



## Policy and Conditions governing Hackney Carriage Proprietors and Drivers and Private Hire Operators and Vehicle Licences

### Policy Guidance

#### General Information

#### 1. TYPES OF LICENCES

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

- (i) *Hackney Carriage Proprietors (Vehicle) Licence*
- (ii) *Hackney Carriage Drivers Licence*
- (iii) *Private Hire Drivers Licence*
- (iv) *Private Hire Vehicle Licence*
- (v) *Operators Licence*

#### 2. DURATION OF LICENCES

All vehicle licences are renewable annually and will only be issued for the full period of 12 months.

Driver's licences will normally be issued for a minimum period of 12 months. All renewal applications MUST be accompanied by the DVLA Drivers Licence (paper section) for inspection, accompanied by a Medical Certificate and completed Criminal Records Bureau check form where required.

Please note: Expired Licences cannot normally be renewed after the date of expiry. An expired licence will require a new application which means, in the case of a Hackney Carriage or Private Hire Drivers Licence, a further Criminal Records Bureau check and a full medical examination.

#### 3. LICENCE FEES

Dependant on the specific licence, the fees include elements for administration costs and enforcement, which will be reviewed annually in accordance with statutory provisions. Applicants will be advised of the fees and charges at the time of application or upon request.

#### 4. LICENSING FORMS

The Council provides an application form for Hackney Carriages Vehicle and a Private Hire Vehicle. A single application form is provided for driver's licences for these vehicles as a Dual Licence may be held.



## **5. UNAUTHORISED DRIVERS AND INSURANCE LIABILITY**

Drivers and Proprietors are reminded of the requirements of Part IV of the Road Traffic Act 1988 in relation to the provision of Third Party Insurance (see Section 40 of the 1847 Act and Section 48 of the 1976 Act). No person should act as a driver without the consent of the proprietor and while they hold a valid driver's licence. Proprietors may be liable for insurance offences committed by the driver.

## **6. KNOWLEDGE TEST**

All new applicants for a Hackney Carriage and/or Private Hire Driver's Licence will be required to sit and pass a Knowledge Test of the Chichester District Council area. Further details of the Test can be obtained by contacting the Council offices.

## **7. FITNESS**

All existing drivers are required to undertake a medical examination every four years and annually from the age of 60 years. All new applicants are required to undergo a medical examination by a Doctor to the Group 2 Vocational Standard, based upon the prescribed D4 medical examination required by the DVLA. The medical certificate may be obtained from any Doctor. All charges relating to medical examination are to be paid by the applicant.

This Council will only accept a medical certificate completed by an applicant's own Doctor or a Doctor from the same medical practice who has access to a patient's medical history notes. The same requirement will apply to existing drivers.

On each renewal of a licence, applicants are required to make a declaration as to their physical and mental fitness.

## **8. GOOD CHARACTER**

Applicants are required to submit information on the Application Form concerning their previous employment and history, together with business and personal references. If there is any doubt about the suitability of a person to act as a licensed driver the application will be referred to the Council's Licensing (General Purposes) Sub Committee for determination. If an application is refused there is a Right of Appeal to the Magistrates Court.

Similarly, if at any time there is any reason to doubt that a person is no longer a fit and proper person to hold a drivers and/or operators licence, the matter will again be referred to the Council's Licensing (General Purposes) Sub Committee for determination. There is a right of appeal to the Magistrates Court.



## 9. CONVICTIONS AND CAUTIONS

Any licensed driver shall within seven calendar days report to the council in writing details of any conviction(s), caution(s) or Fixed Penalty Notices for crime or endorsable offences, ASBO's or penalty notices for disorder, imposed on him or her during the period of the licence, including all motoring offences or pending proceedings.

## 10. NATIONAL FRAUD INITIATIVE

This Council is under a duty to protect the public funds it administers, and to this end may use information you have provided for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these

The Audit Commission currently requires us to participate in a data matching exercise to assist in the prevention and detection of fraud. We are required to provide particular sets of data to the Audit Commission for matching for each exercise, and these are set out in the Audit Commission's guidance, which can be found at [www.audit-commission.gov.uk/nfi](http://www.audit-commission.gov.uk/nfi)

For further information visit the Council's website at <http://www.chichester.gov.uk>  
Email: [finance@chichester.gov.uk](mailto:finance@chichester.gov.uk)

## 11. SUSPENSION, REVOCATION OR REFUSAL OF LICENCES

The Council may suspend, revoke or refuse to renew a licence in accordance with the provisions of Section 60, 61 and 62 of the Local Government (Miscellaneous Provisions) Act 1976.

If a licence is suspended, revoked or is not renewed the Council will give written notice to the licence holder of the grounds for that action within 14 days of such suspension, revocation or refusal. There is a right of appeal to the Magistrates Court.

## 12. CONDUCT/DRESS/APPEARANCE

A high standard of conduct is expected from licensed drivers and operators. All licence holders shall at all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.

A licensed driver shall take all reasonable steps to ensure the safety of passengers and on every occasion, reasonable assistance shall be given with a passenger's luggage.

Instances of improper conduct will be viewed most seriously and a record will be maintained of complaints against individual licence holders. Consideration may be given to the suspension, revocation or refusal to renew a licence in the light of a licence holders record.



The driver's licence must be deposited with the Proprietor of the vehicle being driven, either Hackney Carriage or Private Hire. A drivers Licence must be produced within 5 days on request by an Authorised Officer of the Council or a Police Constable (Section 53 of the 1976 Act).

Every driver must co-operate with any Authorised Officer of the Council or Police Constable and in this regard must comply with all reasonable requirements and provide all assistance and information requested of them (Section 73 of the 1976 Act).

### **13. BADGES**

Drivers, whilst working, are required to wear the badge provided by the Council at all times in accordance with the Byelaws or conditions of Licence. Badges shall be in a form prescribed by the Council.

Upon suspension or revocation or expiry of the drivers licence, the driver shall on demand return his badge to the Council. (Section 61(2)(a) of the 1976 Act)

### **14. DRIVING STANDARDS AGENCY TEST**

All new applicants shall be required to undergo a driving test with the Driving Standards Agency, as distinct from the driving test with the DVLA. Licences to drive a hackney carriage or private hire vehicle shall not be granted unless the applicant has successfully passed this test. Where an applicant will be required to carry persons in wheelchairs as part of their daily work, the applicant shall undergo an additional test for Wheelchair Accessible Vehicles.

Existing drivers will not be required to undergo this DSA test. Where it becomes evident that a licensed drivers' driving ability has fallen below the standard considered to be safe or where a driver has acquired between 7 to 9 penalty points on their DVLA driving licence, a licensed driver should undergo the DSA test. If such a test is failed, consideration will be given to suspend a driver's licence until they successfully pass. This decision will only be taken by the Assistant Director (Environmental Health) under existing delegated powers where there is a potential risk to the public.

An applicant or driver would meet the cost of the Hackney Carriage/Private Hire DSA test.

### **15. POINT SYSTEM**

The Council has adopted a 'Penalty Points System'. Its primary objective being to improve the level of compliance and the efficiency of administration of enforcement. Points will be awarded as a reasonable and proportionate remedy to further improve the standards, safety and protection of the travelling public. A copy of the 'Points System' and associated 'Table of Offences' are available at the Council offices and on the Council's website.



## 16. TRANSFER OF VEHICLES

If the proprietor of a vehicle transfers his interest in the vehicle to another person, he shall within 14 days give notice in writing to the Council specifying the name and address of the person to whom the vehicle has been transferred. (Section 49(1) of the 1976 Act ).

## 17. SAFETY EQUIPMENT

### (a) Fire extinguishers

Every licensed vehicle is required to carry a fire extinguisher, which must be approved by the Council. The extinguisher must be secured in the driving compartment of a hackney carriage, and in the boot of a private hire vehicle.

**Note.** An approved extinguisher should be either (a) a dry powder extinguisher of at least 1 kilogram in weight and marked as complying with BS5423, or (b) an AFFF extinguisher of at least 1 litre capacity to BSEN3:1996 all extinguishers must have a visual gauge to indicate the state of charge.

In order to ensure that all vehicles are permanently equipped with a fire extinguisher, the Council's policy shall require that the vehicle registration mark will be permanently written on the extinguisher to avoid its removal and exchange with another vehicle.

### (b) Spare wheel

Many vehicles are no longer fitted with any type of standard spare wheel and the provision for a puncture is met by equipping the vehicle with a 'space saver' spare wheel or 'run flat tyres' or by providing a sealant that can be used to seal and inflate a punctured tyre. In cases where a full sized spare wheel is provided for use, the driver/owner shall continue to use this type of wheel and tyre. Council policy and licence conditions shall allow the provision of a 'space saver' spare wheel if fitted or the provision of a tyre sealant or 'run flat tyres'. All to be in accordance with the manufacturers specifications at the time of first registration by the DVLA. In every case where this occurs the driver/owner shall be required to sign a 'method statement' designed to highlight driver responsibilities with regard to the maximum permitted speed when using these devices and an acknowledgement that these devices are designed only as a 'get-you-home' measure. The punctured tyre shall be repaired and returned to use as soon as practicable.

### (c) Seat belts

Under the Motor Vehicles (Wearing of Seat Belts) Regulations 1993, all occupants of a hackney carriage or private hire vehicle must wear a seat belt. Taxi drivers may claim an exemption if plying for hire, answering a call for hire, or when actually carrying a passenger for hire. The exemption cannot be claimed when driving from home to office, or when not plying for hire. Private hire drivers may only claim an exemption when carrying a passenger for hire.



The Council's licence conditions prohibit the carriage of a child below the age of 10 in the front seat of a vehicle, or more than one person above that age. This means that mothers with babies must be seated in the rear seat.

It is the responsibility of the driver to ensure that children, i.e. under the age of 14, wear seat belts. Child seats must be used in the rear seats with adult seatbelts where the child is up to 3 years of age and under 135 cms (4'5") in height. Children over this age or height may travel using an adult seatbelt only. As far as taxis and private hire are concerned, an adult seatbelt can be used for children of 3 years of age if the right child seat is not available. Children under 3 years of age may travel unrestrained in the rear of a taxi or private hire vehicle if no child seat is available.

#### **(d) Warning Triangle and Reflective Jackets:**

All licensed vehicles will be equipped with a warning triangle and reflective high visibility vests to EU standard EN 471 class 2. This equipment shall be used at the discretion of the driver in order to safeguard all persons in the event of a mechanical breakdown, accident or other emergency.

### **18. VEHICLE SPECIFICATION AND APPEARANCE**

All vehicles must be suitable in type, size and design for use as either a hackney carriage or private hire vehicle or whichever licence is to be applied for.

In addition to complying with the Council's mechanical standard, the vehicle is required to comply with the Council's conditions of fitness relating to fixtures, fittings, and cleanliness for providing passenger comfort.

Vehicles licensed as hackney carriages must conform to the type of construction approved by the Council. They must carry a roof sign with the word "TAXI" clearly visible, and, subject to Council approval, may carry such other form of advertising as considered suitable on the front doors of the vehicle, or alternatively a full body livery advertisement may be applied for. It is not permitted for vehicles to display both types at the same time. In addition to these external advertisements a hackney carriage may display advertisements on the bases of the tip-up seats.

Wheel trims must be provided on all vehicles and must be maintained in good condition so as not to detract from the appearance of the vehicle. They need not be manufacturers replacements, but must be a matching set. It is recommended that all wheel trims be secured into position with plastic ties to prevent loss.



## 19. ACCIDENTS TO HACKNEY CARRIAGE / PRIVATE HIRE VEHICLES

Any accident to a Hackney carriage / private hire vehicle causing damage materially affecting the safety, performance or appearance of the vehicle, or the comfort or convenience of the persons carried therein, must be reported to the Council as soon as practicable and in any case within 72 hours of the occurrence. It is the responsibility of **the driver of the vehicle at the time of the accident** to report that accident to the Council's Licensing Office. (Section 50(3) of the '76 Act)

## 20. STOP NOTICES

In addition to the Council's Licensing Officers being nominated as Authorised Officers, VOSA approved vehicle testing staff at Chichester Contract Services shall be nominated as Authorised Officers for the purposes of the LGMPAct '76 and thereby shall be authorised to issue a Stop Notice on any licensed vehicle found to be in a serious unroadworthy condition.

## 21. CCTV IN LICENSED VEHICLES

The Council sees the provision of CCTV inside a hackney carriage or private hire vehicle as being a positive measure to prevent and detect crime. It is important that all licensed drivers have the option to protect themselves and the installation of cctv equipment, inside the vehicle, is an important step to reduce the likelihood of a risk from assault. Furthermore, the sound and image recordings made by the use of this cctv equipment may be used to refute an allegation or as evidence in connection with an offence.

## 22. VEHICLE LOG BOOK

Every licensed proprietor/owner will keep a **Vehicle Log Book**, to be retained with the vehicle at all times and be available for inspection by an Authorised Officer. This document will include details of all maintenance and servicing carried out on the vehicle in accordance with the manufacturers recommended safety inspection and servicing procedures, all inspections made by Authorised Officers/Police or VOSA, any accident damage details and details of the current insurance policy in force for that vehicle.

## 23. DUTY TO ASSIST PASSENGERS IN WHEELCHAIRS

23.1 Under Section 165 of the Equality Act 2010, licensed drivers of designated Wheelchair Accessible Vehicles (WAV) must:

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so (For instance - A meter should not be left running whilst the driver performs duties required by the Act, or the passenger enters, leaves or secures their wheelchair within the passenger compartment);
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;



- To take such steps as are necessary to ensure that the passenger is carried in safety (There is a defence available to a driver that it would have not been possible to carry the wheelchair safely in the vehicle) and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

A driver who breaches one or more of the duties outlined above will be liable on summary conviction for each offence to pay a fine not exceeding level 3 on the standard scale. The current maximum level of the fine is £1,000.

- 23.2 Designated vehicles are those listed by the Council under section 167 of the Equality Act 2010 as being a 'wheelchair accessible vehicle'. A list of such vehicles will be published on the Council website. Drivers will be written to if they own or drive a designated WAV which features on the list.
- 23.3 Drivers who have a certifiable medical condition or physical condition, which makes it impossible or unreasonably difficult for them to assist wheelchair users, may apply to the council for an exemption from this duty. Any such application will need to be supported by a letter from the driver's doctor or specialist detailing the following:
- What duties cannot be undertaken;
  - Why they cannot be undertaken;
  - Date the condition was first noted;
  - Whether there are any modifications to the vehicle or the way the driver provides the service that would negate the need for an exemption;
  - For how long the medical exemption will be required for; and
  - To provide any medical reports in support of the request being made.
- 23.4 The Council reserves the right to refer the driver to the Council's own medical or occupational health practitioner if an assessment by a third party medical practitioner is felt necessary. Any additional costs will be borne by the driver.
- 23.5 If an exemption is issued then the notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard. The exemption will only apply if the notice of exemption is displayed correctly.
- 23.6 The Council will develop an application process to deal with this particular matter.
- 23.7 If Officers of the Licensing Team have any concerns regarding granting the exemption then the matter will be referred to the Licensing (General Purposes) Sub-Committee to determine. If the application for an exemption is refused then under Section 172 of the Equality Act 2010 there is a right of appeal to the Magistrates Court within 28 days of the date of refusal.





23.8 It is the expectation of the Council that the owner or driver of a WAV is fully conversant in terms of loading, securing and unloading a wheelchair user in a safe manner. The owner or driver should also be aware of any limitations that the vehicle may have in relation to different types of wheelchairs. For instance, any weight limits in relation to ramps.

## **24. CARRYING OF ASSISTANCE DOGS**

24.1 Under Section 168 of the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

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

A driver who breaches one or more of the duties outlined above will be liable on summary conviction for each offence to pay a fine not exceeding level 3 on the standard scale. The current maximum level of the fine is £1,000.

24.2 It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

24.3 Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty on medical grounds. Any such application will need to be supported by a letter from the driver's doctor or specialist detailing the following:

- What duties cannot be undertaken;
- Why they cannot be undertaken;
- Date the condition was first noted;
- Whether there are any modifications to the vehicle or the way the driver provides the service that would negate the need for an exemption;
- For how long the medical exemption will be required for; and
- To provide any medical reports in support of the request being made.

24.4 The Council reserves the right to refer the driver to the Council's own medical or occupational health practitioner if an assessment by a third party medical practitioner is felt necessary. Any additional costs will be borne by the driver.

24.5 If no exemption has been applied for and subsequently granted, then drivers are still required to carry assistance dogs.



- 24.6 If an exemption is issued then the notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard. The exemption will only apply if the notice of exemption is displayed correctly.
- 24.7 The Council will develop an application process to deal with this particular matter.
- 24.8 If Officers of the Licensing Team have any concerns regarding granting the exemption then the matter will be referred to the Licensing (General Purposes) Sub-Committee to determine. If the application for an exemption is refused then under Section 172 of the Equality Act 2010 there is a right of appeal to the Magistrates Court within 28 days of the date of refusal.