certificate or cover note which includes the carriage of passengers for private hire; and
  - proof that the licensing authority's testing arrangements have been satisfied (i.e., a passed test paper completed and signed by the Council's testing station).
- 4.10.5 If the authorised officer is not satisfied that the licence should be granted, the application and any supporting documentation will be referred to the Council's Taxi Panel for a decision.
- 4.10.6 An appeal against a refusal to renew a private hire vehicle licence lies to the Magistrates. Any appeal must be made within 21 days from the notice of a decision<sup>9</sup> being served.

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<sup>8</sup> By virtue of section 7 of the Public Health Acts (Amendment) Act 1907

<sup>9</sup> By virtue of section 60 of the Local Government (Miscellaneous Provisions) Act 1976

#### **4.11 Criminal Record Check (DBS)**

- 4.11.1 Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that they take appropriate steps to ensure that vehicles and drivers are safe and suitable. All proprietors are therefore required to produce an annual basic disclosure from the DBS in order for the licensing authority to satisfy itself that proprietors pose no threat to the public and have no links to serious criminal activity.
- 4.11.2 In the case of a company or partnership, a basic disclosure must be provided by all directors or partners.
- 4.11.3 A basic criminal record check will not be required for any proprietors who are already regarded as a fit and proper person, evidenced by their possession of a hackney carriage/private hire driver licence issued by Redcar & Cleveland Borough Council.

#### **4.12 Certificate of Good Conduct**

- 4.12.1 If an applicant (including any director or partner of a company or partnership) has lived overseas in the 10-year period leading up to the date of application, he/she must produce a criminal record check or 'certificate of good conduct'. Applications need to be made in the relevant country or to the relevant embassy in the UK. Information on the application process is available here:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

#### **4.13 Conditions**

- 4.13.1 The licensing authority can impose conditions on a private hire vehicle licence. The conditions attached at Appendix 1 will be imposed unless the specific circumstances of an application justify a variation.
- 4.13.2 An appeal against conditions attached to a licence lies to the Magistrates Court<sup>10</sup>. Any appeal must be made within 21 days from the date the notice of a decision is served.

#### **4.14 Transfer of Licence**

- 4.14.1 If a proprietor transfers their interest in a vehicle to somebody else, they must give notice of the transfer in writing to the licensing authority within 14 days, giving the name and address of the person to whom the interest in the vehicle has been transferred.
- 4.14.2 To ensure ongoing compliance with Council's policy, the new proprietor of the vehicle must provide the following to the Licensing Team;
- a Basic DBS Disclosure (unless exempt in accordance with section 4.11), and
  - a certificate of good conduct (only if the applicant has lived overseas in the 10 year period leading up to the date of application – see 4.12);

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<sup>10</sup>By virtue of section 47(3) of the Local Government (Miscellaneous Provisions) Act 1976

- a current vehicle insurance certificate or cover note which includes the carriage of passengers for private hire.

4.14.3 The vehicle registration document (V5C) in the name of the new proprietor(s) must be submitted to the licensing authority within 28 days of the licence being transferred.

#### **4.15 Convictions and Other Sanctions**

4.15.1 Any licence holder must at the earliest opportunity, and in any case, within 48 hours, disclose to the licensing authority in writing the details of any arrest and release, criminal charge or conviction imposed upon them. The same applies to any simple cautions, fixed penalties, DVLA licence endorsements and community resolutions.

4.15.2 Any failure to disclose such information may raise doubts over the licence holder's honesty and suitability to hold a licence, regardless of the outcome. Any failure to comply may be referred to the Taxi Panel for consideration.

#### **4.16 Change of Address**

4.16.1 All private hire vehicle proprietors are required to notify the licensing authority in writing of any change of address during the period of the licence within seven days of such change taking place.

#### **4.17 Change of Directors/Partners**

4.17.1 Where a hackney carriage vehicle licence is held by a company or partnership, any changes to the directors or partners must be notified to the licensing authority as soon as practicable and, in any case, within seven days of any such change.

#### **4.18 Towing of Trailers**

4.18.1 No licensed vehicle may tow any trailer unless permission has been granted by the Licensing Authority and a further licence plate has subsequently been issued.

4.18.2 No such permission will be given unless evidence of valid insurance to cover such use for hire has been produced.

4.18.3 The vehicle licence plate giving the licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle.

4.18.4 The contents of such trailer must be secured and covered in a proper manner. Any trailer used must comply with regulations in all respects.



#### **4.19 Dual Plating**

4.19.1 No vehicle will be granted a licence if it is licensed in another district due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance (i.e., signs, meters, suspensions or revocation).

#### **4.20 Mechanical Breakdown**

4.20.1 If any vehicle becomes unfit to complete a hiring during a hiring:

- The driver shall be entitled to demand the fare for the distance already travelled.
- The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring, the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed.
- Any such incident must be reported to the Licensing Team within one working day.

#### **4.21 Vehicle Damage**

4.21.1 Any vehicle damage materially affecting the safety, performance or appearance of the vehicle shall be reported in writing to the licensing authority by the proprietor as soon as practicable and in any event within 72 hours of its occurrence.

4.21.2 If any damage is considered by the authorised officer to be extensive enough to affect the safety or general appearance of the vehicle, a notice of suspension will be issued. The licence will be suspended until the vehicle is repaired to the satisfaction of the licensing authority.

#### **4.22 Complaints**

4.22.1 The proprietor of any private hire vehicle who receives a complaint concerning the driver's conduct or about the vehicle's fitness, appearance, safety or fare levied shall inform the Licensing Team, in writing, within 72 hours of the receipt of such a complaint.

#### **4.23 Convictions**

4.23.1 The proprietor of a licensed vehicle must at the earliest opportunity, and in any case, within 7 days, disclose to the licensing authority in writing the details of any conviction or caution imposed upon him or her (or in the case of a company or partnership, on any of the directors or partners). Convictions include all motoring offences and fixed penalty endorsements.

#### **4.24 Safety Equipment**

4.24.1 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

#### **4.25 LPG**

4.25.1 If the installation and maintenance of a liquefied petroleum gas fuel system (hereinafter referred to as an "LPG System") or other secondary fuel system (hereinafter referred to as "an alternative fuel system") is required in addition to the existing primary fuel system fitted to the vehicle, 21 days` written notice of such requirement shall be given to the Council.

#### **4.26 CCTV**

4.26.1 Where a CCTV system has been installed in a hackney carriage or private hire vehicle, the proprietor will be required to ensure compliance with all licence conditions relating to CCTV. The council's policy in relation to the use of CCTV in licensed vehicles is attached at Appendix 7.

#### **4.27 Drivers**

4.27.1 No person other than a licensed private hire driver shall drive the vehicle at any time.

#### **4.28 Insurance**

4.28.1 All proprietors are required to ensure that a valid insurance policy which includes the carriage of passengers or goods for private hire or reward is kept in force in respect of any private hire vehicle and in relation to its use by any drivers employed by the proprietor.

4.28.2 On being required by an authorised officer of the council or a police officer, the original certificate of insurance shall be made available for examination, provided that, if the driver fails to provide such certificate on request, the holder of this licence shall within seven days of such request produce it to the licensing authority at the offices of the council.

#### **4.29 Smoking**

4.29.1 All private hire vehicles are required to be smoke free at all times and 'No smoking' signage must be displayed in the vehicle in accordance with the legislation. Failure to comply with this may lead to a fixed penalty notice being issued or a criminal prosecution.

4.29.2 The use of electronic cigarettes/vapours is not permitted in private hire vehicles.

#### **4.30 Calculation of Licence Fees**

- 4.30.1 The costs associated with vehicle inspections and administration will be recovered via the licence fees for private hire vehicle licences.
- 4.30.2 Licence fees are calculated based on the amount of processing time for each application and the overall cost of providing the service.
- 4.30.3 The cost of the service is determined by several factors including employee and other support costs (such as accommodation, utilities, IT support, legal costs, software, insurance, printing, postage etc.) as well as specific costs such as time spent on complaints, committees, inspections, advertising, administration, consultations etc.
- 4.30.4 Some costs are associated with specific applications, and these must be recovered accordingly.
- 4.30.5 The licence fee is refundable upon request in the event of an unsuccessful application. However, the licensing authority will not reimburse the applicant for any payments made in relation to mechanical tests.

#### **4.31 Accessibility**

- 4.31.1 Private hire vehicles are an essential mode of transport for disabled and elderly persons. The combination of the personal service they offer, their wide availability and their door-to-door operations enable them to respond particularly well to the travel needs of people with mobility difficulties.
- 4.31.2 The Authority is committed to ensuring a wide variety of opportunities is available to those with mobility difficulties. For this reason, the Authority considers it important that people with impairments have access to all forms of public transportation.
- 4.31.3 All licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. However, an application for the exemption from this requirement can be made in writing to the licensing authority.

#### **4.32 Designated List of Wheelchair Accessible Vehicles**

- 4.32.1 In accordance with section 167 of the Equality Act 2010, the Council may maintain a list of wheelchair accessible hackney carriage and private hire vehicles which will be known as the Council's 'List of Designated Vehicles'.
- 4.32.2 For the purposes of this policy, a vehicle is wheelchair accessible if it is adapted or designed to carry at least one wheelchair user whilst in their wheelchair and is not exempt from appearing on the Council's 'List of Designated Vehicles'.
- 4.32.3 A vehicle may be temporarily removed from the 'List of Designated Vehicles' where it is to be driven by a driver who is exempt from the duties contained in Section 165 of the Act. In such cases, the proprietor must inform the Council, in writing, of the period in which the vehicle will be removed.
- 4.32.4 Section 172 of the Act enables vehicle owners to appeal against the decision of a local authority to include their vehicles on the designated list. That appeal should be made to the Magistrate's Court and must be made within 28 days of the vehicle in question being included on the LA's published list.

#### **4.33 Executive Vehicles**

- 4.33.1 An executive vehicle, limousine or other novelty vehicle is, in essence, a private hire vehicle, and all other interpretations, policies and conditions relevant to licensed private hire vehicles also apply, except where described below.
- 4.33.2 There is no legal definition of executive vehicle. However, there is common acceptance that an executive vehicle would be a relatively expensive vehicle that includes additional features designed to increase the comfort of the driver and passengers, which exhibits the qualities of luxury, prestige, and refinement. A classic car could be an executive vehicle. Vehicles qualifying for executive status must be of a high-end vehicle specification.
- 4.33.3 Executive vehicles usually place more emphasis on comfort, appearance, and amenities such as technological upgrades and higher quality materials than on performance, economy, or utility. They are often built in smaller numbers than more affordable mass-market vehicles. Luxury vehicles are historically 5 or 6 passenger four-door saloons. The term was coined in the 1960s to describe cars targeted at successful professionals and middle to senior managers, often as a company car but retaining enough performance and comfort to be desirable in their own right.
- 4.33.4 Executive cars could be luxury versions of family saloons; at the higher end, they are often larger models by mainstream manufacturers or the entry-level models by companies specialising in larger luxury vehicles.
- 4.33.5 Proprietors of companies wishing to license such vehicles would not normally be mainstream private hire companies but would be offering chauffeur driven contracts, airports runs and other similar services where the driver would be expected to observe a strict dress code.

4.33.6 Chauffeur driven contracts for the undertaking of a journey in an executive vehicle would generally be made by way of a written contract.

#### **4.34 Stretch Limousines**

4.34.1 For the purposes of this policy, a stretched limousine is regarded as a luxurious vehicle that has been modified (stretched) to extend the length of the vehicle. The stretch shall not exceed 120 inches [3048 millimetres]. The vehicle shall be capable of carrying up to, but not exceeding eight passengers. Each passenger seating area will be at least 400mm wide.

#### **4.35 Novelty Vehicles**

4.35.1 For the purposes of this policy, a novelty vehicle is defined as: -

- a vehicle that has been specially constructed, adapted or converted by a low volume specialist vehicle manufacture or modifier;
- a vehicle that has been specially modified from its original design or specification;
- a vehicle that is capable of carrying up to but not exceeding 8 passengers;
- a vehicle that is intended for the carriage of fare paying passengers that, prior to the introduction of this policy, would not be licensed by the Authority as a private hire vehicle because they did not comply with one or more of the standard conditions relating to private hire vehicles; and
- any vehicle that, in the opinion of an authorised officer, because of its specialist design/styling or origin, requires to be classed as a novelty vehicle.

#### **4.36 Exemptions and Standards for Executive/Novelty Vehicles**

4.36.1 It would be expected that a contract for the hire of an executive vehicle, stretched limousine or other novelty vehicle would normally be in place no less than 24 hours prior to the commencement of the journey. The vehicles would not be used to undertake standard private hire work.

4.36.2 There are no age restrictions relating to executive vehicles, stretched limousines and other novelty vehicles but all such vehicles must be maintained to an exceptionally high standard.

4.36.3 The licensing authority has the power to disapply the general requirement to display a licence plate where the circumstances justify it. Accordingly, an authorised officer may give an exemption notice to the proprietor of an executive vehicle, stretched limousine or other novelty vehicle. In these instances, the notice and the licence plate must be kept inside the vehicle at all times whilst the vehicle is licensed as a private hire vehicle. The notice and the plate must be made available for inspection to a police officer or authorised officer of the council upon request.

4.36.4 Whilst driving an executive vehicle, stretched limousine or other novelty vehicle the driver of the vehicle will be exempt from the general requirement to wear his/her driver badge. In these instances, the badge must be kept inside the vehicle at all times whilst the driver is using the vehicle for private hire purposes and it must be made available for inspection to any passenger, police officer or authorised officer of the council upon request.

4.36.5 No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems or devices shall be displayed on, in or from the vehicle except:

- the registration plate;
- any sign required by statute or subordinate legislation;
- any sign indicating membership of a national motoring organisation;
- any sign requesting passengers not to smoke; and
- any sign specifically approved by an authorised officer.

## **5 PRIVATE HIRE OPERATORS**

### **5.1 Introduction**

- 5.1.1 A private hire vehicle can only be despatched to a customer by a licensed private hire operator.
- 5.1.2 Although private hire operators will not necessarily drive members of the public, they will be in possession of information about the whereabouts of some members of the public and therefore the Council must be satisfied that every private hire operator is a fit and proper person to hold a licence.
- 5.1.3 When establishing whether or not an individual is a fit and proper person, the Licensing Team will consider the relevance of any criminal convictions and it may take into account any other relevant information relating to: -
- the applicant's character;
  - the applicant's experience as a private hire operator;
  - the applicant's criminal record;
  - the applicant's knowledge of spoken/written English, the locality and rules governing licensees; and
  - any other matter that the Council considers relevant.
- 5.1.4 In instances where the private hire operator is a company or partnership, the licensing authority will apply the 'fit and proper' test to each of the directors or partners of that company or partnership.

### **5.2 Process for New Applications**

- 5.2.1 Applications will not be processed by the Licensing Team unless it is in receipt of:
- a fully completed application form; and
  - the appropriate fee.
- 5.2.2 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:
- A copy of the private hire operator's policy on employing ex-offenders involved with taking bookings and dispatching vehicles; and
  - a satisfactory basic criminal record check in respect of all proprietors (or in the case of a company or partnership, in respect of all directors or partners); and
  - a certificate of good conduct (only if the applicant, including any director or partner, has lived overseas in the 10 year period leading up to the date of application).
  - evidence of passing the Council's Knowledge test (in the case of applications made by a limited company or a limited liability partnership, a director or the company secretary must pass the test).

- 5.2.3 A basic criminal record check will not be required for any applicant who is already regarded as a fit and proper person, evidenced by his or her possession of a hackney carriage/private hire driver licence issued by Redcar & Cleveland Borough Council.
- 5.2.4 An appeal against a refusal to grant a private hire operator licence lies to the Magistrates' Court. The time within which such appeal may be brought shall be twenty-one days from the date on which notice of the council's refusal is served.

### **5.3 Process for Renewal Applications**

- 5.3.1 Applications for renewal should be made at least two weeks before the expiry date of the current licence to allow reasonable time for the application to be processed.
- 5.3.2 Any application for the renewal of a licence will not be accepted after the date of expiry. In these cases, the operator licence will cease to have effect until such a time as a new application is received and subsequently granted.
- 5.1 Applications will not be processed by the Licensing Team unless it is in receipt of:
- a fully completed application form; and
  - the appropriate fee.

### **5.2 Criminal Record Check (DBS)**

- 5.2.1 Although private hire operators may not have direct contact with passengers, they are still entrusted to ensure that they take appropriate steps to ensure that vehicles and drivers are safe and suitable. All operators are therefore required to produce an annual basic disclosure from the DBS in order for the licensing authority to satisfy itself that operators pose no threat to the public and have no links to serious criminal activity. A criminal record check will not be required for any applicant who is already regarded as a fit and proper person, evidenced by their possession of a hackney carriage/private hire driver licence issued by Redcar & Cleveland Borough Council.

### **5.3 Certificate of Good Conduct**

- 5.3.1 If an applicant (including any director or partner of a company or partnership) has lived overseas in the 10-year period leading up to the date of application, they must produce a criminal record check or 'certificate of good conduct'. Applications need to be made in the relevant country or to the relevant embassy in the UK. Information on the application process is available here:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>



## **5.4 Convictions and Other Sanctions**

- 5.4.1 Any licensed private hire operator (including any directors or partners where applicable) must at the earliest opportunity, and in any case, within 48 hours, disclose to the licensing authority in writing the details of any arrest and release, criminal charge or conviction imposed upon him or her. The same applies to any simple cautions, fixed penalties, DVLA licence endorsements and community resolutions.
- 5.4.2 Any failure to comply may raise doubts as to the operator's status as a fit and proper person, in which case, the matter may be referred to the Taxi Panel for consideration.

## **5.5 Booking and Dispatch Staff**

- 5.5.1 Individuals responsible for taking bookings and dispatching vehicles on behalf of a private hire operator do not require a licence. However, the private hire operator must be satisfied that any such individual will not present an undue risk to the public.
- 5.5.2 Private hire operators must formulate a policy on assessing the suitability of any person taking bookings and dispatching vehicles on their behalf prior to undertaking any such role. The policy must:
- require all booking and dispatch staff to provide a basic DBS disclosure from (this requirement will not apply to any staff members who have already been deemed suitable, evidenced by their possession of a hackney carriage/private hire driver or vehicle licence issued by Redcar & Cleveland Borough Council); and
  - outline the standards against which any prospective employee will be considered in relation to criminal convictions.
- 5.5.3 In assessing the suitability of booking and dispatch staff, the private hire operator must have sight of, and have regard to a basic DBS disclosure that is no more than three months old at the time of the assessment.
- 5.5.4 A record of any suitability assessments must be kept and maintained in a register of all staff responsible for taking bookings and/or dispatching vehicles. The register should contain as a minimum:
- the name and address of each member of booking and dispatch staff;
  - a record of the private hire operator's most recent suitability assessment for each member of staff; and
  - the certificate number and issue date of the basic DBS disclosure that was considered.

5.5.5 A template policy, along with a template assessment form, has been provided at Appendix 9 and 10 to assist private hire operators with compliance. The templates have been produced only as a guide and therefore operators are not obligated to adopt these documents in their existing state. Ultimately, it is the operator's responsibility to set and uphold appropriate standards in relation to staff undertaking booking and dispatch duties.

5.5.6 If a private hire operator fails to adopt an appropriate policy, assess the suitability of staff and maintain a register in accordance with the licence conditions, it may raise serious doubts about their suitability to hold a licence, in which case, the matter may be referred to the Taxi Panel for consideration.

## **5.6 Change of Directors/Partners**

5.6.1 Where a private hire operator licence is held by a company or partnership, any changes to the directors or partners must be notified to the licensing authority as soon as practicable and, in any case, within seven days of any such change.

## **5.7 Duration**

5.7.1 All private hire operator licences will expire five years from the date of the grant of the licence. A licence may be granted for a period of less than five years but only in the circumstances of an individual case, not because of a blanket policy.

## **5.8 Calculation of Licence Fees**

5.8.1 The costs associated with private hire operator licences will be recovered via the licence fees<sup>11</sup>.

5.8.2 The cost of the service is determined by several factors including staffing (salaries, National Insurance, pensions etc), accommodation, utilities, IT support, legal costs, software, insurance, printing, postage etc.

5.8.3 The licence fee for each application is then dependent on several other factors including, where relevant, the time spent on complaints, committees, inspections, advertising, administration, consultations etc.

5.8.4 The licence fee is refundable upon request in the event of an unsuccessful application. However, the Licensing Team will not reimburse the applicant for any payments made in relation to criminal record checks.

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<sup>11</sup> Section 70(1) of the Local Government (Miscellaneous Provisions) Act 1976

## **APPENDIX 1 – GUIDELINES RELATING TO THE RELEVANCE OF CRIMINAL CONVICTIONS**

### **1 General**

- 1.1 The licensing authority will use the following guidelines when determining applications for licences. However, each case will be considered on its individual merits and, where the circumstances demand, the committee or officer may depart from the guidelines.
- 1.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence but would normally be expected to remain free of conviction for an appropriate period and show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence).
- 1.3 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.
- 1.4 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction<sup>12</sup>.
- 1.5 Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions<sup>13</sup> and therefore all criminal convictions can be taken into account in assessing suitability. The licensing authority will therefore have regard to all relevant convictions, particularly where there is a history of offending or a pattern of repeat offending.
- 1.6 Case law has established that the impact of losing (or not being granted) a licence on the applicant and their family is not a relevant consideration for the licensing authority to take into account<sup>14</sup>. The licensing authority must focus on the impact of the individual’s character on members of the public. Personal circumstances and any perceived financial hardship will not be considered relevant for these purposes.
- 1.6 If an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority may consider:
  - How relevant the offences are to the licence being applied for;
  - How serious the offences were;
  - When the offences were committed;
  - The date of conviction;
  - The circumstances of the individual concerned;
  - The sentence imposed by the court;
  - The applicant’s age at the time of conviction;
  - Any patterns of offending;

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<sup>12</sup> Nottingham City Council v. Mohammed Farooq (1998)

<sup>13</sup> The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002

<sup>14</sup> Leeds City Council v Hussain [2002] EWHC 1145 (Admin) and Cherwell District Council v Anwar [2011] EWHC 2943 (Admin)

- Any other character check considered reasonable (e.g., personal references); and
- Any other factors that might be relevant.

1.7 These guidelines will apply equally to existing drivers as they do to new applicants in determining suitability. Therefore, if a new applicant would be refused on the basis of their individual circumstances, a revocation would be an appropriate sanction for an existing driver under the exact same circumstances.

## **2 Misleading information**

2.1 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.

2.2 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.

## **3 Violence**

3.1 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.

3.2 A licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder;
- Manslaughter;
- Manslaughter or culpable homicide while driving;
- Terrorism offences;
- Crimes resulting in death; or
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

3.3 A licence will not normally be granted where the applicant has a conviction for an offence involving violence against another person and the conviction is less than 10 years prior to the date of application.

3.4 Allegations of violence will be investigated as and where appropriate. No licence will be granted unless the licensing authority is satisfied on a balance of probability that the applicant is a fit and proper person.

## **4 Public order and criminal damage**

4.1 A licence will not normally be granted where the applicant has a conviction for one of the below offences and the conviction is less than seven years prior to the date of application:

- Racially aggravated criminal damage;
- Racially aggravated offence; or
- Any similar offences (including attempted or conspiracy to commit) which replace the above.

4.2 A licence will not normally be granted where the applicant has a conviction for one of the below offences and the conviction is less than five years prior to the date of application:

- S5 Public Order Act 1986 offence (harassment, alarm or distress);
- S4 Public Order Act 1986 offence (fear of provocation of violence);
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress);
- Obstruction;
- Criminal damage; or
- Any similar offences (including attempted or conspiracy to commit) which replace the above.

## **5 Possession of a weapon**

5.1 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. Depending on the circumstances of the offence, an applicant should be free of conviction for seven years (or at least three years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

## **6 Safeguarding and exploitation**

6.1 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not generally be licensed. This includes sexual offences, slavery, child sexual abuse, exploitation, grooming, indecent exposure, soliciting and psychological, emotional or financial abuse, but this is not an exhaustive list.

6.2 The licensing authority will not normally grant a licence to any applicant who is currently on the adult's or children's barred lists maintained by the DBS.

6.3 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.

6.4 Allegations of sexual offences will be investigated as and where appropriate. No licence will be granted unless the licensing authority is satisfied on a balance of probability that the applicant is a fit and proper person.

## **7 Dishonesty**

7.1 A licensed driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

7.2 Before an application is allowed, an applicant should be free of conviction for at least seven years (or at least seven years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:

- Theft;
- Burglary;
- Fraud;
- Benefit fraud;
- Handling or receiving stolen goods;
- Forgery;
- Conspiracy to defraud;
- Obtaining money or property by deception;
- Other deception;
- Taking a vehicle without consent; or
- Any similar offences (including attempted or conspiracy to commit) which replace the above.

7.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

## **8 Drugs**

8.1 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. 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 ten years.

8.2 An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply) within the last 5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

8.3 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 five years free from drug taking after detoxification treatment.

8.4 A licence will not normally be granted if an applicant has more than one conviction for a drug related offence.

## **9 Discrimination**

9.1 A licence will not normally be granted where the applicant has a conviction involving or connected with discrimination in any form and the conviction is less than seven years prior to the date of application.

## **10 Motoring Offences**

- 10.1 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.
- 10.2 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
- Causing death by dangerous driving;
  - Causing death by careless driving whilst under the influence of drink or drugs;
  - Causing death by driving whilst unlicensed, disqualified or uninsured; or
  - Any similar offences.
- 10.3 A serious view is taken of convictions for driving with no insurance. A licence will not normally be granted to an applicant who has been convicted of driving without insurance less than 5 years prior to the date of application.
- 10.4 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. A licence will not normally be granted to an applicant who has a drink/drug driving conviction less than 7 years prior to the date of application. 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.
- 10.5 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:
- are much less aware of what's happening on the road around them;
  - fail to see road signs;
  - fail to maintain proper lane position and steady speed;
  - are more likely to 'tailgate' the vehicle in front;
  - react more slowly, take longer to brake and longer to stop;
  - are more likely to enter unsafe gaps in traffic; and
  - feel more stressed and frustrated.
- 10.6 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.
- 10.7 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.
- 10.8 Convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. In certain instances, it may be appropriate to issue a licence for a shorter period of time than the standard duration and it may also be appropriate to

issue a warning as to future driving conduct. If a significant history of offences is disclosed, applications will normally be refused.

- 10.9 Applicants and licensed drivers with nine or more penalty points endorsed on their driving licence in any rolling three year period will normally be refused or revoked and will not normally be granted a licence until at least three years have elapsed from the date of the last offence.
- 10.10 Applicants who have been disqualified from driving will not normally be granted a licence unless they have held a licence for at least three years following the expiry of the period of disqualification without receiving any further penalty points.
- 10.10 Allegations of erratic or dangerous driving will be investigated as and when appropriate. No licence will be granted unless the licensing authority is satisfied on a balance of probability that the applicant is a fit and proper person.

## **11 Licensing offences**

- 11.1 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 three years has passed since conviction.
- 11.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

## **12 Other offences**

- 12.1 Where an applicant/licensee is convicted of an offence which is not detailed in this policy, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

## **13 Non-conviction information**

- 13.1 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. In assessing the action to take, the safety of the travelling public must be the paramount concern.
- 13.2 An admission of guilt is required before a caution can be issued and therefore cautions will be taken into consideration in the same way that they would if there was a conviction. The same applies to fixed penalties and community resolutions. Every case will be considered on its own merits including the details and nature of the offence.

## **14 Licence holders**

- 14.1 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.
- 14.2 Applicants who hold a licence with another licensing authority should not automatically assume that their application will be granted by Redcar and Cleveland Borough Council. Each case will be decided on its own merits.



- 14.3 Licensees who are licensed by one or more other authorities should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

## **15 Summary**

- 15.1 To summarise, a criminal history in itself may not automatically result in refusal and a conviction for a serious crime need not bar an applicant permanently from becoming licensed. 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.
- 15.2 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.

## **APPENDIX 2 – PRIVATE HIRE DRIVER CONDITIONS**

1. The driver shall: -
  - a) give all reasonable assistance with passenger's luggage;
  - b) at all times be clean and respectable in their 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 leaving the vehicle;
  - d) not, without the express consent of the hirer, eat or drink 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/she is driving to be a source of nuisance or annoyance to any person whether inside or outside the vehicle.
2. The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
3. The driver shall not allow there to be conveyed in the front of a vehicle, beside themselves, any child below the age of 10 years.
4. The driver shall not, without the consent of the hirer of a vehicle, convey or permit to be conveyed any other person in the vehicle.
5. The driver shall, immediately after the termination of any hiring of a private hire vehicle or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
6. If any property accidentally left in a vehicle by any person who may have been conveyed therein is found by or handed to the driver, the property shall be returned to the owner, if known, or handed in at a Police Station as soon as possible.
7. The driver shall, if requested by the hirer of a vehicle, provide the hirer with a written receipt for the fare paid.
8. The driver shall not convey in a vehicle any animal in their custody and shall ensure that any animal in the custody of any passenger is conveyed in the rear of the vehicle.
9. The driver of a private hire vehicle shall, if made aware that the vehicle has been hired to be in attendance at an appointed time and place or 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, unless delayed or prevented by sufficient cause.
10. The holder of this licence shall, at the earliest opportunity, and in any case within 48 hours, disclose to the licensing authority in writing the details of any arrest and release, criminal charge, conviction, caution, fixed penalty notice, DVLA licence endorsement or community resolution imposed upon them.

11. The holder of this licence shall evidence continuous registration with the DBS update service along with any necessary consent to enable the licensing authority to routinely check for new information every six months during the period of the licence.
12. The driver shall notify the licensing authority in writing as soon as practicable and in any event within seven days of becoming aware of any medical condition which may affect their ability to drive and operate a hackney carriage/private hire vehicle.
13. If a private hire vehicle being driven by the driver is fitted with a Taximeter the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.
14. Where a vehicle is fitted with a taxi meter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).
15. The driver shall not demand for any hire of a private vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taxi meter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
16. The driver 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.
17. The driver's badge which is issued by the licensing authority shall be displayed on the driver's person at all times when the vehicle is available for hire.
18. The driver shall not drive a wheelchair accessible vehicle unless they understand how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.

### APPENDIX 3 – HACKNEY CARRIAGE BYELAWS

Made under section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1975

- 2 a) The proprietor of a hackney carriage shall; -
  - i. cause the number of the hackney carriage licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto, and
  - ii. cause the two official licence plates loaned by the Council to the proprietor in respect of the carriage to be affixed and maintained on the outside of the carriage in positions and in a manner approved by a duly Authorised Officer of the Council.
  - iii. on the expiry, suspension or revocation of the licence granted to him in respect of the carriage, return to the Council any plates supplied to him by the Council showing the number of the licence.
- b) A proprietor or driver of a hackney carriage shall; -
  - i. not wilfully or negligently cause or suffer any such number, painting, marking or plate to be concealed from public view while the carriage is standing or plying for hire.
  - ii. not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figures or material particular is illegible.
- 3 The proprietor of a hackney carriage shall in respect of the said hackney carriage:
  - 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 watertight;
  - c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - d) cause the seats to be properly cushioned or covered;
  - e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
  - f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver;
  - j) cause adequate internal lighting to be maintained in the said carriage at all times that passengers are entering or leaving the carriage.
- 4 The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say,
  - a) If the taximeter is fitted with a flag or other device bearing the words 'FOR HIRE': -
    - i. The words 'FOR HIRE' shall be exhibited on each side of the flag or other device in plain letters at least one and a quarter inch in height

- and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;
      - ii. when the flag or other device is so locked, the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;
      - iii. when the flag or other device is so locked that the aforesaid words are horizontal and legible, no fare shall be recorded on the face of the taximeter.
  - b) If the taximeter is not fitted with a flag or other device bearing the words 'FOR HIRE': -
    - i. the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
    - ii. such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter.
  - c) When the machinery of the taximeter is in action, there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take in pursuance of the byelaw in that behalf for the hire of the carriage by distance.
  - d) The word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
  - e) The taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.
  - f) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
- 5 The proprietor of a hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words 'FOR HIRE' shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say: -
- a) the sign shall bear the words 'FOR HIRE' in plain letters at least one and a quarter inch in height;
  - b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.
- 6 The driver of a hackney carriage shall: -
- a) if the taximeter is fitted with a flag or other device bearing the words 'FOR HIRE': -
    - i. when standing or plying for hire, keep such flag or other device locked in the position in which the words are horizontal and legible;

- ii. as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring;
  - b) if the taximeter is not fitted with a flag or other device bearing the words 'FOR HIRE': -
    - i. when standing or plying for hire, keep the taximeter locked in the position in which no is recorded on the face of the taximeter and operate the sign provided in of Byelaw 5 so that the words 'FOR HIRE' are clearly and conveniently legible by persons outside the carriage;
    - ii. as soon as the carriage is hired whether by distance or by time, operate the said sign so that the words 'FOR HIRE' are not conveniently legible by persons outside the carriage;
    - iii. as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Vehicle Lighting Regulations 1989, and also at any other time at the request of the hirer.
- 7 A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or with the seals affixed thereto.
- 8 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 fixed by the byelaw in that behalf;
  - 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.
- 9 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.
- 10 The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 11 The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless

delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

- 12 The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest route.
- 13 A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
- 14 If a badge or identity document has been provided by the Council and delivered to the driver of a hackney carriage he shall, (a) retain personal possession of such badge or document at all times and (b) when standing or plying for hire and when hired, but at no other time wear that badge in such position and manner as to be plainly visible or display the said identity document in the hackney carriage in a position which will be plainly visible to passengers in the said carriage.
- 15 The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage,
  - a) convey a reasonable quantity of luggage;
  - b) afford reasonable assistance in loading and unloading;
  - c) afford reasonable assistance in removing it to and from the entrance of any building, station, or place at which he may take up or set down such person.

## 16 RANKS

Situation of Stand	No of permitted Vehicles	Hours of Operation
Newcomen Terrace, Redcar on the south side of the road, situated outside Regency Mansions	5	At all times
Bath Street, outside The Deck - Redcar on the east side of the road, situated outside the Deck nightclub	4	8pm – 6am
High Street, on the south side of the road, situated outside Aruba nightclub	7	8pm – 4am
Esplanade, on the south side of the road, situated outside Silks nightclub	4	24 Hours
Queen Street, Redcar situated on the cul-de-sac near the town clock, and consists of a feeder rank for 4 vehicles on the north side of the road and a pick up point for 2 vehicles on the east side	6	24 Hours
Westgate, Guisborough situated on the north side of the road, opposite the town hall	2	8pm – midnight
Westgate, Guisborough situated on the south side of the road, outside the Tap and Spile public house	3	6pm – 6am
West Street, Normanby situated within a public car park at the rear of the Woodman Arms public house	2 Unlimited	24 Hours 6pm-8am

- 17 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 by the Council, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

**Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the table of fares which it may not be possible to record on the face of the taximeter.**

#### **FARES FOR DISTANCE – MAXIMUM TABLE OF FARES**

**Tariff 1** from 6.00am until midnight on any day except on a public Bank Holiday or all hirings on 24th and 31st December:

**For the first mile or part thereof £3.00**  
**Each 1/10 of a mile thereafter 15p**

**Tariff 2** from midnight until 6.00am on any day, and all hirings on a public bank holiday, the 24th and 31st December:

**For the 1st mile or part thereof £3.50**  
**Each 1/10 of a mile thereafter 18p**

<b>Waiting time per minute</b>	<b>10p</b>
<b>Luggage tariff per item</b>	<b>5p</b>
<b>For every journey with 5 or more passengers</b>	<b>£1.00</b>
<b>Soiling charge</b>	<b>£30</b>

- 18 a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures at all times.
- 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.
- 19 The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
- 20 The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him, carry it as soon as possible and in any event within 48 hours, if not



sooner claimed by or on behalf of its owner, to a police station in the district and leave it in the custody of the officer in charge of such police station on his giving a receipt for it.

## **APPENDIX 4 – DBS HANDLING POLICY**

### **1 BACKGROUND**

- 1.1 Redcar and Cleveland Borough Council requires all applicants for hackney carriage and private hire driver licences to obtain enhanced criminal record disclosure certificates prior to the determination of their applications.
- 1.2 The certificate displays details of all cautions, convictions and police warnings, irrespective of whether they would otherwise be considered 'spent' under the Rehabilitation of Offenders Act 1974.
- 1.3 The licensing authority must be satisfied that every licensed driver is a fit and proper person to hold a driver licence and the criminal record history forms a key part of the checks carried out to make such a decision.
- 1.4 Enhanced disclosure certificates are obtained from the DBS (the Disclosure and Barring Service – formerly known as the Criminal Records Bureau).
- 1.5 The DBS will issue a single copy of the disclosure certificate directly to the applicant and therefore applicants will have the opportunity to review and challenge any incorrect information prior to it becoming known to the licensing authority.
- 1.6 Applicants must submit their copy of the disclosure certificate as soon as possible after receipt (and, in any case, within 28 days) to enable determination of their hackney carriage/private hire driver application.
- 1.7 Where an applicant fails to submit the certificate within 28 days, the certificate will be deemed too old to be considered accurate and the applicant will be required to apply for a new disclosure certificate.
- 1.8 Exceptions may be made to the requirement in paragraph 1.7 if the circumstances justify it (e.g., following a challenge of incorrect data).

### **2 HANDLING OF DISCLOSURES**

- 2.1 Redcar and Cleveland Borough Council complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or any other information revealed.
- 2.2 The licensing authority is committed to the fair treatment of all users and potential users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- 2.3 The licensing authority has a written policy on dealing with applications from ex-offenders, which is made available to all applicants at the outset of the application process. The licensing authority actively promotes equality of opportunity for all and welcomes applications from all, including those with criminal records.
- 2.4 Applications are determined in accordance with any relevant legislation and the council's policies relating to hackney carriage and private hire drivers. Applicants for

hackney carriage and private hire driver licences are exempt from the Rehabilitation of Offenders Act 1974. This means that convictions are never “spent” and must be disclosed on the application form for such licences.

- 2.5 A criminal record does not, however, mean that an applicant will automatically be refused a licence. Each application is considered on its individual merits.
- 2.6 The council’s overriding consideration is always the protection of the public. A statutory declaration is requested as part of the application process. If the licensing authority decides to refuse an application, written reasons for this decision will be provided. Any applicant who is aggrieved at such a decision has the right of appeal to the Magistrates’ Court.
- 2.7 All criminal record documentation is kept in accordance with the DBS requirements relating to secure storage. If a disclosure indicates no criminal record this will be recorded on an applicant’s file and the disclosure documentation will be destroyed. Disclosures with entries will be retained in secure storage until the application has been determined and any subsequent appeal is disposed of.
- 2.8 Should this take longer than six months, a special application will be made to the DBS to extend the period of retention.

## **APPENDIX 5 - ENFORCEMENT POLICY**

### **1 Introduction**

1.2 The aim of the licensing authority is to undertake its regulatory and enforcement role in a fair, open and consistent manner. In doing this it will act in accordance with the guidance and standards set out in this policy.

1.3 In particular, the licensing authority will: -

- Consult with parties subject to regulation and enforcement by the licensing authority about the standards it sets in undertaking this role;
- Work with individuals and businesses to assist them in complying with their legal duties and obligations;
- Ensure its staff are appropriately trained and apply the policy and standards professionally and consistently;
- Make information about the policy and the standards widely available to the public and businesses within the district;
- Monitor compliance with the policy and review it from time to time in consultation with parties subject to its application; and
- Comply with the various requirements and standards of external legislation, guidance, corporate policy and good practice.

1.3 The Authority has a statutory duty to ensure that drivers, vehicles and operators are appropriately licensed and carry out their trade in accordance with relevant legislation, byelaws, statutory notices and conditions. The means by which this is achieved is through enforcement.

### **2 Guiding Principles**

In undertaking its regulatory and enforcement role, the licensing authority will have regard to the following guiding principles: -

- Any decision regarding enforcement action will be impartial and objective, and will not be affected by race, gender, sexual orientation or religious beliefs of any alleged offender, complainant or witness;
- The licensing authority believes the vast majority of individuals and businesses wish to comply with the legal requirements placed upon them and should be assisted in doing so;
- In dealing with any enforcement situation, the licensing authority's actions will be proportionate to the scale, seriousness and intentionality of any non-compliance;
- There will be consistency of enforcement whilst recognising individual circumstances which may modify the appropriate action to be taken in each case;
- Except in the most serious cases where advice/warnings have not been heeded, adequate opportunity will be given to rectify non-compliance before formal legal action is commenced;
- Prosecution will normally only be considered where it is in the public interest to do so and in serious or blatant cases, or where other approaches have failed;

- The licensing authority will have regard to the relevant legislation and codes of practice which protect the rights of the individual and guide enforcement action (including Human Rights Act 1998, Code for Crown Prosecutors); and
- The licensing authority will have regard to the council's equal opportunities policies.

### **3 Standards**

- The licensing authority will always endeavour to meet the highest standards of service in undertaking its regulatory and enforcement function. The following specific level of service standards will be applied: -
- Matters relating to enforcement and regulation will be dealt with promptly, with enquiries and complaints receiving a first response within three working days;
- Except in the case of necessary and approved covert investigations, officers will announce themselves on arrival at premises and show identification unless they are already well known to the person;
- Officers will provide their name and a contact telephone number to those persons or businesses with whom they are in contact concerning a regulatory or enforcement matter;
- Requests for service relating to enforcement or regulatory matters will normally only be dealt with if the name and address of the complainant is given. Any such identification will be treated in confidence but may need to be disclosed should formal legal proceedings be taken against the person or business to which the complaint relates. Anonymous complaints may, however, be investigated if they relate to protection of children or other vulnerable groups, or matters relating to serious safety issues etc or where the issue complained of can be determined by the Enforcement Officers themselves without further involvement of the complainant;
- Officers will be professional, courteous and helpful in their conduct of regulatory or enforcement matters, and wherever possible will seek to work with individuals and businesses towards compliance;
- Officers will endeavour to provide advice in a clear and simple manner and where any corrective or remedial work is necessary, an explanation will be given as to why it is necessary, and over what timescale it is required;
- Officers generally seek an informal resolution to cases of non-compliance except where immediate formal enforcement action is required;
- Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken; and
- Where there is known to be involvement of any other enforcement agency, or any case involves joint enforcement arrangements, the licensing authority will consult with that other agency prior to taking any formal enforcement action.

## **4 Enforcement Activities**

Enforcement activities will fall into the following broad areas: -

- Undertaking routine inspections of vehicles and operator premises;
- Undertaking proactive inspections, sometimes with other agencies;
- Responding to requests for service, complaints or information provided by the public, businesses and others;
- Offering general and specific advice to applicants, licensees and the public about the requirements of the licensing regime; and
- Taking action and, where necessary, imposing sanctions in response to breaches or the requirements of the licensing regime.

## **5 Enforcement Actions Available**

5.1 Decisions about licence applications and enforcement will be consistent, balanced and fair and be made by reference to approved standards. This will ensure the safety of the public is adequately protected. The seriousness of any infringement is the starting point for action to be taken in particular circumstances. Final action taken will depend on any mitigating factors present.

5.2 After having due regard to all relevant information and evidence, the following enforcement options will be considered:

- To take no action;
- To take informal action;
- To issue a written warning;
- To review a licence;
- To suspend or revoke a licence;
- Prosecution.

5.3 No Action – this course of action is only considered appropriate where, in the authorised officer's opinion, all relevant statutes and guidelines are satisfactorily complied with.

5.4 Informal Action – informal actions, such as offering advice (which can be written), are generally used by Enforcement Officers to secure good conduct by licence holders. Such enforcement action may be appropriate in any of the following circumstances: -

5.4 If the behaviour or offence does not warrant more formal action;

- Consideration of the history of the licensee results in reasonable expectation that informal action will achieve future compliance;
- Confidence in the licensee is high; and
- Consequences of non-compliance will not pose a significant risk to public safety.

- 5.5 Even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a more formal approach. Such decisions will be at the decision-making officer's discretion.
- 5.6 Written Warnings – this action will be taken where it is considered important to formally document the breach. The written document will be evidence that the licensee knew about the issue should it arise again and may override any mitigation.
- 5.7 Licence Review – licence holders may be required to appear before a hearing of the Licensing Committee in order that the Committee can consider appropriate measures on a case by case basis. This may arise whenever there are concerns over the individual or business concerned. The Licensing Committee can decide to take one or more of the enforcement actions mentioned in this section of the policy.
- 5.8 Suspension/Revocation – this action may affect the livelihood of the licensee and will not be undertaken lightly.
- 5.9 The licensing authority has the power to suspend or revoke a hackney carriage or private hire vehicle licence under section 60 of the Local Government (Miscellaneous Provisions) Act 1976. This can be as a result of any non-compliance or for any other reasonable cause. There is a right of appeal to the Magistrates Court within 21 days of receiving notice of the decision.
- 5.10 The licensing authority also has the power to suspend a vehicle licence under section 68 of the Local Government (Miscellaneous Provisions) Act 1976 if an authorised officer is not satisfied as to the fitness of the hackney carriage or as to the accuracy of its taximeter. There is no immediate right of appeal under this provision and, if the officer is not satisfied as to the fitness of the vehicle or the accuracy of its taximeter within two months, the licence will be deemed to be revoked. It is only at this point that there is a right of appeal to the Magistrates Court within 21 days of receiving notice of the revocation.
- 5.11 Revocation is unlikely to be used as a sanction without affording the licensee a full hearing.
- 5.12 Prosecution - the decision to prosecute is a serious matter and will require consultation with senior licensing officers and the council's Legal Services Team.
- 5.13 Licence holders will be prosecuted for serious breaches of legislation such as: -
- Driving a licensed vehicle without the appropriate driver licence;
  - Driving a motor vehicle without valid insurance;
  - Driving an unlicensed vehicle for public or private hire purposes;
  - Illegally plying for hire;
  - Refusing to carry a guide, hearing or other assistance dog (if not exempted);
  - Unauthorised alteration to a taximeter;
  - Exceeding the number of passengers permitted;
  - Refusal to carry a passenger without reasonable cause;
  - Permitting or facilitating any of the above offences; or
  - Any other offence that is considered serious in the opinion of an authorised officer.

- 5.14 The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Authority are not followed and/or the public is put at serious risk.
- 5.15 The circumstances that are likely to justify prosecution may be characterised by one or more of the following: -
- Where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law abiding are placed at a disadvantage to those who disregard it;
  - Where there appears to have been reckless disregard for the safety of passengers or other road users;
  - Where there have been repeated breaches of legal requirements;
  - Where a particular type of offence is prevalent;
  - Where a particular contravention has caused serious public alarm;
  - Where the offence involves the threat of violence against any person, or obstruction of an officer of the council;
  - Where false information, either in written or verbal form, is deliberately provided to the licensing authority or to an investigating officer;
  - Where the victim is part of a vulnerable group e.g., children, elderly persons;
  - Where the offender has repeatedly ignored advice;
  - Where there is a widespread disregard of the law and appropriate notice has been given to the public or the business community that legal proceedings will be considered for future breaches; or
  - Where some other significant public purpose would be served.

## **6 Appeals**

- 6.1 Appeals against decisions of the Licensing Committee may be made to the Magistrates' Court or the Crown Court where appropriate.
- 6.2 Any notifications of enforcement action will include written information about how to appeal. This will explain how, where and within what time period an appeal may be brought and on what grounds. It will also confirm, where appropriate, that the enforcement action is suspended pending the outcome of any appeal. In some instances, suspension of a driver or vehicle licence can be given immediate effect.

## **7 Complaints about Licensees**

- 7.1 Members of the general public are able to make complaints to the licensing authority about the conduct and/or service received from licensees and the licensing authority will adhere to the following procedure: -
- Ascertain the facts regarding the complaint and decide if actionable;
  - Register the complaint and refer to an investigating officer;
  - Contact the complainant within 5 working days;
  - Investigate the complaint;
  - Make a decision; and
  - Inform all parties of that decision.



- 7.2 Licensees who are the subject of a written complaint will be informed of the nature of the complaint, including the date, time and location of the incident and, if necessary, given sufficient notice to attend any interview.
- 7.3 The outcome of the investigation will be implemented in accordance with this policy. Disputes between licensees should be resolved between themselves and not through this procedure.
- 7.4 If there is evidence relating to alleged serious criminal offence, such as threats of violence, assault etc, this will be referred to Cleveland Police.

## **8 Complaints about the Service**

Any dissatisfaction with the actions of an officer of the council will be dealt with under the council's Complaints Procedure, copies of which are available from offices of the council, by accessing the council's website ([www.redcar-cleveland.gov.uk](http://www.redcar-cleveland.gov.uk)) or by telephoning Redcar & Cleveland Borough Council on 01642 774774.

## **9 Policy Review**

- 9.1 The implications and effectiveness of this policy will be regularly monitored.
- 9.2 This policy will be reviewed where appropriate to reflect changes indicated by the internal monitoring arrangements, by legislation or by guidance issued by Central Government.
- 9.3 Views of the policy and its implementation will be sought to ensure it continues to meet the principles of good enforcement.

## APPENDIX 6 – HACKNEY CARRIAGE CONDITIONS

1. The vehicle shall be of a type, size, design, appearance, construction and specification as may be approved from time to time by the Council and in particular but without prejudice to the generality of the foregoing shall be either a saloon motor vehicle with the following requirements:
  - i. four doors
  - ii. right hand drive
  - iii. the whole of the external bodywork of a vehicle shall be coloured WHITE
  - iv. or a vehicle commonly described or referred to as an Austin FX4 and coloured WHITE
2. 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 shall be fully complied with.
3. 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.
4. There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.
5. Signs, Notices etc.
  - i. No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision (including bylaws) or required or permitted by these conditions provided however that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign, approved and located in accordance with the directions of the Council which is displayed in or from the vehicle whilst it is stationary.
  - ii. Without prejudice to the generality of the foregoing, the Proprietor shall cause to be affixed and maintained on the vehicle the following:
    - a) a decal of such design and appearance as may be approved and supplied by the Council to be located on the near-side and offside front doors of the vehicle and;
    - b) a roof sign, approved by the Council which shall be maintained and capable of being operated in such a manner as to indicate clearly and conveniently to persons outside the vehicle whether or not the vehicle is for hire.
    - c) a plate identifying the number of persons to be carried by the vehicle as a hackney carriage loaned by and in the form prescribed by the Council and securely fixed to the rear bumper of the vehicle in a conspicuous position duly approved by the Council and in such a manner as to be easily removable by an authorised officer of the Council or a Constable.
    - d) the proprietor shall cause to be affixed and maintained on the front bumper of the vehicle in a conspicuous position duly approved by the Council and in such a manner as to be easily removable by an authorised officer of the Council or Constable, a further identification plate loaned and, in the form, prescribed by the Council identifying the vehicle as a Hackney Carriage in respect of which a vehicle licence has been granted.

6. There shall be displayed within the vehicle for the information of fares approved and supplied by the Council and kept in such a position to be easily visible to passengers.
7. There shall be maintained in the vehicle adequate internal lighting to enable passengers to enter and leave the vehicle with safety.
8. The holder of this licence shall, at the earliest opportunity, and in any case within 48 hours, disclose to the licensing authority in writing the details of any arrest and release, criminal charge, conviction, caution, fixed penalty notice, DVLA licence endorsement or community resolution imposed upon him or her (or, in the case of a company or partnership, on any of the directors or partners).
9. The proprietor must inform the Council of any change of address in writing prior to the change, where possible, but not more than seven days after in any case.
10. Without prejudice to any other conditions in this Licence a roof rack or any other device for storing luggage shall not be installed or maintained on any part of the exterior of the vehicle except with the approval of the Council.
11. If the installation and maintenance of a liquefied petroleum gas fuel system (hereinafter referred to as an "LPG System") or other secondary fuel system (hereinafter referred to as "an alternative fuel system") is required in addition to the existing primary fuel system fitted to the vehicle, 21 days` written notice of such requirement shall be given to the Council.

## **APPENDIX 7 - CCTV POLICY**

The Council recognises the benefits of effective CCTV systems in licensed hackney carriage and private hire vehicles. However, CCTV places passengers of licensed vehicles under surveillance as they go about their day-to-day activities. When considering the installation of CCTV in vehicles, licence holders should carefully consider whether CCTV is justified and also whether it is an effective solution to a problem.

The Council advises licence holders to consider the Information Commissioner's Office code of conduct on surveillance cameras when considering installing a system.

CCTV is permitted in licensed vehicles (hackney carriage or private hire). Where such devices are fitted within the vehicle the following conditions will apply:

1. The licence holder shall ensure that notification is lodged with the Information Commissioner's Office to cover the purposes for which the CCTV is used.
2. Notices informing passengers of the CCTV must be displayed inside the vehicle where they can be easily viewed by passengers.
3. The licence holder shall take reasonable steps to ensure the any driver of the vehicle is aware of the conditions relating to CCTV.
4. The licence holder shall take reasonable steps to ensure that there is no unauthorised access to data recorded by the CCTV.

## **APPENDIX 8 – PRIVATE HIRE OPERATOR CONDITIONS**

1. The records 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 to be numbered consecutively) or by an alternative method approved in writing by the Licensing Team. The operator shall enter or cause to be entered in the record, before the commencement of each journey, the following details of every booking of a private hire vehicle accepted by him/her: -
  - a) The time and date of the booking and how made (e.g., telephone/personal call);
  - b) The name and address of the hirer;
  - c) The date and time of pick-up;
  - d) The location of pick-up;
  - e) The destination;
  - f) The number of passengers to be carried;
  - g) The agreed fare;
  - h) The time at which a driver was allocated for the booking;
  - i) The registration number of the vehicle allocated for the booking;
  - j) The name and licence number of the driver allocated for the booking; and
  - k) Any remarks (including the details of any sub-contract).
2. The operator shall also keep records of the particulars of all private hire vehicles operated by him/her, which particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call-sign used.
3. All records kept by the operator shall be preserved for a period of not less than 12 months following the date of the last entry.
4. 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.
5. The Operator shall immediately upon receipt notify the Council in writing of any complaint concerning the conduct of any driver, any contract for hire or purported contract for him relating to or arising from his business and of the action (if any) which the Operator has taken or proposed to take in respect thereof.
6. The Operator shall establish that any driver employed by him or working through him in the course of business is the holder of a current private hire driver licence and shall ensure that regular checks are made of the validity of the driver's licence at regular intervals.

7. The operator shall notify the Council in writing of any change in personal or business addresses during the period of the licence within seven days of such taking place.
8. Where this licence is held by a company or partnership, any changes to the directors or partners must be notified to the licensing authority as soon as practicable and, in any case, within seven days of any such change.
9. The holder of this licence shall, at the earliest opportunity, and in any case within 48 hours, disclose to the licensing authority in writing the details of any arrest and release, criminal charge, conviction, caution, fixed penalty notice, DVLA licence endorsement or community resolution imposed upon him or her (or, in the case of a company or partnership, on any of the directors or partners).
10. The licensee (including any director or partner of a company or partnership) shall produce:
  - an annual basic disclosure from the Disclosure & Barring Service; and
  - if the relevant individual has lived overseas in the previous 10-year period, a 'Certificate of Good Conduct' from the relevant country or the relevant embassy in the UK

This requirement will not apply in respect of any individuals in possession of a current hackney carriage/private hire driver or vehicle licence issued by Redcar & Cleveland Borough Council.

11. The licensee shall formulate and apply a policy on assessing the suitability of any person taking bookings and dispatching vehicles on their behalf prior to undertaking any such role. The policy must:
  - require all booking and dispatch staff to produce an annual basic DBS disclosure (this requirement will not apply to any staff members who are in possession of a hackney carriage/private hire driver or vehicle licence issued by Redcar & Cleveland Borough Council); and
  - outline the standards against which any prospective employee will be considered in relation to criminal convictions.
12. The licensee shall keep and maintain a register of all staff responsible for taking bookings and/or dispatching vehicles. The register should contain as a minimum:
  - the name and address of each member of booking and dispatch staff;
  - a record of the private hire operator's most recent suitability assessment for each member of staff; and
  - the certificate number and issue date of the basic DBS disclosure that was considered (the issue date must be no more than three months old at the time of the assessment).

13. Meters are permitted for use in private hire vehicles, providing the rate to be charged is displayed within the vehicle where any passengers are able to refer to it. Any meter used must be sealed and checked by the Council's Authorised Vehicle Examiner.
14. The Operator shall decide the fare to be charged for each and every journey. The driver is not permitted to demand any other fare or rate.

## **APPENDIX 9 – TEMPLATE POLICY FOR PRIVATE HIRE OPERATOR BOOKINGS AND DISPATCH STAFF**

Notes:

It is the private hire operator's responsibility to set and uphold appropriate standards in relation to staff undertaking booking and dispatch duties. Any failure to do so may raise doubts as to the operator's suitability to hold a licence. This policy has been provided as a template to assist private hire operators. A template form for assessing staff suitability is also attached at Appendix 10.

### **1. Introduction**

1.1 In accordance with Redcar & Cleveland Borough Council's Hackney Carriage and Private Hire Licensing Policy and the Department for Transport's Statutory Taxi & Private Hire Vehicle Standards, private hire operators are required to formulate a policy on assessing the suitability of any person responsible for taking bookings and dispatching vehicles on their behalf.

1.2 Individuals responsible for taking bookings and dispatching vehicles on behalf of a private hire operator do not require a licence. However, any such members of staff are placed in a position of trust and will have access to information relating to passengers and therefore may pose a significant risk to public safety.

1.3 In order to manage any risk to the public and to the safeguarding of children and vulnerable adults, the private hire operator must be satisfied that any such individual is suitable to undertake duties of this nature.

### **2. Purpose**

2.1 The objectives of the policy are:

- To enable the private hire operator to demonstrate that staff responsible for taking bookings and dispatching vehicles do not pose a risk to the public;
- To provide guidelines for the private hire operator to make reasonable, consistent and informed decisions on the suitability of staff;
- To provide guidance to applicants seeking employment with the private hire operator; and
- To promote public confidence in the private hire operator's service.

### **3. Criminal record checks**

3.1 Applicants or employees responsible for taking bookings and dispatching vehicles on behalf of the private hire operator are required to produce an annual basic disclosure from the Disclosure & Barring Service (DBS) in order for the private hire operator to satisfy itself that the individual poses no threat to the public and has no links to serious criminal activity.



3.2 If the applicant has lived overseas in the 10-year period leading up to the date of application, they must produce a criminal record check or 'certificate of good conduct' from the relevant country or the relevant embassy in the UK. Information on the application process is available here:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

3.3 In all cases, the basic DBS disclosure and/or certificate of good conduct must be less than three months old at the time that it is provided to the private hire operator for consideration.

3.4 No criminal record check or certificate of good conduct will be required for any individuals in possession of one of the following licences issued by Redcar & Cleveland Borough council:

- a hackney carriage/private hire driver licence,
- a hackney carriage vehicle licence,
- a private hire vehicle licence; or
- a private hire operator licence.

3.5 The private hire operator will ensure compliance with data protection requirements in accordance with guidance provided by the Information Commissioner's Office and the DBS.

#### **4. Convictions and other sanctions**

4.1 Any applicant and employee responsible for taking bookings and dispatching vehicles must disclose to the private hire operator in writing within 48 hours the details of any arrest and release, criminal charge or conviction imposed upon him or her. The same applies to any simple cautions, fixed penalties, DVLA licence endorsements and community resolutions.

#### **5. Register of staff**

5.1 The private hire operator shall keep and maintain a register of all staff responsible for taking bookings and/or dispatching vehicles. The register will contain as a minimum:

- the name and address of each member of booking and dispatch staff;
- a record of the private hire operator's most recent suitability assessment for each member of staff; and
- the certificate number and issue date of the basic DBS disclosure that was considered

5.2 The register shall be made available for inspection on request by an authorised officer of Redcar & Cleveland Borough Council subject to data protection requirements.

## 6. Assessment of suitability

6.1 The private hire operator will consider the suitability of all applicants and employees with responsibilities for taking bookings and dispatching vehicles. The suitability assessment must be carried out annually.

6.2 The private hire operator will need to have sight of a recent basic DBS disclosure (no more than three months old) when assessing the suitability of an applicant or employee.

6.3 The private hire operator will make a record of each individual suitability assessment on the form provided at the end of this policy and the following guidelines will be applied in each instance:

- Crimes resulting in death  
Where an applicant has been convicted of a crime which resulted in the death of another person or was intended to cause death or serious injury, they will not be employed.
- Exploitation  
Where an applicant has been convicted of a crime with any connection to abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be employed. This includes slavery, sexual abuse, exploitation, grooming, psychological, emotional or financial abuse. This is not an exhaustive list.
- Offences involving violence  
Where an applicant has a conviction connected with any offence of violence, they will not be employed until at least 10 years have elapsed since the completion of any sentence imposed.
- Possession of a weapon  
Where an applicant has a conviction for possession of a weapon or any other weapon-related offence, they will not be employed until at least seven years have elapsed since the completion of any sentence imposed.
- Sexual offences  
Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, they will not be employed. In addition to the above, the private hire operator will not employ an individual who is currently on the Sex Offenders Register.
- Dishonesty  
Where an applicant has a conviction for any offence where dishonesty is an element of the offence, they will not be employed until at least seven years have elapsed since the completion of any sentence imposed.

- Drugs  
Where an applicant has any conviction in connection with the supply of drugs, or possession with intent to supply, they will not be employed until at least 10 years have elapsed since the completion of any sentence imposed.
- Discrimination  
Where an applicant has a conviction in connection with discrimination in any form, they will not be employed until at least seven years have elapsed since the completion of any sentence imposed.

**APPENDIX 10 – PRIVATE HIRE OPERATOR BOOKINGS AND DISPATCH STAFF ASSESSMENT FORM**

<b>Applicant Details</b>	
Name	
Address	
Basic DBS disclosure number	
Date of issue	
<b>Assessor Details (by or on behalf of Private Hire Operator)</b>	
Name	
Address	
Date of assessment	
<b>Assessment of Applicant Suitability</b>	
<p><input type="checkbox"/> I confirm that I have considered the contents of the applicant’s basic DBS disclosure within three months of the issue date.</p> <p><input type="checkbox"/> I confirm that I have considered the applicant’s suitability in line with the private hire operator’s policy on employing ex-offenders and I am satisfied that the policy requirements have been satisfied.</p> <p><input type="checkbox"/> I confirm that the applicant has been informed of the requirement to disclose any convictions to the private hire operator within 48 hours.</p> <p><input type="checkbox"/> I confirm that arrangements have been made for a further assessment to be carried out no more than 12 months from today’s date.</p> <p><input type="checkbox"/> I confirm that a record of this assessment shall be kept and maintained in a register held by the private hire operator and made available for inspection by an authorised officer of the licensing authority.</p>	
Date of next DBS check	
Assessor’s signature	
Notes	