

Report to Licensing Committee

15 June 2021

Head of Environmental Health & Licensing

DECISION REQUIRED/INFORMATION REPORT



**Horsham
District
Council**

Not Exempt

DFT Statutory Taxi & Private Hire Standards

Amendments to Policy and Conditions

Executive Summary

In July 2020, The Department for Transport Issued Statutory Taxi & Private hire vehicle standards. This report recommends an amendment to policy and the existing conditions for hackney carriage Private Hire vehicles, drivers and operators. These measures are aimed at safeguarding children and vulnerable adults.

This report sets out the proposed changes to hackney carriage and private hire conditions and adopt The Statutory Taxi & Private hire Vehicle Standards. The legislation requires that Councils to consult on the changes and take into account any comments received from the trade before coming to a final decision.

The Council is responsible for the licensing of Private Hire and Hackney Carriage vehicles, driver's and operators and is able to attach conditions to licences granted to Private Hire driver's, vehicles and operators.

Recommendations

That the Committee is recommended:

- i) Adopt the statutory taxi & private hire standards and conditions set out in Appendix 1 of this report as this Council's conditions for hackney carriage and private hire following consultation and
- ii) That, subject to there being no representations, to recommend that the report is brought before the next available full Council following the end of the consultation period.

Reasons for Recommendations

- i) Protect the public
- ii) To ensure transparency and openness in decision making.

Background Papers

Wards affected: All

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1 Introduction and Background

- 1.1 The purpose of this report is to propose amendments to the existing policy and conditions for hackney carriage vehicles, drivers and operators to take account the statutory taxi and private hire vehicle standards issued by The Department of Transport.
- 1.2 Hackney carriages (taxis) and private hire vehicles, drivers and operators must hold the appropriate licence to work. Horsham District Council issues these licences within the Horsham District.
- 1.3 In setting out its policy, the Licensing Authority seeks to carry out its licensing functions with a view to promoting the following objectives:
 - The safety and protection of the public;
 - Vehicle safety, comfort and access;
 - The prevention of crime and disorder;
 - The promotion of environmental sustainability
 - Protection of children and adults at risk from harm
- 1.3.1 The aim of the policy is primarily to protect the public as well as to ensure that the public have reasonable access to services. The Licensing Authority shall seek to use its licensing powers to ensure that Hackney carriage and private hire vehicles are safe, roadworthy and fit for purpose, properly insured and available where and when required thereby upholding the high standards expected of the trade.
- 1.3.2 By ensuring that only fit and proper persons hold licences to work as hackney carriage/private hire drivers and operators this policy aims to protect the safety of the public, whether they are a fare paying passenger or other road users.,
- 1.4 This policy will not deal with fees or fare setting process
- 1.5 The two main pieces of legislation surrounding taxis and private hire are the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The 1976 Act introduced private hire licensing and amended and updated parts of the 1847 Act.
 - 1.5.1 The Department for Transport (DFT) has national responsibility for hackney carriage and private hire legislation in England and Wales. In formulating this policy, advice contained in the Statutory taxi and private hire vehicle standards (July 2020) is taken into account.
 - 1.5.2 The policy will remain effective for a maximum period of 5 years however, the Authority will keep the policy under review and will consult where appropriate on

proposed revisions, to reflect changes in case law and legislation. The Licensing Committee may make any amendments to the policy to reflect such changes.

2 Relevant Council policy

2.1 Hackney Carriage and Private Hire Conditions

3 Details

3.1 The Council is responsible for the licensing of Private Hire and Hackney Carriage vehicles, drivers and operators and is able to attach conditions to licences granted to Private Hire drivers, vehicles and operators

3.2 In July 2020, The Department for Transport Issued Statutory Taxi & Private hire vehicle standards. This report recommends an amendment to the existing conditions for hackney carriage Private Hire vehicles, drivers and operators and adopting the Statutory Taxi & Private Hire Standards following a four week consultation with the trade and public. These measures are mainly aimed at safeguarding children and vulnerable adults.

3.3 A copy of the taxi & private hire vehicle standards policy and amendments to hackney carriage and private hire conditions are attached in Appendix A

4 Next Steps

4.1 The Committee is recommended to agree the amended conditions and the adoption of the statutory taxi & private hire vehicle standards and Policy updates following a consultation with the trade and public.

5 Outcome of Consultations

5.1 Should any representations be received they will be considered by the Licensing Committee before any final decision is made

6 Other Courses of Action Considered but Rejected

6.1 None

7 Resource Consequences

7.1 The financial implications arising from this report have been built into budget assumptions for the financial year 2021/22 and will be included in budgets for future years

8 Legal Considerations and Implications

8.1 The legal implications are contained within the body of this report and are within the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

9 Risk Assessment

9.1 This does not relate to any of the specific risks on the corporate risk register.

10 Procurement implications

10.1 The proposal has no specific procurement implications

11. Equalities and Human Rights implications / Public Sector Equality Duty

11.1 The proposal has no specific implications for human rights

12 Environmental Implications

12.1 The proposal has no specific environmental implications

13 Other Considerations

13.1 There would be no negative impacts on those groups with protected characteristics under the Equality Act 2010 if the recommendations in this report are approved.



Hackney Carriage and Private Hire Licensing Policy & Guidance

Hackney Carriage and Private Hire Licensing Policy

Horsham District Council licences hackney carriage (taxi) and private hire drivers, vehicles and operators. It has adopted the Local Government (Miscellaneous Provisions) Act 1976 together with the Town Police Clauses Act 1847 and the Public Health Act 1875

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1. Introduction

The Council has a responsibility for licensing hackney carriages and private hire drivers, vehicles and operators within the District. The hackney carriage and private hire trade are vital when other means of public transport are not available especially in the more rural parts of the District.

Hackney carriages (taxis) and private hire vehicles, drivers and operators must hold the appropriate licence to work. Horsham District Council issues these licences within the Horsham District.

In setting out this policy, the Licensing Authority seeks to carry out its licensing functions with a view to promoting the following objectives:

- The safety and protection of the public;
- Vehicle safety, comfort and access;
- The prevention of crime and disorder;
- The promotion of environmental sustainability
- Protection of children and adults at risk from harm

The aim of the Policy is primarily to protect the public as well as to ensure that the public have reasonable access to services. The Licensing Authority shall seek to use its licensing powers to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required.

This policy aims to protect the safety of the public, whether they are a fare paying passenger or other road users, by ensuring that only fit and proper persons hold licences to work as hackney carriage/private hire drivers and operators. Hackney carriage and private hire vehicles are safe, roadworthy and fit for purpose, thereby upholding the high standards expected of the trade.

This policy will not deal with fees or fare setting process

The two main pieces of legislation surrounding taxis and private hire are the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The 1976 Act introduced private hire licensing and amended and updated parts of the 1847 Act.

The Department for Transport (DFT) has national responsibility for hackney carriage and private hire legislation in England and Wales. In formulating this policy, advice contained in the Statutory taxi and private hire vehicle standards (July 2020).

The policy will remain effective for a maximum period of 5 years but the Authority will keep the policy under review and will consult where appropriate on proposed revisions, to reflect changes in case law and legislation. The Licensing Committee may make any amendments to the policy.

Information Sharing

Information which is given to or obtained by the Council in processing a driver/vehicle or operator licence or whilst carrying out the licensing function, may be shared with others. This may include the Police, Immigration, DEFRA (air quality data), DBS, DVLA, DWP, Home office, other Councils, National Anti-Fraud Network (NAFN) and others to prevent and detect crime.

Decision Making

Day to day decisions on the grant or renewal of licences are delegated to the Licensing Officer and the Head of Environmental Health & Licensing.

Data Protection

When an individual or an organisation provides information to the Council, this data is held in accordance with the Data Protection Act 2018. Data that is provided to the Council is used for processing applications, recording details of successful applicants and for enforcement and crime prevention purposes.

The Council may share data with other services and with partners of the Council where required by licensing procedures and for enforcement and crime prevention purposes.

Difference between a hackney carriage and a private hire vehicle

Hackney carriage (taxi)

Hackney carriages are licensed to 'ply for hire' within the Horsham District.

They can:

- Carry passengers for hire and reward
- Be hailed by prospective passengers in the street
- Park on a designated rank within the Horsham District and await the approach of passengers.

Hackney carriage vehicles can be found at designated ranks or can be hailed in the street. These vehicles have a roof sign with the words TAXI on them. All taxis have a licence plate attached to the rear of the vehicle and a smaller version in the windscreen which carries details of the expiry date, licence number and vehicle registration.

Private hire vehicles (minicabs)

Private hire vehicles cannot ply for hire or stand and wait on a taxi rank. All private hire vehicles must be pre booked through a private hire operator this can normally be done by telephone, on line or app booking.

All private hire vehicles have a licence plate attached to the rear of the vehicle and a smaller version in the windscreen which carries details of the expiry date, licence number and vehicle registration.

Table below highlights some of the key differences between hackney carriage and private hire vehicles

| | Hackney Carriage Vehicle | Private Hire Vehicle |
|--|--------------------------|----------------------|
| Can stand and be hired at a taxi rank | ✓ | ✗ |
| Can be hailed in the street | ✓ | ✗ |
| Can be pre-booked | ✓ | ✓ |
| Must display a fare meter in vehicle | ✓ | ✗ |
| Must work for a private hire operator | ✗ | ✓ |
| When advertising permitted must display Pre-booking only on top of doors | ✗ | ✓ |
| | | |

Application Form

Failure to complete in full the appropriate application form could result in an application being delayed, declined or rejected.

Anyone knowingly or recklessly making a false declaration or omitting material information required when applying for a licence is an offence. Where an applicant has knowingly made a false statement or declaration the applicant will normally mean the application is refused and considered for prosecution.

Fee

Failure to pay the full fee at time of application could result in the application being delayed or declined. A list of fees is available on the Council's website.

Area of Primary Use of Licensed Vehicles

Licensed vehicles and drivers by Horsham District Council are expected to operate within the Horsham District.

When the Council considers hackney carriage licence applications it will have regard to where the vehicle licensed will be used. The Council may, in the proper exercise of its statutory discretion conferred upon them by section 37 of the Town Police Clauses Act 1847, refuse to grant or renew a hackney carriage vehicle licence where that vehicle is not intended to be used within the Horsham District, or is used predominantly in another area.

Hackney carriage and private hire drivers

Anyone wishing to drive a licensed hackney carriage (taxi) or private hire vehicle must themselves be licensed with the Council. Applicants for drivers licenses must undergo background checks which are designed to ensure the applicant is a 'Fit and proper Person' to hold a licence as stated in the legislation. The Council's primary objective is to ensure the safety of the public.

Once all relevant paperwork has been submitted and the fee paid, the new applicant will book for an appointment for interview/test with officers to clarify and advise on how a licensed driver should act and what the licences involve. At the interview/test there is a local knowledge test with local landmarks and byelaw test and a knowledge and conditions test of licence for hackney carriage and private hire. The knowledge test is more detailed for taxi applicants who must be able to carry passengers by the shortest and most direct route to their destination.

Applicants with criminal or other convictions may also need to be interviewed by officers of the Council before a decision can be made on the application. We would advise all applicants to read the Council's convictions policy before making any application. When there is sufficient reason, it is the Council's right to refuse the grant of a licence. In such a case the applicant has the right of appeal to the Magistrates Court.

2. HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS

Licences

We issue three types of driver licence: Hackney Carriage, Private Hire and Dual (combined Hackney Carriage and Private Hire)

Licences are normally granted for a period of three years. A licence may be granted for a shorter period where appropriate. For example, where a driver has a limited right to work period. Note: A driver cannot receive a licence for a period longer than their "right to work". Shorter licences will not be granted on a "probationary" basis.

Before granting a drivers licence, the council must be satisfied that the applicant is a 'fit and proper person' to hold a licence

Age and Experience

Department for Transport (DFT) Guidance recommends that maximum age limits for drivers should not be set, providing that regular medical checks are undertaken. It also considers minimum age limits (beyond the statutory age for holding a full drivers licence) as inappropriate. Therefore the council will not set minimum or maximum age limits for drivers. However, in accordance with legal requirements, applicants must hold a valid full UK driving licence for a minimum of 12 months prior to their application.

Driver & Vehicle Licensing Agency Disclosure

The grant of a licence is subject to a check being made with the DVLA in respect of any relevant convictions. The check is carried out annually or at other times if the council believes that there is reason to do so. Each applicant must complete a mandate to enable the check to be made or give consent for officers to make appropriate checks.

Driving Proficiency

New applicants will be required to provide evidence that they have passed a Driving Standards Assessment (DSA) specifically designed for Hackney Carriage and Private Hire drivers.

The assessment must be carried out by one of the Council's nominated providers.

Where there is any doubt as to the driving ability of the licence holder, or any significant changes to the driver's circumstances, since the grant of the licence, the Authority may require the applicant to pass a further assessment driving test. Any fees must be met by the applicant.

The Knowledge Test

All new applicants must pass the Horsham District Council Knowledge/Conditions test. This is to test the driver's knowledge of the local area, Highway Code, aspects of taxi licensing law and our policy.

English assessment

Applicants must have a reasonably adequate standard of spoken English to be a hackney carriage or private hire driver. This will be assessed throughout the application process and during the knowledge test.

Disclosure and Barring Service (DBS) check

A DBS check on a driver is an essential measure in determining whether an applicant is a suitable person to hold a licence. An enhanced disclosure with barred list check provided by the Disclosure and Barring Service is required for all applicants. Enhanced disclosures include details of spent convictions, police cautions and other information.

The Rehabilitation of Offenders Act 1974 **does not apply** to applicants for drivers licences. They are required to disclose all convictions, including those that would normally be regarded as spent.

DBS checks are carried out at the applicant's expense.

As part of our policy, we will require licensed drivers to maintain an online certificate through the DBS update service. This is (<https://www.gov.uk/dbs-update-service>) and enable the Council to access this certificate on renewal or at other times as reasonably necessary. Drivers must pay an annual fee to the DBS for the on-line update facility.

The advantage of the online update service is:

- Drivers maintaining an up to date online certificate will not need to apply for and submit a paper DBS certificate when renewing their licence. (providing that the information on the online DBS is up to date) This will result in a quicker process.
- The Online Certificate can be checked by the licensing authority at renewal and as required during the term of the licence.
- Maintaining an online certificate through annual subscription may cost the driver less than obtaining a paper certificate every 3 years.

Drivers who already hold a licence on the date that this policy comes into effect and have not already signed up to the update service, will be required to provide a paper DBS certificate at their next renewal then sign up to the online update service.

If an applicant has lived or stayed outside the UK for a continuous period of 6 months or more, a certificate of good conduct from the relevant embassy or equivalent document, issued and authenticated by the relevant embassy will also be required. This must either be in English or translated by an approved translator at the applicant's expense.

If an officer has any doubt to the validity, completeness or accuracy of the document, then an applicant may not proceed to the next steps of the process. The burden to establish validity lies with the applicant.

Medical Assessment

The DfT guidance states that it is clearly good practice for drivers to undergo medical checks prior to grant or renewal of a licence. The Group 2 Medical Standards adopted by the DVLA for lorry and bus drivers are considered best practice for Hackney Carriage and Private Hire Drivers.

All applicants must undergo a medical examination to assess their fitness to work as a Hackney Carriage / Private Hire Driver a group 2 medical will be required. A medical form will either be sent as part of an application pack or can be obtained from the Council. The assessment must be carried out either by the applicant's General Practitioner or by a suitably qualified GMB registered medical practitioner who has access to the applicant's medical records and approved by the Council. The completed form must be submitted as part of the application.

The applicant is responsible for paying the fee for the assessment.

A medical assessment is required for all new driver applications. A new medical assessment is required every 5 years for drivers aged up to 65. Drivers aged 65 or over are required to undergo a medical assessment annually. More frequent checks will be required if considered necessary by the Medical Practitioner. Certificates provided must be less than 3 months old.

The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (i.e. 3500-7500 KG lorries). As suggested best practice, this authority will also apply criteria based on the C1 standards to taxi and PHV drivers with insulin treated diabetes.

Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities. Licence holders may be required to undergo a further medical assessment to confirm their fitness to drive a licensed vehicle.

Should concerns arise regarding the health of a licensed driver, the council at any time may request further information or a further medical examination to be carried out and certificate submitted.

The council reserves the right to revoke or suspend a licence if requested information is not submitted within 4 weeks of the request and a satisfactory explanation is not given for the failure to provide such information or where the information provided raises further concerns as to the applicant's fitness to carry out his/her duties as a licensed driver.

Safeguarding Training

People working in the taxi trade may have a role to play in spotting and reporting the abuse, exploitation or neglect of children or vulnerable adults. However, this is only possible if they are aware of and alert to the signs of abuse and who they should contact if they suspect a child or vulnerable adult is at risk of harm or in immediate danger.

Therefore, the DfT expect local authorities to require Hackney Carriage and Private Hire drivers to undertake appropriate safeguarding awareness training.

New applicants for driver licences will be required to provide evidence that they have completed a safeguarding training course approved by Horsham District Council.

Existing licensed drivers will be required to undertake approved training within 12 months from the date that this policy comes into effect and provide evidence they have completed the training.

The council will look to promote awareness of safeguarding issues among all licence holders through other information and education campaigns

Immigration Checks – Right to Work

The council has a duty to carry out immigration checks to ensure applicants have a right to work in the UK. A licence will not be granted unless sufficient proof of right to work in the UK has been provided. Licences will not be granted for a longer period than the applicant's right to work.

The Immigration Act does not permit the issue of licences to self-employed persons who are in the country on a student visa.

Convictions and Cautions

In assessing whether an applicant or licence holder is a fit and proper person, the council will consider convictions, cautions and other information that has been disclosed, so far as they are relevant to a licence and in accordance with the Council's conviction policy.

Fit and Proper

- a) This Licensing Authority will only license drivers that it considers are 'fit and proper' to hold a licence, and that are not disqualified by reason of their immigration status. 'Fit and proper' is given its widest interpretation and includes physical fitness, character, behaviour etc.
- b) Applicants must be aware that this Local Authority does not allow any member of staff to be subjected to rude, threatening, abusive, intimidating or violent behaviour either directly, by telephone or other methods of communication.
- c) In any of these circumstances staff members have the right to refuse to process the application.
- d) Any person exhibiting any of the above behaviours will be subject to enforcement and may have their application refused or licence revoked.
- e) This Licensing Authority will require applicants and licence holders to undertake several checks and tests to establish their suitability to be considered 'fit and proper' to either be or remain licensed.
- f) Applicants and existing licence holders are required to share information held about them by various bodies e.g. DVLA, police, home office etc.
- g) This Licensing Authority can request any information on an applicant that it deems to be relevant to determine their 'fit and proper' status and may include checking a driver's prior history with this or any other Local Authority, using intelligence from the police or any other regulatory authority as appears relevant.
- h) Consideration of suitability includes character and patterns of behaviour and is not limited to incidents which occur whilst the driver is on duty. Conduct or behaviour which may indicate that the safety and welfare of the public may be at risk will also be considered when assessing their 'fit and proper' status. Any matters that occur whilst the person is using their licence (driving, operating or in connection with their vehicle) will be considered as aggravating factors, and the fact that they did not occur in this way will not be regarded as mitigating factors.

- i) The onus is on the applicant or licensed driver to satisfy this Licensing Authority that they are and remain 'fit and proper'.
- j) Applicants will be required to undertake and provide an enhanced DBS, (including a check of both the Adult and Children's barred lists), statutory declaration listing all criminal convictions and other matters detailed on the application form, medical health check to the DVLA group 2 standard as a minimum, and share information held by DVLA, upon new and renewal applications.
- k) Additional information may be sought as part of the application process if considered appropriate in individual circumstances.
- l) Applicants for both new licences and renewals, who fail to report or declare an offence, or other relevant matters, will bring in to question their suitability to hold a licence. Failure to report or declare an offence prevents this Licensing Authority from considering that information in protecting public safety. It is also a breach of this Licensing Authority's Code of Conduct and will be taken into account as part of the consideration of the applicant's suitability and their 'fit and proper' status.

Data Request/ NR3

- a) When an application is made to this authority for the grant of a new, or renewal of, a taxi driver's licence, this Local Authority will check the NR3.
- b) NR3 was commissioned by the LGA as a voluntary register. Licensing authorities will be responsible for adding basic details of drivers who have had applications for a licence either refused, revoked or suspended.
- c) Details contained on the register will be limited to information that will help to identify an individual to a certain degree of accuracy but will not give a reason why actions were taken. It will be up to individual authorities to follow up on any searches they make which come back with a match.
- d) This Authority will make and then retain a clear written record of every search that is made of the register. This will detail: -
 - i) the date of the search;
 - ii) the name or names searched;
 - iii) the reason for the search (new application or renewal);
 - iv) the results of the search; and
 - v) the use made of the results of the search (this information will be entered to the register at a later date)
- e) If any match is discovered (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's data protection policy in relation to the use of any data that is obtained as a result of this process.
- f) When this authority receives a request for further information from another authority, a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

- g) This Authority will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request and therefore we will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.
- h) For this database to serve its purpose of protecting the public and the trade from unacceptable drivers obtaining licences in other districts, unscrupulous drivers will not be allowed to circumvent the provisions by surrendering their licence ahead of any revocation or non-renewal decision being made.

Applications and Renewals

Applications must be made with the appropriate fee, forms and supporting documents. Whilst reminders will be sent, it is the responsibility of the licence holder to ensure a renewal application is submitted in time, failure to do so will result in the lapse of the licence which would mean a new application.

It is important that hackney carriage and private hire drivers notify this Licensing Authority of any significant changes which occur after their licence has been granted. This includes but is not limited to changes in name, address, email address or telephone number, change of immigration status etc. This also includes any health changes which may affect their driving ability, all convictions, cautions, reprimands, warnings and DVLA penalty points currently shown on the licence or any other matter which may bring in to question their 'fit and proper' status.

3. PRIVATE HIRE OPERATORS

Any person that takes bookings for private hire vehicles in the Horsham District must be licensed as a Private Hire Operator.

A private hire vehicle may only be dispatched 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

The objective in licensing Private Hire Operators is the safety of the public, who will be using operator's premises and vehicles and drivers arranged through them. The council must be satisfied that an applicant is a "fit and proper" person to hold a licence. They must be assured that they will pose no threat to the public and have no links to serious criminal activity.

Applications for operator's licences must be made on the prescribed form, together with the appropriate fee.

Licences are normally issued for a period of 5 years. This is consistent with best practice guidance and is the maximum length of licence permitted. Shorter licences may be issued in specific circumstances where the council considers this appropriate. However, shorter licences will not be used on a "probationary" basis.

Fees for private hire operator licences are based on the number of vehicles operated. Applicants will be required to give details of the number of vehicles they intend to operate. Should an operator wish to increase the number of vehicles then they must notify the council in order that the licence can be amended. An additional fee may be charged to account for the increase in vehicles.

Disclosure and Barring Service (DBS) Checks

In order to help determine whether a person is a fit and proper person to hold a licence, the DfT Statutory Standards require Licensing Authorities to request a Basic DBS Check and that a check is undertaken annually. Private Hire Operators (that are not licensed drivers) are not exempt from the Rehabilitation of Offenders Act 1974. As such they will not be subject to an Enhanced DBS check. A Basic disclosure will be required.

Where an operator is a Ltd Company or partnership, a DBS will be required for each director/partner. If a partner / director changes during the term of the licence, the council must be notified. A Basic DBS for new directors/ partners will be required.

Where an individual has lived or stayed outside the UK for a continuous period of 6 months or more, a Certificate of Good Conduct will be required.

Basic DBS checks are not currently eligible for the update service. Operators will be required to submit a paper certificate annually and on renewal of a licence.

Operators that are also drivers licensed by this authority, will be required to provide an enhanced DBS as part of their drivers' application and maintain an online certificate through the update service. In such cases operators, will not be required to submit an additional basic DBS. However, should an operator cease to be a licensed driver, then a basic DBS will be required immediately.

Disclosure of convictions will be taken into consideration when determining whether an operator is a fit and proper person to hold a licence. This will include a review of existing licence holders, where DBS checks of directors/ partners or individuals discloses convictions that have not previously been considered.

The staff that operators employ may have direct contact with the public. Those dispatching vehicles will determine which driver to send to fulfil a booking. Therefore, they may be in a position to exploit children and vulnerable adults. The DfT statutory standards expect Private Hire Operators to be able to demonstrate that their staff present no risk to the public.

Operators will be required to keep a register of all staff they employ to take bookings or dispatch drivers. They must have sight of a Basic DBS for all such staff. A record of having carried out this check must be maintained. Operators licensed at the time this policy comes into effect will be required to have the register in place within 1 month of the date of the policy. The DBS checks on existing staff must be viewed and recorded within 6 months of the policy coming into effect.

Private Hire Operators will be required to have a documented policy setting out their approach to employment of staff with convictions. As a minimum, it is expected that booking/dispatch staff will have remained free of conviction for the time periods set out in convictions policy. Motoring convictions are not considered relevant. This will be required to be provided with all new applications, from the date this policy comes into effect. Licensed Operators, will be required to supply a copy of the policy to the Council within 6 months of this policy coming into effect.

Address from which Operator based

The Operator's base must be located within the Horsham District. If it is not, the council will not grant a licence. This is to ensure that proper regulation and enforcement measures may be taken by the council and is in no way intended as a restraint of trade.

It will be the responsibility of the operator to ensure that appropriate planning permission exists for the operational address to be used for that purpose, prior to starting operating. The grant of a private hire operator's licence does not override the need for planning permission nor does it imply

that such planning permission is or isn't required or likely to be granted, as such determination will be subject to the appropriate planning process. The Licensing Team may provide the Council's planning team with names and addresses of licensed operators.

Applicants are advised to check with the planning team regarding the need for planning permission.

Insurance

If the operator's premises is open to the public, suitable Public Liability Insurance must be in place. Evidence of insurance must be provided before a licence is issued.

Use of Vehicles and Drivers

As a result of the Deregulation Act 2015, Private Hire Operators are allowed to sub-contract work to other licensed Private Hire Operators who hold licences with a different Licensing Authority.

A private hire operator must ensure that every private hire vehicle has a valid private hire vehicle licence and is driven by a person who holds a private hire driver's licence.

Some private hire operators may use Public Service Vehicles (PSV) (vehicles with more than 8 seats, e.g. minibuses) in order to fulfil a booking. These vehicles and their drivers are covered by a different licensing regime. Drivers of PSVs are subject to different checks, as the work normally undertaken, e.g. driving a bus, does not present the same risk to passengers. Checks do not include an Enhanced DBS check.

This policy will therefore prohibit the use of PSV and Drivers by a licensed private hire operator unless it is necessary (due to the number of passengers or luggage requirements) and the informed consent of the hirer is given. The operator must be clear that a Passenger Carrying Vehicle (PSV) driver will be used and that they are subject to different checks and may not have an Enhanced DBS check.

4. VEHICLES

Limitation on Numbers

No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

Section 16 of the Transport Act 1985 made provision for the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages "if, but only if, the local authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet". In the event of a challenge to a decision to refuse a licence on these grounds, it would, therefore, have to be established that the Council had been reasonably satisfied that there was no significant unmet demand.

Most local authorities do not impose quantity restrictions. The Department for Transport regards this as best practice.

The council does not intend to set a limit on the number of hackney carriages that it licences.

Vehicle Specifications

Local Authorities have a wide range of discretion over the types of vehicles that they can licence as Hackney Carriage or Private Hire Vehicles. Best Practice Guidance is that local authorities should adopt the principle of specifying as many different types of vehicles as possible. This could be done, for example by specifying general criteria, and allowing the Hackney and Private Hire Trades to put forward vehicle that meet those criteria

The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public, so it is appropriate to set standards for the external and internal condition of the vehicles, provided that the standards are reasonable and proportionate.

Case law has determined that licensed vehicles remain licensed at all times, even when not being used for hackney carriage/private hire work. Licensed vehicles must comply with legal requirements and conditions at all times

Specifications and licence conditions for vehicles are attached in **Appendix 4**.

The council will not licence a vehicle which is already licensed with another council or Transport for London. If the council becomes aware that a vehicle is dual licensed, then the licence is likely to be revoked.

Stretch limousines are sometimes used for private hire bookings and special events. These are often imported vehicles, and due to their nature may not meet standard vehicle specifications set out in licensing policy (for example, to be right hand drive).

Imported vehicles may not have certification to EU Whole Vehicle Standards. Such vehicles would normally require certification under the Individual Vehicle Approval (IVA) Scheme to demonstrate that they meet appropriate safety standards.

The Department of Transport view is that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle. A policy of excluding limousines creates an unacceptable risk to the travelling public, as it may lead to higher levels of unlawful operation.

Applications for stretch limousines to be licensed as private hire vehicles will be considered on their merits provided they have no more than 8 passenger seats.

Additional Specifications and Conditions relating to stretch limousines are set out in **Appendix 6**.

All bookings for a stretch limousine licensed as a private hire vehicle by the council must be booked through a private hire operator licensed by Horsham District Council in accordance with S55 of the Local Government (Miscellaneous Provisions) Act 1976.

Funeral and Wedding Vehicles

There is no requirement for a vehicle to be licensed when it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying out the business of a Funeral Director for the purposes of funerals.

A vehicle does not need to be licensed whilst it is being used in connection with a wedding. For clarification, the exemption only applies to journeys directly relating to the wedding service itself for example transporting the bride/and or groom to the wedding service, from the service to the

reception and from the service/reception to home. Transport to other locations such as the airport would be considered a licensable activity.

Accessibility

The council is committed to supporting and promoting equality and diversity.

The Equality Act 2010 has made provision for the assistance of taxi and private hire vehicle passengers in wheelchairs and to those who have guide dogs and other assistance dogs. The sections relating to wheelchair users (sections 165 and 167) came into force on 06 April 2017 and the provisions relating to assistance dogs (sections 168 – 173) came into force in October 2010. In accordance with sections 168 – 173 taxi and private hire vehicle drivers are under a duty to carry guide, hearing and assistance dogs without additional charge. Drivers must convey a disabled passenger's dog and allow it to remain with the passenger.

Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs. When carrying such passengers, drivers have a duty to:

- Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- Not to make any additional charge for doing so.

Drivers who, for medical reasons are unable to accept assistance dogs are able to apply to the Council for an exemption certificate. Such a certificate will only be issued on production of sufficient medical evidence. Exemption certificates must be displayed in the vehicle at all times the driver is working.

The Secretary of State has the power to impose accessibility requirements on large operators. In particular, the power could permit the setting of quotas of accessible vehicles which must be available to such operator

This policy does not currently mandate vehicles to be a wheelchair accessible design. However, such vehicles are encouraged and will be reviewed annually.

The council will maintain a list of Designated Wheelchair Accessible Vehicles in accordance with S167 of the Equality Act 2010. A designated wheelchair accessible vehicle is a licensed hackney carriage or private hire vehicle which can carry a passenger whilst they remain in their wheelchair. This list will be published on the council website. It will be updated when information becomes available following issue of licences

Drivers of designated wheelchair accessible hackney carriage and private hire vehicles have a legal duty under Section 165 of The Equalities Act 2010 to:

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

Mobility assistance is assistance:

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

It is accepted that there will be some specialist or motorised wheelchairs which due to their dimensions may not be able to be loaded or conveyed safely in all designated vehicles and it is not practicable to require vehicles to be able to do so. It may be a reasonable defence if a driver is not able to fulfil duties under the Act due to the size/ design of the wheelchair. However, it is expected that if passengers cannot be accommodated for this reason, that it is dealt with sensitively and clearly explained to the passenger.

DfT guidance states that fare meters should not be left running whilst a driver is fulfilling these duties (e.g. loading / unloading wheelchairs, providing assistance to the passenger,) as this would constitute making an extra charge for doing so. Meters left running under these circumstances would be treated as a breach of the Act and this policy.

Drivers who for medical reasons or due to their physical condition make it impossible or unreasonably difficult for them to carry out duties to passengers in wheelchairs, may apply to the council for an exemption certificate. Such certificate will only be issued on production of medical evidence. Exemption Certificates must be displayed in the vehicle at all times the driver is working

Environmental Considerations

The Best Practice Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they have adopted, bearing in mind the need to ensure that the benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

Horsham District Council is supporting the take up of electric vehicles working with other Councils across the County to install a new network of charging points over the next 15 years, some of these locations will be in HDC car parks and numbers in this scheme increasing over time.

The Council will look to have a 50% proportion of taxi/private hire vehicles to be ULEV compliant by 1st January 2030 and the remaining vehicles by 1st January 2035.

The age criteria for vehicles within this policy will ensure that over time the fleet will benefit from general improvements in environmental performance.

The Government does have grant funding for plug in taxis/private hire vehicles subject to certain criteria.

There are financial incentives to purchase a low emission vehicle e.g. 100% of purchase price against corporation tax.

Vehicle Specifications enable Electric, Hybrid and Hydrogen powered as well as LPG converted vehicles to be licensed.

Local licensing authorities are encouraged to consider how they can support any local air quality management policies that the local authority may have adopted, particularly where Air Quality Management Areas (AQMAs) or Clean Air Zones have been introduced. At present Horsham District Council has two Air Quality Management Areas and the vehicle emissions standards for hackney carriage and private hire vehicles could be incorporated into that policy. We currently offer a discount on licence fees for any fully electric vehicle licensed as a hackney carriage or private hire.

Emissions from hackney carriages and private hire vehicles could be reduced further, by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at hackney carriage ranks. It is proposed that this aspect be tackled through education and promotion. All new vehicles licensed to be best in class for carbon emissions and move to low and ultra-low emission vehicles.

Age of Vehicles

This policy sets maximum age for vehicles when licensed for the first time and on renewal. The age restrictions contribute to ensure vehicles within the licensed fleet are of a high standard and benefit from general improvements in safety features and emission standards over time.

Vehicle Testing & Inspection

Vehicles must be mechanically tested and inspected at a garage nominated by the council. Vehicles meeting required standard will be issued with a licence. Vehicles must not be used unless they have a valid licence.

Owners of new vehicles with less than 10,000 miles and under 12 months old from its first registration will not be required to provide a mechanical inspection form until the first renewal of the vehicle's licence, unless on inspection an officer requires one, e.g. after inspecting accident damage.

Newly licensed vehicles will be subject to a check by council licensing officers to ensure that it meets specifications and conditions set out in this policy. Further checks may be undertaken by officers from time to time to ensure that exterior and interior standards are maintained,

Insurance and Road Tax

Vehicles must be taxed and have valid insurance which covers the vehicle for carriage of passengers for hire or reward. Insurance will be checked as part of the application process. The certificate of insurance must be provided on request. On renewal of the policy, a copy of the insurance certificate should be provided to the council at the earliest opportunity.

Given the importance of maintaining valid insurance which covers the vehicle for carriage of passengers for hire or reward, licensed vehicles found to have no valid insurance cover or where evidence of valid insurance cover is not provided, will be suspended.

Vehicles will be checked to ensure they have paid road fund licence (road tax). Any vehicle found not to have a current up to date road fund licence (road tax) will be suspended.

Damage to Vehicles

Any damage to a licensed vehicle materially affecting the safety, performance or appearance of the vehicle or the comfort and convenience of passengers, must be notified to the council as soon as possible and in any case within 72 hours. Unless the vehicle is so severely damaged that it will

never again be serviceable as a licensed vehicle, an appointment will be made for the vehicle to be inspected by a licensing officer and a decision will be made as to whether or not the vehicle is in such condition to continue in service.

If the Licensing Officer considers the damage to the vehicle to be extensive enough to seriously affect the general appearance and/ or use of the vehicle, it will be suspended from use until such time as satisfactory permanent repairs are completed. During this time, plates must be removed from the vehicle.

If the damage to the vehicle is minor, such that the Licensing Officer considers it still to be in a fit condition to continue in service, a notice will be issued requiring the vehicle to be repaired. The vehicle will not be suspended.

When such notice is given, repairs must be made to the vehicle and the vehicle presented for re-inspection within the time given in the notice. In some cases the council may require its compliance inspection garage to certify that the vehicle is fit to return to service.

Failure to carry out repairs or to present the vehicle for re-inspection within such time may result in further action including automatic revocation of the licence, as set out in S68 Local Government Miscellaneous Provisions Act 1976

Where due to accident damage a vehicle cannot be used, there is a process enabling proprietors to licence a replacement vehicle.

Vehicle Identification

Signage is a key measure in ensuring that licensed vehicles can be easily identified.

Members of the public can often confuse private hire vehicles with hackney carriages, without realising that private hire vehicles are not available for immediate hire or able to be hailed in the street. It is, therefore, important that the public are able to easily distinguish each type of vehicle.

“London” style Cabs will not be licensed as private hire vehicles.

A hackney carriage will be white in colour and a private hire will not be white in colour.

All licensed Hackney Carriage and Private Hire Vehicles are required to permanently display licence plates on the rear of the vehicle. The plates include the registration number, licence number and expiry date of the licence. Different colour plates are issued for Hackney Carriage and Private Hire Vehicles.

Hackney Carriage Vehicles must display an approved illuminated roof mounted sign bearing the word “TAXI”. The word Taxi must be plainly and distinctly visible from the front and rear of the vehicle.

Private Hire vehicles must not bear any roof mounted or other sign on the vehicle bearing the word “TAXI” or “Cab” or any words of a similar meaning or appearance whether alone or as part of another word.

All vehicles will be required to display information on how to make a complaint to the licensing authority. For vehicles holding a licence at the time this policy came into effect, information must be displayed within 3 months of this policy coming into effect.

Advertising/Signs

- (a) No signs, notices, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or these conditions.
- (b) Every hackney carriage shall at all times be fitted with an approved roof sign on the roof of the vehicle which shall be illuminated and bear the word 'Taxi' on both sides of that sign and which is displayed in such a position that it does not contravene the Road Traffic Acts or regulations thereunder, or any other relevant statutory provision.
- (c) Limited advertising on the inside and outside of the vehicle will be permitted provided it has first been approved by the Council. No advertising to be religious or political in nature or anything likely to cause offence.
- (d) Private hire vehicles must have the wording PRE-BOOKINGS ONLY or ADVANCED BOOKINGS ONLY with any approved advertising on the vehicle.
- (e) There shall be displayed within the vehicle in a position so as to be clearly visible to any passenger the current table of fares in a form and printing approved by the Council.

CCTV and Security

The DfT guidance recommends that licensing authorities look sympathetically on the installation of security measures, such as a screen between driver and passengers or CCTV systems. Such measure can act as a deterrent to would be trouble makers. It may also protect drivers from unjustified complaints, and provide a source of evidence in the event of dispute between passenger and driver.

This policy does not require mandatory installation of CCTV systems. Currently it is left to the judgement of the owners and drivers themselves. However the council will keep the need for requirement of CCTV under review.

The hackney carriage and private hire vehicle trade is, however encouraged to consider the installation of CCTV cameras in their vehicles on a voluntary basis. It will be the responsibility of the operator to handle relevant data gathered in an appropriate and secure manner. For information and guidance on data protection see Information Commissioners Office (ICO) website <https://ico.org.uk/>

Vehicle Proprietors must notify the Licensing Authority in writing if they have a CCTV system fitted. They must register with the ICO and obtain documented evidence of that registration.

DBS Checks on Vehicle Proprietors

As required by the DfT Statutory Standards, applicants for a vehicle licence will be required to submit a basic DBS check. This will be required annually. If the applicant is a Ltd Company or partnership, it is important that the fit and proper person test is applied to each director/ partner. A DBS check will be required for each director/ partner. Any disclosed convictions will be taken into account when considering the suitability of a person to hold a licence as stated in the convictions policy.

Applicants that also hold a drivers licence with this Council, will not be required to provide the Basic DBS, as they will already provide the Enhanced DBS as required by this policy. However, should they cease to hold a drivers licence then a Basic DBS will be immediately required.

Where an applicant has lived or stayed outside of the UK for a continuous period of 6 months or more, a certificate of good conduct will be required from the relevant embassy.

If a director / partner changes during the term of the licence, the Council must be notified. Further DBS check may be required

5. FEES

Applicants must pay the fees for their application as set out in the policy. Applications will not be progressed until the appropriate fee has been paid.

A schedule of fees is available on the council's website. The schedule is reviewed as part of the budget process. Fees reflect the cost of the administrative costs of the licensing regime, processing applications, compliance and enforcement of licenced drivers and vehicles etc.

This policy does not deal with the fee setting process.

Refunds

There is no statutory requirement to issue refunds following surrender of a licence. Historically, the council has received requests for refunds for licences that have been surrendered, for example, due to ill health or the licence holder moving away from the area. These have and will continue to be considered, subject to the paragraphs below.

Licence holders should think carefully before surrendering a licence. If they decide to reapply in future, then their application will be considered as a new application and subject to the Refunds will not be issued on licences issued for 12 months or less.

Refunds on surrendered driver and operator licences will be considered on written request. Requests will not be considered unless badges and paper licences have been returned to the licensing authority. The refund amount will be pro-rata based on the amount of whole months remaining on the licence. The pro-rata amount for the first 12 months of the licence period will not be refunded. An administrative charge for dealing with the refund application will also be deducted.

Same conditions as for all new applicants (e.g. knowledge tests, driver assessments, for new drivers)

Refunds will not be issued for licences which have been revoked, or surrendered following suspension.

6. FARES

The council has set Hackney Carriage fares (Tariff) for journeys within its District. This sets the maximum fare that can be charged by Hackney Carriage Drivers.

There is no provision to set fares for private hire vehicles.

Current fare rates are shown on the council website. The council's official table of fares (tariff card) must be displayed in all vehicles with meters fitted.

A taxi driver is allowed to charge more than the metered fare for journeys starting inside the licensing area and ending beyond the district **only if this is agreed in advance**. In the case of a pre-booked journey starting outside the district, the price/estimate should be given on request by the passenger, and, if so, recorded.

The council will review fare rates from time to time as necessary or in response to a bona fide request. Proposed changes will be introduced in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

7. TAXI STANDS (RANKS)

Hackney Carriage Stands (Ranks) are designated areas where Hackney Carriage Vehicles may wait and ply for hire. They are usually located in strategic areas, such as near stations or town centre areas.

Comments are welcome from either the hackney carriage trade or the public on the need for additional ranks in specific locations, the potential for re-locating or extending existing ranks or the removal of ranks which no longer fulfil a useful purpose.

It is an offence for any person to cause or permit any vehicle other than a Hackney Carriage to wait on any rank or stand for Hackney Carriages. Drivers of Hackney Carriages may only wait on a rank or stand whilst plying for hire or waiting for a fare; drivers who park on a rank or stand and leave their vehicle unattended are committing an offence.

Appendix 1



Taxi and Private Hire Licensing Criminal Convictions' Policy

1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver or operator licence.
- 1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
 - That a person is a fit and proper person
 - That the person does not pose a threat to the public
 - That the public are safeguarded from dishonest person
 - The safeguarding of children and young persons
- 1.3 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
 - Applicants for drivers' licences
 - Existing licensed drivers whose licences are being reviewed
 - Officers of the Council
 - Members of the Licensing Committee
 - Magistrates hearing appeals against local authority decisions

- 1.4 Where Officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the licensing committee. Whilst officers and the committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.

2. General policy

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.
- 2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but will be expected to:
- a. Remain free of conviction for an appropriate period; and
 - b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). 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.
- 2.3 **Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction** [Nottingham City Council v. Mohammed Farooq (1998)].

3. Pre-requisites to making an application

- 3.1 It is the policy of the licensing authority that every application for a licence to drive a Hackney Carriage and/or Private Hire Vehicle must be accompanied by satisfactory evidence of the following matters (and that applications that are incomplete will not be deemed to have been made until such time as they are completed) -
- That the applicant has the right to live and work in the country
 - An enhanced criminal record check and evidence that they are not on a child and/or vulnerable adult barring list
 - A certificate of their current medical fitness [to Group 2 standard]
 - That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive
 - That the applicant has a minimum of 12 months post-qualification driving experience (or if not, successful completion of an advanced driving assessment)

- That the applicant has adequate literacy and numeracy skills to provide the service that they wish to be licensed for
- That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for
- That the applicant can demonstrate an understanding of safeguarding awareness (including in respect of sexual exploitation and disability)
- (For persons who seek to be authorised to drive a wheelchair accessible vehicle) that the applicant has the ability to safely load and secure wheelchair users in a wheelchair accessible vehicle whilst in their chair

3.2 If an applicant has spent six continuous months or more overseas the licensing authority will expect to see evidence of a criminal record check from the country/countries covering the period before a licence application can be made.

4. Appeals

4.1 Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he or she is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

4.2 Any applicant refused an operator licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.

4.3 Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.

5. Powers

5.1 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.

5.2 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.

5.3 In this policy the term “disqualification” refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

6. Consideration of disclosed criminal history

6.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers’ licence and/or private hire vehicle operators licence is a ‘fit and proper’ person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant’s age at the time of conviction
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

6.2 Existing holders of drivers’ licences are required to notify the licensing authority in writing immediately or no later than 5 days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).

6.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Licensing Officer for advice.

6.4 The licensing authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver/operator licence. The licensing authority follows the DBS’s Code of Practice on the fair use of disclosure information. A copy is available on request.

6.5 Applicants applying for the grant or a renewal of a driver/operator licence will be required to obtain an enhanced disclosure at their expense. The licensing authority abides by the DBS’s Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

- 6.6 More information about the DBS can be found on their website at www.disclosure.gov.uk.
- 6.7 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police under the common law police disclosure.
- 6.8 DBS disclosures will not include details of any foreign convictions or cautions unless they have been recorded on the UK National Computer. Any applicant who has resided outside the UK for any period longer than 6 months within the preceding 3 years will be required to produce a "Certificate of Good Conduct" from the relevant countries which details any cautions or convictions arising against the applicant while resident in that country. It shall be the applicant's responsibility to obtain this documentary evidence and to bear the costs of such. The requirement is in addition to the DBS disclosure.

Where an applicant is unable to obtain the above, a discussion will take place with the Licensing Officer to ascertain what alternative evidence should be provided. This may include character references from appropriate individuals or other bodies as to the applicants conduct whilst resident in the other country.

- 6.9 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

7 Serious offences involving violence

- 7.1 The following will apply to a licence applicant or an existing licence holder unless there are exceptional circumstances to indicate to the Environmental Health and Licensing Manager/Licensing Officer that that person is a fit and proper person to hold a licence.
- 7.2 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.
- 7.3 In other cases anyone of a violent disposition will normally be refused to be licensed until at least 10 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
- 7.4 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
- Murder
 - Manslaughter

- Manslaughter or culpable homicide while driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

7.5 A licence will not normally be granted where the applicant has a conviction for an offence of similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault with racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

7.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:

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

7.7 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 5 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm

- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

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

7.9 In the event of a licence being granted, a strict warning both verbally and in writing will be administered.

8. Possession of a weapon

8.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

8.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 7 years before a licence is granted. In the case of possession of a firearm, an applicant should be free of conviction for 10 years before a licence is granted.

9. Sexual, indecency and Exploitation offences

9.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period free of conviction for such offences before a licence will be granted.

9.2 The following will apply to a licence applicant or an existing licence holder unless there are exceptional circumstances to indicate to the Environmental Health and Licensing Manager/ Licensing Officer that that person is a fit and proper person to hold a licence.

9.2 (a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults

- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Possession of indecent photographs, child pornography etc.
- Or **any** sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- Where an applicant or licensee has been convicted of a crime involving, related to or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes Slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

- 9.3 (b) Before an application is allowed, an applicant should be free of conviction for at least 10 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:
- Indecent exposure
 - Soliciting (kerb crawling)
 - Or any similar offences (including attempted or conspiracy to commit).

9.4 In addition to the above the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register.

9.5 A licence will not be granted if an applicant has more than one conviction for a sex or indecency offence.

10. Dishonesty

10.1 A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with the Licensing Department within 24 hours. PHV drivers must pass lost property to the operator. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

- 10.2 In general, a minimum period of 7 years free of conviction should be required before granting a licence. Offences involving dishonesty include:
- theft
 - burglary
 - fraud
 - benefit fraud
 - handling or receiving stolen goods
 - forgery
 - conspiracy to defraud
 - obtaining money or property by deception
 - other deception
 - taking a vehicle without consent
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

11. Drugs

- 11.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.
- 11.2 Unless there are exceptional circumstances, to indicate to the Environmental Health and Licensing Manager/ Licensing Officer that that person is a fit and proper person to hold a licence, a licence will not be granted where the applicant has a conviction for an offence related to the supply or possession of drugs and has not been free of conviction for 10 years.
- 11.3 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 11.4 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they will be required to show evidence of 5 years free from drug taking after detoxification treatment.

12 Driving offences involving the loss of life

- 12.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

12.2 The following will apply to a licence applicant or an existing licence holder unless there are exceptional circumstances to indicate to the Environmental Health and Licensing Manager/Licensing Officer that that person is a fit and proper person to hold a licence.

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

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- or any similar offences

13 Drink driving/driving under the influence of drugs

13.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 7 years, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

14 Insurance offences

14.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 7 years; however strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed.

14.2 At least 5 years should elapse (after the restoration of the DVLA driving licence), before a licence would normally be granted for a hackney carriage or private hire drivers licence. An operator found guilty of aiding and abetting the driving passengers for hire and reward whilst without insurance will have his operators' licence revoked immediately and prevented from holding a licence for 7 years.

15. Using a hand held device whilst driving

15.1 Where an applicant has a conviction for using a hand held mobile telephone or hand held device whilst driving, a licence will not be granted until at least 5

years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the late

16 Other Motoring Offences

- 16.1 There may be occasions where an applicant has accrued sufficient points under totting up for the Court to consider disqualification, but successfully argues that exceptional hardship should apply and the Court has not, therefore, imposed a disqualification. In these circumstances the Council expects the individual to supply full details of each of the matters, which led to the totting up. The Council will take those matters into account when deciding whether to grant or refuse an application or whether to take action against an existing licence. Should the individual not supply full details of each of those matters then the Council will take the failure to supply such information into account when deciding whether to take any such action.

17 Licensing offences

- 17.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 5 years has passed.

18 Outstanding charges or summonses

- 18.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings. Where information is received through the Common Law Police Disclosure on existing licence holders, consideration will be made by the Environmental Health and Licensing manager/ Licensing Officer.
- 18.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.
- 18.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]

19 Non-conviction information

- 19.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. Such offences would include serious violent offences and serious sex offences.

19.2 In assessing the action to take, the safety of the travelling public must be the paramount concern.

20 Cautions

20.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

21 Overseas residents

21.1 If a private hire operator applicant has spent six continuous months or more overseas the licensing authority will require to see evidence of a criminal record check from the country/countries covering the period.

22 Licences issued by other licensing authorities

22.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

23 Summary

23.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 5 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 5 years free from conviction have elapsed.

23.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.

23.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

Appendix 2

BYELAWS

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

Interpretation

1. Throughout these byelaws “the Council” means Horsham District Council and “the district” means Horsham District.

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) cause the roof or covering to be kept watertight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:

- (a) 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;

- (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 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) as soon as the carriage is hired by distance and time, and before beginning the journey, 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,
 - (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 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 hackney carriage shall, when plying for hire in any street, and not actually hired:
- (a) proceed with reasonable speed to one of the stands appointed by the Council;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

9. 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.
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;
 - (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 fees

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time unless the hirer expresses at the commencement of the hiring his desire to engage by time only.

Provided always that where a 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 Council resolution which it may not be possible to record on the face of the taximeter.

15.
 - (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the 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 nor 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 48 hours, if not sooner claimed by or on behalf of its owner, to the Hackney Carriage Inspector of the Council, and leave it in his custody, on his giving a receipt for it;
 - (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 Hackney Carriage Inspector, whichever be the greater) but not more than five pounds.

Penalties

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 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

19. The byelaws relating to hackney carriages which were made by Horsham District Council on the 25th day of March 1975 and which were confirmed by the Secretary of State on 8th May 1986 are hereby repealed.

The Common Seal of Horsham District Council was hereunto affixed this 17th day of October 2006 in the presence of:

T. Crowley
Chief Executive



The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into force

On the 1st day of February 2007.

Signed by authority of the Secretary of State
04/01/2007

Appendix 3



**Horsham
District
Council**

Private Hire Driver Licence Conditions

Wherever there appears in the Licence Conditions a summary of any statutory provisions you are advised that such summary is not exhaustive.

Any requirements of legislation or additional conditions or changes to which affects the operations being carried out under the conditions of this licence shall be regarded as if they are conditions of this licence.

The Council has power to revoke or suspend a licence after conviction for various offences, or for failure to comply with the relevant provisions, or for any other reasonable cause.

1 Conduct of the Driver

The driver shall at all times,

- (a) Afford all reasonable assistance with passenger's luggage.
- (b) At all times be clean and respectable in dress and person and behave in a civil and orderly manner;
- (c) The driver shall attend punctually when hired;
- (d) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
- (e) Not without the express consent of the hirer drink or eat in the vehicle;
- (f) Shall not smoke or vape and not allow any passengers to smoke or vape in a licensed vehicle at any time.
- (g) Not without the express consent of the hirer play any radio or sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle and shall not allow any such instrument or equipment (when permitted) to be or become a source of nuisance or annoyance to any person inside or outside of the vehicle;
- (h) Shall not tamper with or permit any person to tamper with the taximeter, if fittings or with the seals affixed thereto;

- (i) The driver will not permit the vehicle to stand or wait in any road, street, airport, railway station or other public or private place unless fulfilling a pre-arranged booking.
- (j) Attention is drawn to the Highway Code which warns, "Never use a hand-held mobile phone or microphone when driving. Using hands free equipment is also likely to distract your attention from the road.
The Council expects all drivers to comply with the Highway Code's recommendations and comply with all traffic regulations.

2 Passengers

The driver shall:-

- (a) Not convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle,
- (b) Not allow there to be conveyed in the front of the vehicle:
 - i) any child below the age of ten years, or
 - ii) more than one person above that age,
- (c) Not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle;
- (d) Ensure that all passengers are restrained by the use of an approved seat belt and that children who require a child's seat or booster seat travel in such a seat.

3 Lost Property

- (a) The driver shall immediately after the termination of any hiring of the vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- (b) If any property accidentally left in the vehicle by any person who may have been conveyed therein is found by or handed to the driver, unless it be sooner claimed by or on behalf of its owner, shall be taken within 48 hours to the Council offices and left in the custody of the Licensing staff by prior arrangement.

4 Animals

- (a) The driver shall not convey in the vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle,
- (b) Any animal belonging to or in the custody of any passenger, which in the driver's discretion may be conveyed in the vehicle, shall only be conveyed in the rear of the vehicle,

5 CARRIAGE OF ASSISTANCE DOGS

- (a) The licence holder must carry guide or other assistance dogs accompanying passengers, free of charge, unless the driver has a medical condition and has obtained a medical exemption certificate from Licensing Department.
- (b) The Council medical exemption certificate issued in accordance with Section 37A of Disability and Discrimination Act 1995 must be displayed at all times and face outwards from the front windscreen of the Private Hire Vehicle.
- (c) Private Hire Vehicle Drivers have a responsibility to ensure that their operator is aware of any such medical condition.

- (d) The licence holder shall allow the assistance dog to be accommodated within the passenger compartment of the vehicle. The dog shall be allowed to be positioned as per the passenger's request.

6 Written Receipts

The driver shall if requested by the hirer provide a written receipt for the fare paid and driver details.

7 Touting and Soliciting

The driver shall not, whilst driving or in charge of the vehicle;

- (a) Take or agree to take a fare without it being pre-booked via the Operator,
- (b) Stand or ply for hire or solicit on a road or other public place, any person to hire or to be carried for hire in any private hire vehicle,
- (c) Cause or procure any other persons to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle,
- (d) Accept an offer for the minimum hire of any private hire vehicle while the holder or that vehicle is on the road or other public place except where such an offer is first communicated to the holder by a licensed operator.

8 Deposit of Licence

If the driver is permitted or employed to drive a private hire vehicle of which the operator is someone other than himself, he shall, before commencing to drive that vehicle, deposit his private hire driver's licence with that operator for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his. The driver shall ensure that the operator has a current Operators Licence with Horsham District Council.

9 Vehicle Damage

The driver shall immediately inform the Council of any damage occasioned to a licensed vehicle however caused and complete and return an accident report form obtainable from the Council to the Council's Licensing Department within 72 hours from the time of the accident or damage.

10 Change of Address

The driver shall notify the Council in writing within 48 hours of any change of residential address during the period of the licence prior to such change taking place.

11 Arrest, Convictions or Cautions

The licence holder shall give full details in writing to the Licensing Department within 48 hours of any conviction, cautioned or any motoring offence.

The licence holder shall give full details in writing to the Licensing Department within 48 hours of any arrest and release or of being charged for any offence.

12 Badges

The driver's badge must be worn in a position where it may be seen at all times. The driver shall, upon the expiry, revocation or suspension or renewal of this licence, return to the Council the driver's badge within 7 days issued to him by the Council. The driver shall immediately report any loss, stolen or damaged badge to the Licensing Department. A fee is payable for replacement.

13 Illness or Injury

The driver shall notify the Council in writing as soon as possible and, in any event within 14 days of any illness or injury affecting in any way his fitness to drive.

14 Copy of Conditions

The driver shall at all times when driving a private hire vehicle carry with him a copy of the drivers licence conditions and shall make it available for inspection by the hirer or any other passenger on request.

15 Certificate of Insurance

The driver shall before commencing to drive the vehicle ensure that a current certificate of insurance is in the vehicle clearly showing that the driver is insured to drive the vehicle, and shall produce the certificate or copy of the certificate on demand to a police officer or any authorised officer of the Council.

16 Operators Licence

The driver shall ensure that the operator has a current Operators Licence with Horsham District Council.

17 Prompt Attendance and Display of Appointment Board

- (a) The driver of a private hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place or has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.
- (b) The driver of a private hire vehicle when awaiting a passenger through a pre-arranged appointment shall display in the windscreen of the vehicle a board containing the name of the passenger and the appointed time of the meeting.

18 Fare to be Charged

The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for the hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taxi meter. Journeys shall be by the shortest or most direct route unless requested otherwise.

19 Taximeter

- (a) If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

- (b) The driver of a private hire vehicle shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.
- (c) Private hire vehicles fitted with a taximeter may not operate unless the meter is in working condition and has been checked by the Council's authorised officer.

20 Hire

The driver shall not, whilst driving or in charge of a private hire vehicle:

- (a) offer that vehicle for immediate hire while the driver or that vehicle is on a road or other place to which the public have access, or
- (b) accept an offer for the immediate hire of that vehicle whilst the driver or that vehicle is on a road or other place to which the public have access except where such offer is first communicated to him by telephone or by radio to the vehicle. (In this Condition 'road' means any highway and any other road to which the public have access and includes bridges over which the road passes).

21 Vehicle Condition

The licensed driver must ensure that the vehicle he drives when in use or available for hire is in a road worthy, efficient, safe, tidy and clean condition and all relevant statutory requirements are fully complied with before the driver uses the vehicle for hire.

22 The Disclosure and Barring Service Check

All new and existing licence holders will be required to be subscribed to the DBS Update Service and supply the relevant code to the Licensing Department to check status and nominate as an authority to view their DBS certificate status during the life of the licence. Should the licence holder's DBS certificate status change, the licence holder is required to apply for a new DBS certificate within 48 hours.

The licence holder is required to provide any DBS certificates issued to the licensee during the life of the licence within 7 days of issue date.

The Council will also make checks with the National Anti-Fraud Network database on refusal and revocation of licences.

All new or renewal applicants who have been out of the UK for a period of more than six months will need to provide a Certificate of Good Conduct from the relevant embassy.

All Certificates of Good Conduct must be in English or translated into English by an accredited translator and be accompanied by a declaration to that effect.

23 Miscellaneous

The driver must notify the Council, within 14 days of starting or terminating employment/contract with the name and address of the operator/proprietor concerned and the date when employment/contract either started or ended.

The driver must ensure that information for customers concerning how to make a complaint to the Council is clearly displayed within the vehicle.

Where a customer during the course of the hiring has cause for complaint the driver must give enough information to the customer so the driver can be identified (badge number), the vehicle details including the plate number so details can be given to the Council.

If an Applicant is aggrieved by the conditions attached to a licence an appeal may be made to a Magistrates Court within 21 days of the issue of a licence. (See section 52 and 77 of the Local Government (Miscellaneous Provisions) Act 1976 and section 300 of the Public Health Act 1936.)

Appendix 4



Hackney Carriage / Private Hire Vehicle Licence Conditions

(Made under Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 by Horsham District Council)

Wherever there appears in the Licence Conditions a summary of any statutory provisions you are advised that such summary is not exhaustive.

Any requirements of legislation or additional conditions or changes to which affects the operations being carried out under the conditions of this licence shall be regarded as if they are conditions of this licence.

The Council has power to revoke or suspend a licence after conviction for various offences, or for failure to comply with the relevant provisions, or for any other reasonable cause.

1 Type of Vehicle

A hackney carriage/private hire vehicle must be suitable in type, size and design and meet the following requirements:-

- (a) be a car not more than five years old from date of registration on day of licensing fitted with four road wheels and at least four doors
- (b) it must have a separate compartment for luggage, that is clean, dry and free from odour and personal items of equipment,
- (c) the back seat of the vehicle shall measure at least 1220mm.
- (d) the headroom from the centre back seat to the roof shall measure at least 870mm.
- (e) the leading edge of the back seat to the rear of the front seat shall measure a minimum of 180mm when the front seat is in its rearmost position, or the vehicle is a purpose built hackney carriage.
- (f) hackney carriage or private hire vehicles must not be left hand drive.

Or where licensed to carry 5,6,7 or 8 persons:-

- (g) have a separate compartment for luggage or in the case of an estate vehicle or mini bus a suitable means of restraining luggage to prevent it from coming into contact with any passenger in the event of an accident,
- (h) the rear edge of the back seat of the vehicle shall measure at least 1220mm,
- (i) where separate seats for each person are provided the rear edge of the back of that seat shall measure at least 410mm,
- (j) where the vehicle is fitted with continuous seats one person shall be counted for each complete length of 410mm of the rear edge of the back of the seat and where such seat is fitted with arms for the purpose of separating the seating spaces and

- such arms are so constructed that they can be folded back or otherwise put out of use they shall not be taken into account for measuring,
- (k) headroom from any part of the floor at the rear of the driver's seat to the headlining must be at least 1190mm,
 - (l) headroom from the centre back of any seat to the roof shall be at least 950mm, front of any seat at the rear of the driver to the rear of the seat in front shall measure a minimum of 180mm when the seat is in its rearmost position or the vehicle is a purpose built hackney carriage,
 - (m) Where the exit of a vehicle can be restricted, the vehicle must have a glass (life) hammer, (which has been previously approved by the Council) mounted in the rear of the vehicle. It must be on view and readily available for use in an emergency. All emergency exits from the vehicle must be clearly identified as such within the vehicle.

In the case of hackney carriages the additional conditions will apply

- (n) a hackney carriage will be white in colour
- (o) a hackney carriage shall at all times be fitted with an approved roof sign on the roof of the vehicle which shall be illuminated and bear the word "Taxi" on both sides of that sign and which is displayed in such a position that it does not contravene the Road Traffic Acts or regulations thereunder, or any other relevant statutory provision.

In the case of private hire the additional conditions will apply

- (p) a private hire vehicle will not be white in colour.
- (q) a private hire vehicle will not display a roof sign
- (r) The driver of a private hire vehicle when awaiting a passenger through a pre-arranged appointment shall display in the windscreen of the vehicle a board containing the name of the passenger and the appointed time of the meeting.

2 Maintenance of Vehicle and Safety Equipment

The proprietor of the vehicle shall:

- (a) provide sufficient means by which any person in the vehicle may communicate with the driver,
- (b) cause the roof or covering to be kept watertight,
- (c) provide adequate windows and means of opening and closing them,
- (d) cause the seats to be properly cushioned and covered and free from damage and where seat covers are provided they shall be of a type and style suitable for the vehicle and correctly fitted,
- (e) cause the floor to be provided with a proper carpet, mat, or suitable covering and be free from damage
- (f) ensure that the vehicle and all its fittings and equipment are at all times when the vehicle is used or available for hire kept in a working efficient, safe, tidy and clean condition and all relevant statutory requirements.
- (g) provide an efficient and fully serviced fire extinguisher suitable for use on vehicle fires is carried in the vehicle at all times. The proprietor must ensure that the contents of the extinguisher remain in date at all times. Where there is an expiry date on the extinguisher (instead of a colour gauge), the date is clearly visible and not tampered with.
- (h) provide a sterile and in date first aid kit to be approved by the Council, such equipment to be carried in such a position in the vehicle as to be readily available for use at all times,

- (i) provide means of securing luggage to ensure that any luggage carried is prevented from coming into contact with the passengers,
- (j) shall ensure that all passengers are properly restrained by an approved seat belt and that a child seat or booster seat be available if required and shall ensure that no child under the age of 10 years travels in the front seat of the vehicle
- (k) ensure that no material alteration or change in the specification, design, condition or appearance of the vehicle is made without the written approval of the Council at any time whilst the licence is in force,
- (l) ensure the vehicle is serviced in line with Manufacturers recommended intervals and that evidence of servicing is produced to the Council as required in a form acceptable to the Council.

5 Tyres

All wheels should be free of material damage, matching in size and style and be within the manufacturer guidelines for the vehicle.

A minimum of 2mm of tread is required across the whole width and around the entire circumference of each tyre

Re-moulded or re-cut tyre must not be fitted to the vehicle and all tyres must be kept at the correct pressure.

Space saver tyres are acceptable on vehicles if they are used and conform to manufacturers specifications.

If a space saver tyre or a repair kit is used, then it must only be used for the duration of the current fare and for returning the vehicle to the garage for repair. No further fares may be taken whilst the space saver tyre or repair kit is in use on the vehicle.

4 Identification Plate

The identification plate issued by the Council bearing the number of the licence granted in respect of the vehicle shall at all times be securely fixed, to the satisfaction of the Council, to the outside centre rear of the vehicle and shall be clearly visible from the rear of the vehicle and shall at no time be wilfully or negligently concealed from public view. The vehicle shall not carry more passengers than the number for which it is licensed.

The Council must be informed immediately should the licence plate be lost, broken or defaced and the vehicle should not be used for taxi/private hire use. Proprietors will be liable for a fee for any replacement.

All badges and plates shall remain the property of the Council and must be returned within 7 days when:

- (a) The vehicle ceases to be licensed as a hackney carriage or private hire vehicle;
- (b) When requested to do so by an Authorised Officer of the Council in writing when the (plate) is suspended or revoked.
- (c) The plate has expired

5 Interior Markings

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

All vehicles will be required to display information on how to make a complaint to the licensing authority.

6 Signs, Notices, etc.

- (a) No signs, notices, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or these conditions.
- (b) Every hackney carriage shall at all times be fitted with an approved roof sign on the roof of the vehicle which shall be illuminated and bear the word 'Taxi' on both sides of that sign and which is displayed in such a position that it does not contravene the Road Traffic Acts or regulations thereunder, or any other relevant statutory provision.
- (c) Limited advertising on the inside and outside of the vehicle will be permitted provided it has first been approved by the Council. No advertising to be religious or political in nature or anything likely to cause offence.
- (d) Private hire vehicles must have the wording PRE BOOKINGS ONLY or ADVANCED BOOKINGS ONLY with any approved advertising on the vehicle.
- (e) There shall be displayed within the vehicle in a position so as to be clearly visible to any passenger the current table of fares in a form and printing approved by the Council.

7 Taximeters

- (a) If the taximeter fitted to the vehicle, is repaired, adjusted or for any reason the seals are broken, or alterations made to the vehicle transmission gearing ratio the proprietor shall not permit or suffer the vehicle to be used for hire until the taximeter has been satisfactorily tested and sealed by the Council.
- (b) The proprietor shall notify the Council immediately if, for any reason, the seal on the taximeter is broken.
- (c) The taximeter shall be positioned so that the display on the face of the meter may be clearly visible to any person being conveyed in the vehicle at all times.
- (d) When the meter is brought into operation there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare fixed by the Council.
- (e) An official copy of the Council's tariff shall be clearly displayed and legible in the vehicle so as to be plainly visible to passengers carried therein.

8 Arrest, Convictions or Cautions

The licence holder shall give full details in writing to the Licensing Department within 48 hours of any arrest and release or of being charged for any offence.

The licence holder shall give full details in writing to the Licensing Department within 48 hours of any conviction, cautioned or any motoring offence.

9 Accident and Vehicle Damage

The driver shall immediately inform the Council of any damage occasioned to a licensed vehicle however caused and complete and return an accident report form obtainable from

the Council to the Council's Licensing Department within 72 hours from the time of the accident or damage.

10 Transfers

If a proprietor transfers his interest in a vehicle to someone else he must immediately give notice of the transfer to the Council in writing and complete and return a transfer form obtainable from the Council informing the Council of the name and address of the transferee with the fee.

11 Change of Address

The proprietor shall notify the Council in writing within 48 hours of any change of his address during the period of the licence at least seven days before such change takes place.

12 Certificate of Insurance

The proprietor shall have available in the vehicle a copy of the vehicle's current certificate of insurance. The certificate must clearly show that the vehicle is insured for public or private hire and clearly shows the vehicle registration number and the names of all persons entitled to drive the vehicle. Should the policy refer to named drivers a list of persons covered must be lodged with the Council by the insurance company providing cover. In addition a current certificate of insurance must be lodged with the Council within 48 hrs of the expiry date of the previous certificate of insurance. Failure to comply with this condition will lead to the immediate suspension of the vehicle's licence until the Council is satisfied that the vehicle and driver(s) have the correct insurance cover.

13 Mechanical Inspections

All licensed vehicles are required to be mechanically inspected every six months at a garage or garages nominated from time to time by the Council. The mechanical inspection form provided by the Council must be signed and stamped by the authorised garage and the form returned to the Council. Vehicle inspection forms will only be accepted for vehicles that have been mechanically inspected within 30 days of the vehicle's inspection by the Council's Licensing Officer.

Vehicles that are less than 12 months old with less than 10,000 miles recorded will not be required to be mechanically tested until they are over 12 months old or have more than 10,000 miles recorded.

14 Employed Drivers

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

15 LPG Fuel (Liquid propane fuel)

- (a) Before a vehicle is fitted with an LPG fuel tank, the vehicle must be inspected by the Council's Licensing Inspector, to establish that the tank will not reduce the luggage capacity of the vehicle.
- (b) All work to a licensed vehicle must be carried out by a qualified LPG Association approved installer only. The installer must hold a valid certificate as an LPGA Approved Installer and a copy of that certificate must be produced by the owner of the vehicle to the Council. The LPG Conversion Certificate will also need to be produced to the Council.
- (c) If work is carried out contrary to these requirements the vehicles licence will be suspended until such time that the Council has been satisfied that its requirements have been met.
- (d) Additionally the LPG tank shall be tested and certified every six months by an LPGA Approved Installer, and Certificate of Compliance shall be produced to the Council of the inspection referred to every six months.
- (e) It should be noted that if a ring shaped LPG tank is fitted in the spare tyre's usual storage area the vehicle must carry a working type inflation kit at all times.
- (f) The Council will supply a sticker, which shall be installed at the rear of the vehicle and be maintained there. The sticker will show that the vehicle is carrying LPG fuel.

16 CCTV Camera in Vehicle

The installation and operation of the CCTV system shall comply with the requirements of the Information Commissioner's CCTV Code of Practice.

Following the installation of any CCTV installed into the vehicle it is incumbent upon the licence holder (as the data controller) to handle relevant data in an appropriate and secure manner.

The CCTV system shall comply with any legislative requirement as regards safety, technical acceptability and operational/data integrity.

The CCTV system must be capable of date, time and vehicle identification. It must be capable of capturing images during daytime and darkness of sufficient quality to enable the identification of any person travelling in the vehicle and be of such quality that it can be used for prosecution purposes, where necessary.

The positioning of the CCTV should be such that the hard disc or data card is not accessible to any passenger travelling in the vehicle. The equipment must be securely fixed such that it cannot be tampered with or damaged by any person travelling in the vehicle.

The CCTV system shall not be used to record conversations between members of the public, since that is highly intrusive, and if any system is equipped with a sound recording facility then that functionality shall be disabled.

All vehicles with a CCTV system shall display prominent notices, visible both outside and inside the vehicle, to inform passengers that a CCTV system is in operation.

The CCTV system must ensure that any recorded data is encrypted and access to the data is password protected or locked and only authorised persons can view any recordings. The CCTV equipment will remain at all times the property of the proprietor of the vehicle who will be responsible for the maintenance of the system and will ensure that it is checked regularly and maintained in working order at all times. If at any time the CCTV system is not working it must be reported to an Authorised Officer within 72 hours.

An Authorised Officer or Police Officer may, on reasonable notice, examine any camera installation or any footage from the CCTV. The Council shall be permitted to access data where they have received a complaint involving the vehicle or its driver and the complaint cannot be fully investigated without access to the recording. The licence holder shall co-operate with any Police investigation where access to the CCTV footage may assist.

The CCTV system must be capable of recording and storing images for a minimum of 28 day

17 Dark Tinted Windows

Vehicles to comply with the Road Vehicles (Construction and Use) Regulations 1986 and have windscreens which allow at least 75% of light to pass through and all other windows must allow at least 70% of light to pass through.

Vehicles should not be fitted with non-manufacturers tint such as sticky plastic film or aerosol spray applied to the surfaces of the windscreen, driver's or passenger front windows.

18 Card Payments

When a credit/debit card payment is made the proprietor/driver cannot set a minimum card payment amount.

19 Vehicles classified as write off

The Council will not licence any vehicle that has been classed a write off in any category.

20 Carriage of Assistance Dogs

- (a) The licence holder must carry guide or other assistance dogs accompanying passengers, free of charge, unless the driver has a medical condition and has obtained a medical exemption certificate from Licensing Department.
- (b) The Council medical exemption certificate issued in accordance with Section 37A of Disability and Discrimination Act 1995 must be displayed at all times and face outwards from the front windscreen of the Private Hire Vehicle.
- (c) Private Hire Vehicle Drivers have a responsibility to ensure that their operator is aware of any such medical condition.
- (d) The licence holder shall allow the assistance dog to be accommodated within the passenger compartment of the vehicle. The dog shall be allowed to be positioned as per the passenger's request.

21 Dual Plating

No vehicle will be granted a licence by Horsham District Council if it is Licensed by another authority. This is due to the fact that a vehicle may Be subject to different requirements of the separate licensing Authorities which may prevent effective enforcement. It will also cause Confusion to members of the public.

22 **Temporary Replacement Vehicles**

Any licensed vehicle suffering major accident damage or requiring Mechanical repair may be replaced by a temporary vehicle provided:

The accident damage has been reported by the licence holder in accordance with the requirements of these conditions, or the defect to the licensed vehicle has been similarly reported.

An application is made by the licence holder for a temporary plate transfer and the appropriate fee is paid.

The replacement vehicle is properly taxed, insured and tested to the requirements of the vehicle conditions.

The replacement vehicle meets specifications and conditions of new licensed vehicles as stated within the conditions.

23 **Unauthorised Use**

The proprietor of a hackney carriage or private hire vehicle shall not allow the vehicle to be driven by any person who does not hold an appropriate hackney carriage/private hire driver's licence issued by Horsham District Council.

If any applicant is aggrieved by any of the conditions attached to a licence an appeal may be made to a Magistrates Court within 21 days of the issue of a licence. (See section 47(3) and 77 of the Local Government (Miscellaneous Provisions) Act 1976 and section 300 of the Public Health Act 1936).

Appendix 5



Private Hire Operators Licence Conditions

Wherever there appears in the Licence Conditions a summary of any statutory provisions you are advised that such summary is not exhaustive.

Any requirements of legislation or additional conditions or changes to which affects the operations being carried out under the conditions of this licence shall be regarded as if they are conditions of this licence.

The Council has power to revoke or suspend a licence after conviction for various offences, or for failure to comply with the relevant provisions, or for any other reasonable cause.

1 Records

- (a) the records required to be kept by the operator under Section 56 of the 1976 Act shall be kept in a suitable form in order to facilitate inspection by any authorised officer of the Council or by any constable and the operator shall take in writing before the commencement of each journey and keep the following particulars of every booking invited or accepted by him, whether direct from the hirer or by undertaking bookings at the request of another operator:
- (a) The time and date of the booking
 - (b) The name and address of the hirer
 - (c) The name of individual who took the booking
 - (d) The name of the individual who dispatched the vehicle
 - (e) The time of the pick up
 - (f) The point of pick up
 - (g) The destination
 - (h) The time at which the driver was allocated the booking.
 - (i) The name and licence number of driver
 - (j) Identification of the vehicle allocated for the booking, plate number.
 - (k) The agreed fare if not to be calculated by means of a taximeter
 - (l) Remarks (including details of any sub-contract)
- (b) the records required to be kept by the operator under Section 56 (3) of the 1976 Act shall be kept in suitable form in order to facilitate inspection by any authorised officer of the Council or by any constable and shall show the following particulars with respect to each vehicle operated by him;
- (a) The registration number of the vehicle
 - (b) The number of the identification plate provided by the Council pursuant to Section 48 (8) of the 1976 Act

- (c) The name and addresses of all proprietors of the vehicle
- (d) The names and addresses of all the drivers of the vehicle
- (e) The number of passengers permitted to be carried in the vehicle
- (f) Any radio call sign used in connection with the vehicle
- (g) The date on which he commenced operating the vehicle and, if appropriate, the date on which he ceased operating the vehicle
- (h) A copy of current private hire/public hire insurance document
- (i) Any remarks

If a fare is subcontracted, the original operator must be able to show that the contracted operator complies with all conditions 1

- (c) The use of a Public Service Vehicle (PSV) driven by a Passenger Carrying Vehicle licensed driver to fulfil a booking without the informed consent of the hirer is prohibited. The hirer must be informed that the driver is subject to different checks and may not have an Enhanced DBS check.
- (d) All records kept by the operator shall be preserved for a period not less than 12 months following the date of the last entry.

2 Standards of Service

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

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

3 Change of Address

The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence prior to such taking place. This will involve a new application being made for the new trading address.

4 Convictions/Cautions

The licence holder shall give full details in writing to the Licensing Department within 48 hours of any conviction, cautioned or any motoring offence, (or if the operator is a company or partnership, on any of the directors or partners).

The licence holder shall give full details in writing to the Licensing Department within 48 hours of any arrest and release or of being charged for any offence, (or if the operator is a company or partnership, on any of the directors or partners)

5 DBS Checks for Staff

The operator shall apply a fit and proper test to all their staff. This shall include an annual basic DBS check for all directors, partners and staff including who take bookings or dispatch vehicles who do not already supply an Enhanced DBS certificate to the Council. This check will also apply to all named directors/partners of the company.

The operator must have a policy on employing ex-offenders as part of the employment contract. The Contract should be required to advise the operator of any conviction while they are employed in this role.

The operator will also be required to keep a live register of all staff that take bookings or dispatch vehicles made available to the Council.

The operator will be required to evidence that they have recorded and seen the basic DBS check on all individuals listed on the register.

All operators will be required to provide their policy on employing ex-offenders in roles that would be on the live register.

6 Drivers

The operator shall ensure that all drivers are licensed and shall hold their licences on deposit and comply with the conditions of the licence.

The operator shall ensure that the driver of the vehicle is covered by a certificate of insurance that shall be displayed in the vehicle which clearly shows that the vehicle is insured and that the driver is entitled to be in charge of the vehicle for public or private hire as appropriate.

7 Vehicles

The operator shall ensure that all vehicles comply with the conditions of licence and shall notify the Council of any damage to vehicles howsoever occurring on an accident report form obtainable from the Council before the vehicle is used further.

8 Advertising

The operator shall not use any advertising or promotion material, letter heading or other stationery or any business name which includes the words 'Taxi' or 'Cab' whether used in the singular or the plural or in conjunction with another word or forming part of a word making up the said business name.

The operator shall not permit there to be displayed in or on any part of a licensed vehicle operated by him any sign notice or advertisement of any kind without first obtaining the written permission of the Council.

Limited Co/Partnership

- 9.** Where the operator is a limited company or partnership, it must immediately notify the Council where a partner or director changes.

If any applicant is aggrieved by any of the conditions attached to a licence an appeal may be made to a Magistrates Court within 21 days of the issue of a licence. (See sections 55 and 77 of the Local Government (Miscellaneous Provisions) Act 1976 and section 300 of the Public Health Act 1936.)

Appendix 6

Additional conditions applying to stretch limousines

Unless specifically stated otherwise below, conditions applying to Private Hire vehicles also apply to Limousines. The conditions below are additional conditions specifically applying to stretch limousines licensed as private hire vehicles.

The vehicle may be left or right hand drive. Operators of all stretched limousines making applications for vehicle licences will be required to produce a valid Individual Vehicle Certificate (IVA) issued by the Vehicle and Operator Services Agency (VOSA).

Tyres must be fitted which are appropriate for the size and weight of the vehicle.

Vehicles with sideways facing seating may be considered for licensing.

The council shall approve the seating arrangement, within the vehicle, which may vary in accordance with the design of the vehicle.

All limousines shall have sufficient seat belts for the maximum licensed number of persons carried and comply with the current legislation in relation to seat belts.

The number of passengers any stretch limousine is licensed to carry will be a maximum of eight. All limousines licensed as private hire vehicles must reduce their seating capacity to a maximum of eight passengers.

Proprietors must not permit the number of passengers carried in the vehicle to exceed the number for which it is licensed. A child of any age will be counted as a passenger.

No passengers to be in the driver's compartment.

In any advertisement publicising a limousine service, the advertisement must state that the vehicle is only licensed to carry eight passengers.

Vehicles licensed as private hire vehicles must have appropriate insurance to cover the provision of a service to the public for hire and reward, taking into account the specification of the vehicle.

Any sales of alcohol must be in accordance with Licensing Act 2003.

Any glassware used in the vehicles shall be made either of shatterproof glass or polycarbonate.

The vehicle will not be hired to persons under the age of 18 years unless an adult (other than the driver of the vehicle) supervises them.