

£10 (free to download)



Hackney Carriage and Private Hire Licensing Handbook

September 2017

This handbook will be regularly updated and available is on our website www.Wealden.gov.uk. After you are licensed you should check every 3 months and download the latest version

licensing@rother.gov.uk

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Contents

Part A

Quick reference guide
Introduction
How to contact the licensing team
Types of licence
Licence fees & payment options
Licence duration

Part B: Driver licences (Hackney Carriage and Private Hire)

Important issues you must tell us about
Immigration Act 2016 – right to work
Legislation
Hackney Carriage Byelaws (1988)
Fit and Proper
Character References
Drivers Licence Requirements
Eligibility
DVLA driving licence
Medical fitness
Criminal Convictions' Policy
Enhanced disclosed criminal history
Notification of any charges/convictions/cautions
Motoring Offences
Arrangements for Determining an Application when a Criminal Conviction has been taken into account
DVLA driving licence penalty points
Private Hire/Hackney Carriage Practical Driving Test
Rother Knowledge Test
Spoken English Assessment
Literacy and Numeracy Assessment
Issuing licence and wearing badges etc.
Suspension, revocation or refusal to grant or renew

How to apply for your first drivers licence
How to apply for a drivers licence renewal

Part C: Essential Information for Drivers

Important issues you must tell us about.
Conduct and duties
Hours of work
Dress code
Lawful bookings
Illegal plying for hire
Importuning/touting

Licensed vehicles
Fares
Receipts
Passenger details and inappropriate communication
Social media
Children and vulnerable adults
Touching passengers
Child sexual exploitation
Wheelchair accessible vehicles
Assistance with luggage
Attendance
Prolongation of journey
Exceeding permitted number of passengers
Additional passengers
Lost property
Animals
Assistance dogs
Refusing a fare
Seatbelt law
CCTV
Unauthorised drivers and insurance liability
Rother Penalty Point Scheme

Part D: Fares and taximeters

Fares
Multiple fares
Fare increases
Taximeters

Part E: Vehicles

Important issues you must tell us about.
Applying for a vehicle licence
Issuing a Vehicle Licence
Suspension and revocation of a vehicle licence
Surrender of a licence
Disposal of a vehicle
Offences and convictions/cautions
Vehicle compliance standards
Age limit
Hackney carriages
Private hire vehicles
Distinguishing Features
Eight passenger limit
Vehicle specification
Vehicle compliance test (VCT)
Visual inspection
Exterior of vehicle
Interior

Tinted windows
Windows
Fire Extinguisher
First aid kit
Licence plates
Side door signs
Exemption
Vehicles seating 6, 7 and 8 passengers
Accidents/vehicle damage
Advertising
Taximeters
Fares
Lawful bookings and illegal plying for hire
Wheelchair accessible vehicles
CCTV
LPG conversions
Rother penalty point scheme

Part F: Private Hire operators

General
Planning permission
Eligibility
Licence conditions
Booking records
Lawful bookings and illegal plying for hire
Operator Offices
Suspension and revocation of operators licence.

Part G: Working outside the Rother district

Part H: Investigation of complaints

Part I: Hackney Carriage ranks

Appendix A: Hackney Carriage byelaw (1988)

Appendix B: Licence conditions

Appendix C: Hackney Carriage approved roof signs

Appendix D: Horse Drawn Carriage Conditions

Appendix E: CCTV

Part A

Quick reference checklist:

Driver licence:

	Dual (Hackney Carriage & Private Hire)	
	First Application	Renewal
Minimum age	No	No
Full drivers licence	Yes	Yes
Minimum period held DVLA licence	36 months (or completed advanced driver assessment)	N/A
Licence fee payable	✓	✓
Group 2 Medical	✓	✓
Disclosure & Barring Service check	✓	✓
DVLA driving licence check	✓	✓
Practical driving assessment test	✓	N/A
Character references (x2)	✓	
Rother knowledge test	✓	N/A
Immigration Act 2016 checks – proof of right to work	✓	✓
Spoken English assessment	✓	N/A
Literacy and numeracy assessment	✓	N/A
Passport	✓	✓
Proof of current address (utility bill)	✓	✓
National insurance number	✓	✓
Provide passport photo	✓	✓
Licence period	One year or three	One year or three
	Licence only permits you to drive vehicles licensed by Rother DC	

First application for a vehicle licence:

	Hackney Carriage	Private Hire
Vehicle licence fee payable	✓	
Vehicle Compliance Test	✓ (dated within 4 weeks prior to application and a subsequent VCT 6 months' after issue)	
Inspection by licensing officer	✓	
Insurance	✓	
Certificate of ownership (v5)	✓	
Licence plate	✓	
Door signs	✓	✓
Roof sign	Yes	No
Taximeter (calibrated)	✓ (certificate)	Optional
Licence period	One year	

Renewal of a vehicle licence:

	Hackney Carriage	Private Hire
Vehicle licence fee payable	✓	
Vehicle Compliance Test	✓ (dated within 4 weeks prior to renewal and a subsequent VCT 6 months' after issue)	
Inspection by licensing officer	Not normally	
Insurance	✓	
Certificate of ownership (v5)	✓	
Licence plate	✓	
Door signs	✓	✓
Roof sign	✓	No
Taximeter (calibrated)	✓ (certificate)	Optional
Licence period	One year	

Introduction

1. This handbook provides an overview of hackney carriage and private hire licensing. It is not intended to be an exhaustive or definitive statement of the law and all drivers, operators and proprietors should familiarise themselves with the provisions of the relevant Acts, local byelaws and licence conditions.
2. The handbook must be read in-conjunction with all the Rother taxi licensing webpages: <http://www.rother.gov.uk/article/768/Taxi-Licensing>
3. This handbook will be regularly updated and available on our website. After you are licensed you should read it every 3 months in order to ensure you are up to date.

How you can contact the licensing team.

4. You must make an appointment to see a licensing officer, there is no reception service.

Phone: 01424 787550

Email: licensing@rother.gov.uk

Post: Taxi Licensing Team
 Rother and Wealden Shared Environmental Health Service
 Rother District Council
 Town Hall
 Bexhill on Sea
 East Sussex. TN39 3JG.

5. If you are posting important documents make sure you take a copy for your records in case these are lost in the post. Ensure you put the correct value stamp for the size and weight of the envelope. We do not collect under-paid post from the Post Office.

Types of licence

6. The type of licence required will depend upon the work undertaken:

- (a) Hackney Carriages - Driver's* + Vehicle licence required.
- (b) Private Hire Vehicles - Operator + Driver's* + Vehicle licence required.

* Rother District Council issues DUAL Hackney Carriage & Private Hire driver licences.

Private Hire licensing – the Operator, the Driver and the Vehicle must all hold licences issued by Rother. For example, if you are a Rother licensed dual driver and wish to drive a private hire vehicle; the vehicle must be licensed with Rother and you can only work for a Rother licensed Operator.

Licence Fees

7. The licence fees are reviewed every year. The total fee income received by the Council will cover its costs over a three year period.

Fees and charges are available to view on our web site.

www.rother.gov.uk/article/7310/Application-fees

PAYMENT Options: Payments by cash, cheque or postal order may not be accepted in the future. Please ensure you open a debit or credit card account as soon as possible so you are able to pay by card.

Licence Duration

Vehicle	One year
Driver	New driver (one or three years) Renewal (one or three years)
Private Hire Operator	Three or five years

Part B

Rother driver licences Hackney Carriage and Private Hire Driver licences

You must inform us about a number of important issues during any application process and during the licence period.

8. A list of issues that you must notify us about during the period of a licence (**in writing or email** – you must ask for acknowledgement to prove you complied with the notification requirement):
- Loss of driver badge – **Immediately**.
 - Loss of vehicle plate, internal badge, side door badges - **Immediately**.
 - Accident or damage to licensed vehicle (regardless of whether it was working at the time) - **Within 72 hours**.
 - Change of medical circumstances - **As soon as possible or within 7 days**.
 - Change of address - **Within 7 days**.
 - If you have been arrested or charged for an offence by the Police or any other enforcement agency - **Within 7 days**. You must also notify us again to confirm whether or not you were subsequently convicted - **Within 7 days**.
 - If you have been cautioned by the Police or any other enforcement agency - **Within 7 days**.
 - Arrest, caution, convictions in your capacity as a Ltd Company /Partnership /Director /Company Secretary etc. - **Within 7 days**.
 - All motoring convictions including a fixed penalty notice - **Within 7 days**.
 - You must request permission before you install internal facing CCTV in a licensed vehicle - **Before installation**.
 - You are concerned that a passenger is at risk of sexual exploitation, trafficking etc. - **Immediately**.

Immigration Act 2016

9. With effect from the 1st December 2016 the provisions in the 2016 Act mandate all licensing authorities not to issue licences to illegal migrants and to discharge this duty through immigration checks. (Further information on the type of checks www.gov.uk/government/collections/employers-illegal-working-penalties).
10. This means that driver and operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence. Where a person's immigration permission to be in the UK (known as their 'leave') is time-limited to less than the statutory length for a driver or operator licence, the licence must be issued for a duration which does not exceed the applicant's period of permission to be in the UK. In the event that the Home Office cuts short or ends a person's permission to be in the UK (referred to as curtailment or revocation), any licence that person holds will automatically lapse.

11. The provisions also add immigration offences and penalties to the list of grounds on which taxi and PHV driver and operator licences may be suspended or revoked by licensing authorities.
12. In circumstances where the driver or operator licence expires, is revoked or suspended on immigration grounds, it must be returned to the issuing licence authority. Failure to return the licence will be a criminal offence, punishable on conviction in a Magistrates' Court by a fine.
13. Licensing authorities are under a duty not to issue licences to people who are disqualified by their immigration status from holding them. In determining whether someone is disqualified, licensing authorities are under a statutory duty to have regard to Home Office "*Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector*".
14. The requirement to check the immigration status of licence applicants does not amend or replace the existing 'fit and proper' test that licensing authorities must perform; this includes the obtaining the Certificate of Good Conduct for applicants who have resided abroad for a period of time.

Legislation

15. Legislation relating to Hackney Carriage licensing is primarily covered by the Town Police Clauses Act, 1847, as amended by Town Police Clauses Act 1889 and Part II of the Local Government (Miscellaneous Provisions) Act, 1976.
16. Legislation relating to Private Hire Licensing is covered within Part II of the Local Government (Miscellaneous Provisions) Act 1976.
17. Rother District Council has made Hackney Carriage Byelaws (1986) for Hackney Carriages (see appendix A).
18. Licences are issued subject to the requirements of the byelaws, the statutory provisions, and the conditions (see appendix B) attached to a licence

'Fit and Proper' person test

19. Passengers should be at the centre of a licensing authority's taxi licensing policies and processes. As the Casey Review (Rotherham) noted 'the safety of the public should be the uppermost concern of any licensing and enforcement regime: when determining policy, setting standards and deciding how they will be enforced.' There is no area where this is more important than in the application of the 'fit and proper person' test and its modern interpretation 'safe and suitable'.
20. Local Government (Miscellaneous Provisions) Act 1976 requires the Council to be satisfied that each applicant for a driver licence is a fit and proper person to hold such a licence prior to its grant.

21. There is no judicially approved test of fitness and propriety; it is therefore a matter for each Council to decide each application on its merits and after completion of a number of checks. In his publication 'Taxis - Licensing Law and Practice', James Button, an acknowledged authority, suggests the following test could be applied:

'Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom you care, to get into a vehicle with this person alone?'

'If the answer to the question is an unqualified 'yes' then the test is probably satisfied. If there are any doubts in the minds of those who make the decision then further consideration should be given as to whether this person is a fit and proper person to hold a driver's licence.'

Character References – two good character references

22. Applicants are required to submit information on the application form concerning their previous employment and history, together with professional and personal references. If there is any doubt about the suitability of a person to act as a licensed driver, the application may be referred to the Taxi and Private Hire Licensing Panel for consideration. In that event, an applicant will be given the opportunity to attend and support his/her application.
23. The reference form should be completed by a person who has known the applicant for at least twelve consecutive months. The referee should complete and sign the form. By completing the form, the referee will be stating that they consider the applicant to be sober, honest, well behaved and fully competent to drive. The referee in doing this will be recommending the applicant to the Council as a hackney carriage/private hire driver within Rother. Relatives will not be considered acceptable as referees.
24. First referee - should be completed by a present employer. If a present employer is not available, then a previous employer will be adequate. If an employer is not available, e.g. the applicant was previously self-employed, then a second professionally qualified person as listed below, will be acceptable.
25. Second referee - This should be signed by a Member of Parliament, Justice of the Peace, Minister of Religion, Local Councillor, Bank Officer, Police Officer, Doctor or any other professionally qualified person (engineer, solicitor, teacher, etc) who has known the applicant personally for at least one year.

Drivers Licence Requirements

26. Every driver of a Hackney Carriage licensed by the Council to ply for hire in the Rother District must hold a current Hackney Carriage driver's licence issued by the Council. It is an offence to ply for hire unless both the driver and the vehicle are licensed to do so in the area in which they operate.

27. Every driver of a Private Hire vehicle licensed by the Council must hold a current Private Hire (or dual driver) driver's licence issued by the Council. It is an offence to operate the vehicle unless the operator, driver and vehicle are all licensed to do so by Rother District Council.
28. A licence holder must ensure that he/she is fully aware of their duties and responsibilities related to the legislation, licence conditions (see appendix B) and the provisions in this handbook.

Eligibility

29. The requirements for Hackney Carriage and Private Hire driver's licences are the same (the Council issues dual driver licences):
 - Have the right to live and work in the UK (Immigration Act 2016).
 - Provide an enhanced criminal record check and evidence that they are not on a child and/or vulnerable adult barring list.
 - Hold and have held for at least 36 months a full driver's (or if not, has completed an advanced driving assessment).
 - Evidence that he/she is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive.
 - Agree to the Council checking their Driver & Vehicle Licensing Agency (DVLA) driving licence history.
 - Provide a medical report of their current medical fitness to DVLA Group 2 standard.
 - Be a fit and proper person.
 - Meet the requirements of the Council's Convictions Policy.
 - Have passed the Council's specified practical driver test assessment.
 - Have passed the Rother knowledge test.
 - Have sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for.
 - Have adequate literacy and numeracy skills to provide the service that they wish to be licensed for.
 - Provide character references (x2)

Driver & Vehicle Licensing Agency (DVLA) driving licence

30. Your current driving licence must be presented for inspection: on first application (must have held for a minimum of 36 months); on every renewal application thereafter and when requested to do so by a licensing officer.
31. All Hackney Carriage and Private Hire drivers must, within seven days disclose to the Council in writing details of any motoring conviction imposed on them. Details will include the date of the offence and/or date of conviction, the nature of the charge/conviction and the full penalty/sentence passed. This includes fixed penalty notices and points.

32. Should an offence or conviction occur and it is subsequently not reported to the Council, Section 61LGMPA 1976 will apply and the licence may be suspended or revoked, or penalty points issued.
33. Your driving licence must always show your current address. Failure to notify the DVLA of changes of name and address is a specific offence.
34. The Council may use a third party provider to access your DVLA driving licence history. The Council may also use your personal data (driving licence number, National Insurance number and the postcode on your driving licence) to gain via a mandate your DVLA driving licence status via Gov.uk online portal (<https://www.gov.uk/view-driving-licence>).
35. Should the new applicant/existing HC/PHV licensed driver be convicted of an endorseable motoring offences where the current DVLA points exceed 6 points on his/her DVLA driving licence, he/she shall be required to appear before the Taxi & Private Hire Licensing Panel, in the case of a new application to show good reason why the Council should grant, or in the case of an existing driver, show good reason why the Council should not suspend or revoke his/her licence. This also applies to drivers disqualified for exceeding 12 DVLA penalty points in a three year period.

Medical fitness

36. You are responsible for paying all costs associated with medical examination(s), reports and other tests/assessments e.g. exercise test.
37. First and renewal applications for a licence must be accompanied by a medical report provided by the applicant's own registered family medical practitioner (or doctor who has access to the applicant's medical records) on the form supplied by the Council which meets the DVLA's group two standards. If for any reason it is necessary for the medical to be carried out by a different doctor, then the doctor carrying out the medical must certify that they have had access to the full medical record of the applicant.
38. The Council has adopted the provisions of DVLA "Medical Standards of Fitness to Drive" as it applies to Group 2 licences.
www.gov.uk/government/collections/assessing-fitness-to-drive-guide-for-medical-professionals
39. The Council provides the standard medical report form, this must be given to your doctor, download the form from:
www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Dual_Driver_Application_Process.aspx
40. Following the driver's 65th birthday a medical certificate will be required annually.
41. If a driver has submitted a satisfactory medical in the six months preceding an application threshold date, then the requirement to submit a further medical will be

waived until the date of the next required medical examination date, provided that this does not conflict with any medical condition attached to the licence.

42. If at any time a driver fails to meet the current Medical Standards then the licence may be suspended or revoked.
43. In any case of doubt regarding medical fitness, clarification may be sought from the Council's medical advisor.

Illness/ Injury/ Change in medical circumstances

44. If a driver suffers any injury or illness or change in medical circumstances which may affect his/her fitness to drive in any way, they must notify the Council, in writing as soon as possible or at the latest within seven days. Non-compliance with this requirement will result in a sanction.

Criminal Convictions' Policy

45. The purpose of the Council's Criminal Convictions' 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 licence. The Policy can be downloaded www.rother.gov.uk/article/12014/Criminal-Convictions-Policy
46. 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
 - The person does not pose a threat to the public
 - The public are safeguarded from dishonest persons
 - The safeguarding of children, young persons and vulnerable persons.
47. Before incurring any driver licence application (including renewals) costs, drivers must read the conviction policy and check whether any convictions (including spent convictions) will bar them from holding a licence.

Disclosure and Barring Service

48. An enhanced criminal records check, in accordance with the provisions of Section 47 of the Road Traffic Act 1991, will be required on initial application and every renewal thereafter. Pursuant to the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, the Council considers spent convictions. The applicant will be responsible for any charge for using this service.
49. Disclosure forms must be returned to the Licensing Officer together with the correct fee, (cheques should be made payable to Rother District Council). In support of the form, applicants are required to provide at least two of the following: Passport, driving licence, birth certificate, marriage certificate or P45. In addition,

proof of address must be provided, e.g. a utility bill or bank statement less than three months old.

50. The results of any search will be sent to either the Licensing Officer or the applicant (who must then forward it to the Licensing Officer). All information is treated in confidence and will only be taken into account in relation to the application. The disclosure of a criminal record or other information will not debar you from gaining a licence unless the Council's Licensing and General Purposes Committee, or Taxi and Private Hire Licensing Panel, consider that the conviction renders you unsuitable. Any offences disclosed will be dealt with in accordance with the Council's 'Guidelines Relating to the Relevance of Convictions'.
51. Failure to complete a disclosure form will be regarded as a refusal to submit the required documentation and the application will not be considered. Should the applicant have resided in a country other than the United Kingdom during the five years previous to an application, a certificate of Authority from the Country in question will be required.
52. The driver shall, within 7 days disclose to the Council in writing details of any charges conviction/caution of any kind imposed on them during the period of the licence. Details will include the date of the offence and/or date of conviction, the nature of the charge/conviction and the full penalty/sentence passed.
53. Drivers are expected to sign up to the Disclosure and Barring Service (DBS) update service (annual fee payable). This will speed up the licence application and renewal process. Drivers must be able to provide evidence of continuous registration and nomination throughout the duration of their licence.
<https://www.gov.uk/db-update-service>
54. All information is treated in confidence and will only be retained or taken into account in relation to the application and held for no longer than is necessary. Licensed drivers using the update service must keep a copy of their original DBS certificate.
55. The disclosure of a criminal record or other information will not necessarily debar you from gaining a licence. Any offences disclosed will be dealt with in accordance with the Criminal Convictions' Policy. The application may be referred to the Taxi & Private Hire Licensing Panel for determination.
56. If a new 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. This period will be for ten years. This is because we are considering some offences that are not spent for ten years.

Guidelines relating to the relevance of convictions or other relevant information

57. When submitting an application for a licence to drive a hackney carriage or private hire vehicle, you are requested to declare all convictions or cautions you may have, spent or otherwise (Rehabilitation of Offenders Act 1974 Statutory

Instruments 2002 (Exception) Amendment No. 441). The information you give in this respect will be treated in confidence and will only be taken into account in relation to your application.

58. You should be aware that the licensing authority has powers provided, for it to check with the Disclosure and Barring Service (DBS) for the existence and content of any criminal record held in the name of an applicant. In determining whether an applicant/licensed driver is/remains a fit and proper person, the Council will, in every instance, also take into account any disclosures including other relevant information that appear on the DBS, whether or not they resulted in a conviction. Information received from the DBS will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary.
59. The disclosure of a criminal record, past or present, including any other information, will not debar you from gaining a licence unless the Authority considers that it renders you to not be a fit and proper person. In making this decision the Authority will consider the nature of the offence, how long ago it was committed and your age at the time, and any other factors that may be relevant. The overriding consideration will be the protection of the public.
60. Any applicant refused a driver's licence on the ground that he/she is not a fit and proper person to hold such a licence has a right of appeal to the Magistrates Court.

Arrangements for the Taxi & Private Hire Licensing Panel determining an application when a Criminal Conviction has been taken into account.

61. All convictions (spent and unspent) and other relevant information will be considered by the Panel in relation to the fit and proper person test.
62. Normally, five days before the meeting, the applicant shall be sent a copy of the report. The applicant or a representative shall be invited into the meeting.
63. The Panel shall hear the submissions of the applicant or representative as to why the applicant considers they are a fit and proper person to hold a hackney carriage or a private hire driver's licence, or a private hire operator's licence.
64. The Members of the Panel may ask questions of the applicant. The Panel shall give the applicant or representative the opportunity to make any final comments. The Panel shall proceed to a decision or may adjourn to make a decision.
65. The decision shall be confirmed in writing after the meeting.
66. In the event that the applicant or representative does not attend, the meeting may proceed to determine the application in their absence, having regard to any written representations submitted by or on behalf of the applicant.

Notification of any charges/convictions/cautions

67. The driver shall within seven days disclose to the Council in writing details of any arrest/charges/convictions/cautions of any kind imposed on them during the period of the licence. Details will include the date of the offence and/or date of conviction/caution, the nature of the charge/conviction/caution and the full penalty/sentence passed. This includes fixed penalty notices and points.

Motoring Offences

68. Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street etc. will not under normal circumstances prevent a person from proceeding with an application.
69. Serious Traffic Offences (including the use of mobile phones). The Council's Convictions' Policy does reference some motoring convictions. The Policy can be downloaded www.rother.gov.uk/article/12014/Criminal-Convictions-Policy
70. Some motoring convictions will debar a new applicant from being considered for a grant of a licence e.g. an application for a licence will not normally be considered if an applicant has more than one conviction for an offence of driving whilst using a mobile phone.
71. Some motoring convictions may result in existing licensed drivers being required to appear before the Taxi & Private Hire Licensing Panel, to show good reason why the Council should not suspend or revoke his/her licence.
72. If refused, no further application will be considered until a period of three years free from conviction has elapsed.

DVLA driving licence penalty points

73. Should the new applicant/existing licensed driver be convicted of an endorseable motoring offences where the current DVLA points exceed 6 points on his/her DVLA driving licence, he/she shall be required to appear before the Taxi & Private Hire Licensing Panel, in the case of a new application to show good reason why the Council should grant, or in the case of an existing driver, show good reason why the Council should not suspend or revoke his/her licence. This also applies to drivers disqualified for exceeding 12 DVLA penalty points in a three year period.
74. If the Council refuse to grant, or suspend/revoke his/her Rother licence - no further application will be considered until a period of three years free from conviction has elapsed (or as per the Council's Convictions Policy).
75. The driver shall within seven days disclose to the Council in writing details of any charges/convictions/cautions of any kind imposed on them during the period of the licence. Details will include the date of the offence and/or date of conviction/caution, the nature of the charge/conviction/caution and the full penalty/sentence passed. This includes fixed penalty notices and points.

Practical driver test assessment

- 76. All new applicants for both Hackney Carriage and Private Hire driver's licences must complete and pass the Private Hire/Hackney Carriage Practical Driving Test assessment specified by the Council. (This will be based on the test previously carried out by the Driver & Vehicle Standards Agency). The assessment is subject to an additional fee.
- 77. This assessment is more demanding than the standard learner driver test and it contains elements that relate specifically to driving a Private Hire/Hackney Carriage vehicle.
- 78. All licensed drivers who have been subject to allegations of poor driving standards may be required to retake and pass the test. This could be linked to the suspension of a driver licence.

Rother knowledge test

- 79. All new applicants for a drivers licence must complete and pass the Council's knowledge test before being considered for grant of a licence (knowledge (10 questions, 60 per cent pass mark), traffic laws (8 questions, 75 per cent pass mark), licensing conditions (8 questions 75 per cent pass mark) and traffic signs (8 questions, 50 per cent pass mark), vehicle maintenance and best practice (6 questions, 67% pass mark).

For further information: www.rother.gov.uk/article/10687/Knowledge-test

- 80. Licensed drivers who fail to renew their licence in the required time will be treated as a new applicant and will be required to complete and pass the Council's local knowledge test before being considered for grant of a licence.
- 81. The knowledge test is subject to an additional fee.

Spoken English assessment

- 82. New applicants must have sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for.
- 83. A new applicant will be required to take and pass the Council's specified spoken English language assessment before being considered for grant of a licence (the assessment is subject to an additional fee).

Literacy and numeracy skills assessment

- 84. New applicants must have adequate literacy and numeracy skills to provide the service that they wish to be licensed for.
- 85. A new applicant will be required to take and pass the Council's specified literacy and numeracy skills assessment before being considered for grant of a licence (the assessment is subject to an additional fee).

Issuing licence and wearing badges etc.

86. Licences are issued subject to Conditions and Byelaws (as amended). It is the licence holder's responsibility to hand a copy of their licence to whom ever they will be working for. If Private Hire, to the Private Hire operator, if Hackney Carriage, the proprietor of the vehicle.
87. Drivers are required to have on display and be worn on their person the photo badge issued by the Council at all times whilst they are working, in a position where it is clearly visible.
88. The badge remains the property of the Council and on ceasing to be a Hackney Carriage, Private Hire or dual driver, the badge must be returned. Copying of the badge is not permitted.
89. Loss of the badge must be report to the Council immediately so that a new one may be issued (a fee is payable).

Suspension, Revocation or Refusal to Grant or Renew

90. If at any time, there is any reason to doubt that a person is "fit and proper" to continue to hold a driver licence and there is a risk to public safety, that licence may be suspended or revoked immediately.
91. The Council may also suspend, revoke or refuse to grant or renew a licence on any of the following grounds:
 - arrest/conviction/caution of an offence involving dishonesty, indecency or violence;
 - conviction/caution of an offence under, or failure to comply with, any relevant requirements of law;
 - any other reasonable cause.
92. If there are grounds that cast doubt as to whether a driver is/ remains a fit and proper person to hold a licence, then that driver may be requested to provide an account of their actions. This will normally be by means of an interview with an appropriate Officer of the Council, and such interviews will be conducted with reference to the Police and Criminal Evidence Act Codes of Practice.
93. Under the Council's scheme of delegation the matter will be determined either by the appropriate Delegated Officer or referred to the appropriate Committee/Taxi & Private Hire Licensing Panel of the Council, in the latter case the individual concerned will be given the opportunity to attend and address the Committee/Taxi & Private Hire Licensing Panel.
94. In determining the matter the Delegated Officer/Committee/Taxi & Private Hire Licensing Panel may, as appropriate, decide: to take no further action; to issue a warning; to administer a caution; or to suspend, revoke or refuse to renew or grant the licence. For a suspension, revocation or refusal the licence-holder will be given the opportunity to attend the appropriate Committee/Taxi & Private Hire

Licensing Panel of the Council before any decision is taken, unless a decision has to be taken urgently because of concerns for passenger safety.

95. If the licence is suspended, revoked or refused the Council will give written notice of the grounds within 21 days. There is a right of appeal to the Magistrates Court.

How to apply for your first drivers licence

96. All the information you require is in this handbook and on our web site (including application forms and fees): www.rother.gov.uk/article/768/Taxi-Licensing

97. You will need to make an appointment to meet with a Licensing Officer; you will need to bring:

- Completed application form.
- Group 2 medical form completed by your own GP (download form) www.rother.gov.uk/article/10689/Dual-Driver-application-process
- Licence fee www.rother.gov.uk/article/7310/Application-fees
- Enhanced Criminal Record Disclosure application form
- Enhanced Criminal Record Disclosure fee
- DVLA driving licence
- Completed DVLA driving licence check form
- Private Hire/Hackney Carriage Practical Driving Test pass certificate
- Immigration Act 2016 checks – proof of right to reside or right to work (if applicable)
- Passport (if you do not have a passport – birth certificate)
- Proof of current address (utility bill)
- National insurance number
- Character references (x2)

98. After the appointment you will need to arrange to sit the following assessments:

- Knowledge test
- Spoken English assessment (when introduced)
- Literacy and numeracy assessment (when introduced)

99. Please check our latest application procedure: www.rother.gov.uk/article/10683/Driver-licences

How to apply for a drivers licence renewal

100. Please refer to the checklist at the front of this handbook. All the information you require is in this handbook and on our web site (including application forms and fees): www.rother.gov.uk/article/768/Taxi-Licensing

101. The driver is responsible for ensuring he/she commences the licence renewal process well in advance of the licence expiry date (at least 3 months). A driver should not rely on reminders sent by the council (this service may be withdrawn in the future).

102. Drivers are not entitled to work after the expiry date until they have received their new paper licence and photo badge.
103. To renew your licence you will need to make an appointment to meet with a licensing officer; you will need to bring:
- Completed application form.
 - Group 2 medical form completed by your own GP (download form)
www.rother.gov.uk/article/10689/Dual-Driver-application-process
 - Licence fee www.rother.gov.uk/article/7310/Application-fees
 - Enhanced Criminal Record Disclosure application form (or update service reference plus original certificate number)
 - Enhanced Criminal Record Disclosure fee (not for update service)
 - DVLA driving licence
 - Completed DVLA driving licence check form
 - Immigration Act 2016 checks – proof of right to reside and sight to work
 - Passport (if you do not have a passport – birth certificate).
 - Proof of current address (utility bill)
 - National insurance number
104. Please check our latest application procedure:
www.rother.gov.uk/article/10689/Dual-Driver-application-process

Part C

Essential Information for Drivers

105. A list of matters that a licensed driver must notify us about during the period of a licence (**in writing or email** – you must ask for acknowledgement to prove you complied with the notification requirement).
- Loss of driver badge - **Immediately**.
 - Loss of vehicle plate, internal badge, side door badges - **Immediately**.
 - Accident or damage to licensed vehicle (regardless of whether it was working at the time) - **Within 72 hours**.
 - Change of medical circumstances - **As soon as possible or within 7 days**.
 - Change of address - **Within 7 days**.
 - If you have been arrested or charged for an offence by the Police or any other enforcement agency - **Within 7 days**. You must also notify us again to confirm whether or not you were subsequently convicted - **Within 7 days**.
 - If you have been cautioned by the Police or any other enforcement agency - **Within 7 days**.
 - Arrest, caution, convictions in your capacity as a Ltd Company /Partnership /Director /Company Secretary etc. - **Within 7 days**.
 - All motoring convictions including a fixed penalty - **Within 7 days**.
 - You must request permission before you install internal facing CCTV in a licensed vehicle - **Before installation**.
 - You are concerned that a passenger is at risk of sexual exploitation, trafficking etc. - **Immediately**.

Conduct and duties

106. A high standard of conduct and behaviour is expected from licensed drivers who should in all their dealings with the public (including other licensed drivers) and officials be prompt, polite and helpful. Instances of improper conduct and misbehaviour will be viewed most seriously; a record is maintained of complaints against individual drivers. Improper conduct and misbehaviour can result in your licence being endorsed with Rother penalty points, suspended, revoked, or a refusal to renew.
107. Every driver must co-operate with any authorised officer of the Council or a Police Constable and in this regard they must obey all reasonable requirements and provide all assistance and information requested of them. (Local Government (Miscellaneous Provisions) Act 1976, Section 73).

Hours of work

108. Drivers should refrain from working long hours (more than 11 consecutive hours in a day) and take adequate rest periods when tired.

Dress code

109. Drivers should ensure that they look smart and of clean appearance at all times and must not dress in a manner which is likely to embarrass or offend passengers. Items of clothing must cover the shoulders and torso; legs should also be covered to just above the knee.

Lawful Bookings

110. Hackney Carriage

- When situated on an appointed rank in the Rother district; or
- When proceeding at a reasonable speed to one of the appointed ranks and being hailed by a prospective hirer; or
- When pre-booked.

111. Private Hire

- Only when pre-booked, such as telephone call or some direct method of communication with the licensed operator's base and entered in the operator's records before the commencement of the journey.

Illegal Plying for Hire

112. Hackney Carriage

- When a Hackney Carriage is parked other than on an appointed rank.
- When the driver either in person or through agents, calling out or otherwise inviting any person to hire such carriage.

113. Private Hire

- Inviting potential customers to hire the vehicle for an immediate booking; or
- Accepting an offer for an immediate booking from a potential customer.

114. It is an offence for a private hire vehicle to tout for business. The vehicle must not look available for hire and can not sit on ranks. After dropping a passenger at a station or the airport etc you must leave the area immediately (unless you have a pre-booked pick up from the same area). If you are approached by a potential passenger, you can hand that person a business card and they can call your operator and book a journey with you. You should not call the operator yourself or let the passenger use your mobile phone.

Importuning/touting

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

116. The rules for drivers of private hire vehicles are simple; all bookings must be made in advance therefore there is no reason to be linked to importuning/touting.

Licensed Vehicles

117. Drivers should ensure the vehicle they are driving is licensed; displaying plates & badges and continues to meet our vehicle specifications.
118. The condition and cleanliness of the interior is a very important for passengers - the test being that passengers must be able travel in the vehicle in their best clothes.
119. Before picking up a new passenger, drivers should check and remove any rubbish etc. left behind by the previous passengers.

Receipts

120. The driver must make provision to provide a proper receipt if requested.

Passenger details and inappropriate passenger communication

121. Drivers must not retain any passenger details e.g. address, email, and phone numbers for longer than is necessary.
122. Drivers must not misuse passenger contact details e.g. sending unsolicited text messages or other forms of communication.
123. Drivers should be mindful of the numerous pitfalls relating to responding to non business contact from passengers and the possibility of true/false allegations being made against you at a later time.

For their own protection and for safeguarding purposes, drivers must report inappropriate communication, or any behaviour causing concern from passengers to their employer or Licensing Officer as soon as possible. Issues regarding school pupils must be reported to the Head Teacher, and the County Council School Transport Officer if applicable.

Social Media

124. Drivers must not use social media to make any uninvited contact with passengers. Drivers should be mindful of the numerous pitfalls related to responding to non business contact from passengers and the possibility of true/false allegations being made against you at a later time.

Children and vulnerable adults

125. Drivers need to take extra care when transporting children, young persons and vulnerable adults. Care must be taken not to appear to be over familiar in conversation or any other form of communication.

Touching passengers

126. Drivers should operate a no touching policy e.g. pass the seatbelt but don't put it around the passenger unless asked to do so. If a passenger requires assistance getting in and out of the vehicle, the driver can offer assistance but he/she must be certain the passenger agrees to this. The driver should ask the passenger how they would like to be helped before touching the passenger e.g. "would you like to take my arm".

Child Sexual Exploitation

127. Licensed drivers can play a very valuable safeguarding role in child sexual exploitation simply by applying their skills of observance and awareness of the children and young people they see in their daily work. This could be their own passengers, or other young people who they see when travelling about who may be displaying any of the behaviours set out below or causing other concerns including:
- Going or being taken to unusual or known problematic locations/premises/hotspots.
 - Not always where they should be or in risky situations.
 - Being in your vehicle with someone older than themselves or with someone who tries to control what they do, who they see, how they spend their money etc.
 - Being offered money, cigarettes, alcohol, drugs, somewhere to stay in exchange for sexual activity.
128. If you see a child you may think is at risk or worried about what you have seen or heard you must contact Sussex Police (dial 101) - or dial 999 if there is immediate danger and state "you are concerned about possible child sexual exploitation".
129. The Council may introduce compulsory training for drivers and operators about child sexual exploitation.

Wheelchair accessible vehicles

130. Drivers should check disabled passenger and wheelchair are both secured before starting a journey.
131. Sections 165 and 167 of the Equality Act 2010 come into force on the 6th April 2017. This means that from April drivers of designated wheelchair accessible taxis and private hire vehicles will be required to transport wheelchair users in their wheelchair, provide passengers in wheelchairs with appropriate assistance and charge wheelchair users the same as non-wheelchair users.
www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles

Safety of passengers entering or alighting from the vehicle

132. Drivers must take all reasonable precautions to ensure the safety of passengers entering or alighting from the vehicle and have regard to the safety of other persons e.g. pedestrians, cyclists and other vehicles. Drivers should avoid passengers entering or alighting into traffic (if this is unavoidable the driver should stand by the door and supervise its opening/closing).

Assistance with luggage

133. Drivers shall, when requested, carry in the vehicle a reasonable quantity of luggage*. All luggage must be carried in the boot space and should be sufficiently secured to prevent it causing harm to anyone travelling within the passenger compartment of the vehicle. (*See Part E vehicle specification).
134. Drivers shall also offer reasonable assistance with the loading or unloading of luggage/shopping and in carrying it to or from the entrance of any building, station or other place the passenger is taken up or set down e.g. take shopping/suitcases to the front door but you are not expected to take them up four flights of stairs.

Attendance

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

Prolongation of journey

136. It is an offence for the driver of a vehicle, without reasonable cause, to unnecessarily prolong in distance or in time the journey for which the vehicle has been hired.
137. The driver is obliged to take the shortest route unless stipulated by the passenger.

Exceeding the permitted number of passengers

138. The driver shall not cause or suffer or permit to be conveyed in any Hackney Carriage or Private Hire vehicle a greater number of persons than the number of persons specified in the licence issued in respect of that vehicle being driven.

Additional passengers

139. Once hired the driver shall not carry any other passengers unless there is absolute agreement by the original passenger to do so.

Lost Property

140. Drivers shall search the vehicle for any property, which may have been accidentally left there by the hirer immediately after each hiring or as soon as reasonable practicable thereafter.
141. The proprietor or driver of a Hackney Carriage or Private Hire vehicle shall, if any property accidentally left in the vehicle by any person who may have been conveyed in the vehicle, be found by or handed to him, take the property as soon as possible and in any event within 48 hours, if not sooner, to a convenient police station and leave it in the custody of the officer in charge (ensure you receive a receipt for it).

Animals

142. The driver of a vehicle must not carry their own animals in a licensed vehicle whilst working.
143. Passenger's animals may be carried at the discretion of the driver and be carried in a secure manner in the rear of the vehicle so as not to distract the driver.

Assistance dogs

144. All licensed drivers have a duty to carry, free of charge, guide, hearing and other assistance dogs in their licensed vehicles. These duties have been introduced under Section 37 of the Disability Discrimination Act 1995.
145. A driver can refuse to take an assistance dog if he/she holds an Exemption Certificate which relates to a specific medical condition. The driver should politely explain the situation and show the passenger the Certificate.

Refusing a fare

146. Drivers can not refuse a fare without reasonable excuse e.g. risk of physical violence, passengers who are abusive, racist, sexist, foul mouthed, extremely drunk, refuse to stop smoking, been sick over themselves etc.

Ensuring compliance with seatbelt law

147. You must keep up to date with the law covering seatbelt use.
 - Seatbelt law overview: <https://www.gov.uk/seat-belts-law/overview>
 - Children and seatbelts: <https://www.gov.uk/child-car-seats-the-rules>

CCTV

148. There is no requirement to fit internal facing CCTV but if it is installed it must comply with vehicle licence CCTV conditions and our CCTV specification. Audio recordings are not permitted. Please refer to CCTV section in the “Vehicle” section of this handbook and licence conditions (appendix E).

Unauthorised drivers and insurance liability

149. Drivers and proprietors are reminded of the requirements of Part VI of the Road Traffic Act 1988 in relation to the provision of third party insurance (see section 60 of the 1847 Act and Section 48 of the 1976 Act). No person should act as a driver without the consent of the proprietor.

Rother Penalty Point Scheme

150. The aim of a Rother penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of driver's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.
151. The primary objective of the penalty point scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public. Penalty points remain for twelve months. The period is on a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.
152. Where a licensee accumulates 12 or more penalty points in any 12 month period, the matter will be referred to the Taxi & Private Hire Licensing Panel for the Panel to decide whether the driver remains a fit and proper person. The Taxi & Private Hire Licensing Panel may then suspend or revoke a licence, or issue a warning to the Licensee, depending upon the circumstances.
153. For further details and a list of penalty point offences
www.rother.gov.uk/article/10685/Penalty-points-scheme

Part D

Fares and taximeters

Fares

154. You can not charge more for collecting a disabled passenger (e.g. time to load wheelchair in boot etc.) Normal waiting time can be charged if they are late. (Disability Discrimination Act/Equality Act).
155. Private Hire vehicle drivers can charge what they feel is appropriate for the requested pre-booked journey, subject to agreement by their passenger at the time of booking.
156. Hackney carriage vehicles must be fitted with a calibrated calendar taximeter. The taximeter must be used for all journeys wholly within the Rother area. The meter must not be started until the passenger is in the vehicle and you pull away. Dead mileage driving to and from the passenger's address can not be charged.
157. Hackney carriage drivers are not obliged to take fares starting or finishing outside of the Rother district. These journeys can either be charged using the meter or a pre-agreed fixed fare. The passenger should not be in any doubt about how the fare will be charged.
158. MAXIMUM fares for Hackney Carriages are set by the Council. The Council's fare card showing the rates must be prominently displayed in the vehicle.
159. Where the Hackney rate charged is less than the Council's maximum rate then an appropriate fare card for this lower rate must be prominently displayed in the vehicle in addition to the Council's fare card (both fare cards must be on display).
160. Regardless of whether the meter is set to the Council's maximum fare or your own lower fare rate - it is an offence to charge more than the fare shown on the meter.

Multiple fares

161. The Transport Act 1985 introduced a provision that allows pre-booked passengers to be carried at separate fares in licensed Private Hire cars. Private Hire operators may therefore, 'marry up' two or more bookings, whilst charging each passenger a separate fare. The agreement of all the intending passengers is, however, necessary before the car may be shared. The section is obviously useful for regular clients, for example, for use by a number of commuters hiring a car to the railway station each day. This provision may also be used by Hackney Carriage proprietors where Hackney Carriages are being used for pre-booked Private Hire work.

Fare Increases

162. Hackney Carriage drivers can request a fare increase, preferably in October so the increase can take effect in April. The request should be made in writing and give justifiable reasons for an increase.
163. All Hackney Carriages will be required to have their meters up dated within one week of the change if the Council's new rate is going to be charged. A new Calibration Certificate must be sent to the Council within 7 days. The certificate must be issued by an approved installer and the meters sealed.
164. Any proprietor who charges the Council's new increased rate but fails to have their meter changed in the agreed timescale by an approved installer, is liable to have their vehicle licence suspended until such time as the meter is suitably updated and calibrated.
165. The Council's updated fare card showing the rates must be prominently displayed in the vehicle. Where the Hackney rates charged are less than the Council's maximum rate then the appropriate fare card must be prominently displayed in the vehicle in addition to the Council's fare card (both fare cards must be on display).

Taximeters

166. The provision of a taximeter is mandatory for a Hackney Carriage. The meter must be a calendar controlled meter, calibrated and must be set to the Council's fare tariff applicable for that time. The Calibration Certificate must be issued by an approved installer and the meter sealed. From October 2016 all meters must comply with Measuring Instruments (Taximeters) Regulations 2006.
167. The Council's fare card shows the maximum fares that may be charged and must be displayed prominently within the vehicle.
168. Where the rates charged are less than the Council's maximum rate then the appropriate fare card for this lower rate must be prominently displayed in the vehicle **in addition to the Councils tariff card**
169. Taximeters are optional in private hire vehicles. If fitted, the meter must be a calendar controlled meter and calibrated. The Calibration Certificate must be issued by an approved installer and the meter sealed.

Part E

Vehicles

170. Only the proprietor of the vehicle can licence the vehicle and this must be a named individual. Please see Appendix C for Horse Drawn Carriage Licence Conditions
171. All licensed vehicles must :
- be in '**pristine**' condition (exterior & interior) and maintained in such a condition;
 - have the correct **insurance cover** for hackney carriage or private hire work;
 - comply with the Council's specification requirements;
 - comply with the Council's testing regime.
172. List of issues that the vehicle licence holder must notify us about during the period of a licence (**in writing or email** – you must ask for acknowledgement to prove you complied with the notification requirement).
- Loss of vehicle plate, internal badge, side door badges - **Immediately**.
 - Accident or damage to licensed vehicle (regardless of whether it was working at the time) - **Within 72 hours**.
 - Change of address - **Within 7 days**.
 - If you have been arrested or charged for an offence by the Police or any other enforcement agency - **Within 7 days**. You must also notify us again to confirm whether or not you were subsequently convicted - **Within 7 days**.
 - If you have been cautioned by the Police or any other enforcement agency - **Within 7 days**.
 - Arrest, caution, convictions in your capacity as a Ltd Company /Partnership /Director /Company Secretary etc. - **Within 7 days**.
 - You must request permission before you install internal facing CCTV in a licensed vehicle. - **Before installation**.

Applying for a Vehicle Licence

173. If the vehicle meets the required specification standards, a vehicle licence application form must be completed and submitted to the Council with the appropriate fee and the following documents:
- The vehicle registration document (V5); proof of ownership;
 - Vehicle Compliance Test for the vehicle no older than four weeks old at the date of application;
 - Current insurance certificate for the vehicle; and
 - Certificate of calibration of calendar meter for Hackney Carriages (and if fitted in Private Hire vehicles).
 - Correct fee www.rother.gov.uk/article/7310/Application-fees

Issuing a Vehicle Licence

174. Vehicle licences are issued subject to Conditions and Byelaws (as amended), (see appendices A and B).
175. The licence plates shall at all times remain the property of the Council and must be returned within seven days to the Council if the vehicle ceases to operate as a licensed Hackney Carriage or Private Hire vehicle.

Suspension and Revocation of Vehicle Licence

176. The Council may suspend, revoke or refuse to renew a vehicle licence if the vehicle is unfit, any offence has been committed by the operator or driver, or for any other reasonable cause.

Notice of the grounds shall be given to the proprietor within 14 days and an appeal may be made to a Magistrates Court.

Surrender of licence

177. Vehicle plates, internal badges and door signs should be surrendered to the Council.

Disposal of the Vehicle

178. The licence plates shall at all times remain the property of the Council and must be returned within seven days to the Council if the vehicle ceases to operate as a licensed Hackney Carriage or Private Hire vehicle.

Offences and Convictions/Cautions

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

Vehicle Compliance Standards

180. The Council has adopted, as a minimum standard, the National Inspection Standards, please see www.rother.gov.uk/article/10684/Vehicle-licences

Age limit of vehicles

181. There is no age limit on vehicles; subject to the vehicle meeting the Vehicle Compliance Test and vehicle specifications. Licensing officers will also inspect a vehicle presented for first licensing and determine its eligibility. Vehicles may also be called in for inspection by Licensing Officers before a licence is renewed and at other times.

Hackney Carriages

182. Hackney Carriage is legally defined in the Town Police Clauses Act 1847 but in general terms may be described as a vehicle which can stand or ply for hire in a street, which has been duly licensed by the Council and which displays a Hackney Carriage plate both internally and externally.
183. Hackney carriages must be fitted with the Council's approved roof sign. This is a "Streamline" style white light measuring 760mm in length. Wording on the front of the light must be all black and in the following fonts and sizes (confirmation of layout can be seen at Appendix D):

For Hire	Font Ariel	Size 35mm
Taxi	Font Ariel	Size 40mm
District of Rother	Font Ariel	Size 30mm
Company Name	Font Ariel	Size 30mm

184. London style cabs are exempt from this requirement due to the shape of the vehicle's roof and a light built into the vehicle.
185. The roof sign must be illuminated when available for hire.
186. Hackney Carriages must be fitted with rear door signs.
187. The Council will not licence a vehicle as a Hackney Carriage if there is no intention to predominately work (stand or ply for hire) the vehicle as a Hackney Carriage within the Rother district.

Limiting numbers of Hackney Carriages (Transport Act 1985)

188. The Council does not intend to restrict the number of vehicles licensed as Hackney Carriages.

Private Hire Vehicles

189. Private Hire vehicle is defined in the Local Government (Miscellaneous Provisions) Act 1976, as meaning a motor vehicle constructed or adapted to seat fewer than 9 passengers which is provided for hire with the services of a driver for the purpose of carrying passengers. This does not include a Hackney Carriage or public service vehicle.
190. Every Private Hire vehicle shall be licensed under the 1976 Act, Section 48, subject to conditions. A Private Hire vehicle may NOT ply for hire from a stand or in a street. All passenger journeys must be pre-booked in advance.
191. Once a vehicle is licensed as a Rother private hire vehicle, it is always a private hire vehicle during the period of the licence. This means it can only ever be driven by a person who holds a Rother driver's licence.

- 192. Private Hire vehicles are to be identifiable by the coloured (yellow) licence rear external plate.
- 193. Private Hire vehicles must be fitted with rear door signs.
- 194. Private Hire vehicles must not be fitted with roof signs.
- 195. It is an offence for a private hire vehicle to be signed/liveried in such a way that it could be mistaken for a hackney carriage and the business name must not include the words “taxi” or “cab”.

Distinguishing Features

- 196. It is an essential legal requirement that hackney carriages and private hire vehicles are readily distinguishable from each other. Section 47 of the 1976 Act enables the Council to require that any hackney carriage be of such design or appearance, or bear such distinguishing marks as shall clearly identify it as a hackney carriage. Furthermore, section 48 provides that a private hire vehicle shall not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.
- 197. With these requirements in mind, the licensing system specifies that:
 - (a) Hackney carriages are to be fitted with an illuminated roof sign as shown in the design at Appendix D, a white rear licence plate and white door signs.
 - (b) Private hire vehicles are to be identifiable by a yellow rear licence plate and yellow door signs. These vehicles may additionally be marked subject to the approval of the council, on doors or window to indicate that the vehicle is a private hire vehicle. However, the Council considers that signs on private hire vehicles must not contain the word taxi or cab.
- 198. In addition to the requirements of section 48, the Transport Act 1980, section 64, restricts the use of roof signs on vehicles other than hackney carriages.

Eight passenger limit

- 199. A hackney carriage or private hire vehicle may have no more than 8 passenger seats. Vehicles that carry more than 8 passengers are public service vehicles (PSV) and subject to separate licensing control by the Driver and Vehicle Standards Agency (DVSA). Please refer to the specific specification below for 6, 7 & 8 passenger seat vehicles.

Vehicle Specification

200. The following general specifications are laid down by the Council for licensed vehicles
- (a) The vehicle shall have at least four doors of a size to permit easy access (unless otherwise specifically approved by the Council).
 - (b) The vehicle shall be so designed to permit the specified number of passengers to be carried in comfort and safety.
 - (c) The vehicle shall have a minimum rear seating width of 1300 mm (51");
 - (d) The vehicle shall have seat belts fitted to all passenger seats.
 - (e) The vehicle shall be provided with adequate luggage space within a secure compartment for the number of passengers for which the vehicle is licensed (guide 3.5 cu. ft. per passenger licensed (0.09 m³ or 100 litres). All luggage must be carried in the boot space and should be sufficiently secured to prevent it causing harm to anyone travelling within the passenger compartment of the vehicle. The proprietor of the vehicle will be required at the time of the vehicle inspection to show how the luggage is to be made secure.
 - (f) Vehicles may be of the saloon, estate, hatchback or minibus type subject to approval by the Council.
 - (g) All passengers shall have direct access to a door that does not require seats to be moved or tilted to use it other than vehicles specifically built as taxis. (See below for more information about 6, 7 & 8 passenger seat vehicles).
 - (h) Comply with the Council's adopted national inspections standards:
www.rother.gov.uk/article/10684/Vehicle-licences
 - (i) Rear passenger windows – tinted glass must not be darker than front side window glass (see below for details).

Vehicle Compliance Test

201. A VCT certificate will be required every six months during the period for which a vehicle is licensed. A vehicle licence will not be issued/renewed without a valid VCT certificate, which must have been issued not more than 4 weeks prior to the first licence/renewal date. A second VCT certificate is required six months from the start of the licence period. This second VCT must be completed and lodged with the Council in the four week period prior to that (six month) date. Failure to complete either VCT within the appropriate time scale may result in suspension of the vehicle licence. You are also recommended for your own purposes, to have a MOT once a year, when the VCT is carried out. A list of VCT testing stations is available on our website www.rother.gov.uk/article/7311/Vehicle-Compliance-Testing
202. Vehicles able to carry wheelchairs are required to have carried out at the time of a VCT (MOT) test an inspection on the mountings, catches and fasteners used to secure wheelchairs. This test should be carried out by the MOT testing station each time the vehicle undergoes a VCT (MOT) test and a certificate of safety completed. The Council will not issue a vehicle licence without this certification of safety. Additional certification is required for electric/hydraulic, ramps/lifts etc.

in order to demonstrate compliance with the 6 monthly testing regime required by Health & Safety legislation.

- 203. Periodic testing (including additional VCTs) may also be required subsequent to licensing, in accordance with Sections 50 and 68 of the Local Government (Miscellaneous Provisions) 1976 Act, to ensure that vehicles are maintained in a fit and proper condition.
- 204. Failure to submit the VCT certificate and inspection form within the specified period will result in an immediate suspension of the vehicle licence and the issue of penalty points.

VCT garage list

- 205. Garages that wish to be included on the VCT list must be approved MOT stations with at least 12 months operational MOT trading history. New applications will not be accepted from garages outside the Rother district area because of the extra resource implications required to administer/enforce VCT inspection standards and compliance.

Visual Inspection

- 206. An Officer of the Council may in certain circumstances carry out a visual inspection of the vehicle to check it is suitable and complies with all relevant regulations.
- 207. A check list will be used and should the vehicle fail on any part of the visual inspection, a date will be set by which time the works will be completed and the vehicle brought to the Council Offices for re-inspection.
- 208. The vehicle must meet the following criteria:

Exterior of the Vehicle

- 209. The vehicle shall be in 'pristine' condition (exterior & interior) and maintained in such a condition.
 - a) All fixtures, fittings, movable objects, trim, fixings and design details on the vehicle should be in place, in good working order and safe, e.g. mirrors, doors, handles, hubcaps, tyres, etc.
 - b) The vehicle should be free from any corrosion or damage to the vehicle body or structure which adversely affects the appearance of the vehicle.
 - c) Damaged bodywork, substandard paint work or substandard body repair work will not be accepted.
 - d) A spare tyre (or manufacturer's alternative) in road worthy condition ready for use with the appropriate equipment to fit said spare tyre, to be adequately and safely stored in the vehicle.
 - e) All windows should be tint free to the extent that the inside of the vehicle should be clearly visible at all times. The driver and any passengers should be clearly visible when looking into the vehicle from all windows at

all times (including glass to third row seating). The rear passenger windows should be no darker than the front side windows.

- (f) Third party advertising is not permitted without the approval of the Council. The advertising of taxi operators licensed by other authorities is restricted to approved signage to be displayed on the front doors only, and/or a telephone number on the rear of the roof light.

Interior of Vehicle

- 210. The vehicle shall be in 'pristine' condition (exterior & interior) and maintained in such a condition. The boot/luggage compartment must be empty with the exception of the equipment required to be carried by the Council.
- 211. The vehicle should be clean and free of dust, litter, debris, etc and unacceptable smells.
- 212. All interior trim, including the headlining shall be clean, complete, properly fitted and free from serious cuts, tears, burns or soiling and must provide adequate support.
- 213. The interior light should be in working order;
- 214. All interior fixings should be in working order, to include mirrors, handles, windows, etc; and
- 215. There should not be any loose or incorrectly fitted parts or exposed parts that could cause injury.
- 216. No smoking signs must be displayed as required by the Health Act 2006

Tinted Windows (includes factory fitted tinted glass)

- 217. All windows* should be tint free so that the inside of the vehicle is clearly visible at all times. The driver and any passengers should be clearly visible when looking into the vehicle from all windows at all times (including glass to third row seating). The rear passenger windows should be no darker than the front side windows (it is a legal requirement that front side windows should allow 70% visual light transmission VLT).
[* except the glass to the luggage compartment area].

Vehicles presented for their first licence will need to comply with this public safety requirement.

We have a calibrated standard tint meter that can be used to check rear passenger windows. If you are unsure, please contact the licensing team before purchasing a vehicle but an easy test is that the rear passenger windows should be no darker than the front side windows.

Please note that rear tinted windows are not part of the Vehicle Compliance Test. Some drivers have gone to the expense of the VCT test only to find that we subsequently refuse to licence the vehicle unless the glass is changed.

Exception: licensed vehicles with tinted windows which undertake 100% exempt contract work (the vehicle can not be used for circuit work, schools, supermarket etc. even with plates and door signs displayed).

Windows

218. Windows should remain clear with the exception of No Smoking stickers and the Council's licence details.

Fire Extinguisher

219. All licensed vehicles are required to carry an in date suitable fire extinguisher which is in good working order, to be secured in a location easily accessible to the driver. It must be securely fixed within the vehicle and shall conform to the current British Standard.

First Aid Kit

220. All vehicles are required to carry a suitable first aid kit, contained in a suitable container and as a minimum shall comprise one each of the following items:

- Sterile wound dressing Small (No. 8); Medium (no. 9) Large;
- Eye pad and bandage (No. 16);
- Box of assorted plasters;
- Triangular bandages (No. 2); and
- Small scissors.

221. You should only administer first aid if you have been trained to do so.

Licence Plates

222. Every vehicle shall display a licence plate, supplied by the Council, externally on the rear of the vehicle. The licence plate issued by the Council should be securely fixed to the outside rear of the vehicle so that it is clearly visible. The licence plate will remain the property of the Council and must be returned to the Council within seven days upon a change of vehicle or upon the suspension, revocation or expiry of a vehicle licence and shall be readily removable by an authorised officer or a police constable. Failure to return the Council's plate is an offence. Licence plates are not transferable between vehicles and should not without the express written permission of the Council be copied.
223. Vehicles must also display an internal plate, supplied by the Council, on the inside of the vehicle windscreen, easily seen and outside sweep of wipers. This plate will remain the property of the Council and must be returned to the Council within seven days upon a change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence.

Side door signs

224. Licensed vehicles will be required to display Council approved door signs on the upper panel of both rear passenger doors (adjacent to the door handle).

Exemption not to display an external plate & door signs (Private Hire vehicles)

225. Owners may apply for an exemption certificate for a vehicle so it does not have to display an external plate or side door signs in certain circumstances:
- Corporate bookings to transport employees and clients on business journeys and/or
 - Where the client has specifically requested a vehicle of a prestige specification at the time of booking.
226. The small windscreen sign provided by the Council shall be displayed. The external plate and door signs shall be carried inside the vehicle and the exemption certificate shall be carried inside the vehicle at all times.
227. If you also choose to undertake work which does not entitle you to exemption (e.g. circuit work, train station & supermarket pick ups, school runs etc.), the plate and door signs must be re-attached for these journeys. The vehicle must then comply with tinted window requirements during this work.
228. An exemption application must be accompanied by indisputable proof from a number of sources that exempt work is being undertaken e.g. contract papers with blue chip company, references from executive clients. Up to date evidence and proof must be produced upon renewal. A decision whether to grant an exemption certificate will be made based upon the evidence provided and the type of vehicle to be used.
229. If an Officer refuses to grant an exemption certificate the matter may be referred to the Licensing panel for determination.
230. Misuse of the exemption certificate or failure to display plates/door signs when required will result in enforcement action and the removal of the exemption.

6, 7, 8 passenger seat vehicles (with third row seating)

231. There are three categories of vehicle with third row seating; see below (1) Multi purpose/people carriers/4x4; (2) Multi-seater; (3) Mini-bus. If you are in any doubt about our licensing requirements please speak to a licensing officer before purchasing a vehicle.

Luggage:

All luggage must be carried in the boot space and should be sufficiently secured to prevent it causing harm to anyone travelling within the passenger compartment of the vehicle.

The proprietor of the vehicle will be required at the time of the vehicle inspection to show how the luggage is to be made secure.

Seating Plan:

A seating plan for approval by the Council is to be submitted at the time of the vehicle inspection. This plan shall show the arrangement of the seats when the vehicle is at maximum capacity, and a copy shall be kept in the said vehicle for inspection by passengers upon request.

Seating must be of a fixed type either bolted to the floor or of a manufacturer's approved design. All seats must be fitted with seats belts.

1. Multi purpose vehicles/people carriers/4x4.
e.g. Scenic, Zafira, Picasso, Touran, C Max, Tourneo Connect, Caddy Maxi Life, Sharan, Galaxy, Q7, XC90,

The third row seating in this type of vehicle will not be licensed due to the smaller nature of the seats, reduced legroom and limited luggage space.

2. Multi-seater passenger carrying vehicle – factory built.
E.g. Vivaro, Trafic, V class, Caravelle, Transporter

In addition to other vehicle requirements, ease of access and passenger comfort & safety will be considered when deciding the number of passengers the vehicle will be licensed to carry. We will consider:

- Passengers must have access to at least one rear side door on each side of the vehicle (in addition to front passenger side door), (rear doors/tailgate do not count).
- Ideally, access to a third row seat must not require any second row seat to be displaced by lifting/tilting or sliding e.g. some manufacturers offer conference seating arrangement or vehicles with larger rear sliding doors that permit access direct to third row seats (minimum clear access gap 305mm).

- Alternatively, access to a third row seat is permitted if the vehicle has a lifting/tilting or sliding individual outer second row seat on the nearside (preferably on the driver side as well). The mechanism must have proper levers that form part of the seat and be easily operated/easily identifiable. No passenger must have to pass through a gap of less than 305mm at the narrowest point in order to access seating e.g. the gap between the second row seat and door frame.
 - Second row seats with folding seat backs only, do not meet this requirement (unless there is at least a 305mm gap between seat and door frame to allow easy access to third row).
 - Second row seats with mechanisms under or at the back of the seat designed to remove or tumble the seat do not meet this requirement.
- Third row seating may be licensed if the vehicle does not comply with the above requirements but a second row seat will need to be permanently removed.
- Suitable “life hammer” devices shall be carried in a conspicuous and readily accessible position, secured on pillar in front of rearmost seat windows, to break window glass in the event of emergency and the window glass shall be marked ‘break glass in an emergency’.
- Front passenger bench or twin seat arrangement. The seating arrangement must allow passengers to sit comfortably and a passenger must not impede the driver or any controls. This may mean that only one front passenger seat is licensed.
- Professional* van conversion to a multi-seater may be considered for licensing subject to “type” approval in addition to licensing requirements (* a company specialising in passenger carrying/taxi vehicle conversions).
- The vehicle must have adequate luggage carrying capacity for the number of passengers it is licensed to carry.

3. Mini-Bus - factory built.

The seating arrangement will be either side of an aisle walkway so that no seat needs to be displaced for access to any other seat.

In addition to other vehicle requirements, ease of access and passenger safety will be considered when deciding the number of passengers the vehicle will be licensed to carry.

- At least one service door on the nearside of the vehicle of a size to permit easy access, and one emergency door at the rear of the vehicle (in addition to the driver and front passenger doors).
- Every rear emergency door shall:-

- a. be clearly marked in letters not less than 25 mm high on both the inside and outside, "EMERGENCY DOOR";
- b. have the means of operation (for example – "pull", "turn clockwise", etc) marked on the inside and outside;
- c. open outwards and operate manually.

The rear emergency door must not be impeded by luggage.

Access to a rear emergency door must not be impeded by a final row bench seat – the aisle walkway must extend to the emergency door.

Access to a rear emergency door must not be impeded by luggage (a luggage cage may be required).

- Locks

- a. No vehicle shall be fitted with an emergency door which can be locked from the outside unless, when so locked, it is capable of being opened from inside the vehicle when stationary.
- b. All doors shall remain unlocked when carrying passengers.
- c. All emergency doors shall be openable from both outside and inside.

- Steps

Every step at each exit or gangway shall be adequately illuminated.

- Suitable "life hammer" devices shall be carried in a conspicuous and readily accessible position, secured on pillar in front of rearmost seat windows, to break window glass in the event of emergency and the window glass shall be marked 'break glass in an emergency'.
- Front passenger bench or twin seat arrangement. The seating arrangement must allow passengers to sit comfortably and a passenger must not impede the driver or any controls. This may mean that only one front passenger seat is licensed.
- Professional* van conversion to a mini-bus maybe considered for licensing subject to 'type' approval in addition to licensing requirements (* a company specialising in passenger carrying/taxi vehicle conversions).
- The vehicle must have adequate luggage carrying capacity for the number of passengers it is licensed to carry.

Accidents/vehicle damage

232. Any accident to a Hackney Carriage or Private Hire vehicle causing damage materially, affecting the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein must be reported to the Council within 72 hours. Any licensed vehicle which has been involved in such an accident and has suffered such damage should not be used for the conveyance of passengers until it has been inspected by the Council.
233. Upon inspection, an accident report will need to be completed and the Council will determine whether the vehicle is fit to continue operating. A date will be set by which time the works will be completed and the vehicle brought to the Council Offices for re-inspection.

Advertising

234. There will be no advertising in the interior of the vehicle with the exception of business cards for the company/person operating the taxi/Private Hire vehicle. Exterior advertising will only be permitted if the Council has given written permission. The advertising must promote taxi companies or operators licensed within the Rother district. This has been extended to allow advertising by operators based outside the district but this is restricted to approved signage to be displayed on the front doors only, and/or a telephone number on the rear of the roof light.

Taximeters

235. The provision of taximeters is mandatory for Hackney Carriages and optional for Private Hire vehicles. Please see “Fares and Taximeters” section of this handbook. Where employed, the meters must be a calendar controlled meter, calibrated and must not exceed the Council’s fare applicable for that time. The meter must be tested and sealed and a calibration certificate produced. From October 2016 all meters must comply with Measuring Instruments (Taximeters) Regulations 2006.

Lawful bookings and illegal plying for hire

236. Please refer to relevant section “Essential Information for Drivers” in this handbook.

Wheelchair accessible vehicles

237. Vehicles should be purpose built or an approved conversion to ‘taxi’ standard for the purpose of safely carrying passengers in wheelchairs, and other passengers in standard seats plus adequate luggage capacity. You may wish to consult with the licensing officer prior to purchasing this type of vehicle (a number of requirements are included in the National Inspection Standards document). Drivers should check that the disabled passenger and wheelchair are both secured before starting a journey.

238. Sections 165 and 167 of the Equality Act 2010 come into force on the 6th April 2017. This means that from April drivers of designated wheelchair accessible taxis and private hire vehicles will be required to transport wheelchair users in their wheelchair, provide passengers in wheelchairs with appropriate assistance and charge wheelchair users the same as non-wheelchair users.
www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles

CCTV

239. There is no Council requirement for internal facing CCTV to be installed in Hackney Carriage and Private Hire Vehicles but if it is fitted it must meet Rother District Council licensed vehicle conditions, please see appendix E.
240. If you wish to install CCTV in your Hackney Carriage or Private Hire Vehicles, you will need to have a system fitted by a third party specialist vehicle CCTV installer who offers a data controller service and thus they will be the only person able to access any recordings.
241. Approval in writing must be obtained from the Council before CCTV equipment is installed and used in the vehicle.
242. The CCTV equipment shall be of a type approved by the Council and installed, operated and maintained in a manner to the satisfaction of the Council.
243. Audio Recording: CCTV systems **must not be used to record conversations** between members of the public as this is highly intrusive and unlikely to be justified. You must choose a system without this facility wherever possible; if the system comes equipped with sound recording facility then this functionality should be disabled.

LPG conversions

244. LPG converted vehicles may be accepted provided that luggage capacity is not impeded. We will require LPG Conversion Certificate (+ UKLPG Approved Autogas Installer certification) and warning sticker positioned visible from outside. The LPG system & tank needs to be serviced every 12,000 miles or 12 months, by a UKLPGA Approved Installer, records/certification/evidence to be provided to the Council upon request. <http://www.drivelpg.co.uk/>

Rother Penalty Point Scheme

245. Please refer to “Essential Information for Drivers” section in this handbook for information about the Rother penalty point scheme section. There are penalty point offences that can be attributed to driver, vehicle proprietor and private hire operator, as applicable.

Part F

Private Hire Operators

- 246. An operator licensed by Rother must ensure that they use only licensed drivers and vehicles licensed by Rother District Council.
- 247. “Operate” means in the course of business to make provision for the invitation or acceptance of bookings for a Private Hire vehicle. Operators must have an address based within the district of Wealden. Checks will be made on the business proposals and the premises proposed to be used as an operator base to make sure it is not an address of convenience. This operator base will be equipped with telephones (including a land line), (a PC for internet bookings) and booking records kept at the base (for inspection by licensing officers). Subject to any necessary planning consent the base could be open for walk in passengers.
- 248. Rother District Council does not issue licences for operators based outside of its district.
- 249. No person shall “operate” (e.g. take bookings, despatch vehicle) any vehicle as a Private Hire vehicle in the Rother District without having a current Rother Operator’s Licence. This is in addition to any requirement for a vehicle or driver’s licence.

Planning permission

- 250. It is the applicant’s responsibility to ensure that necessary planning permission is granted for the premises where business is to be conducted. Proof of this permission will be required should the operator be operating more than two cars.
- 251. The applicant will be required to provide proof of holding a radio transmission licence if radios are to be used. Proof of planning permission for such an aerial will be required.

Eligibility

- 252. The applicant must provide information concerning their previous business activities, history of any previous operator’s licence or application, and any conviction recorded against them (including Ltd Company/Partnership/Directors/Company Secretary etc.).
- 253. Satisfactory character and business references will be required together with a Disclosure and Baring check.

Licence Conditions

- 254. Private Hire Operator Licences are granted subject to standard conditions. In particular, conditions related to booking records to be kept and the standard to be maintained. Please see appendix B.

Booking records

255. The records shall be kept in a suitable book, or computer recording system approved by the Council. Where a book is used the pages should be numbered consecutively. The operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a Private Hire vehicle invited or accepted:-
- (a) the time and date of the booking;
 - (b) the name and address of the hirer;
 - (c) the method of booking;
 - (d) the time of pick-up;
 - (e) the point of pick-up;
 - (f) the destination;
 - (g) the time at which a driver was allocated to the booking;
 - (h) the registration number of the vehicle allocated for the booking;
 - (i) remarks (including details of any sub-contract).
256. The operator shall also keep records of the particulars of all Private Hire vehicles operated by that operator, which particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.
257. All records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry.

Lawful bookings and illegally plying for hire

258. Please refer to relevant section in “Essential Information for Drivers” in this handbook.

Operator Offices

259. If an office is provided for the public to make a booking the operator should ensure that the space has adequate seating, is well lit, clean and heated and complies with the relevant health and safety legislation. Operators must ensure that adequate public liability insurance is held. Proof of insurance cover will be required.

Suspension and Revocation of Operators Licence

260. Section 62 of the 1976 Act provides for the suspension, revocation or refusal to renew an Operator's Licence on the specified grounds.

Rother Penalty Point Scheme

261. Please refer to the Rother penalty point scheme section "Essential Information for Drivers" in this handbook. There are penalty point offences that can be attributed to driver, vehicle proprietor and private hire operator, as applicable.

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Part G

Working Outside the Rother District

Hackney Carriage

262. Hackney Carriages are licensed to ply for hire within the District Council's area and may not ply for hire beyond the district boundary. A passenger boarding the vehicle within the licensed area may be transported into another area. A Hackney Carriage is permitted to be used for Private Hire purposes and a passenger may be collected from another area on a pre-booked basis, although plying for hire is strictly prohibited outside the Rother district.

Cross Boundary Journeys

263. When travelling outside of the licensing district, drivers of Hackney Carriage vehicles bearing the words "FOR HIRE" on the roof sign shall extinguish the illumination to the sign. Failure to do so could be construed as "plying for hire" outside the licensing area and may result in prosecution.
264. In relation to roof signs not bearing the words "FOR HIRE" there is general agreement between the licensing authorities and the majority of Hackney Carriage operators that roof signs should not be illuminated outside the licensing district and drivers are requested to abide by this principle at all times.

Deregulation Act 2015 – cross border hiring

265. Previously, the provision was that private hire operators must only fulfil bookings using drivers and vehicles both of which are licensed by the same authority as they, as operator, are licensed.

Since 1st October 2015, operators may seek to sub-contract bookings to an operator licensed by a different council. However, that operator may only fulfil the booking by using drivers and vehicles also licensed by the authority with which it is, itself, licensed.

Insurance

266. Do you use your licensed vehicle outside the area you are licensed to operate? You must double check the conditions attached to your vehicle insurance. Some policies include the following exclusion:

The following uses are not covered unless specifically shown as included in your certificate of motor insurance and/or your schedule:

ii) the use of your vehicle as a taxi, PHV or PSV outside the area in which you are licensed to operate.

Part H

Investigation of complaints about a licence holder

- 267. A licence holder must co-operate with the licensing authority during its complaint investigation process.
- 268. Investigations of complaints will be prioritised based on passenger safety grounds.
- 269. Depending upon the nature of the complaint, an interview may be carried out informally, or formally taped in accordance with Police and Criminal Evidence Act codes of practice.

Taxi & Private Hire Licensing Panel

- 270. The Taxi & Private Hire Licensing Panel will determine matters brought before it in a set procedure (available upon request). The Taxi & Private Hire Licensing Panel consists of a number of councillors, with one being the elected chair person. There will also be a number of Council officers present from legal, democratic services and licensing.
- 271. Licence holders who are required to attend the Taxi & Private Hire Licensing Panel are entitled to engage legal assistance (at their own expense) and or bring a relative/friend. A report will be made available in advance of the hearing.

Part I

Taxi ranks

272. Location of Hackney Carriage Ranks/Stands on the public highway for hackney carriages only:
- Devonshire Road, Bexhill on Sea.
 - Town Hall Square, Bexhill on Sea.
 - De La Warr Parade, Bexhill on Sea.
 - High Street, Battle.
273. The Council does not have any powers to address parking on/obstruction of the rank by private cars.
274. Private hire vehicles must not enter any rank/stand because they will be deemed to be illegally plying for hire.
275. The driver of a hackney carriage using a rank/stand shall:
- a) on arriving at a stand not already occupied by the full number of hackney carriages authorised to occupy it, station the hackney carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - b) from time to time when any other carriage immediately in front is driven off or moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
 - c) if his/her carriage is the first carriage on the stand, remain with his carriage ready to be hired at once.

Rank etiquette and behaviour

- a) Ideally, a passenger will take the first carriage on the rank but they are not required to do so. If you are the driver of the second vehicle etc. and the passenger selects your vehicle, you should politely inform the first driver of your passenger's decision.
- b) Do not race other carriages to the rank, if you inadvertently pass another carriage then you should allow that driver to take the position in front of you when you arrive at the rank.
- c) Refrain from swearing, shouting, fooling around with other drivers, filming on mobile phones and other misbehaviour e.g. pulling behind the carriage in front and leaving high beam headlights on.

- d) Hackney carriage drivers do not have any authorisation to “police” the rank or act as an unofficial traffic warden. You should deal politely with drivers of private cars who are obstructing or parking on the rank; these situations can quickly escalate and poor behaviour by hackney carriage drivers in these circumstances has been the subject of numerous complaints.

Ranks/stands on private land

- 276. Other stands are located on private land e.g. Bexhill, Battle and Rye Railway Stations; accessing that land will be under the control of the owner. Rank etiquette and behaviour rules will still apply to these areas.

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Appendix A

Rother District Council – Hackney Carriage Byelaws (1986)

Many requirements have now been superseded by new legislation or licence conditions.

Byelaws

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

Interpretation

Throughout these byelaws “the Council” means the Rother District Council and “the District” means Rother.

Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence shall be displayed

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.

A proprietor or driver of a hackney carriage shall:

- 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.
- 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

The proprietor of a hackney carriage shall

- provide sufficient means by which any person in the carriage may communicate with the driver;
- cause the roof or covering to be kept water-tight;
- provide any necessary windows and a means of opening and closing not less than one window on each side;
- cause the floor to be provided with proper carpet, mat or other suitable covering;
- cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- provide means of securing luggage if the carriage is so constructed as to carry luggage;
- provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
- 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.

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

The taximeter shall be fitted with a key, flag or other device the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter.

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.

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 distance in pursuance of the byelaws in that behalf.

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.

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.

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

The driver of a hackney carriage provided with a taximeter shall:

When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the bylaws in that behalf locked in the position in which no fare is recorded on the face of the taximeter.

Before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.

Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness; this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time.

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.

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

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.

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.

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

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 or persons specified on the plate affixed to the outside of the carriage.

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.

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 convey a reasonable quantity of luggage;
- afford reasonable assistance in loading and unloading; and
- 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 for fixing the rates or fares to be paid for Hackney Carriages within the district, and securing the due publication of such fares

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

The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaws in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.

The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Soiling charge is only considered acceptable by the Council when the vehicle has to be taken off the road for any period of time in order for it to be professionally cleaned. Any claim for damage/soilage must be a matter between the proprietor and the passenger.

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

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.

The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him, carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it.

Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

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

Repeal of Byelaws

The byelaws relating to hackney carriages which were made by the Council on the 24 day of November 1978 and which were confirmed by the Secretary of State (Home Office) on the 9 day of February 1979 together with the amended Byelaw 16, which was made by the Council on the 6 day of March 1985 and confirmed by the Secretary of State for Transport on the 10 day of May 1985 are hereby repealed.

Appendix B

Licence conditions – Local Gov. (Miscellaneous Provisions) Act 1976

Hackney Carriage Vehicle Licence Conditions

1. Vehicle Specification

The following general specifications are laid down by the Council for licensed vehicles:-

- (a) The vehicle shall have at least four doors of a size to permit easy access (unless otherwise specifically approved by the Council).
- (b) The vehicle shall be so designed to permit the specified number of passengers to be carried in comfort and safety.
- (c) The vehicle shall have a minimum rear seating width of 1300 mm (51").
- (d) the vehicle shall have seat belts fitted to all passenger seats.
- (e) The vehicle shall be provided with adequate luggage space within a secure compartment for the number of passengers for which the vehicle is licensed.
- (f) Vehicles may be of the saloon, estate, hatchback or minibus type subject to approval by the Council.
- (g) All passengers shall have direct access to a door that does not require seats to be moved or tilted to use it other than vehicles specifically built as taxis.
- (h) Comply with the Council's adopted standards:
<http://www.rother.gov.uk/media/pdf/6/k/BestPracticeGuide.pdf>.

2. Internal Vehicle Conditions

The vehicle shall be weatherproof in all respects:

- (a) The boot/luggage compartment must be empty with the exception of the equipment required to be carried by the Council.
- (b) The vehicle should be clean and free of dust, litter, debris, etc and unacceptable smells.
- (c) All interior trim, including the headlining shall be clean, complete, properly fitted and free from serious cuts, tears, burns or soiling and must provide adequate support.
- (d) The interior lighting should be in working order.
- (e) All interior fixings should be in working order, to include mirrors, handles, windows etc.
- (f) There should not be any loose or incorrectly fitted parts or exposed parts that could cause injury.
- (g) A tariff card stating the fares prescribed by the Authority shall be fixed in a position which can be viewed by all passengers.

3. **Exterior Vehicle Conditions**

All fixtures, fittings, movable objects, trim, fixings and design details on the vehicle should be in place, in good working order and safe, i.e. mirrors, doors, handles, hubcaps, etc.

The vehicle should be free from any corrosion or damage to the vehicle body or structure which adversely affects the appearance of the vehicle.

Damaged bodywork, substandard paintwork or substandard body repair work will not be accepted.

A spare tyre (or manufacturer's alternative) ready for use with the appropriate equipment for changing a wheel to be securely and safely stored in the vehicle.

The inside of the vehicle should be clearly visible.

4. **Maintenance of Vehicle**

The vehicle and all its fittings and equipment shall at all times, when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements shall be fully complied with. A VCT certificate will be required every six months during the period for which a vehicle is licensed. A vehicle licence will not be issued/renewed without a valid VCT certificate, which must have been issued not more than 4 weeks prior to the first licence/renewal date. A second valid VCT certificate will be required for presentation six months from the licence issue date.

Vehicles able to carry wheelchairs are required to have carried out at the time of a VCT (MOT) test an inspection on the mountings, catches and fasteners used to secure wheelchairs. This test should be carried out by the MOT testing station each time the vehicle undergoes an MOT test and a certificate of safety completed. The Council will not issue a vehicle licence without this certification of safety.

5. **Alteration of Vehicle**

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

6. **Identification Plate**

The plate identifying the vehicle as a hackney carriage vehicle and required to be exhibited externally on the vehicle pursuant to Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the rear of the vehicle in a conspicuous position and in such manner as to be easily removable by an authorised officer of the Council or a police constable.

7. 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 this licence and the number of passengers prescribed in this licence.

8. Safety Equipment

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

9. Roof Signs

The proprietor shall cause to be affixed and maintained an illuminated roof sign of a pattern approved by the Council.

10. Licence Number Identification Signs

Licence number identification signs supplied by the Council shall be displayed on the two rear doors (upper panel) or other location agreed by the Council.

11. Taximeter

All taxi meters fitted to hackney carriage vehicles shall be calendar meters.

Any taximeter and all the fittings thereof shall be so affixed to the vehicle 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.

If any taximeter fitted to a vehicle is repaired, adjusted or for any reason the seal is broken, or if any change is made to the type of tyre fitted to the vehicle or alterations made to the vehicles 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 where appropriate sealed by an authorised officer of the Council.

12. Change of Address

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

13. Deposit of Driver's Licences

If the proprietor permits or employs any other person to drive the vehicle as a hackney carriage vehicle, he shall before that person commences to drive the

vehicle cause the driver to deliver to him his hackney carriage driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

14. Convictions

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

Vehicles Seating 5, 6, 7 and 8 People

15. Doors

Vehicles should have not less than four doors to allow passengers direct access to all seats without displacing/tilting any other seat within the vehicle and by form of an aisle.

16. Luggage

All luggage must be carried in the boot space and should be sufficiently secured to prevent it causing harm to anyone travelling within the passenger compartment of the vehicle.

The proprietor of the vehicle will be required at the time of the vehicle inspection to show how the luggage is to be made secure.

17. Seating

A seating plan for approval by the Council is to be submitted at the time of the vehicle inspection. This plan shall show the arrangement of the seats when the vehicle is at maximum capacity, and a copy shall be kept in the said vehicle for inspection by passengers upon request.

Seating must be of a fixed type either bolted to the floor or of a manufacturer's approved design. All seats must be fitted with seats belts.

CCTV – see appendix E

Private Hire Driver Licence Conditions

1. Conduct of Driver

The driver shall:

- (a) be of smart, clean appearance and shall not dress in a manner or wear signs likely to embarrass or offend passengers. The shoulders, torso and legs to just above the knee must be covered;
- (b) maintain a high level of personal hygiene, be prompt, polite and helpful;
- (c) the driver shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in, entering, or alighting from the vehicle;
- (d) not without express consent of the hirer, drink or eat in the vehicle. If consent is given, evidence of eating or drinking should be removed before the next hiring;
- (e) afford all reasonable assistance with the loading and unloading of passengers luggage and in removing the luggage to or from the entrance of any building, station or other place at which he may take up or set down such person;
- (f) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (g) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle, and
- (h) a person shall not drive a vehicle for hire or reward without the requisite driving licence being issued by Rother District Council. The holder shall also produce that licence for examination by his Proprietor, both at the commencement of his employment and immediately after its renewal.

2. Passengers

The driver shall not convey or permit to be conveyed in such carriage/vehicle any greater number of persons than the number of persons specified on the plate affixed to the outside of the vehicle.

The driver shall not allow there to be conveyed in the front of a vehicle more than one person, unless the vehicle has been designed to permit this.

The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle at the same time.

3. Lost Property

The driver 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.

The driver shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him, carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council.

4. **Written Receipts**

The driver shall if requested by a hirer provide him/her with a written receipt for the fares paid.

5. **Animals**

The driver shall not convey any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle and he shall ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle.

Any animal belonging to or in the custody of any passenger, which in the driver's discretion may be carried therein, shall only be conveyed in such a way as to avoid any distraction to the driver.

Drivers may not refuse any guide, hearing or any other assistance dog unless an exemption certificate has been obtained from the Council. Any guide hearing or assistance dogs must be carried free of charge.

6. **Prompt Attendance**

The driver who has agreed or has been hired to be in attendance at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend at such appointed time and place. The driver shall not use the car horn when picking up a fare.

7. **Copy of Conditions**

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

8. **Taximeter**

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.

9. **Fares to be Demanded**

The driver shall not demand a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a

taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

10. **Change of Address**

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

11. **Convictions**

The driver shall within seven days disclose to the Council in writing details of any conviction imposed on him or any summons/charge made against him during the period of the licence.

12. **Return of Badge**

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

13. **Prolongation of Journey**

The driver must not without reasonable cause, unnecessarily prolong in distance or time the journey for which the vehicle is hired.

Private Hire Vehicle Licence Conditions

1. Vehicle Specification

The following general specifications are laid down by the Council for licensed vehicles:

- a) The vehicle shall have at least four doors of a size to permit easy access (unless otherwise specifically approved by the Council).
- b) The vehicle shall be so designed to permit the specified number of passengers to be carried in comfort and safety.
- c) The vehicle shall have a minimum rear seating width of 1300 mm (51").
- d) the vehicle shall have seat belts fitted to all passenger seats.;
- e) The vehicle shall be provided with adequate luggage space within a secure compartment for the number of passengers for which the vehicle is licensed.
- f) Vehicles may be of the saloon, estate, hatchback or minibus type subject to approval by the Council.
- g) All passengers shall have direct access to a door that does not require seats to be moved or tilted to use it.
- h) Comply with the Council's adopted standards:
<http://www.rother.gov.uk/media/pdf/6/k/BestPracticeGuide.pdf>

2. Internal Vehicle Conditions

The vehicle shall be weatherproof in all respects:

- (a) The boot/luggage compartment must be empty with the exception of the equipment required to be carried by the Council.
- (b) The vehicle should be clean and free of dust, litter, debris, etc and unacceptable smells.
- (c) All interior trim, including the headlining shall be clean, complete, properly fitted and free from serious cuts, tears, burns or soiling and must provide adequate support.
- (d) The interior lighting should be in working order;
- (e) All interior fixings should be in working order, to include mirrors, handles, windows, etc.
- (f) There should not be any loose or incorrectly fitted parts or exposed parts that could cause injury.

3. External Vehicle Conditions

All fixtures, fittings, moveable objects, trim, fixings and design details on the vehicle should be in place, in good working order and safe, i.e. mirrors, doors, handles, hubcaps, etc.

The vehicle should be free from any corrosion or damage to the vehicle body or structure which adversely affects the appearance of the vehicle.

Damaged bodywork, substandard paint work or substandard body repair work will not be accepted.

A spare tyre, ready for use with the appropriate equipment for changing a wheel

to be securely and safely stored in the vehicle.

4. Maintenance of Vehicle

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

A VCT certificate will be required every six months during the period for which a vehicle is licensed. A vehicle licence will not be issued/renewed without a valid VCT certificate, which must have been issued not more than one calendar month prior to the first licence/renewal date. A second valid VCT certificate will be required to be sent to the Council six months from the licence issue date.

Vehicles able to carry wheelchairs are required to have carried out at the time of a VCT test, an inspection on the mountings, catches and fasteners used to secure wheelchairs. This test should be carried out by the VCT testing station each time the vehicle undergoes a VCT test and a certificate of safety completed. The Council will not issue a vehicle licence without this certification of safety.

5. Alteration of Vehicle

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

6. Identification Plate

The plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the rear of the vehicle in a conspicuous position and in such manner as to be easily removable by an authorised officer of the Council or a police constable.

7. Roof Signs

Private Hire Vehicles may not have a roof light fitted to their vehicles.

8. Safety Equipment

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

9. Signs, Notices Etc

The proprietor shall cause to be affixed and maintained in the vehicle, in a conspicuous position in accordance with the direction of the Council, any sign or notice relating to private hire vehicles which the Council may from time to time require.

10. **Licence Number Identification Signs**

Signs supplied by the Council shall be displayed on the two rear doors (upper panel) or other location agreed by the Council.

11. **Change of Address**

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

12. **Convictions**

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

13. **Deposit of Driver's Licences**

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

Vehicles Seating 5, 6, 7 and 8 People

14. **Doors**

Vehicles should have not less than four doors to allow passengers direct access to all seats without displacing/tilting any other seat within the vehicle and by form of an aisle.

15. **Luggage**

All luggage must be carried in the boot space and should be sufficiently secured to prevent it causing harm to anyone travelling within the passenger compartment of the vehicle.

The proprietor of the vehicle will be required at the time of the vehicle inspection to show how the luggage is to be made secure.

16. **Seating**

A seating plan for approval by the Council is to be submitted at the time of the vehicle inspection. This plan shall show the arrangement of the seats when the vehicle is at maximum capacity, and a copy shall be kept in the said vehicle for inspection by passengers upon request.

Seating must be of a fixed type either bolted to the floor or of a manufacturer's approved design. All seats must be fitted with seats belts.

Limousines

Exceptions to standard conditions:

- (a) the vehicle may be left hand drive;
- (b) the vehicle may have side facing seats; and
- (c) may have tinted glass provided it complies with the current Road Vehicles (Constructions and Use) Regulations.

(a) Vehicle Conditions

The Council shall be given evidence that the vehicle has undergone a Ford Qualified Vehicle Modifier (QVM) or Cadillac Master Coachbuilder (CMC) or an equivalent conversion programme. Should the vehicle be anything other than a Ford or Cadillac, equivalent certification should be provided.

The Operator shall provide evidence of Single Vehicle Approval (SVA) or Certificate of Compliance.

The maximum length of a stretch shall not exceed 304.8 cm on a Ford and 330.2 cm on a Chrysler.

Any tinted glass shall conform to legal requirements.

Be equipped with a minimum of four road wheels and full sized spare wheel. The tyres shall be of a rating as specified by Ford USA, i.e. vehicles manufactured before 1998 – 235/75R 15 108S (BF Goodrich Extra Load or Equivalent). Vehicles from 1998 to 2002 must be fitted with 225/70R16 107T (Reinforced). Vehicles from 2003 onwards are should be fitted with 245/60R17 108T Energy LX4.

(b) Beverages

Where alcoholic drink is supplied in the vehicle, the operator of the vehicle shall ensure there exists a premises licence (for the premises where the sale takes place i.e. the place of hiring) and the person selling the alcohol is authorised by a person who holds a personal licence (Licensing Act 2003).

No person under the age of 18 years being conveyed in the vehicle shall be allowed to consume alcohol.

(c) Entertainment

The following activities are prohibited within the vehicle:

- (a) Striptease.
- (b) Lap Dancing.
- (c) Pole Dancing.
- (d) Any other activity or performance of a like kind.

The driver of the vehicle shall not knowingly permit to be played any video, DVD or other recorded image that is unsuitable, having regard to the age of the passengers being conveyed. In deciding what is suitable, regard shall be had to its classification by the British Board of Film Classification.

(d) **Passenger Safety**

Where the passengers in the vehicle consist of persons under the age of 14 years, they will be accompanied by a responsible adult, other than the driver, who is over 18 years of age.

All passengers must remain seated at all times when the vehicle is in motion.

Passengers in the rear of the limousine must be able to communicate with the driver.

(e) **Plates**

Where an exemption has been applied for and granted from displaying the external plate and signs, the operator must ensure that the Council's internal plate be displayed on the windscreen and a second plate be displayed within the passenger compartment in order to identify the vehicle as a private hire vehicle.

The Council's external plate together with the exemption certificate must be carried within the vehicle to be available for inspection.

CCTV – see appendix E

Private Hire Operator's Licence Conditions

1. Records

The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, the pages of which are numbered consecutively and the operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:

- (a) The time and date of the booking.
- (b) The name and address of the hirer.
- (c) The method of booking.
- (d) The time of pick-up.
- (e) The point of pick-up.
- (f) The destination.
- (g) The time at which a driver was allocated to the booking.
- (h) The registration number of the vehicle allocated for the booking; and remarks (including details of any sub-contract).

NOTE: If records are kept on the computer, the details listed above apply.

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

An operator shall maintain at his licensed operating premises particulars of all vehicles operated by him, which shall include the following:

- (a) The licence number plate.
- (b) The registration number.
- (c) The name and address of the driver of the vehicle.
- (d) The badge number of the driver.

The above records shall be produced on request to any authorised officer of the Council or Police Officer.

2. Premises

A Private Hire Operator shall have his operating premises within the District of Rother. The premises should be able to provide adequate and safe parking for the number of vehicles working. In the case of larger vehicles, e.g. limousines, minibuses, etc, off road parking is considered essential.

3. Standard of Service

No operator shall invite or accept a booking for a private hire vehicle or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking information as to the basis of charge for the hire of the vehicle.

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; and
- (d) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

An operator in his capacity as operator and without prejudice to any other liabilities imposed under the Act shall use his best endeavours to ensure that drivers of vehicles owned or controlled or operated in association with the operator shall conform with the conditions of their private hire vehicle driver's licence and that vehicles shall conform with the conditions of their private hire vehicle licence.

4. **Complaints**

The operator shall immediately upon receipt notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or purposes to take in respect thereof.

5. **Change of Address**

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

6. **Convictions**

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

7. **Penalties**

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act shall be guilty of an offence and liable on summary conviction to a fine. In addition such action, whether or not resulting in criminal proceedings being taken, may lead to the suspensions or revocation of an existing licence or refusal to renew such licence.

Appendix C

Horse Drawn Carriage Licence Conditions

The following conditions apply to the use for hire or reward of any carriages and horse by the licence holder. It shall also be the responsibility of the licence holder to ensure that these conditions are complied with by any person employed by him to drive horses and carriages on his/her behalf.

1. Horses

- (a) Prior to the issue of the licence and annually, each horse intended to be used shall have an examination by a qualified veterinary surgeon. The veterinary certificate shall be in a form approved by the Council and shall certify the horses fitness to perform its task, taking into account its age, type, size and temperament and the type and size of the carriage.
- (b) A photograph of the horse shall be attached to the certificate, signed and dated by the veterinary surgeon and specifying the name of the horse so as to allow verification of the horse's identity by an authorised officer of the Council.
- (c) Horses used for drawing carriages must be adequately shod.
- (d) Should the horse or carriage be involved in any accident or should the horse be injured in any way, the horse shall stop its work, be removed from the carriage immediately and inspected by a veterinary surgeon to certify the horses fitness to continue.

2. Harnesses

Every part of the harness of animals drawing the carriage shall be kept in good order and repair so that the animal is securely attached to the carriage and is under control.

3. Carriages

- (a) The carriage shall be produced for examination and/or inspection by an authorised officer of the Council or a person acting as its agent, at such times and at such places as may reasonably be required.
- (b) The Council shall be notified if any alteration is proposed to be made to any part of the carriage, prior to that alteration being carried out.
- (c) The carriage shall be fitted with a suitable and sufficient drag chain and slipper or other sufficient brake, which shall at all times be maintained in efficient working order.
- (d) The carriage should be fitted with rubber-rimmed wheels.
- (e) The carriage shall, in all respects, be kept in good order and repair. The interior and exterior shall, as far as is reasonably practicable, be kept clean.
- (f) The floor of the carriage shall be covered with mats of a suitable material and the seats of the carriage shall be properly cushioned or covered, fittings and furniture shall be kept clean and adequate for the convenience of persons conveyed therein.

- (g) A seating plan is to be submitted at the time of the vehicle inspection showing the carriage at maximum capacity for approval by the Council.

4. Hours of Work/Rest Periods

- (a) No horse shall work more than eight hours in any given day.
- (b) Each horse shall not work on more than three consecutive days.
- (c) Each horse shall be given a minimum of 10 minutes rest after each ride.
- (d) After two hours of continuous work each horse shall be given a minimum of 20 minutes rest.
- (e) During each rest period, each horse shall be provided with adequate shade.
- (f) Each horse shall be sponged down when there is evidence of heat stress; and during rest periods each horse shall have access to clean water. Feed shall be provided as appropriate within a suitable container.
- (g) A log of the days and hours worked by each horse shall be maintained by the proprietor and shall upon request be made available for inspection by any authorised officer of the Council.

5. Insurance

An insurance certificate covering the carriage for hire and reward shall be produced on request for examination by an authorised officer of the Council.

6. General

- (a) In the event of an authorised officer of the Council having reasonable grounds to suspect that a horse being worked is unfit to perform its tasks, that horse shall be subjected to immediate examination by a qualified veterinary surgeon. Where as a result of such an examination the horse is found to be unfit, its use shall be immediately discontinued until such time as a certificate of fitness issued by a qualified veterinary surgeon is produced to the Council's authorised officer. All costs are to be met by the licence holder;
- (b) The licensee, or any person employed by him/her shall be responsible for containing or clearing away defecation of his horses in any public place as a result of his operation by virtue of this licence, and for the cleanliness of stand points;
- (c) No horse drawn carriage licensed by Rother District Council will be permitted to ply for hire from any designated hackney carriage stand within the District; and
- (d) Licence will be granted subject to the approval by the Council of the route to be taken and the point of hire to be used.

7. Fares

A clear, detailed schedule of fares must be on view to members of the public at the point of hire. A smaller version must be available within the carriage for passengers to inspect. No sum in excess of the fare shown on the Schedule for the journey undertaken shall be demanded.

Appendix D

Hackney Carriage vehicle approved roof signs

Hackney carriages must be fitted with the Council's approved roof sign. This is a "Streamline" style white light measuring 760mm in length. Wording on the front of the light must be all black and in the following fonts and sizes:

For Hire	Font Ariel	Size 35mm
Taxi	Font Ariel	Size 40mm
District of Rother	Font Ariel	Size 30mm
Company Name	Font Ariel	Size 30mm

London style cabs are exempt from this requirement due to the shape of the vehicle's roof and a light built into the vehicle.



Appendix E

CCTV Monitoring in Hackney Carriage and Private Hire Vehicles

The installation and operation of in-vehicle CCTV shall comply with the requirements of the Information Commissioner's CCTV Code of Practice, which is available via: <http://www.ico.gov.uk/upload/documents/library/dataprotection/detailedspecialistguides/icocctvfinal2301.pdf>

These guidelines set out to ensure that in-vehicle CCTV systems in licensed Hackney Carriage and Private Hire Vehicles are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of Hackney Carriage and Private Hire Drivers and their passengers.

General Requirements

- The equipment shall be installed, operated and maintained in a manner to the satisfaction of the Council.
- Any material recorded on the equipment shall only be used as evidence in Court proceedings to aid the investigation of crime, to confirm or rebut complaints made against the driver or as evidence in motor insurance matters.
- No recording or other material created by the system shall be used or distributed for any purpose other than allowed by the above or kept for more than 31 days if not required under above.
- Any system should have at least 32 Bit Encryption and be password protected and meet or exceed the current FIPS 140-2 standard or equivalent.
- All equipment must comply with any legislative requirements in respect of Road Vehicles (Construction and Use) Regulations.
- All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.
- All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse or wear and tear.

Automotive Electromagnetic Compatibility Requirements (EMC)

- CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.
- Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive.
- CCTV equipment should be e-marked or CE-marked and be confirmed by the equipment manufacturer as being suitable for use in motor vehicles.

Installation

- All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.
- Each in-vehicle CCTV installation (if fitted) will be subject to the conditions of vehicle licensing.
- The installed in-vehicle CCTV system must not weaken the structure of any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.
- All equipment must be installed in such a manner so as not to increase the risk of injury and/or injury and/or discomfort to the driver and/or passengers for lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.
- All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger area or impact on the luggage carrying capacity of the vehicle.
- It is contrary to the Road Vehicles (Construction and Use) Regulations 1986, for equipment to obscure the view of the road through the windscreen.
- Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance, or functionality of such safety systems.
- All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed.
- If more than one camera is being installed their location within the vehicle must be specific for purpose, i.e. to provide a safer environment for the benefit of the Hackney Carriage / Private Hire Driver and their passengers.
- Equipment installed must be positioned in such a way that the driver and any passengers are easily identifiable while seated in the vehicle.
- All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.
- All system components requiring calibration in situ should be easily accessible.
- As an added deterrent to passengers it is strongly recommended that a monitoring screen be installed showing any images that the systems cameras are recording in view of the passengers. Subject to Regulation 109 of the Road Vehicles (Construction and Use) Regulations 1986 which provides for the use of television sets or other monitors in motor vehicles.

Camera Activation Methods

Activation of the equipment may be via a number and combination of options, such as – door switches, time delay and driver panic button. A direct wired link to the vehicles taximeter, in the case of a Taxi, will not be acceptable.

Audio Recording

- In-vehicle CCTV systems should not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. If the system comes equipped with sound recording facility then this functionality should be disabled unless audible

recording has been justified by the data controller on application to the Information Commissioner.

- There is a limited circumstance in which audio recording may be justified, subject to the sufficient safeguard below:-
- Where recording is triggered due to a specific threat, e.g. a 'panic button' is utilised. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.
- In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Image Security

- Images captured must remain secure at all times.
- The captured images must be protected using encryption software, which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner's Office (ICO) that "data controllers" ensure any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes will also be required to ensure permanent security.

Video Imaging Quality (ADD)

- Video frame rate to be decided by the proprietor/supplier of the CCTV system.

Retention of CCTV Images

The in-vehicle CCTV equipment selected for installation must have the capability of retaining images either:-

- within its own hard drive;
- using a fully secured and appropriately encrypted detachable mass storage device, for
- example, a compact flash solid state card;
- or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted CPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre.
- Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.
- In-vehicle CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for a maximum period of 31 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a **maximum** period of 31 days from the date of capture.

Where applicable, these provisions shall also apply to audio recordings.

Notification to the Information Commissioner's Office

The information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data. The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" is the specified company that installed the in-vehicle CCTV, unless another person is approved by the Council. The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed. Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a licensed vehicle must register with the ICO (Notification) and obtain documented evidence of that registration. This documentary evidence may be required to be presented to an official of the Council at any time during the term of the vehicle licence. The Notification requires renewal on an annual basis, and payment of the appropriate fee.

Using a third party service provider (data processor)

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor. There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

Use of Information Recorded Using In-Vehicle CCTV

The data controller is responsible for complying with all relevant data protection legislation. The data controller is legally responsible for the use of all images including breaches of legislation.

Any images and audio recording should only be used for the purposes described earlier in these guidelines.

Requests may be made by the Police or other law enforcement agencies: any authorised officer of the Council, or exceptionally, other appropriate bodies, to the data controller to view captured images. The data controller is responsible for responding to these requests.

Police or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively a signed statement may be accepted.

All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

Under the DPA, members of the public may make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'subject access request'. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the ICO CCTV Code of Practice.

Signage

All Hackney Carriage and Private Hire Vehicles with in-vehicle CCTV must display the appropriate signage. The driver may also verbally bring to the attention of the passengers that in-vehicle CCTV equipment is in operation within the vehicle, if it is felt appropriate.

The contact details of Data Controller of the CCTV system must be displayed in the vehicle.

Vehicle licence conditions

Licence conditions concerning CCTV equipment being installed in licensed vehicle are:

- (a) Approval in writing must be obtained from the Council before CCTV equipment is installed and used in the vehicle.
- (b) The CCTV equipment shall be of a type approved by the Council.
- (c) The equipment shall be installed, operated and maintained in a manner to the satisfaction of the Council.
- (d) Any material recorded on the equipment shall only be used as evidence in court proceedings, or to aid the investigation of crime or to confirm or rebut complaints made against the driver or in evidence in motor insurance matters.
- (e) No tape recording or other material created by the system shall be used or distributed for any purpose other than allowed by (d) or kept for more than thirty one days if not required under (d).
- (f) Access to any digitally recorded material shall be limited to the police, any authorised officer of the Council and persons covered by the Information Commissioners CCTV Code of Practice and access to any material otherwise recorded must be made available upon demand to the police, any authorised officer of the Council.
- (g) Notices indicating that a CCTV recording system is in operation in the vehicle will be clearly displayed on the passenger windows visible from the outside and in the interior of the vehicle.
- (h) The provisions of the Data Protection Act 1998 must be fully complied with by the vehicle proprietor/operator and registration documents must be made available to the Council (Note: The person who should register is the data controller of the system). The data controller for video tape based systems is you but for other digital systems where you personally cannot gain access to the system or the data recorded, the data controller may be the provider or hirer of the system. Notification requires the purpose of the system to be explained. Usually to deter crime against taxi/private hire drivers is acceptable. Notification

will involve compliance with the guidelines for the use of CCTV issued under Act. Make sure you understand what you need to do to comply as the onus is on you if there are any breaches of the requirements.

- (i) Any breach of privacy rules or of the data protection principles or any human rights violations will be detrimental to a person's standing as a fit and proper person to hold a licence granted by this Council.
- (j) Comply with appendix E.

Please ensure you do not have equipment installed in your vehicle before the data protection registration has been shown to the Licensing Officer.

DRAFT

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