



National Association of
Licensing and Enforcement Officers

MODEL STANDARD

FOR

TAXI AND PRIVATE HIRE
LICENSING

As Amended

2007

INTRODUCTION

The information in this document is given as basic guidance to officers when making decisions in the licensing of Hackney Carriages, Private Hire Operators, Hackney Carriage and Private Hire Drivers, and Private Hire Vehicles, outside London.

The opinions given are approved by the National Association of Licensing and Enforcement Officers (NALEO) as a Model Standard.

NALEO cannot be held liable for any officer's actions or omissions taken solely in reliance upon this guide.

This document is intended to be an aide memoir to the Licensing Officer. Where any recommendation is made you should ensure that you are able to carry out this function under legislation and/or your Council's policy.

Within this document the terms 'Local Authority' and 'Council' have the same meaning.

NOTE. The use of the symbol ** denotes that the advice may apply to both Hackney Carriage and Private Hire Drivers or Vehicles.

You are reminded that any decisions you make must conform to legislation, and case law. Subsequent changes to these may require a review of those decisions, and your Council's policies.

SOURCE MATERIAL

Licensing is controlled mainly by the Town Police Clauses Act 1847, and the Local Government (Miscellaneous Provisions) Act 1976, but many other Acts and Regulations may need to be considered in forming an opinion as to the interpretation of the law. The purpose of this Model Standard is to assist licensing officers in carrying out the function of licensing vehicles, drivers and operators. It is not intended to be a legal document so few references will be made to the Acts governing Hackney Carriages and Private Hire. These aspects of the legislation can be obtained through the NALEO training programme, NALEO's 'The Book', other textbooks and your own Legal Department.

LOCAL AUTHORITIES

Local Authorities have a responsibility to process any application made within the requirements of the individual Councils' policies. Your Council should be able to show that it has adopted the Act of 1976, either by production of the Council Minute, or it may be acceptable if appearing as a witness in Court for the 'authorised officer' of the Council to give such information under oath.

All policies appertaining to this licensing should be approved and minuted by your Authority.

AUTHORISED OFFICER

You as an 'authorised officer' for licensing and/or enforcement should be in possession of a letter of authority as detailed in the 1976 Act. There should also be a Council minute to the effect that you have been appointed for this purpose. This appointment will enable you to take appropriate action, and undertake duties, as defined in the Act. This is in addition to any local authority identity card you may carry.

APPLICANTS FOR LICENCES

As well as the appropriate application form, applicants should receive a full set of guidelines, which should include details of any conditions applied to a licence. You, or any other officer dealing with applications, should be able to give guidance and an explanation of the Council's requirements.

APPENDIX

At the rear of this Model Standard there is an appendix containing a list of suggested items which you may wish to check before granting any licence.

PUBLIC RECORD

Most information held by your Council is Data Protected, however there is a requirement for a 'Public Register' to be kept available for the free public inspection of licences granted. This should only give information in respect of:

- | | | |
|---------------------------|---|---|
| Hackney Carriage Vehicles | - | Details of all licences granted. |
| | - | Proprietor's name and address |
| | - | Offences committed by a proprietor. |
| | - | Offences committed by a driver. |
| Private Hire Drivers | - | Name to whom granted (but not address). |
| | - | The date and period for which it is granted |
| | - | The licence number. |

No other records should be kept available for public inspection. Case law has shown that it is unlawful to supply a copy of the Public Register without the licence holder's agreement. However, it is accepted that a person examining the register may make his own notes.

CONDITIONS ATTACHED TO A LICENCE

Conditions may be attached to all but one of the licences issued. The exception is the Hackney Carriage Drivers Licence which can only be controlled by Hackney Carriage Byelaws. Conditions must be reasonable, and be specific to a Council's own particular area. Any new condition, change to an existing condition, or revocation of a condition, should only be made after consultation with licence holders.

No changes in working practice should be made until after the condition has been properly constituted and there exists a written Council minute to this effect.

LICENCE FEES

Your Council may charge such fees:-

- a) for the grant of a Drivers Licence as necessary to cover the cost of issue, administration, and enforcement. Any increases in these fees do not have to be advertised.
- b) for Vehicles and Operators Licences to cover the cost of inspection, the provision of taxi stands, public notices, and any other reasonable administrative or other costs incurred in the determination of an application.

Only the alteration to vehicle and operators fees are required to be advertised by Notice in a local newspaper. The Notice must also be displayed in the Council's offices for a period of at least 28 days to allow for any objections to be made. No increase in fees can take place until the notice period has expired. The fees should only cover, and not exceed the above costs. As the Council bases its fees on the provision of the service, no refunds should be made except in special circumstances, and only then after a Council decision and written policy. Legislation requires that fees may only be charged on the grant of a licence. Should an applicant have paid the fee, and withdraw before the licence is granted, then the fee must be returned. Your fee structure should have a built-in allowance for administration and technical support in relation to uncompleted applications.

VALIDATION OF LICENCES

All licences should run strictly from the date of issue to the date of expiry. There is no period of grace beyond the expiry date. To ensure that applications are made in time, a reminder should be given in writing, with sufficient time to enable any necessary 'fit and proper' checks to be made. Checks should be carried out after the application has been made, but prior to the expiry of the current licence.

HACKNEY CARRIAGE BYELAWS

Any existing Hackney Carriage Byelaws must be complied with unless changed or revoked by a Secretary of State.

SUSPENSION, REVOCATION, OR REFUSAL OF A LICENCE

** Anyone convicted of an offence after the grant of a licence may have his licence suspended or revoked if the Council considers this action appropriate.

** A licence may be refused, suspended, or revoked, if the applicant/ holder, or vehicle, is considered unfit for any reason.

CHALLENGES TO DECISIONS

When various licensing decisions are challenged, the challenge, by way of an appeal, must be addressed to the correct place. Depending on the controlling legislation, initially it could be to a Council Committee (or Cabinet), a Magistrates'

Court, or eventually to a Crown Court. Where a Local Authority decides to refuse, suspend, or revoke a licence, the applicant/ licence holder should be informed of the decision in writing giving reasons for the action taken, and his right of appeal against the decision, to include his right to continue driving unless this is not in the interests of public safety.

APPEALS

** Anyone may appeal against the revocation, suspension, or refusal to grant a licence, or any condition attached to the grant of a licence. Such an appeal must be made within 21 days of receiving notification from the Council. The Council should inform the licence holder of his right of appeal, and the time allowed for commencing the appeal procedure as outlined in sections 300-302 of the Public Health Act 1936. Where the Council suspends or revokes a driver's licence the revocation or suspension may take place immediately regardless of the fact that the driver may have made an appeal against the decision to the Magistrates' Court. A driver can also appeal against a refusal to renew his drivers licence, but of course, as his previous licence would have already expired he cannot continue to drive as he no longer holds a current licence.

WARNING

Your attention is drawn to case law, as the decisions of the Courts may vary legislation depending on the circumstances in each individual case. To keep up to date on case law you will find a copy of NALEO's 'The Book' useful.

SUMMARY

Licensing as a whole is offering a service which has two aspects:

- Firstly: You as an 'authorised officer' are there to provide licensing and/or enforcement through your Local Authority which sets standards to provide safety and protection to those using the facilities provided, by ensuring to the best of your ability that all trade is undertaken by those with appropriate licences, and;
- Secondly: to work with licence holders who are professional business people, and may also be employers, to enable them to provide an important public transport facility.

You should exercise a subjective approach to all applicants, but never let personal feelings sway your final decision.

This Model Standard is a live document which will be reviewed by the Model Standard Working Group at regular intervals. We would welcome your comments and suggestions which should be sent to The South East Region Chair by e-mail at SouthEastChair@Naleo.org.uk.

OPERATORS

WHO IS AN OPERATOR?

Anyone who in the course of business makes provision for the invitation or acceptance of a booking for a private hire journey is regarded as an 'Operator' and he must hold an Operators Licence, unless he is covered by an exemption within the 1976 Act. This means that any individual, group, or company, which offers or advertises the services of a vehicle with less than 9 passenger seats with a driver for hire and reward is an Operator. Anyone who makes provision which would enable him to accept bookings for a private hire journey should be required to hold an Operators Licence. On 28th October 2004 the High Court in London decided that proprietors of hackney carriages who provide a private hire service with their hackney carriages do not require an Operators Licence.

APPLICATION

All proprietors, part owners, or other persons with an interest in an Operators Licence should be required to show that they are 'fit and proper' persons to hold such a licence. You must be satisfied that an applicant is a 'fit and proper person' to hold a licence and this can be achieved by requiring the applicant to submit to you such information as you may reasonably consider necessary to enable you to determine whether the licence should be granted. You should, for example, request all or some of the following; previous business record, Criminal Record Bureau check (this will only be possible where the Operator is also a licensed driver as there is currently no disclosure category available for private hire operators), business references (from the applicant's bank for example), Company House search, or any other references your Authority may decide. The results of the check should take into account any offences which may affect the way a business is conducted, for example; false accounting, fraud, or theft.

A Certificate of Good Conduct should be required for applicants who have not been resident in the U.K. for the previous 5 years. The Applicant should obtain this from the appropriate Embassy or Legation. A translation will be required, if not provided in English. All the licence requirements of the Local Authority must be met prior to the issue of a licence, which may be signed by an Authorised Officer, or sealed with the Council seal. A licence may be issued for any period up to five years. Your Authority may wish to grant a licence for a shorter period, usually one year, to ensure that records of Operators are kept up to date.

OPERATOR BASE

An Operators Licence should be held with the Local Authority in whose area the Operator makes provision for the acceptance of bookings. That is to say, the Licence should be held with the Local Authority in whose area the Operator has his office, or home address in the case of an owner driver. Anyone who Operates in more than one area will be required to hold an Operators Licence with the Local Authority in each of those areas. Where an Operator has more than one operating base in your area a separate licence is not required for each premises, but you should ensure that your Operators Licence conditions require the Operator to list all addresses from

which he runs his business. This is to enable health and safety checks to be made, and appointment books inspected. Planning permission for the use, or change of use, of the premises would not preclude you from issuing a licence, but the Operator should be advised that planning permission may be required before business can commence.

INSURANCE

Any premises that provide access to members of the public should be covered by Public Liability insurance. The Operator should check on any requirement for him to have Employers Liability indemnity. As a rule of thumb, if the Operator supplies the tools of the trade, for example the supply of a vehicle for his driver, or in the case of office based personnel, the radio equipment, he has a liability. On the grant of a licence you should ensure that adequate insurance in respect of Public and Employers Liability (if applicable) is held, and you should hold a copy of the current insurance certificates on file.

DRIVERS AND VEHICLES

An Operator may only make use of drivers and vehicles licensed by the same Local Authority as that with which he holds his Operators Licence. An Operator should ensure that all drivers and vehicles working through his office comply with all licence requirements laid down by the Local Authority. To ensure that these requirements are met the Council should put in place reasonable licence conditions.

RECORDS AND BOOKINGS

You should ensure that records of bookings are kept by all Operators in your area. Books should show such details as required by the conditions set by your Council. This record is for control, safety, and other reasons, for example the traceability of a particular driver or vehicle. It should include names and addresses of customers, dates and times of pick-ups, and vehicles provided. All records should be kept for a period prescribed by your Council to enable inspections to be made in the event of a complaint. An Operator accepting a booking remains liable for that booking even if he sub-contracts it to another Operator. If a booking is sub-contracted the second Operator should be licensed by the same Local Authority as the Operator who originally accepted the booking. This enables the Local Authority to investigate and take any action required should a complaint be made.

HACKNEY CARRIAGE VEHICLES

Hackney Carriage Vehicles are licensed to ply, or stand for hire, within the licensing district for which they hold a Hackney Carriage Licence. Plying means that they can be hailed while on the move, or obtained if stationary and available for hire in the street. A vehicle is standing for hire if it is on a properly appointed taxi stand.

** The vehicle should not be manufactured or adapted to carry more than 8 passengers, this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers

** Care should be taken when licensing converted vehicles particularly in respect of anchorage points for wheelchairs as no official standard or testing exists.

** All vehicles should be suitable for the purpose of carrying passengers for hire and reward, and your Local Authority will have decided on the type of vehicle which may be licensed. Some Local Authorities have decided to only licence purpose built taxis on the grounds that they are easily identifiable, give protection to the driver because of the partition, and provide privacy to the passenger due to the separation from the driving compartment.

** Some Local Authorities only licence saloon type vehicles, and others have a mixed fleet of different types of vehicle, some of which may be adapted for the carriage of disabled people seated in wheelchairs.

Horse drawn and pedestrian powered vehicles may also be licensed, but these may require special conditions to be applied. You are advised that the DfT (Department for Transport), has produced guidelines on horse drawn vehicles.

APPLICATION

** All licence requirements of your Local Authority must be met prior to the issue of a licence. The appendix to this publication gives guidance on items which may be required. This licence must be signed by your Council's 'authorised officer', or if no 'authorised officer' has been appointed then licences must be authenticated by the Council's official seal.

** The number on the vehicle licence must be the same as the number of the Hackney Carriage licence plate issued.

** The vehicle licence may not exceed a period of one year.

TRANSFER OF VEHICLE LICENCE

** Any owner transferring a licensed vehicle to a new owner must inform your Council in writing within 14 days of the transfer. It is the responsibility of the 'authorised officer' to ensure that the new owner makes an application, and provides documentation, as required for the issue of a new licence. It should be remembered that each licence granted is specific to a particular vehicle. You should insist on seeing proof of public hire insurance cover made out in the name of the new owner.

FITNESS

** To ensure that vehicles are mechanically sound they should be inspected at least once, but not more than three times a year. Hackney Carriage vehicles should be required to undertake a test to MOT standard when new. They are required by law to have an MOT certificate one year from first registration.

** At the same time as the MOT test, a fitness test should be carried out, and you should produce a Fitness Manual against which vehicles can be tested.

** Such things as spare wheel, fire extinguisher, and first aid kit should be included in the fitness test as well as the general condition of the vehicle and seating arrangements.

** Where ramps are carried, or access lifts for disabled people are provided these should also be tested annually by a competent person to ensure they meet health and safety requirements and any lifting equipment Regulations.

** In addition a vehicle may be subject to interim spot checks by an 'authorised officer' who may issue an immediate notice of suspension, also known as a 'stop notice', until satisfied that the vehicle is fit for service. You should consider sending a warning letter in respect of minor defects giving time to effect a repair prior to any suspension notice being issued. This is sometimes referred to as an 'improvement notice', a 'deferred notice', or a 'vehicle defect notice'.

AGE OF VEHICLE

** Due to the high mileage and the general wear and tear achieved, consideration should be given to an upper age limit. You could also consider additional vehicle tests within the licence period (with a maximum of three inspections in a one year period).

** Exemption from the age limit may be given for vehicles in exceptional condition, but this must be clarified by a written policy.

INSURANCE

The vehicle must have in force a current insurance certificate, or cover note, for Public Hire.

** You should inspect the validity of this at regular intervals to ensure continuous cover. The 'authorised officer' should suspend the vehicle's licence where insurance cannot be validated.

OTHER DOCUMENTS TO INSPECT

** You should check the validity of other documents relating to the vehicle such as registration document and excise licence (tax disc) during the period of the licence to ensure continuous cover exists at all times. All documents presented for inspection must be originals, not copies.

TAXIMETER AND FARES

To safeguard the public from possible overcharging you should ensure that all Hackney Carriages licensed by your Council are equipped with a taximeter set to your Authority's fare tariff. The fare tariff should be fixed, or varied, by your Local Authority after consultation with licence holders, and also a taximeter company to ensure that any proposed tariff can be electronically set into a meter.

The new tariff must be advertised in a local newspaper to enable objections to be made. After consideration of any objection, and possible re-advertisement, the new tariff must be confirmed within a period of two months. On confirmation, all taximeters must be set to the new fare tariff within a period set by your Authority. You could allow a proprietor to leave his meter calculated to the previous lower tariff until the next fitness inspection when of course it must be set to comply with your Council's new measured distance.

Taximeters should be set to your Council's tariff rate only. No other tariff should be allowed in the meter. The tariff should be set as a maximum, thereby allowing the driver to charge reduced fares if he wishes. The taximeter should also be set to accept a time element, which will engage automatically when the vehicle stops at traffic lights, or is requested to wait, for example.

** A taximeter test should be carried out at the same time as the vehicle fitness test to ensure that the distance, and time element, have been set correctly. The taximeter should be set to the 'stopped' position when testing the distance element.

** When correct, the taximeter should be sealed to prevent tampering. The Council approved fare tariff card should be displayed in the vehicle. To assist visually impaired people it may help if this is printed black on a yellow background in the largest type possible. The card should state that the tariff set is a 'maximum' tariff.

** If any complaint is made in respect of a fare that has been charged, the vehicle should be called in to test the accuracy of the taximeter settings against the measured distance laid down by your Council..

If you introduce a calendar time controlled meter, that is, one that only comes into operation on a given date, or has a second tariff between set times, you are advised to ensure that you have the facility to test all the tariffs which have been set, including those applicable at night.

Each taximeter should be calibrated to the individual vehicle to ensure accuracy. This is usually done by driving the vehicle along a calibrated distance marked on the highway. The marking of the carriageway must have the permission the Highways Authority. Some Council's use a rolling road for checking taximeter accuracy.

LICENCE PLATES

** The Council must issue a licence plate to every licensed vehicle to indicate to the public, police, and the enforcement officer that the vehicle is licensed.

** In order to prevent fraudulent use of a plate, the plate should show the registration number of the vehicle and other identifying details including make, model, expiry date of the licence, and the number of passengers it may carry. Plates should be large enough to accommodate this information, but not so large as to be unwieldy.

** Too much information on a plate may be confusing so you should be selective in what you feel is necessary.

** The plate number, and expiry date, must correspond with the vehicle licence details.

** The plate should be fixed to the outside rear of the vehicle, be clearly visible, and be able to be removed by an enforcement officer. Some manufacturers supply brackets for this purpose.

** The plate remains the property of your Authority and should be returned within 7 days on the issue of a written notice of expiry, suspension or revocation.

DUAL PLATING

The proprietor of a hackney carriage may request that a vehicle be licensed in another local authority area. This could mean that the hackney carriage would be required to display the plate issued by each authority. This is an unusual practice and could cause enforcement problems.

** Dual plating should not be permitted where different requirements of design, age, colour or other local conditions apply to each of the local authorities.

** If taximeters are fitted then the tariffs should be the same for each local authority licensing the vehicle, so as not to allow a driver to engage the higher tariff when plying for hire in a lower tariff area.

If all of these conditions can be met then this is an acceptable practice.

ROOF AND 'FOR HIRE' SIGNS

Since hackney carriages are licensed to ply for hire they should have a roof sign displaying the word 'TAXI'. A 'FOR HIRE' sign should also be displayed on the near side of the vehicle. These should be illuminated when the vehicle is available for hire. The sign should extinguish automatically when the taximeter is engaged.

** Any illuminated sign should comply with Vehicle Lighting Regulations, (in other words, not show a red light to the front, or white light to the rear of the vehicle).

ADVERTISING

** Any advertising permitted should be controlled by conditions that state an appropriate size and position. Advertisements should be approved by your Local Authority prior to display to ensure that no advertisement causes offence to the public.

FIRE EXTINGUISHER

** A fire extinguisher should be carried in the vehicle to allow drivers to extinguish small fires.

** The extinguisher should not be located in the passenger or driver compartment where it may cause injury or roll under the pedals, but be kept secure in the boot of the vehicle. The only exception to this may be in a purpose built taxi with a fitted partition when the extinguisher may be clipped into a bracket beside the driver.

** To extinguish fires most commonly encountered in vehicles, the extinguisher should be either a one kilogram dry powder, or a one litre AFFF. Both types should have gauges to show the state of charge, and should be manufactured to satisfy relevant BSEN accreditation.

FIRST AID KIT

** As part of Health and Safety at Work legislation a first aid kit should be carried in the vehicle to enable a driver to administer basic first aid to himself only.

SPARE WHEEL

** A spare wheel should be carried in the vehicle in the allocated place, and be of the same construction and size as the road wheels.

** The spare wheel should not be of the space saver type due to the speed and distance limits imposed on this type of emergency wheel.

PASSENGER SEATING

** A vehicle can only be licensed to carry up to a maximum of eight passengers. Any licence issued relates to a number of persons to be carried regardless of weight, age, or size, and to exceed that number is an offence. Remember babies and young children are persons for the purposes of this licence.

** Some purpose built vehicles can carry up to eight passengers including those seated in wheelchairs. In this case each seat, and person seated in a wheelchair, count in respect of seating capacity.

** All seats should be secure and of a size to ensure passenger comfort and safety. Each seat must be fitted with an approved seat belt.

** If a vehicle is manufactured to carry more than eight, and under sixteen, passengers it should not be licensed unless the presenter can supply documentation to show that the conversion to an eight seat vehicle, including wheelchair provision, has not compromised the 'vehicle type approval'.

** Any vehicle not originally designed for the carriage of passengers should not be licensed unless it has been certified to 'Small Volume Vehicle' testing standard.

** Passengers need to be able to enter and exit in safety. So as not to impede access, no seat should need to be moved, or tilted, for this to occur.

** Except for access by a wheelchair passenger, no rear facing door should be used by any passenger except in an emergency.

TINTED WINDOWS

** For safety reasons it should be possible to observe the driver and passengers being carried. Many vehicles are used for the carriage of children, and vulnerable persons, and for this reason tinted windows which prevent clear vision into the vehicle should not be permitted.

PRIVATE HIRE VEHICLES

Private hire vehicles are licensed to perform pre-booked work only, which is obtained through a licensed private hire operator. They must not ply for hire, wait on a taxi stand, or form an unofficial rank in public view.

** The vehicle should not be manufactured or adapted to take more than eight passengers, this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers.

** Care should be taken when licensing converted vehicles particularly in respect of anchorage points for wheelchairs as no official standard or testing exists.

** All vehicles should be suitable for the purpose of carrying passengers for hire and reward, and your Local Authority will have decided on the type of vehicle which may be licensed.

** Some local authorities only licence saloon type vehicles, and others have a mixed fleet of different types of vehicle, some of which may be adapted for the carriage of disabled people seated in wheelchairs.

Private hire vehicles include all types of vehicle, regardless of design, which are used solely for the fulfilling of a pre-booking. The public must not be led to believe that a private hire vehicle is a hackney carriage by its appearance or design.

Recent changes to legislation now brings certain other vehicles under the control of the Council. These were vehicles which were once considered to be hired under a contract of seven or more days. Vehicles being used under previous contract provisions may be limousines, ambulance car services, and vehicles used by voluntary community transport services. Your Council should now be approaching these organisations with a view to imposing licences on their vehicles when their current contract expires.

Vehicles used for weddings and funerals still remain outside the licensing requirement.

APPLICATION

All licence requirements of your Local Authority must be met prior to the issue of a licence. The appendix to this publication gives guidance on items which may be required. This licence must be signed by an 'authorised officer'.

** The number of the Private Hire Vehicle Licence must be the same as the number on the private hire vehicle plate issued.

** The vehicle licence may not exceed a period of one year.

TRANSFER OF VEHICLE

** Any owner transferring a licensed vehicle to a new owner must inform your Council in writing within 14 days. It is the responsibility of the 'authorised officer' to ensure that

the new owner submits an application, and provides documentation as required for the issue of a new licence. It should be remembered that each licence granted is specific to a particular vehicle.

You should insist on seeing proof of insurance cover made out in the name of the new owner to cover private hire use.

FITNESS

** To ensure that vehicles are mechanically sound they should be inspected at least once, but not more than three times during the licence period.

** The test should be carried out to current MOT testing standards.

** At the same time as the MOT test a fitness test should be carried out and your Council should produce a fitness manual against which vehicles can be tested.

** Such things as spare wheel, fire extinguisher, and first aid kit should be included in the fitness test as well as the general condition of the vehicle, and its seating arrangements.

** Where ramps are fitted or access lifts for disabled people are provided, these should be tested annually by a competent person to ensure they meet health and safety requirements and any relevant lifting equipment Regulations.

** In addition, a vehicle may be subject to interim spot checks by an 'authorised officer who may issue an immediate notice of suspension, also known as a 'stop notice', if he considers that a vehicle is unfit for service. You should consider sending a warning letter in respect of minor defects, and give time for a repair to be carried out before any suspension notice is issued. This is sometimes referred to as an 'improvement notice' a 'deferred notice', or a 'vehicle defect notice'.

AGE OF VEHICLE

** Due to the high mileage and the general wear and tear achieved, consideration should be given to an upper age limit. You should also consider carrying out additional vehicle tests within the licence period with a maximum three inspections in a one year period.

** Exemption from the age limit may be given for vehicles in exceptional condition but this must be clarified by a written policy.

INSURANCE

The vehicle must have a current insurance certificate, or cover note, for Private Hire, (Hire and Reward).

** You should inspect the validity of this at regular intervals to ensure continuous cover. The 'authorised officer' should suspend the vehicle licence where insurance cannot be validated.

OTHER DOCUMENTS TO INSPECT

** You should check the validity of other documents relating to the vehicle such as registration document and excise licence (tax disc) during the period of licence to ensure continuous cover exists at all times. All documents presented for inspection must be originals, not copies.

TAXIMETER AND FARES

Local authorities have no lawful authority to set the fares for private hire vehicles, they are a matter of negotiation between the hirer and the operator. There is also no lawful authority to require the fitting of a taximeter, however, if one is fitted it would be treated in the same manner as one fitted to a hackney carriage.

LICENCE PLATES

** A licensed vehicle must be issued with a licence plate showing the licence number granted by the Authority, to indicate to the public and the enforcement officer that the vehicle is licensed.

** In order to prevent fraudulent use of the plate it should show the registration number of the vehicle and other identifying details such a make, model, expiry date of the licence and the number of passengers it may carry. Plates should be large enough to accommodate this information, but not so large as to be unwieldy.

** Too much information on a plate may be confusing so you should be selective and only use what you feel is necessary.

** The plate number and expiry date must correspond with the vehicle licence details.

** The plate should be fixed to the outside rear of the vehicle, be clearly visible and be able to be removed by an enforcement officer. Some manufacturers supply brackets for this purpose.

** The plate remains the property of your Authority and should be returned, with 7 days, on the issue of a written notice on expiry, suspension, or revocation.

Only in the following circumstances may an owner be exempt from displaying a plate on a private hire vehicle;

- a) if there is a contract for the hire of that specific vehicle for a period exceeding 24 hours.
- b) if the Local Authority grants exemption from display of the plate for limited period as specified in writing.

DUAL PLATING

The proprietor of a private hire vehicle may request that a vehicle be licensed in another local authority area. This could mean that the private hire vehicle would be

required to display the plate as issued by each authority, this is an unusual practice and could cause enforcement problems.

** Dual plating should not be permitted where different requirements of design, age, colour or other local conditions apply to each of the local authorities.

** If taximeters are fitted then the fare tariffs should be the same for each local authority licensing the vehicle, so as not to allow a driver to engage the higher tariff when accepting a hiring in a lower tariff area.

If all these conditions can be met then this is an acceptable practice.

ROOF OR OTHER SIGNS (ADVERTISING)

Private hire vehicles should not display a roof sign that suggests the vehicle is a taxi by displaying such words as 'Taxi', 'Hire', or 'Cab' either singularly or as part of another word.

** Any advertising permitted should be controlled and be of an appropriate size and position. This should be approved by the local authority prior to display to ensure any advertisement does not cause offence to the public. It may be that the local authority would wish to include words to the effect that the vehicle is only available if pre-booked in any advertising permitted.

** Any illuminated sign fitted should comply with Vehicle Lighting Regulations, (in other words, not show a red light to the front, or a white light to the rear of the vehicle).

FIRE EXTINGUISHER

** A fire extinguisher should be carried in the vehicle to allow drivers to extinguish small fires.

** The extinguisher should not be located in the passenger compartment where it may cause injury or roll under the pedals, but kept secure in the boot of the vehicle.

** To extinguish fires most commonly encountered in vehicles, the extinguisher should be either a one kilogram dry powder, or a one litre AFFF, both types should have gauges to show the state of charge, and should be manufactured to satisfy relevant BSEN accreditation.

FIRST AID KIT

** As part of Health and Safety at Work legislation, a first aid kit should be carried in the vehicle to enable the driver to administer basic first aid to himself only.

SPARE WHEEL

** A spare wheel should be carried in the vehicle in the allocated place.

** This should not be of the space saver type due to the speed and distance limits imposed on this type of emergency wheel.

** The spare wheel must be of the same construction and size as the road wheels.

PASSENGER SEATING

** A vehicle can only be licensed to carry up to a maximum of eight passengers. Any licence issued relates to a number of persons to be carried regardless of weight, age, or size, and to exceed that number is an offence. Remember, babies and young children are persons for the purposes of this licence.

** Some purpose built vehicles can carry up to eight passengers including those seated in wheelchairs. In this case each seat, and person seated in a wheelchair, count in respect of seating capacity.

** All seats should be secure and of a size to ensure passenger comfort and safety. Each seat must be fitted with an approved seat belt.

** If a vehicle is manufactured to carry more than eight, and under sixteen, passengers, it should not be licensed unless the presenter can supply documentation to show that the conversion to an eight seat vehicle, including any wheelchair provision, has not compromised the 'vehicle type approval'.

** Any vehicle not originally designed for the carriage of passengers should not be licensed unless it has been certified to 'Small Volume Vehicle' testing standards.

** Passengers need to be able to enter and exit in safety. So as not to impede access, no seat should need to be moved or tilted for this to occur.

** Except for access by a wheelchair passenger, no rear facing door should be used by any passenger except in an emergency.

TINTED WINDOWS

** For safety reasons it should be possible to observe the driver and passengers being carried. Many vehicles are used for the carriage of children, and vulnerable people, and for this reason tinted windows which prevent clear vision into the vehicle should not be permitted.

DRIVERS OF HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES

INTRODUCTION

** Applicants for both hackney carriage and private hire driver licences can be looked at together.

THE LICENSING/ENFORCEMENT OFFICER

** Your role in licensing and/or enforcement as an 'authorised officer' can never be more important than when you exercise your responsibility in licensing applicants for hackney carriage and private hire drivers licences.

** The protection of the public is paramount and legislation gives wide and undefined scope to allow you to exercise that responsibility.

** You have to be satisfied that an applicant is a 'fit and proper person' to hold a licence and this can only be achieved by 'requiring an applicant to submit to you such information as you may reasonably consider necessary to enable you to determine whether the licence should be granted'.

** You should ensure that all information required has been received prior to the grant of a licence.

DETERMINATION OF THE SUITABILITY OF AN APPLICANT FOR A LICENCE

** You, or a trained member of staff, should interview each applicant to ensure that he or she is aware of the requirements to provide information, and to discuss any factors or convictions they may wish to reveal that may affect their suitability.

DRIVING LICENCE

** The applicant must be properly authorised to driver motor cars, that is to say, the holder of a Group A or Category B licence issued by the DVLA, this includes E.U. and Northern Irish licences as defined in the Road Traffic Act 1988.

** You may come across licences issued in the European Community (EU) and European Economic Area (EEA). These are valid for use as taxi or private hire driving provided the driver has held one for 12 months in the country of issue. Countries in the EU and the EEA are Austria, Belgium, Bulgaria, Czech Republic, Republic of Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, Sweden, United Kingdom.

** Full licences from other countries are also valid but these should be exchanged for GB licences within 12 months of becoming resident. These are Jersey, Guernsey, Isle of Man, and other designated countries such as Australia, Barbados, British Virgin Islands, Canada, Falkland Islands, Faroe Islands, Hong Kong, Japan, Monaco, New Zealand, Republic of Korea, Singapore, South Africa, Switzerland and Zimbabwe.

** All drivers holding driving licences issued by other than the DVLA should produce a certificate to show a clean driving record from the country of issue.

** The applicant must have held a full national driving licence for a period of 12 months.

** Due to the age or medical condition of some drivers, the DVLA issue short period licences so the date of expiry of all licences should be checked. Licences issued by you should not exceed the period shown on the DVLA licence.

** Some medical conditions require the issue of a restricted licence by the DVLA. Provided the restricted licence conditions are complied with this should be treated as a full licence.

** You are advised to apply to the DVLA for a Driver History Disclosure (DQ3) which will require the applicant's agreement and a fee is payable. This will ensure a full history of a drivers licence is made available to check for any possible fraud.

DRIVING LICENCE ENDORSEMENTS AND CRIMINAL CONVICTIONS

** These can vary widely and each must be treated on its own merits. You may decide to adopt a policy with regard to such convictions based on the guidance given in the Department of Transport/Home Office Circular 13/92.

** Applicants are not exempt from declaring any spent convictions or cautions, and application forms should ask for these to be declared.

** You should ensure that the applicant obtains a disclosure of criminal convictions from the Criminal Records Bureau to enable you to consider any convictions recorded.

** As drivers will be carrying children, and vulnerable persons, an Enhanced disclosure should be obtained.

** A Certificate of Good Conduct should be required for applicants who have not been resident in the UK for the previous 5 years. The applicant would obtain this from the appropriate Embassy or Legation, and a translation will be required if not provided in English. Details of overseas inform may be found on www.crb.gov.uk by clicking on 'Services'.

MEDICAL FITNESS OF THE APPLICANT

** Legislation allows a Local Authority to satisfy itself that an applicant for a licence is physically fit. As drivers carry fare paying members of the public they should be examined to the more stringent medical standards described on the DVLA web site for vocational drivers.

** All examinations should be undertaken by a GP within the practice where the applicant is registered. This is to ensure that the doctor has access to the applicant's medical history.

** If you have any doubt as to a driver's continued fitness, a further examination may be requested during the licence period.

KNOWLEDGE OF THE AREA

** You may consider a topographical test, (known as 'The Knowledge'), for applicants. This is particularly desirable for applicants for a hackney carriage drivers licence as they are available for immediate hire. The test may be written, oral, or practical depending on your area.

DRIVING ABILITY

** You may consider that it is desirable for all applicants to undertake a driving ability test. The Driving Standards Agency test for taxi drivers may be appropriate.

DISABILITY

** As drivers are required to carry people with disabilities, including wheelchair users, and those with assistance dogs, it is advisable that they should be trained in the various aspects of handling, and transporting disabled people. Further information may be obtained from the Disabled Persons Transport Advisory Committee (DpTAC), on www.dptac.gov.org. Your County Council's Community Transport Department, and other training organisations may provide suitable awareness and practical training.

INSURANCE

** Drivers should be advised that the vehicle insurance does not cover them when giving assistance to passenger away from the vehicle, and that they may require 'Public Liability' insurance to cover those circumstances.

PRIVATE HIRE VEHICLE DRIVERS

Only a licensed private hire driver may drive a private hire vehicle, and this must be licensed in the same local authority area as the one in which he holds his drivers licence

Only the holder of a private hire drivers licence may drive a private hire vehicle at any time.

A driver may only accept bookings through an operator who holds an operators licence with the same local authority as himself.

In simple terms, all three licences must be from the same Local Authority, operator, driver, and vehicle. This will enable one Council to control licensing in its district, provide safety to passengers through the checks it carries out on vehicles and drivers, and deal with any complaints which may arise.

HACKNEY CARRIAGE DRIVERS

Only a licensed hackney carriage driver may drive a hackney carriage, and then only if the vehicle is licensed with the same local authority that issued his hackney carriage drivers licence.

If requested to undertake a hiring when standing or plying for hire, it is an offence to refuse the hiring without reasonable cause.

Any driver employed by a proprietor of a hackney carriage, must lodge his hackney carriage drivers licence with him during the term of his employment. The licence must be returned to the driver when the employment ceases.

APPENDIX

There are certain requirements which may be obligatory or desirable within licensing and the following lists may be of assistance to you in deciding on the requirements you may wish to apply.

AUTHORISED OFFICER

Must be appointed and confirmed by a Council minute.

Must have authorisation in writing, signed by an approved person.

This authority then allows you to:

Give evidence in proceedings.

Sign licences issued by the Council.

Require a licensee to produce his licence.

Inspect specified documents.

Remove vehicle licence plates in certain circumstances.

Inspect and test a vehicle or its taximeter for fitness.

Take necessary action in cases of obstruction by drivers, owners, or operators, while performing your duties.

APPLICATIONS

On application it may be helpful to supply a handbook containing all the licence requirements of your Council.

All documents required for inspection should be originals, photocopies are not acceptable as they may be altered.

Many of the items required for inspection may be incorporated into your application forms.

Your Council should have a policy document in respect of:

Convictions

Vehicle Standards

Medical Standards

All conditions applied to licences must be approved and minuted by the Council.

No licence should be issued until all requirements of the Council have been satisfied.

If you have any doubt refer the matter to Council for a decision.

Before an existing licences expire, applicants should be reminded that they need to obtain a new licence. At that time they should fully satisfy the Council's requirements by completion of necessary forms, and in supplying all information requested which may include further CRB disclosure, medical certificate, or DVLA driving licence check.

APPLICATION CHECK LIST

DRIVER LICENCE

Driver application form.

Criminal Record Bureau application form, shows fit and proper.

Full DVLA driving licence, held for a minimum of 12 months.

National Insurance Number, allows other statutory bodies to make checks.
Birth Certificate, gives information on date and place of birth.
Passport, verifies other documents and possible right to work in U.K.
Photographs, used for I.D.badge, and verifies references and passport.
References, from persons of standing to verify applicant (by photograph if possible).
Medical form, completed by applicants practice GP to required standard.
Knowledge Test, topography of area also possible ability to read English.
Driving Ability Test, ability to read road signs and drive safely.
Take fee, issue receipt and issue licence

VEHICLE LICENCE

Vehicle application form.
Fitness Certificate, annual inspection but can be 3 times a year.
Valid MOT certificate if applicable.
Insurance cover, this must be for use to which vehicle will be put.
Licence plate, issued by Council, is to be clearly displayed on the vehicle as required.
Roof sign is displayed, a must for hackney carriages only.
Registration Document, in name of licence holder.
Vehicle Excise Disc, valid and displayed.
Vehicle Identification Number (VIN), plate corresponds with Registration Document.
Chassis number, also same as in Registration Document.
First Aid Kit, Health and Safety requirement for driver only.
Vehicle standard, meets requirements of Road Traffic Acts at all times.
Accident damage must be reported.
NB. Information has been received that, as from 2009, sideways to travel seating may not be permitted.

OPERATOR LICENCE

Operator application form.
Ensure applicant is 'fit and proper'.
Planning permission, for premises and radio, possible reference to Planning Department.
OFCOM Radio Licence, if applicable, and that equipment is functioning.
References, to ensure suitable.
Public Liability Insurance, for staff and customers.
Compliance with Health and Safety, advice on notices and equipment.
List of vehicle and drivers used, required to be kept for inspection.
Records of bookings undertaken, and those made in advance.

GENERAL

**Any change of vehicle, address, or other particulars or any accidents causing damage to the vehicle must be reported in writing within the time limits specified.

** Once a vehicle has been licensed it changes its status and it will remain thus until such time as the licence is suspended, revoked, or expires.

** It is unlawful for anyone to drive a vehicle licensed by your Local Authority unless they hold a drivers licence of the same type as the vehicle they are to drive, also issued by your Local Authority. The only exception is in respect of a qualified person testing a hackney carriage, or its taximeter.

The Council that licenses the Operator, must be the same Council that licenses his drivers and vehicles.

** Touting, or plying for hire by private hire, or by hackney carriages out of their Council's area, are serious offences which could result in the arrest of the offender.

MEDICAL

NOTES FOR APPLICANT - PREMEDICAL EXAMINATION

Medical Report and Certificate associated with an application for a licence to drive a Hackney Carriage or Private Hire Vehicle.

Name of Applicant.....**(Block Capitals)**.

Address.....
.....

Date of Birth.....

Medical examinations for the above licences must be carried out by a registered medical practitioner. Medical reports are required on first application for a licence, every three years thereafter up to the age of 65. From the age of 65 an annual medical is required.

What you have to do:

BEFORE consulting the doctor please read the **GENERAL NOTES ON MEDICALS**. If you have any of the conditions listed, a licence will be refused or revoked.

If, after reading the notes, you have any doubts about your ability to meet the medical or eyesight standards, consult your practice Doctor/Optician **BEFORE** you arrange for this medical form to be completed. The Doctor will normally charge you for completing it. In the event of your application being refused, the fee you pay the Doctor is **not** refundable. The Council has **no** responsibility for the fee payable to the Doctor.

Fill in the Consent Form at the end of this form in the presence of the Doctor carrying out the examination.

NOTES FOR THE DOCTOR

Please arrange for the patient to be seen and examined to at least the vocational driver medical standards which can be accessed on the DVLA web site www.dvla.gov.uk under the heading 'At a Glance'.

Please complete the Medical Certificate section of this report.

A check list is provided overleaf to assist you as to the vocational standard required.

Applicants who may be asymptomatic at the time of examination should be advised that, if in future they develop symptoms of a condition which could affect safe driving, and they hold any type of driving licence, they must inform the Drivers Medical Group, DVLA, Swansea, SA99 1TU immediately, and the Council.

GENERAL NOTES ON MEDICALS

Medical standards for drivers of Hackney Carriages and Private Hire Vehicles are higher than those required for car drivers and as such it is advised that applicants should be examined to the standards suggested below.

The following conditions are a bar to the grant of a licence.

1. Epileptic Attack.

Applicants must have been free of epileptic seizures for at least ten years and not have taken anti-epileptic medication during this ten year period.

2. Diabetes.

New applicants on insulin treatment, or existing drivers who become insulin treated. Drivers on insulin treatment who were licensed before 1st April 1991 are dealt with individually and are subject to satisfactory annual Consultant certification.

3. Eyesight.

(i) Applicants must be able to read in good daylight a number plate at 20.5 metres, (67 feet), and if glasses or corrective lenses are required to do so, these must be worn while driving. In addition applicants must have a visual acuity of at least 6/9 in the better eye; and visual acuity of at least 6/12 in the worst eye; and if these are achieved by correction the uncorrected visual acuity in each eye must be no less than 3/60.

(ii) A licence will also be refused or revoked if an applicant has uncontrolled diplopia, (double vision), or does not have a normal binocular field of vision.

4. Other Medical Conditions.

In addition to those medical conditions covered by legislation, applicants (or licence holders) are likely to be refused if they are unable to meet the national recommended guidelines in the following cases;

+ Within 3 months of myocardial infarction, any episode of unstable angina, CABG or coronary angioplasty.

+ A significant disturbance of cardiac rhythm occurring within the past 5 years unless special criteria are met.

+ Suffering from or receiving medication for angina or heart failure.

- + Hypertension where the BP is persistently 180 systolic or over, or 100 diastolic or over.
- + A stroke, or TIA within the last 12 months.
- + Unexplained loss of consciousness within the past 5 years.
- + Meniere's or other conditions causing disabling vertigo, within the past 1 year, and with a liability to reoccur.
- + Recent severe head injury with serious continuing after effects, or major brain surgery.
- + Parkinson's disease, multiple sclerosis or other 'chronic' neurological disorders likely to affect limb power or co-ordination.
- + Suffering from psychotic illness in the past 3 years, or suffering from dementia.
- + Alcohol dependency or misuse, or persistent drug or substance misuse or dependency in the past 3 years.
- + Insuperable difficulty in communicating by telephone in an emergency.
- + Any other serious medical condition which may cause problems for road safety when driving a Hackney Carriage or Private Hire Vehicle.
- + If major psycho tropic or neuroleptic is being taken.
- + Any malignant condition within the last 2 years likely to metastasise to brain, e.g. Ca lung or malignant melanoma.

Since 2002 licensees have had a legal duty to carry guide, hearing or other prescribed assistance dogs, accompanying a disabled person, and to do so without charge for the dog. Drivers may only be exempted from these duties on medical grounds. A medical certificate for this purpose is a separate issue to the medical requirements of fitness to drive and is not included in this examination.

CHECK LIST FOR MEDICAL EXAMINATION

Vision.

Psychiatric Illness.

Nervous System.

Diabetes Mellitus.

Cardiac conditions:-

Coronary Artery Disease.

Arrhythmia.

Vascular Disorders.

Blood Pressure.

Valvular Heart Disorders.

Cardiomyopathy.

Congenital Heart Disorders.

Specialist Clinic patient.

General conditions:-

Limb or Spine Disability.

Carcinoma or other Tumour.

Deafness.

Regular Medicine Taken.

Any condition precluding the carriage of Guide or Assistance Dogs.

CONSENT TO DISCLOSURE

This section **must** be completed and **must not** be altered in any way.

I authorise my Doctor(s) and Specialist(s) to release reports to the Examining Doctor about my medical condition, if required, for the purpose of obtaining a licence to drive Hackney Carriages or Private Hire Vehicles.

Signature.....Date.....

MEDICAL CERTIFICATE

The Licensing Officer
The District/Borough Council
Address
Post Code
(Please mark` envelope **Private and Confidential**)

I certify I have this day examined.....

To the best of my knowledge and belief I consider the applicant ***fit/unfit** to act as the driver of Hackney Carriages or Private Hire Vehicles.

Signature of Registered Medical Practitioner.....

Date.....Endorsing Stamp of Practice

***delete one.**