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**Chairman: Councillor Mrs R Crowe**

**Vice-Chairman: Councillor I Walker**

**Members of the Committee:**

**Councillor Mrs K Arnold**

**Councillor Mrs B Brooks**

**Councillor Mrs I Brown**

**Councillor M Buttery**

**Councillor D Clarke**

**Councillor M Cope**

**Councillor Mrs S Michael**

**Councillor D Payne**

**Councillor Mrs S Saddington**

**Councillor Mrs S Soar**

**Councillor Mrs A Truswell**

**Councillor K Walker**

**Councillor B Wells**

**MEETING: General Purposes Committee**

**DATE: Thursday, 15 March 2018 at 6.00 pm**

**VENUE: Civic Suite, Castle House, Great North Road,  
Newark NG24 1BY**

**You are hereby requested to attend the above Meeting to be held at the time/place  
and on the date mentioned above for the purpose of transacting the  
business on the Agenda as overleaf.**

If you have any queries please contact Helen Brandham on 01636 655248

## AGENDA

Page Nos.

1. Apologies for Absence
2. Declarations of Interests from Members and Officers
3. Declaration of any Intention to Record the Meeting
4. Minutes of the Meeting Held on ???.???.??

### **PART 1 - ITEMS FOR DECISION**

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| 5. | Draft Taxi Policy Consultation         | 1 - 276   |
| 6. | Joint Enforcement Protocol             | 277 - 290 |
| 7. | Review of Statement of Gambling Policy | 291 - 292 |

### **PART 2 - ITEMS FOR INFORMATION**

None

### **PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS**

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| 8. | Update on Performance & Enforcement Matters | 293 - 296 |
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### **PART 4 - EXEMPT AND CONFIDENTIAL ITEMS**

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| 9. | Minutes of HC/PH Drivers Sub-committee held on 14 February 2018 | 297 - 304 |
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**REVIEW OF HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY AND GUIDANCE**

**1.0 Purpose of Report**

- 1.1 To update Members on the completion of the consultation process on a revised Policy for Hackney Carriage & Private Hire Licensing.

**2.0 Background**

- 2.1 Members will recall that the last full review of the Policy took place in 2012 and to ensure that the changes agreed since then can be consolidated into a single document a full review and rewrite of the current policy has been undertaken. The review has taken account of changes introduced by the Deregulation Act 2015, changes in best practice, changes previously agreed by Committee and has attempted to provide more comprehensive guidance to applicants.
- 2.2 The new document does not fundamentally change the policies of the Council but hopefully is an easier to use document that is better set out and provides a wider range of guidance and will provide Members with less ambiguous policy statements from which their decisions can be made.
- 2.3 The draft Policy was agreed by Members over a year ago whilst Officers waited for the outcome of the Coroner's case into a taxi driving incident and changes to the taxi drivers' licensing process brought in by the Immigration Act. There have also been changes to the Equalities Act that have required some small changes to the Policy.

**3.0 Summary of Main Changes**

- 3.1 The new Policy makes better use of its appendices. More detailed guidance can be found in the appendix related to that policy area. For example the main body of the Policy document relating to applications sets out the Council's broad policy and then the detail of exactly how an application can be made and what will be taken into account are set out in the supporting appendix. This is a structure that is consistent through the document. It will enable applicants, Officers and Members to locate the relevant information quickly.
- 3.2 A new Knowledge Test has been developed incorporating additional requirement for numeracy and literacy skills. The knowledge test is now taken on-line and replaces the old paper based test. The new test is far easier to administer and will allow applicants to take the test with a minimum of supervision, thus freeing up Officer time.
- 3.3 The new policy on the relevance of convictions was agreed at the last meeting. This has been updated to take account of issues and concerns arising from the Child Exploitation Enquiry in Rotherham.
- 3.5 An additional item is included in relation to vulnerable passengers. A new code of conduct has been developed and this is included as Appendix 8 to the Policy. This supports the safeguarding training that is compulsory for all drivers.

- 3.6 The law allowing Private Hire Operators to sub-contract across boundaries was changed under the provisions of the Deregulation Act 2015. In order to ensure that Operators continue to trade to the highest standards additional conditions have been included ensuring details of all sub-contractors are recorded and can be traced in the event of any incident or complaint.
- 3.7 Special event vehicles and limousines are now popular modes of transport for celebrations. For the first time individual specifications for these vehicles are included within the Policy document.
- 3.8 A new system of allocating penalty points for breaches of licensing conditions has been developed to provide a more consistent and transparent approach to enforcement. The details are set out in Appendix 19 of the Policy.

#### **4.0 Consultation Details**

4.1 Copies of the draft Policy have been circulated to a range of organisations and individuals. A list of the consultees is shown below:

- All licensed hackney carriage and private hire drivers
- All licensed Private Hire Operators
- All licensed Private Ambulance Operators
- All licensed ambulance drivers
- Nottinghamshire local authorities
- Ollerton Disability Group
- Police and Crime Commissioner
- Local Police Inspector
- NSDC Safeguarding lead – Leanne Monger
- Lincolnshire adjoining Local Authorities
- Newark and Sherwood Disability Voice and Access Group

All have been asked to comment. Set out below are the comments received back in response and the proposed course of action.

<b>Consultee</b>	<b>Consultee comment</b>	<b>Officer response</b>	<b>Recommendation</b>
Ollerton Disability Group	Not all wheelchair accessible vehicles are able to carry class 3 scooters as they are heavy and cannot be folded or dismantled.	Class 3 scooters are registered with the DVLA and can legally go on the road. They are for outdoor use only. The carriage of these may become more of a problem as their use expands	No changes to proposed vehicle specification or age policy
Yellow Cabs	Happy to see vehicle specification now has horse power rather than CCs.		No changes to draft vehicle specification.

	Would like additional clarity over use of in car CCTV		Amend Appendix 17 to include a link to the Information Commissioners Office website relating to the use of CCTV
Driver	<p>I see that you're planning on upping the age limit on taxis to 4 years. I think this will put pressure on drivers who run a taxi service. We have not had a fare increase in 9 years and the cost of running a cab has gone up so much ie; fuel licence &amp; many more things. You expect us to provide high standards for customers yet we are pressured more and more by the council &amp; rising costs. The footfall of people using taxis has decreased over the past few years so our earnings are already taking a hit. So this is making drivers work longer &amp; longer hours to cover their costs. If we get an increase on the flag rate then that will help cover extra cost.</p> <p>I also think that as some cities and towns want diesel cars out so we should be given incentives to buy hybrid cars &amp; as they are expensive to buy we should be able to keep hybrid cars longer than the 8 year rule you're so keen to stick with. Modern cars are much safer and last longer.</p> <p>You're also allowing DG CARS to run a private hire firm in Newark. As they don't have to follow these age limits they can run cars until they are 10 years Notts. City Council rules. Their fares are cheaper, their cars are older so we can't compete with them so it will just push hackney taxis out of the town. If you don't listen to us then I see a poor future for taxis in Newark.</p>	<p>Proposal is for new vehicles to be less than 4 years old rather than 5 as in current policy.</p> <p>There is potential to look at incentives for hybrid or electric vehicles. This is a large piece of work that needs careful consideration.</p> <p>This is a national issue related to national legislation and cannot be controlled via the local policy.</p>	<p>No change to draft policy.</p> <p>Do not include in this version of the policy.</p> <p>No changes to draft policy.</p>

	<p>Rank space in the evening is also poor and the times stated in your document still say 8pm on Castle Gate. I'm pretty sure we have asked many many times for this to be changed to 6 pm and for the rank to be marked up as a Taxi rank with new signage to keep public cars from parking there.</p> <p>So even though I've said all of the above before and still nothing has been done I guess I'm wasting my time writing this as you will just go ahead and do what you want without consulting the drivers.</p>	<p>The rank on Castlegate is 20.00hrs to 0600hrs. We are aware of the wish to amend this and we are having discussions with the County Council.</p> <p>All drivers have been consulted on the proposed changes. Changes to taxi ranks are advertised and comments can be submitted.</p>	<p>No changes to draft policy.</p> <p>Keep consultation arrangements for future changes under review.</p>
Driver	<p>Before any part of the document can be taken seriously in the view to protecting the public non regulated Hackney Carriage and Private Hire vehicles operating in the district with licenses (vehicle and driver) from outside N&amp;S must be stopped. The drivers cannot be regulated so committing offences does not concern them (and they do commit offences of various degrees). Age of vehicles does not apply to them (the main concern for safety) some vehicles are over 8 years old. To say that we (the council) have no control is telling the public "sorry you are not our concern in these vehicles" Councils have powers as this document proves and if they cannot control all vehicles operating in their district this could possibly lead to the majority of current licence holders opting to go out of town for their licences resulting in the loss of prestige cabs to the bad old days of anything goes.</p>	<p>This is a national issue related to national legislation and cannot be controlled via the local policy.</p>	<p>No changes to draft policy.</p>
Newark & Sherwood Disability Voice and Access Group	<p>Generally happy with the type and numbers of wheelchair accessible vehicles but raised concerns over the ability of vehicles to carry large electric wheelchairs.</p>		<p>No changes to proposed vehicle specification or age policy</p>

<p>Driver</p>	<p>Introduce a simplified knowledge test for private hire drivers.</p> <p>The Hackney Carriage By-laws are outdated.</p> <p>The new proposed age limit imposes additional costs on taxi business. It is estimated that it will cost an additional £1,000 per year. The new age limit greatly disadvantages owner drivers.</p> <p>The document suggests maximum working week for taxi drivers.</p>	<p>Drivers who successfully achieve a licence from the authority are issued with a dual badge covering both private hire and hackney carriages. This allows drivers to be flexible in their employment.</p> <p>It is recognised that the laws governing Hackney Carriages are old and in many instances are not applicable to modern traffic regulations. Enforcement of these laws is undertaken in an appropriate and proportionate manner with due regard to the historic nature of the controls and the modern day application.</p> <p>The philosophy behind the change in age limit was to ensure that the fleet in Newark and Sherwood was modern and was replaced frequently to allow new technologies to permeate through the fleet as soon as possible.</p> <p>There is no suggestion of imposing maximum working week. The guidance on working hours is included to ensure the safety of both drivers and their passengers. Driver hours are not enforceable.</p>	<p>No changes to the requirement for all drivers to undertake knowledge test.</p> <p>No changes to policy.</p> <p>No changes to proposed vehicle age policy.</p> <p>Retain guidance on driver hours in policy.</p>
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	The only way for this authority to maintain control any control of the taxi fleet is by making sure that licensed operators from outside the area are not able to use their lower running costs to outperform our own fleet of vehicles.	Officers support the principal of the response, however, recent changes in the law make it very difficult to compose some of the controls on 'out of town' taxis that are requested in this response.	Officers will continue to use all available options to support the local taxi trade.
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**5.0 Proposals**

5.1 As Members will see from the above there are no comments that have been received that, in the opinion of Officers, would not require wholesale changes to the draft Policy.

5.2 The largest number of comments are in reaction to the proposed change in vehicle age. Members will recall that at **present** the age policy is:

Hackney Carriages - Generally vehicles must be under 5 years old on first registration and under 8 years old on renewal. A purpose built or wheelchair accessible Hackney Carriage must be under 7 years of age when first licensed and not over 12 years of age on renewal. Generally vehicles must be under 5 years of age when first licensed and not over 8 years of age on renewal.

Private Hire Generally vehicles must be under 5 years of age when first licensed and not over 8 years of age on renewal

5.3 The **proposed** vehicle age policy is:

Hackney Carriages - Generally vehicles must be under 4 years old on first registration and under 8 years old on renewal. A purpose built or wheelchair accessible Hackney Carriage must be under 8 years of age when first licensed and not over 12 years of age on renewal. Generally vehicles must be under 5 years of age when first licensed and not over 8 years of age on renewal.

Private Hire Generally vehicles must be under 4 years of age when first licensed and not over 8 years of age on renewal

5.4 The proposed changes do require younger cars to be introduced to the fleet and this may impose additional costs at this stage of the licensing process. However, the age at which a vehicle has can be renewed has also been extended. This is to take account of the improved build quality of vehicles and the increased longevity that is now present in new built cars.

5.5 In light of the number of comments received with regard to the proposed changes in vehicle age policy Members may wish to confirm their support of the proposed change.

5.6 It is proposed that the draft Hackney Carriage & Private Hire Licensing Policy and Guidance Document (**Appendix A**) be approved, subject to any changes that Members may wish to make.



**6.0 Equalities Implications**

6.1 The Policy has also been the subject of an Equality Impact Assessment and no significant issues arose as a result of this review.

**7.0 RECOMMENDATIONS that:**

- (a) Members consider the comments received from the consultation exercise on the Hackney Carriage & Private Hire Policy and identify any subsequent changes arising from the comments; and**
- (b) subject to any changes identified, the draft Hackney Carriage & Private Hire Licensing Policy And Guidance 2018 be adopted.**

**Background Papers**

Nil

For further information please contact Alan Batty on 01636 655467

Karen White  
Director – Safety

NEWARK AND SHERWOOD DISTRICT COUNCIL

# **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

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Policy and Licensing Conditions  
Handbook

2018

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- 18 Taxi ranks
- 19 Penalty Points Scheme

## **1.0 INTRODUCTION**

### **1.1 Powers and Duties**

1.1.1 This Statement of Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Newark and Sherwood District Council (“the Council”) the duty to carry out its licensing functions in respect of Hackney Carriages and Private Hire vehicles. The powers contained in Part II Local Government (Miscellaneous Provisions) Act 1976, were adopted in 1<sup>st</sup> April 1978.

1.1.2 This Policy Statement sets out the approach the Authority will take in the licensing of Hackney Carriage and Private Hire vehicles, Private Ambulances, Special Event vehicles, drivers and operators when considering, and making decisions on, applications and enforcement actions made under this regime. The Council will aim to apply this Policy Statement in a consistent manner; however, the Authority may depart from this Policy Statement if it has reason to do so, but will give full justification for such departure.

### **1.2 Objectives**

1.2.1 Hackney Carriage and Private Hire vehicles play a vital part in an integrated transport system. They provide safe, secure and comfortable transport, offering an on-request door to door service in various circumstances, including where other forms of transport are either not available (rural areas and late evenings) or for persons with mobility difficulties.

1.2.2 As a result the District has a large fleet of Licensed Hackney Carriages and Private Hire Vehicles. These vehicles provide an essential link in the transport facilities of the district. They also perform a vital function in providing transport for those who have no other access to cars and for those who find the use of public transport difficult. In addition the Council issues a special class of Private Hire licences for specially adapted vehicles used as Private Ambulances.

1.2.3 In setting out its policy and carrying out the licensing functions the Council will seek to promote the following objectives:

- The protection of public health and safety
- The preservation of a professional and responsible Hackney Carriage and Private Hire trade
- Access to an efficient and effective public transport service
- The protection of the environment.

1.24 This Policy aims to balance the above objectives with the need to support across the district a viable trade in Hackney Carriage and Private Hire businesses. Each policy has been considered to ensure that it can be justified when considering the balance between the cost of the requirement against the benefit to the public.

1.25 The Council acknowledges that the current fleet of Hackney Carriage and Private Hire vehicles and drivers set a high standard of appearance and performance, of which the Council is proud. This Policy seeks to reinforce the existing high standards to all existing and all new licence holders joining the trade in Newark and Sherwood and to emphasis the full range of enforcement options available should they be needed.

1.26 In formulating this policy, consideration has been taken of:

- The Office of Fair Trading “The Regulation of Licensed Taxi and PH Services in the UK” 2003
- Taxi and PHV Licensing Criminal Conviction’ Policy, LGA
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders - 2013
- Regulators’ Code 2014
- The Department for Transport “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” March 2010

### **1.3 Implementation**

1.3.1 This policy shall take effect from 1<sup>st</sup> April 2018 and the Authority expects new applicants for licences to comply with its terms immediately. It is acknowledged however that certain provisions may place financial obligations on existing licence-holders and accordingly a transitional period is implemented, during which, necessary changes must be made. Accordingly, the full weight of this policy regarding the vehicle age shall not take effect until September 2019.

1.3.2 The Authority will keep this policy under review and will consult where appropriate on proposed revisions.

1.3.2 From the effective date, this policy will override and supersede all existing policies in relation to Hackney Carriage and Private Hire licensing. All licence holders will be made aware of the effective date.

## **2.0 APPLICATION PROCESSES - PRIVATE HIRE/HACKNEY CARRIAGE AND AMBULANCE DRIVERS**

2.1.1 It is Council policy to issue a dual drivers badge for both Hackney Carriage and Private Hire. Licences shall normally be issued for a maximum period of three years. A lesser licence period maybe granted dependent on the circumstances of that case. The following will be required as part of an application:

- A fully completed and signed application.
- An enhanced check from the Disclosure and Barring service is required on application and applicants are required to join and maintain membership of the DBS update service in order that their status can be checked annually.
- A Driver and Vehicle Licensing Agency (DVLA) licence history, required on application and every year.
- A completed medical examination with the Council's appointed Medical Adviser on application and in line with the Council's policy.
- A completed statutory declaration of convictions
- The required fee
- Attendance of safeguarding training within 12 months of the initial badge being issued.

2.1.2 Applicants shall provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

2.1.3 The information submitted as part of the application process will be shared, when applicable, with other Council Departments and external statutory bodies e.g. Police and HM Customs & Excise.

2.1.4 An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either officers or members of the Licensing Committee) as part of any process associated with the administration or determination of a licence.

2.1.5 Application procedures are set out in Appendix 1.

### **2.2 None British Drivers**

2.2.1 There are additional requirements for applicants who have resided in European Economic Area Countries and worldwide. Applicants are required to provide the local authority with a Certificates of Conduct from a relevant embassy. There are additional details are contained in Appendix 1.



### **2.3 Driver knowledge tests**

2.3.1 The Council considers it necessary for Hackney Carriage and Private Hire drivers to know the area.

2.3.2 In order to assist the Authority in determining the fitness of an applicant to hold a Hackney Carriage and/or Private Hire driver's licence, applicants are required to undertake a knowledge test. The test consists of seven parts; the first two parts will challenge the applicant's knowledge of UK motoring law and good practice, common road signs and the highway code, the next three sections will test the applicant on numeracy, customer care and taxi law and conditions and the final two sections require knowledge on locations and the road network.

### **2.4 Driving proficiency**

2.4.1 The Driving Standards Agency (DSA) provides a driving assessment specifically designed for both Private Hire and Hackney Carriage drivers. This Authority believes that the standard DVLA driving test supported by a local driving ability test is sufficient evidence of driving competency for drivers of Private Hire and Hackney Carriage vehicles. It is considered that introducing a requirement that drivers pass the specific DSA test would not produce benefits, which are commensurate with the costs involved. However, this matter will be kept under close review. The matters examined in the driving test are set out in Appendix 2

### **2.5 Driver qualification**

2.5.1 At present there are no additional requirements for driver qualification. The Council wishes to support drivers so they can offer a high standard of service throughout the District. Whilst this matter will be kept under close review, if minded to do so, the Council would consider the introduction of a requirement for all licensed drivers to hold an approved drive qualification (for example, NVQ and/or BTEC).

### **2.6 Medical examination**

2.6.1 The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage and therefore the Authority requires Group II Standards of Medical Fitness to Drive, as applied by DVLA to the licensing of lorry and bus drivers, as the appropriate standard for licensed Hackney Carriage and Private Hire drivers.

- 2.6.2 The Council requires that applicants and current drivers undergo medicals through the Council's preferred third party provider. The medical will be taken at the applicant's own expense and they are responsible to make their own arrangements for this to take place. The medical certificate will be produced to the Council to support any new application and in the case of a renewal before the renewal of the licence is granted.
- 2.6.3 Licence holders shall advise the Authority of any deterioration in their health that may affect their driving capabilities. Where there is any doubt as to the medical fitness of the applicant, the Authority may require the applicant to undergo and pay for a further medical examination by a medical Doctor appointed by the Authority. Where there remains any doubt about the fitness of any applicant, the Committee will review the medical evidence and make any final decision in light of the medical evidence available. No licence shall be issued until medical clearance (if required) has been established. The Council has a specific policy on Insulin dependent drivers and this is set out in Appendix 3

## **2.7 Criminal Record disclosures**

- 2.7.1 A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Disclosure and Barring Service (DBS) is required as these disclosures include details of convictions, Police Cautions and other relevant information. The Council is an approved Disclosure and Barring Service body; therefore, applicants will deal with the Disclosure and Barring Service through the Council and will be charged the current DBS fee.
- 2.7.2 Whilst it is the responsibility of the applicant to ensure the DBS disclosure form is correctly completed, Licensing Officers will check the accuracy of completed forms before they are sent to the DBS for processing. The DBS places very stringent controls on the Authority with regard to the accurate completion of disclosure forms and therefore drivers should be aware that incorrectly completed forms may delay their application as they will not be accepted by the Authority.
- 2.7.3 DBS disclosures are transferable from one agency to another where "the other workforce" category has been selected. Applicants will be required to use the DBS update service.
- 2.7.4 The DBS certificate will be checked at the time of application and annually using the DBS update service for the duration of the licence.

## **2.8 Relevance of convictions, cautions etc.**

- 2.8.1 In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merits. It will take account of the

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

- 2.8.2 Accordingly, upon receipt of an Enhanced Disclosure from the DBS, Licensing Officers will assess whether any or all of the conviction(s) and any additional information received is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence. Licensing Officers will only bring a case before the Committee where the number and/or nature of the convictions against the applicant raise doubts as to whether that individual is a fit and proper person to hold the respective driver licence. Appendix 4 sets out in more detail the relevance and effect of criminal convictions on applications.

## **2.9 Convictions and/or formal cautions during period of licence**

- 2.9.1 Where offences, leading to conviction and/or formal caution, are committed by licensed drivers, it is important, in the interests of consistency and transparency, that a procedure is in place to consider what effect this should have on their licence.
- 2.9.2 Accordingly, drivers who are convicted and/or cautioned for any criminal or motoring offence during the currency of their licence, must disclose the conviction and/or caution as well as any penalty imposed in writing to the Council without delay, and in any event within seven days. (For these purposes a fixed penalty motoring offence amounts to a conviction).
- 2.9.3 If a licensed driver ceases to have a valid DVLA driving licence then their driver's licence issued by this Authority shall be deemed invalid.
- 2.9.4 Where any driver fails to notify the Authority of any convictions and/or formal cautions this may result in prosecution or referral to the Committee, or both. It may also result in "Penalty Points" being added to the drivers record.
- 2.9.5 Offences committed by a licensed driver and whether they will be referred to committee will be considered on the criteria set out in paragraph 2.8.2 and Appendix 4 to determine whether they are still a fit and proper person to hold a licence.

## **2.10 Renewal of licences**

- 2.10.1 The Council will send out the appropriate forms for the renewal of a Driver's Licence two months before the expiry of the current licence. These will include any requirements for medicals or criminal record checks. If the forms are not returned within two weeks of the date of renewal of the Licence it will lapse on its expiry date with no guarantee that the new licence will be available. In that event the Driver will have to make a fresh application and be subject to a medical exam, the Knowledge Test and a Driving Ability Test.

## **2.11 Driver's Conduct**

2.11.1 Adopting a Code of Good Conduct for Hackney Carriage and Private Hire licence holders serves to promote the Council's licensing objectives in respect of the Hackney Carriage and Private Hire trades.

2.11.2 The standards expected of licence holders are detailed in the Code of Good Conduct included in this policy document as Appendix 5. This appendix should be read in conjunction with the other statutory and policy requirements detailed in this document.

2.11.3 Any driver who has a licence revoked will not have an application considered within a three year period from the date of the revocation.

## **2.12 Conditions of licence**

2.12.1 The Authority is empowered to attach conditions to a Hackney Carriage and/or Private Hire driver's licence as are considered necessary.

2.12.2 Once a Driver's Licence has been granted the Driver must abide by the Conditions of the Licence and the Hackney Carriage Bye-Laws. These conditions are set out as Appendix 6. The Authority considers that the conditions of licence are reasonable, necessary and appropriate for all licensed all drivers.

## **2.13 Dress code**

2.13.1 Anything that serves to enhance the professional image of the Private Hire and Taxi trade and promotes the concept that drivers of licensed vehicles are ambassadors of the district is to be supported. The dress code set out at Appendix 7 shall be adhered to by all drivers at all times.

## **2.14 Vulnerable Passengers**

2.14.1 A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, elderly person, someone with learning difficulties or someone under the influence of drugs or alcohol.

2.14.2 It is essential that vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. A code of conduct for working with vulnerable passengers can be found at Appendix 8. It is a condition of all driver licences that this code of conduct is complied with at all times.

## **2.15 Safeguarding Training**

2.15.1 Every new applicant will undergo Safeguarding Vulnerable Passengers training within 12 months of the initial licence being granted. The training involves attending a training session at a location approved by the Council and the applicant will also complete and pass the test at the end of the session. Current licence holders will also undertake the training within twelve months of the renewal dates of their licence. Failure to pass the test will result in the applicant or current licence holder re-taking the training session and exam at their own cost. Should the applicant or current licence holder fail the test for a third time, in the case of a new applicant the application will be refused, in the case of a current driver the application to renew will be refused or when mid-term of a licence may be revoked.

## **2.16 Driver Hours**

2.16.1 There are no direct controls over the hours that Hackney Carriage and Private Hire drivers can work. There are, however, limits applicable to drivers and crews of heavy goods vehicles or public service vehicles.

2.16.2 The Licensing Authority deem that the number of hours worked by drivers can impact public safety and as a result seeks to promote the same limits that are applicable to drivers and crews of heavy goods vehicles or public service vehicles, namely:

- An average of 48 hours per week calculated over a 17 week period normally;
- In any single week up to 60 hours providing the 48 hour limit is maintained;
- Night work is limited to 10 hours per night unless there is an agreement to work longer hours;
- Working between 6 and 9 hours per day requires breaks totalling 30 minutes. If more than 9 hours is worked then breaks must total 45 minutes. Breaks must be of at least 15 minutes in duration.

2.16.3 The Licensing Authority recommends that these requirements are used as a guideline to ensure drivers are fit to drive and that public safety remains paramount at all times. Further guidance is available from the Council's website or upon request.

### **3.0 PRIVATE HIRE AND AMBULANCE OPERATORS**

#### **3.1 Requirements and Obligations**

3.1.1 A Private Hire or Private Hire Ambulance vehicle must be operated by an individual or firm who holds a licence to operate such vehicles issued by Newark & Sherwood District Council. The Council has to be satisfied that any applicant is a fit and proper person to hold an operator's licence.

3.1.2 The Council will presume against the issue of an Operators Licence where the operating premises and/or the principal area of operation of the business is not situated in the district of Newark & Sherwood.

3.1.3 A Private Hire vehicle may only be despatched to a customer by a Private Hire operator who holds a Private Hire operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a Private Hire vehicle.

3.1.4 A Private Hire operator must ensure that every Private Hire vehicle has a current Private Hire vehicle licence and is driven by a person who holds a current Private Hire driver's licence.

3.1.5 The licences for:

- (i) Private Hire driver's licence and
- (ii) Private Hire vehicle licence

must be issued by the same Licensing Authority.

3.1.6 Applications for operator's licences must be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an operator's licence.

#### **3.2 Fit and proper**

3.2.1 The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:

- Criminal record (including convictions, cautions, warnings and reprimands),
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity,
- Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Newark & Sherwood District Council),

- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)

3.2.2 In addition the Council will also consider further information sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.

3.3.4 If an application is received from a person that is not a current driver licensed by Newark & Sherwood District Council then the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Child and Adult Safeguarding Awareness Training (as required by licensed drivers).

3.3.3 All cases will be considered on their own merits

### **3.3 Address from which an Operator may operate**

3.3.1 The Operator's Licence will be issued for a specific address and it will be a condition of the licence that only the number of vehicles specified in the Licence are operated from that address.

3.3.2 The operating address will be the one at which the vehicles run by the operator will be kept when they are not actually being hired. It is therefore a requirement that the applicant demonstrates that he has the appropriate planning permission in place for the use of the premises as an operating base. This will include any permission required for any radio mast and to keep however many vehicles the operator proposes to run from the premises. The provisions relating to planning permission for Private Hire or Ambulance Operators is set out at Appendix 9. If the appropriate permission is not in place then a licence may not be granted, revised or renewed until it is.

### **3.4 Operators Conditions**

3.4.1 Any Operator's Licence issued by the council will be subject to the conditions set out in Appendix 10 depending on the class of Licence subject to any variations made by the Council in granting the Licence.

### **3.5 Operator responsibility in relation to vehicles / drivers that are operated**

3.5.1 The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers and vehicles are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In

addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator. The following are examples of circumstances that may affect the fitness and propriety of a Private Hire operator:

- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator.
- Vehicles being operated that are in an unsuitable condition.
- Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding).
- Failure to monitor drivers working hours to ensure they are safe to transport the public.

3.5.2 Operators may be issued with enforcement penalty points as a result of the actions of the drivers / vehicle proprietors that are working for them or under their control.

3.5.3 The council expects licensed operators to support the council in its aims to raise awareness of and tackle issues around child and adult safeguarding. Operators must remain alert to these and similar issues.



## **4.0 HACKNEY CARRIAGE, PRIVATE HIRE AND AMBULANCE VEHICLES**

### **4.1 Limitation of numbers**

- 4.1.1 No powers exist for the Council to limit the number of Private Hire vehicles or Ambulance vehicles that they licence.
- 4.1.2 The grant of a Hackney Carriage licence may be refused for the purposes of limiting the numbers of licensed vehicles, if the Council is satisfied that there is no significant unmet demand for the services of Hackney Carriages within the District.
- 4.1.3 The Council currently has no Policy to limit the number of Hackney Carriages which may be licensed within the district.

### **4.2 Application Process**

- 4.2.1 The applicant must submit the following to the Council in order for the application to be considered valid:
- The vehicle application form;
  - The appropriate fee;
  - The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the council at the time of application);
  - The original insurance certificate or insurance cover note for the vehicle (this must be provided before the licence is issued)
  - Any vehicle over 1 year old must have a current MOT certificate valid for at least three months or make arrangements with the appointed testing station to carry out the MOT test at the same time as the supplementary plating test takes place at the applicant's own cost. In the case of the latter the Mot certificate will be produced with the pass certificate before the licence and plates are issued.

And in addition:

- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office.

### **4.3 Specifications and conditions**

- 4.3.1 Local Authorities have a wide range of discretion over the types of vehicle that they can licence as Private Hire vehicles. Government guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. However, it must be suitable in type size and design for such use, must not be capable of confusion with a Hackney Carriage, be in suitable mechanical condition and safe and comfortable.
- 4.3.2 The Council has therefore set out both general and detailed specifications (see Appendices 11 to 14) for Hackney Carriage, Private Hire and Ambulance vehicles which are designed to ensure that all vehicles licensed by it fit these criteria. The Council does not set out a list of vehicle marques but the specification will mean that some vehicles will not be acceptable. If an applicant is unsure whether a particular vehicle meets the specification or whether it can be altered to fit the specification then advice should be sought from the Council's Licensing Section before the vehicle is purchased.
- 4.3.3 Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers shall be accepted, provided that there is compliance with the specification applicable to such vehicles.
- 4.3.4 It is a requirement that all licensed vehicles must comply with all the conditions applicable to their vehicle at all times. These conditions are set out in Appendix 15.

### **4.4 Accessibility**

- 4.4.1 The Authority is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life.
- 4.4.2 Hackney Carriages and Private Hire vehicles are an essential mode of transport for many disabled and older people. The combination of the personal service they offer, their wide availability and door to door operations enable them to respond particularly well to the travelling needs of people with disabilities.
- 4.4.3 For this reason, the Authority considers it important that people with disabilities have access to all forms of public transportation and encourages Hackney Carriage proprietors and Private Hire operators and drivers to use vehicles that will assist those passengers with mobility difficulties.
- 4.4.4 Different accessibility considerations should apply between Hackney Carriages and Private Hire vehicles in that Hackney Carriages can be hired in the street

or at a rank, by the customer dealing directly with a driver. Private Hire vehicles, however, can only be booked through an operator. It is considered particularly important that a person with a disability should be able to hire a Hackney Carriage with the minimum delay or inconvenience. Having an acceptable proportion of accessible Hackney Carriages available helps ensure that this is possible. The Council will, therefore, actively encourage the licensing of sufficient accessible vehicles and have regard to the requirements of the Equality Act 2010 and all relevant equalities and disability legislation.

#### **4.5 Maximum age of Vehicles**

4.5.1 Vehicles must be under four years old on first registration and not over eight years old on renewal. A purpose built or wheelchair accessible Hackney Carriage must be under seven years of age when first licensed and not over twelve years of age on renewal.

4.5.2 Vehicles operating private ambulances only, must be under seven years of age when first licensed and not over twelve years of age on renewal.

#### **4.6 Vehicle Testing**

4.6.1 The Authority needs to be satisfied that licensed vehicles operating within its area are safe to do so.

4.6.2 Vehicles are granted licences for a maximum period of 12 months. Prior to being granted a licence each vehicle shall be examined and tested at a vehicle testing station approved by the Council. Once licensed the vehicle undergoes a further full examination and test at a vehicle testing station approved by the Authority at six monthly intervals. Testing is carried out in accordance with the Supplementary Testing Manual as set out in Appendix 16.

4.6.3 Licensed vehicles that fail an authorised examination and test, and, are deemed unsafe as a passenger vehicle by the vehicle examiner, may result in the vehicle proprietor being issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use by the Council. If the defect is not repaired within two months from the service of the suspension notice, the vehicle licence shall be revoked.

#### **4.7 Signage and advertising**

4.7.1 It is important that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire vehicle. A hackney carriage shall carry upon the roof, or as an alternative in or on the windscreen of the said vehicle, a sign which shall include the word "Taxi" or "For Hire" and

shall be capable of being illuminated internally at all times when the vehicle is plying for hire, but not otherwise; and such sign shall be fixed in such manner and position and to be of such size as shall be approved by the Council.

4.7.2 A private hire vehicle shall NOT display any sign which might reasonably be taken to indicate that the vehicle is a hackney carriage, and for this purpose includes the word 'TAXI' or 'CAB' in the singular or the plural, or any word of similar meaning or appearance or such words in combination with any other word or words shall be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire

4.7.3 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. All licensed vehicles, except those designated Private Ambulance vehicles and those deemed "Prestige" Vehicles by the Authority shall display plates on the rear of the vehicle.

#### **4.8 Security/CCTV**

4.8.1 The Hackney Carriage and Private Hire trade provide a valuable public service particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. CCTV can be a valuable deterrent as well as protection for the driver from unjustified complaints.

4.8.2 It is not the policy of the Council to require in vehicle CCTV as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves.

4.8.3 A vehicle CCTV system should not be installed without prior approval from the Council and shall meet the requirements of any specifications required by the Council as set out in Appendix 17.

## **5.0 HACKNEY CARRIAGE RANKS**

### **5.1 Location and Provision**

- 5.1.1 The purpose of hackney carriage ranks is to provide the public with a set location where they can hire a licensed hackney carriage. The rank is the only situation where a hackney carriage may ply for hire in a stationary position and shall be situated in locations where the public most need hackney carriages, for example - adjacent to transport facilities, retail areas and places of employment, entertainment and leisure facilities. Stands are sited so that passengers can board or alight from the vehicle safely. Stands can be for continual or part time use.
- 5.1.2 The provision of hackney carriage stands is not a legal requirement and may be removed or relocated at the discretion of the Authority.
- 5.1.3 The Authority shall work with the Hackney Carriage trade and other stakeholders to keep taxi ranks under constant review. Details of the locations of all taxi ranks in the district are provided at Appendix 18.

## **6.0 LIMOUSINES, SPECIAL EVENT AND NONE STANDARD VEHICLES**

### **6.1 Limousines**

6.1.1 Any limousines with 8 seats or less must be licensed as a Private Hire Vehicle.

6.1.2 All applications to licence stretched limousines as private hire vehicles will be treated on their own merits. It is, however, proposed that imported stretched limousine type vehicles:

- be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive; and
- be approved for licensing as private hire vehicles subject to the additional conditions detailed in Appendix 13.

6.1.3 These vehicles must display appropriate signage, issued by this Council, which states details of the vehicle, issue date and the number of persons allowed to be carried.

6.1.4 Drivers of limousines and executive vehicles will complete the licensing application process in the same way as any other licensed driver.

6.1.5 Foreign Vehicles: All vehicles used for these purposes must meet relevant British or European standards. Any alterations to a manufacturer's standard specification will require M1 EWVTA. Any subsequent changes to the vehicle will invalidate this approval.

6.1.6 When a vehicle has been imported into this country, the importer must produce a declaration from the testing authority (DVSA) that the vehicle will never carry more than eight passengers.

### **6.2 Special events vehicles and courtesy cars**

6.2.1 The Council considers the following types of vehicles to be 'special event vehicles' in the context of licensing:

- decommissioned emergency service vehicles
- vintage vehicles
- other non-standard type converted vehicles used for special events.

6.2.2 The above list is not exhaustive, and other types of vehicle may be considered from time to time. When considering an application for a speciality vehicle, the Council will have regard to Appendix 13.

- 6.2.3 Courtesy cars used for transporting customers to and from specific venues such as hotels and nightclubs, whether operated with or without charge to the customer, are considered to be private hire vehicles. These vehicles must meet private hire requirements.

## **7.0 ENFORCEMENT AND COMPLIANCE**

### **7.1 Enforcement Activity**

7.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire vehicle trades. Once licensed, it is essential that all drivers and vehicles comply with the conditions of licence and appropriate legislation. Therefore, the Authority will make arrangements to monitor drivers and vehicles and take appropriate enforcement action. Enforcement visits will therefore be carried out as a response to a complaint(s) or as part of a proactive targeted initiative.

7.1.2 In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Council will operate a risk based, proportionate disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Council will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in this Policy.

7.1.3 The Corporate Enforcement Policy for the Council along with the Regulators' Code embeds the principles of enforcement that will be followed. In line with these principles the Council will:

- carry out its activities in a way that supports those they regulate to comply and grow
- provide simple and straightforward ways to engage with those they regulate and hear their views
- base its regulatory activities on risk
- share information about compliance and risk
- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- ensure that its approach to their regulatory activities is transparent

7.1.4 Compliance assessment is ultimately to ensure that the driver or operator is a "fit and proper" person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount.

7.1.5 Where appropriate referrals will be made to other agencies such as the Police, HM Customs & Excise and both Adult and / or Child Safeguarding teams.

7.1.6 The Council will respond to complaints made by the public and referrals from other agencies & bodies. In addition officers will undertake proactive inspections and testing as either, day to day activity or as part of programmed operations.



7.1.7 Any breach of the required standards, policies and conditions may lead to suspension and/or revocations or the issuing of penalty points, suspension, and revocation of the licence or prosecution.

## **7.2 Penalty Points System**

7.2.1 The Council has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards. The Council must do this in a reasonable, consistent and transparent manner. These standards are defined by legislation and by this policy document. Together they identify the Council's requirements of the trade and help to ensure consistent application of these standards by Council Officers.

7.2.2 In order to ensure compliance with the Council's Hackney Carriage and Private Hire Licensing Policy and to monitor licence holders ability to fulfil the 'fit and proper' test, a penalty points system will be utilised.

7.2.3 The system, as described in Appendix 19 will serve both as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement.

7.2.4 Points will be issued per incident and will accumulate on a licence until they reach the "trigger level" of 12 points. At this trigger level, the licence holder will be referred to the General Purposes Committee to consider whether it is appropriate for licence holder to remain licensed by the council. The Committee may determine that the licence should be suspended or revoked, or the Committee may choose to administer some other sanction at its disposal.

## **7.3 Suspension and /or Revocation of Licences**

7.3.1 Where there is an individual failure in meeting the vehicle conditions an authorised officer may take immediate action to suspend the licence and require remedial action. This requires the service of a STOP notice and further use of the vehicle will be suspended until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and / or been passed as fit for use by the Council. Such STOP notices will also be appropriately accompanied with a penalty point resolution.

7.3.2 In situations where there exists a serious risk of the safety of the public the Director - Safety, under delegated powers, is permitted to temporarily suspend the licence of a driver, vehicle or operator. The matter will be referred to the General Purposes Committee at the earliest opportunity.

7.3.3 Where the General Purposes Committee is satisfied that a person is no longer a 'fit and proper' person or is in breach of a condition of licence, they may suspend a driver's licence for any specified period or revoke the licence.

7.3.4 When considering the revocation of any licence, the General Purposes Committee will take into account all relevant facts and circumstances including the licensing objectives and the nature of the breach.

#### **7.4 Refusal to Renew**

7.4.1 As an alternative to revocation, the General Purposes Committee may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed. The Committee may suspend the existing licence for the remainder of its licence period depending on the individual merits of the case.

#### **7.5 Complaints against Drivers**

7.5.1 All complaints will be fully investigated, often involving the taking of statements from the complainant, driver and any witnesses.

7.5.2 The investigating officer will consider all evidence and mitigating circumstances arising from the investigation before making a recommendation to a senior officer who will reach a decision in accordance with the requirements of this Policy and the Council's Corporate Enforcement Policy. For the purposes of this paragraph, a senior officer is the investigating officer's immediate supervisor or line manager.

7.5.3 The outcome of any complaint will be advised to the complainant in the form of a written response.

#### **7.6 Appeals**

7.6.1 Any notifications of enforcement actions will include information on how to appeal and to whom the appeal is made, if a right of appeal exists.

## Appendix One

### APPLICATION PROCEDURES

#### 1. Application Procedures – Vehicles

- 1.1 Vehicle proprietors shall make arrangements directly with the Authority approved vehicle testing stations to have vehicles examined and tested.
- 1.2 Prior to submitting the vehicle for examination, proprietors shall ensure that the vehicle is in good condition, i.e. mechanically sound; bodywork satisfactory.
- 1.3 In respect of renewal applications, vehicles should not be examined more than 4 weeks before their licence is due to expire. However, it is advised to arrange the examination and test at least 7 days prior to the application appointment, in case the vehicle examination identifies the need for repair work and re-testing, which can then be undertaken prior to the expiry of the licence.
- 1.4 Vehicle proprietors may be subject to a recharge fee by the vehicle testing station in respect of vehicles that fail the vehicle test and undergo a second examination and test.
- 1.5 When presenting an application to the Council the following documents **MUST** accompany the completed application form:-
  - (i) **DVLA Vehicle Registration Certificate (Log Book.V5)** (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as the proprietor(s) thereof) or a bill of sale identifying the vehicle, seller and purchaser as long as this is accompanied by the part of registration certificate showing the year of registration of the vehicle;
  - (ii) **Valid Certificate of Insurance** or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle.
  - (iii) **A current MOT certificate** valid for at least three months or make arrangements with the appointed testing station to carry out the MOT test at the same time as the supplementary plating test takes place at the applicant's own cost. In the case of the latter the Mot certificate must be produced with the pass certificate before the licence plates are issued.
  - (iv) **Vehicle testing Compliance Certificate**; pass certificate issued from the appointed testing station

## **2. Application Procedures – Drivers**

- 2.1 Applications for hackney carriage or private hire driver licences may be made at any time of the year. Applications must be made on the Councils application form which is available from the Licensing Section or from the Council's website. The application will not be accepted unless it is complete and with all the relevant documentation.
- 2.2 False or incomplete information provided as part of the application process will result in the application being refused. A further application by the same driver will not be considered for a further 6 months.
- 2.3 Applicants shall hold a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). In addition any applicant who holds an EC/EEA driving licence shall provide a translation of the licence certified by the embassy or consulate of the issuing country and swap their licence to a UK driving licence within 1 year of the issue of the drivers licence.
- 2.4 Applicants shall have held a full UK, EC or EEA driving licence for at least 12 months prior to the date of application.
- 2.5 Applicants will be required to complete an application form and pay the appropriate fee for an enhanced certificate from the Disclosure and Barring service on first application. Two forms of personal identification are required as well as a utility bill showing the applicant's current address. Applicants who have previously been known as a different name are required to provide evidence of this name change. Applicants will also need to provide their national insurance number.
- 2.5 All applicants will be required to subscribe to the DBS annual update service and to undergo a DBS every year. This will be introduced for all current drivers during their licence renewal process.
- 2.6 Where an applicant has resided in the UK after their 10th birthday or has spent a period of 3 months or more as a non-resident, the Authority will require a certificate of good conduct authenticated by the relevant embassy of that country of residence and a translated copy provided at the applicant's own expense, in addition to the enhanced DBS check.
- 2.7 The Council will require all applicants to comply with the provisions of the Immigration Act 2016 in so far as demonstrating to the licensing authority that the applicant has a right to work in the UK.
- 2.8 Applicants are required to pass a medical examination of Group II standards. Medical examinations must be conducted by the Council's independent medical advisor. In exceptional circumstances, the applicant may use their own general practitioner or medical practice. In these cases the applicant must provide evidence as to why this should be permitted in writing to the Business Manager for Environmental Health & Licensing.

- 2.9 A medical examination shall be required on the submission of the first application. Drivers aged 45 or over will require an examination every 3 years thereafter until aged 65 years. Drivers aged 65 or over or those drivers with a specified medical condition will be required to have examinations on an annual basis (or as specified by the medical practitioner).
- 2.10 There are different medical requirements applying to insulin dependant drivers and these are set out in Appendix Two
- 2.11 All new applications will have to be submitted **IN PERSON** at the main council offices.

### **3. New Driver Qualifications**

- 3.1 In order to maintain the high standards that the Authority expects of its drivers operating within the district - a basic numeracy, literacy, knowledge of the taxi licensing regimes and knowledge of locations is assessed by the Authority through a knowledge test.
- 3.2. There is a fee payable for the Knowledge test. If further tests are required these will be arranged and an additional administrative fee will be charged, to be paid prior to the test. Subsequent tests must be a minimum of two weeks apart. The tests must be held within two months of the first failed test date or the application will be returned and deemed not duly made.
- 3.3 The literacy and numeracy test aims to identify understanding of the English language and basic mathematics.
- 3.4 The local knowledge test is practical and aims to identify knowledge of locations of places of interest and routes.
- 3.5 New applicants are required to undertake a driving proficiency test conducted by the Council's appointed Driving examiner. Where an applicant fails a driving ability test a period of two weeks must elapse before any retest is taken.
- 3.6 An applicant may only take the knowledge test and driving ability test on three occasions in respect of one application. A test is taken if the applicant attends a relevant test centre and is given a test paper or sets off on the ability test. If three tests of either type are failed the application will be refused and no further application for a drivers licence may be made for a period of six months from the date the last test was failed.

### **4 The Consideration of Applications**

- 4.1 If satisfied, from the information available, that the applicant is a fit and proper person to hold a licence, the Licensing Officer has delegated power to grant the

application and issue a licence. The Council will normally issue licences for a three-year period. However the Council does have the discretion to issue licences of a shorter duration, if it considers this to be necessary given the circumstances.

- 4.2 A driver's badge will be issued which shall remain the property of the Authority and must be surrendered if the driver licence is suspended, revoked or not renewed by the Authority. The badge shall be displayed on the driver's person at all times they are acting as a licensed driver.
- 4.3 If the Authority is not satisfied, from the information available, that the applicant should be granted a licence, the matter will be referred to the General Purposes Committee for a hearing.

## Appendix Two

### MATTERS EXAMINED IN DRIVING ABILITY TEST

- 1 Comply with the requirements of the eyesight test for drivers
- 2 Take proper precautions before starting engine
- 3 Make proper use of:
  - Accelerator
  - Footbrake
  - Clutch
  - Handbrake
  - Gears
  - Steering
- 4 Move away safely and under control
- 5 Stop the vehicle in an emergency promptly and under control
- 6 Reverse into a limited opening to the left or right under control and with proper observation
- 7 Turn in the road under control and with proper observation
- 8 Reverse park under control and with proper observation
- 9 Make effective use of mirror(s)/rear observation well before:
  - Signalling
  - Changing direction
  - Changing speed
- 10 Give signs:
  - Where necessary
  - Correctly
  - That are properly timed
- 11 Take appropriate action on all:
  - Traffic signs
  - Road markings
  - Traffic lights
  - Signals by traffic controllers
  - Signals by other road users

- 12 Exercise proper care in the use of speed
- 13 Keep a safe distance behind vehicles
- 14 Make progress by driving at a speed appropriate to the road and traffic conditions avoiding undue hesitancy
- 15 Make proper use of:
  - Speed on approach
  - Position before turning left
  - Observation
  - Turning right
  - Cutting right hand corners
- 16 Deal with other vehicles safely when:
  - Overtaking
  - Meeting
  - Crossing their path
- 17 Position the vehicle correctly:
  - During normal driving
  - Exercise lane discipline
- 18 Allow adequate clearance to stationary vehicles and obstructions
- 19 Take appropriate action at pedestrian crossings
- 20 Select a safe position for normal stops
- 21 Show awareness and anticipation of the actions of other road users.
- 22 An applicant will be permitted 9 minor faults in passing this test. A serious or dangerous fault will result in failure. If the examiner or the applicant stops the test before it is completed that will also count as a failure.



## Appendix Three

### DRIVERS WITH DIABETES

#### 1. Insulin Dependant Diabetics

- 1.1 There are specific medical requirements for applicants for the grant or renewal of Private Hire/Hackney Carriage and Ambulance Drivers licences who are Insulin Dependent Diabetics.
- 1.2 The applicant must have had no hypoglycaemic attacks requiring assistance whilst driving within the previous 12 months.
- 1.3 The applicant's condition must have been stable for a period of at least one month.
- 1.4 Once a licence has been granted the holder must regularly monitor their condition by checking their blood glucose levels at least twice daily and at times relevant to driving. **The use of memory chip meters for such monitoring is required.** The Council may require the licence holder to produce records of such monitoring and may copy them for the purpose of taking it own medical advice relating to the licence holder.
- 1.5 The licence holder must arrange to be examined every 12 months by a suitable person who specialises in diabetes. At the examination the specialist will require sight of their blood glucose records for the last 3 months. The Council will require confirmation that the examination has been carried out and that there is no change in the licence holder's condition.
- 1.6 The licence holder must have no other condition, which would render them a danger when driving Private Hire vehicles, Hackney carriages or Ambulance vehicles.
- 1.7 The licence holder will be required to sign an undertaking to comply with the directions of doctors(s) treating the diabetes and to report immediately to both the Council and the DVLA any significant change in their condition.
- 1.8 The effect of this is that all drivers must undergo a medical examination which is in accordance with the requirements for holding a Group 2 licence from the DVLA. This standard states that an Insulin Dependent Diabetic cannot be granted a Group 2 licence and accordingly should not be granted a Private Hire/Hackney Carriage/Ambulance Drivers licence by Newark & Sherwood District Council. However this will be waived as long as the driver meets the medical criteria set out above for the granting of C/C1E entitlement for a DVLA licence. Compliance with this standard does not mean that a driver with a licence issued by the Council can drive a vehicle which requires a C1/C1E entitlement on a DVLA licence unless their DVLA licence shows that entitlement.

19 All driver must undertake the following checks:

regular blood glucose testing – at least twice daily including on days when not driving

and

no more than 2 hours before the start of the first journey

and

every 2 hours while driving

1.9 In the event that a licence holder fails to comply with any of the above then the licence will be suspended and the question of whether the driver remains fit and proper to hold a licence will be referred to the General Purposes Committee.

## **2.0 Maturity Onset Diabetes**

2.1 The requirements only apply to one type of medication used to control MODM these being sulphonylureas taken in tablet form.

- Drivers are examined at time of application and then at the same frequency as at present. No driver will be recalled earlier than would normally be the case.
- At each examination drivers with diabetes will be identified and advised as to the additional requirements for testing and provided with written guidance.
- Those drivers identified as MODM treated with sulphonylureas will be provided with additional advice and support.
- Assuming no other problems are identified a one year health certificate will be issued with a requirement to attend a further examination in a years time. They will be advised to use this time to purchase self testing equipment, learn the technique and undertake testing at the intervals advised.
- At the second examination the results from the self testing will be assessed. Satisfactory results will allow for a three year medical certificate to be issued. Unsatisfactory results will result in a one year certificate and a requirement for additional testing. Failure to supply any results will result in no medical certificate being issued.

## **Appendix Four**

### **RELEVANCE OF CONVICTIONS POLICY**

#### **1.0 Introduction**

**1.1** This policy provides guidance to the General Purposes Committee (and its sub-committee) and Officers with delegated powers on the criteria to take into account when considering the relevance of convictions in determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire driver or Operator Licence. Any decision made by the General Purposes Committee (and its sub-committee) and Officers with delegated powers will be made on the balance of probabilities and not beyond all reasonable doubt.

**1.2** It is the responsibility of Newark and Sherwood District Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. In exercising this duty the Council will consider the safety of the public as its primary consideration.

**1.3** In seeking to safeguard the public, the licensing authority seek to ensure:

- That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

**1.4** This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for a driver's licence
- Existing licensed drivers whose licences are being reviewed
- The holders of Private Hire Operators licences
- Licensing officers
- Members of the General Purposes Committee/sub-committee
- Magistrates hearing appeals against local authority decisions

- 1.6 In considering this guidance the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the committee may depart from the guidelines. Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City v Mohammed Farooq (1998)]
- 1.7 In this policy the word “Conviction” is to be defined as including convictions, cautions, warnings, reprimands fixed penalty notices and other relevant information. In this policy ‘from date sentence has ended’ is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term ‘since completion of sentence’ is to be construed in a similar way.
- 1.8 In this policy the word applicant refers to either new applicants, or those existing licence holders who are seeking renewal, or when offences have come to light of existing licence holders

## **2.0 General Policy**

- 2.1 Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:
- a. Remain free of conviction for an appropriate period as detailed below; and
  - b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence).

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.

- 2.2 The Council may depart from this policy if good reasons exist. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances
- 2.3 Outstanding Charges or Summonses
- If an outstanding charge or summons involves a serious offence and/or the individual’s conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the

application should normally be put on hold until proceedings are concluded or the licence may be refused.

#### **2.4 Non-conviction information**

If an applicant has on 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.

#### **2.5 In assessing the action to take, the safety of the public must be the paramount concern.**

#### **2.6 Where an applicant has had a Hackney Carriage/Private hire driver's licence revoked by another local authority, the Council will not normally grant a licence until at least twelve months has elapsed since the revocation**

### **3.0 Consideration of Applications**

#### **3.1 Applications will be referred for determination by the Council's General Purposes Committee in the following circumstances:**

- where the applicant had been convicted of an offence other than infrequent minor traffic offences, within the five year period immediately preceding the date of the application. However a number of minor traffic offences may result in a reference to the committee as indicating recklessness;
- where the conviction(s) occurred outside the five year period referred to above but:-
- the offence was of a particularly serious nature; or
- there was a history of criminal convictions demonstrating a series of offences which had occurred with relative frequency over a period of years;
- where, in respect of motoring offences which were not spent, the applicant had incurred four or more penalty points in respect of any one offence or had incurred a total of seven or more penalty points; or
- where the Business Manager –Environmental Health and Licensing considers that the offence(s) raised concern that the safety of the public might be put at risk.
- where information is revealed on a DBS check about behaviour which does not involve a conviction or caution for an offence but which the Business Manager – Environmental Health considers should be referred to the Committee.

##### **3.2.1 When submitting an application for a licence to drive a hackney carriage, private hire vehicle or Ambulance vehicle, applicants are required to declare any convictions or formal cautions they may have.**

- 3.3 Details of all convictions must be disclosed under the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002. This includes any convictions which would otherwise be “spent”, as taxi drivers do not have the protection afforded under the Rehabilitation of Offenders Act 1974 and accordingly full disclosure is required.
- 3.4 The disclosure of a criminal record or other information will not debar an applicant from gaining a licence unless the authority considers that the conviction affects whether they are fit and proper to hold a licence. In making this decision, the authority will consider the nature of the offence, how long ago and what age the applicant was when it was committed and any other factors which may be relevant in accordance with these guidelines and policy.
- 3.5 Any applicant refused a driver’s licence on the ground that he/she is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates’ Court.

#### **4.0 Powers**

**4.1** Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if:

- the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence;
- failure to comply with the provisions of the Town Police Clauses Act 1847;
- failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- or any other reasonable cause.

**4.2** The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver’s licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. In accordance with this Act, all convictions, cautions, warnings and reprimands must be declared by the Applicant.

**4.3** Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to be satisfied that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver’s licence and/or Private Hire Vehicle Operator’s licence is a “fit and proper” person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will consider:

1. How relevant the offence(s) are to the licence being applied for
2. How serious the offence(s) were

3. When the offence(s) were committed
4. The date of conviction
5. Circumstances of the individual concerned
6. Sentence imposed by the court
7. The applicant's age at the time of conviction
8. Whether they form part of a pattern of offending
9. Any other character check considered reasonable (e.g. personal references)
10. Any other factors that might be relevant, for example:
  - (a) The previous conduct of an existing or former licence holder,
  - (b) Whether the applicant has intentionally misled the council or lied as part of the application process,
  - (c) Information provided by other agencies / council departments.

It may also be appropriate to consider the sentencing powers engaged by the court in disposing of criminal proceedings and Judges reasons (obiter dicta) for coming to that decision.

- 4.4** Existing holders of driver's licences are required to notify the licensing authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions). Failure to do so will raise concerns as to the honesty of the licence holder and may be taken into account as part of any subsequent renewal applications or reviews.
- 4.5** Applicants can informally discuss further what effect a caution/conviction may have on any application or existing licence by contacting the Licensing in confidence for advice. The Council will not be bound by any advice given and reserve its full powers
- 4.6** The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense, and subscribe to the update service.
- 4.7** The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police.
- 4.8** 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. Section 57(3) Local Government (Miscellaneous Provisions) Act 1976 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.

- 4.9** For renewal applications and current licence holders the guidance will not be applied retrospectively. The policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
- 4.10** Any offences not covered by this Policy will not prevent the Council from taking into account the offences.

## **5.0 Policy on immediate revocation/suspension of driver's licence**

- 5.1** If the Council decides to revoke or suspend a driver's licence, it will then have to consider whether that revocation/suspension should take immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

452 The Council only has the power to resolve that the revocation/suspension will take immediate effect if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect. The interest of public safety is not defined and is for the Council to determine. However, regard will be had to any risks to public safety arising from concerns about the licence-holder's driving standards, his character including but not limited to dishonesty, violent behaviour, involvement in drink or drugs, inappropriate sexual conduct, any relevant previous convictions and any other matters the Council may deem relevant.

- 5.3** Before reaching a decision, in most cases and where practical, the Council shall give the licence holder the opportunity to make representations as to whether or not the revocation/suspension will take immediate effect.

- 5.4** The overriding consideration shall always be the safety and protection of passengers and the general public.

- 5.5** Matters such as unemployment and home circumstances should not be taken into account when determining whether the revocation or suspension will take place immediately and therefore shall not outweigh the public safety factor.

- 5.6** Where the Council has decided that a licence-holder is no longer "fit and proper" to hold a licence, for reasons of public safety, the presumption will be that ~~require~~ the revocation of the licence shall have immediate effect.

- 5.7** If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, the Council will give notice to the driver, which includes a statement to that effect and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.



## 5.8 Appeals

Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the licensing authority is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s77 (1)].

## 6.0 Considerations given to Offences

This section deals with the types of offences and applies to **new and renewal applications**, and upon **review** of a current licence.

### 6.1 Serious offences involving violence

Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

**6.2** Unless there are exceptional circumstances a licence will **not normally** be granted where the applicant has a conviction for an offence such as:

1. Murder
2. Manslaughter
3. Manslaughter or culpable homicide while driving
4. Terrorism offences
5. Kidnapping or abduction
6. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

**6.3** A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least **10 years** have passed since the completion of any sentence and /or licence period:

1. Arson
2. Malicious wounding or grievous bodily harm which is racially aggravated
3. Actual bodily harm which is racially aggravated
4. Grievous bodily harm with intent
5. Robbery
6. Possession of firearm
7. Riot
8. Assault Police
9. Common assault with racially aggravated
10. Violent disorder
11. Threats to kill
12. Resisting arrest
13. Hate crime against a person

14. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

**6.4** A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below unless at least **5 years** have passed since the completion of any sentence and/or licence period:

1. Racially-aggravated criminal damage
2. Racially-aggravated offence
3. Hate crime against property
4. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

**6.5** A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below unless at least **3 years** have passed since the completion of any sentence and/or licence period:

1. Common assault/Battery
2. Assault occasioning actual bodily harm
3. Affray
4. S5 Public Order Act 1986 offence (harassment, alarm or distress)
5. S.4 Public Order Act 1986 offence (fear of provocation of violence)
6. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
7. Obstruction
8. Criminal damage
9. Harassment
10. Offences involving anti-social behaviour
11. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

**6.6** A licence will not normally be granted if an applicant has more than one conviction in the last **10 years** for an offence of a violent nature.

**6.7** In the event of a licence being granted, despite convictions against the Applicant, a strict warning both verbally and in writing should be administered. If a warning is issued, this will remain in place for a period commensurate with the time periods in the relevant sections above.

**6.8 Possession of a weapon**

If an applicant has been convicted of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence, at least **3 years** must have passed since the completion of the sentence, before a licence is granted.

## 6.9 Sexual and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be considered as serious. Applicants with convictions for sexual offences will **normally be refused a licence upon application, renewal or review.**

Such offences include:

1. Rape
2. Assault by penetration
3. Offences involving children or vulnerable adults
4. Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)
5. Making or distributing obscene material
6. Possession of indecent photographs depicting child pornography.
7. Sexual assault
8. Indecent assault
9. Exploitation of prostitution
10. Any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.10 In relation to indecency offences, an applicant should be free of conviction for at least **5 years** (or at least **5 years** must have passed since the completion of the sentence, whichever is longer), if he / she has a conviction for an offence such as:

1. Making indecent telephone calls
2. Importuning
3. Indecent exposure
4. Soliciting (kerb crawling)
5. Any similar offences (including attempted or conspiracy to commit) offences which replace the above.

6.11 A licence will **not normally be granted** if an applicant has more than one conviction for an indecency offence.

6.12 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 or any other similar register.

## 6.13 Dishonesty

A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

6.14 In general, a minimum period of **3 years** free of conviction or at least **3 years** have passed since the completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

1. Theft
2. Burglary
3. Fraud
4. Benefit fraud
5. Handling or receiving stolen goods
6. Forgery
7. Conspiracy to defraud
8. Obtaining money or property by deception
9. Other deception
10. Taking a vehicle without consent
11. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.15 Applicants or existing licence holders that are found to have intentionally misled the council, or they lied as part of the application process, will not normally be issued with a licence.

#### **6.16 Alcohol and Drugs**

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness, including drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of licence.

6.17 In addition, the applicant will normally be required to show a period of **10 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

6.18 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.

**6.19** A licence will not normally be granted where the applicant has more than one conviction for offences related to the supply of drugs and has not been free of conviction for **10 years**.

6.20 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for **5 years**.

6.21 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last **3-5 years** may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

6.22 If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with the DVLA group two medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of **5 years** free from drug taking after detoxification treatment.

### **6.23 Driving offences involving the loss of life**

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. A licence will not normally be granted if the applicant has a conviction for:

1. Causing death by dangerous driving
2. Causing death by careless driving whilst under the influence of drink or drugs
3. Causing death by driving: unlicensed, disqualified or uninsured drivers
4. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

6.24 Before a licence is granted, an applicant should be free of conviction for **10 years** (or at least **10 years** must have passed since the completion of the sentence, whichever is longer) if the applicant has a conviction for:

1. Causing death by careless driving
2. Causing death by driving: unlicensed, disqualified or uninsured drivers.

### **6.25 Driving offences involving alcohol and/or drugs**

A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drug or drink-driving offence, at least **5 years** free of conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

6.26 More than one conviction for this type of offence or one such offence within the last **5 years** is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least **5 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.

### **6.27 Major Traffic Offences**

Subject to the above paragraphs an isolated conviction for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney

carriage and private hire drivers. However, where the conviction is within **6 months** prior to the date of the application the application will normally be refused.

- 6.28 In cases of disqualification at least **3 years** free from conviction after the restoration of the DVLA licence should normally elapse before an applicant is granted a licence.
- 6.29 Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. An application for a licence will normally be refused where the offence occurred less than **2 years** prior to the application.
- 6.30 Where an existing licence holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will normally be revoked.
- 6.31 Where an existing licence holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be revoked or not renewed and any subsequent application for a new licence will be determined in accordance with the guidance above.
- 6.32 A list of offences to which this section applies is attached as Appendix A

### **6.33 Minor Traffic Offences**

Isolated 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. If there are several minor traffic offences the applicant will normally be expected to show a period free of conviction of at least 6 months.

- 6.34 An application with a points total **above 7** will merit further consideration. A licence will normally be refused where the applicant has **12 or more penalty points** on his DVLA licence for minor traffic offences but has not been disqualified from driving.
- 6.35 Where an offence has resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard.
- 6.36 Generally, a period of **12 months** free from conviction must have elapsed from the restoration of the DVLA licence.
- 6.37 Where an existing licence holder is disqualified from driving the licence will normally be revoked by the Director- Safety under delegated powers.
- 6.38 A list of offences to which this section applies is attached as Appendix B

### **6.39 Totting Up Disqualifications**

6.40 Where a number of traffic offences has resulted in a driver receiving **12 penalty** points or more on his/her licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a “totting-up” disqualification. Where an applicant has a totting-up disqualification an application will usually be refused until a period of between **12 months and 2 years** has lapsed from the restoration of the DVLA licence depending on the seriousness of the offences which led to the totting up.

6.41 Where an existing licence holder is disqualified from driving as a result of a totting up, the licence will normally be revoked.

### **6.42 Hybrid traffic offences**

Offences of the type listed in Appendix C will be treated as **major** traffic offences if the court awarded **4** or more penalty points for the offence and as **minor** traffic offences if the court awarded **3** or less penalty points for the offence.

6.43 Any applicant who has committed an offence of plying for hire within 6 months of their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances of the case, and at the least suspension of the licence should be considered. Where a driver is convicted on more than one occasion the licence may be revoked or not granted. Consideration will be taken if the offence of plying for hire was accompanied by the fact that at the time there was no insurance cover in place for the vehicle in line with 6.44 below. It will be up to the applicant to prove that there was valid insurance in place at the time of the offence.

### **6.44 Insurance Offences**

A serious view will be taken of convictions of driving a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for **3 years**. However, strict warning should be given as to future behaviour. More than one of these offences would normally prevent a licence being granted or renewed. Isolated incidents associated with a licensing offence will not necessarily prevent a licence being granted or renewed. Each case will be considered on its merits.

6.45 At least **3 years** should elapse (after restoration of the DVLA driving licence), before a licence would normally be granted for a HC or PH drivers licence. An operator found guilty of aiding and abetting the driving passengers for hire and reward whilst without insurance will have his operator’s licence revoked immediately and prevented from holding a licence for **3 years**.

**MAJOR TRAFFIC OFFENCES**

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to report an accident within 24 hours
- AC30 Undefined accident offences
  
- BA10 Driving while disqualified by order of court
- BA30 Attempting to drive while disqualified by order of court
- BA40 Causing death by driving while disqualified
- BA60 Causing serious injury by driving while disqualified
  
- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink \*
- CD50 Causing death by careless driving when unfit through drugs \*
- CD60 Causing death by careless driving with alcohol level above the limit \*
- CD70 Causing death by careless driving then failing to supply a specimen for analysis \*
- CD80 Causing death by careless or inconsiderate driving \*
- CD90 Causing Death by driving: unlicensed, disqualified or uninsured drivers \*
  
- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle \*
- DD80 Causing death by dangerous driving \*
- DD90 Furious driving
- DG60 Causing death by careless driving with drug level above the limit\*

**The above offences marked \* are dealt with in the section entitled driving offences involving the loss life**

- DR10 Driving or attempting to drive with alcohol level above limit +
- DR20 Driving or attempting to drive while unfit through drink +
- DR31 Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
- DR40 In charge of a vehicle while alcohol level above limit +
- DR50 In charge of a vehicle while unfit through drink +
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR61 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive +
- DR70 Failing to provide specimen for breath test +
- DR80 Driving or attempting to drive when unfit through drugs +
- DR90 In charge of a vehicle when unfit through drugs +



DG10 Driving or attempting to drive with drug level above the specified limit

DG40 In charge of a vehicle while drug level above the specified limit

**The above offences marked + are dealt with in the section entitled alcohol and drugs**

IN10 Using a vehicle uninsured against third party risks

LC20 Driving otherwise than in accordance with a licence

LC30 Driving after making a false declaration about fitness when applying for a licence

LC40 Driving a vehicle having failed to notify a disability

LC50 Driving after a licence has been revoked or refused on medical grounds

MS50 Motor racing on the highway

UT50 Aggravated taking of a vehicle

TT99 Signifies a disqualification under the totting up procedure 12 or more points within three years

## MINOR TRAFFIC OFFENCES

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- CU80 Using a mobile phone while driving a vehicle
  
- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street Offences
- MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
- MS60 Offences not covered by other codes
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to the identity of driver etc.
  
- MW10 Contravention of Special Road Regulations (excluding speed limits)
  
- PC10 Undefined contravention of Pedestrian Crossing Regulations
- PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
- PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle
  
- SPI0 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Undefined speed limit offence
  
- TS10 Failing to comply with traffic light signals
- TS20 Failing to comply with double white lines
- TS30 Failing to comply with a "Stop" sign
- TS40 Failing to comply with direction of a constable/ warden
- TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
- TS60 Failing to comply with school crossing patrol sign
- TS70 Undefined failure to comply with a traffic direction sign

## HYBRID TRAFFIC OFFENCES

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
  
- SPI0 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Undefined speed limit offence

Other non endorsable motoring offences i.e. no MOT

### NOTE:

All offences in Appendix A, B, C may also have the following codes

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

## **Appendix Five**

### **CODE OF CONDUCT**

#### **1.0 Preservation of a professional and responsible Hackney Carriage and Private Hire trade**

##### **1.1** Licence holders shall promote the Hackney Carriage and Private Hire trade by:

- Complying with this Code of Conduct
- Complying with all the conditions of their licence, byelaws and the Authority's Hackney Carriage and Private Hire Licensing Policy Statement
- Behaving in a civil, orderly and responsible manner at all times, including being polite, helpful and fair to passengers
- Paying attention to personal hygiene and dress so as to present a professional image to the public (see Dress Code)
- Not eating or drinking in the vehicle in the presence of customers
- Keep their vehicles clean and suitable for Hire to the public at all times
- At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle
- Respecting authorised Officers during their normal course of their duties

#### **2.0 Protection of public health and safety**

##### **2.1** Licence holders shall:

- Maintain their vehicles in a safe and satisfactory condition at all times
- Not consume alcohol immediately before or at any time whilst driving or being in charge of a Hackney Carriage or Private Hire vehicle
- Not drive while having misused legal or taken illegal drugs
- Comply with legislation regarding the length of working hours
- Drive with care and due consideration for other road users and pedestrians
- Obey all Traffic Regulation Orders and directions at all times
- Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle
- Not smoke in the vehicle at any time

#### **3.0 Access to an efficient and effective public transport service**

##### **3.1** Licence holders shall:

- Attend punctually when undertaking pre-booked Hires
- Assist where necessary, passengers into and out of vehicles
- Provide passengers reasonable assistance with luggage

#### **4.0 Protection of the environment**

**4.1** To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- Not sound the horn or other audible warning instrument on the vehicle, other than in accordance with the Highway Code, to attract the attention of passengers
- Keep the volume of music media players, radios and/or other audio/visual devices to a minimum
- Switch off the engine if required to wait
- Take whatever additional action is necessary to avoid disturbance to residents in the locality

**4.2** At taxi ranks licence holders shall, in addition to the requirements above rank in an orderly manner and proceed along the rank in order and promptly.

**4.3** At Private Hire offices licence holders shall:

- Not allow their music media players, radios and/or other audio/visual devices to cause disturbance to residents of the neighbourhood
- Take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

**4.4** All of the above items are deemed to be of equal importance. By accepting their licence, the holder is deemed to have accepted the above code of conduct.

## **Appendix 6**

### **STANDARD CONDITIONS – HACKNEY CARRIAGE/PRIVATE HIRE AND PRIVATE AMBULANCE**

Notes: Those Clauses marked with an asterisk shall not form part of an Private Ambulance Drivers Licence or will be amended as shown

#### **1.0 Standard of Service**

##### **1.1 During the period of the licence the driver shall:**

- afford all reasonable assistance with passengers' luggage
- at all times be clean and respectable in their dress and person and behave in civil and orderly manner. In particular drivers shall abide by the dresscode
- take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle
- not smoke, drink or eat in the vehicle
- 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
- at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle
- ensure that the vehicle is kept clean and well maintained in every way fit for public service
- Ensure that any property left in a vehicle is taken to the nearest Police Station within 24 hours.

#### **2.0 Driver's Badge**

**2.1** The driver shall, when driving a Hackney Carriage/Private Hire/Private Ambulance vehicle wear the driver's badge issued by the Council in such position and manner as to be plainly visible.

#### **3.0 Licence Plate**

**3.1** The driver shall ensure that the internal licence plate issued in respect of the vehicle is clearly displayed in the front window of the vehicle and that the external licence plate is securely fixed and displayed to the exterior of the vehicle at the rear of the vehicle.

#### **4.0 \*Taxi Meter and Fare to be Demanded**

**4.1** While acting as a driver of a hackney carriage and plying for hire within the District the driver shall charge and cause to be paid the fare calculated at the rate set out in the table of fares displayed in the vehicle and determined from time to time by the Council.

**4.2** The driver shall not cause the fare recorded on the taxi meter to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

**5.0 Fare to be Demanded**

**5.1** The driver shall not demand from any hirer of a private hire or private ambulance 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 taximeter the fare shown on the face of the taximeter.

**6.0 Waiting for Hire**

**6.1** The driver shall NOT permit the Private Hire and Private Ambulance vehicle to wait on stands appointed for Hackney Carriages nor accept an offer for immediate hire while that vehicle is on a road or other public place except where such offer is first communicated to the Licensee by telephone or other apparatus; and without the Driver having first procured the offer in any way.

**7.0 Prompt Attendance**

**7.1** The driver of a Hackney Carriage/Private Hire and Private Ambulance vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend at the time and place appointed.

**8.0 Route Taken**

**8.1** The driver of a Hackney Carriage/Private Hire vehicle when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

**9.0 Passengers**

**9.1** The driver shall not convey or permit to be conveyed in a Hackney carriage/Private Hire and Private Ambulance vehicle a greater number of persons than that prescribed in the licence for the vehicle, irrespective of whether they are children or not.

**9.2** The carrying of pets shall be at the driver's discretion subject to the obligation to carry guide dogs, hearing dogs or assistance dogs in accordance with the Equalities Act 2010 (as amended) and by the regulations made under that Act. The only exception to this obligation is if the driver has an allergy. In this case a medical certificate must be provided to the Council and an exemption certificate issued to the driver.

## **10.0 Seat Belts**

**10.1** Where seatbelts are provided for use by passengers, the driver shall advise passengers of their requirement to wear the seatbelts.

**10.2** It will be the responsibility of the driver to ensure that all current legislation is complied with in respect of the wearing of seat belts.

## **11.0 Lost Property**

**11.1** The driver shall immediately after the termination of any hiring of a Hackney Carriage/Private hire vehicle/Private Hire Ambulance, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there;

**11.2** 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, they shall seek to identify the owner thereof and failing which, the property shall be delivered to the nearest Police Station.

## **12.0 Luggage**

**12.1** The driver shall, when requested by the hirer, convey a reasonable quantity of luggage, and afford reasonable assistance with the loading and unloading and removal thereof to the entrance of any house or place at which they may take-up or set-down the hirer.

## **13.0 Written Receipts**

**13.1** The driver shall, if requested by the hirer of a Hackney Carriage/Private Hire vehicle/Private Hire Ambulance provide them with a written receipt of the fare paid.

## **14.0 Deposit of Licence**

**14.1** If the driver is permitted or employed to drive a Hackney Carriage/Private Hire/Private Ambulance vehicle of which the Proprietor/Operator is someone other than themselves, they shall before commencing to drive that vehicle deposit the licence with that Proprietor/Operator until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle owned by the Proprietor/Operator.

## **15.0 Change of Address**

**15.1** The driver shall notify the Council in writing of any change of their address during the period of the licence within 7 days of such change taking place.



## **16.0 Interviews & Documents**

**16.1** Where a driver is requested to attend an interview relating to the driving or operation of a vehicle licensed by the Council and fails to attend without reasonable excuse the Council may suspend this *driver's* licence without notice. If a driver is requested to attend any of the Council's offices and produce any documents relating to a licensed vehicle, failure to do so within seven days of the request without reasonable excuse may also result in the suspension of this *driver's* licence

## **17.0 Convictions**

**17.1** The driver shall, within 7 days, disclose to the Council in writing details of any conviction imposed upon them during the period of the licence. (For the purposes of this condition, a Fixed Penalty Ticket is deemed to be a conviction). When a driving licence issued by the DVLA has been endorsed with 4 or more penalty points in respect of any one offence or had incurred a total of 7 or more penalty points over a period shall be required to attend a meeting of the General Purposes Committee for it to assess whether he or she remains a fit and proper person to hold a Hackney Carriage/Private Hire and Private Ambulance Driver's licence.

## **18.0 Disqualifications**

**18.1** Where a driver is disqualified from driving during the period of a licence, that Hackney Carriage/Private Hire and Private Ambulance Drivers Licence shall become automatically revoked and the licence and badge issued to the driver shall be returned to the Council forthwith.

## **19.0 Return of Badge**

The driver shall, upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the driver's badge issued to them by the Council when granting this licence.

## **21.0 Dress Code**

**21.1** Drivers shall be required to comply with the dress code at all times.

## **22.0 Safeguarding Training**

**22.1** All applicants and licensed drivers must complete Safeguarding Training and pass the associated test.

## **23.0 Penalty Points Scheme**

- 23.1** The Council operates a Penalty Points Scheme to raise the awareness of conditions amongst licensed drivers and also assist in the enforcement of the conditions attached to licences and other matters.
- 23.2** The scheme will apply to drivers, vehicles and operators and should a breach of a condition or other matters be detected, points may be issued against the licence holder, up to a maximum of 12 points in a calendar year. Should a licence holder accrue 12 points or more in a 12 month period you may be required to attend a hearing of the Licensing Committee who will review the status of your licence.
- 23.3** You will be informed in writing of any points awarded against you and why they have been issued.

## **24.0 Newark and Sherwood District Byelaws**

- 24.1** The Byelaws for the time being in force in the District of Newark and Sherwood with respect to Hackney Carriage and Private Hire Vehicles, Private Hire Operators, Hackney Carriage Proprietors and Hackney Carriage/Private Hire Drivers shall apply to this licence and are incorporated as if they were herein set out in full as conditions of this licence

### **HACKNEY CARRIAGE BYE LAWS**

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the District Council of Newark and Sherwood, with respect to hackney carriages in the District of Newark and Sherwood.

#### **INTERPRETATION**

1. Throughout these byelaws “the Council” means the Newark and Sherwood District Council and the “district” means the District of Newark and Sherwood.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed

2. (a) The proprietor of a hackney carriage shall cause the number of the 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.
- (b) A proprietor or driver of a hackney carriage shall:-
- (i) not wilfully or negligently cause or suffer any such number 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 figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:-
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) if such hackney carriage is mechanically propelled, cause the roof or covering to be kept water-tight;
  - (c) if such hackney carriage is mechanically propelled, 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; and
  - (i) if such hackney carriage is mechanically propelled, 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.
  
4. The proprietor of a motorised hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:-
  - (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
  - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (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.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges

5. The driver of a motorised hackney carriage provided with a taximeter shall:-
  - (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise and also at any other time at the request of the hirer.
6. A proprietor or driver of a motorised 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.
7. The driver of a motorised hackney carriage shall, when plying for hire in any street and not actually hired:-
  - (a) proceed with reasonable speed to one of the stands appointed by the Council for the purposes of such a carriage;
  - (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; and

- (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. 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.
  9. The driver of a hackney carriage shall not when driving for hire smoke without the express permission of the hirer.
  10. 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.
  11. 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.
  12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
  13. 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; and
    - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares

14. (a) The proprietor or driver of a motorised 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 and time, unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a motorised hackney carriage furnished with a taximeter shall be hired by distance and time 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 Council which it may not be possible to record on the face of the taximeter.

- (b) The proprietor or driver of a horse drawn hackney carriage shall be entitled to demand and take for the hire of the carriage the fare prescribed by the Council, such fare being calculated by measured distance over a number of prescribed routes.
15. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (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.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof

16. 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.
17. 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:-
- (a) carry it as soon as possible and in any event within forty-eight hours, if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
  - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Provisions in respect of horse drawn hackney carriages

18. The driver of a horse drawn hackney carriage shall, when plying for hire, stand only on ranks specially appointed for the purpose.
19. A proprietor or driver of a horse drawn hackney carriage shall not, while standing, plying or driving for hire, drive or allow to be driven or harness or allow to be

harnessed to the carriage any animal in such a condition as to expose any person conveyed or being in such carriage, or any person traversing any street, to risk of injury.

20. The driver of a horse drawn hackney carriage shall, while standing, plying or driving for hire, cause every part of the harness of any horse hitched up to the carriage to be kept in order, so that the horse shall be properly and securely attached to the carriage, and under due control.
21. Every proprietor of a horse drawn hackney carriage shall provide the carriage with a sufficient drag chain and slipper or other sufficient brake.
22. A proprietor or driver of a horse drawn hackney carriage shall not, in any street, feed or allow to be fed any horse harnessed or otherwise attached to such carriage, except with food contained in a proper bag or other receptacle suspended from the head of such horse or from the centre pole of the carriage, or which is held in and delivered with the hand of the person feeding such horse.
23. A proprietor or driver of a horse drawn hackney carriage shall not exercise his calling between half an hour after sunset and half an hour before sunrise.
24. A proprietor or driver of a horse drawn hackney carriage shall not permit a horse used to draw a hackney carriage to be harnessed or otherwise attached to such carriage for more than seven hours in any one day or for more than four consecutive hours.

#### PENALTIES

25. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level two on the standard scale, and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

#### REPEAL OF BYELAWS

26. The byelaws relating to hackney carriages which were made by the Mayor, Aldermen and Burgesses of the Borough of Newark on the seventh day of January 1966, and which were confirmed by one of Her Majesty's Principal Secretaries of State on the first day of May 1966 and the byelaws relating to hackney carriages made by the Newark District Council on the first day of March 1975, and which were confirmed by one of her Majesty's Principals Secretaries of State on the 25<sup>th</sup> day of April 1975 are repealed.

## **Appendix Seven**

### **DRESS CODE**

#### **1.0 General Standard**

- 1.1 The driver must be clean and tidy in appearance.
- 1.2 The driver shall, at all times, be dressed in a manner not to cause embarrassment to members of the public, this to include attention to personal hygiene so as to present a professional image to the public.

#### **2.0 Acceptable Standard of Dress**

- 2.1 The following is considered to be an acceptable standard of dress.
- Shirts, blouses, polo shirts, sweat tops, jumpers, cardigans or fleece jackets should cover the shoulders and be of a sufficient length to enable them to be tucked into trousers or shorts.
  - Shirts or blouses can be worn with a tie or open-necked.
  - Clothing bearing the company logo is acceptable.
  - Trousers may be either full length or shorts, if tailored.
  - Smart jeans are permitted.
  - Footwear should fit around the heel of the feet.
  - Dresses and skirts must be of at least knee length.
  - Suitable headwear to be worn in a correct manner.

#### **3.0 Unacceptable Standard of Dress**

- 3.1 The items below are considered unacceptable to be worn by drivers whilst on duty.
- Bare chests.
  - No combat or camouflage clothing.
  - Items of clothing that depicts affiliation to a particular sporting team.
  - Unclean or damaged clothing or footwear.
  - Clothing with offensive words, logos or graphics.
  - Beach type footwear (e.g. flip flops, also no bare feet)
  - Hooded garments



## **Appendix Eight**

### **CODE OF CONDUCT WHEN WORKING WITH VULNERABLE PASSENGERS**

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

Drivers should carry photo ID at all times, and wear it in accordance with the conditions of licence.

If necessary, the driver should obtain a record of the carer's contact details if there is no chaperone.

If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council.

Always ask if a vulnerable passenger needs help, do not assume.

Drivers should remain professional at all times and should not:

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

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

if a driver or operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in appropriate cases by calling 999).

If a driver is concerned about someone else's conduct, you should report your concerns to the council's licensing department (01636 650000), police (101) or Crimestoppers (0800 555111).

## **Appendix Nine**

### **PLANNING REQUIREMENTS FOR PRIVATE HIRE AND AMBULANCE OPERATORS**

#### **1.0 Vehicles**

**1.1** Planning Permission may not be required for the operation of a taxi and/or private hire business from a private residential property but you should always check with the Planning Department. The factors that will be taken into consideration are;

- (i) the location of the property;
- (ii) the number of vehicle parked at and/or controlled from the property;
- (iii) if the vehicle is to be based at or controlled from the property. It is likely to require planning permission if the level of activity is such that it causes a material change of use;
- (iv) if the operations form part of a light haulage/courier operation;
- (v) the hours of the proposed movement of vehicles, i.e. during the night or early mornings;
- (vi) maintenance (such as minor servicing) that may take place on or at the property;

#### **2.0 Aerials**

**2.1** The permitted development rights for aerials are set out in The Town and Country Planning (General Permitted Development) Order 1995 (as amended) at Class H. This sets out the permitted allowances for the installation, alteration or replacement of a microwave antenna (aerial) on a dwellinghouse or within the curtilage of a dwellinghouse. It should be noted that such legislation is subject to change and you should ensure that this is the right legislation when considering such development.

**2.2** In order to establish whether or not planning permission would be required for the operation of a taxi and/or private hire business and/or the installation of an aerial you should complete and submit an Enquiry Form which can be downloaded from the Council's website at <http://www.newark-sherwooddc.gov.uk/planningapplications> or phone 01636 650000 and request that one be sent in the post to you. A fee is payable for this service.

**2.3** If planning permission is required then you can use the Local Planning Authority's Pre-application service to determine whether or not such development would be considered favourably.

**2.4** Provided no valid planning complaints are received regarding the operation of the business, the Local Planning Authority will continue to honour the informal guidance offered to proprietors who were operating a maximum of two taxis/private hire

vehicles from a property prior to 1st January, 1994. However, proprietors who were operating only one vehicle prior to and since 1st January, 1994, will now need to apply for planning permission if they wish to increase their number of vehicles to two or more.

- 2.5** Any pre-1994 two vehicle operators will also be required to apply for planning permission if they wish to increase their number of vehicles to three or more.

## **Appendix Ten**

### **PRIVATE HIRE AND AMBULANCE OPERATOR'S LICENCE CONDITIONS**

#### **1.0 Bookings and Standards of Service**

- 1.1** No Operator of a Private Hire vehicle and/or Ambulance Vehicle which is licensed by Newark and Sherwood District Council under this Act shall invite or accept a booking for such vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking information as to the basis of charge for the hire of the vehicle.
- 1.2** Every Operator of Private Hire vehicles and/or Ambulance Vehicles who accepts a booking for a Private Hire vehicle and/or Ambulance Vehicle for an appointed time and place shall give the booking to a vehicle, allowing sufficient time for the vehicle to punctually attend.
- 1.3** The Operator, when accepting bookings under the terms and conditions of the licence, shall only operate drivers and vehicles licensed by the Newark and Sherwood District Council.
- 1.4** The holder of an Operator's licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.
- 1.5** If the Operator makes provision on any premises for the reception of members of the public proposing to hire a vehicle, the Operator must ensure that the premises are in a clean and tidy condition at all times and that adequate arrangements are made for the seating of customers within the premises.
- 1.6** The Operator, as Operator, and without prejudice to any other liability imposed under the Local Government (Miscellaneous Provisions) Act 1976, shall use their best endeavours to ensure that drivers and proprietors of vehicles owned or controlled or operated in association with the Operator shall observe and perform the conditions of their Private Hire Driver's Licence and their Private Hire Vehicle Licence.

#### **2.0 Records**

- 2.1** The Operator shall maintain at their premises particulars of all vehicles operated by him or her, which shall include the following:-
  - (i) the licence plate number;
  - (ii) the registration number;
  - (iii) the name and address of proprietor;

- (iv) the name(s) and address(s) or driver(s) of the above vehicle(s);
  - (v) the badge number(s) of driver(s); and
  - (vi) copies of licences for all vehicles and drivers.
- 2.2** The records required by Condition 2.1 shall be produced to any Authorised Officer of the Council or Police Constable upon request
- 2.3** The Council must be informed of any changes in the particulars detailed in Condition 2.1 above.
- 2.4** The Operator shall enter in a bound book or electronic record, the pages of which are numbered consecutively, particulars of every Private Hire booking and the particulars shall be entered in the book at the time of the booking and shall include the following:
- (i) the time and date of each booking;
  - (ii) by what method the booking was received, i.e. telephone call or personal call;
  - (iii) journey from ..... to .....
  - (iv) the name of the hirer and where the booking is received from another operator, the name of that operator;
  - (v) the Private Hire Vehicle and/or Ambulance Vehicle Licence Plate Number of the vehicle and the name and licence number of the driver which will attend or where the booking is passed onto another operator the name of that operator.
- 2.5** An alternative method of record keeping may only be used with the written agreement of the Council, which will specify in detail how the records are to be kept.
- 2.6** The records required in condition 2.4 shall be kept for a period of not less than 2 years, or such longer period as required by an Authorised Officer of the Council.
- 2.7** A hard copy of the records must be produced immediately, on request, to any Authorised Officer of the Council or Police Constable.
- 2.8** Where any bookings are sub contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking (in line with 2.4 above) and notes must be included; including the name of the sub contractor and contact information)
- 15.** The Operator shall not, knowingly or without the prior written consent of the Council, engage in partnership with, or allow or suffer any involvement in the management of the Operator hereby licensed:

- (a) any person who has been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976 or any other legislation relating to Private Hire and hackney carriage licensing; and
- (b) any person who, for the purposes of Part II of the said Act, has been found by any Licensing Authority not to be a fit and proper person to hold a driver's or Operator's licence. (Your attention is drawn to the Rehabilitation of Offenders Act 1974).

### **3.0 Reporting Requirements**

**3.1** The Operator shall notify the Council in writing of any change of their operating address, during the period of the licence within 7 days of such change taking place.

**3.2** The Operator shall inform the Council of:

- (a) any convictions by a Magistrates or Crown Court incurred during the period of the licence within 7 days of the conviction;
- (b) any High or County Court judgments against the operator or any partner director or officer of the Operator.

### **4.0 Insurance**

**4.1** The Operator shall keep, after having first seen the original, a copy of all cover notes and certificates of insurance issued to the said drivers/proprietors. The dates shown on such documents must show continuation of cover throughout the period that the vehicle is working in connection with the said Operator. When a "block" policy is held by the Operator a full list of all vehicles and drivers covered should be kept for at least **one year**.

**4.2** The Operator must not operate a private hire vehicle / hackney carriage unless the vehicle and driver are licensed by Newark & Sherwood. The Operator must personally examine vehicle licences and insurance certificates to satisfy himself / herself as to their validity.

### **5.0 Complaints Procedure**

**5.1** All Operators shall have a written complaints procedure that is available at all times within the operating base. Staff will be made aware of the key components of the procedure and operators shall provide training and instruction on the procedure as appropriate.

**5.2** The Operator shall keep records of all complaints made to him or his agents or managers relative to any aspect of his business or persons at that time working with or employed by that Operator.

- 5.3** The records shall contain details of the time and date of the complaint, the vehicle and driver to which it relates, the details and the nature of the complaint, the person receiving the complaint and the action taken by all parties aware of the complaint.
- 5.4** The records shall be available at all times for inspection by an authorised officer of the Council.
- 6.0 Driver Hours**
- 6.1** The Operator will monitor drivers working hours to ensure they are safe to transport the public. Although there is no legal framework for taxi driver's hours, it is incumbent upon the Operator to ensure drivers do not work long hours and that they are fit to drive and thus will not put the public at risk.
- 7.0 Operator Absence**
- 7.1** A licensed operator must inform the council if they are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf

## **Appendix Eleven**

### **SPECIFICATION FOR PRIVATE HIRE VEHICLES AND HACKNEY CARRIAGES**

#### **1.0 Age of vehicles**

##### **1.1** For all Private Hire vehicles the following age limits will apply:

vehicles must be under four years of age when first licensed and not over 8 years of age on renewal.

##### **1.2** For all Hackney Carriage vehicles the following age limits will apply:

vehicles must be under four years of age when first licensed and not over 8 years of age on renewal. A purpose built or wheelchair accessible hackney carriage must be under seven years of age when first licensed and not over 12 years of age on renewal.

#### **2.0 Vehicle type**

**2.1** Vehicles for private hire applications must be Saloon, Hatchback, Estate Cars or a suitable wheelchair accessible vehicle. Vehicles not meeting this definition will be considered where the applicant can demonstrate a market need for a different type of vehicle.

**2.2** Vehicles for Hackney Carriage applications must be Saloon, Hatchback, Estate cars, a purpose built hackney carriage, or a suitable wheelchair accessible vehicle. Vehicles not meeting this definition will be considered where the applicant can demonstrate a market need for a different type of vehicle.

#### **3.0 Vehicle Power/Engine size**

**2.1** A minimum engine capacity of 90 Brake Horsepower (BHP)

#### **4.0 Driver Configuration**

**3.1** All licensed vehicles must be right hand drive.

#### **4 Doors**

**4.1** Four passenger doors including the driver's door.

#### **5.0 Seating**

**5.1** Seating should be for at least four, but not more than eight passengers in addition to the driver.

**5.2** Rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be permitted.



**5.3** The licence holder/driver shall not permit a private hire vehicle to carry a greater number of passengers than the number allowed by the licence.

5.3 Sideway mounted seats are not permitted.

## **6.0 Wheels and Tyres**

**6.1** All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the original manufacturers' specification. The vehicle must have 4 roadworthy wheels and tyres and carry at least one spare wheel, a jack and brace, all securely stored in a position not liable to damage passengers' luggage.

**6.2** Run-flat tyres are acceptable on licensed vehicles.

**6.3** 'Space-saver' spare tyres are acceptable on licensed vehicles if they conform to the Original Manufacturers' Specification. If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space-saver' spare tyre is being used on the vehicle.

**6.4** Original Manufacturers' Specification 'tyre repair kits / compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards. If a 'tyre repair kit / compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit / compressor' is being used on the vehicle.)

## **7.0 Vehicle Roof**

**7.1** A permanent roof which is watertight - a standard sun roof (i.e. sun roof fitted when new by manufacturer) or a sunroof fitted retrospectively will be allowed.

## **8.0 Vehicle Structure and Appearance**

**8.1** The vehicle must not show evidence of patched repairs to the chassis or structural body parts of the vehicle including the outriggers unless the repair is of the original gauge metal and continuously welded;

**8.2** A clean and smart appearance both externally and internally.

## **9.0 Luggage Compartment**

**9.1** A separate locking luggage area, or in the case of an estate vehicle, a permanent grille fitted sufficient to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat. Roof racks and, top boxes are permitted, but roof racks shall only be used for the transport of sports equipment.

## **10.0 Seat Belts**

10.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

## **11.0 Mirrors**

11.1 All vehicles must have an internal rear view mirror and nearside and offside exterior rear view mirrors.

## **12.0 Communication with Driver**

12.1 There must be sufficient means by which a passenger can communicate with the driver.

## **13.0 Fire Extinguishers**

13.1 The vehicle must have an efficient fire extinguisher, fitted in such a position to be readily available for use, and the capacity of not less than 3 pounds (1.361kg) BCF, confirmation to BS5423 dry powder or CO<sub>2</sub>.

13.2 All extinguishers must be certified in accordance with the appropriate British Standard. The date of expiry must be clearly visible on the extinguisher. The extinguisher must be marked with the vehicle registration number or Licence Plate number.

## **14.0 First Aid Kit**

14.1 All licensed vehicles must carry a first aid kit suitable for treating minor injuries that complies with the advice of the Health and Safety Executive as a minimum. There is no requirement for a driver to administer first aid treatment, however, the first aid kit should be made available to passengers or any person(s) where appropriate.

14.2 The first aid kit should be stored in such a position so as to be readily available to the driver at all times.

14.3 The first aid kit should be marked with the registration or plate number of the vehicle and replenished as necessary to conform to any product expiry date.

## **15.0 MOT certificate**

15.1 An M.O.T. certificate, which must be produced on application.

\*NOTE An MOT. certificate is required for licensed vehicles after the FIRST YEAR of registration.

## **16.0 Modifications**

- 16.1** No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without:
- i) compliance with road traffic legislation,
  - ii) compliance with insurance requirements, and
  - iii) obtaining approval for the change(s) from the Council

## **17.0 Advertisements**

- 17.1** Any advertising shall be confined to the door panels and rear boot panels and in the case of hackney carriages to the top sign as permitted by law.
- 17.2** No licensed vehicle shall carry an advertisement for any other hackney carriage or private hire proprietor, operator or company.
- 17.3** All advertisements shall be in good taste and contain no material that may be considered to be offensive to any section of the community. The Council retains the right to require advertising to be removed from vehicles.
- 17.4** All designs are to be submitted for approval by the Council prior to use on vehicles.

## **18.0 Trailers**

- 18.1** Trailers may only be used with the prior approval of the Council and subject to the following requirements:
- 18.2** The driver's DVLA driving licence must cover the categories that allow the towing of trailers, currently 'BE' for cars and 'D1E' for a minibus, as amended by any subsequent legislation.
- 18.3** The trailer must at all times comply with all requirements of road traffic legislation, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- 18.4** The vehicle insurance must include cover for towing a trailer.
- 18.5** Trailers must not be left unattended anywhere on the highway.
- 18.6** The speed restrictions applicable to trailers must be observed at all times.
- 18.7** A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.
- 18.8** Trailers must be approved by the Council's nominated garage.
- 18.9** Trailers must undergo any inspection required by the Council and in all cases be inspected at the same frequency of vehicles.

- 18.10** Trailers must display an identical Licence Plate to the licensed vehicle. The Council may charge an administrative fee for the duplicate plate.
- 18.11** Trailers cannot be used on a hackney carriage rank and should only be used for specific pre-booked journeys, not whilst plying for hire.
- 19.0 Tinted Windows**
- 19.1** The front windscreen, front driver's side window and front passenger's side window must be clear glass. Exemption from this requirement will be given for original manufacturer's specification 'light tint' glass.
- 19.2** The rear windscreens of any vehicle and the rear passenger compartment side windows of any vehicle shall have visual transmission of light of not less than 70%.
- 19.3** This section does not preclude any requirements provided for in any relevant legislation relating to road traffic vehicles.
- 20.0 Taxi Signage**
- 20.1** A hackney carriage shall carry upon the roof, or as an alternative in or on the windscreen of the said vehicle, a sign which shall include the word "Taxi" or "For Hire" and shall be capable of being illuminated internally at all times when the vehicle is plying for hire, but not otherwise; and such sign shall be fixed in such manner and position and to be of such size as shall be approved by the Council.
- 20.2** A private hire vehicle shall NOT display any sign which might reasonably be taken to indicate that the vehicle is a hackney carriage, and for this purpose includes the word 'TAXI' or 'CAB' in the singular or the plural, or any word of similar meaning or appearance or such words in combination with any other word or words shall be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire
- 21.0 Fare Meter**
- 21.1** A hackney carriage shall be so constructed or adapted as to be capable of carrying the fare meter in a position acceptable to the Council and visible to all passengers at all times.
- 21.2** The Proprietor of the hackney carriage shall cause the official rates of fare to be exhibited in the carriage as to be clearly visible by all passengers. The Proprietor shall ensure that at all times the table of fares are kept in such condition that all lettering thereon is clearly visible to the passengers and shall renew the same cards as often as is necessary in order to comply with these conditions. Additional copies of the cards may be obtained from the Council.
- 21.3** The fare displayed on the taxi meter for the use of this vehicle when plying for hire within the district shall be strictly at the rate calculated in accordance with the scale of fares determined from time to time by the Council.

**21.4** The Operator of a private hire vehicle is not required to fit a taximeter but no such vehicle so equipped shall be operated unless the taximeter has been tested by the Council.

**22.0 Wheelchair Access**

**22.1** Where a vehicle is to be accessible to wheelchairs the following conditions apply:

a Access may be through either the side or rear door for wheelchairs. The rear access for all passengers must not to be blocked by any chair lift once the doors are closed.

B Emergency signage must be provided where solid wheelchair ramps obscure emergency signs.

c. Wheelchair anchorage points and seat belts must be fitted to the vehicle in accordance with the relevant statutory provisions and British Standard

## **Appendix Thirteen**

### **Specification for Minibuses and Multi purpose Vehicles (MPVs)**

#### **1 Age of vehicles**

##### **1.1 Private Hire -**

Generally vehicles must be under four years of age when first licensed and not over 8 years of age on renewal. A purpose built or wheelchair accessible hackney carriage must be under seven years of age when first licensed and not over 12 years of age on renewal.

##### **1.2 Hackney Carriage –**

Generally vehicles must be under four years of age when first licensed and not over 8 years of age on renewal. A purpose built or wheelchair accessible hackney carriage must be under seven years of age when first licensed and not over 12 years of age on renewal.

##### **1.3**

#### **1 Vehicle type**

1.1 A private hire vehicle or Hackney Carriage licence will be granted in respect of a minibus or MPV constructed or adapted to carry up to 8 passengers i.e. 8 seats plus the driver's seat.

#### **2 Vehicle Power/Engine size**

2.1 A minimum engine capacity of 90 Brake Horsepower (BHP)

#### **3 Driver Configuration**

3.1 Right hand drive.

#### **4 Passenger Doors**

4.1 The vehicle must have appropriate emergency exit facilities i.e. two emergency doors as follows:

a) one side opening door and one rear opening door (which must not be a single vertically opening door) in addition to the driver and front passenger doors, both of which must be capable of being opened from the inside with direct access for all passengers; or

b) two side opening doors, in addition to the driver and the front passenger doors, both of which must be capable of being opened from the inside and with direct access for all passengers. For the avoidance of doubt this means that all passengers must be able to exit the vehicle without passing the end of another row of seats or having to lift, move or cross over another seat; and

c) all opening mechanisms must be to manufacturer's standard specifications or comply with current British Safety Standards.

## **5 Seating:**

- 5.1 Seating should be for at least four, but not more than eight passengers in addition to the driver;
- 5.2 Rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be permitted;
- 5.3 Sideway mounted seats will not be permitted.
- 5.4 Folding or moving seats which are so constructed to provide access to other seats and/or doors to which there is no direct access will be permitted so long as they have not been modified from the original design and construction of the vehicle.
- 5.5 Vehicles with folding or moving seats that provide access will be inspected prior to any approval being given for the use of the additional seats.

## **6 Wheels and Tyres**

- 6.1 All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.
- 6.2 Run-flat tyres are acceptable on licensed vehicles.
- 6.3 'Space-saver' spare tyres are acceptable on licensed vehicles if they conform to the Original Manufacturers' Specification. If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space-saver' spare tyre is being used on the vehicle.
- 6.4 Original Manufacturers' Specification 'tyre repair kits / compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards. If a 'tyre repair kit / compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit / compressor' is being used on the vehicle.
- 6.5 All tyres must be crossply or radials (remould tyres and part worn tyres are NOT acceptable).

## **7 Vehicle Roof**

- 7.1 A permanent roof which is watertight - a standard sun roof (i.e. sun roof fitted when new by manufacturer) or a sunroof fitted retrospectively will be allowed.

## **8 Vehicle Structure and Appearance**

8.1 The vehicle must not show evidence of patched repairs to the chassis or structural body parts of the vehicle including the outriggers unless the repair is of the original gauge metal and continuously welded;

8.2 A clean and smart appearance both externally and internally.

## **9 Luggage Compartment**

9.1 A separate locking luggage area, or in the case of an estate vehicle, a permanent grille fitted sufficient to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat. Roof racks and, top boxes are permitted, but roof racks shall only be used for the transport of sports equipment.

## **10 Seat Belts**

10.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

## **11 Mirrors**

11.1 All vehicles must be fitted with an internal rear view mirror.

11.2 All vehicles must be fitted with nearside and offside exterior rear view mirrors.

## **12 Communication with Driver**

12.1 Sufficient means by which a passenger can communicate with the driver.

## **13 Fire Extinguishers**

13.1 An appliance for extinguishing fires must be carried in all licensed vehicles. Such an appliance must be suitable for vehicle fires (fire class B and C) and conform to BSEN 3, showing the appropriate kite-mark.

13.2 The appliance must be securely fixed in a position readily accessible to the Driver. It is acceptable for the appliance to be carried inside the vehicle's luggage compartment, however, it is preferable that the appliance is carried in the passenger compartment and visible to the passengers.

13.3 All extinguishers must be certified in accordance with the appropriate British Standard. The date of expiry must be clearly visible on the extinguisher. The extinguisher must be marked with the vehicle registration number or Licence Plate number.



## **14 First Aid Kit**

- 14.1 All licensed vehicles must carry a first aid kit suitable for treating minor injuries that complies with the advice of the Health and Safety Executive as a minimum. There is no requirement for a driver to administer first aid treatment, however, the first aid kit should be made available to passengers or any person(s) where appropriate.
- 14.2 The first aid kit should be stored in such a position so as to be readily available to the driver at all times.
- 14.3 The first aid kit should be marked with the registration or plate number of the vehicle and replenished as necessary to conform to any product expiry date.
- 14.4 The following is a suggested list for the minimum requirements of the contents of a first aid kit:
- individually wrapped sterile plasters (of assorted sizes), appropriate to the type of work (you can provide hypoallergenic plasters if necessary);
  - sterile eye pads;
  - individually wrapped triangular bandages, preferably sterile;
  - safety pins;
  - large, individually wrapped, sterile, unmedicated wound dressings;
  - medium-sized, individually wrapped, sterile, unmedicated wound dressings;
  - disposable gloves

## **15 MOT certificate**

- 15.1 An M.O.T. certificate, which must be produced on application.

\*NOTE An MOT. certificate is required for private ambulance vehicles, private hire vehicles and Hackney Carriages after the FIRST YEAR of registration.

## **16 Equipment**

- 16.1 Spare wheel and tyre - properly stored to protect passengers' luggage. In compliance with section 6
- 16.2 Jack and Wheel brace
- 16.3 A reflective warning triangle together with a set of replacement light bulbs for all front and rear lights. The latter does not apply to vehicles with sealed unit lights which do not have replaceable bulbs

## **17 Modifications**

- 17.1 No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without:
- i) compliance with road traffic legislation,

- ii) compliance with insurance requirements, and
- iii) obtaining approval for the change(s) from the Council

## **18 Advertisements**

- 18.1 Any advertising shall be confined to the door panels and rear boot panels and in the case of hackney carriages to the top sign as permitted by law.
- 18.2 No licensed vehicle shall carry an advertisement for any other hackney carriage or private hire proprietor, operator or company.
- 18.3 All advertisements shall be in good taste and contain no material that may be considered to be offensive to any section of the community. The Council retains the right to require advertising to be removed from vehicles.

## **19 Trailers**

Trailers may only be used with the prior approval of the Council and subject to the following requirements:

- 19.1 The driver's DVLA driving licence must cover the categories that allow the towing of trailers, currently 'BE' for cars and 'D1E' for a minibus, as amended by any subsequent legislation.
- 19.2 The trailer must at all times comply with all requirements of road traffic legislation, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- 19.3 The vehicle insurance must include cover for towing a trailer.
- 19.4 Trailers must not be left unattended anywhere on the highway.
- 19.5 The speed restrictions applicable to trailers must be observed at all times.
- 19.6 A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.
- 19.7 Trailers must be approved by the Council's nominated garage.
- 19.8 Trailers must undergo any inspection required by the Council and in any case this will be at intervals of every six months.
- 19.9 Trailers must display an identical Licence Plate to the licensed vehicle. The Council may charge an administrative fee for the duplicate plate.
- 19.10 Trailers cannot be used on a hackney carriage rank and should only be used for specific pre-booked journeys, not whilst plying for hire.

## **20 Windows**

- 20.1 The front windscreen, front driver's side window and front passenger's side window must be clear glass. Exemption from this requirement will be given for original manufacturer's specification 'light tint' glass.
- 20.2 The rear windscreens of any vehicle shall not have been treated so that less than 75% of light is transmitted through it, and the rear passenger compartment side windows of any vehicle so that less than 70% of light is transmitted through them.
- 20.3 This section does not preclude any requirements provided for in any relevant legislation relating to road traffic vehicles.

## **21 Taxi Signage**

- 21.1 A hackney carriage shall carry upon the roof, or as an alternative in or on the windscreen of the said vehicle, a sign which shall include the word "Taxi" or "For Hire" and shall be capable of being illuminated internally at all times when the vehicle is plying for hire, but not otherwise; and such sign shall be fixed in such manner and position and to be of such size as shall be approved by the Council.
- 21.2 A private hire vehicle shall NOT display any sign which might reasonably be taken to indicate that the vehicle is a hackney carriage, and for this purpose includes the word 'TAXI' or 'CAB' in the singular or the plural, or any word of similar meaning or appearance or such words in combination with any other word or words shall be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire

## **22 Fare Meter**

- 22.1 A hackney carriage shall be so constructed or adapted as to be capable of carrying the fare meter in a position acceptable to the Council and visible to all passengers at all times.
- 22.2 The Proprietor of the hackney carriage shall cause the official rates of fare to be exhibited in the carriage as to be clearly visible by all passengers. The Proprietor shall ensure that at all times the table of fares are kept in such condition that all lettering thereon is clearly visible to the passengers and shall renew the same cards as often as is necessary in order to comply with these conditions. Additional copies of the cards may be obtained from the Council.
- 22.3 The fare displayed on the taxi meter for the use of this vehicle when plying for hire within the district shall be strictly at the rate calculated in accordance with the scale of fares determined from time to time by the Council.
- 22.4 The Operator of a private hire vehicle is not required to fit a taximeter but no such vehicle so equipped shall be operated unless the taximeter has been tested by the Council.

## **23 Wheelchair Access**

- 23.1 Where a vehicle is to be accessible to wheelchairs the following conditions apply:
- a Access may be through either the side or rear door for wheelchairs. The rear access for all passengers must not to be blocked by any chair lift once the doors are closed.
  - B Emergency signage must be provided where solid wheelchair ramps obscure emergency signs.
  - c. Wheelchair anchorage points and seat belts must be fitted to the vehicle in accordance with the relevant statutory provisions and British Standard

## Appendix Fourteen

### SPECIAL EVENT VEHICLES

#### **1 Definition**

1.1 A Special Event Vehicle is:

- (a) a vehicle which has been converted or adapted from the manufacturers original specification to increase the number of seats in the vehicle or increase its overall length: or
- b) one which is not a saloon car, estate car, people carrier or minibus licensable under the Council' standard Private Hire Specification.

1.2 The licensing of Special Event Vehicles is always subject to the proviso that the Council is satisfied that the vehicle concerned is suitable in size, type and design for use as a Private Hire Vehicle. The Council's prime consideration is the safety and comfort of the travelling public and thus it reserves the right to refuse to licence any vehicle which, in its opinion, fails to meet this consideration.

1.3 Proprietors are reminded that Private Hire Cars, including Special Event Vehicles, licensed by Newark & Sherwood District Council must be controlled by the holder of a Private Hire Operator's Licence and can only be driven by the holder of a Hackney Carriage/Private Hire Driver's Licence, both issued by the Authority.

1.4 Before any vehicle is presented to the Council's Depot for mechanical testing the owner shall ensure that it complies with the following requirements and conditions.

- (a) The owner shall provide the following documents to the Council:
  - i) DVLA Registration Document (V5)
  - ii) Either:
    - (1) Single Vehicle Approval issued by VOSA: or
    - (2) A Qualified Vehicle Modifier certificate issued by the coachbuilder who carried out the conversion
  - iii) Insurance certificate covering the vehicle for hire and reward
  - iv) Documentation showing the approved overall weight of the vehicle and displayed on it.
  - v) Current MOT test certificate regardless of the age of the vehicle.
  - vi) If the vehicle is converted to run on LPG an installation certificate from a LPGA approved UK conversion company.
  - vii) A diagram of the vehicle showing the layout of the seats and any other equipment in the vehicle, e.g. mini bars. television equipment etc.

## **2 Age Policy**

- 2.1 The vehicle shall be no more than five years old on first licensing and be no more than eight years old on renewal. An owner may apply to licence a vehicle outside these limits but will be required to produce to the following documents in addition to those above:
- a. A full and satisfactory service history of the vehicle;
  - b. A current Emissions Certificate for the vehicle;
  - c. A current MOT Certificate which remains valid for a period of not less than 6 months at the time of the application; and
- 2.2 An applicant will need to demonstrate that the vehicle does not show evidence of structural and/or body repairs (for example use of body filler or welding). The vehicle must also satisfy any mechanical or other test relating to road worthiness or passenger safety set down from time to time by the Licensing Authority. Prior to the conduct of such tests as may be required from time to time by the Licensing Authority the owner of the vehicle should be required to present it at such premises as the Licensing Authority shall direct, the vehicle having first been valetted internally and steam cleaned externally.
- 2.3 In addition, due regard shall be had to the mileage of the vehicle, taking into account the average mileage for a domestic vehicle of a comparable age and vehicle type.

## **3 Vehicle Specification**

- 3.1 A Special Event Vehicle must also comply with the following
- 3.2. A minimum engine capacity of 90 Brake horse power (BHP)
- 3.3 Right hand drive although an imported Stretched Limousine may be left hand drive.
- 3.4 Four passenger doors including the driver's door. A Stretched Limousine must have two doors in the passenger compartment.
- 3.5 The windscreen and all windows in the drivers cab shall be fitted with clear glass. Tinted windows complying with the requirements of the Construction and Use Regulations 2003 as amended or replaced may be fitted to the other windows of the vehicle.
- 3.6 Seating:
- i) seating should be for at least four, but not more than eight passengers in addition to the driver;
  - ii) rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be permitted;

- iii) sideway mounted seats will not be permitted except in Stretched Limousines. Such seats must be at least 400mm wide for each passenger and each seat must be fitted with a seatbelt which must be used.

3.7 Manufacturers gross vehicle weight for the tyres and suspension actually fitted to the vehicle must be sufficient for a minimum payload equal to a full fuel tank, the driver and the number of passengers for which a licence is requested (at 70 kg per person) and luggage (at 20 kg per passenger); and where propane or Liquid Petroleum Gas is used as the vehicle fuel, the weight of extra equipment must be within the gross weight limit. A licence will not be granted for any vehicle which requires an LGV or PSV licence.

### 3.8 Wheels and Tyres

- i) Four road wheels fitted with manufacturer's recommended size tyres.
- ii) *A spare which will enable the vehicle to complete the current journey for which it is hired. A replacement tyre of the same type as that originally fitted must be fitted to the vehicle as soon as possible after the end of the journey*

NB All tyres must be crossply or radials (remould tyres are NOT acceptable unless they are clearly marked showing that they comply with British Standard BSAU144E).

3.9 A permanent roof which is watertight - a standard sun roof (i.e. sun roof fitted when new by manufacturer) or a sunroof fitted retrospectively will be allowed.

3.10 The vehicle must not show evidence of patched repairs to the chassis or structural body parts of the vehicle including the outriggers unless the repair is of the original gauge metal and continuously welded;

3.11 All vehicles must be fitted with rear seat belts. (irrespective of age)

3.12 All vehicles must be fitted with nearside and offside exterior rear view mirrors.

3.13 All vehicles must be fitted with sufficient means by which a passenger can communicate with the driver.

3.14 All vehicles must have an approved first aid kit located in accordance with the Supplementary Testing Manual.

3.15 All vehicles must have a clean and smart appearance both externally and internally.

3.16 All vehicles must have the following equipment:

- i) Spare wheel and tyre - properly stored to protect passengers' luggage.
- ii) Jack

- iii) Wheelbrace
- iv) A reflective warning triangle together with a set of replacement light bulbs for all front and rear lights. The latter does not apply to vehicles with sealed unit lights which do not have replaceable bulbs
- v) Fire extinguisher (minimum 1.0 litre AFFF or 1 kg Dry Powdertype).

#### **4 Licence Conditions**

4.1 The Council's standard Private Hire Vehicle licence conditions shall apply with the following amendments:

- a. The vehicle must display a licence plate in the front window of the vehicle unless otherwise permitted.
- b. No luggage may be carried in the passenger compartment
- c. Passengers may not be carried in the drivers compartment of a stretched limousine.
- d. No more than eight passengers may be carried in a special event vehicle.
- e. A notice must be fixed in a conspicuous place in the passenger compartment stating that passengers must not put any part of their body outside the vehicle through any door or opening in the vehicle at any time.
- f. Where as part of the hiring alcohol is supplied to the passengers this must be done from premises licensed under the Licensing Act 2003.
- g. No alcohol shall be supplied as part of the hiring where any passenger in the party is under 18 years of age. It is the responsibility of the licence holder to ensure that all members of the party are over 18, where any member appears to be under 21 proof of age shall be obtained in the form of a Passport, Photo Driving Licence or approved proof of age card bearing the PASS hologram.
- h. No alcohol shall be supplied in a moving vehicle.



## Appendix Twelve

### AMBULANCE VEHICLES

Newark & Sherwood District Council will Licence as 'Ambulance Vehicles' a vehicle which meets the following criteria:

- 1 The vehicle must be exempt from Vehicle Excise Duty by reason of the application of Paragraph 6 of Schedule 2 of the Vehicle Excise and Registration Act 1994.
- 2 Manufacturers gross vehicle weight for the tyres and suspension actually fitted to the vehicle must be sufficient for a minimum payload equal to a full fuel tank, the driver and the number of passengers for which a licence is requested (at 70 kg per person) and luggage (at 20 kg per passenger); and where propane or Liquid Petroleum Gas is used as the vehicle fuel, the weight of extra equipment must be within the gross weight limit.
- 3 Wheels and Tyres
  - a Four/six (dependent on axle configuration) road wheels fitted with manufacturer's recommended size tyres.
  - b Arrangements must be made by the operator for the replacement of damaged or punctured tyres while the vehicle is in use.
- 4 A permanent roof which is watertight - a standard sun roof (i.e. sun roof fitted when new by manufacturer) or a sunroof fitted retrospectively will be allowed.
- 5 The vehicle must not show evidence of patched repairs to the chassis or structural body parts of the vehicle including the outriggers unless the repair is of the original gauge metal and continuously welded;
- 6 The vehicle must be fitted with rear seat belts or an appropriate means of restraining a stretcher bound patient (irrespective of age)
- 11 Nearside and offside exterior rear view mirrors.
- 12 Sufficient means by which a passenger can communicate with the driver.
- 13 A fully serviceable fire extinguisher, fitted in such a position to be readily available for use and a capacity of not less than 1.0 litre. The extinguisher must be suitable for use in ambulance.
- 14 An approved first aid kit.
- 15 An MOT certificate, which must be produced on application.

\*NOTE An MOT. certificate is required for ambulance vehicles after the FIRST YEAR of registration.

16 A clean and smart appearance both externally and internally.

17 Equipment

a A reflective warning triangle together with a set of replacement light bulbs for all front and rear lights. Where arrangements are in place under paragraph 3(b) for tires these may include provision for the replacement of bulbs if required.

b\* Fire extinguisher (minimum 1.0 litre).

\*Located in accordance with the Supplementary Testing Manual

18 Age

Generally vehicles must be under 7 years of age when first licensed and not over 12 years of age on renewal. However a vehicle which does not meet these criteria may be licensed subject to the conditions in Part V of this Appendix.

## **Appendix Fifteen**

### **Hackney Carriage and Private Hire Vehicle Licence Conditions**

#### **1 Licence Plates and Signs**

- 1.1 The Proprietor or Operator shall cause the number of this licence to be fixed and displayed on the hackney carriage or private hire vehicle at all times during which the vehicle is licensed as a hackney carriage or private hire vehicle. The number is to be displayed by means of the licence disc and the licence plate issued by the Council to the Proprietor or operator.
  - 1.2 The licence plate shall be fixed and clearly displayed either on the rear bumper or attached to the rear registration plate of the vehicle. In the latter case the Licence plate shall not obscure the Registration Plate
  - 1.3 The licence disc shall be fixed and clearly displayed on the left-hand side of the windscreen of that vehicle.
  - 1.4 The Proprietor or Operator shall ensure that the approved taxi or private hire vehicle signs, containing the Council's logo, are displayed on both side of the vehicle on the area behind the rear doors (unless another approved sign is displayed there in which case the position of the logo shall be agreed by the Council) of the hackney carriage or private hire vehicle at all times while the vehicle is Licensed as a Hackney Carriage or Private Hire Vehicle. The sign must be displayed with the words 'Newark & Sherwood District Council' uppermost.
- 2** The licence plate and the licence disc referred to in Condition 1 shall remain the property of the Council and shall be returned forthwith to the Licensing Section of Newark and Sherwood District Council, Kelham Hall, Newark, Nottinghamshire, if the Proprietor or Operator no longer holds a Hackney Carriage or Private Hire Vehicle Licence issued by the Council which is in force in respect of the vehicle.

#### **3 Authority to Inspect Vehicles and Conduct Vehicle Inspections**

- 3.1 An Authorised officer of the District Council or any Police Constable shall have the power at all reasonable times to inspect and test any hackney carriage vehicle licensed by the District Council for the purpose of ascertaining its fitness.
  - 3.2 If the Authorised Officer of the District Council or the Police Constable is not satisfied with the fitness of the licensed vehicle, the Proprietor shall, after being notified in writing, present the vehicle at the time and place specified for an examination.
- 4** In addition to the provisions of Condition 3 above, the Proprietor or Operator shall present the hackney carriage or private hire vehicle for inspection and testing at such time as specified in a notice served upon the Proprietor by an Authorised Officer of the District Council or any Police Constable requiring the Proprietor or Operator to do so.

5 Provided that the Council shall not under the provisions of this Condition require the Proprietor or Operator to present the vehicle for inspection and testing on more than two separate occasions during any one period of twelve months.

6 If the Authorised Officer or police Constable is not satisfied as to the condition of the hackney carriage or private hire vehicle upon completion of the inspection required by Condition 3(b) or Condition 4, as the case may be, he or she may immediately suspend the vehicle licence and the Proprietor or Operator shall forthwith upon being required to do so by the Authorised officer or Constable, cause the licence plate and licence disc to be removed from the hackney carriage or private hire vehicle and handed to the Authorised Officer or Constable who shall retain them until such a time as he is satisfied as to the condition of the hackney carriage or private hire vehicle, whereupon the licence plate will be returned to the Proprietor or Operator.

7 In addition to the provisions of Conditions 3, 4 or 5 above, the vehicle shall be subject to a mechanical examination every six months which will be conducted at a test station approved by the Council.

## **8 Vehicles - General**

8.1 The vehicle shall comply with the specification for hackney carriage and private hire vehicles set by the Council.

8.2 The vehicle shall be kept clean and well maintained in every way fit for public service.

8.3 The vehicle will only be permitted to carry the number of persons specified on the licence irrespective of whether they are children or not.

8.4 All vehicles shall be fitted with seatbelts, one for each passenger, plus the driver, which shall be readily accessible for use and maintained in a useable state of repair.

8.5 The vehicle may only be driven by a person holding a valid Hackney Carriage/Private Hire Drivers Licence issued by this Authority (subject to the exemptions in law).

8.6 A hackney carriage or private hire vehicle licensed with this Authority may not hold a hackney carriage or private hire vehicle licence with another Authority.

## **9 Vehicle Documentation**

9.1 The Proprietor or Operator shall during the currency of this licence hold a policy of insurance which complies with Part 4 of the road Traffic Act 1988.

92 The Proprietor or Operator shall produce, when required, the vehicle's registration document, certificate of insurance and Ministry of Transport (MOT) certificate and shall ensure that the vehicle displays a valid Vehicle Excise Licence.

93 Failure to produce such documents within seven days of being so required may result in the suspension of the vehicle licence without notice.

## **10 Advertising on Vehicles**

10.1 Any advertising shall be confined to the door panels and rear boot panels and in the case of hackney carriages to the top sign as permitted by law;

10.2 No licensed vehicle shall carry an advertisement for any other hackney carriage or private hire proprietor, operator or company.

Note Notwithstanding that any hackney carriage/private hire vehicle which at the time of implementation of this rule shall be permitted to retain any design, which has been approved by the Council, until such time as that vehicle ceases to be a licensed hackney carriage or private hire vehicle, or the livery of the vehicle is altered, whichever is the shorter period.

10.3 All designs are to be submitted for approval by the Council prior to use on vehicles.

## **11 Taxi Signs & Roof Signs**

11.1 A hackney carriage shall carry upon the roof, or as an alternative in or on the windscreen of the said vehicle, a sign which shall include the word "Taxi" or "For Hire" and shall be capable of being illuminated internally at all times when the vehicle is plying for hire, but not otherwise; and such sign shall be fixed in such manner and position and to be of such size as shall be approved by the Council.

11.2 A private hire vehicle shall NOT display any sign which might reasonably be taken to indicate that the vehicle is a hackney carriage, and for this purpose includes the word 'TAXI' or 'CAB' in the singular or the plural, or any word of similar meaning or appearance or such words in combination with any other word or words shall be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire.

11.3 A Private Hire Vehicle shall NOT carry any roof sign.

## **12 Fare Meters and Fares for Hackney Carriages**

12.1 A hackney carriage shall be so constructed or adapted as to be capable of carrying the fare meter in a position acceptable to the Council and visible to all passengers at all times.

12.2 The Proprietor of the hackney carriage shall cause the official rates of fare to be exhibited in the carriage as to be clearly visible by all passengers. The Proprietor shall

ensure that at all times the table of fares are kept in such condition that all lettering thereon is clearly visible to the passengers and shall renew the same cards as often as is necessary in order to comply with these conditions. Additional copies of the cards may be obtained from the Council.

123 The fare displayed on the taxi meter for the use of this vehicle when plying for hire within the district shall be strictly at the rate calculated in accordance with the scale of fares determined from time to time by the Council.

124 The Operator of a private hire vehicle is not required to fit a taximeter but no such vehicle so equipped shall be operated unless the taximeter has been tested by the Council.

### **13 Reporting of Accidents**

13.1 The Proprietor or Operator shall, within 72 hours of any accident involving the hackney carriage or private hire vehicle, report such occurrence to the Council.

### **14 First Aid Kits and Fire Extinguishers**

14.1 The vehicle shall be fitted with a First Aid Kit and a serviceable 1.0 litre A.F.F.F. or 1.0 kilogram Dry Powder Fire Extinguisher. Both of these items must be carried in accordance with the instructions in the Supplementary Testing Manual.

14.2 The vehicle shall also carry a reflective warning triangle together with a set of replacement light bulbs for all front and rear lights. The latter does not apply to vehicles with sealed unit lights which do not have replaceable bulbs

### **15 Proprietors/Operators of Hackney Carriages/Private Hire Vehicles**

15.1 The Proprietor or Operator shall not in Newark and Sherwood District act as a driver of vehicle unless he has a current Hackney Carriage/Private Hire Driver's Licence issued to him by the Council.

15.2 The Proprietor or Operator shall not in Newark and Sherwood District employ or use any person as a driver of the vehicle, or permit any other person to act as the driver of the vehicle unless the person concerned holds a current Hackney Carriage Private Hire Driver's Licence issued by the Council (subject to the exemptions in law).

15.3 The Proprietor or Operator shall inform the Council in writing of:

(a) all convictions and penalties incurred, whether imposed by a Court or by a Police Officer or other officer authorised to serve Fixed Penalty Notices, during the period of the licence within seven days of the conviction or the issuing of the Fixed Penalty Notice; - (for this purpose a fixed penalty is classed as a conviction).

(b) County or High Court judgements, i.e. in the case of bankruptcy, etc.

- (c) change of their address during the period of the licence within 7 days of such change taking place.

**16 Documentation to be Maintained by Proprietors/Operators of Hackney Carriage/Private Hire Vehicles**

16.1 The Proprietor or Operator shall maintain a list of the names and addresses of all persons employed, or otherwise used, by him or her for the purposes of driving the hackney carriage, and shall make such a list available for inspection by the Council on demand.

16.2 The Proprietor or Operator must notify the Council in writing of any change of address (including any change of business address) during the period of the licence, within seven days of such change taking place.

**17 Interviews**

17.1 Where a Proprietor or Operator is requested to either attend an interview relating to the driving or operation of a vehicle licensed by the Council and fails to attend without reasonable excuse the Council may suspend this licence without notice.

**18 Newark and Sherwood District Byelaws**

18.1 The Byelaws for the time being in force in the District of Newark and Sherwood with respect to Hackney Carriage and Private Hire Vehicles, Hackney Carriage Proprietors, Private Hire Operators and Hackney Carriage Private Hire Drivers shall apply to this licence and are incorporated as if they were herein set out in full as conditions of this licence.

**19 Penalties**

19.1 A person who offends against a byelaw, or the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 is liable to a fine not exceeding level 3 on the standard scale. In addition, the Council may suspend or revoke an existing licence or refuse to renew a licence.

## **Appendix Sixteen**

### **Vehicle Testing**

#### **1 Vehicle Testing Centre**

1.1 The approved vehicle testing centre is located on Brunel Drive, Newark, NG24 2EG.

They operate an appointment only service. The contact number for the garage is:  
01636 655566.

1.2 A copy of the Supplementary testing manual is set out below





**NEWARK AND SHERWOOD DISTRICT COUNCIL**

**THE LICENSING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES**

**SUPPLEMENTARY TESTING MANUAL**

**Vehicles will be tested to a higher than MOT standard  
unless otherwise indicated in the supplementary testing manual**

## INDEX

Section 1	-	Vehicle Exterior
Section 2	-	Hackney Carriage and Private Hire Vehicle Signs
Section 3	-	Licence Plates
Section 4	-	Tyres and Spare Wheels
Section 5	-	Boot/Luggage Compartment
Section 6	-	Engine Compartment/Transmission/Mountings
Section 7	-	Interior of Vehicles
Section 8	-	First Aid Kit
Section 9	-	Fire Extinguishers
Section 10	-	Road Test
Section 11	-	Meters

## 1. EXTERIOR OF THE VEHICLE

### METHOD OF INSPECTION

### REASONS FOR FAILURE

### NOTES

1.1	The exterior of the bodywork, the underside of the vehicle and the engine compartment must be free from mud, oil and grease to allow for proper inspection of these areas (see Notes), i.e. steam cleaned.	1. Contamination preventing proper inspection.	If the vehicle comes for annual inspection in a filthy condition the inspection will not be carried out.
1.2	Check the operation of all external door catches and locks to ensure that all doors can be securely closed and easily opened.	2. Defective external door catches which prevent a door opening and closing properly. Missing or ineffective door locks.	
1.3	Check all doors to ensure that they are properly aligned and will close easily.	3. Poorly fitting doors to the vehicle.	
1.4	Ensure that the door hinges are in good condition allowing free movement of the door.	4. Defective door hinges.	
1.5	Check all wind-check positions to ensure that doors are held in place when opened.	5. Wind-checks which fail to hold the doors in place when opened.	Any wind check straps must be of a type approved by the manufacturer.
1.6	Examine the external body panels and structure for evidence of corrosion, damage and/or unsatisfactory repairs.	6. Corrosion or damage to the vehicle body or structure which adversely affects the appearance and/or safety of the vehicle.	Engineers certification may be required to satisfy the vehicle examiner that repairs have been properly carried out.
1.7	Examine the external paintwork for damage which adversely affects the appearance of the vehicle (see Notes).	7. Exterior of vehicle so dirty that the overall finish of the paintwork cannot be assessed. Paintwork so deteriorated, damaged, rust blistered or stone	

1. EXTERIOR OF THE VEHICLE cont'd

METHOD OF INSPECTION

REASONS FOR FAILURE

NOTES

chipped, that it detracts from the overall appearance of the vehicle. Renovations to paintwork which produce runs, flat or uneven finish or of non matching colour, i.e. not compatible with adjacent panels.

Repairs incomplete in primer or undercoat.

Vehicle resprayed in unapproved colour or colours.

Overspray on glass or other fittings.

Vinyl roof covering dirty, stained, discoloured, painted (other than with vinyl refurbishment product), torn or becoming detached.

Roof covered in unapproved material.

Finisher moulding insecure, incorrectly fitted or missing.

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8. Check that the nearside and offside door/wing mirrors are fitted to the vehicle in a secure manner and that they function correctly.

8. Missing or defective door/wing mirrors.

9. Ensure that the front and rear bumpers are in good order (without damage) and are securely fixed to the vehicle.

9. Damaged or inadequately secured front or rear bumpers.

**1. EXTERIOR OF THE VEHICLE cont'd**

**METHOD OF INSPECTION**

**REASONS FOR FAILURE**

**NOTES**

1.10 Ensure that front and rear number plates comply with the Vehicle Excise and Registration Act 1994 and the Road Vehicles (Registration and Licensing) Regulations. (See Notes.)

10. Damaged front or rear number plates. Number plates which do not comply with the vehicle Excise and Registration Act 1994 and Road Vehicles (Registration and Licensing) Regulations.

Registration mark obscured or indistinguishable is contrary to Section 43(1) of vehicle excise and Registration Act 1994.

Registration mark failing to conform is contrary to regulation 17 of Road Vehicles (Registration and Licensing) regulations and Section 59(1) of the Vehicle Excise and Registration Act 1994.

Registration numbers should be (cars/mini bus)

- 80mm            Height
- 57mm            Width
- 14mm            Stroke width
- 11mm            Space between letters
- 33mm            Space between group of letters and figures

The year letter shall be regarded as a figure. Italic or gothic will normally contravene the stroke width measurement. It is an offence to rearrange, alter or misrepresent figures to form words or names.

1.11 Examine the rubber seals to every door for serious damage, looseness or absence.

11. Damaged, missing or loose door seals which are likely to cause draught, rainwater penetration, unreasonable road noise or a trip hazard.

The vehicle will fail the test where defects in a door seal are considered to be likely to cause rain penetration, excessive draught, excessive road noise inside the vehicle or represent a trip hazard to users of the vehicle.

**METHOD OF INSPECTION**

1.12 Ensure that the vehicle boot lid opens, closes and locks properly, and that the hinges and opening mechanism adequately support the lid when it is in the open position.

1.13 Check the operation of the number plate light, reversing lights and front and rear fog lights.

**REASONS FOR FAILURE**

1.2 Worn hinges to boot lid, defective boot lock, weak or defective boot opening device.

1.3 Inoperable or insufficient number plate, reversing or fog lights.

**NOTES**

Lights may be of insufficient intensity when incorrect bulbs have been fitted. Any lamp fitted must work correctly and be properly aligned.

## 2. SIGNS - HACKNEY CARRIAGE SIGNS

### METHOD OF INSPECTION

- 2.1 Examine the roof mounted sign affixed to the vehicle (see Notes), and ensure that its size, design and construction conform to the Council's standards. Ensure that the sign is undamaged and the lettering clearly legible.
- 2.2 Examine the fixing brackets which affix the roof mounted signs to the vehicle to ensure that the signs are secured in a satisfactory manner and are not likely to work loose.
- 2.3 Check that roof mounted signs are properly illuminated (see Notes).
- 2.4 Check that the roof mounted sign may be switched off by separate switch.

### REASONS FOR FAILURE

1. A sign that does not conform to the Council's standards affixed to the vehicle.
2. A sign that is not satisfactorily secured to the vehicle.
3. A sign which is damaged or has lettering which is not clearly legible.
4. A sign which cannot be switched off by separate means.

### NOTES

The Council's licence conditions require:- that a Hackney Carriage must be equipped with an illuminated sign on the roof.

(If a top sign is to be replaced they should conform to the above, however current top signs will be accepted until that time).

The roof sign should be connected to the meter switch so that the cancelling of the meter automatically illuminates the sign and activating or switching off of the meter by other means (e.g. an isolator switch) automatically extinguishes the sign.

## 2. SIGNS - PRIVATE HIRE VEHICLE SIGNS

### METHOD OF INSPECTION

2.5 Examine the signs where affixed to the vehicle to ensure that they comply with the Council's vehicle licence conditions.

### REASONS FOR FAILURE

4. Non-compliance with conditions.

### NOTES

The Council's licence conditions require:-  
No top signs are allowed on Private Hire Vehicles.  
No signs including the words 'Taxi', 'Cab', 'for hire' etc. are allowed on private hire vehicles which may lead the public to think that the vehicle is a taxi.



### **3. LICENCE PLATES**

#### **METHOD OF INSPECTION**

- 3.1 Inspect the vehicle licence plates fixed to the rear of the vehicle for signs of damage or excessive wear, and ensure that it is securely fixed. Ensure that the information on the plate is clearly legible.
- 3.2 Examine the plate fixing to the vehicle in accordance with the Local Authority's Conditions. (See Notes).
- 3.3 Ensure that the licence disc is affixed to the interior of the vehicle and is clearly visible to the passenger.

#### **REASONS FOR FAILURE**

1. A damaged plate or a plate with information not clearly legible.
2. A plate which is not adequately secured to the vehicle.
3. Missing or damaged disc with information not clearly visible.

#### **NOTES**

The Council's licence conditions require:-  
The licence plate to be displayed at all times.

**4. TYRES AND SPARE WHEEL(Where wheel trims are fitted these should be removed by the driver before the test to enable the wheel to be properly checked)**

<b><u>METHOD OF INSPECTION</u></b>	<b><u>REASONS FOR FAILURE</u></b>	<b><u>NOTES</u></b>
4.1 Tyres must be of the same type. (see Notes). Ensure that the tyre provided on the spare wheel is of the same size and construction as those fitted to the road wheels (see Notes).	1. Variation in type of Tyre. A spare wheel not provided with the vehicle. A tyre which is of a different size or construction.	SPARE WHEEL MUST BE PROVIDED
4.2 Examine the tyres for signs of damage or excessive wear (see Notes), ensure that the spare tyre complies with all legal requirements for tyres when fixed to the vehicle.	2. Damaged, worn, substandard or otherwise illegal tyres. Tyres below the Council's minimum tread depth (see Notes).	A mix of steel and cord radials on one axle will not be accepted. Recut tyres are not acceptable.  A remould will only be acceptable if it carries a clearly legible manufacturer's mark that the tyre conforms to the current British Standard - BSAU144E.  Tyre tread pattern should be a minimum of 2mm in depth throughout the complete circumference and tread breadth of the tyre.
4.3 Check all tyre pressure to ensure that it is inflated to the correct pressure for the vehicle.	3. Under or over inflated tyre(s).	
4.4 Examine the jack and wheelbrace provided with the vehicle to ensure that they are in good working order.	4. Failure to provide a suitable jack and/or wheelbrace with the vehicle.	

- 4.5 Check the spare wheel fixing bracket (or similar securing device) to ensure that the wheel is properly secured in the correct position.
- 4.6 Check the rims of all wheels for any signs of distortion or damage.

- 5. Failure to satisfactorily secure the spare wheel.
- 6. A damaged or distorted wheel rim.

## 5. BOOT/LUGGAGE COMPARTMENT

<u>METHOD OF INSPECTION</u>	<u>REASONS FOR FAILURE</u>	<u>NOTES</u>
5.1 Examine for evidence of damage, corrosion or water penetration.	1. Damage or corrosion to the floor inner wing panels or lid.	
5.2 Examine floor covering to ensure that it is in good condition and offers adequate protection to luggage stored.	2. Excessive wear, damage or staining to floor covering.	
5.3 Examine the interior for accumulations of dirt, dust, grease, litter etc. or staining of any surface with which luggage may come into contact.	3. Accumulations of dirt, grease, rubbish etc. which could soil or damage luggage stored therein.	
5.4 Check for the presence of containers of any flammable or corrosive material (e.g. oil, petrol).	4. Containers for the storage of oil, petrol or any flammable or corrosive material shall not be carried in the vehicle.	These materials are a fire hazard. They may also contaminate passengers luggage, taint food etc.
5.5 Ensure that all interior panels are in position, covering electrical wiring and associated fittings.	5. Panels insecure or missing.	

Note: A properly secured jack, first aid kit, fire extinguisher and wheelchair ramps (where applicable) may be carried in the luggage compartment.

## 6. ENGINE COMPARTMENT/TRANSMISSION/MOUNTINGS

<u>METHOD OF INSPECTION</u>	<u>REASONS FOR FAILURE</u>	<u>NOTES</u>
6.1 Carry out a visual inspection of the engine compartment for signs of oil or fuel leaks.	1. Any fuel leakage. 2. Any oil leakage where oil contamination is apparent over parts of the engine or underside of the vehicle or where oil is seen to be dripping from the vehicle.	Inspection to be carried out from both above and below the vehicle.
6.2 Ensure that the battery is properly secured in position.	3. Insecure battery.	
6.3 Examine all rubber/plastic hoses for signs of wear or deterioration.	4. Significantly worn or deteriorated hoses.	
6.4 Check the fan belt for signs of incorrect adjustment and/or deterioration.	5. An incorrectly adjusted or deteriorated fan belt.	
6.5 Examine the engine mountings for signs of deterioration.	6. Insecure or deteriorated engine mountings.	
6.6 Ensure that the radiator is properly secured to the vehicle and check for signs of any leaks.	7. A leaking or inadequately secured radiator.	
6.7 Examine the inner wing panels and suspension mounting tops for evidence of corrosion (see Notes).	8. Corrosion to the inner wing panels and suspension mounting tops.	This should include any corrosion around headlamp mountings.
6.8 Check the master cylinders for any signs of spillage or leakage of fluid.	9. Leaking master cylinders.	
6.9 Check the clutch mechanisms for correct operation.	10. Fluid leakage or mechanical component wear in the clutch mechanisms.	

6.10 Check the operation of the bonnet release catch.

11. Defective bonnet release catch/mechanism.

## **7. INTERIOR OF VEHICLE**

### **METHOD OF INSPECTION**

### **REASONS FOR FAILURE**

### **NOTES**

7.1 Examine the floor and upholstery inside the vehicle for accumulations of dust, dirt, litter, general debris, cigarette ash, staining or excessive wear.

1. A vehicle which is in a dirty condition with accumulations of dust, litter, debris etc. or staining to the carpets or upholstery.

Vehicle will be failed if cushion/backrests, upholstery, carpeting or matting is collapsed, holed, split, temporarily repaired, dirty or stained.

7.2 Check that there are no excessive unpleasant odours noticeable inside the vehicle.

2. Unacceptable smells of vomit, food or other contaminants.

7.3 Remove any mats from the floor and examine the carpeting for signs of leakage of water into the vehicle.

3. Evidence of leakage of water into the vehicle from rainwater penetration or leaking cooling/heating system.

7.4 Examine any mats provided to ensure that they are not worn or damaged.

Correctly fitted seat covers will be acceptable.

7.5 Sit in each of the passenger seats within the vehicle to ensure that all seat cushions and back rests are in a good condition and offer proper support to passengers and the driver.

7.6 Examine all seats to ensure that they are properly secured to the vehicle; with a fixed rear seat ensure that the seat cushion is not loose.

4. Seats which are not adequately secured to the vehicle.

## 7. INTERIOR OF VEHICLE cont'd

### METHOD OF INSPECTION

- 7.7. Check the operation of the interior light within the vehicle, both the manual switch and the door operated switches.
- 7.8 Examine the interior rear view mirror and ensure that it is securely fixed.
- 7.9 Check the operation of the heater/windscreen demister to ensure that it is in satisfactory working order.
- 7.10 Examine the clutch and brake pedal rubbers for signs of excessive wear.
- 7.11 Check the operation of all window winders ensuring that they allow all windows to be fully lowered and raised easily.
- 7.12 Check the operation of all door release catches to ensure that doors can be opened easily from within the vehicle.
- 7.13 Ensure that child proof locks (if fitted) to rear doors are in working order.

### REASONS FOR FAILURE

5. Faulty interior light fitting. Faulty interior light switch. Faulty interior light door switches.
6. A loose, damaged or missing rear view mirror.
7. Defective heater/windscreen demister.
8. Worn or missing brake and/or clutch pedal rubbers.
9. Window winders that do not allow windows to be easily lowered or raised.
10. Defective interior door release catches.
11. Defective child proof locks.

### NOTES



**METHOD OF INSPECTION**

7.14 Check that any ash trays provided for the vehicle are intact and capable of being used. (Where ashtrays have been removed they should be blanked off).

7.15 If a metal grille is fitted check to ensure that there are no sharp or exposed parts which could cause injury to a passenger or driver.

7.16 Check that estate cars are fitted with a luggage.

**REASONS FOR FAILURE**

12. Unserviceable ash trays or ashtrays that have not been blanked off where removed.

13. Loose or incorrectly fitted grille or exposed parts which could cause injury.

14. Luggage guard not fitted or ineffective.

**NOTES**

The fitting of a metal grille is compulsory.

## 8. FIRST AID KIT

### METHOD OF INSPECTION

- 8.1 Ensure that a first aid kit is provided within the vehicle. Examine the kit to ensure that the contents conform to the requirements laid down in the Council's specification (see Notes).

### REASONS FOR FAILURE

1. Failure to provide a first aid kit, or a kit which does not conform to the Council's specification.

A first aid kit which is sited in a position which is not conspicuous or readily accessible to the passengers and where there is no legible sign displayed on the dashboard indicating the location of the kit.

### NOTES

The Health and Safety (First Aid) Regulations 1981 Specification for travelling First Aid Kits is:-

The Council's specification for first aid kit states that each kit should contain the following:-

	<u>Quantity</u>
	<u>Item</u>
(a)	serviceable box, roll, satchel or other suitable container in which to carry first aid items; 1
(b)	basic instruction card covering Expired Air Respiration, External Cardiac Compression, Treatment of Shock, Recovery Position and Treatment for Bleeding Control; 1
(c)	triangular bandages; 1
(d)	No. 16 eye dressing; 1
(e)	No. 9 large dressing; 3
(f)	No. 8 medium dressings; 3
(g)	No. 7 small finger dressings; 3
(h)	safety pins; assorted
(i)	individual adhesive plasters; assorted
(j)	10 cms c 10 cms Melolin; 6
(k)	roll or surgical tape (such as Micropore); 1
(l)	blunt ended scissors. 1 pair

## 8. FIRST AID KIT cont'd

### METHOD OF INSPECTION

8.2 Ensure that the first aid kit is correctly sited (see Notes).

8.3 See that the first aid kit is permanently legibly marked with the registration No. of the vehicle being tested.

### REASONS FOR FAILURE

2. A first aid kit which is not permanently legibly marked with the Registration No. of the vehicle.

### NOTES

The first aid kit should be sited in the front centre of the vehicle or in the front passenger compartment and should be visible from the front and rear seats of the vehicle. In certain circumstances where, because of the design of the vehicle, the kit cannot be sited in the above stated positions, a clearly legible sign should be affixed to the dashboard stating the position of the first aid kit.

## 9. FIRE EXTINGUISHERS

### METHOD OF INSPECTION

9.1 Ensure that the fire extinguisher provided is either a 1 Ltr. A.F.F.F. foam extinguisher or a 1.0 Kg dry powder extinguisher of a stored pressure type and marked to current British Standard BS 5306 - 1997.

9.2 See that the fire extinguisher is sited in a conspicuous and easily accessible position within the vehicle.

9.3 Examine the fire extinguisher to ensure that it is within the test date and that the seal is not broken. Where a pressure gauge is fitted ensure that the extinguisher is at the correct pressure.

9.4 Examine the fire extinguisher mounting to see that it is sufficiently well secured to the vehicle to prevent it becoming dislodged by normal use of the vehicle.

9.5 Check whether the fire extinguisher is permanently legibly marked with the Registration No. of the vehicle.

### REASONS FOR FAILURE

1. Failure to provide a fire extinguisher, or a fire extinguisher of the stated type, within the vehicle.

2. A fire extinguisher which is not in a conspicuous and readily accessible position within the vehicle.

3. A fire extinguisher which has a broken seal.

4. A fire extinguisher which is not securely fixed within the vehicle.

5. A fire extinguisher which is not permanently, and legibly marked with the Registration No. of the vehicle.

### NOTES

Notts Fire and Rescue Service recommend either 1 Ltr AFFF foam extinguisher or 1 kg dry powder extinguisher of a stored pressure type.

A fire extinguisher may be secured in the boot area provided a sign to the effect is displayed prominently and legibly inside the vehicle.

N.B. Stored pressure type fire extinguishers should be introduced as existing old fire extinguishers are replaced therefore fire extinguishers within date and which are sealed will be acceptable until they require replacement.

**10. ROAD TEST (All vehicles will undergo a road test)**

<b><u>METHOD OF INSPECTION</u></b>	<b><u>REASONS FOR FAILURE</u></b>	<b><u>NOTES</u></b>
10.1 Check for any vibrations through the steering column or transmission.	1. Any unreasonable vibration through the steering column or transmission.	
10.2 Check that the steering is true and positive and does not 'pull' to the nearside or offside.	2. Steering which pulls to the nearside or offside or which is not positive.	
10.3 Check that the operation of the footbrake does not cause the vehicle to judder, or to pull the vehicle to the nearside or offside.	3. Juddering or pulling to nearside/offside when the footbrake is applied.	
10.4 Listen for any unusual noise from the engine and transmission.	4. Unacceptable engine or transmission noise.	
10.5 Check the clutch for correct operation.	5. A clutch which fails to give proper clearance or slips in operation.	
10.6 Check the operation of the gearlever for signs of wear in the mechanism.	6. Evidence of wear in gearlever mechanism.	
10.7 Observe the vehicle exhaust emission for evidence of excessive smoke.	7. Excessive smoke emission.	
10.8 Observe the performance of the engine during the road test for signs of any misfiring, lack of engine power etc., or any indication that the engine is not functioning in the correct manner.	8. Any evidence that there is a problem affecting the performance or reliability of the vehicle.	

**METHOD OF INSPECTION**

**REASONS FOR FAILURE**

**NOTES**

10.9 Check the operation of the speedometer.

9. Speedometer inoperative or defective.

10.10 Report any other matters which affect the fitness of the vehicle for use as a hackney carriage or private hire vehicle.

**11. METERS**

**METHOD OF INSPECTION**

**REASONS FOR FAILURE**

**NOTES**

11.1 Ensure that the meter is sited in a position where it can be clearly seen from all passenger seats within the vehicle or in accordance with the Authority’s licence conditions.

1. Absence of a meter, or a meter which is not suitably sited within the vehicle.

Private hire vehicles are not required to have a meter fitted within the vehicle. When fitted to a private hire vehicle a meter must comply with the specifications as set out in this sheet.

11.2 Examine the meter mounting to ensure that it is satisfactorily secured within the vehicle.

2. A meter which is not adequately secured within the vehicle.

11.3 Check the meter to ensure that the figures indicating the fare are illuminated.

3. Lack of adequate illumination to the meter display.

11.4 Ensure that the meter is correctly calibrated and sealed in accordance with the agreed table of fares (see Notes).

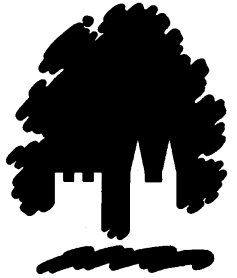
4. An incorrectly calibrated meter.  
5. An unsealed meter.

The calibration test should be carried out by test driving the vehicle over the agreed measured distance and ensuring that the appropriate fare displayed corresponds to the distance covered. Check all tariff rates.

11.5 Check that a table of fares (in the format laid down by the Council), is displayed in the vehicle in a position where it can be clearly seen by passengers in the front and rear of the vehicle.

6. Failure to display a table of fares in a conspicuous position within the vehicle.

Private hire vehicles with a meter should be tested using the tariff set by the P.H. operator and the private hire operators tariff card should be displayed in the vehicle.



NEWARK &  
SHERWOOD  
DISTRICT COUNCIL

**NEWARK AND SHERWOOD DISTRICT COUNCIL**

**THE LICENSING OF HACKNEY CARRIAGES AND  
PRIVATE HIRE VEHICLES**

**SUPPLEMENTARY TESTING MANUAL**

**Vehicles will be tested to a higher than MOT standard unless otherwise indicated in the supplementary testing manual.**



## **Appendix Seventeen**

### **CCTV Apparatus in Hackney Carriages and Private Hire Vehicles.**

1. Where any Hackney Carriage, Private Hire Vehicle or Ambulance Vehicle is licensed by the Council and is fitted with any form of CCTV system or other system for taking images of the inside of the vehicle then that system must comply with the following requirements.
2. The system must have, as its power source, the vehicles own electrical system although independent back up batteries may be fitted. Such back up batteries may only be used as the power source when the main electrical system is not available.
3. All recordings made by the system must be made on a recorder that is not contained within the camera producing the images. The recorder should be in a part of the vehicle to which passengers do not normally have access and must in any event be securely attached to the body or frame work of the vehicle.
4. Recordings by the system shall not be made on any form of media that can be removed by the driver, proprietor owner or operator of the vehicle. Recordings shall only be accessible to a police constable or an Officer of the Council or, at the request of such a constable or officer by the manufacturer of the system or an agent authorised by the manufacturer. Breach of this condition will be referred to the General Purposes Committee on the first occasion
5. The System must operate in one of the following ways:
  - a. Constantly recording images whilst the vehicle's electrical system is switched on.
  - b. Automatically recording images at the start and finish of a hiring as defined by the operator of the vehicle in consultation with the Council with an override facility at any time during the hiring.
6. All recordings must be of evidential quality showing the date and time of recording. The system should retain images for a period of 28 days.
7. Any use of images recorded by the system for any purpose not approved by the police or the Council shall be considered a serious breach of the licensing conditions and be referred to the General Purposes Committee.
8. Any vehicle fitted with CCTV shall display prominent notices stating that CCTV is in use in the vehicle.

#### **NOTE**

This guidance only relates to CCTV inside vehicles. Further guidance on the use of Dashcams can be found on the ICO website

<https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/>

<https://ico.org.uk/for-the-public/cctv-on-your-property/>

**Appendix Eighteen**

**Taxi Ranks**

Taxi ranks and there locations in Newark and Sherwood DC

TIME	LOCATION
24 HOURS	MIDDLE GATE, NEWARK
08:00 to 18:00	KIRK GATE, NEWARK
20:00 to 06:00	CASTLE GATE, NEWARK
24 HOURS	LINCOLN STREET (RAILWAY STATION), NEWARK
24 HOURS	SHERWOOD DRIVE, OLLERTON

## **Appendix Nineteen**

### **PENALTY POINTS SCHEME**

#### **1.0 The details of how the scheme will be operated are as follows:**

- 1.1** The Licensing Enforcement Policy will be fully considered by an authorised officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.
- 1.2** The Penalty Points Scheme will operate without prejudice to Licensing Authority's ability to take other action under appropriate legislation or as provided for by this policy.
- 1.3** The Penalty Points Scheme outlined in Schedule A identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven and by whom.

#### **2.0 Imposition of Points**

- 2.1** Where it is decided that the use of the Penalty Points Scheme is appropriate, the points will be issued in accordance with Schedule A to this appendix.
- 2.2** The imposition of penalty points against a driver who is an employee will not necessarily result in the additional imposition of points to his/her employer or operator. However the Licensing Authority will issue penalty points to drivers, proprietors, driver/proprietors and operators for a single contravention if the circumstances warrant it, i.e. the breach is one against all these licences and it is considered joint responsibility is held.
- 2.3** Points issued to a proprietor, operator or driver will be confirmed in writing within three weeks of the completion of enquiries into the contravention or upon discovery of breach.
- 2.4** Points will be imposed on licences by either the Licensing Officer or by the General Purposes Sub-Committee. The imposition shall be in accordance with Schedule A to this Appendix.
- 2.5** There is no financial penalty associated with the Penalty Point Scheme, and the licence holder may continue to work. However, the licence holder may be asked to attend a hearing before the General Purposes Sub-Committee if 12 or more penalty points are imposed on an individual licence and are still valid, where appropriate action will be taken in accordance with this policy.

### **3.0 Duration of Points**

**3.1** When issued, the penalty points will remain “live for the period specified in Schedule A to this Appendix. They will remain on the licence for consideration from the date they are imposed for the specified period indicated in Schedule A.

### **4.0 The Hearing**

**4.1** Where a driver, proprietor or operator attains 12 penalty points, disciplinary options available to the Licensing Authority will include suspension or revocation of the driver’s licence.

**4.2** If it is felt that the matter does not warrant suspension or revocation of the licence, a written warning may be issued to the driver as to his future conduct.

**4.3** Periods of suspension of a licence will be dependent on the nature of the breach of legislation or the requirements of this Policy and the compliance history of the licence holder.

**4.4** A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances he deems necessary.

### **5. Appeals**

**5.1** Should a driver, operator or proprietor wish to dispute the imposition of points made by an officer, then they have the right to appeal. Appeals will be made to the Business Manager, Licensing and Enforcement who may quash the points, uphold the points or increase the where they deem it appropriate, subject to the maximum points identified in Schedule A.

**5.2** Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of appeal to the Magistrates Court against the suspension or revocation. In most cases a suspension will be subject to a 21 day appeal period starting on the date of the suspension notice to allow for the formal appeal process. There might be occasions where immediate suspension is required e.g. danger to the public.

## **Schedule A to Appendix Nineteen - Penalty Points Tariff**

### **1.1 Legislative offences and penalties:**

Two statutes principally create offences relating to hackney carriages and private hire vehicles are; i) The Town Police Clauses Act 1847; and ii) The Local Government (Miscellaneous Provisions) Act 1976. Offences may also be committed under other legislation, byelaws or conditions.

1.2 The offences are set out below under the relevant statute state the number of points and the length of time that the points will remain on the licence. Where there is an option to attach more points, Licensing Officers will only be permitted to attach the minimum number of points. Where the Licensing Officer determines that the offence is of a more serious nature, the awarding of any points or action will be determined by the General Purposes sub-committee, who on hearing the case may attach points between the minimum and maximum, should the case be found.

1.3 When an application or licence is determined by the General Purposes Sub-Committee the points attached to a licence will be taken into consideration. In such cases the hearing will consider all relevant information and will determine the review in accordance with the relevant legislative framework. Points attached to a licence will not be the reason for refusal, suspension or revocation.

1.4 The Licensing Authority reserves the right to take all appropriate action as is deemed necessary. The attachment of points to a licence in no way prejudices the Licensing Authorities right to prosecute an offender should it be deemed in the public interest to do so.

1.5 A list of the offences, penalty points and the relevant period that points remain on the licence are in accordance with the following tables:

Table 1

## TOWN AND POLICE CLAUSES ACT 1847

List No	Imposition of points by LO or Ctte	Section and Offence	Penalty Points or Action	Period Points Remain on the Licence	Operator	Proprietor	Driver
1	LO Ctte	S40 - Giving false information on a hackney carriage licence application.	6-12*	3 Years		X	
2	LO	S44 - Failure to notify change of address on a hackney carriage licence.	2	1 Year		X	
3	Ctte	S45 - Plying for hire without a hackney carriage licence.	12	5 Years		X	X
4	Ctte	S47 - Driving a hackney carriage without a hackney carriage driver's licence.	12	5 Years		X	X
5	Ctte	S47 - Lending or parting with a hackney carriage driver's licence.	12	3 Years			X
6	Ctte	S47 - Hackney carriage proprietor permitting or employing an unlicensed driver to drive a hackney carriage vehicle.	12	5 Years		X	
7	LO	S48 - Failure of a proprietor to retain in his/her possession copies of any hackney carriage driver's licence that permits them to drive their vehicle.	3	1 Year		X	
8	LO	S48 - Failure of a proprietor to produce on request by an authorised officer any hackney carriage driver's licence for whom he has permitted to drive his/her vehicle.	3	1 Year		X	
9	LO	S52 - Failure to display a hackney carriage plate.	4	3 Years		X	X
10	LO Ctte	S53 - Refusal to take a fare without a reasonable excuse.	8-12*	5 Years			X
11	LO Ctte	S54 - Charging more than the agreed fare.	8	5 Years			X
12	LO Ctte	S55 - Obtaining more than the legal fare (including failure to refund).	8	5 Years			X
13	LO Ctte	S56 - Travelling less than the lawful distance for an agreed fare.	6	5 Years			X
14	Ctte	S57 - Failure to wait after a deposit to wait has been paid.	12	3 Years			X

15	LO Ctte	S58 - Charging more than the legal fare.	8-12*	5 Years			X
16	LO	S59 - Carrying persons other than with the consent of the hirer.	6	3 Years			X
17	Ctte	S60 - Driving a hackney carriage without the proprietor's consent.	12	5 Years			X
18	Ctte	S60 - Allowing a person to drive a hackney carriage without the proprietor's consent.	12	5 Years			X
19	LO	S62 - Driver leaving a hackney carriage unattended.	2	1 Year			X
20	LO	S64 - Hackney carriage driver obstructing other hackney carriages.	2	1 Year			X
21	LO Ctte	S68 – Breach of Byelaws	3-6*	3 Years			X

Local Government (Miscellaneous Provisions) Act 1976							Table 2
List No	Imposition of points by LO or Ctte	Section and Offence	Penalty Points or Action	Period Points Remain on the	Operator	Proprietor	Driver
22	Ctte	S46(1)(a) - A licensed driver using an unlicensed vehicle for private hire purposes.	12	5 Years	X		X
23	Ctte	S46(1)(b) - Driving a private hire vehicle without a private hire driver's licence.	12	5 Years	X		X
24	Ctte	S46(1)(c) - Proprietor of a private hire vehicle permitting or employing an unlicensed driver to drive a private hire vehicle.	8-12*	5 Years	X		
25	LO Ctte	S46(1)(d) - Operating a private hire vehicle without a private hire operators' licence.	8-12*	5 Years	X		X
26	Ctte	S46(1)(e) - Operating an unlicensed vehicle as a private hire vehicle.	12	5 Years	X		X
27	Ctte	S46(1)(e) - Operating a private hire vehicle when the driver is not licensed as a private hire driver.	12	5 Years	X		X
28	LO	S48(6) - Failure to display a private hire vehicle plate.	4	1 Year	X		X
29	LO	S49 - Failure to notify the transfer of a vehicle licence.	3	1 Year	X		X
30	LO	S50(1) - Failure to present a hackney carriage or private hire vehicle for inspection upon request.	6	3 Years	X	X	
31	LO	S50(2) - Failure to inform the Licensing Authority where a hackney carriage or private hire vehicle is stored, if requested.	3	1 Year	X	X	
32	LO	S50(3) - Failure to report an accident to the Licensing Authority within seventy two hours.	6	3 Years	X	X	X
33	LO	S50(4) - Failure to produce the vehicle and/or insurance upon request.	6	3 Years	X	X	X



34	LO	S53(3) - Failure to produce a driver's licence upon request.	6	3 Years			X
35	LO	S54(2) - Failure to wear a private hire driver's badge.	3-6*	3 Years			X
36	LO Ctte	S56(2) - Failure of a private hire operator to keep proper records of all bookings, or failure to produce them upon request of an authorised officer of the Licensing Authority or a police officer within reasonable time / or time specified.	3-8*	3 Years	X		
37	LO Ctte	S56(3) - Failure of a private hire operator to keep proper records of all private hire vehicle licences and driver licences, or failure to produce them on request of an authorised officer of the Licensing Authority or a police officer within reasonable time / or time specified.	3-8*	3 Years	X		
38	LO	S56(4) - Failure of a private hire operator to produce his licence upon request.	4	1 Year	X		
39	Ctte	S57 - Making a false statement or withholding information to obtain a hackney carriage/private hire driver's licence.	12	5 Years			X
40	Ctte	S58(2) - Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence.	6-12*	5 Years	X	X	
41	Ctte	S61(2) - Failure to surrender a driver's licence or badge on or after suspension, revocation, or refusal to renew.	6-12*	5 Years			X
42	LO Ctte	S64 - Permitting a private hire vehicle to wait on a hackney carriage rank.	6-12*	5 Years	X		X
43	LO Ctte	S66 - Hackney Carriage charging more than the meter fare for a journey ending outside the District, without prior agreement.	8	3 Years			X
44	LO Ctte	S67 - Hackney Carriage charging more than the meter fare when a hackney carriage is used as a pre-booked vehicle.	8	3 Years		X	X

45	LO Ctte	S69 - Unnecessarily prolonging a journey.	8	3 Years			X
46	Ctte	S71 - Interfering with a private hire taxi- meter with intent to mislead.	12	5 Years	X		X
47	Ctte	S73(1)(a) - Obstruction of an authorised officer of the Licensing Authority or a police officer.	6-12*	5 Years	X	X	X
48	LO LCtte	S73(1)(b) - Failure to comply with a requirement of an authorised officer of the Licensing Authority or a police officer.	3-12*	5 Years	X	X	X
49	LO Ctte	S73(1)(c) - Failure to give information or assistance to an authorised officer of the Licensing Authority or police officer.	3-12*	5 Years	X	X	X

Table 3							
LICENSING AUTHORITY POLICY							
List No	Imposition of points by LO or LCtte	Section and Offence	Penalty Points or Action	Period Points Remain on the Licence	Operator	Proprietor	Driver
50	Ctte	Failure to ensure the safety of passengers.	12	5 Years	X	X	X
51	LO Ctte	Concealing or defacing a vehicle licence plate.	6	3 Years	X	X	X
52	LO	Failure to attend on time for a pre-arranged appointment at the request of the Licensing Authority for interview without reasonable cause.	2	1 Year	X	X	X
53	LO Ctte	Conveying a greater number of passengers than permitted.	6-12*	5 Years	X	X	X
54	LO	Failure to give reasonable assistance with passenger's luggage.	2	1 Year			X
55	LO Ctte	Private hire soliciting for hire or accepting a fare that is not pre-booked.	6	3 Years			
56	LO	Operating/using a vehicle that is not clean and tidy internally or externally.	2	1 Year	X	X	X
57	LO Ctte	Operating/using a vehicle that is not in a safe condition internally or externally.	6-12*	5 Years	X	X	X
58	Ctte	Driving without the consent of the proprietor.	12	5 Years		X	X
59	LO	Drinking or eating in the vehicle.	2	1 Year			X
60	LO	Smoking in the vehicle at any time.	4-8*	3 Years			X
61	LO	Causing excessive noise from any radio or sound-reproducing equipment.	2	1 Year			X
62	LO	Sounding the horn to signal that the vehicle has arrived. disturbing residents	2	1 Year			X
63	LO	Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand.	6	3 Years	X		X

64	LO	Allowing a hackney carriage vehicle to stand in a position, not being a hackney carriage stand, to suggest that is plying for hire.	6	3 Years		X	X
65	LO Ctte	Using a non-hands free mobile telephone whilst driving/engine running.	3-12*	5 Years			X
66	Ctte	Failure to advise of a relevant medical condition.	12	5 Years			X
67	LO	Failure to provide a receipt for a fare when requested.	2	1 Year			X
68	LO Ctte	Failure to operate the meter from the commencement of the journey and /or charging more that the fixed charge for hire of a hackney carriage.	8-12*	5 Years			X
69	LO	Failure to notify the Licensing Authority of relevant change to licence details within the time specified in the associated licence conditions.	2	1 Year	X	X	X
70	LO	Failure to produce a hackney carriage or private hire licence upon request.	3	1 Year	X	X	X
71	LO	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment.	2	1 Year			X
72	LO	Failure of a private hire operator to request and keep a copy all taxi driver's licence in his employ at the beginning of employment.	2	1 Year	X		
73	Ctte	Failure of a licence holder to disclose convictions within seven days of conviction.	12	5 Years	X	X	X
74	LO	Failure to search a vehicle after a journey or failure to take found property to the police within forty eight hours of finding.	3	3 Years			X
75	LO	Failure to report an accident within seventy two hours.	6	3 Years			X
76	LO	Failure to comply with requirements for the safe carrying of a wheelchair	6	3 Years	X		X
77	LO	Operating a vehicle that does not comply	3-12*	5 Years			

	Ctte	with the Licensing Authority's licensing policy or relevant legislation where such a breach of policy/legislation is not otherwise specified herein.			X		
78	LO	Failure to carry an approved fire extinguisher.	2	1 Year	X	X	X
79	LO Ctte	Modifying a licensed vehicle without the consent of the Licensing Authority.	6-12*	5 Years			X
80	LO	Failure to display or maintain external plates as issued by the Licensing Authority or displaying them incorrectly e.g. in the window of a vehicle.	4	3 Years	X	X	X
81	LO	Affixing or displaying a roof sign on a private hire vehicle.	4	3 Years	X	X	
82	LO	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the Licensing Authority.	4	3 Years	X	X	X
83	LO	Using a taxi-meter that does not conform to Licensing Authority requirements.	6	3 Years	X		
84	Ctte	Driving with no insurance or inadequate insurance for the vehicle.	12	5 Years	X	X	X
85	Ctte	Permitting the vehicle to be used for any illegal or immoral purposes.	12	5 Years	X	X	X
86	LO	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times.	2	1 Year	X	X	
87	LO	Failure of a private hire operator to keep the operating premises in accordance with Licensing Authority requirements.	3	1 Year	X		
88	Ctte	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured.	12	5 Years	X		
89	LO Ctte	Failure of a private hire operator to obtain public liability insurance for the operating premises if the public are allowed access.	6	3 Years	X		

90	LO	Driving or allowing a hackney carriage vehicle to be driven with tinted windows which do not conform to licence conditions.	2	1 Year		X	X
91	LO	Driving or allowing a hackney carriage or private hire vehicle to be driven without displaying the roundels or attaching the signs other than in accordance with the Councils Policy.	2	1 Year	X	X	X

NEWARK AND SHERWOOD DISTRICT COUNCIL

# **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

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Policy and Licensing Conditions  
Handbook

2018

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## **1.0 INTRODUCTION**

### **1.1 Powers and Duties**

1.1.1 This Statement of Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Newark and Sherwood District Council (“the Council”) the duty to carry out its licensing functions in respect of Hackney Carriages and Private Hire vehicles. The powers contained in Part II Local Government (Miscellaneous Provisions) Act 1976, were adopted in 1<sup>st</sup> April 1978.

1.1.2 This Policy Statement sets out the approach the Authority will take in the licensing of Hackney Carriage and Private Hire vehicles, Private Ambulances, Special Event vehicles, drivers and operators when considering, and making decisions on, applications and enforcement actions made under this regime. The Council will aim to apply this Policy Statement in a consistent manner; however, the Authority may depart from this Policy Statement if it has reason to do so, but will give full justification for such departure.

### **1.2 Objectives**

1.2.1 Hackney Carriage and Private Hire vehicles play a vital part in an integrated transport system. They provide safe, secure and comfortable transport, offering an on-request door to door service in various circumstances, including where other forms of transport are either not available (rural areas and late evenings) or for persons with mobility difficulties.

1.2.2 As a result the District has a large fleet of Licensed Hackney Carriages and Private Hire Vehicles. These vehicles provide an essential link in the transport facilities of the district. They also perform a vital function in providing transport for those who have no other access to cars and for those who find the use of public transport difficult. In addition the Council issues a special class of Private Hire licences for specially adapted vehicles used as Private Ambulances.

1.2.3 In setting out its policy and carrying out the licensing functions the Council will seek to promote the following objectives:

- The protection of public health and safety
- The preservation of a professional and responsible Hackney Carriage and Private Hire trade
- Access to an efficient and effective public transport service
- The protection of the environment.

1.2.4 This Policy aims to balance the above objectives with the need to support across the district a viable trade in Hackney Carriage and Private Hire businesses. Each policy has been considered to ensure that it can be justified when considering the balance between the cost of the requirement against the benefit to the public.

1.2.5 The Council acknowledges that the current fleet of Hackney Carriage and Private Hire vehicles and drivers set a high standard of appearance and performance, of which the Council is proud. This Policy seeks to reinforce the existing high standards to all existing and all new licence holders joining the trade in Newark and Sherwood and to emphasis the full range of enforcement options available should they be needed.

1.2.6 In formulating this policy, consideration has been taken of:

- The Office of Fair Trading "The Regulation of Licensed Taxi and PH Services in the UK" 2003
- Taxi and PHV Licensing Criminal Conviction' Policy, LGA
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders - 2013
- Regulators' Code 2014
- The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" March 2010

### **1.3 Implementation**

1.3.1 This policy shall take effect from 1<sup>st</sup> April 2018 and the Authority expects new applicants for licences to comply with its terms immediately. It is acknowledged however that certain provisions may place financial obligations on existing licence-holders and accordingly a transitional period is implemented, during which, necessary changes must be made. Accordingly, the full weight of this policy regarding the vehicle age shall not take effect until September 2019.

1.3.2 The Authority will keep this policy under review and will consult where appropriate on proposed revisions.

1.3.2 From the effective date, this policy will override and supersede all existing policies in relation to Hackney Carriage and Private Hire licensing. All licence holders will be made aware of the effective date.

## **2.0 APPLICATION PROCESSES - PRIVATE HIRE/HACKNEY CARRIAGE AND AMBULANCE DRIVERS**

2.1.1 It is Council policy to issue a dual drivers badge for both Hackney Carriage and Private Hire. Licences shall normally be issued for a maximum period of three years. A lesser licence period maybe granted dependent on the circumstances of that case. The following will be required as part of an application:

- A fully completed and signed application.
- An enhanced check from the Disclosure and Barring service is required on application and applicants are required to join and maintain membership of the DBS update service in order that their status can be checked annually.
- A Driver and Vehicle Licensing Agency (DVLA) licence history, required on application and every year.
- A completed medical examination with the Council's appointed Medical Adviser on application and in line with the Council's policy.
- A completed statutory declaration of convictions
- The required fee
- Attendance of safeguarding training within 12 months of the initial badge being issued.

2.1.2 Applicants shall provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

2.1.3 The information submitted as part of the application process will be shared, when applicable, with other Council Departments and external statutory bodies e.g. Police and HM Customs & Excise.

2.1.4 An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either officers or members of the Licensing Committee) as part of any process associated with the administration or determination of a licence.

2.1.5 Application procedures are set out in Appendix 1.

### **2.2 None British Drivers**

2.2.1 There are additional requirements for applicants who have resided in European Economic Area Countries and worldwide. Applicants are required to provide the local authority with a Certificates of Conduct from a relevant embassy. There are additional details are contained in Appendix 1.

## **2.3 Driver knowledge tests**

- 2.3.1 The Council considers it necessary for Hackney Carriage and Private Hire drivers to know the area.
- 2.3.2 In order to assist the Authority in determining the fitness of an applicant to hold a Hackney Carriage and/or Private Hire driver's licence, applicants are required to undertake a knowledge test. The test consists of seven parts; the first two parts will challenge the applicant's knowledge of UK motoring law and good practice, common road signs and the highway code, the next three sections will test the applicant on numeracy, customer care and taxi law and conditions and the final two sections require knowledge on locations and the road network.

## **2.4 Driving proficiency**

- 2.4.1 The Driving Standards Agency (DSA) provides a driving assessment specifically designed for both Private Hire and Hackney Carriage drivers. This Authority believes that the standard DVLA driving test supported by a local driving ability test is sufficient evidence of driving competency for drivers of Private Hire and Hackney Carriage vehicles. It is considered that introducing a requirement that drivers pass the specific DSA test would not produce benefits, which are commensurate with the costs involved. However, this matter will be kept under close review. The matters examined in the driving test are set out in Appendix 2

## **2.5 Driver qualification**

- 2.5.1 At present there are no additional requirements for driver qualification. The Council wishes to support drivers so they can offer a high standard of service throughout the District. Whilst this matter will be kept under close review, if minded to do so, the Council would consider the introduction of a requirement for all licensed drivers to hold an approved drive qualification (for example, NVQ and/or BTEC).

## **2.6 Medical examination**

- 2.6.1 The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage and therefore the Authority requires Group II Standards of Medical Fitness to Drive, as applied by DVLA to the licensing of lorry and bus drivers, as the appropriate standard for licensed Hackney Carriage and Private Hire drivers.

- 2.6.2 The Council requires that applicants and current drivers undergo medicals through the Councils preferred third party provider. The medical will be taken at the applicants own expense and they are responsible to make their own arrangements for this to take place. The medical certificate will be produced to the Council to support any new application and in the case of a renewal before the renewal of the licence is granted.
- 2.6.3 Licence holders shall advise the Authority of any deterioration in their health that may affect their driving capabilities. Where there is any doubt as to the medical fitness of the applicant, the Authority may require the applicant to undergo and pay for a further medical examination by a medical Doctor appointed by the Authority. Where there remains any doubt about the fitness of any applicant, the Committee will review the medical evidence and make any final decision in light of the medical evidence available. No licence shall be issued until medical clearance (if required) has been established. The Council has a specific policy on Insulin dependent drivers and this is set out in Appendix 3

## **2.7 Criminal Record disclosures**

- 2.7.1 A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Disclosure and Barring Service (DBS) is required as these disclosures include details of convictions, Police Cautions and other relevant information. The Council is an approved Disclosure and Barring Service body; therefore, applicants will deal with the Disclosure and Barring Service through the Council and will be charged the current DBS fee.
- 2.7.2 Whilst it is the responsibility of the applicant to ensure the DBS disclosure form is correctly completed, Licensing Officers will check the accuracy of completed forms before they are sent to the DBS for processing. The DBS places very stringent controls on the Authority with regard to the accurate completion of disclosure forms and therefore drivers should be aware that incorrectly completed forms may delay their application as they will not be accepted by the Authority.
- 2.7.3 DBS disclosures are transferable from one agency to another where "the other workforce" category has been selected. Applicants will be required to use the DBS update service.
- 2.7.4 The DBS certificate will be checked at the time of application and annually using the DBS update service for the duration of the licence.

## **2.8 Relevance of convictions, cautions etc.**

- 2.8.1 In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merits. It will take account of the

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

2.8.2 Accordingly, upon receipt of an Enhanced Disclosure from the DBS, Licensing Officers will assess whether any or all of the conviction(s) and any additional information received is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence. Licensing Officers will only bring a case before the Committee where the number and/or nature of the convictions against the applicant raise doubts as to whether that individual is a fit and proper person to hold the respective driver licence. Appendix 4 sets out in more detail the relevance and effect of criminal convictions on applications.

## **2.9 Convictions and/or formal cautions during period of licence**

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

2.9.2 Accordingly, drivers who are convicted and/or cautioned for any criminal or motoring offence during the currency of their licence, must disclose the conviction and/or caution as well as any penalty imposed in writing to the Council without delay, and in any event within seven days. (For these purposes a fixed penalty motoring offence amounts to a conviction).

2.9.3 If a licensed driver ceases to have a valid DVLA driving licence then their driver's licence issued by this Authority shall be deemed invalid.

2.9.4 Where any driver fails to notify the Authority of any convictions and/or formal cautions this may result in prosecution or referral to the Committee, or both. It may also result in "Penalty Points" being added to the drivers record.

2.9.5 Offences committed by a licensed driver and whether they will be referred to committee will be considered on the criteria set out in paragraph 2.8.2 and Appendix 4 to determine whether they are still a fit and proper person to hold a licence.

## **2.10 Renewal of licences**

2.10.1 The Council will send out the appropriate forms for the renewal of a Driver's Licence two months before the expiry of the current licence. These will include any requirements for medicals or criminal record checks. If the forms are not returned within two weeks of the date of renewal of the Licence it will lapse on its expiry date with no guarantee that the new licence will be available. In that event the Driver will have to make a fresh application and be subject to a medical exam, the Knowledge Test and a Driving Ability Test.



## **2.11 Driver's Conduct**

- 2.11.1 Adopting a Code of Good Conduct for Hackney Carriage and Private Hire licence holders serves to promote the Council's licensing objectives in respect of the Hackney Carriage and Private Hire trades.
- 2.11.2 The standards expected of licence holders are detailed in the Code of Good Conduct included in this policy document as Appendix 5. This appendix should be read in conjunction with the other statutory and policy requirements detailed in this document.
- 2.11.3 Any driver who has a licence revoked will not have an application considered within a three year period from the date of the revocation.

## **2.12 Conditions of licence**

- 2.12.1 The Authority is empowered to attach conditions to a Hackney Carriage and/or Private Hire driver's licence as are considered necessary.
- 2.12.2 Once a Driver's Licence has been granted the Driver must abide by the Conditions of the Licence and the Hackney Carriage Bye-Laws. These conditions are set out as Appendix 6. The Authority considers that the conditions of licence are reasonable, necessary and appropriate for all licensed all drivers.

## **2.13 Dress code**

- 2.13.1 Anything that serves to enhance the professional image of the Private Hire and Taxi trade and promotes the concept that drivers of licensed vehicles are ambassadors of the district is to be supported. The dress code set out at Appendix 7 shall be adhered to by all drivers at all times.

## **2.14 Vulnerable Passengers**

- 2.14.1 A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, elderly person, someone with learning difficulties or someone under the influence of drugs or alcohol.
- 2.14.2 It is essential that vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. A code of conduct for working with vulnerable passengers can be found at Appendix 8. It is a condition of all driver licences that this code of conduct is complied with at all times.

## **2.15 Safeguarding Training**

2.15.1 Every new applicant will undergo Safeguarding Vulnerable Passengers training within 12 months of the initial licence being granted. The training involves attending a training session at a location approved by the Council and the applicant will also complete and pass the test at the end of the session. Current licence holders will also undertake the training within twelve months of the renewal dates of their licence. Failure to pass the test will result in the applicant or current licence holder re-taking the training session and exam at their own cost. Should the applicant or current licence holder fail the test for a third time, in the case of a new applicant the application will be refused, in the case of a current driver the application to renew will be refused or when mid-term of a licence may be revoked.

## **2.16 Driver Hours**

2.16.1 There are no direct controls over the hours that Hackney Carriage and Private Hire drivers can work. There are, however, limits applicable to drivers and crews of heavy goods vehicles or public service vehicles.

2.16.2 The Licensing Authority deem that the number of hours worked by drivers can impact public safety and as a result seeks to promote the same limits that are applicable to drivers and crews of heavy goods vehicles or public service vehicles, namely:

- An average of 48 hours per week calculated over a 17 week period normally;
- In any single week up to 60 hours providing the 48 hour limit is maintained;
- Night work is limited to 10 hours per night unless there is an agreement to work longer hours;
- Working between 6 and 9 hours per day requires breaks totalling 30 minutes. If more than 9 hours is worked then breaks must total 45 minutes. Breaks must be of at least 15 minutes in duration.

2.16.3 The Licensing Authority recommends that these requirements are used as a guideline to ensure drivers are fit to drive and that public safety remains paramount at all times. Further guidance is available from the Council's website or upon request.

### **3.0 PRIVATE HIRE AND AMBULANCE OPERATORS**

#### **3.1 Requirements and Obligations**

3.1.1 A Private Hire or Private Hire Ambulance vehicle must be operated by an individual or firm who holds a licence to operate such vehicles issued by Newark & Sherwood District Council. The Council has to be satisfied that any applicant is a fit and proper person to hold an operator's licence.

3.1.2 The Council will presume against the issue of an Operators Licence where the operating premises and/or the principal area of operation of the business is not situated in the district of Newark & Sherwood.

3.1.3 A Private Hire vehicle may only be despatched to a customer by a Private Hire operator who holds a Private Hire operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a Private Hire vehicle.

3.1.4 A Private Hire operator must ensure that every Private Hire vehicle has a current Private Hire vehicle licence and is driven by a person who holds a current Private Hire driver's licence.

3.1.5 The licences for:

- (i) Private Hire driver's licence and
- (ii) Private Hire vehicle licence

must be issued by the same Licensing Authority.

3.1.6 Applications for operator's licences must be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an operator's licence.

#### **3.2 Fit and proper**

3.2.1 The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:

- Criminal record (including convictions, cautions, warnings and reprimands),
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity,
- Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Newark & Sherwood District Council),

- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)

3.2.2 In addition the Council will also consider further information sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.

3.3.4 If an application is received from a person that is not a current driver licensed by Newark & Sherwood District Council then the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Child and Adult Safeguarding Awareness Training (as required by licensed drivers).

3.3.3 All cases will be considered on their own merits

### **3.3 Address from which an Operator may operate**

3.3.1 The Operator's Licence will be issued for a specific address and it will be a condition of the licence that only the number of vehicles specified in the Licence are operated from that address.

3.3.2 The operating address will be the one at which the vehicles run by the operator will be kept when they are not actually being hired. It is therefore a requirement that the applicant demonstrates that he has the appropriate planning permission in place for the use of the premises as an operating base. This will include any permission required for any radio mast and to keep however many vehicles the operator proposes to run from the premises. The provisions relating to planning permission for Private Hire or Ambulance Operators is set out at Appendix 9. If the appropriate permission is not in place then a licence may not be granted, revised or renewed until it is.

### **3.4 Operators Conditions**

3.4.1 Any Operator's Licence issued by the council will be subject to the conditions set out in Appendix 10 depending on the class of Licence subject to any variations made by the Council in granting the Licence.

### **3.5 Operator responsibility in relation to vehicles / drivers that are operated**

3.5.1 The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers and vehicles are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In

addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator. The following are examples of circumstances that may affect the fitness and propriety of a Private Hire operator:

- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator.
- Vehicles being operated that are in an unsuitable condition.
- Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding).
- Failure to monitor drivers working hours to ensure they are safe to transport the public.

3.5.2 Operators may be issued with enforcement penalty points as a result of the actions of the drivers / vehicle proprietors that are working for them or under their control.

3.5.3 The council expects licensed operators to support the council in its aims to raise awareness of and tackle issues around child and adult safeguarding. Operators must remain alert to these and similar issues.

## **4.0 HACKNEY CARRIAGE, PRIVATE HIRE AND AMBULANCE VEHICLES**

### **4.1 Limitation of numbers**

- 4.1.1 No powers exist for the Council to limit the number of Private Hire vehicles or Ambulance vehicles that they licence.
- 4.1.2 The grant of a Hackney Carriage licence may be refused for the purposes of limiting the numbers of licensed vehicles, if the Council is satisfied that there is no significant unmet demand for the services of Hackney Carriages within the District.
- 4.1.3 The Council currently has no Policy to limit the number of Hackney Carriages which may be licensed within the district.

### **4.2 Application Process**

- 4.2.1 The applicant must submit the following to the Council in order for the application to be considered valid:
- The vehicle application form;
  - The appropriate fee;
  - The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the council at the time of application);
  - The original insurance certificate or insurance cover note for the vehicle (this must be provided before the licence is issued)
  - Any vehicle over 1 year old must have a current MOT certificate valid for at least three months or make arrangements with the appointed testing station to carry out the MOT test at the same time as the supplementary plating test takes place at the applicant's own cost. In the case of the latter the Mot certificate will be produced with the pass certificate before the licence and plates are issued.

And in addition:

- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office.

### **4.3 Specifications and conditions**

- 4.3.1 Local Authorities have a wide range of discretion over the types of vehicle that they can licence as Private Hire vehicles. Government guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. However, it must be suitable in type size and design for such use, must not be capable of confusion with a Hackney Carriage, be in suitable mechanical condition and safe and comfortable.
- 4.3.2 The Council has therefore set out both general and detailed specifications (see Appendices 11 to 14) for Hackney Carriage, Private Hire and Ambulance vehicles which are designed to ensure that all vehicles licensed by it fit these criteria. The Council does not set out a list of vehicle marques but the specification will mean that some vehicles will not be acceptable. If an applicant is unsure whether a particular vehicle meets the specification or whether it can be altered to fit the specification then advice should be sought from the Council's Licensing Section before the vehicle is purchased.
- 4.3.3 Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers shall be accepted, provided that there is compliance with the specification applicable to such vehicles.
- 4.3.4 It is a requirement that all licensed vehicles must comply with all the conditions applicable to their vehicle at all times. These conditions are set out in Appendix 15.

### **4.4 Accessibility**

- 4.4.1 The Authority is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life.
- 4.4.2 Hackney Carriages and Private Hire vehicles are an essential mode of transport for many disabled and older people. The combination of the personal service they offer, their wide availability and door to door operations enable them to respond particularly well to the travelling needs of people with disabilities.
- 4.4.3 For this reason, the Authority considers it important that people with disabilities have access to all forms of public transportation and encourages Hackney Carriage proprietors and Private Hire operators and drivers to use vehicles that will assist those passengers with mobility difficulties.
- 4.4.4 Different accessibility considerations should apply between Hackney Carriages and Private Hire vehicles in that Hackney Carriages can be hired in the street

or at a rank, by the customer dealing directly with a driver. Private Hire vehicles, however, can only be booked through an operator. It is considered particularly important that a person with a disability should be able to hire a Hackney Carriage with the minimum delay or inconvenience. Having an acceptable proportion of accessible Hackney Carriages available helps ensure that this is possible. The Council will, therefore, actively encourage the licensing of sufficient accessible vehicles and have regard to the requirements of the Equality Act 2010 and all relevant equalities and disability legislation.

#### **4.5 Maximum age of Vehicles**

4.5.1 Vehicles must be under four years old on first registration and not over eight years old on renewal. A purpose built or wheelchair accessible Hackney Carriage must be under seven years of age when first licensed and not over twelve years of age on renewal.

4.5.2 Vehicles operating private ambulances only, must be under seven years of age when first licensed and not over twelve years of age on renewal.

#### **4.6 Vehicle Testing**

4.6.1 The Authority needs to be satisfied that licensed vehicles operating within its area are safe to do so.

4.6.2 Vehicles are granted licences for a maximum period of 12 months. Prior to being granted a licence each vehicle shall be examined and tested at a vehicle testing station approved by the Council. Once licensed the vehicle undergoes a further full examination and test at a vehicle testing station approved by the Authority at six monthly intervals. Testing is carried out in accordance with the Supplementary Testing Manual as set out in Appendix 16.

4.6.3 Licensed vehicles that fail an authorised examination and test, and, are deemed unsafe as a passenger vehicle by the vehicle examiner, may result in the vehicle proprietor being issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use by the Council. If the defect is not repaired within two months from the service of the suspension notice, the vehicle licence shall be revoked.

#### **4.7 Signage and advertising**

4.7.1 It is important that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire vehicle. A hackney carriage shall carry upon the roof, or as an alternative in or on the windscreen of the said vehicle, a sign which shall include the word "Taxi" or "For Hire" and



shall be capable of being illuminated internally at all times when the vehicle is plying for hire, but not otherwise; and such sign shall be fixed in such manner and position and to be of such size as shall be approved by the Council.

4.7.2 A private hire vehicle shall NOT display any sign which might reasonably be taken to indicate that the vehicle is a hackney carriage, and for this purpose includes the word 'TAXI' or 'CAB' in the singular or the plural, or any word of similar meaning or appearance or such words in combination with any other word or words shall be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire

4.7.3 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. All licensed vehicles, except those designated Private Ambulance vehicles and those deemed "Prestige" Vehicles by the Authority shall display plates on the rear of the vehicle.

#### **4.8 Security/CCTV**

4.8.1 The Hackney Carriage and Private Hire trade provide a valuable public service particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. CCTV can be a valuable deterrent as well as protection for the driver from unjustified complaints.

4.8.2 It is not the policy of the Council to require in vehicle CCTV as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves.

4.8.3 A vehicle CCTV system should not be installed without prior approval from the Council and shall meet the requirements of any specifications required by the Council as set out in Appendix 17.

## **5.0 HACKNEY CARRIAGE RANKS**

### **5.1 Location and Provision**

- 5.1.1 The purpose of hackney carriage ranks is to provide the public with a set location where they can hire a licensed hackney carriage. The rank is the only situation where a hackney carriage may ply for hire in a stationary position and shall be situated in locations where the public most need hackney carriages, for example - adjacent to transport facilities, retail areas and places of employment, entertainment and leisure facilities. Stands are sited so that passengers can board or alight from the vehicle safely. Stands can be for continual or part time use.
- 5.1.2 The provision of hackney carriage stands is not a legal requirement and may be removed or relocated at the discretion of the Authority.
- 5.1.3 The Authority shall work with the Hackney Carriage trade and other stakeholders to keep taxi ranks under constant review. Details of the locations of all taxi ranks in the district are provided at Appendix 18.

## **6.0 LIMOUSINES, SPECIAL EVENT AND NONE STANDARD VEHICLES**

### **6.1 Limousines**

6.1.1 Any limousines with 8 seats or less must be licensed as a Private Hire Vehicle.

6.1.2 All applications to licence stretched limousines as private hire vehicles will be treated on their own merits. It is, however, proposed that imported stretched limousine type vehicles:

- be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive; and
- be approved for licensing as private hire vehicles subject to the additional conditions detailed in Appendix 13.

6.1.3 These vehicles must display appropriate signage, issued by this Council, which states details of the vehicle, issue date and the number of persons allowed to be carried.

6.1.4 Drivers of limousines and executive vehicles will complete the licensing application process in the same way as any other licensed driver.

6.1.5 Foreign Vehicles: All vehicles used for these purposes must meet relevant British or European standards. Any alterations to a manufacturer's standard specification will require M1 EWVTA. Any subsequent changes to the vehicle will invalidate this approval.

6.1.6 When a vehicle has been imported into this country, the importer must produce a declaration from the testing authority (DVSA) that the vehicle will never carry more than eight passengers.

### **6.2 Special events vehicles and courtesy cars**

6.2.1 The Council considers the following types of vehicles to be 'special event vehicles' in the context of licensing:

- decommissioned emergency service vehicles
- vintage vehicles
- other non-standard type converted vehicles used for special events.

6.2.2 The above list is not exhaustive, and other types of vehicle may be considered from time to time. When considering an application for a speciality vehicle, the Council will have regard to Appendix 13.

6.2.3 Courtesy cars used for transporting customers to and from specific venues such as hotels and nightclubs, whether operated with or without charge to the customer, are considered to be private hire vehicles. These vehicles must meet private hire requirements.

## **7.0 ENFORCEMENT AND COMPLIANCE**

### **7.1 Enforcement Activity**

7.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire vehicle trades. Once licensed, it is essential that all drivers and vehicles comply with the conditions of licence and appropriate legislation. Therefore, the Authority will make arrangements to monitor drivers and vehicles and take appropriate enforcement action. Enforcement visits will therefore be carried out as a response to a complaint(s) or as part of a proactive targeted initiative.

7.1.2 In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Council will operate a risk based, proportionate disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Council will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in this Policy.

7.1.3 The Corporate Enforcement Policy for the Council along with the Regulators' Code embeds the principles of enforcement that will be followed. In line with these principles the Council will:

- carry out its activities in a way that supports those they regulate to comply and grow
- provide simple and straightforward ways to engage with those they regulate and hear their views
- base its regulatory activities on risk
- share information about compliance and risk
- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- ensure that its approach to their regulatory activities is transparent

7.1.4 Compliance assessment is ultimately to ensure that the driver or operator is a "fit and proper" person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount.

7.1.5 Where appropriate referrals will be made to other agencies such as the Police, HM Customs & Excise and both Adult and / or Child Safeguarding teams.

7.1.6 The Council will respond to complaints made by the public and referrals from other agencies & bodies. In addition officers will undertake proactive inspections and testing as either, day to day activity or as part of programmed operations.

7.1.7 Any breach of the required standards, policies and conditions may lead to suspension and/or revocations or the issuing of penalty points, suspension, and revocation of the licence or prosecution.

## **7.2 Penalty Points System**

7.2.1 The Council has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards. The Council must do this in a reasonable, consistent and transparent manner. These standards are defined by legislation and by this policy document. Together they identify the Council's requirements of the trade and help to ensure consistent application of these standards by Council Officers.

7.2.2 In order to ensure compliance with the Council's Hackney Carriage and Private Hire Licensing Policy and to monitor licence holders ability to fulfil the 'fit and proper' test, a penalty points system will be utilised.

7.2.3 The system, as described in Appendix 19 will serve both as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement.

7.2.4 Points will be issued per incident and will accumulate on a licence until they reach the "trigger level" of 12 points. At this trigger level, the licence holder will be referred to the General Purposes Committee to consider whether it is appropriate for licence holder to remain licensed by the council. The Committee may determine that the licence should be suspended or revoked, or the Committee may choose to administer some other sanction at its disposal.

## **7.3 Suspension and /or Revocation of Licences**

7.3.1 Where there is an individual failure in meeting the vehicle conditions an authorised officer may take immediate action to suspend the licence and require remedial action. This requires the service of a STOP notice and further use of the vehicle will be suspended until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and / or been passed as fit for use by the Council. Such STOP notices will also be appropriately accompanied with a penalty point resolution.

7.3.2 In situations where there exists a serious risk of the safety of the public the Director - Safety, under delegated powers, is permitted to temporarily suspend the licence of a driver, vehicle or operator. The matter will be referred to the General Purposes Committee at the earliest opportunity.

7.3.3 Where the General Purposes Committee is satisfied that a person is no longer a 'fit and proper' person or is in breach of a condition of licence, they may suspend a driver's licence for any specified period or revoke the licence.

7.3.4 When considering the revocation of any licence, the General Purposes Committee will take into account all relevant facts and circumstances including the licensing objectives and the nature of the breach.

#### **7.4 Refusal to Renew**

7.4.1 As an alternative to revocation, the General Purposes Committee may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed. The Committee may suspend the existing licence for the remainder of its licence period depending on the individual merits of the case.

#### **7.5 Complaints against Drivers**

7.5.1 All complaints will be fully investigated, often involving the taking of statements from the complainant, driver and any witnesses.

7.5.2 The investigating officer will consider all evidence and mitigating circumstances arising from the investigation before making a recommendation to a senior officer who will reach a decision in accordance with the requirements of this Policy and the Council's Corporate Enforcement Policy. For the purposes of this paragraph, a senior officer is the investigating officer's immediate supervisor or line manager.

7.5.3 The outcome of any complaint will be advised to the complainant in the form of a written response.

#### **7.6 Appeals**

7.6.1 Any notifications of enforcement actions will include information on how to appeal and to whom the appeal is made, if a right of appeal exists.

## Appendix One

### APPLICATION PROCEDURES

#### 1. Application Procedures – Vehicles

- 1.1 Vehicle proprietors shall make arrangements directly with the Authority approved vehicle testing stations to have vehicles examined and tested.
- 1.2 Prior to submitting the vehicle for examination, proprietors shall ensure that the vehicle is in good condition, i.e. mechanically sound; bodywork satisfactory.
- 1.3 In respect of renewal applications, vehicles should not be examined more than 4 weeks before their licence is due to expire. However, it is advised to arrange the examination and test at least 7 days prior to the application appointment, in case the vehicle examination identifies the need for repair work and re-testing, which can then be undertaken prior to the expiry of the licence.
- 1.4 Vehicle proprietors may be subject to a recharge fee by the vehicle testing station in respect of vehicles that fail the vehicle test and undergo a second examination and test.
- 1.5 When presenting an application to the Council the following documents **MUST** accompany the completed application form:-

(i) **DVLA Vehicle Registration Certificate (Log Book.V5)** (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as the proprietor(s) thereof) or a bill of sale identifying the vehicle, seller and purchaser as long as this is accompanied by the part of registration certificate showing the year of registration of the vehicle;

(ii) **Valid Certificate of Insurance** or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle.

(iii) **A current MOT certificate** valid for at least three months or make arrangements with the appointed testing station to carry out the MOT test at the same time as the supplementary plating test takes place at the applicant's own cost. In the case of the latter the Mot certificate must be produced with the pass certificate before the licence plates are issued.

(iv)**Vehicle testing Compliance Certificate**; pass certificate issued from the appointed testing station



## **2. Application Procedures – Drivers**

- 2.1 Applications for hackney carriage or private hire driver licences may be made at any time of the year. Applications must be made on the Council's application form which is available from the Licensing Section or from the Council's website. The application will not be accepted unless it is complete and with all the relevant documentation.
- 2.2 False or incomplete information provided as part of the application process will result in the application being refused. A further application by the same driver will not be considered for a further 6 months.
- 2.3 Applicants shall hold a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). In addition any applicant who holds an EC/EEA driving licence shall provide a translation of the licence certified by the embassy or consulate of the issuing country and swap their licence to a UK driving licence within 1 year of the issue of the drivers licence.
- 2.4 Applicants shall have held a full UK, EC or EEA driving licence for at least 12 months prior to the date of application.
- 2.5 Applicants will be required to complete an application form and pay the appropriate fee for an enhanced certificate from the Disclosure and Barring service on first application. Two forms of personal identification are required as well as a utility bill showing the applicant's current address. Applicants who have previously been known as a different name are required to provide evidence of this name change. Applicants will also need to provide their national insurance number.
- 2.5 All applicants will be required to subscribe to the DBS annual update service and to undergo a DBS every year. This will be introduced for all current drivers during their licence renewal process.
- 2.6 Where an applicant has resided in the UK after their 10th birthday or has spent a period of 3 months or more as a non-resident, the Authority will require a certificate of good conduct authenticated by the relevant embassy of that country of residence and a translated copy provided at the applicant's own expense, in addition to the enhanced DBS check.
- 2.7 The Council will require all applicants to comply with the provisions of the Immigration Act 2016 in so far as demonstrating to the licensing authority that the applicant has a right to work in the UK.
- 2.8 Applicants are required to pass a medical examination of Group II standards. Medical examinations must be conducted by the Council's independent medical advisor. In exceptional circumstances, the applicant may use their own general practitioner or medical practice. In these cases the applicant must provide evidence as to why this should be permitted in writing to the Business Manager for Environmental Health & Licensing.

- 2.9 A medical examination shall be required on the submission of the first application. Drivers aged 45 or over will require an examination every 3 years thereafter until aged 65 years. Drivers aged 65 or over or those drivers with a specified medical condition will be required to have examinations on an annual basis (or as specified by the medical practitioner).
- 2.10 There are different medical requirements applying to insulin dependant drivers and these are set out in Appendix Two
- 2.11 All new applications will have to be submitted **IN PERSON** at the main council offices.

### **3. New Driver Qualifications**

- 3.1 In order to maintain the high standards that the Authority expects of its drivers operating within the district - a basic numeracy, literacy, knowledge of the taxi licensing regimes and knowledge of locations is assessed by the Authority through a knowledge test.
- 3.2 There is a fee payable for the Knowledge test. If further tests are required these will be arranged and an additional administrative fee will be charged, to be paid prior to the test. Subsequent tests must be a minimum of two weeks apart. The tests must be held within two months of the first failed test date or the application will be returned and deemed not duly made.
- 3.3 The literacy and numeracy test aims to identify understanding of the English language and basic mathematics.
- 3.4 The local knowledge test is practical and aims to identify knowledge of locations of places of interest and routes.
- 3.5 New applicants are required to undertake a driving proficiency test conducted by the Council's appointed Driving examiner. Where an applicant fails a driving ability test a period of two weeks must elapse before any retest is taken.
- 3.6 An applicant may only take the knowledge test and driving ability test on three occasions in respect of one application. A test is taken if the applicant attends a relevant test centre and is given a test paper or sets off on the ability test. If three tests of either type are failed the application will be refused and no further application for a drivers licence may be made for a period of six months from the date the last test was failed.

### **4 The Consideration of Applications**

- 4.1 If satisfied, from the information available, that the applicant is a fit and proper person to hold a licence, the Licensing Officer has delegated power to grant the

application and issue a licence. The Council will normally issue licences for a three-year period. However the Council does have the discretion to issue licences of a shorter duration, if it considers this to be necessary given the circumstances.

- 4.2 A driver's badge will be issued which shall remain the property of the Authority and must be surrendered if the driver licence is suspended, revoked or not renewed by the Authority. The badge shall be displayed on the driver's person at all times they are acting as a licensed driver.
- 4.3 If the Authority is not satisfied, from the information available, that the applicant should be granted a licence, the matter will be referred to the General Purposes Committee for a hearing.

## **Appendix Two**

### **MATTERS EXAMINED IN DRIVING ABILITY TEST**

- 1 Comply with the requirements of the eyesight test for drivers
- 2 Take proper precautions before starting engine
- 3 Make proper use of:
  - Accelerator
  - Footbrake
  - Clutch
  - Handbrake
  - Gears
  - Steering
- 4 Move away safely and under control
- 5 Stop the vehicle in an emergency promptly and under control
- 6 Reverse into a limited opening to the left or right under control and with proper observation
- 7 Turn in the road under control and with proper observation
- 8 Reverse park under control and with proper observation
- 9 Make effective use of mirror(s)/rear observation well before:
  - Signalling
  - Changing direction
  - Changing speed
- 10 Give signs:
  - Where necessary
  - Correctly
  - That are properly timed
- 11 Take appropriate action on all:
  - Traffic signs
  - Road markings
  - Traffic lights
  - Signals by traffic controllers
  - Signals by other road users

- 12 Exercise proper care in the use of speed
- 13 Keep a safe distance behind vehicles
- 14 Make progress by driving at a speed appropriate to the road and traffic conditions avoiding undue hesitancy
- 15 Make proper use of:
  - Speed on approach
  - Position before turning left
  - Observation
  - Turning right
  - Cutting right hand corners
- 16 Deal with other vehicles safely when:
  - Overtaking
  - Meeting
  - Crossing their path
- 17 Position the vehicle correctly:
  - During normal driving
  - Exercise lane discipline
- 18 Allow adequate clearance to stationary vehicles and obstructions
- 19 Take appropriate action at pedestrian crossings
- 20 Select a safe position for normal stops
- 21 Show awareness and anticipation of the actions of other road users.
- 22 An applicant will be permitted 9 minor faults in passing this test. A serious or dangerous fault will result in failure. If the examiner or the applicant stops the test before it is completed that will also count as a failure.

## Appendix Three

### DRIVERS WITH DIABETES

#### 1. Insulin Dependant Diabetics

- 1.1 There are specific medical requirements for applicants for the grant or renewal of Private Hire/Hackney Carriage and Ambulance Drivers licences who are Insulin Dependent Diabetics.
- 1.2 The applicant must have had no hypoglycaemic attacks requiring assistance whilst driving within the previous 12 months.
- 1.3 The applicant's condition must have been stable for a period of at least one month.
- 1.4 Once a licence has been granted the holder must regularly monitor their condition by checking their blood glucose levels at least twice daily and at times relevant to driving. **The use of memory chip meters for such monitoring is required.** The Council may require the licence holder to produce records of such monitoring and may copy them for the purpose of taking it own medical advice relating to the licence holder.
- 1.5 The licence holder must arrange to be examined every 12 months by a suitable person who specialises in diabetes. At the examination the specialist will require sight of their blood glucose records for the last 3 months. The Council will require confirmation that the examination has been carried out and that there is no change in the licence holder's condition.
- 1.6 The licence holder must have no other condition, which would render them a danger when driving Private Hire vehicles, Hackney carriages or Ambulance vehicles.
- 1.7 The licence holder will be required to sign an undertaking to comply with the directions of doctors(s) treating the diabetes and to report immediately to both the Council and the DVLA any significant change in their condition.
- 1.8 The effect of this is that all drivers must undergo a medical examination which is in accordance with the requirements for holding a Group 2 licence from the DVLA. This standard states that an Insulin Dependent Diabetic cannot be granted a Group 2 licence and accordingly should not be granted a Private Hire/Hackney Carriage/Ambulance Drivers licence by Newark & Sherwood District Council. However this will be waived as long as the driver meets the medical criteria set out above for the granting of C/C1E entitlement for a DVLA licence. Compliance with this standard does not mean that a driver with a licence issued by the Council can drive a vehicle which requires a C1/C1E entitlement on a DVLA licence unless their DVLA licence shows that entitlement.

1.9 All driver must undertake the following checks:

regular blood glucose testing – at least twice daily including on days when not driving

and

no more than 2 hours before the start of the first journey

and

every 2 hours while driving

1.9 In the event that a licence holder fails to comply with any of the above then the licence will be suspended and the question of whether the driver remains fit and proper to hold a licence will be referred to the General Purposes Committee.

## **2.0 Maturity Onset Diabetes**

2.1 The requirements only apply to one type of medication used to control MODM these being sulphonylureas taken in tablet form.

- Drivers are examined at time of application and then at the same frequency as at present. No driver will be recalled earlier than would normally be the case.
- At each examination drivers with diabetes will be identified and advised as to the additional requirements for testing and provided with written guidance.
- Those drivers identified as MODM treated with sulphonylureas will be provided with additional advice and support.
- Assuming no other problems are identified a one year health certificate will be issued with a requirement to attend a further examination in a years time. They will be advised to use this time to purchase self testing equipment, learn the technique and undertake testing at the intervals advised.
- At the second examination the results from the self testing will be assessed. Satisfactory results will allow for a three year medical certificate to be issued. Unsatisfactory results will result in a one year certificate and a requirement for additional testing. Failure to supply any results will result in no medical certificate being issued.

## **Appendix Four**

### **RELEVANCE OF CONVICTIONS POLICY**

#### **1.0 Introduction**

- 1.1 This policy provides guidance to the General Purposes Committee (and its sub-committee) and Officers with delegated powers on the criteria to take into account when considering the relevance of convictions in determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire driver or Operator Licence. Any decision made by the General Purposes Committee (and its sub-committee) and Officers with delegated powers will be made on the balance of probabilities and not beyond all reasonable doubt.
- 1.2 It is the responsibility of Newark and Sherwood District Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. In exercising this duty the Council will consider the safety of the public as its primary consideration.
- 1.3 In seeking to safeguard the public, the licensing authority seek to ensure:
- That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
  - That the person does not pose a threat to the public
  - That the public are safeguarded from dishonest persons
  - The safety of children, young persons and vulnerable adults
- 1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for a driver's licence
  - Existing licensed drivers whose licences are being reviewed
  - The holders of Private Hire Operators licences
  - Licensing officers
  - Members of the General Purposes Committee/sub-committee
  - Magistrates hearing appeals against local authority decisions



- 1.6 In considering this guidance the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the committee may depart from the guidelines. Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City v Mohammed Farooq (1998)]
- 1.7 In this policy the word “Conviction” is to be defined as including convictions, cautions, warnings, reprimands fixed penalty notices and other relevant information. In this policy ‘from date sentence has ended’ is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term ‘since completion of sentence’ is to be construed in a similar way.
- 1.8 In this policy the word applicant refers to either new applicants, or those existing licence holders who are seeking renewal, or when offences have come to light of existing licence holders

## **2.0 General Policy**

- 2.1 Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:
- a. Remain free of conviction for an appropriate period as detailed below; and
  - b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence).

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.

- 2.2 The Council may depart from this policy if good reasons exist. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances
- 2.3 Outstanding Charges or Summonses
- If an outstanding charge or summons involves a serious offence and/or the individual’s conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the

application should normally be put on hold until proceedings are concluded or the licence may be refused.

#### 2.4 Non-conviction information

If an applicant has on 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.

#### 2.5 In assessing the action to take, the safety of the public must be the paramount concern.

#### 2.6 Where an applicant has had a Hackney Carriage/Private hire driver's licence revoked by another local authority, the Council will not normally grant a licence until at least twelve months has elapsed since the revocation

### 3.0 Consideration of Applications

#### 3.1 Applications will be referred for determination by the Council's General Purposes Committee in the following circumstances:

- where the applicant had been convicted of an offence other than infrequent minor traffic offences, within the five year period immediately preceding the date of the application. However a number of minor traffic offences may result in a reference to the committee as indicating recklessness;
- where the conviction(s) occurred outside the five year period referred to above but:-
- the offence was of a particularly serious nature; or
- there was a history of criminal convictions demonstrating a series of offences which had occurred with relative frequency over a period of years;
- where, in respect of motoring offences which were not spent, the applicant had incurred four or more penalty points in respect of any one offence or had incurred a total of seven or more penalty points; or
- where the Business Manager –Environmental Health and Licensing considers that the offence(s) raised concern that the safety of the public might be put at risk.
- where information is revealed on a DBS check about behaviour which does not involve a conviction or caution for an offence but which the Business Manager – Environmental Health considers should be referred to the Committee.

#### 3.2.1 When submitting an application for a licence to drive a hackney carriage, private hire vehicle or Ambulance vehicle, applicants are required to declare any convictions or formal cautions they may have.

- 3.3 Details of all convictions must be disclosed under the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002. This includes any convictions which would otherwise be “spent”, as taxi drivers do not have the protection afforded under the Rehabilitation of Offenders Act 1974 and accordingly full disclosure is required.
- 3.4 The disclosure of a criminal record or other information will not debar an applicant from gaining a licence unless the authority considers that the conviction affects whether they are fit and proper to hold a licence. In making this decision, the authority will consider the nature of the offence, how long ago and what age the applicant was when it was committed and any other factors which may be relevant in accordance with these guidelines and policy.
- 3.5 Any applicant refused a driver’s licence on the ground that he/she is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates’ Court.

#### **4.0 Powers**

- 4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if:
- the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence;
  - failure to comply with the provisions of the Town Police Clauses Act 1847;
  - failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
  - or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver’s licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. In accordance with this Act, all convictions, cautions, warnings and reprimands must be declared by the Applicant.
- 4.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to be satisfied that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver’s licence and/or Private Hire Vehicle Operator’s licence is a “fit and proper” person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will consider:
1. How relevant the offence(s) are to the licence being applied for
  2. How serious the offence(s) were

3. When the offence(s) were committed
4. The date of conviction
5. Circumstances of the individual concerned
6. Sentence imposed by the court
7. The applicant's age at the time of conviction
8. Whether they form part of a pattern of offending
9. Any other character check considered reasonable (e.g. personal references)
10. Any other factors that might be relevant, for example:
  - (a) The previous conduct of an existing or former licence holder,
  - (b) Whether the applicant has intentionally misled the council or lied as part of the application process,
  - (c) Information provided by other agencies / council departments.

It may also be appropriate to consider the sentencing powers engaged by the court in disposing of criminal proceedings and Judges reasons (obiter dicta) for coming to that decision.

- 4.4 Existing holders of driver's licences are required to notify the licensing authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions). Failure to do so will raise concerns as to the honesty of the licence holder and may be taken into account as part of any subsequent renewal applications or reviews.
- 4.5 Applicants can informally discuss further what effect a caution/conviction may have on any application or existing licence by contacting the Licensing in confidence for advice. The Council will not be bound by any advice given and reserve its full powers
- 4.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense, and subscribe to the update service.
- 4.7 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police.
- 4.8 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. Section 57(3) Local Government (Miscellaneous Provisions) Act 1976 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.

- 4.9 For renewal applications and current licence holders the guidance will not be applied retrospectively. The policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
- 4.10 Any offences not covered by this Policy will not prevent the Council from taking into account the offences.

## **5.0 Policy on immediate revocation/suspension of driver's licence**

- 5.1 If the Council decides to revoke or suspend a driver's licence, it will then have to consider whether that revocation/suspension should take immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 452 The Council only has the power to resolve that the revocation/suspension will take immediate effect if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect. The interest of public safety is not defined and is for the Council to determine. However, regard will be had to any risks to public safety arising from concerns about the licence-holder's driving standards, his character including but not limited to dishonesty, violent behaviour, involvement in drink or drugs, inappropriate sexual conduct, any relevant previous convictions and any other matters the Council may deem relevant.
- 5.3 Before reaching a decision, in most cases and where practical, the Council shall give the licence holder the opportunity to make representations as to whether or not the revocation/suspension will take immediate effect.
- 5.4 The overriding consideration shall always be the safety and protection of passengers and the general public.
- 5.5 Matters such as unemployment and home circumstances should not be taken into account when determining whether the revocation or suspension will take place immediately and therefore shall not outweigh the public safety factor.
- 5.6 Where the Council has decided that a licence-holder is no longer "fit and proper" to hold a licence, for reasons of public safety, the presumption will be that ~~require~~ the revocation of the licence shall have immediate effect.
- 5.7 If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, the Council will give notice to the driver, which includes a statement to that effect and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

## 5.8 Appeals

Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the licensing authority is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s77 (1)].

## 6.0 Considerations given to Offences

This section deals with the types of offences and applies to **new and renewal applications**, and upon **review** of a current licence.

### 6.1 Serious offences involving violence

Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

6.2 Unless there are exceptional circumstances a licence will **not normally** be granted where the applicant has a conviction for an offence such as:

1. Murder
2. Manslaughter
3. Manslaughter or culpable homicide while driving
4. Terrorism offences
5. Kidnapping or abduction
6. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.3 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least **10 years** have passed since the completion of any sentence and /or licence period:

1. Arson
2. Malicious wounding or grievous bodily harm which is racially aggravated
3. Actual bodily harm which is racially aggravated
4. Grievous bodily harm with intent
5. Robbery
6. Possession of firearm
7. Riot
8. Assault Police
9. Common assault with racially aggravated
10. Violent disorder
11. Threats to kill
12. Resisting arrest
13. Hate crime against a person

14. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

6.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below unless at least **5 years** have passed since the completion of any sentence and/or licence period:

1. Racially-aggravated criminal damage
2. Racially-aggravated offence
3. Hate crime against property
4. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

6.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below unless at least **3 years** have passed since the completion of any sentence and/or licence period:

1. Common assault/Battery
2. Assault occasioning actual bodily harm
3. Affray
4. S5 Public Order Act 1986 offence (harassment, alarm or distress)
5. S.4 Public Order Act 1986 offence (fear of provocation of violence)
6. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
7. Obstruction
8. Criminal damage
9. Harassment
10. Offences involving anti-social behaviour
11. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.6 A licence will not normally be granted if an applicant has more than one conviction in the last **10 years** for an offence of a violent nature.

6.7 In the event of a licence being granted, despite convictions against the Applicant, a strict warning both verbally and in writing should be administered. If a warning is issued, this will remain in place for a period commensurate with the time periods in the relevant sections above.

#### **6.8 Possession of a weapon**

If an applicant has been convicted of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence, at least **3 years** must have passed since the completion of the sentence, before a licence is granted.

## 6.9 Sexual and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be considered as serious. Applicants with convictions for sexual offences will **normally be refused a licence upon application, renewal or review.**

Such offences include:

1. Rape
2. Assault by penetration
3. Offences involving children or vulnerable adults
4. Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)
5. Making or distributing obscene material
6. Possession of indecent photographs depicting child pornography.
7. Sexual assault
8. Indecent assault
9. Exploitation of prostitution
10. Any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.10 In relation to indecency offences, an applicant should be free of conviction for at least **5 years** (or at least **5 years** must have passed since the completion of the sentence, whichever is longer), if he / she has a conviction for an offence such as:

1. Making indecent telephone calls
2. Importuning
3. Indecent exposure
4. Soliciting (kerb crawling)
5. Any similar offences (including attempted or conspiracy to commit) offences which replace the above.

6.11 A licence will **not normally be granted** if an applicant has more than one conviction for an indecency offence.

6.12 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 or any other similar register.

## 6.13 Dishonesty

A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.



6.14 In general, a minimum period of **3 years** free of conviction or at least **3 years** have passed since the completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

1. Theft
2. Burglary
3. Fraud
4. Benefit fraud
5. Handling or receiving stolen goods
6. Forgery
7. Conspiracy to defraud
8. Obtaining money or property by deception
9. Other deception
10. Taking a vehicle without consent
11. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.15 Applicants or existing licence holders that are found to have intentionally misled the council, or they lied as part of the application process, will not normally be issued with a licence.

#### **6.16 Alcohol and Drugs**

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness, including drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of licence.

6.17 In addition, the applicant will normally be required to show a period of **10 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

6.18 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.

6.19 A licence will not normally be granted where the applicant has more than one conviction for offences related to the supply of drugs and has not been free of conviction for **10 years**.

6.20 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for **5 years**.

6.21 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last **3-5 years** may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

6.22 If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with the DVLA group two medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of **5 years** free from drug taking after detoxification treatment.

### **6.23 Driving offences involving the loss of life**

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. A licence will not normally be granted if the applicant has a conviction for:

1. Causing death by dangerous driving
2. Causing death by careless driving whilst under the influence of drink or drugs
3. Causing death by driving: unlicensed, disqualified or uninsured drivers
4. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

6.24 Before a licence is granted, an applicant should be free of conviction for **10 years** (or at least **10 years** must have passed since the completion of the sentence, whichever is longer) if the applicant has a conviction for:

1. Causing death by careless driving
2. Causing death by driving: unlicensed, disqualified or uninsured drivers.

### **6.25 Driving offences involving alcohol and/or drugs**

A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drug or drink-driving offence, at least **5 years** free of conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

6.26 More than one conviction for this type of offence or one such offence within the last **5 years** is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least **5 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.

### **6.27 Major Traffic Offences**

Subject to the above paragraphs an isolated conviction for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney

carriage and private hire drivers. However, where the conviction is within **6 months** prior to the date of the application the application will normally be refused.

- 6.28 In cases of disqualification at least **3 years** free from conviction after the restoration of the DVLA licence should normally elapse before an applicant is granted a licence.
- 6.29 Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. An application for a licence will normally be refused where the offence occurred less than **2 years** prior to the application.
- 6.30 Where an existing licence holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will normally be revoked.
- 6.31 Where an existing licence holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be revoked or not renewed and any subsequent application for a new licence will be determined in accordance with the guidance above.
- 6.32 A list of offences to which this section applies is attached as Appendix A

### **6.33 Minor Traffic Offences**

Isolated 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. If there are several minor traffic offences the applicant will normally be expected to show a period free of conviction of at least 6 months.

- 6.34 An application with a points total **above 7** will merit further consideration. A licence will normally be refused where the applicant has **12 or more penalty points** on his DVLA licence for minor traffic offences but has not been disqualified from driving.
- 6.35 Where an offence has resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard.
- 6.36 Generally, a period of **12 months** free from conviction must have elapsed from the restoration of the DVLA licence.
- 6.37 Where an existing licence holder is disqualified from driving the licence will normally be revoked by the Director- Safety under delegated powers.
- 6.38 A list of offences to which this section applies is attached as Appendix B

### 6.39 Totting Up Disqualifications

6.40 Where a number of traffic offences has resulted in a driver receiving **12 penalty** points or more on his/her licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a “totting-up” disqualification. Where an applicant has a totting-up disqualification an application will usually be refused until a period of between **12 months and 2 years** has lapsed from the restoration of the DVLA licence depending on the seriousness of the offences which led to the totting up.

6.41 Where an existing licence holder is disqualified from driving as a result of a totting up, the licence will normally be revoked.

### 6.42 Hybrid traffic offences

Offences of the type listed in Appendix C will be treated as **major** traffic offences if the court awarded **4** or more penalty points for the offence and as **minor** traffic offences if the court awarded **3** or less penalty points for the offence.

6.43 Any applicant who has committed an offence of plying for hire within 6 months of their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances of the case, and at the least suspension of the licence should be considered. Where a driver is convicted on more than one occasion the licence may be revoked or not granted. Consideration will be taken if the offence of plying for hire was accompanied by the fact that at the time there was no insurance cover in place for the vehicle in line with 6.44 below. It will be up to the applicant to prove that there was valid insurance in place at the time of the offence.

### 6.44 Insurance Offences

A serious view will be taken of convictions of driving a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for **3 years**. However, strict warning should be given as to future behaviour. More than one of these offences would normally prevent a licence being granted or renewed. Isolated incidents associated with a licensing offence will not necessarily prevent a licence being granted or renewed. Each case will be considered on its merits.

6.45 At least **3 years** should elapse (after restoration of the DVLA driving licence), before a licence would normally be granted for a HC or PH drivers licence. An operator found guilty of aiding and abetting the driving passengers for hire and reward whilst without insurance will have his operator’s licence revoked immediately and prevented from holding a licence for **3 years**.

**MAJOR TRAFFIC OFFENCES**

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to report an accident within 24 hours
- AC30 Undefined accident offences
  
- BA10 Driving while disqualified by order of court
- BA30 Attempting to drive while disqualified by order of court
- BA40 Causing death by driving while disqualified
- BA60 Causing serious injury by driving while disqualified
  
- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink \*
- CD50 Causing death by careless driving when unfit through drugs \*
- CD60 Causing death by careless driving with alcohol level above the limit \*
- CD70 Causing death by careless driving then failing to supply a specimen for analysis \*
- CD80 Causing death by careless or inconsiderate driving \*
- CD90 Causing Death by driving: unlicensed, disqualified or uninsured drivers \*
  
- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle \*
- DD80 Causing death by dangerous driving \*
- DD90 Furious driving
- DG60 Causing death by careless driving with drug level above the limit\*

**The above offences marked \* are dealt with in the section entitled driving offences involving the loss life**

- DR10 Driving or attempting to drive with alcohol level above limit +
- DR20 Driving or attempting to drive while unfit through drink +
- DR31 Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
- DR40 In charge of a vehicle while alcohol level above limit +
- DR50 In charge of a vehicle while unfit through drink +
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR61 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive +
- DR70 Failing to provide specimen for breath test +
- DR80 Driving or attempting to drive when unfit through drugs +
- DR90 In charge of a vehicle when unfit through drugs +

DG10 Driving or attempting to drive with drug level above the specified limit

DG40 In charge of a vehicle while drug level above the specified limit

**The above offences marked + are dealt with in the section entitled alcohol and drugs**

IN10 Using a vehicle uninsured against third party risks

LC20 Driving otherwise than in accordance with a licence

LC30 Driving after making a false declaration about fitness when applying for a licence

LC40 Driving a vehicle having failed to notify a disability

LC50 Driving after a licence has been revoked or refused on medical grounds

MS50 Motor racing on the highway

UT50 Aggravated taking of a vehicle

TT99 Signifies a disqualification under the totting up procedure 12 or more points within three years

## MINOR TRAFFIC OFFENCES

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- CU80 Using a mobile phone while driving a vehicle
  
- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street Offences
- MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
- MS60 Offences not covered by other codes
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to the identity of driver etc.
  
- MW10 Contravention of Special Road Regulations (excluding speed limits)
  
- PC10 Undefined contravention of Pedestrian Crossing Regulations
- PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
- PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle
  
- SPI0 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Undefined speed limit offence
  
- TS10 Failing to comply with traffic light signals
- TS20 Failing to comply with double white lines
- TS30 Failing to comply with a "Stop" sign
- TS40 Failing to comply with direction of a constable/ warden
- TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
- TS60 Failing to comply with school crossing patrol sign
- TS70 Undefined failure to comply with a traffic direction sign

## HYBRID TRAFFIC OFFENCES

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
  
- SPI0 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Undefined speed limit offence

Other non endorsable motoring offences i.e. no MOT

### NOTE:

All offences in Appendix A, B, C may also have the following codes

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)



## **Appendix Five**

### **CODE OF CONDUCT**

#### **1.0 Preservation of a professional and responsible Hackney Carriage and Private Hire trade**

1.1 Licence holders shall promote the Hackney Carriage and Private Hire trade by:

- Complying with this Code of Conduct
- Complying with all the conditions of their licence, byelaws and the Authority's Hackney Carriage and Private Hire Licensing Policy Statement
- Behaving in a civil, orderly and responsible manner at all times, including being polite, helpful and fair to passengers
- Paying attention to personal hygiene and dress so as to present a professional image to the public (see Dress Code)
- Not eating or drinking in the vehicle in the presence of customers
- Keep their vehicles clean and suitable for Hire to the public at all times
- At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle
- Respecting authorised Officers during their normal course of their duties

#### **2.0 Protection of public health and safety**

2.1 Licence holders shall:

- Maintain their vehicles in a safe and satisfactory condition at all times
- Not consume alcohol immediately before or at any time whilst driving or being in charge of a Hackney Carriage or Private Hire vehicle
- Not drive while having misused legal or taken illegal drugs
- Comply with legislation regarding the length of working hours
- Drive with care and due consideration for other road users and pedestrians
- Obey all Traffic Regulation Orders and directions at all times
- Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle
- Not smoke in the vehicle at any time

#### **3.0 Access to an efficient and effective public transport service**

3.1 Licence holders shall:

- Attend punctually when undertaking pre-booked Hires
- Assist where necessary, passengers into and out of vehicles
- Provide passengers reasonable assistance with luggage

#### **4.0 Protection of the environment**

4.1 To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- Not sound the horn or other audible warning instrument on the vehicle, other than in accordance with the Highway Code, to attract the attention of passengers
- Keep the volume of music media players, radios and/or other audio/visual devices to a minimum
- Switch off the engine if required to wait
- Take whatever additional action is necessary to avoid disturbance to residents in the locality

4.2 At taxi ranks licence holders shall, in addition to the requirements above rank in an orderly manner and proceed along the rank in order and promptly.

4.3 At Private Hire offices licence holders shall:

- Not allow their music media players, radios and/or other audio/visual devices to cause disturbance to residents of the neighbourhood
- Take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

4.4 All of the above items are deemed to be of equal importance. By accepting their licence, the holder is deemed to have accepted the above code of conduct.

## **Appendix 6**

### **STANDARD CONDITIONS – HACKNEY CARRIAGE/PRIVATE HIRE AND PRIVATE AMBULANCE**

Notes: Those Clauses marked with an asterisk shall not form part of an Private Ambulance Drivers Licence or will be amended as shown

#### **1.0 Standard of Service**

1.1 During the period of the licence the driver shall:

- afford all reasonable assistance with passengers' luggage
- at all times be clean and respectable in their dress and person and behave in civil and orderly manner. In particular drivers shall abide by the dress code
- take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle
- not smoke, drink or eat in the vehicle
- 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
- at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle
- ensure that the vehicle is kept clean and well maintained in every way fit for public service
- Ensure that any property left in a vehicle is taken to the nearest Police Station within 24 hours.

#### **2.0 Driver's Badge**

2.1 The driver shall, when driving a Hackney Carriage/Private Hire/Private Ambulance vehicle wear the driver's badge issued by the Council in such position and manner as to be plainly visible.

#### **3.0 Licence Plate**

3.1 The driver shall ensure that the internal licence plate issued in respect of the vehicle is clearly displayed in the front window of the vehicle and that the external licence plate is securely fixed and displayed to the exterior of the vehicle at the rear of the vehicle.

#### **4.0 \*Taxi Meter and Fare to be Demanded**

4.1 While acting as a driver of a hackney carriage and plying for hire within the District the driver shall charge and cause to be paid the fare calculated at the rate set out in the table of fares displayed in the vehicle and determined from time to time by the Council.

4.2 The driver shall not cause the fare recorded on the taxi meter to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

#### **5.0 Fare to be Demanded**

5.1 The driver shall not demand from any hirer of a private hire or private ambulance 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 taximeter the fare shown on the face of the taximeter.

#### **6.0 Waiting for Hire**

6.1 The driver shall NOT permit the Private Hire and Private Ambulance vehicle to wait on stands appointed for Hackney Carriages nor accept an offer for immediate hire while that vehicle is on a road or other public place except where such offer is first communicated to the Licensee by telephone or other apparatus; and without the Driver having first procured the offer in any way.

#### **7.0 Prompt Attendance**

7.1 The driver of a Hackney Carriage/Private Hire and Private Ambulance vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend at the time and place appointed.

#### **8.0 Route Taken**

8.1 The driver of a Hackney Carriage/Private Hire vehicle when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

#### **9.0 Passengers**

9.1 The driver shall not convey or permit to be conveyed in a Hackney carriage/Private Hire and Private Ambulance vehicle a greater number of persons than that prescribed in the licence for the vehicle, irrespective of whether they are children or not.

9.2 The carrying of pets shall be at the driver's discretion subject to the obligation to carry guide dogs, hearing dogs or assistance dogs in accordance with the Equalities Act 2010 (as amended) and by the regulations made under that Act. The only exception to this obligation is if the driver has an allergy. In this case a medical certificate must be provided to the Council and an exemption certificate issued to the driver.

## **10.0 Seat Belts**

- 10.1 Where seatbelts are provided for use by passengers, the driver shall advise passengers of their requirement to wear the seatbelts.
- 10.2 It will be the responsibility of the driver to ensure that all current legislation is complied with in respect of the wearing of seat belts.

## **11.0 Lost Property**

- 11.1 The driver shall immediately after the termination of any hiring of a Hackney Carriage/Private hire vehicle/Private Hire Ambulance, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there;
- 11.2 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, they shall seek to identify the owner thereof and failing which, the property shall be delivered to the nearest Police Station.

## **12.0 Luggage**

- 12.1 The driver shall, when requested by the hirer, convey a reasonable quantity of luggage, and afford reasonable assistance with the loading and unloading and removal thereof to the entrance of any house or place at which they may take-up or set-down the hirer.

## **13.0 Written Receipts**

- 13.1 The driver shall, if requested by the hirer of a Hackney Carriage/Private Hire vehicle/Private Hire Ambulance provide them with a written receipt of the fare paid.

## **14.0 Deposit of Licence**

- 14.1 If the driver is permitted or employed to drive a Hackney Carriage/Private Hire/Private Ambulance vehicle of which the Proprietor/Operator is someone other than themselves, they shall before commencing to drive that vehicle deposit the licence with that Proprietor/Operator until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle owned by the Proprietor/Operator.

## **15.0 Change of Address**

- 15.1 The driver shall notify the Council in writing of any change of their address during the period of the licence within 7 days of such change taking place.

## **16.0 Interviews & Documents**

- 16.1 Where a driver is requested to attend an interview relating to the driving or operation of a vehicle licensed by the Council and fails to attend without reasonable excuse the Council may suspend this *driver's* licence without notice. If a driver is requested to attend any of the Council's offices and produce any documents relating to a licensed vehicle, failure to do so within seven days of the request without reasonable excuse may also result in the suspension of this *driver's* licence

## **17.0 Convictions**

- 17.1 The driver shall, within 7 days, disclose to the Council in writing details of any conviction imposed upon them during the period of the licence. (For the purposes of this condition, a Fixed Penalty Ticket is deemed to be a conviction). When a driving licence issued by the DVLA has been endorsed with 4 or more penalty points in respect of any one offence or had incurred a total of 7 or more penalty points over a period shall be required to attend a meeting of the General Purposes Committee for it to assess whether he or she remains a fit and proper person to hold a Hackney Carriage/Private Hire and Private Ambulance Driver's licence.

## **18.0 Disqualifications**

- 18.1 Where a driver is disqualified from driving during the period of a licence, that Hackney Carriage/Private Hire and Private Ambulance Drivers Licence shall become automatically revoked and the licence and badge issued to the driver shall be returned to the Council forthwith.

## **19.0 Return of Badge**

The driver shall, upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the driver's badge issued to them by the Council when granting this licence.

## **21.0 Dress Code**

- 21.1 Drivers shall be required to comply with the dress code at all times.

## **22.0 Safeguarding Training**

- 22.1 All applicants and licensed drivers must complete Safeguarding Training and pass the associated test.

## **23.0 Penalty Points Scheme**

- 23.1 The Council operates a Penalty Points Scheme to raise the awareness of conditions amongst licensed drivers and also assist in the enforcement of the conditions attached to licences and other matters.
- 23.2 The scheme will apply to drivers, vehicles and operators and should a breach of a condition or other matters be detected, points may be issued against the licence holder, up to a maximum of 12 points in a calendar year. Should a licence holder accrue 12 points or more in a 12 month period you may be required to attend a hearing of the Licensing Committee who will review the status of your licence.
- 23.3 You will be informed in writing of any points awarded against you and why they have been issued.

## **24.0 Newark and Sherwood District Byelaws**

- 24.1 The Byelaws for the time being in force in the District of Newark and Sherwood with respect to Hackney Carriage and Private Hire Vehicles, Private Hire Operators, Hackney Carriage Proprietors and Hackney Carriage/Private Hire Drivers shall apply to this licence and are incorporated as if they were herein set out in full as conditions of this licence

### **HACKNEY CARRIAGE BYE LAWS**

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the District Council of Newark and Sherwood, with respect to hackney carriages in the District of Newark and Sherwood.

#### **INTERPRETATION**

1. Throughout these byelaws “the Council” means the Newark and Sherwood District Council and the “district” means the District of Newark and Sherwood.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed

2. (a) The proprietor of a hackney carriage shall cause the number of the 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.
- (b) A proprietor or driver of a hackney carriage shall:-
- (i) not wilfully or negligently cause or suffer any such number 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 figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:-
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) if such hackney carriage is mechanically propelled, cause the roof or covering to be kept water-tight;
  - (c) if such hackney carriage is mechanically propelled, 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; and
  - (i) if such hackney carriage is mechanically propelled, 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.
  
4. The proprietor of a motorised hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:-
  - (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
  - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;



- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (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.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges

5. The driver of a motorised hackney carriage provided with a taximeter shall:-
  - (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise and also at any other time at the request of the hirer.
6. A proprietor or driver of a motorised 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.
7. The driver of a motorised hackney carriage shall, when plying for hire in any street and not actually hired:-
  - (a) proceed with reasonable speed to one of the stands appointed by the Council for the purposes of such a carriage;
  - (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; and

- (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. 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.
  9. The driver of a hackney carriage shall not when driving for hire smoke without the express permission of the hirer.
  10. 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.
  11. 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.
  12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
  13. 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; and
    - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares

14. (a) The proprietor or driver of a motorised 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 and time, unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a motorised hackney carriage furnished with a taximeter shall be hired by distance and time 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 Council which it may not be possible to record on the face of the taximeter.

- (b) The proprietor or driver of a horse drawn hackney carriage shall be entitled to demand and take for the hire of the carriage the fare prescribed by the Council, such fare being calculated by measured distance over a number of prescribed routes.
15. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (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.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof

16. 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.
17. 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:-
- (a) carry it as soon as possible and in any event within forty-eight hours, if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
  - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Provisions in respect of horse drawn hackney carriages

18. The driver of a horse drawn hackney carriage shall, when plying for hire, stand only on ranks specially appointed for the purpose.
19. A proprietor or driver of a horse drawn hackney carriage shall not, while standing, plying or driving for hire, drive or allow to be driven or harness or allow to be

harnessed to the carriage any animal in such a condition as to expose any person conveyed or being in such carriage, or any person traversing any street, to risk of injury.

20. The driver of a horse drawn hackney carriage shall, while standing, plying or driving for hire, cause every part of the harness of any horse hitched up to the carriage to be kept in order, so that the horse shall be properly and securely attached to the carriage, and under due control.
21. Every proprietor of a horse drawn hackney carriage shall provide the carriage with a sufficient drag chain and slipper or other sufficient brake.
22. A proprietor or driver of a horse drawn hackney carriage shall not, in any street, feed or allow to be fed any horse harnessed or otherwise attached to such carriage, except with food contained in a proper bag or other receptacle suspended from the head of such horse or from the centre pole of the carriage, or which is held in and delivered with the hand of the person feeding such horse.
23. A proprietor or driver of a horse drawn hackney carriage shall not exercise his calling between half an hour after sunset and half an hour before sunrise.
24. A proprietor or driver of a horse drawn hackney carriage shall not permit a horse used to draw a hackney carriage to be harnessed or otherwise attached to such carriage for more than seven hours in any one day or for more than four consecutive hours.

#### PENALTIES

25. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level two on the standard scale, and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

#### REPEAL OF BYELAWS

26. The byelaws relating to hackney carriages which were made by the Mayor, Aldermen and Burgesses of the Borough of Newark on the seventh day of January 1966, and which were confirmed by one of Her Majesty's Principal Secretaries of State on the first day of May 1966 and the byelaws relating to hackney carriages made by the Newark District Council on the first day of March 1975, and which were confirmed by one of her Majesty's Principals Secretaries of State on the 25<sup>th</sup> day of April 1975 are repealed.

## **Appendix Seven**

### **DRESS CODE**

#### **1.0 General Standard**

- 1.1 The driver must be clean and tidy in appearance.
- 1.2 The driver shall, at all times, be dressed in a manner not to cause embarrassment to members of the public, this to include attention to personal hygiene so as to present a professional image to the public.

#### **2.0 Acceptable Standard of Dress**

- 2.1 The following is considered to be an acceptable standard of dress.
  - Shirts, blouses, polo shirts, sweat tops, jumpers, cardigans or fleece jackets should cover the shoulders and be of a sufficient length to enable them to be tucked into trousers or shorts.
  - Shirts or blouses can be worn with a tie or open-necked.
  - Clothing bearing the company logo is acceptable.
  - Trousers may be either full length or shorts, if tailored.
  - Smart jeans are permitted.
  - Footwear should fit around the heel of the feet.
  - Dresses and skirts must be of at least knee length.
  - Suitable headwear to be worn in a correct manner.

#### **3.0 Unacceptable Standard of Dress**

- 3.1 The items below are considered unacceptable to be worn by drivers whilst on duty.
  - Bare chests.
  - No combat or camouflage clothing.
  - Items of clothing that depicts affiliation to a particular sporting team.
  - Unclean or damaged clothing or footwear.
  - Clothing with offensive words, logos or graphics.
  - Beach type footwear (e.g. flip flops, also no bare feet)
  - Hooded garments

## **Appendix Eight**

### **CODE OF CONDUCT WHEN WORKING WITH VULNERABLE PASSENGERS**

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

Drivers should carry photo ID at all times, and wear it in accordance with the conditions of licence.

If necessary, the driver should obtain a record of the carer's contact details if there is no chaperone.

If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council.

Always ask if a vulnerable passenger needs help, do not assume.

Drivers should remain professional at all times and should not:

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

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

if a driver or operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in appropriate cases by calling 999).

If a driver is concerned about someone else's conduct, you should report your concerns to the council's licensing department (01636 650000), police (101) or Crimestoppers (0800 555111).

## **Appendix Nine**

### **PLANNING REQUIREMENTS FOR PRIVATE HIRE AND AMBULANCE OPERATORS**

#### **1.0 Vehicles**

- 1.1 Planning Permission may not be required for the operation of a taxi and/or private hire business from a private residential property but you should always check with the Planning Department. The factors that will be taken into consideration are;
- (i) the location of the property;
  - (ii) the number of vehicle parked at and/or controlled from the property;
  - (iii) if the vehicle is to be based at or controlled from the property. It is likely to require planning permission if the level of activity is such that it causes a material change of use;
  - (iv) if the operations form part of a light haulage/courier operation;
  - (v) the hours of the proposed movement of vehicles, i.e. during the night or early mornings;
  - (vi) maintenance (such as minor servicing) that may take place on or at the property;

#### **2.0 Aerials**

- 2.1 The permitted development rights for aerials are set out in The Town and Country Planning (General Permitted Development) Order 1995 (as amended) at Class H. This sets out the permitted allowances for the installation, alteration or replacement of a microwave antenna (aerial) on a dwellinghouse or within the curtilage of a dwellinghouse. It should be noted that such legislation is subject to change and you should ensure that this is the right legislation when considering such development.
- 2.2 In order to establish whether or not planning permission would be required for the operation of a taxi and/or private hire business and/or the installation of an aerial you should complete and submit an Enquiry Form which can be downloaded from the Council's website at <http://www.newark-sherwooddc.gov.uk/planningapplications> or phone 01636 650000 and request that one be sent in the post to you. A fee is payable for this service.
- 2.3 If planning permission is required then you can use the Local Planning Authority's Pre-application service to determine whether or not such development would be considered favourably.
- 2.4 Provided no valid planning complaints are received regarding the operation of the business, the Local Planning Authority will continue to honour the informal guidance offered to proprietors who were operating a maximum of two taxis/private hire

vehicles from a property prior to 1st January, 1994. However, proprietors who were operating only one vehicle prior to and since 1st January, 1994, will now need to apply for planning permission if they wish to increase their number of vehicles to two or more.

- 2.5 Any pre-1994 two vehicle operators will also be required to apply for planning permission if they wish to increase their number of vehicles to three or more.



## Appendix Ten

### PRIVATE HIRE AND AMBULANCE OPERATOR'S LICENCE CONDITIONS

#### **1.0 Bookings and Standards of Service**

- 1.1 No Operator of a Private Hire vehicle and/or Ambulance Vehicle which is licensed by Newark and Sherwood District Council under this Act shall invite or accept a booking for such vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking information as to the basis of charge for the hire of the vehicle.
- 1.2 Every Operator of Private Hire vehicles and/or Ambulance Vehicles who accepts a booking for a Private Hire vehicle and/or Ambulance Vehicle for an appointed time and place shall give the booking to a vehicle, allowing sufficient time for the vehicle to punctually attend.
- 1.3 The Operator, when accepting bookings under the terms and conditions of the licence, shall only operate drivers and vehicles licensed by the Newark and Sherwood District Council.
- 1.4 The holder of an Operator's licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.
- 1.5 If the Operator makes provision on any premises for the reception of members of the public proposing to hire a vehicle, the Operator must ensure that the premises are in a clean and tidy condition at all times and that adequate arrangements are made for the seating of customers within the premises.
- 1.6 The Operator, as Operator, and without prejudice to any other liability imposed under the Local Government (Miscellaneous Provisions) Act 1976, shall use their best endeavours to ensure that drivers and proprietors of vehicles owned or controlled or operated in association with the Operator shall observe and perform the conditions of their Private Hire Driver's Licence and their Private Hire Vehicle Licence.

#### **2.0 Records**

- 2.1 The Operator shall maintain at their premises particulars of all vehicles operated by him or her, which shall include the following:-
  - (i) the licence plate number;
  - (ii) the registration number;
  - (iii) the name and address of proprietor;

- (iv) the name(s) and address(s) or driver(s) of the above vehicle(s);
  - (v) the badge number(s) of driver(s); and
  - (vi) copies of licences for all vehicles and drivers.
- 2.2 The records required by Condition 2.1 shall be produced to any Authorised Officer of the Council or Police Constable upon request
- 2.3 The Council must be informed of any changes in the particulars detailed in Condition 2.1 above.
- 2.4 The Operator shall enter in a bound book or electronic record, the pages of which are numbered consecutively, particulars of every Private Hire booking and the particulars shall be entered in the book at the time of the booking and shall include the following:
- (i) the time and date of each booking;
  - (ii) by what method the booking was received, i.e. telephone call or personal call;
  - (iii) journey from ..... to .....
  - (iv) the name of the hirer and where the booking is received from another operator, the name of that operator;
  - (v) the Private Hire Vehicle and/or Ambulance Vehicle Licence Plate Number of the vehicle and the name and licence number of the driver which will attend or where the booking is passed onto another operator the name of that operator.
- 2.5 An alternative method of record keeping may only be used with the written agreement of the Council, which will specify in detail how the records are to be kept.
- 2.6 The records required in condition 2.4 shall be kept for a period of not less than 2 years, or such longer period as required by an Authorised Officer of the Council.
- 2.7 A hard copy of the records must be produced immediately, on request, to any Authorised Officer of the Council or Police Constable.
- 2.8 Where any bookings are sub contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking (in line with 2.4 above) and notes must be included; including the name of the sub contractor and contact information)
15. The Operator shall not, knowingly or without the prior written consent of the Council, engage in partnership with, or allow or suffer any involvement in the management of the Operator hereby licensed:

- (a) any person who has been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976 or any other legislation relating to Private Hire and hackney carriage licensing; and
- (b) any person who, for the purposes of Part II of the said Act, has been found by any Licensing Authority not to be a fit and proper person to hold a driver's or Operator's licence. (Your attention is drawn to the Rehabilitation of Offenders Act 1974).

### **3.0 Reporting Requirements**

- 3.1 The Operator shall notify the Council in writing of any change of their operating address, during the period of the licence within 7 days of such change taking place.
- 3.2 The Operator shall inform the Council of:
  - (a) any convictions by a Magistrates or Crown Court incurred during the period of the licence within 7 days of the conviction;
  - (b) any High or County Court judgments against the operator or any partner director or officer of the Operator.

### **4.0 Insurance**

- 4.1 The Operator shall keep, after having first seen the original, a copy of all cover notes and certificates of insurance issued to the said drivers/proprietors. The dates shown on such documents must show continuation of cover throughout the period that the vehicle is working in connection with the said Operator. When a "block" policy is held by the Operator a full list of all vehicles and drivers covered should be kept for at least **one year**.
- 4.2 The Operator must not operate a private hire vehicle / hackney carriage unless the vehicle and driver are licensed by Newark & Sherwood. The Operator must personally examine vehicle licences and insurance certificates to satisfy himself / herself as to their validity.

### **5.0 Complaints Procedure**

- 5.1 All Operators shall have a written complaints procedure that is available at all times within the operating base. Staff will be made aware of the key components of the procedure and operators shall provide training and instruction on the procedure as appropriate.
- 5.2 The Operator shall keep records of all complaints made to him or his agents or managers relative to any aspect of his business or persons at that time working with or employed by that Operator.

5.3 The records shall contain details of the time and date of the complaint, the vehicle and driver to which it relates, the details and the nature of the complaint, the person receiving the complaint and the action taken by all parties aware of the complaint.

5.4 The records shall be available at all times for inspection by an authorised officer of the Council.

## **6.0 Driver Hours**

6.1 The Operator will monitor drivers working hours to ensure they are safe to transport the public. Although there is no legal framework for taxi driver's hours, it is incumbent upon the Operator to ensure drivers do not work long hours and that they are fit to drive and thus will not put the public at risk.

## **7.0 Operator Absence**

7.1 A licensed operator must inform the council if they are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf

## **Appendix Eleven**

### **SPECIFICATION FOR PRIVATE HIRE VEHICLES AND HACKNEY CARRIAGES**

#### **1.0 Age of vehicles**

1.1 For all Private Hire vehicles the following age limits will apply:

vehicles must be under four years of age when first licensed and not over 8 years of age on renewal.

1.2 For all Hackney Carriage vehicles the following age limits will apply:

vehicles must be under four years of age when first licensed and not over 8 years of age on renewal. A purpose built or wheelchair accessible hackney carriage must be under seven years of age when first licensed and not over 12 years of age on renewal.

#### **2.0 Vehicle type**

2.1 Vehicles for private hire applications must be Saloon, Hatchback, Estate Cars or a suitable wheelchair accessible vehicle. Vehicles not meeting this definition will be considered where the applicant can demonstrate a market need for a different type of vehicle.

2.2 Vehicles for Hackney Carriage applications must be Saloon, Hatchback, Estate cars, a purpose built hackney carriage, or a suitable wheelchair accessible vehicle. Vehicles not meeting this definition will be considered where the applicant can demonstrate a market need for a different type of vehicle.

#### **3.0 Vehicle Power/Engine size**

2.1 A minimum engine capacity of 90 Brake Horsepower (BHP)

#### **4.0 Driver Configuration**

3.1 All licensed vehicles must be right hand drive.

#### **4 Doors**

4.1 Four passenger doors including the driver's door.

#### **5.0 Seating**

5.1 Seating should be for at least four, but not more than eight passengers in addition to the driver.

5.2 Rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be permitted.

5.3 The licence holder/driver shall not permit a private hire vehicle to carry a greater number of passengers than the number allowed by the licence.

5.3 Sideway mounted seats are not permitted.

## **6.0 Wheels and Tyres**

6.1 All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the original manufacturers' specification. The vehicle must have 4 roadworthy wheels and tyres and carry at least one spare wheel, a jack and brace, all securely stored in a position not liable to damage passengers' luggage.

6.2 Run-flat tyres are acceptable on licensed vehicles.

6.3 'Space-saver' spare tyres are acceptable on licensed vehicles if they conform to the Original Manufacturers' Specification. If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space-saver' spare tyre is being used on the vehicle.

6.4 Original Manufacturers' Specification 'tyre repair kits / compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards. If a 'tyre repair kit / compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit / compressor' is being used on the vehicle.)

## **7.0 Vehicle Roof**

7.1 A permanent roof which is watertight - a standard sun roof (i.e. sun roof fitted when new by manufacturer) or a sunroof fitted retrospectively will be allowed.

## **8.0 Vehicle Structure and Appearance**

8.1 The vehicle must not show evidence of patched repairs to the chassis or structural body parts of the vehicle including the outriggers unless the repair is of the original gauge metal and continuously welded;

8.2 A clean and smart appearance both externally and internally.

## **9.0 Luggage Compartment**

9.1 A separate locking luggage area, or in the case of an estate vehicle, a permanent grille fitted sufficient to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat. Roof racks and, top boxes are permitted, but roof racks shall only be used for the transport of sports equipment.

## **10.0 Seat Belts**

10.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

## **11.0 Mirrors**

11.1 All vehicles must have an internal rear view mirror and nearside and offside exterior rear view mirrors.

## **12.0 Communication with Driver**

12.1 There must be sufficient means by which a passenger can communicate with the driver.

## **13.0 Fire Extinguishers**

13.1 The vehicle must have an efficient fire extinguisher, fitted in such a position to be readily available for use, and the capacity of not less than 3 pounds (1.361kg) BCF, confirmation to BS5423 dry powder or CO<sub>2</sub>.

13.2 All extinguishers must be certified in accordance with the appropriate British Standard. The date of expiry must be clearly visible on the extinguisher. The extinguisher must be marked with the vehicle registration number or Licence Plate number.

## **14.0 First Aid Kit**

14.1 All licensed vehicles must carry a first aid kit suitable for treating minor injuries that complies with the advice of the Health and Safety Executive as a minimum. There is no requirement for a driver to administer first aid treatment, however, the first aid kit should be made available to passengers or any person(s) where appropriate.

14.2 The first aid kit should be stored in such a position so as to be readily available to the driver at all times.

14.3 The first aid kit should be marked with the registration or plate number of the vehicle and replenished as necessary to conform to any product expiry date.

## **15.0 MOT certificate**

15.1 An M.O.T. certificate, which must be produced on application.

**\*NOTE** An MOT. certificate is required for licensed vehicles after the FIRST YEAR of registration.

## **16.0 Modifications**

- 16.1 No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without:
- i) compliance with road traffic legislation,
  - ii) compliance with insurance requirements, and
  - iii) obtaining approval for the change(s) from the Council

## **17.0 Advertisements**

- 17.1 Any advertising shall be confined to the door panels and rear boot panels and in the case of hackney carriages to the top sign as permitted by law.
- 17.2 No licensed vehicle shall carry an advertisement for any other hackney carriage or private hire proprietor, operator or company.
- 17.3 All advertisements shall be in good taste and contain no material that may be considered to be offensive to any section of the community. The Council retains the right to require advertising to be removed from vehicles.
- 17.4 All designs are to be submitted for approval by the Council prior to use on vehicles.

## **18.0 Trailers**

- 18.1 Trailers may only be used with the prior approval of the Council and subject to the following requirements:
- 18.2 The driver's DVLA driving licence must cover the categories that allow the towing of trailers, currently 'BE' for cars and 'D1E' for a minibus, as amended by any subsequent legislation.
- 18.3 The trailer must at all times comply with all requirements of road traffic legislation, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- 18.4 The vehicle insurance must include cover for towing a trailer.
- 18.5 Trailers must not be left unattended anywhere on the highway.
- 18.6 The speed restrictions applicable to trailers must be observed at all times.
- 18.7 A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.
- 18.8 Trailers must be approved by the Council's nominated garage.
- 18.9 Trailers must undergo any inspection required by the Council and in all cases be inspected at the same frequency of vehicles.



18.10 Trailers must display an identical Licence Plate to the licensed vehicle. The Council may charge an administrative fee for the duplicate plate.

18.11 Trailers cannot be used on a hackney carriage rank and should only be used for specific pre-booked journeys, not whilst plying for hire.

### **19.0 Tinted Windows**

19.1 The front windscreen, front driver's side window and front passenger's side window must be clear glass. Exemption from this requirement will be given for original manufacturer's specification 'light tint' glass.

19.2 The rear windscreens of any vehicle and the rear passenger compartment side windows of any vehicle shall have visual transmission of light of not less than 70%.

19.3 This section does not preclude any requirements provided for in any relevant legislation relating to road traffic vehicles.

### **20.0 Taxi Signage**

20.1 A hackney carriage shall carry upon the roof, or as an alternative in or on the windscreen of the said vehicle, a sign which shall include the word "Taxi" or "For Hire" and shall be capable of being illuminated internally at all times when the vehicle is plying for hire, but not otherwise; and such sign shall be fixed in such manner and position and to be of such size as shall be approved by the Council.

20.2 A private hire vehicle shall NOT display any sign which might reasonably be taken to indicate that the vehicle is a hackney carriage, and for this purpose includes the word 'TAXI' or 'CAB' in the singular or the plural, or any word of similar meaning or appearance or such words in combination with any other word or words shall be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire

### **21.0 Fare Meter**

21.1 A hackney carriage shall be so constructed or adapted as to be capable of carrying the fare meter in a position acceptable to the Council and visible to all passengers at all times.

21.2 The Proprietor of the hackney carriage shall cause the official rates of fare to be exhibited in the carriage as to be clearly visible by all passengers. The Proprietor shall ensure that at all times the table of fares are kept in such condition that all lettering thereon is clearly visible to the passengers and shall renew the same cards as often as is necessary in order to comply with these conditions. Additional copies of the cards may be obtained from the Council.

21.3 The fare displayed on the taxi meter for the use of this vehicle when plying for hire within the district shall be strictly at the rate calculated in accordance with the scale of fares determined from time to time by the Council.

21.4 The Operator of a private hire vehicle is not required to fit a taximeter but no such vehicle so equipped shall be operated unless the taximeter has been tested by the Council.

## **22.0 Wheelchair Access**

22.1 Where a vehicle is to be accessible to wheelchairs the following conditions apply:

- a Access may be through either the side or rear door for wheelchairs. The rear access for all passengers must not to be blocked by any chair lift once the doors are closed.
- B Emergency signage must be provided where solid wheelchair ramps obscure emergency signs.
- c. Wheelchair anchorage points and seat belts must be fitted to the vehicle in accordance with the relevant statutory provisions and British Standard

## **Appendix Thirteen**

### **Specification for Minibuses and Multi purpose Vehicles (MPVs)**

#### **1 Age of vehicles**

##### **1.1 Private Hire -**

Generally vehicles must be under four years of age when first licensed and not over 8 years of age on renewal. A purpose built or wheelchair accessible hackney carriage must be under seven years of age when first licensed and not over 12 years of age on renewal.

##### **1.2 Hackney Carriage –**

Generally vehicles must be under four years of age when first licensed and not over 8 years of age on renewal. A purpose built or wheelchair accessible hackney carriage must be under seven years of age when first licensed and not over 12 years of age on renewal.

##### **1.3**

#### **1 Vehicle type**

##### **1.1 A private hire vehicle or Hackney Carriage licence will be granted in respect of a minibus or MPV constructed or adapted to carry up to 8 passengers i.e. 8 seats plus the driver's seat.**

#### **2 Vehicle Power/Engine size**

##### **2.1 A minimum engine capacity of 90 Brake Horsepower (BHP)**

#### **3 Driver Configuration**

##### **3.1 Right hand drive.**

#### **4 Passenger Doors**

##### **4.1 The vehicle must have appropriate emergency exit facilities i.e. two emergency doors as follows:**

a) one side opening door and one rear opening door (which must not be a single vertically opening door) in addition to the driver and front passenger doors, both of which must be capable of being opened from the inside with direct access for all passengers; or

b) two side opening doors, in addition to the driver and the front passenger doors, both of which must be capable of being opened from the inside and with direct access for all passengers. For the avoidance of doubt this means that all passengers must be able to exit the vehicle without passing the end of another row of seats or having to lift, move or cross over another seat; and

c) all opening mechanisms must be to manufacturer's standard specifications or comply with current British Safety Standards.

## **5 Seating:**

- 5.1 Seating should be for at least four, but not more than eight passengers in addition to the driver;
- 5.2 Rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be permitted;
- 5.3 Sideway mounted seats will not be permitted.
- 5.4 Folding or moving seats which are so constructed to provide access to other seats and/or doors to which there is no direct access will be permitted so long as they have not been modified from the original design and construction of the vehicle.
- 5.5 Vehicles with folding or moving seats that provide access will be inspected prior to any approval being given for the use of the additional seats.

## **6 Wheels and Tyres**

- 6.1 All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.
- 6.2 Run-flat tyres are acceptable on licensed vehicles.
- 6.3 'Space-saver' spare tyres are acceptable on licensed vehicles if they conform to the Original Manufacturers' Specification. If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space-saver' spare tyre is being used on the vehicle.
- 6.4 Original Manufacturers' Specification 'tyre repair kits / compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards. If a 'tyre repair kit / compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit / compressor' is being used on the vehicle.
- 6.5 All tyres must be crossply or radials (remould tyres and part worn tyres are NOT acceptable).

## **7 Vehicle Roof**

- 7.1 A permanent roof which is watertight - a standard sun roof (i.e. sun roof fitted when new by manufacturer) or a sunroof fitted retrospectively will be allowed.

## **8 Vehicle Structure and Appearance**

8.1 The vehicle must not show evidence of patched repairs to the chassis or structural body parts of the vehicle including the outriggers unless the repair is of the original gauge metal and continuously welded;

8.2 A clean and smart appearance both externally and internally.

## **9 Luggage Compartment**

9.1 A separate locking luggage area, or in the case of an estate vehicle, a permanent grille fitted sufficient to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat. Roof racks and, top boxes are permitted, but roof racks shall only be used for the transport of sports equipment.

## **10 Seat Belts**

10.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

## **11 Mirrors**

11.1 All vehicles must be fitted with an internal rear view mirror.

11.2 All vehicles must be fitted with nearside and offside exterior rear view mirrors.

## **12 Communication with Driver**

12.1 Sufficient means by which a passenger can communicate with the driver.

## **13 Fire Extinguishers**

13.1 An appliance for extinguishing fires must be carried in all licensed vehicles. Such an appliance must be suitable for vehicle fires (fire class B and C) and conform to BSEN 3, showing the appropriate kite-mark.

13.2 The appliance must be securely fixed in a position readily accessible to the Driver. It is acceptable for the appliance to be carried inside the vehicle's luggage compartment, however, it is preferable that the appliance is carried in the passenger compartment and visible to the passengers.

13.3 All extinguishers must be certified in accordance with the appropriate British Standard. The date of expiry must be clearly visible on the extinguisher. The extinguisher must be marked with the vehicle registration number or Licence Plate number.

## **14 First Aid Kit**

- 14.1 All licensed vehicles must carry a first aid kit suitable for treating minor injuries that complies with the advice of the Health and Safety Executive as a minimum. There is no requirement for a driver to administer first aid treatment, however, the first aid kit should be made available to passengers or any person(s) where appropriate.
- 14.2 The first aid kit should be stored in such a position so as to be readily available to the driver at all times.
- 14.3 The first aid kit should be marked with the registration or plate number of the vehicle and replenished as necessary to conform to any product expiry date.
- 14.4 The following is a suggested list for the minimum requirements of the contents of a first aid kit:
- individually wrapped sterile plasters (of assorted sizes), appropriate to the type of work (you can provide hypoallergenic plasters if necessary);
  - sterile eye pads;
  - individually wrapped triangular bandages, preferably sterile;
  - safety pins;
  - large, individually wrapped, sterile, unmedicated wound dressings;
  - medium-sized, individually wrapped, sterile, unmedicated wound dressings;
  - disposable gloves

## **15 MOT certificate**

- 15.1 An M.O.T. certificate, which must be produced on application.

\*NOTE An MOT. certificate is required for private ambulance vehicles, private hire vehicles and Hackney Carriages after the FIRST YEAR of registration.

## **16 Equipment**

- 16.1 Spare wheel and tyre - properly stored to protect passengers' luggage. In compliance with section 6
- 16.2 Jack and Wheel brace
- 16.3 A reflective warning triangle together with a set of replacement light bulbs for all front and rear lights. The latter does not apply to vehicles with sealed unit lights which do not have replaceable bulbs

## **17 Modifications**

- 17.1 No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without:
- i) compliance with road traffic legislation,

- ii) compliance with insurance requirements, and
- iii) obtaining approval for the change(s) from the Council

## **18 Advertisements**

- 18.1 Any advertising shall be confined to the door panels and rear boot panels and in the case of hackney carriages to the top sign as permitted by law.
- 18.2 No licensed vehicle shall carry an advertisement for any other hackney carriage or private hire proprietor, operator or company.
- 18.3 All advertisements shall be in good taste and contain no material that may be considered to be offensive to any section of the community. The Council retains the right to require advertising to be removed from vehicles.

## **19 Trailers**

Trailers may only be used with the prior approval of the Council and subject to the following requirements:

- 19.1 The driver's DVLA driving licence must cover the categories that allow the towing of trailers, currently 'BE' for cars and 'D1E' for a minibus, as amended by any subsequent legislation.
- 19.2 The trailer must at all times comply with all requirements of road traffic legislation, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- 19.3 The vehicle insurance must include cover for towing a trailer.
- 19.4 Trailers must not be left unattended anywhere on the highway.
- 19.5 The speed restrictions applicable to trailers must be observed at all times.
- 19.6 A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.
- 19.7 Trailers must be approved by the Council's nominated garage.
- 19.8 Trailers must undergo any inspection required by the Council and in any case this will be at intervals of every six months.
- 19.9 Trailers must display an identical Licence Plate to the licensed vehicle. The Council may charge an administrative fee for the duplicate plate.
- 19.10 Trailers cannot be used on a hackney carriage rank and should only be used for specific pre-booked journeys, not whilst plying for hire.

## **20 Windows**

- 20.1 The front windscreen, front driver's side window and front passenger's side window must be clear glass. Exemption from this requirement will be given for original manufacturer's specification 'light tint' glass.
- 20.2 The rear windscreens of any vehicle shall not have been treated so that less than 75% of light is transmitted through it, and the rear passenger compartment side windows of any vehicle so that less than 70% of light is transmitted through them.
- 20.3 This section does not preclude any requirements provided for in any relevant legislation relating to road traffic vehicles.

## **21 Taxi Signage**

- 21.1 A hackney carriage shall carry upon the roof, or as an alternative in or on the windscreen of the said vehicle, a sign which shall include the word "Taxi" or "For Hire" and shall be capable of being illuminated internally at all times when the vehicle is plying for hire, but not otherwise; and such sign shall be fixed in such manner and position and to be of such size as shall be approved by the Council.
- 21.2 A private hire vehicle shall NOT display any sign which might reasonably be taken to indicate that the vehicle is a hackney carriage, and for this purpose includes the word 'TAXI' or 'CAB' in the singular or the plural, or any word of similar meaning or appearance or such words in combination with any other word or words shall be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire

## **22 Fare Meter**

- 22.1 A hackney carriage shall be so constructed or adapted as to be capable of carrying the fare meter in a position acceptable to the Council and visible to all passengers at all times.
- 22.2 The Proprietor of the hackney carriage shall cause the official rates of fare to be exhibited in the carriage as to be clearly visible by all passengers. The Proprietor shall ensure that at all times the table of fares are kept in such condition that all lettering thereon is clearly visible to the passengers and shall renew the same cards as often as is necessary in order to comply with these conditions. Additional copies of the cards may be obtained from the Council.
- 22.3 The fare displayed on the taxi meter for the use of this vehicle when plying for hire within the district shall be strictly at the rate calculated in accordance with the scale of fares determined from time to time by the Council.
- 22.4 The Operator of a private hire vehicle is not required to fit a taximeter but no such vehicle so equipped shall be operated unless the taximeter has been tested by the Council.

## **23 Wheelchair Access**



23.1 Where a vehicle is to be accessible to wheelchairs the following conditions apply:

- a Access may be through either the side or rear door for wheelchairs. The rear access for all passengers must not to be blocked by any chair lift once the doors are closed.
- B Emergency signage must be provided where solid wheelchair ramps obscure emergency signs.
- c. Wheelchair anchorage points and seat belts must be fitted to the vehicle in accordance with the relevant statutory provisions and British Standard

## Appendix Fourteen

### SPECIAL EVENT VEHICLES

#### **1 Definition**

1.1 A Special Event Vehicle is:

- (a) a vehicle which has been converted or adapted from the manufacturers original specification to increase the number of seats in the vehicle or increase its overall length: or
- b) one which is not a saloon car, estate car, people carrier or minibus licensable under the Council' standard Private Hire Specification.

1.2 The licensing of Special Event Vehicles is always subject to the proviso that the Council is satisfied that the vehicle concerned is suitable in size, type and design for use as a Private Hire Vehicle. The Council's prime consideration is the safety and comfort of the travelling public and thus it reserves the right to refuse to licence any vehicle which, in its opinion, fails to meet this consideration.

1.3 Proprietors are reminded that Private Hire Cars, including Special Event Vehicles, licensed by Newark & Sherwood District Council must be controlled by the holder of a Private Hire Operator's Licence and can only be driven by the holder of a Hackney Carriage/Private Hire Driver's Licence, both issued by the Authority.

1.4 Before any vehicle is presented to the Council's Depot for mechanical testing the owner shall ensure that it complies with the following requirements and conditions.

- (a) The owner shall provide the following documents to the Council:
  - i) DVLA Registration Document (V5)
  - ii) Either:
    - (1) Single Vehicle Approval issued by VOSA: or
    - (2) A Qualified Vehicle Modifier certificate issued by the coachbuilder who carried out the conversion
  - iii) Insurance certificate covering the vehicle for hire and reward
  - iv) Documentation showing the approved overall weight of the vehicle and displayed on it.
  - v) Current MOT test certificate regardless of the age of the vehicle.
  - vi) If the vehicle is converted to run on LPG an installation certificate from a LPGA approved UK conversion company.
  - vii) A diagram of the vehicle showing the layout of the seats and any other equipment in the vehicle, e.g. mini bars. television equipment etc.

## **2 Age Policy**

- 2.1 The vehicle shall be no more than five years old on first licensing and be no more than eight years old on renewal. An owner may apply to licence a vehicle outside these limits but will be required to produce to the following documents in addition to those above:
- a. A full and satisfactory service history of the vehicle;
  - b. A current Emissions Certificate for the vehicle;
  - c. A current MOT Certificate which remains valid for a period of not less than 6 months at the time of the application; and
- 2.2 An applicant will need to demonstrate that the vehicle does not show evidence of structural and/or body repairs (for example use of body filler or welding). The vehicle must also satisfy any mechanical or other test relating to road worthiness or passenger safety set down from time to time by the Licensing Authority. Prior to the conduct of such tests as may be required from time to time by the Licensing Authority the owner of the vehicle should be required to present it at such premises as the Licensing Authority shall direct, the vehicle having first been valetted internally and steam cleaned externally.
- 2.3 In addition, due regard shall be had to the mileage of the vehicle, taking into account the average mileage for a domestic vehicle of a comparable age and vehicle type.

## **3 Vehicle Specification**

- 3.1 A Special Event Vehicle must also comply with the following
- 3.2. A minimum engine capacity of 90 Brake horse power (BHP)
- 3.3 Right hand drive although an imported Stretched Limousine may be left hand drive.
- 3.4 Four passenger doors including the driver's door. A Stretched Limousine must have two doors in the passenger compartment.
- 3.5 The windscreen and all windows in the drivers cab shall be fitted with clear glass. Tinted windows complying with the requirements of the Construction and Use Regulations 2003 as amended or replaced may be fitted to the other windows of the vehicle.
- 3.6 Seating:
- i) seating should be for at least four, but not more than eight passengers in addition to the driver;
  - ii) rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be permitted;

- iii) sideway mounted seats will not be permitted except in Stretched Limousines. Such seats must be at least 400mm wide for each passenger and each seat must be fitted with a seatbelt which must be used.
- 3.7 Manufacturers gross vehicle weight for the tyres and suspension actually fitted to the vehicle must be sufficient for a minimum payload equal to a full fuel tank, the driver and the number of passengers for which a licence is requested (at 70 kg per person) and luggage (at 20 kg per passenger); and where propane or Liquid Petroleum Gas is used as the vehicle fuel, the weight of extra equipment must be within the gross weight limit. A licence will not be granted for any vehicle which requires an LGV or PSV licence.
- 3.8 Wheels and Tyres
- i) Four road wheels fitted with manufacturer's recommended size tyres.
  - ii) *A spare which will enable the vehicle to complete the current journey for which it is hired. A replacement tyre of the same type as that originally fitted must be fitted to the vehicle as soon as possible after the end of the journey*
- NB All tyres must be crossply or radials (remould tyres are NOT acceptable unless they are clearly marked showing that they comply with British Standard BSAU144E).
- 3.9 A permanent roof which is watertight - a standard sun roof (i.e. sun roof fitted when new by manufacturer) or a sunroof fitted retrospectively will be allowed.
- 3.10 The vehicle must not show evidence of patched repairs to the chassis or structural body parts of the vehicle including the outriggers unless the repair is of the original gauge metal and continuously welded;
- 3.11 All vehicles must be fitted with rear seat belts. (irrespective of age)
- 3.12 All vehicles must be fitted with nearside and offside exterior rear view mirrors.
- 3.13 All vehicles must be fitted with sufficient means by which a passenger can communicate with the driver.
- 3.14 All vehicles must have an approved first aid kit located in accordance with the Supplementary Testing Manual.
- 3.15 All vehicles must have a clean and smart appearance both externally and internally.
- 3.16 All vehicles must have the following equipment:
- i) Spare wheel and tyre - properly stored to protect passengers' luggage.
  - ii) Jack

- iii) Wheelbrace
- iv) A reflective warning triangle together with a set of replacement light bulbs for all front and rear lights. The latter does not apply to vehicles with sealed unit lights which do not have replaceable bulbs
- v) Fire extinguisher (minimum 1.0 litre AFFF or 1 kg Dry Powder type).

#### **4 Licence Conditions**

4.1 The Council's standard Private Hire Vehicle licence conditions shall apply with the following amendments:

- a. The vehicle must display a licence plate in the front window of the vehicle unless otherwise permitted.
- b. No luggage may be carried in the passenger compartment
- c. Passengers may not be carried in the drivers compartment of a stretched limousine.
- d. No more than eight passengers may be carried in a special event vehicle.
- e. A notice must be fixed in a conspicuous place in the passenger compartment stating that passengers must not put any part of their body outside the vehicle through any door or opening in the vehicle at any time.
- f. Where as part of the hiring alcohol is supplied to the passengers this must be done from premises licensed under the Licensing Act 2003.
- g. No alcohol shall be supplied as part of the hiring where any passenger in the party is under 18 years of age. It is the responsibility of the licence holder to ensure that all members of the party are over 18, where any member appears to be under 21 proof of age shall be obtained in the form of a Passport, Photo Driving Licence or approved proof of age card bearing the PASS hologram.
- h. No alcohol shall be supplied in a moving vehicle.

## Appendix Twelve

### AMBULANCE VEHICLES

Newark & Sherwood District Council will Licence as 'Ambulance Vehicles' a vehicle which meets the following criteria:

- 1 The vehicle must be exempt from Vehicle Excise Duty by reason of the application of Paragraph 6 of Schedule 2 of the Vehicle Excise and Registration Act 1994.
- 2 Manufacturers gross vehicle weight for the tyres and suspension actually fitted to the vehicle must be sufficient for a minimum payload equal to a full fuel tank, the driver and the number of passengers for which a licence is requested (at 70 kg per person) and luggage (at 20 kg per passenger); and where propane or Liquid Petroleum Gas is used as the vehicle fuel, the weight of extra equipment must be within the gross weight limit.
- 3 Wheels and Tyres
  - a Four/six (dependent on axle configuration) road wheels fitted with manufacturer's recommended size tyres.
  - b Arrangements must be made by the operator for the replacement of damaged or punctured tyres while the vehicle is in use.
- 4 A permanent roof which is watertight - a standard sun roof (i.e. sun roof fitted when new by manufacturer) or a sunroof fitted retrospectively will be allowed.
- 5 The vehicle must not show evidence of patched repairs to the chassis or structural body parts of the vehicle including the outriggers unless the repair is of the original gauge metal and continuously welded;
- 6 The vehicle must be fitted with rear seat belts or an appropriate means of restraining a stretcher bound patient (irrespective of age)
- 11 Nearside and offside exterior rear view mirrors.
- 12 Sufficient means by which a passenger can communicate with the driver.
- 13 A fully serviceable fire extinguisher, fitted in such a position to be readily available for use and a capacity of not less than 1.0 litre. The extinguisher must be suitable for use in ambulance.
- 14 An approved first aid kit.
- 15 An MOT certificate, which must be produced on application.

\*NOTE An MOT. certificate is required for ambulance vehicles after the FIRST YEAR of registration.

16 A clean and smart appearance both externally and internally.

17 Equipment

a A reflective warning triangle together with a set of replacement light bulbs for all front and rear lights. Where arrangements are in place under paragraph 3(b) for tires these may include provision for the replacement of bulbs if required.

b\* Fire extinguisher (minimum 1.0 litre).

\*Located in accordance with the Supplementary Testing Manual

18 Age

Generally vehicles must be under 7 years of age when first licensed and not over 12 years of age on renewal. However a vehicle which does not meet these criteria may be licensed subject to the conditions in Part V of this Appendix.

## **Appendix Fifteen**

### **Hackney Carriage and Private Hire Vehicle Licence Conditions**

#### **1 Licence Plates and Signs**

- 1.1 The Proprietor or Operator shall cause the number of this licence to be fixed and displayed on the hackney carriage or private hire vehicle at all times during which the vehicle is licensed as a hackney carriage or private hire vehicle. The number is to be displayed by means of the licence disc and the licence plate issued by the Council to the Proprietor or operator.
- 1.2 The licence plate shall be fixed and clearly displayed either on the rear bumper or attached to the rear registration plate of the vehicle. In the latter case the Licence plate shall not obscure the Registration Plate
- 1.3 The licence disc shall be fixed and clearly displayed on the left-hand side of the windscreen of that vehicle.
- 1.4 The Proprietor or Operator shall ensure that the approved taxi or private hire vehicle signs, containing the Council's logo, are displayed on both side of the vehicle on the area behind the rear doors (unless another approved sign is displayed there in which case the position of the logo shall be agreed by the Council) of the hackney carriage or private hire vehicle at all times while the vehicle is Licensed as a Hackney Carriage or Private Hire Vehicle. The sign must be displayed with the words 'Newark & Sherwood District Council' uppermost.

- 2 The licence plate and the licence disc referred to in Condition 1 shall remain the property of the Council and shall be returned forthwith to the Licensing Section of Newark and Sherwood District Council, Kelham Hall, Newark, Nottinghamshire, if the Proprietor or Operator no longer holds a Hackney Carriage or Private Hire Vehicle Licence issued by the Council which is in force in respect of the vehicle.

#### **3 Authority to Inspect Vehicles and Conduct Vehicle Inspections**

- 3.1 An Authorised officer of the District Council or any Police Constable shall have the power at all reasonable times to inspect and test any hackney carriage vehicle licensed by the District Council for the purpose of ascertaining its fitness.
- 3.2 If the Authorised Officer of the District Council or the Police Constable is not satisfied with the fitness of the licensed vehicle, the Proprietor shall, after being notified in writing, present the vehicle at the time and place specified for an examination.
- 4 In addition to the provisions of Condition 3 above, the Proprietor or Operator shall present the hackney carriage or private hire vehicle for inspection and testing at such time as specified in a notice served upon the Proprietor by an Authorised Officer of the District Council or any Police Constable requiring the Proprietor or Operator to do so.



- 5 Provided that the Council shall not under the provisions of this Condition require the Proprietor or Operator to present the vehicle for inspection and testing on more than two separate occasions during any one period of twelve months.
- 6 If the Authorised Officer or police Constable is not satisfied as to the condition of the hackney carriage or private hire vehicle upon completion of the inspection required by Condition 3(b) or Condition 4, as the case may be, he or she may immediately suspend the vehicle licence and the Proprietor or Operator shall forthwith upon being required to do so by the Authorised officer or Constable, cause the licence plate and licence disc to be removed from the hackney carriage or private hire vehicle and handed to the Authorised Officer or Constable who shall retain them until such a time as he is satisfied as to the condition of the hackney carriage or private hire vehicle, whereupon the licence plate will be returned to the Proprietor or Operator.
- 7 In addition to the provisions of Conditions 3, 4 or 5 above, the vehicle shall be subject to a mechanical examination every six months which will be conducted at a test station approved by the Council.
- 8 Vehicles - General**
- 8.1 The vehicle shall comply with the specification for hackney carriage and private hire vehicles set by the Council.
- 8.2 The vehicle shall be kept clean and well maintained in every way fit for public service.
- 8.3 The vehicle will only be permitted to carry the number of persons specified on the licence irrespective of whether they are children or not.
- 8.4 All vehicles shall be fitted with seatbelts, one for each passenger, plus the driver, which shall be readily accessible for use and maintained in a useable state of repair.
- 8.5 The vehicle may only be driven by a person holding a valid Hackney Carriage/Private Hire Drivers Licence issued by this Authority (subject to the exemptions in law).
- 8.6 A hackney carriage or private hire vehicle licensed with this Authority may not hold a hackney carriage or private hire vehicle licence with another Authority.
- 9 Vehicle Documentation**
- 9.1 The Proprietor or Operator shall during the currency of this licence hold a policy of insurance which complies with Part 4 of the road Traffic Act 1988.

9.2 The Proprietor or Operator shall produce, when required, the vehicle's registration document, certificate of insurance and Ministry of Transport (MOT) certificate and shall ensure that the vehicle displays a valid Vehicle Excise Licence.

9.3 Failure to produce such documents within seven days of being so required may result in the suspension of the vehicle licence without notice.

## **10 Advertising on Vehicles**

10.1 Any advertising shall be confined to the door panels and rear boot panels and in the case of hackney carriages to the top sign as permitted by law;

10.2 No licensed vehicle shall carry an advertisement for any other hackney carriage or private hire proprietor, operator or company.

Note Notwithstanding that any hackney carriage/private hire vehicle which at the time of implementation of this rule shall be permitted to retain any design, which has been approved by the Council, until such time as that vehicle ceases to be a licensed hackney carriage or private hire vehicle, or the livery of the vehicle is altered, whichever is the shorter period.

10.3 All designs are to be submitted for approval by the Council prior to use on vehicles.

## **11 Taxi Signs & Roof Signs**

11.1 A hackney carriage shall carry upon the roof, or as an alternative in or on the windscreen of the said vehicle, a sign which shall include the word "Taxi" or "For Hire" and shall be capable of being illuminated internally at all times when the vehicle is plying for hire, but not otherwise; and such sign shall be fixed in such manner and position and to be of such size as shall be approved by the Council.

11.2 A private hire vehicle shall NOT display any sign which might reasonably be taken to indicate that the vehicle is a hackney carriage, and for this purpose includes the word 'TAXI' or 'CAB' in the singular or the plural, or any word of similar meaning or appearance or such words in combination with any other word or words shall be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire.

11.3 A Private Hire Vehicle shall NOT carry any roof sign.

## **12 Fare Meters and Fares for Hackney Carriages**

12.1 A hackney carriage shall be so constructed or adapted as to be capable of carrying the fare meter in a position acceptable to the Council and visible to all passengers at all times.

12.2 The Proprietor of the hackney carriage shall cause the official rates of fare to be exhibited in the carriage as to be clearly visible by all passengers. The Proprietor shall

ensure that at all times the table of fares are kept in such condition that all lettering thereon is clearly visible to the passengers and shall renew the same cards as often as is necessary in order to comply with these conditions. Additional copies of the cards may be obtained from the Council.

12.3 The fare displayed on the taxi meter for the use of this vehicle when plying for hire within the district shall be strictly at the rate calculated in accordance with the scale of fares determined from time to time by the Council.

12.4 The Operator of a private hire vehicle is not required to fit a taximeter but no such vehicle so equipped shall be operated unless the taximeter has been tested by the Council.

### **13 Reporting of Accidents**

13.1 The Proprietor or Operator shall, within 72 hours of any accident involving the hackney carriage or private hire vehicle, report such occurrence to the Council.

### **14 First Aid Kits and Fire Extinguishers**

14.1 The vehicle shall be fitted with a First Aid Kit and a serviceable 1.0 litre A.F.F.F. or 1.0 kilogram Dry Powder Fire Extinguisher. Both of these items must be carried in accordance with the instructions in the Supplementary Testing Manual.

14.2 The vehicle shall also carry a reflective warning triangle together with a set of replacement light bulbs for all front and rear lights. The latter does not apply to vehicles with sealed unit lights which do not have replaceable bulbs

### **15 Proprietors/Operators of Hackney Carriages/Private Hire Vehicles**

15.1 The Proprietor or Operator shall not in Newark and Sherwood District act as a driver of vehicle unless he has a current Hackney Carriage/Private Hire Driver's Licence issued to him by the Council.

15.2 The Proprietor or Operator shall not in Newark and Sherwood District employ or use any person as a driver of the vehicle, or permit any other person to act as the driver of the vehicle unless the person concerned holds a current Hackney Carriage Private Hire Driver's Licence issued by the Council (subject to the exemptions in law).

15.3 The Proprietor or Operator shall inform the Council in writing of:

(a) all convictions and penalties incurred, whether imposed by a Court or by a Police Officer or other officer authorised to serve Fixed Penalty Notices, during the period of the licence within seven days of the conviction or the issuing of the Fixed Penalty Notice; - (for this purpose a fixed penalty is classed as a conviction).

(b) County or High Court judgements, i.e. in the case of bankruptcy, etc.

- (c) change of their address during the period of the licence within 7 days of such change taking place.

## **16 Documentation to be Maintained by Proprietors/Operators of Hackney Carriage/Private Hire Vehicles**

16.1 The Proprietor or Operator shall maintain a list of the names and addresses of all persons employed, or otherwise used, by him or her for the purposes of driving the hackney carriage, and shall make such a list available for inspection by the Council on demand.

16.2 The Proprietor or Operator must notify the Council in writing of any change of address (including any change of business address) during the period of the licence, within seven days of such change taking place.

## **17 Interviews**

17.1 Where a Proprietor or Operator is requested to either attend an interview relating to the driving or operation of a vehicle licensed by the Council and fails to attend without reasonable excuse the Council may suspend this licence without notice.

## **18 Newark and Sherwood District Byelaws**

18.1 The Byelaws for the time being in force in the District of Newark and Sherwood with respect to Hackney Carriage and Private Hire Vehicles, Hackney Carriage Proprietors, Private Hire Operators and Hackney Carriage Private Hire Drivers shall apply to this licence and are incorporated as if they were herein set out in full as conditions of this licence.

## **19 Penalties**

19.1 A person who offends against a byelaw, or the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 is liable to a fine not exceeding level 3 on the standard scale. In addition, the Council may suspend or revoke an existing licence or refuse to renew a licence.

## **Appendix Sixteen**

### **Vehicle Testing**

#### **1 Vehicle Testing Centre**

1.1 The approved vehicle testing centre is located on Brunel Drive, Newark, NG24 2EG.

They operate an appointment only service. The contact number for the garage is:  
01636 655566.

1.2 A copy of the Supplementary testing manual is set out below



**NEWARK AND SHERWOOD DISTRICT COUNCIL**

**THE LICENSING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES**

**SUPPLEMENTARY TESTING MANUAL**

**Vehicles will be tested to a higher than MOT standard  
unless otherwise indicated in the supplementary testing manual**

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Section 6	-	Engine Compartment/Transmission/Mountings
Section 7	-	Interior of Vehicles
Section 8	-	First Aid Kit
Section 9	-	Fire Extinguishers
Section 10	-	Road Test
Section 11	-	Meters

## 1. EXTERIOR OF THE VEHICLE

### METHOD OF INSPECTION

### REASONS FOR FAILURE

### NOTES

1.1 The exterior of the bodywork, the underside of the vehicle and the engine compartment must be free from mud, oil and grease to allow for proper inspection of these areas (see Notes), i.e. steam cleaned.

1. Contamination preventing proper inspection.

If the vehicle comes for annual inspection in a filthy condition the inspection will not be carried out.

1.2 Check the operation of all external door catches and locks to ensure that all doors can be securely closed and easily opened.

2. Defective external door catches which prevent a door opening and closing properly.  
Missing or ineffective door locks.

1.3 Check all doors to ensure that they are properly aligned and will close easily.

3. Poorly fitting doors to the vehicle.

1.4. Ensure that the door hinges are in good condition allowing free movement of the door.

4. Defective door hinges.

1.5 Check all wind-check positions to ensure that doors are held in place when opened.

5. Wind-checks which fail to hold the doors in place when opened.

Any wind check straps must be of a type approved by the manufacturer.

1.6 Examine the external body panels and structure for evidence of corrosion, damage and/or unsatisfactory repairs.

6. Corrosion or damage to the vehicle body or structure which adversely affects the appearance and/or safety of the vehicle.

Engineers certification may be required to satisfy the vehicle examiner that repairs have been properly carried out.

1.7 Examine the external paintwork for damage which adversely affects the appearance of the vehicle (see Notes).

7. Exterior of vehicle so dirty that the overall finish of the paintwork cannot be assessed. Paintwork so deteriorated, damaged, rust blistered or stone



1. EXTERIOR OF THE VEHICLE cont'd

METHOD OF INSPECTION

REASONS FOR FAILURE

NOTES

chipped, that it detracts from the overall appearance of the vehicle. Renovations to paintwork which produce runs, flat or uneven finish or of non matching colour, i.e. not compatible with adjacent panels.

Repairs incomplete in primer or undercoat.  
 Vehicle resprayed in unapproved colour or colours.  
 Overspray on glass or other fittings.  
 Vinyl roof covering dirty, stained, discoloured, painted (other than with vinyl refurbishment product), torn or becoming detached.  
 Roof covered in unapproved material.  
 Finisher moulding insecure, incorrectly fitted or missing.

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8. Check that the nearside and offside door/wing mirrors are fitted to the vehicle in a secure manner and that they function correctly.

8. Missing or defective door/wing mirrors.

9. Ensure that the front and rear bumpers are in good order (without damage) and are securely fixed to the vehicle.

9. Damaged or inadequately secured front or rear bumpers.

**1. EXTERIOR OF THE VEHICLE cont'd**

**METHOD OF INSPECTION**

**REASONS FOR FAILURE**

**NOTES**

1.10 Ensure that front and rear number plates comply with the Vehicle Excise and Registration Act 1994 and the Road Vehicles (Registration and Licensing) Regulations. (See Notes.)

10. Damaged front or rear number plates. Number plates which do not comply with the vehicle Excise and Registration Act 1994 and Road Vehicles (Registration and Licensing) Regulations.

Registration mark obscured or indistinguishable is contrary to Section 43(1) of vehicle excise and Registration Act 1994.

Registration mark failing to conform is contrary to regulation 17 of Road Vehicles (Registration and Licensing) regulations and Section 59(1) of the Vehicle Excise and Registration Act 1994.

Registration numbers should be (cars/mini bus)  
 80mm Height  
 57mm Width  
 14mm Stroke width  
 11mm Space between letters  
 33mm Space between group of letters and figures

The year letter shall be regarded as a figure. Italic or gothic will normally contravene the stroke width measurement. It is an offence to rearrange, alter or misrepresent figures to form words or names.

1.11 Examine the rubber seals to every door for serious damage, looseness or absence.

11. Damaged, missing or loose door seals which are likely to cause draught, rainwater penetration, unreasonable road noise or a trip hazard.

The vehicle will fail the test where defects in a door seal are considered to be likely to cause rain penetration, excessive draught, excessive road noise inside the vehicle or represent a trip hazard to users of the vehicle.

**METHOD OF INSPECTION**

**REASONS FOR FAILURE**

**NOTES**

1.12 Ensure that the vehicle boot lid opens, closes and locks properly, and that the hinges and opening mechanism adequately support the lid when it is in the open position.

1.2 Worn hinges to boot lid, defective boot lock, weak or defective boot opening device.

1.13 Check the operation of the number plate light, reversing lights and front and rear fog lights.

1.3 Inoperable or insufficient number plate, reversing or fog lights.

Lights may be of insufficient intensity when incorrect bulbs have been fitted. Any lamp fitted must work correctly and be properly aligned.

## 2. SIGNS - HACKNEY CARRIAGE SIGNS

### METHOD OF INSPECTION

- 2.1 Examine the roof mounted sign affixed to the vehicle (see Notes), and ensure that its size, design and construction conform to the Council's standards. Ensure that the sign is undamaged and the lettering clearly legible.
- 2.2 Examine the fixing brackets which affix the roof mounted signs to the vehicle to ensure that the signs are secured in a satisfactory manner and are not likely to work loose.
- 2.3 Check that roof mounted signs are properly illuminated (see Notes).
- 2.4 Check that the roof mounted sign may be switched off by separate switch.

### REASONS FOR FAILURE

1. A sign that does not conform to the Council's standards affixed to the vehicle.
2. A sign that is not satisfactorily secured to the vehicle.
3. A sign which is damaged or has lettering which is not clearly legible.
4. A sign which cannot be switched off by separate means.

### NOTES

The Council's licence conditions require:- that a Hackney Carriage must be equipped with an illuminated sign on the roof.

(If a top sign is to be replaced they should conform to the above, however current top signs will be accepted until that time).

The roof sign should be connected to the meter switch so that the cancelling of the meter automatically illuminates the sign and activating or switching off of the meter by other means (e.g. an isolator switch) automatically extinguishes the sign.

## 2. SIGNS - PRIVATE HIRE VEHICLE SIGNS

### METHOD OF INSPECTION

2.5 Examine the signs where affixed to the vehicle to ensure that they comply with the Council's vehicle licence conditions.

### REASONS FOR FAILURE

4. Non-compliance with conditions.

### NOTES

The Council's licence conditions require:-  
No top signs are allowed on Private Hire Vehicles.  
No signs including the words 'Taxi', 'Cab', 'for hire' etc. are allowed on private hire vehicles which may lead the public to think that the vehicle is a taxi.

### **3. LICENCE PLATES**

#### **METHOD OF INSPECTION**

- 3.1 Inspect the vehicle licence plates fixed to the rear of the vehicle for signs of damage or excessive wear, and ensure that it is securely fixed. Ensure that the information on the plate is clearly legible.
- 3.2 Examine the plate fixing to the vehicle in accordance with the Local Authority's Conditions. (See Notes).
- 3.3 Ensure that the licence disc is affixed to the interior of the vehicle and is clearly visible to the passenger.

#### **REASONS FOR FAILURE**

1. A damaged plate or a plate with information not clearly legible.
2. A plate which is not adequately secured to the vehicle.
3. Missing or damaged disc with information not clearly visible.

#### **NOTES**

The Council's licence conditions require:-  
The licence plate to be displayed at all times.

**4. TYRES AND SPARE WHEEL(Where wheel trims are fitted these should be removed by the driver before the test to enable the wheel to be properly checked)**

<b><u>METHOD OF INSPECTION</u></b>	<b><u>REASONS FOR FAILURE</u></b>	<b><u>NOTES</u></b>
4.1 Tyres must be of the same type. (see Notes). Ensure that the tyre provided on the spare wheel is of the same size and construction as those fitted to the road wheels (see Notes).	1. Variation in type of Tyre. A spare wheel not provided with the vehicle. A tyre which is of a different size or construction.	SPARE WHEEL MUST BE PROVIDED
4.2 Examine the tyres for signs of damage or excessive wear (see Notes), ensure that the spare tyre complies with all legal requirements for tyres when fixed to the vehicle.	2. Damaged, worn, substandard or otherwise illegal tyres. Tyres below the Council's minimum tread depth (see Notes).	A mix of steel and cord radials on one axle will not be accepted. Recut tyres are not acceptable.  A remould will only be acceptable if it carries a clearly legible manufacturer's mark that the tyre conforms to the current British Standard - BSAU144E.  Tyre tread pattern should be a minimum of 2mm in depth throughout the complete circumference and tread breadth of the tyre.
4.3 Check all tyre pressure to ensure that it is inflated to the correct pressure for the vehicle.	3. Under or over inflated tyre(s).	
4.4 Examine the jack and wheelbrace provided with the vehicle to ensure that they are in good working order.	4. Failure to provide a suitable jack and/or wheelbrace with the vehicle.	

- 4.5 Check the spare wheel fixing bracket (or similar securing device) to ensure that the wheel is properly secured in the correct position.
- 4.6 Check the rims of all wheels for any signs of distortion or damage.
- 5. Failure to satisfactorily secure the spare wheel.
- 6. A damaged or distorted wheel rim.



**5. BOOT/LUGGAGE COMPARTMENT**

<b><u>METHOD OF INSPECTION</u></b>	<b><u>REASONS FOR FAILURE</u></b>	<b><u>NOTES</u></b>
5.1 Examine for evidence of damage, corrosion or water penetration.	1. Damage or corrosion to the floor inner wing panels or lid.	
5.2 Examine floor covering to ensure that it is in good condition and offers adequate protection to luggage stored.	2. Excessive wear, damage or staining to floor covering.	
5.3 Examine the interior for accumulations of dirt, dust, grease, litter etc. or staining of any surface with which luggage may come into contact.	3. Accumulations of dirt, grease, rubbish etc. which could soil or damage luggage stored therein.	
5.4 Check for the presence of containers of any flammable or corrosive material (e.g. oil, petrol).	4. Containers for the storage of oil, petrol or any flammable or corrosive material shall not be carried in the vehicle.	These materials are a fire hazard. They may also contaminate passengers luggage, taint food etc.
5.5 Ensure that all interior panels are in position, covering electrical wiring and associated fittings.	5. Panels insecure or missing.	

Note: properly secured jack, first aid kit, fire extinguisher and wheelchair ramps (where applicable) may be carried in the luggage compartment.

## 6. ENGINE COMPARTMENT/TRANSMISSION/MOUNTINGS

<u>METHOD OF INSPECTION</u>	<u>REASONS FOR FAILURE</u>	<u>NOTES</u>
6.1 Carry out a visual inspection of the engine compartment for signs of oil or fuel leaks.	1. Any fuel leakage. 2. Any oil leakage where oil contamination is apparent over parts of the engine or underside of the vehicle or where oil is seen to be dripping from the vehicle.	Inspection to be carried out from both above and below the vehicle.
6.2 Ensure that the battery is properly secured in position.	3. Insecure battery.	
6.3 Examine all rubber/plastic hoses for signs of wear or deterioration.	4. Significantly worn or deteriorated hoses.	
6.4 Check the fan belt for signs of incorrect adjustment and/or deterioration.	5. An incorrectly adjusted or deteriorated fan belt.	
6.5 Examine the engine mountings for signs of deterioration.	6. Insecure or deteriorated engine mountings.	
6.6 Ensure that the radiator is properly secured to the vehicle and check for signs of any leaks.	7. A leaking or inadequately secured radiator.	
6.7 Examine the inner wing panels and suspension mounting tops for evidence of corrosion (see Notes).	8. Corrosion to the inner wing panels and suspension mounting tops.	This should include any corrosion around headlamp mountings.
6.8 Check the master cylinders for any signs of spillage or leakage of fluid.	9. Leaking master cylinders.	
6.9 Check the clutch mechanisms for correct operation.	10. Fluid leakage or mechanical component wear in the clutch mechanisms.	

6.10 Check the operation of the bonnet release catch.

11. Defective bonnet release catch/mechanism.

## 7. INTERIOR OF VEHICLE

### METHOD OF INSPECTION

### REASONS FOR FAILURE

### NOTES

7.1 Examine the floor and upholstery inside the vehicle for accumulations of dust, dirt, litter, general debris, cigarette ash, staining or excessive wear.

1. A vehicle which is in a dirty condition with accumulations of dust, litter, debris etc. or staining to the carpets or upholstery.

Vehicle will be failed if cushion/backrests, upholstery, carpeting or matting is collapsed, holed, split, temporarily repaired, dirty or stained.

7.2 Check that there are no excessive unpleasant odours noticeable inside the vehicle.

2. Unacceptable smells of vomit, food or other contaminants.

7.3 Remove any mats from the floor and examine the carpeting for signs of leakage of water into the vehicle.

3. Evidence of leakage of water into the vehicle from rainwater penetration or leaking cooling/heating system.

7.4 Examine any mats provided to ensure that they are not worn or damaged.

Correctly fitted seat covers will be acceptable.

7.5 Sit in each of the passenger seats within the vehicle to ensure that all seat cushions and back rests are in a good condition and offer proper support to passengers and the driver.

7.6 Examine all seats to ensure that they are properly secured to the vehicle; with a fixed rear seat ensure that the seat cushion is not loose.

4. Seats which are not adequately secured to the vehicle.

## 7. INTERIOR OF VEHICLE cont'd

### METHOD OF INSPECTION

### REASONS FOR FAILURE

### NOTES

- |   |  |  |
|---|--|--|
| 7.7. Check the operation of the interior light within the vehicle, both the manual switch and the door operated switches.   | 5. Faulty interior light fitting. Faulty interior light switch. Faulty interior light door switches. |  |
| 7.8. Examine the interior rear view mirror and ensure that it is securely fixed.  | 6. A loose, damaged or missing rear view mirror.   |  |
| 7.9. Check the operation of the heater/windscreen demister to ensure that it is in satisfactory working order.              | 7. Defective heater/windscreen demister.   |  |
| 7.10. Examine the clutch and brake pedal rubbers for signs of excessive wear.   | 8. Worn or missing brake and/or clutch pedal rubbers.  |  |
| 7.11. Check the operation of all window winders ensuring that they allow all windows to be fully lowered and raised easily. | 9. Window winders that do not allow windows to be easily lowered or raised.                          |  |
| 7.12. Check the operation of all door release catches to ensure that doors can be opened easily from within the vehicle.    | 10. Defective interior door release catches.   |  |
| 7.13. Ensure that child proof locks (if fitted) to rear doors are in working order.   | 11. Defective child proof locks.   |  |

**METHOD OF INSPECTION**

**REASONS FOR FAILURE**

**NOTES**

- 7.14 Check that any ash trays provided for the vehicle are intact and capable of being used. (Where ashtrays have been removed they should be blanked off).
- 7.15 If a metal grille is fitted check to ensure that there are no sharp or exposed parts which could cause injury to a passenger or driver.
- 7.16 Check that estate cars are fitted with a luggage.

- 12. Unserviceable ash trays or ashtrays that have not been blanked off where removed.
- 13. Loose or incorrectly fitted grille or exposed parts which could cause injury.
- 14. Luggage guard not fitted or ineffective.

The fitting of a metal grille is compulsory.

## 8. FIRST AID KIT

### METHOD OF INSPECTION

- 8.1 Ensure that a first aid kit is provided within the vehicle. Examine the kit to ensure that the contents conform to the requirements laid down in the Council's specification (see Notes).

### REASONS FOR FAILURE

1. Failure to provide a first aid kit, or a kit which does not conform to the Council's specification.

A first aid kit which is sited in a position which is not conspicuous or readily accessible to the passengers and where there is no legible sign displayed on the dashboard indicating the location of the kit.

### NOTES

The Health and Safety (First Aid) Regulations 1981 Specification for travelling First Aid Kits is:-

The Council's specification for first aid kit states that each kit should contain the following:-

<u>Item</u>	<u>Quantity</u>
(a) serviceable box, roll, satchel or other suitable container in which to carry first aid items;	1
(b) basic instruction card covering Expired Air Respiration, External Cardiac Compression, Treatment of Shock, Recovery Position and Treatment for Bleeding Control;	1
(c) triangular bandages;	1
(d) No. 16 eye dressing;	1
(e) No. 9 large dressing;	3
(f) No. 8 medium dressings;	3
(g) No. 7 small finger dressings;	3
(h) safety pins;	assorted
(i) individual adhesive plasters;	assorted
(j) 10 cms c 10 cms Melolin;	6
(k) roll or surgical tape (such as Micropore);	1
(l) blunt ended scissors.	1 pair

## 8. FIRST AID KIT cont'd

### METHOD OF INSPECTION

8.2 Ensure that the first aid kit is correctly sited (see Notes).

8.3 See that the first aid kit is permanently legibly marked with the registration No. of the vehicle being tested.

### REASONS FOR FAILURE

2. A first aid kit which is not permanently legibly marked with the Registration No. of the vehicle.

### NOTES

The first aid kit should be sited in the front centre of the vehicle or in the front passenger compartment and should be visible from the front and rear seats of the vehicle. In certain circumstances where, because of the design of the vehicle, the kit cannot be sited in the above stated positions, a clearly legible sign should be affixed to the dashboard stating the position of the first aid kit.



## 9. FIRE EXTINGUISHERS

### METHOD OF INSPECTION

### REASONS FOR FAILURE

### NOTES

9.1 Ensure that the fire extinguisher provided is either a 1 Ltr. A.F.F.F. foam extinguisher or a 1.0 Kg dry powder extinguisher of a stored pressure type and marked to current British Standard BS 5306 - 1997.

1. Failure to provide a fire extinguisher, or a fire extinguisher of the stated type, within the vehicle.

Notts Fire and Rescue Service recommend either 1 Ltr AFFF foam extinguisher or 1 kg dry powder extinguisher of a stored pressure type.

9.2 See that the fire extinguisher is sited in a conspicuous and easily accessible position within the vehicle.

2. A fire extinguisher which is not in a conspicuous and readily accessible position within the vehicle.

9.3 Examine the fire extinguisher to ensure that it is within the test date and that the seal is not broken. Where a pressure gauge is fitted ensure that the extinguisher is at the correct pressure.

3. A fire extinguisher which has a broken seal.

9.4 Examine the fire extinguisher mounting to see that it is sufficiently well secured to the vehicle to prevent it becoming dislodged by normal use of the vehicle.

4. A fire extinguisher which is not securely fixed within the vehicle.

A fire extinguisher may be secured in the boot area provided a sign to the effect is displayed prominently and legibly inside the vehicle.

9.5 Check whether the fire extinguisher is permanently legibly marked with the Registration No. of the vehicle.

5. A fire extinguisher which is not permanently, and legibly marked with the Registration No. of the vehicle.

N.B. Stored pressure type fire extinguishers should be introduced as existing old fire extinguishers are replaced therefore fire extinguishers within date and which are sealed will be acceptable until they require replacement.

## 10. ROAD TEST (All vehicles will undergo a road test)

<u>METHOD OF INSPECTION</u>	<u>REASONS FOR FAILURE</u>	<u>NOTES</u>
10.1 Check for any vibrations through the steering column or transmission.	1. Any unreasonable vibration through the steering column or transmission.	
10.2 Check that the steering is true and positive and does not 'pull' to the nearside or offside.	2. Steering which pulls to the nearside or offside or which is not positive.	
10.3 Check that the operation of the footbrake does not cause the vehicle to judder, or to pull the vehicle to the nearside or offside.	3. Juddering or pulling to nearside/offside when the footbrake is applied.	
10.4 Listen for any unusual noise from the engine and transmission.	4. Unacceptable engine or transmission noise.	
10.5 Check the clutch for correct operation.	5. A clutch which fails to give proper clearance or slips in operation.	
10.6 Check the operation of the gearlever for signs of wear in the mechanism.	6. Evidence of wear in gearlever mechanism.	
10.7 Observe the vehicle exhaust emission for evidence of excessive smoke.	7. Excessive smoke emission.	
10.8 Observe the performance of the engine during the road test for signs of any misfiring, lack of engine power etc., or any indication that the engine is not functioning in the correct manner.	8. Any evidence that there is a problem affecting the performance or reliability of the vehicle.	

**METHOD OF INSPECTION**

**REASONS FOR FAILURE**

**NOTES**

10.9 Check the operation of the speedometer.

9. Speedometer inoperative or defective.

10.10 Report any other matters which affect the fitness of the vehicle for use as a hackney carriage or private hire vehicle.

## 11. METERS

### METHOD OF INSPECTION

### REASONS FOR FAILURE

### NOTES

11.1 Ensure that the meter is sited in a position where it can be clearly seen from all passenger seats within the vehicle or in accordance with the Authority's licence conditions.

1. Absence of a meter, or a meter which is not suitably sited within the vehicle.

Private hire vehicles are not required to have a meter fitted within the vehicle. When fitted to a private hire vehicle a meter must comply with the specifications as set out in this sheet.

11.2 Examine the meter mounting to ensure that it is satisfactorily secured within the vehicle.

2. A meter which is not adequately secured within the vehicle.

11.3 Check the meter to ensure that the figures indicating the fare are illuminated.

3. Lack of adequate illumination to the meter display.

11.4 Ensure that the meter is correctly calibrated and sealed in accordance with the agreed table of fares (see Notes).

4. An incorrectly calibrated meter.

5. An unsealed meter.

The calibration test should be carried out by test driving the vehicle over the agreed measured distance and ensuring that the appropriate fare displayed corresponds to the distance covered. Check all tariff rates.

11.5 Check that a table of fares (in the format laid down by the Council), is displayed in the vehicle in a position where it can be clearly seen by passengers in the front and rear of the vehicle.

6. Failure to display a table of fares in a conspicuous position within the vehicle.

Private hire vehicles with a meter should be tested using the tariff set by the P.H. operator and the private hire operators tariff card should be displayed in the vehicle.



NEWARK &  
SHERWOOD  
DISTRICT COUNCIL

## NEWARK AND SHERWOOD DISTRICT COUNCIL

### THE LICENSING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

#### SUPPLEMENTARY TESTING MANUAL

**Vehicles will be tested to a higher than MOT standard unless otherwise indicated in the supplementary testing manual.**

## **Appendix Seventeen**

### **CCTV Apparatus in Hackney Carriages and Private Hire Vehicles.**

1. Where any Hackney Carriage, Private Hire Vehicle or Ambulance Vehicle is licensed by the Council and is fitted with any form of CCTV system or other system for taking images of the inside of the vehicle then that system must comply with the following requirements.
2. The system must have, as its power source, the vehicles own electrical system although independent back up batteries may be fitted. Such back up batteries may only be used as the power source when the main electrical system is not available.
3. All recordings made by the system must be made on a recorder that is not contained within the camera producing the images. The recorder should be in a part of the vehicle to which passengers do not normally have access and must in any event be securely attached to the body or frame work of the vehicle.
4. Recordings by the system shall not be made on any form of media that can be removed by the driver, proprietor owner or operator of the vehicle. Recordings shall only be accessible to a police constable or an Officer of the Council or, at the request of such a constable or officer by the manufacturer of the system or an agent authorised by the manufacturer. Breach of this condition will be referred to the General Purposes Committee on the first occasion
5. The System must operate in one of the following ways:
  - a. Constantly recording images whilst the vehicle's electrical system is switched on.
  - b. Automatically recording images at the start and finish of a hiring as defined by the operator of the vehicle in consultation with the Council with an override facility at any time during the hiring.
6. All recordings must be of evidential quality showing the date and time of recording. The system should retain images for a period of 28 days.
7. Any use of images recorded by the system for any purpose not approved by the police or the Council shall be considered a serious breach of the licensing conditions and be referred to the General Purposes Committee.
8. Any vehicle fitted with CCTV shall display prominent notices stating that CCTV is in use in the vehicle.

#### **NOTE**

This guidance only relates to CCTV inside vehicles. Further guidance on the use of Dashcams can be found on the ICO website

<https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/>

<https://ico.org.uk/for-the-public/cctv-on-your-property/>

**Appendix Eighteen**

**Taxi Ranks**

**Taxi ranks and there locations in Newark and Sherwood DC**

TIME	LOCATION
24 HOURS	MIDDLE GATE, NEWARK
08:00 to 18:00	KIRK GATE, NEWARK
20:00 to 06:00	CASTLE GATE, NEWARK
24 HOURS	LINCOLN STREET (RAILWAY STATION), NEWARK
24 HOURS	SHERWOOD DRIVE, OLLERTON

## **Appendix Nineteen**

### **PENALTY POINTS SCHEME**

#### **1.0 The details of how the scheme will be operated are as follows:**

- 1.1 The Licensing Enforcement Policy will be fully considered by an authorised officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.
- 1.2 The Penalty Points Scheme will operate without prejudice to Licensing Authority's ability to take other action under appropriate legislation or as provided for by this policy.
- 1.3 The Penalty Points Scheme outlined in Schedule A identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven and by whom.

#### **2.0 Imposition of Points**

- 2.1 Where it is decided that the use of the Penalty Points Scheme is appropriate, the points will be issued in accordance with Schedule A to this appendix.
- 2.2 The imposition of penalty points against a driver who is an employee will not necessarily result in the additional imposition of points to his/her employer or operator. However the Licensing Authority will issue penalty points to drivers, proprietors, driver/proprietors and operators for a single contravention if the circumstances warrant it, i.e. the breach is one against all these licences and it is considered joint responsibility is held.
- 2.3 Points issued to a proprietor, operator or driver will be confirmed in writing within three weeks of the completion of enquiries into the contravention or upon discovery of breach.
- 2.4 Points will be imposed on licences by either the Licensing Officer or by the General Purposes Sub-Committee. The imposition shall be in accordance with Schedule A to this Appendix.
- 2.5 There is no financial penalty associated with the Penalty Point Scheme, and the licence holder may continue to work. However, the licence holder may be asked to attend a hearing before the General Purposes Sub-Committee if 12 or more penalty points are imposed on an individual licence and are still valid, where appropriate action will be taken in accordance with this policy.



### **3.0 Duration of Points**

- 3.1 When issued, the penalty points will remain “live for the period specified in Schedule A to this Appendix. They will remain on the licence for consideration from the date they are imposed for the specified period indicated in Schedule A.

### **4.0 The Hearing**

- 4.1 Where a driver, proprietor or operator attains 12 penalty points, disciplinary options available to the Licensing Authority will include suspension or revocation of the driver’s licence.
- 4.2 If it is felt that the matter does not warrant suspension or revocation of the licence, a written warning may be issued to the driver as to his future conduct.
- 4.3 Periods of suspension of a licence will be dependent on the nature of the breach of legislation or the requirements of this Policy and the compliance history of the licence holder.
- 4.4 A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances he deems necessary.

### **5. Appeals**

- 5.1 Should a driver, operator or proprietor wish to dispute the imposition of points made by an officer, then they have the right to appeal. Appeals will be made to the Business Manager, Licensing and Enforcement who may quash the points, uphold the points or increase the where they deem it appropriate, subject to the maximum points identified in Schedule A.
- 5.2 Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of appeal to the Magistrates Court against the suspension or revocation. In most cases a suspension will be subject to a 21 day appeal period starting on the date of the suspension notice to allow for the formal appeal process. There might be occasions where immediate suspension is required e.g. danger to the public.

## **Schedule A to Appendix Nineteen - Penalty Points Tariff**

### **1.1 Legislative offences and penalties:**

Two statutes principally create offences relating to hackney carriages and private hire vehicles are; i) The Town Police Clauses Act 1847; and ii) The Local Government (Miscellaneous Provisions) Act 1976. Offences may also be committed under other legislation, byelaws or conditions.

1.2 The offences are set out below under the relevant statute state the number of points and the length of time that the points will remain on the licence. Where there is an option to attach more points, Licensing Officers will only be permitted to attach the minimum number of points. Where the Licensing Officer determines that the offence is of a more serious nature, the awarding of any points or action will be determined by the General Purposes sub-committee, who on hearing the case may attach points between the minimum and maximum, should the case be found.

1.3 When an application or licence is determined by the General Purposes Sub-Committee the points attached to a licence will be taken into consideration. In such cases the hearing will consider all relevant information and will determine the review in accordance with the relevant legislative framework. Points attached to a licence will not be the reason for refusal, suspension or revocation.

1.4 The Licensing Authority reserves the right to take all appropriate action as is deemed necessary. The attachment of points to a licence in no way prejudices the Licensing Authorities right to prosecute an offender should it be deemed in the public interest to do so.

1.5 A list of the offences, penalty points and the relevant period that points remain on the licence are in accordance with the following tables:

TOWN AND POLICE CLAUSES ACT 1847							Table 1	
List No	Imposition of points by LO or Ctte	Section and Offence	Penalty Points or Action	Period Points Remain on the Licence	Operator	Proprietor	Driver	
1	LO Ctte	S40 - Giving false information on a hackney carriage licence application.	6-12*	3 Years		X		
2	LO	S44 - Failure to notify change of address on a hackney carriage licence.	2	1 Year		X		
3	Ctte	S45 - Plying for hire without a hackney carriage licence.	12	5 Years		X	X	
4	Ctte	S47 - Driving a hackney carriage without a hackney carriage driver's licence.	12	5 Years		X	X	
5	Ctte	S47 - Lending or parting with a hackney carriage driver's licence.	12	3 Years			X	
6	Ctte	S47 - Hackney carriage proprietor permitting or employing an unlicensed driver to drive a hackney carriage vehicle.	12	5 Years		X		
7	LO	S48 - Failure of a proprietor to retain in his/her possession copies of any hackney carriage driver's licence that permits them to drive their vehicle.	3	1 Year		X		
8	LO	S48 - Failure of a proprietor to produce on request by an authorised officer any hackney carriage driver's licence for whom he has permitted to drive his/her vehicle.	3	1 Year		X		
9	LO	S52 - Failure to display a hackney carriage plate.	4	3 Years		X	X	
10	LO Ctte	S53 - Refusal to take a fare without a reasonable excuse.	8-12*	5 Years			X	
11	LO Ctte	S54 - Charging more than the agreed fare.	8	5 Years			X	
12	LO Ctte	S55 - Obtaining more than the legal fare (including failure to refund).	8	5 Years			X	
13	LO Ctte	S56 - Travelling less than the lawful distance for an agreed fare.	6	5 Years			X	
14	Ctte	S57 - Failure to wait after a deposit to wait has been paid.	12	3 Years			X	

15	LO Ctte	S58 - Charging more than the legal fare.	8-12*	5 Years			X
16	LO	S59 - Carrying persons other than with the consent of the hirer.	6	3 Years			X
17	Ctte	S60 - Driving a hackney carriage without the proprietor's consent.	12	5 Years			X
18	Ctte	S60 - Allowing a person to drive a hackney carriage without the proprietor's consent.	12	5 Years			X
19	LO	S62 - Driver leaving a hackney carriage unattended.	2	1 Year			X
20	LO	S64 - Hackney carriage driver obstructing other hackney carriages.	2	1 Year			X
21	LO Ctte	S68 – Breach of Byelaws	3-6*	3 Years			X

Local Government (Miscellaneous Provisions) Act 1976							Table 2	
List No	Imposition of points by LO or Ctte	Section and Offence	Penalty Points or Action	Period Points Remain on the Licence	Operator	Proprietor	Driver	
22	Ctte	S46(1)(a) - A licensed driver using an unlicensed vehicle for private hire purposes.	12	5 Years	X		X	
23	Ctte	S46(1)(b) - Driving a private hire vehicle without a private hire driver's licence.	12	5 Years	X		X	
24	Ctte	S46(1)(c) - Proprietor of a private hire vehicle permitting or employing an unlicensed driver to drive a private hire vehicle.	8-12*	5 Years	X			
25	LO Ctte	S46(1)(d) - Operating a private hire vehicle without a private hire operators' licence.	8-12*	5 Years	X		X	
26	Ctte	S46(1)(e) - Operating an unlicensed vehicle as a private hire vehicle.	12	5 Years	X		X	
27	Ctte	S46(1)(e) - Operating a private hire vehicle when the driver is not licensed as a private hire driver.	12	5 Years	X		X	
28	LO	S48(6) - Failure to display a private hire vehicle plate.	4	1 Year	X		X	
29	LO	S49 - Failure to notify the transfer of a vehicle licence.	3	1 Year	X		X	
30	LO	S50(1) - Failure to present a hackney carriage or private hire vehicle for inspection upon request.	6	3 Years	X	X		
31	LO	S50(2) - Failure to inform the Licensing Authority where a hackney carriage or private hire vehicle is stored, if requested.	3	1 Year	X	X		
32	LO	S50(3) - Failure to report an accident to the Licensing Authority within seventy two hours.	6	3 Years	X	X	X	
33	LO	S50(4) - Failure to produce the vehicle and/or insurance upon request.	6	3 Years	X	X	X	

34	LO	S53(3) - Failure to produce a driver's licence upon request.	6	3 Years			X
35	LO	S54(2) - Failure to wear a private hire driver's badge.	3-6*	3 Years			X
36	LO Ctte	S56(2) - Failure of a private hire operator to keep proper records of all bookings, or failure to produce them upon request of an authorised officer of the Licensing Authority or a police officer within reasonable time / or time specified.	3-8*	3 Years	X		
37	LO Ctte	S56(3) - Failure of a private hire operator to keep proper records of all private hire vehicle licences and driver licences, or failure to produce them on request of an authorised officer of the Licensing Authority or a police officer within reasonable time / or time specified.	3-8*	3 Years	X		
38	LO	S56(4) - Failure of a private hire operator to produce his licence upon request.	4	1 Year	X		
39	Ctte	S57 - Making a false statement or withholding information to obtain a hackney carriage/private hire driver's licence.	12	5 Years			X
40	Ctte	S58(2) - Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence.	6-12*	5 Years	X	X	
41	Ctte	S61(2) - Failure to surrender a driver's licence or badge on or after suspension, revocation, or refusal to renew.	6-12*	5 Years			X
42	LO Ctte	S64 - Permitting a private hire vehicle to wait on a hackney carriage rank.	6-12*	5 Years	X		X
43	LO Ctte	S66 - Hackney Carriage charging more than the meter fare for a journey ending outside the District, without prior agreement.	8	3 Years			X
44	LO Ctte	S67 - Hackney Carriage charging more than the meter fare when a hackney carriage is used as a pre-booked vehicle.	8	3 Years		X	X

45	LO Ctte	S69 - Unnecessarily prolonging a journey.	8	3 Years			X
46	Ctte	S71 - Interfering with a private hire taxi- meter with intent to mislead.	12	5 Years	X		X
47	Ctte	S73(1)(a) - Obstruction of an authorised officer of the Licensing Authority or a police officer.	6-12*	5 Years	X	X	X
48	LO LCtte	S73(1)(b) - Failure to comply with a requirement of an authorised officer of the Licensing Authority or a police officer.	3-12*	5 Years	X	X	X
49	LO Ctte	S73(1)(c) - Failure to give information or assistance to an authorised officer of the Licensing Authority or police officer.	3-12*	5 Years	X	X	X

LICENSING AUTHORITY POLICY							Table 3
List No	Imposition of points by LO or LCtte	Section and Offence	Penalty Points or Action	Period Points Remain on the Licence	Operator	Proprietor	Driver
50	Ctte	Failure to ensure the safety of passengers.	12	5 Years	X	X	X
51	LO Ctte	Concealing or defacing a vehicle licence plate.	6	3 Years	X	X	X
52	LO	Failure to attend on time for a pre-arranged appointment at the request of the Licensing Authority for interview without reasonable cause.	2	1 Year	X	X	X
53	LO Ctte	Conveying a greater number of passengers than permitted.	6-12*	5 Years	X	X	X
54	LO	Failure to give reasonable assistance with passenger's luggage.	2	1 Year			X
55	LO Ctte	Private hire soliciting for hire or accepting a fare that is not pre-booked.	6	3 Years			
56	LO	Operating/using a vehicle that is not clean and tidy internally or externally.	2	1 Year	X	X	X
57	LO Ctte	Operating/using a vehicle that is not in a safe condition internally or externally.	6-12*	5 Years	X	X	X
58	Ctte	Driving without the consent of the proprietor.	12	5 Years		X	X
59	LO	Drinking or eating in the vehicle.	2	1 Year			X
60	LO	Smoking in the vehicle at any time.	4-8*	3 Years			X
61	LO	Causing excessive noise from any radio or sound-reproducing equipment.	2	1 Year			X
62	LO	Sounding the horn to signal that the vehicle has arrived. disturbing residents	2	1 Year			X
63	LO	Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand.	6	3 Years	X		X



64	LO	Allowing a hackney carriage vehicle to stand in a position, not being a hackney carriage stand, to suggest that is plying for hire.	6	3 Years		X	X
65	LO Ctte	Using a non-hands free mobile telephone whilst driving/engine running.	3-12*	5 Years			X
66	Ctte	Failure to advise of a relevant medical condition.	12	5 Years			X
67	LO	Failure to provide a receipt for a fare when requested.	2	1 Year			X
68	LO Ctte	Failure to operate the meter from the commencement of the journey and /or charging more than the fixed charge for hire of a hackney carriage.	8-12*	5 Years			X
69	LO	Failure to notify the Licensing Authority of relevant change to licence details within the time specified in the associated licence conditions.	2	1 Year	X	X	X
70	LO	Failure to produce a hackney carriage or private hire licence upon request.	3	1 Year	X	X	X
71	LO	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment.	2	1 Year			X
72	LO	Failure of a private hire operator to request and keep a copy of all taxi driver's licence in his employ at the beginning of employment.	2	1 Year	X		
73	Ctte	Failure of a licence holder to disclose convictions within seven days of conviction.	12	5 Years	X	X	X
74	LO	Failure to search a vehicle after a journey or failure to take found property to the police within forty eight hours of finding.	3	3 Years			X
75	LO	Failure to report an accident within seventy two hours.	6	3 Years			X
76	LO	Failure to comply with requirements for the safe carrying of a wheelchair	6	3 Years	X		X
77	LO	Operating a vehicle that does not comply	3-12*	5 Years			

	Ctte	with the Licensing Authority's licensing policy or relevant legislation where such a breach of policy/legislation is not otherwise specified herein.			X		
78	LO	Failure to carry an approved fire extinguisher.	2	1 Year	X	X	X
79	LO Ctte	Modifying a licensed vehicle without the consent of the Licensing Authority.	6-12*	5 Years			X
80	LO	Failure to display or maintain external plates as issued by the Licensing Authority or displaying them incorrectly e.g. in the window of a vehicle.	4	3 Years	X	X	X
81	LO	Affixing or displaying a roof sign on a private hire vehicle.	4	3 Years	X	X	
82	LO	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the Licensing Authority.	4	3 Years	X	X	X
83	LO	Using a taxi-meter that does not conform to Licensing Authority requirements.	6	3 Years	X		
84	Ctte	Driving with no insurance or inadequate insurance for the vehicle.	12	5 Years	X	X	X
85	Ctte	Permitting the vehicle to be used for any illegal or immoral purposes.	12	5 Years	X	X	X
86	LO	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times.	2	1 Year	X	X	
87	LO	Failure of a private hire operator to keep the operating premises in accordance with Licensing Authority requirements.	3	1 Year	X		
88	Ctte	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured.	12	5 Years	X		
89	LO Ctte	Failure of a private hire operator to obtain public liability insurance for the operating premises if the public are allowed access.	6	3 Years	X		

90	LO	Driving or allowing a hackney carriage vehicle to be driven with tinted windows which do not conform to licence conditions.	2	1 Year		X	X
91	LO	Driving or allowing a hackney carriage or private hire vehicle to be driven without displaying the roundels or attaching the signs other than in accordance with the Councils Policy.	2	1 Year	X	X	X

## **JOINT ENFORCEMENT PROTOCOL**

### **1.0 Purpose of Report**

- 1.1 To update Members on the progress with the Joint Enforcement Protocol relating to taxis and to seek formal adoption of the protocol.

### **2.0 Background**

- 2.1 At the meeting of the General Purposes Committee in November 2017 Members were provide with information relating to the development of a Joint Enforcement Protocol being developed across Nottinghamshire that would allow joint enforcement of taxi legislation.

### **3.0 Introduction**

- 3.1 The law allows enforcement to be undertaken by authorised staff against vehicles or drivers licensed by that authority. Due to the issues that have arisen across the county discussions have taken place with both Licensing Officers and legal staff with the aim of allowing joint enforcement across boundaries.

- 3.2 A draft 'Joint Enforcement Protocol' was produced that will allow authorised licensing staff to take enforcement action against any driver or vehicle from an authority that has a reciprocal arrangement under the protocol. For example if both Newark & Sherwood and Mansfield sign the protocol this would permit authorised staff from Newark & Sherwood to take action against any drivers or vehicles licensed in Mansfield but operating within Newark & Sherwood. Alternatively it would also allow Mansfield staff to take enforcement action against Newark & Sherwood drivers and vehicles operating in Mansfield.

- 3.3 The protocol has been reviewed by the legal officers at Newark & Sherwood and they are happy that it meets the needs of the authority and does not impose any undue responsibilities on licence enforcement staff.

- 3.4 All the Nottinghamshire Authorities have expressed their support for the protocol and it is currently in the process of being considered by the various Licensing Committees across the county.

- 3.5 A copy of the Joint enforcement Protocol is attached as **Appendix One** to this report.

### **4.0 Proposals**

- 4.1 It is proposed that Members formally adopt the Joint Enforcement Protocol subject to reciprocal arrangements being put in place with partner local authorities.

## **5.0 Equalities Implications**

5.1 Enforcement is delivered where appropriate and in a proportionate and measured manner. This initiative will have no equalities implications.

## **6.0 RECOMMENDATIONS that Members:**

- (a) **formally adopt the Joint Enforcement Protocol relating to Hackney Carriage & Private Hire Enforcement, subject to the following:**
- (i) **the enforcement powers of the Council under sections 53(3), 68 and 73 of the Local Government (Miscellaneous Provisions) Act 1976 shall be discharged by the Councils listed in the Schedule below pursuant to the provisions of section 101 of the Local Government Act 1972, such enforcement powers only to be exercised in respect of [Rushcliffe] licensed vehicles and drivers whilst operating within the boundary of the respective council and only to be exercised by the respective Council's authorised officers; and**
  - (ii) **the Business Manager - Environmental Health & Licensing be authorised to add to the Councils listed in the Schedule where considered expedient, subject to agreeing reciprocal arrangements with the relevant Council and subject to consultation with the Chairman and Vice-Chairman of General Purposes Committee; and**
  - (iii) **the Council agrees to accept a similar transfer of functions from any Council listed in the Schedule below.**

### **SCHEDULE**

**Ashfield District Council  
Broxtowe Borough Council  
Bassetlaw District Council  
Gedling Borough Council  
Mansfield District Council  
Nottingham City Council  
Rushcliffe Borough Council**

### Background Papers

Nil

For further information please contact Alan Batty on 01636 655467

Karen White  
Director – Safety

**CROSS BORDER  
ENFORCEMENT**

**OPERATIONAL PROTOCOL**

**PRIVATE HIRE & HACKNEY  
CARRIAGE VEHICLES & DRIVERS**

**Nottingham City Council  
Nottinghamshire District Councils**

Date & Version 271117 v5  
Amendments:

## 1. APPLICATION AND BACKGROUND

- 1.1 This Operational Protocol (“Protocol”) applies to the Partner Council’s listed in the Schedule attached. The purpose of this Protocol is to facilitate the discharge of the Delegated Powers by Authorised Officers of the Partner Councils in relation to Private Hire and Hackney Carriage Vehicles and Drivers. The Protocol encourages a collaborative working partnership between all Partner Councils
- 1.2 This Protocol is intended to bind a Partner Council from the date of their signature hereto as reflected in Appendix 1 and will cease to apply to a Partner Council either by the withdrawal of the Delegated Power in accordance with paragraph 1.3 below or upon the expiry of 3 months written notice given to all other Partner Council(s) which ever shall occur first.
- 1.3 Notwithstanding the terms and conditions of this Protocol, it does not prejudice the right of any Partner Council to withdraw the Delegated Powers at any time or to exercise the Delegated Powers concurrently. However each Partner Council undertakes not to withdraw the Delegated Powers unreasonably.
- 1.4 For the avoidance of doubt, this Protocol shall cease to bind a Partner Council if the Delegated Functions ever become the responsibility of the Executive of that Council.

## 2. INTERPRETATION

For the purposes of this Protocol the following words or phrases shall have the following meaning:

Authorised Officers	Officers authorised by a Partner Council under section 80 of the 1976 Act
Contact Officer	a designated officer of a Partner Council for the purpose specified at Clause 3.3 of this Protocol.
Controlled District	an area in relation to which a resolution has been passed by a district council under section 45 of the 1976 Act applying Part II of that Act
Delegated Powers	the powers identified in Appendix 2
Enforcement Action	any action to be taken by a Partner Council as a result of information obtained from the exercise of the Delegated Powers of whatever nature

Hackney Carriage Vehicle	a vehicle licensed under section 37 of the 1847 Act
Hackney Carriage Driver	a driver licensed as such under section 46 of the 1847 Act
Licensing Partner Council	the Partner Council which has issued the licence for the vehicle/driver concerned
Partner Council	any Council listed in Appendix 1 to this Protocol
Personal Data	any information relating to an identified or identifiable natural person (data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person
Private Hire Vehicle	a vehicle licensed under section 48 of the 1976 Act
Private Hire Driver	a driver licensed as such under section 51 of the 1976 Act
1976 Act	the Local Government (Miscellaneous) Provisions Act 1976
1847 Act	the Town and Police Clauses Act 1847



### 3. **WORKING ARRANGEMENTS**

- 3.1 Authorised Officers may discharge the Delegated Powers in respect of Private Hire and Hackney Carriage Vehicles and Drivers licensed by any other Partner Council whilst such a vehicle and/ or driver are in the Controlled District of the Authorised Officer.
- 3.2 Each Partner Council will designate a Contact Officer to whom information, concerns and intelligence gathered in relation to any of its licensed Private Hire and Hackney Carriage Vehicles or Drivers can be passed by secure means, digitally or otherwise and in compliance with section 4 of this Protocol.
- 3.3 Where Enforcement Action is deemed necessary as a result of an exchange of information under 3.2 above the Partner Council supplying that information will provide all reasonable and necessary assistance to the Licensing Partner Council, including, if necessary the provision of witness statements and attendance at court.
- 3.4 In relation to the exercise of the Power under section 53 of the 1976 Act, an Authorised Officer requiring a hackney carriage/private hire driver to produce his driver's licence for inspection at the principal offices of their Licensing Partner Council shall both:-
  - a) warn the driver of the criminal offence committed if there is a failure to comply with his request, without a reasonable excuse and
  - b) notify the Licensing Partner Council as soon as reasonably practicable, of the request and provide the relevant details of the action in writing.
- 3.5 In relation to the exercise of the Power under section 68 of the 1976 Act:-
  - a) if an Authorised Officer is not satisfied as to the fitness of a hackney carriage or private hire vehicle they may suspend the vehicle licence until such time as an Authorised Officer of the Licensing Partner Council is so satisfied as to its condition.
  - b) If an Authorised Officer suspends the vehicle licence written notification of the suspension must be given by the Authorised Officer to the Licensing Partner Council as soon as practicable as well as to the proprietor of the vehicle.
- 3.6 Enforcement of the Power under section 68 of the 1976 Act: rests with the Licensing Partner Council which authorised the officer.

- 3.7 Where a joint operation between Partner Councils is being carried out Authorised Officer's remain at all times the responsibility of the Partner Council by whom they are authorised and will provide all reasonable and necessary assistance to any other Partner Council involved in the operation. The Contact Officers of the Partner Councils involved in the joint operation will agree which Authorised Officer will be appointed to oversee the operation. Risk assessments should be carried out by the Lead Authority in any operation and agreed in advance with the relevant Partner Councils.
- 3.8 Unless there is prior agreement between Partner Councils no reimbursement will be made by one Partner Council to another for time spent/ cost incurred by any Authorised Officer in the exercise of any of the Delegated Powers pursuant to this Protocol.
- 3.9 Partner Councils will be solely responsible for the Health and Safety of their own Authorised Officers and provide training, support and assistance suitable to the role as required.

#### **4. TRANSFER OF INFORMATION/INTELLIGENCE BETWEEN PARTNER COUNCILS**

- 4.1 Information and intelligence shared by Partner Councils should be concise and accurate and provided in a timely manner to the relevant Contact Officer. Personal data should only be shared for a specific lawful purpose or where appropriate consent has been obtained.
- 4.2 This agreement does not give licence for unrestricted access to information another partner may hold. It sets out the parameters for the safe and secure sharing of information for a justifiable need to know purpose.
- 4.3 Partners are responsible for ensuring that their organisational and security measures protect the lawful use of information shared under this agreement.
- 4.4 partners will ensure that a reasonable level of security is applied to all data held appropriate to the level of risk and in accordance with the data protection principle 7 and any similar principle in successor legislation.
- 4.5 Partners employees processing information shared under this agreement are expected to be trained to a level that enables them to undertake their duties confidently, efficiently and lawfully.
- 4.6 Each partner has the power to audit the other to ensure compliance with the agreement.

- 4.7 Partners should have procedures in place to report misuse, loss, destruction, damage or unauthorised access, suspected or otherwise, of information. The partnership organisation originally supplying the information should be notified of any breach of confidentiality or incident involving a risk or breach of the security of information supplied under this agreement.
- 4.8 Personal data shall not be transferred to a country or territory outside the EEA without an adequate level of protection for the rights and freedoms of the data subject in relation to the processing of personal data.
- 4.9 All Partner Councils agree:
- a) To process Personal Data and information fairly and lawful;
  - b) To keep the Personal Data confidential at all times and ensure it is used only for the purpose intended.
  - c) The Personal Data held will be secured and disclosed solely for the discharge of the defined delegated powers or as otherwise required by law. The data must and will not be used for any other purpose.
  - d) Requests for information received from an individual or organisation not party to this Protocol, whether for Personal Data or other information, shall be answered by the Partner Council receiving such a request in accordance with the relevant legislation, but before making a decision as to disclosure the relevant party it shall first consult such other Partner Council(s) as may be required.
  - e) Personal Data shall only be accessed or disclosed by or to Authorised Persons.
  - f) For the avoidance of doubt Personal Data held by any Partner Council is held by that Council as data controller and each Partner Council agrees to fulfil all its obligations under the Data Protection Act 1998 and successor legislation including the General Data Protection Regulation.
  - g) Any request for information by a Partner Council to another shall be answered promptly where such request is for the purpose of meeting or delivering the discharge of the Delegated Powers; but any such request will only be answered where to do so does not breach the Data Protection Act 1998 and successor legislation including the General Data protection Regulation, the Freedom of Information Act 2000; and/or other legislation

- h) Personal Data shall be retained for no longer than 12 months after which it shall be securely destroyed or, in the case of a prosecution by the Licensing Partner Council, until that prosecution has been discharged.

**6. RESPONSIBILITIES AND ACTIONS OF PARTNER COUNCIL'S**

- 6.1 The employing Partner Council shall be liable for the actions of the Authorised Officers within its employ and shall take all reasonable steps to ensure the competence of those persons in carrying out their functions and that they comply with legislative requirements and the spirit of this Protocol.
- 6.2 Information/intelligence provided between Partner Councils shall be used for the purpose intended and shall not be divulged to third parties unless to do so would be lawful.

**7. SIGNATORY PARTNER COUNCILS**

- 7.1 Before signing this Protocol each Partner Council will provide written evidence to each other Partner Council of its resolution in accordance with its constitution confirming the delegation of the Delegated Powers to the other Partner Councils pursuant to section 101 of the Local Government Act 1972 and its appropriate authority to enter into reciprocal arrangements for the exercise of those Delegated Powers.

NOTTM LOGO

Nottingham City Council

Name: Andrew Errington

Position: Director – Community Protection

Signature..... Date:  
On behalf of Nottingham City Council Community Protection



**Rushcliffe Borough Council**

**Name:**

**Position:**

**Signature.....**  
**On behalf of Rushcliffe Borough Council**

**Date:**

**LIST OF COUNCILS**

**Ashfield District Council**

**Bassetlaw District Council**

**Broxtowe Borough Council**

**Gedling Borough Council**

**Mansfield District Council**

**Newark & Sherwood District Council**

**Nottingham City Council**

**Rushcliffe Borough Council**

## **Appendix 2 - DELEGATED POWERS**

### **Local Government (Miscellaneous) Provisions Act 19726**

- S53(3)                    produce drivers badge/licence for inspection**
- S68                        to inspect and test vehicles at reasonable times and  
suspend the licence if not satisfied as to their fitness.**
- S73                        obstruction of authorised officer**



**REVIEW OF STATEMENT OF GAMBLING POLICY**

**1.0 Purpose of Report**

1.1 To seek the Committee’s approval of the timetable associated with the review of the Council’s Statement of Gambling Policy which the Council is required to review every three years under the Gambling Act 2005.

**2.0 Background**

2.1 The Council, as Licensing Authority under the Gambling Act 2005, is responsible for issuing premises licences for gambling premises, issuing permits in respect of gaming on licensed premises and for registering small society lotteries.

2.2 The Council only licences premises on which gambling is carried out, it does not licence the operators or the individuals concerned in carrying the business. These are licensed by the Gambling Commission and subject to stringent statutory controls.

2.3 In respect of carrying out its duties the Council is required to adopt and have in place a Statement of Gambling Policy relating to those duties. The Policy sets out the principles which the Council will apply in considering and granting those licences and permits. The original Policy was adopted in December 2006 to come into force on 31 January 2007. Since this time it has been reviewed every three years in line with the statutory requirements. The current Policy was adopted by the Council in January 2016.

2.4 The Act requires that the Policy be reviewed as required and at least every three years. Hence the need to review the policy this year so that it can be adopted by 31 January 2019.

2.5 A suggested timetable for the review and consultation process is set out below.

<b>Action</b>	<b>Proposed Date</b>
Prepare draft Statement of Policy and seek comments from General Purposes Committee	June 2016 – General Purposes Committee
Seek comments from interested parties	July, August, 2018
Report comments to General Purposes Committee and amend Policy if appropriate	October 2018 – General Purposes Committee
Present Draft Statement of Gambling Policy with Comments from General Purposes Committee	November 2018 - Policy and Finance Committee
Take Statement of Gambling Policy to full Council for adoption.	December 2018

2.6 It is proposed to undertake the consultation exercise by directing organisations to the pages on the Council’s website where a copy of the draft Policy will be posted. Printed copies will be available on request.

2.7 A suggested list of consultees is shown below.

District Councillors  
Directors  
Betting Shops/Bookmakers  
Bingo Halls  
Amusement Arcades  
Racing Tracks  
Parish & Town Councils  
Pub Watch  
Nottinghamshire Police  
Nottinghamshire Fire & Rescue  
Licensing Solicitors  
Gamblers' Anonymous  
NCC – Safeguarding Children's Board  
Citizens' Advice Bureau  
British Casino Association  
Casino Operators Association of the U.K.  
British Amusement Catering Trades Association  
The Bingo Association  
British Beer & Pub Association Midlands  
Association of British Bookmakers  
Gambling Commission  
H.M. Revenues & Customs  
Members of Parliament

### **3.0 Equalities Implications**

3.1 As the draft Policy is developed all equalities implications will be identified and an equalities impact assessment will be undertaken and will accompany the draft policy when submitted to future Committees for consideration

### **4.0 RECOMMENDATION that:**

- (a) the timetable for the review and consultation exercise for the Statement of Gambling Policy be approved; and,**
- (b) the list of consultees be approved, subject to any amendments or additions**

#### Background Papers

Gambling Act 2005

For further information please contact Alan Batty on 01636 655467

Karen White  
Director – Safety

**UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS**

**1.0 Purpose of Report**

1.1 To inform the Committee of the activity and performance of the Licensing Team and to provide Members with details of current ongoing enforcement issues.

**2.0 Background**

2.1 A new applicant for a Hackney Carriage/Private Hire Driver's or Private Ambulance Driver's Licence has to undergo various checks. These include a: Disclosure and Barring check; a DVLA check; two references are required; Group II medical; and knowledge and ability tests.

2.2 This report covers the period from 1 October to 31 December 2017 inclusive and sets out the range and number of licence applications during this period. It also highlights any activity required as a result of the applications.

<b>Application Type</b>	<b>New Applications Received</b>	<b>Renewal of Applications Received</b>	<b>Number Issued</b>	<b>Comments</b>
Hackney Carriage/ Private Hire Driver	7	12	15	4 pending applications
Ambulance Drivers	10	4	9	5 pending
Hackney Carriage Vehicles	2	18	20	
Private Hire Vehicles	7	9	16	

**2.3 Street Collections**

The table below sets out the numbers of collections undertaken within the reporting period of 1 October to 31 December 2017 and the charities supported. The organisations undertaking the collections are required to complete a return that sets out the 80% of the collection that is returned to the charity.

<b>Charity</b>	<b>Location</b>	<b>Date</b>	<b>Total Amount Collected</b>	<b>% returned to charity</b>
Royal British Legion	Whole Area	28.10.17/11.11.17	£111,310.80	95%
Nottingham University Hospital Charity	Southwell	30.11.17	£73.26	100%
Framework	Newark	10.12.17	0	0
Rotary Club of Southwell	Southwell	16.12.17	£329	100%
<b>Newark &amp; District Round Table</b>	<b>Newark</b>	<b>16.12.17</b>		
Betel of Britain	Southwell	22.12.17	£565.57	100%
Southwell Lions	Southwell	23.12.17	£598.25	100%

## 2.4 House to House Collections

The table below sets out the numbers of collections undertaken within the reporting period of 1 October to 31 December 2017 and the charities supported. The organisations undertaking the collections are required to complete a return that sets out the 80 % of the collection that is returned to the charity.

Charity	Date	Total Amount Collected	% Returned to Charity
North of England Children's Cancer Research	21.10.17 - 28.10.17	£118.23	80.00%
Coping with Cancer	18.10.17 - 25.10.17	£149.26	83.00%
Child and Teenager Cancer and Leukaemia Foundation	Oct-17	£0.00	0%
Arthritis Research UK	Oct-17	£9,010.24	12.92%
Just Helping Children's Charity	25.10.2017	£246.40	100.00%
Sense Trading Deaf Blind People	01.12.16 to 30.11.17	£4,980.00	93.11%
Tree of Hope Charity	27.11.2017	£117.60	82.83%
Child and Teenage Cancer and Leukaemia Foundation	01.11.17	£84.00	80.00%
Edwinstowe & the Dukeries Lions Club	01.12.17 - 24.12.17	£9,178.61	93.84%
North of England Children Cancer Research	18.11.17 - 25.11.17	£115.89	83.00%
Coping with Cancer	18.11.17 - 25.11.17	£123.68	80.00%
Southwell & District Lions Club	11.12.17 - 22.12.17	£6,110.80	94.56%
Coping with Cancer	Dec-17	£0.00	0%
North of England Children's Cancer Research	Dec-17	£0.00	0%

## 2.5 Enforcement Issues

Hackney Carriage/Private Hire Ongoing Enforcement Activity between 1 October to 31 December 2017

Location	Activity	Date Case Opened	Action Taken So Far
Sherwood Drive Taxi Rank	Non taxi vehicles using the rank. Sign too small and lines on road worn away	25.10.17	LEO visited rank and observed for 30 minutes, no private cars parked on rank. Two signs are clear and visible. Road markings are visible
Catholic Church, Newark	Complaint regarding vehicle and driver standards of cleanliness and use of inappropriate comments.	22.11.17	LEO spoke to the driver regarding the complaint. The driver and vehicle were clean. Two front tyres showed wear to the outer rim. Driver agreed to change the tyres. Driver was advised regarding comments.
Castle House, Newark	Driver did not notify local authority of 6 penalty points and £650 fine	22.11.17	Referred to sub-committee on 14 February 2017. Please see minutes at Agenda item XX
Middle Gate Rank, Newark	1 x HC vehicle licence check	22.11.17	All in order

North Gate Station Rank, Newark	1 x HC vehicle licence check	04.12.17	All in order
North Gate Station Rank, Newark	1 X HC vehicle licence	04.12.17	All in order
Castle Gate, Newark	DG PH vehicle sat on the front of the Castle Gate rank with top sign on. NSDC driver approached and driver said it was a pre-booked job from the Atrium. Vehicle moved into parking bay further down and sat there for a further 20 minutes. The NSDC driver stated that this is effecting their livelihood.	04.12.17	E-mail sent to manager of DG cars expressing concerns and requesting that he reminds his drivers what is acceptable. They responded and have reminded all of the drivers not to park on any of NSDC ranks plying for hire.
Newark	HC/PH Driver check highlighting in an invalid DVLA licence.	07.12.17	Referred to sub-committee on 14 February 2017. Please see minutes at Agenda item XX
North Gate Station Rank, Newark	Fare refusal from the station to Newark Castle Station. Leaving complainant lost and distressed.	07.12.17	This has been passed to legal for potential prosecution.
North Muskham, Nottinghamshire	Complaint regarding Z cars not picking up a pre-booked job.	14.12.17	LEO contacted Muj at DG cars. They were unable to offer an explanation.
Morton, Nottinghamshire	Complaint regarding Z cars overcharging from Morton to Hoveringham. One car carrying 2 passengers and 1 bus carrying 6. Car was charged £13. Bus was charged £35	15.12.17	LEO investigated and used yourtaximeter.com. The car should have been charged £18/19 and the bus should have been £27/28. The overall cost for both vehicles is about the same. Complainant is happy. LEO has notified DG Cars.
Deincourt Hotel, Newark	Complaint regarding Z cars overcharging from Deincourt, London Road to Farndon Boathouse. They were quoted £10 each way and were charged £10 on outward journey and £40 on return.	16.12.18	Contacted Muj at DG Cars to identify the driver. He said that it was not their company on the return journey. Checked CCTV and Deincourt do not have CCTV in this area.

### 3.0 RECOMMENDATION

That the Committee consider the contents of the report and identifies any issues it wishes to examine further.

Background Papers

Nil

For further information please contact Nicola Kellas on extension 5894

Karen White  
Director – Safety

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