



# **Hackney Carriage and Private Hire Policy and Guidance 2023**

**The Policy and Guidance will be regularly updated and available is on our website:  
[www.rother.gov.uk](http://www.rother.gov.uk).**

**You should check it every 3 months to keep yourself updated on changes**

[licensing@rother.gov.uk](mailto:licensing@rother.gov.uk)

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Policy and Guidance document approved by Licensing and General Purposes  
 Committee on 17/04/23

## 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 advanced driver assessment IoAM)	N/A
Licence fee payable	✓	✓
Group 2 Medical	✓	✓
Disclosure & Barring Service check	✓	✓
DVLA driving licence check	✓	✓
Practical driving assessment test	✓	N/A
Knowledge & Literacy test	✓	N/A
Immigration Act 2016 checks – proof of right to work	✓	✓
Spoken English assessment	✓	N/A
HMRC Tax Check	N/A	✓
Passport	✓	✓
Proof of current address (utility bill)	✓	✓
National insurance number	✓	✓
Provide passport photo	✓	✓
Licence period	One or three years	One or three years
<b>Licence only permits you to drive vehicles licensed by Rother DC</b>		

#### First application for a vehicle licence:

	Hackney Carriage	Private Hire
Vehicle licence fee payable	✓	✓
Vehicle Compliance Test	✓	✓
	(dated no more than 4 weeks prior to the application & 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	One Year

**Renewal of a vehicle licence (see vehicle section - age criteria):**

	<b>Hackney Carriage</b>	<b>Private Hire</b>
Vehicle licence fee payable	✓	✓
Vehicle Compliance Test	✓	✓
	(dated no more than 4 weeks prior to the application & 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	One Year

**Introduction**

1. This policy and guidance document 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 policy and guidance document must be read in-conjunction with all the Rother taxi licensing webpages: [www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/](http://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/)
3. This policy and guidance document 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](mailto: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 3JX

5. If you are posting important documents make sure you pay the correct postage take a copy for your records in case these are lost in the post.

## 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/licences-and-permits/taxi-and-private-hire-licensing/make-a-taxi-or-private-hire-payment/application-fees/](http://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/make-a-taxi-or-private-hire-payment/application-fees/)

**PAYMENT Options:** we accept payments online using credit or debit cards.

## 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 1<sup>st</sup> 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](http://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 private hire 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.'

### **Drivers Licence Requirements**

22. Every driver of a Hackney Carriage licensed by the Council to ply for hire in the Rother District must hold a current Hackney Carriage (or dual driver) 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.
23. 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.
24. 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 policy and guidance document.

### **Eligibility**

25. 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 Councils Convictions Policy
  - Have passed the Councils 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

### **Driver & Vehicle Licensing Agency (DVLA) driving licence**

26. Your current driving licence must be presented for inspection on first application, on every renewal application thereafter and when requested to do so by a licensing officer. New applicants must have held a DVLA licence for a minimum of 36 months (or completed an advanced assessment).
27. 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.
28. 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.
29. Your driving licence must always show your current address. Failure to notify the DVLA of changes of name and address is a specific offence.
30. 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>).
31. Should the new applicant/existing HC/PHV licensed driver be convicted of endorsable 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**

32. You are responsible for paying all costs associated with medical examination(s), reports and other tests/assessments e.g. exercise test.
33. 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.

34. 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](http://www.gov.uk/government/collections/assessing-fitness-to-drive-guide-for-medical-professionals)
35. The Council provides the standard medical report form, this must be given to your doctor, download the form from:  
[www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/dual-driver-licences/apply-for-a-new-dual-driver-licence/](http://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/dual-driver-licences/apply-for-a-new-dual-driver-licence/)
36. Following the driver’s 65th birthday a medical certificate will be required annually.
37. 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.
38. If at any time a driver fails to meet the current Medical Standards, then the licence may be suspended or revoked.
39. In any case of doubt regarding medical fitness, clarification may be sought from the Council's medical advisor.

### **Illness/ Injury/ Change in medical circumstances**

40. 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**

41. 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.
42. The Policy can be downloaded: <https://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/dual-driver-licences/apply-for-a-new-dual-driver-licence/criminal-convictions-policy/>
43. 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.
44. 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

45. 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.
46. DBS checks will be carried out every 6 months for all new and renewal dual driver licences.
47. It is a mandatory condition for a dual driver's licence to sign up to the Disclosure and Barring Service (DBS) update service (annual fee payable). Drivers must be able to provide evidence of continuous registration and nomination throughout the duration of their licence. <https://www.gov.uk/dbs-update-service>
48. Failure to apply for a disclosure or failure to provide a disclosure certificate will be regarded as a refusal to submit the required documentation and the application will not be considered.
49. 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.
50. 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.
51. 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.
52. The Local Authority will refer individuals to DBS if it is considered that a driver or operator presents a risk to a child or vulnerable adult.

## Guidelines relating to the relevance of convictions or other relevant information

53. 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.
54. 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.

55. 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.
56. 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**

57. All convictions (spent and unspent) and other relevant information will be considered by the Panel in relation to the fit and proper person test.
58. 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.
59. 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.
60. 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 in private.
61. The decision shall be confirmed in writing after the meeting.
62. 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**

63. 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**

64. 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.
65. Serious Traffic Offences (including the use of mobile phones). The Council's Convictions' Policy does reference some motoring convictions. The Policy can be downloaded: <https://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/dual-driver-licences/apply-for-a-new-dual-driver-licence/criminal-convictions-policy/>
66. 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.
67. 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.
68. If refused, no further application will be considered until a period of three years free from conviction has elapsed.

## **DVLA driving licence penalty points**

69. Should the new applicant/existing licensed driver be convicted of an endorsable 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.
70. 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).
71. 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**

72. 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.

73. 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.
74. 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.

### **Knowledge & Literacy test**

75. All new applicants for a drivers licence must complete and pass the Council's knowledge test before being considered for grant of a licence.  
For further information: <https://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/dual-driver-licences/apply-for-a-new-dual-driver-licence/knowledge-test/>
76. 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.
77. After 4 failures an applicant will have to wait 6 months before taking another test (this also means that your DBS and medical will be out of date).
78. The knowledge test is subject to an additional fee.

### **Spoken English assessment**

79. 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.
80. 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).

### **Issuing licence and wearing badges etc.**

81. 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 whomever they will be working for. If Private Hire, to the Private Hire operator; if Hackney Carriage, the proprietor of the vehicle.
82. 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.
83. 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.
84. 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**

85. 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.
86. 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.
87. 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.
88. 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.
89. 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.
90. 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**

91. All the information you require is in this policy and guidance document and on our web site (including application forms and fees): <https://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/>
92. 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) <https://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/dual-driver-licences/apply-for-a-new-dual-driver-licence/>

- Licence fee <https://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/make-a-taxi-or-private-hire-payment/application-fees/>
  - Enhanced Criminal Record Disclosure application form
  - Enhanced Criminal Record Disclosure fee
  - DVLA driving licence (held for 36 months or IoAM)
  - Completed DVLA driving licence check form
  - 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
93. After the appointment you will need to arrange to sit the following assessments:
- Knowledge & Literacy test
  - Spoken English assessment (if required / appropriate)
  - Private Hire/Hackney Carriage Practical Driving Test
94. Please check our latest application procedure: <https://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/dual-driver-licences/apply-for-a-new-dual-driver-licence/>

### How to apply for a drivers licence renewal

95. Please refer to the checklist at the front of this policy and guidance document. All the information you require is in this policy and guidance document and on our web site (including application forms and fees): <https://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/>
96. 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).
97. Drivers are not entitled to work after the expiry date until they have received their new paper licence and photo badge.
98. To renew your licence you will need to provide the following:
- Completed application form
  - Group 2 medical form completed by your own GP (download form) <https://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/dual-driver-licences/apply-for-a-new-dual-driver-licence/>
  - Licence fee <https://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/make-a-taxi-or-private-hire-payment/application-fees/>
  - Evidence that you have completed the Enhanced Criminal Record Disclosure application on-line (or update service reference plus original certificate)
  - Enhanced Criminal Record Disclosure fee (if not on update service)
  - DVLA driving licence
  - Completed DVLA driving licence check form
  - Immigration Act 2016 checks – proof of right to reside and right to work
  - HMRC Tax check

- Passport (if you do not have a passport – birth certificate).
  - Proof of current address (utility bill)
  - National insurance number
99. Please check our latest application procedure: <https://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/dual-driver-licences/apply-for-a-new-dual-driver-licence/>

## Part C

### Essential Information for Drivers

100. 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

101. 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.
102. 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.

### Dress code

103. 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**

### 104. 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.

### 105. 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**

### 106. 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.

### 107. 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.

108. It is an offence for a private hire vehicle to tout for business. The vehicle must not look available for hire and cannot 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**

109. 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.

110. 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**

111. Drivers should ensure the vehicle they are driving is licensed; displaying plates & badges and continues to meet our vehicle specifications.
112. 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.
113. Before picking up a new passenger, drivers should check and remove any rubbish etc. left behind by the previous passengers.

## **Receipts**

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

## **Passenger details and inappropriate passenger communication**

115. Drivers must not retain any passenger details e.g. address, email, and phone numbers for longer than is necessary.
116. Drivers must not misuse passenger contact details e.g. sending unsolicited text messages or other forms of communication.
117. 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**

118. 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.

## Safeguarding Children and Vulnerable Adults

119. The work carried out by Licensed Drivers places them in a unique position to help identify and prevent abuse, exploitation or neglect of children and vulnerable adults. Drivers could encounter a number of circumstances in respect of passengers or members of the public which they find concerning whilst travelling about, such as:

- A child or vulnerable adult who presents as poorly dressed / unclean or malnourished
- An adult putting a young person or into your vehicle who may be under the influence of alcohol or drugs
- A child or vulnerable adult who looks concerned or frightened in the company of adults
- A child or vulnerable adult travelling to meet someone that they do not know, perhaps who they have met online
- A child or vulnerable adult being taken to hotels and at unusual times of the day
- A child or vulnerable adult travelling alone and / or at unusual hours (during school time, early in the morning or late at night)
- A child or vulnerable adult is going to a bank to withdraw large sums of cash

If you see a child or vulnerable adult who you think is at risk or if you are worried about what you have seen or heard contact Sussex Police on 101 or if the person is in immediate danger dial on 999.

You can also report a concerns East Sussex County Council Social Services though the links below:

For a concern about a child:

<https://www.eastsussex.gov.uk/children-families/worried-about-a-child>

For a concern about an adult:

<https://www.eastsussex.gov.uk/social-care/worried/report>

Although safeguarding is everyone's responsibility you should not confront people or take any action that may put a child, vulnerable adult, or yourself at risk.

## Touching passengers

120. Drivers should operate a no touching policy e.g. pass the seatbelt but do not 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

121. 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
122. 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”.
123. The Council **has introduced** compulsory training for drivers and operators about child sexual exploitation.

## Wheelchair accessible vehicles

124. Drivers should check disabled passenger and wheelchair are both secured before starting a journey.
125. Sections 165 and 167 of the Equality Act 2010 requires drivers of designated wheelchair accessible taxis and private hire vehicles 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](http://www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles)

## Safety of passengers entering or alighting from the vehicle

126. 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**

127. 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).
128. 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**

129. 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**

130. 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.
131. The driver is obliged to take the shortest route unless stipulated by the passenger.

## **Exceeding the permitted number of passengers**

132. 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**

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

## **Lost Property**

134. Drivers shall immediately after termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property, which may have been accidentally left there by the hirer/passengers.
135. The driver 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 the office of the Council.
- 136.

## **Animals**

137. The driver of a vehicle must not carry their own animals in a licensed vehicle whilst working.
138. 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**

139. All licensed drivers have a duty to carry, free of charge, guide, hearing and other assistance dogs in their licensed vehicles. [Section 37 of the Disability Discrimination Act 1995].
140. 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**

141. Drivers cannot 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**

142. 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**

143. 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 policy and guidance document and licence conditions (appendix E).

## **Unauthorised drivers and insurance liability**

144. 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

145. The aim of the 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 still a fit and proper person. It does not prejudice the Council's ability to take other actions. **The penalty point scheme only applies to licensed drivers, operators and vehicles, not new applicants.**
  146. 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.
  147. 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.
- For further details and a list of penalty point offences  
<https://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/dual-driver-licences/penalty-points-scheme/>

## Part D

### Fares and taximeters

#### Fares

148. You cannot 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).
149. 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.
150. 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 cannot be charged.
151. 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.
152. 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.
153. 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).
154. Regardless of whether the meter is set to the Council's maximum fare or your lower fare rate – it is an offence to charge more than the fare shown on the meter.

#### Multiple fares

155. 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

156. 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.

157. All Hackney Carriages will be required to have their meters updated 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.
158. 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.
159. The Council's updated fare card showing the rates must be prominently displayed in the vehicle.

## **Taximeters**

160. The provision of a taximeter is mandatory for a Hackney Carriage. The meter must be a calendar-controlled meter and **calibrated in accordance with the fare tariff approved by the Council.** 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.

161. **MAXIMUM fares for Hackney Carriages are set by the Council. The Council would strongly encourage vehicle owners to set meters to display the Council's set maximum fare rate\*. The meter must be used at all times in accordance with the Council's regulations and the hirer should not be charged any more than that shown on the meter.**

**\* Customers can be confused if hackney carriage vehicles operate different meter tariffs e.g. a passenger could take the same journey every day using a different hackney carriage and the meter could display something different. This can lead to passenger complaints of overcharging. If all meters were set to display the Council's maximum fare tariff this would benefit drivers and passengers. The driver is still free to spot discount at the end of the journey or calculate the fare in accordance with their own displayed tariff.**

162. The Council's fare card shows the maximum fares that may be charged and must be displayed prominently within the vehicle.

163. **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.**

164. **Regardless of whether the meter is set to the Council's fare or your own lower rate - it is an offence to charge more than the fare shown on the meter.**

165. **Where Hackney rates are charged less than the Councils maximum fare rate and you wish to increase or decrease the lower rate, the taximeter must be recalibrated before you charge the new rate. A new Calibration Certificate must be sent to the Council within 7 days of the meter rate being changed. The Certificate must be issued by an approved installer and the meters sealed. A new fare card for the new rate must be prominently displayed together with the Councils tariff card.**

166. 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

167. 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
168. 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.
169. 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

170. 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 <https://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/make-a-taxi-or-private-hire-payment/application-fees/>
  - Basic DBS disclosure if the vehicle proprietor is not a current dual driver or operator

Licensing officers will 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.

### **Issuing a Vehicle Licence**

171. Vehicle licences are issued subject to Conditions and Byelaws (as amended), (see appendices A and B).
172. 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**

173. 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**

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

### **Disposal of the Vehicle**

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.

### **Offences and Convictions/Cautions**

176. 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.

### **DBS Disclosure**

177. A Basic DBS disclosure is required for all vehicle proprietors who are not current dual drivers or operators.

178. Repeat DBS checks will be undertaken annually.

179. Vehicle proprietors are advised to sign up to the DBS update service.



## Vehicle Compliance Standards

180. The Council has adopted, as a minimum standard, the National Inspection Standards, please see <https://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/vehicle-licences/>

## Age limit of vehicles

181. For vehicles licensed before 1<sup>st</sup> April 2018 there is no age limit for vehicles. All vehicles must continue to meet the Vehicle Compliance Test and other vehicle specifications.

From 1<sup>st</sup> April 2018, a vehicle will only be accepted for licensing if the date of first registration is less than SEVEN years at the date the licence is issued\*. Subject to meeting other requirements a licensed vehicle (first licensed after 1<sup>st</sup> April 2018) will continue to be re-licensed until it is TEN years old. The age of a vehicle for licensing purposes shall be determined by the date of first registration on the V5 document.

[\*the vehicle must be licensed for use within one month from the date of the application].

Exemption to the age criteria: applications may be considered to licence and re-licence a classic, novelty or vintage vehicle e.g. a Rolls Royce. The expectation being that they would not work from a taxi rank or carry out routine work.

Before buying a vehicle please speak to a licensing officer if you do not understand the age restriction criteria.

## 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 and the vehicle must display

a white external licence plate.

186. Once a vehicle is licensed as a Rother Hackney Carriage vehicle, it is always a Hackney Carriage 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.
187. Hackney Carriages must be fitted with rear door signs.
188. 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 or it is not reasonable to assume the vehicle will work within the district.

#### Limiting numbers of Hackney Carriages (Transport Act 1985)

189. The Council does restrict the number of vehicles licensed as Hackney Carriages.

#### **Private Hire Vehicles**

190. 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.
191. 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.
192. 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.
193. Private Hire vehicles are to be identifiable by the coloured (yellow) licence rear external plate.
194. Private Hire vehicles must be fitted with rear door signs.
195. Private Hire vehicles must not be fitted with roof signs.
196. 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**

197. 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, 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.
198. 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.
199. 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**

200. 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**

201. 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 m<sup>3</sup> 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:  
<https://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/vehicle-licences/>
  - (i) Rear passenger windows – tinted glass must not be darker than front side window glass (see below for details).

### **Vehicle Compliance Test**

202. 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:  
<https://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/vehicle-licences/apply-for-a-vehicle-licence/vehicle-compliance-testing/>
203. 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.
204. 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.
205. 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**

206. 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

207. 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.
208. 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.

## 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) The rear passenger windows should be no darker than the front side windows (including glass to the third-row seating). The driver and any passengers should be clearly visible when looking into the vehicle from all windows\* at all times, (\*except for the glass to the luggage compartment area).
  - (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.

215. There should not be any loose or incorrectly fitted parts or exposed parts **inside or outside the vehicle** 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. **The rear passenger windows should be no darker than the front side windows (including glass to the third-row seating). The driver and any passengers should be clearly visible when looking into the vehicle from all windows\* at all times, (\*except for the glass to the luggage.** It is a legal requirement that front side windows should allow 70% visual light transmission VLT).

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 cannot 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:

- Where the client has specifically requested a vehicle that is not displaying a rear badge and door signs, **and**
- **The journey is a** corporate booking to transport employees and clients on business **and / or**
- Where the client has specifically requested a vehicle of a prestige specification at the time of booking

226. **The internal badge provided by the Council shall be displayed in the windscreen.** 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)**

There are three categories of vehicle with third row seating. If you are in any doubt about our licensing requirements please speak to a licensing officer before purchasing a vehicle.

#### 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.

#### 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.

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: -
  - be clearly marked in letters not less than 25 mm high on both the inside and outside, "EMERGENCY DOOR";
  - have the means of operation (for example – "pull", "turn clockwise", etc.) marked on the inside and outside;
  - 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
  - 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.
  - All doors shall remain unlocked when carrying passengers.
  - 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 minibus 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.

## 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.

## Accidents / vehicle damage

231. 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.
232. 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.
233. There are four categories of write-off: A, B, S and N:
  - Vehicles classed as Category A, B, S or N will not be licensed
  - If an existing licensed vehicle is classified as category A, B, S or N, the licence will be revoked

## 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. Exterior advertising will only be permitted if the Council has given written permission.

## 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 policy and guidance document. 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. 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 policy and guidance document.

## 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 require 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](http://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 policy and guidance document 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 Rother. 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. Private Hire Operators are required to advise the Local Authority regarding any changes to directors or partners within the business.

### 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)
  - (j) name of the person responding to the booking request
  - (k) name of the individual who dispatched the vehicle
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 policy and guidance document.

## **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 policy and guidance document. There are penalty point offences that can be attributed to driver, vehicle proprietor and private hire operator, as applicable.

## **HMRC Tax Check**

262. From 1/4/22, a HMRC Tax check code must be provided before a licence will be renewed

## **DBS Disclosure**

263. A basic DBS disclosure is required for all individuals named on the licence who are not current dual drivers and a repeat check will be carried out annually

## **Dispatch and Booking Staff**

264. A register of all staff that take bookings and/or dispatch vehicles should be kept and made available to Council Officials on request

265. A policy relating to ex-offenders in roles that would be on the register of staff should be in place and provided to the Council on request

## **Safeguarding Children and Vulnerable Adults**

266. The work carried out by Private Hire Operators and Licensed Drivers places them in a unique position to help identify and prevent abuse, exploitation or neglect of children and vulnerable adults. Operators and Drivers could encounter a number of circumstances in respect of passengers or members of the public which they find concerning whilst travelling about, such as:

- A child or vulnerable adult who presents as poorly dressed / unclean or malnourished
- An adult putting a young person or into your vehicle who may be under the influence of alcohol or drugs
- A child or vulnerable adult who looks concerned or frightened in the company of adults
- A child or vulnerable adult travelling to meet someone that they do not know, perhaps who they have met online
- A child or vulnerable adult being taken to hotels and at unusual times of the day
- A child or vulnerable adult travelling alone and / or at unusual hours (during school time, early in the morning or late at night)



- A child or vulnerable adult is going to a bank to withdraw large sums of cash

If you see a child or vulnerable adult who you think is at risk or if you are worried about what you have seen or heard contact Sussex Police on 101 or if the person is in immediate danger dial on 999.

You can also report a concerns East Sussex County Council Social Services though the links below:

For a concern about a child:

<https://www.eastsussex.gov.uk/children-families/worried-about-a-child>

For a concern about an adult:

<https://www.eastsussex.gov.uk/social-care/worried/report>

Although safeguarding is everyone's responsibility you should not confront people or take any action that may put a child, vulnerable adult, or yourself at risk.

## Part G

### Working Outside the Rother District

#### Hackney Carriage

267. 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

268. 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.
269. 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

270. 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.
271. 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

272. 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

273. A licence holder must co-operate with the licensing authority during its complaint investigation process.
274. Investigations of complaints will be prioritised based on passenger safety grounds.
275. 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

276. 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. There will also be a number of Council officers present from legal, democratic services and licensing.
277. 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

278. 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.
279. The Council does not have any powers to address parking on/obstruction of the rank by private cars.
280. Private hire vehicles must not enter any rank/stand because they will be deemed to be illegally plying for hire.
281. The driver of a hackney carriage using a rank/stand shall:
- 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;
  - 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;
  - 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**

- 282. 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.

# 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

### Local Government (Miscellaneous Provisions) Act 1976

#### Licence conditions

#### 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: <https://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/vehicle-licences/>

##### 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.

### 18. **DBS Disclosure**

A Basic DBS disclosure is required for all vehicle proprietors who are not current dual drivers or operators.

Repeat DBS checks will be undertaken annually.

Vehicle proprietors are advised to sign up to the DBS update service.

**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 passenger's 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.

#### 14. **DBS Update**

The driver shall: -

- subscribe to the DBS update service and maintain the subscription throughout the time they are licensed
- provide on request the original DBS certificate linked to the DBS update subscription
- by issue of the licence consent to their DBS status being checked on a 6-monthly basis by Council officials



# **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: <https://www.rother.gov.uk/licences-and-permits/taxi-and-private-hire-licensing/vehicle-licences/>

## **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.

## **CCTV – all vehicles**

### **17. CCTV**

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 CCTV requirements detailed in the Hackney Carriage and Private Hire Handbook

### **18. DBS Disclosure**

A Basic DBS disclosure is required for all vehicle proprietors who are not current dual drivers or operators.

Repeat DBS checks will be undertaken annually.

Vehicle proprietors are advised to sign up to the DBS update service.

## **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.

## **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
- (i) Remarks (including details of any sub-contract)
- (j) name of the person responding to the booking request
- (k) name of the individual who dispatched the vehicle

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.



## 8. **DBS**

A basic DBS disclosure is required for all persons named on the Operator licence including all partners or directors in any company or partnership who do not hold a dual driver licence with Wealden District Council.

A repeat basic DBS disclosure will be required on a yearly basis for the period of the licence.

## 9. **Booking & Dispatch Staff**

The operator shall:

- (a) maintain a register of all staff that will take bookings or dispatch vehicles
- (b) retain a policy on employing ex-offenders in roles that would be on the register of staff

## **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 horse's 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. Whereas 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 manufacturers 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 vehicle's 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 expect 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.**

## Appendix F

### Rother District Council – Hackney Carriage and Private Hire Driver - Licensing Criminal Convictions Policy - 2019

#### 1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant, or an existing licence holder, is a fit and proper person to hold a dual drivers licence; a hackney carriage or private hire vehicle licence; and/ or a private hire operators licence.
- 1.2 The overriding aim of the Licensing Authority is to protect the safety of the public. The Licensing Authority is concerned to ensure that:
- A person is a fit and proper person.
  - The person does not pose a threat to the public.
  - The public are safeguarded from dishonest persons.
  - The safeguarding of children and young persons.
- 1.3 This policy provides guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:
- Applicants for drivers'/ vehicles/ operators' licences
  - Existing licensed drivers whose licences are being reviewed
  - Licensing officers
  - Members of the licensing committee/ panel (or other relevant decision making body)
  - Magistrates' hearing appeals against local authority decisions
- 1.4 Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the licensing committee/ panel (or other relevant decision-making body). Whilst officers and the committee/ panel will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances demand, the committee/ officer may depart from the guidelines.**

#### 2. General policy

- 2.1 These guidelines do not replace the duty of the Licensing Authority to refuse to grant a licence, or to revoke a licence, where they are not satisfied that the applicant or licensee is a fit and proper person. There may be circumstances where it is appropriate to depart from the guidelines or where a situation is not covered by them. In these cases, the Authority will consider the matter from first principles and determine the fitness and propriety of the individual.

- 2.2 In determining whether an individual is fit and proper the Licensing Authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.
- 2.3 As the Licensing Authority will be looking at the entirety of the individual, the fit and proper test will not simply be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 2.4 In all cases the Licensing Authority will consider the conviction or behaviour in question, and what weight should be attached to it. Each and every case will be determined on its merits and with regard to these guidelines.
- 2.5 In this policy any reference to 'conviction' shall be construed to include matters that amount to criminal behaviour, but which may not have resulted in conviction.
- 2.6 Matters which have not resulted in a criminal conviction (be that due to an acquittal; a conviction being quashed; a decision not to prosecute; or a continuing investigation) can and will be taken into account by the Licensing Authority.
- 2.6.1 This will also include complaints where there has been no police involvement.
- 2.7 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. Cautions, fixed penalty notices, and community resolutions shall also be considered in the same way as convictions.
- 2.8 Where a new applicant is under investigation; has been charged with any offence; or is awaiting trial; the determination of the licence application will be deferred until the trial has been completed, or the charges/ summonses withdrawn. Where an existing licensee has been arrested; is under investigation; or has been charged/ summonsed; it will be for the Licensing Authority to decide what action to take in the light of these guidelines.
- 2.9 Once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their fit and proper status. The Licensing Authority has powers to take action against the holder(s) of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

2.10 Any dishonesty by any applicant, or other person on the applicant's behalf, which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused or, if already granted, revoked, and may result in prosecution.

2.11 Whilst a single conviction will not necessarily be an automatic bar to obtaining a licence, an applicant would normally be expected to:

- a. Remain free of conviction for an appropriate period;
- b. Demonstrate that they are an exceptional case sufficient for the Council to deviate from these guidelines; and
- c. Show adequate evidence that he/ she is a fit and proper person to hold a licence.

Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

In determining time elapsed 'free of conviction' shall be measured from the date of completion of any sentence, or driving ban, imposed; or, in the case of a fine, from the date of conviction (whichever is the longer).

The onus for proving that an applicant is a fit and proper person lies with the applicant.

**3 Where an applicant has been convicted of a criminal offence by a Court, the Licensing Authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].**

#### **4 Pre-requisites to making an application**

4.1 It is the policy of the Licensing Authority that every application for a licence to drive a hackney carriage and/ or private hire vehicle must be accompanied by satisfactory evidence of the following matters (and that applications that are incomplete will not be deemed to have been made until such time as they are completed):

- That the applicant has the right to live and work in the country;
- An enhanced criminal record check and evidence that they are not on a child and/ or vulnerable adult barring list;
- A certificate of their current medical fitness to DVLA Group 2 standard;
- That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive;
- That the applicant has a minimum of three years post-qualification driving experience (or if not, has completed an advanced driving assessment);
- That the applicant has adequate literacy and numeracy skills to provide the service that they wish to be licensed for;
- That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for.
- That the applicant has had child sexual exploitation and safeguarding training.
- That the applicant has been checked against National Anti-Fraud Network (NAFN) database.

4.2 If an applicant has spent six continuous months or more overseas, the Licensing Authority will expect to see evidence of a criminal record check from the country/ countries covering the period before a licence application can be made. This period will be for ten years.

## **5 Appeals**

5.1 Any applicant refused a driver's licence on the grounds that the Licensing Authority is not satisfied that he or she is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 52 (1)].

5.2 Any applicant refused an operator licence on the grounds that the Licensing Authority is not satisfied he/ she is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal. [Local Government Miscellaneous Provisions Act 1976, s 55 (4)]

5.3 Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation. [Local Government Miscellaneous Provisions Act 1976, s 61 and 62]

## **6 Powers**

6.1 Sections 61 and 62 of the Local Government Miscellaneous Provisions Act 1976 allow the Licensing Authority to suspend, revoke or refuse to renew a licence if the application/ licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

6.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore, the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

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

## **7 Consideration of disclosed criminal history**

7.1 Under the provisions of sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/ or a private hire vehicle drivers' licence and/ or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions, charges or summonses awaiting trial, or pending investigations, the licensing authority will look into:

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

7.2 Existing holders of drivers'/ operators licences or the proprietors of hackney carriage / private hire vehicle licences are required to notify the Licensing Authority in writing within 7 days of being arrested, receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).

7.3 The Licensing Authority requires enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. Standard level checks are required for applicants for an operator's licence. The Licensing Authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.

7.4 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. Similarly, applicants for the grant or renewal of an operator's licence will be required to obtain a standard level disclosure at their own expense. The Licensing Authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

7.5 Where a driver has received penalty points because they have failed to notify the Council of a relevant conviction, the Licensing Authority will require applicants to register for the DBS's update service and to nominate the Licensing Authority to receive updates. These licensees are expected to provide evidence of continuous registration and nomination throughout the duration of their licence. The cost of the registration will be met by the driver concerned.

7.6 More information about the DBS can be found on their website at:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

7.7 The Licensing Authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a

licence. This may include information held by the Licensing Authority or other licensing authorities, and information disclosed by the police.

## **8 Crimes resulting in death/ serious injury**

8.1 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person; was intended to cause the death or serious injury of another person; or was reckless as to whether death or serious injury would be caused; they will not be licensed. This will include the offences of causing death by dangerous driving; death by careless driving whilst under the influence of drink or drugs; death by driving whilst disqualified, un-licensed or uninsured; or any similar offence(s).

## **9 Exploitation**

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

## **10 Terrorism**

10.1 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with terrorism they will not be licensed.

## **11 Sex and indecency offences**

11.1 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

11.2 In addition to the above, the Licensing Authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

## **12 Offences involving violence**

12.1 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

## **13 Dishonesty**

13.1 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **14 Drugs**

14.1 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply,



a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

14.2 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## **15 Possession of a weapon**

15.1 Where an applicant has a conviction for possession of a firearm, or imitation firearm, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

15.2 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **16 Criminal damage**

16.1 Where an applicant has a conviction for criminal damage, including arson that does not endanger life, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **17 Public Order**

17.1 Where an applicant has a conviction for a public order offence a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed

## **18 Discrimination**

18.1 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **19 Motoring convictions**

19.1 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be

committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

## **20 Drink driving/ driving under the influence of drugs/ using a hand-held telephone or handheld device whilst driving**

20.1 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

20.2 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## **21 Other motoring offences**

21.1 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance, or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

21.2 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

21.3 An operator who aids and abets the driving of passengers for hire and reward without insurance will normally have his/ her operators' licence revoked immediately and be prevented from holding a licence for at least 7 years.

## **22 Hackney carriage and private hire offences**

22.1 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (whether the offence involved the use of a vehicle or not), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **23 Once a licence has been granted**

- 23.1 If, following the grant of a licence, the licensee's conduct is such that were they applying for a new licence their application would not be granted, then consideration will be given to revocation of their existing licence. In determining such cases any reference to 'applicant' in this policy shall be construed as to include an existing licensee and it shall be for the Licensing Authority to decide what action to take in the light of these guidelines.
- 23.2 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]
- 23.3 A suspension or revocation of the licence of an operator takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.

## **24 Licences issued by other Licensing Authorities**

- 24.1 Applicants who hold a licence with one Licensing Authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.
- 24.2 Licensees who are licensed by multiple Authorities are expected to inform all such Authorities of the Authorities that they are licensed by and to advise each Authority of any changes in this respect; and should expect those Authorities to share information regarding their conduct and to take it into account as appropriate.

## Appendix G

### Rother District Council Penalty Point Scheme for existing licensed drivers and operators

	Details of the misconduct	Points Applicable	Driver	Vehicle Owner or Operator
1	Providing false or misleading information on licence application form / failing to provide relevant information or pay the relevant fee (including dishonoured cheques)	6	✓	✓
2	Failure to notify, in writing, the Council of a change of address within 7 calendar days	3	✓	✓
3	Refusal to accept hiring without reasonable cause	6	✓	
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6	✓	
5	Plying for hire by Private hire drivers or Hackney Carriage drivers plying for hire outside the district	9	✓	✓
6	Private hire vehicle parking or waiting on a taxi rank	9		✓
7	Inappropriate behaviour at a taxi rank,	1-12*	✓	
8	Leaving a taxi unattended at a rank	4	✓	
9	Using unlicensed vehicle or using a licensed vehicle without insurance or without a valid VCT	12	✓	✓
10	Failure to produce relevant documents within timescales when requested by an Authorised Officer	4	✓	✓
11	Unsatisfactory condition of vehicle, interior or exterior	4	✓	✓
12	Failure to undergo the 6 monthly VCT on time	6		✓
13	Failure to provide proof of insurance cover when requested	6	✓	
14	Failure to produce Hackney Carriage or Private Hire vehicle for re-testing when required	4		✓
15	Using a vehicle subject to a suspension order issued by an Authorised Officer or a police officer	12	✓	✓
16	Using a vehicle for which the licence has been suspended or revoked	12	✓	✓
17	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions	4	✓	✓
18	Carrying more passengers than stated on the vehicle licence	6	✓	
19	Failure to display external/internal licence plate in a fixed position or failure to display appropriate door signs	6	✓	✓
20	Carrying an offensive weapon in the vehicle	12	✓	
21	Failure to notify a transfer of Private Hire or Hackney Carriage vehicle licence within 14 days of transfer	4		✓
22	Failure to carry fire extinguisher	4		✓

23	Failure to carry first aid kit	3		✓
24	Displaying unsuitable or inappropriate sited signs or unauthorised advertisements in or on the vehicle	3		✓
25	Failure to use authorised roof light	4	✓	
26	Failure to maintain records in a suitable form of the commence and cessation of work of each driver each day	4		✓
27	Failure to produce on request records of drivers' work activity	4		✓
28	Using a non-approved or non-calibrated taximeter (HC)	6	✓	✓
29	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle	12	✓	✓
30	Evidence of smoking in vehicle	3	✓	✓
31	Evidence of food or drink in Vehicle	3	✓	✓
32	Displaying any feature on private hire vehicle that may suggest that it is a Hackney Carriage	6		✓
33	Using a vehicle, the appearance of which suggests that it is a Taxi	6		✓
34	Failure to carry an assistance dog without requisite medical exemption certificate	12	✓	✓
35	Driver not holding a current DVLA licence	12	✓	✓
36	Failure to have the driver's badge clearly displayed	4	✓	
37	Failure to notify, in writing, a change in medical circumstances	6	✓	✓
38	Unsatisfactory appearance of driver	4	✓	
39	Failure to observe rank discipline (HC)	3	✓	
40	Failure to maintain proper records of private hire vehicles	3		✓
41	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6		✓
42	Misleading use of the words 'Taxi' or 'Cab' on advertising materials	3		✓
43	Failure to issue receipt on request.	6	✓	✓
44	Using a licensed vehicle in a dangerous condition	9	✓	✓
45	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspensions of such licence	4		✓
46	Unsatisfactory behaviour or conduct of a driver.	1-12*	✓	
47	Failure to notify the Council in writing, of any motoring or criminal convictions within 21 days or conviction or cautions during period of current licence	6	✓	✓
48	Failure to behave in a civil and orderly manner, or bringing the trade into disrepute.	1-12*	✓	✓
49	Failure to provide reasonable assistance to a passenger	1-12*	✓	✓
50	Failure to display a correct up to date fare card (HC)	3	✓	✓
51	Carrying two or more separate fares without the appropriate consent	9	✓	

52	Failure to carry a legal spare wheel (or appropriate alternative) and the necessary tools to fit the spare wheel	4	✓	✓
53	Failure to attend punctually at appointed time and place without sufficient cause	4	✓	✓
54	A licensed vehicle with a bald or dangerous or defective tyre	4 per tyre	✓	✓
55	Failure to submit licence renewal application including documents and attendance at a vehicle inspection	6	✓	✓
56	Failure to display an applicable fare card AND the Councils valid fare card together	3	✓	✓
57	Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle	3	✓	
58	Driving whilst using a mobile phone	9	✓	
59	Appeal of points by way of Licensing Sub-Committee	4-12*	✓	✓

\*- discretionary points up to a maximum of 6 points can be issued by officers, but greater awards of points can only be issued by the Licensing Panel.

Officers may refer any mandatory award of points to Members where there are aggravating features to a case.

Ticks indicate potential recipients of points for infringements, but are not limited to those only. Certain cases may result in drivers and/or proprietors and/or operators receiving penalty points. Points may be awarded to one or several persons depending upon the circumstances of the case, but each case will be considered on its individual merits.

### Contact details

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