



**DRAFT**  
**v.14**  
**14.12.12**

**Hackney Carriage and  
Private Hire Licensing Policy**

**2012-2015**

draft

## CONTENTS

<b>Section</b>	<b>Page</b>
List of Appendices	<b>3</b>
<b>1</b> Introduction	<b>4-6</b>
<b>2</b> Vehicles - (Hackney Carriage & Private Hire)	<b>7-14</b>
<b>3</b> Drivers – (Hackney Carriage & Private Hire)	<b>14-18</b>
<b>4</b> Private Hire Operators	<b>18-19</b>
<b>5</b> Disciplinary and Enforcement Measures	<b>19-23</b>
<b>6</b> Delegated Powers	<b>23</b>
<b>7</b> Fares	<b>23-24</b>
<b>8</b> Fees	<b>24</b>
<b>9</b> Hackney Carriage Stands	<b>24</b>
<b>10</b> Hackney Carriage Hailing Points	<b>25</b>

## LIST OF APPENDICES

Appendix	Description	Pages
A	Vehicle Specifications and Conditions of Licence for Hackney Carriages	26-35
B	Vehicle Specifications and Conditions of Licence for Private Hire Vehicles	36-46
C	Additional Conditions for Private Hire Limousines	47-53
D	Application Procedures – Vehicles and Drivers	54-57
E	Drivers - The Relevance of Convictions	58-60
F	Drivers - Private Hire Driver's Conditions	61-64
G	Drivers – Hackney Carriage Byelaws	65-69
H	Drivers – Code of Good Conduct	70-72
I	Drivers - Dress Code	73
J	Private Hire Operators - Licence Conditions	74-76
K	Enforcement Policy and Practice	77-84
L	Penalty Points Scheme	85-89
M	Hackney Carriage Stands	90

# **1 INTRODUCTION**

## **1.1 Powers and Duties**

- 1.1.1 The licensing of hackney carriages dates back to 1847 and 1976 for private hire vehicles (outside London).
- 1.1.2 The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) places a duty on Dover District Council, as the Licensing Authority (the “Authority”), to carry out its functions in respect of hackney carriages and private hire licensing.
- 1.1.3 Private Hire and Hackney Carriage regulation seeks to protect individuals, businesses and the environment. It must be undertaken in such a way that is effective, does not create unnecessary burdens, and is consistent, transparent, proportionate, accountable and targeted.
- 1.1.4 This document sets out the policy that the Authority will apply when making decisions about new applications as well as current licences.

## **1.2 Objectives**

- 1.2.1 Hackney carriage and private hire vehicles play a vital role in an integrated transport system. They provide services in situations where other forms of transport are either not available (rural areas and late evenings) or for persons with mobility difficulties.

The Authority will seek to promote the following objectives that impact on these trades:

- (i) the protection of the public;
- (ii) the establishment of professional and respected hackney carriage and private hire trades;
- (iii) access to an efficient and effective public transport service; and
- (iv) the protection of the environment.

- 1.2.2 The Authority aims to regulate the trades in order to promote the above objectives. It is the Authority’s wish to facilitate well-run and responsible businesses, which display sensitivity to the wishes and needs of the general public.
- 1.2.3 When considering each of the policies detailed in this document regard has been given to the statutory Code of Practice for Regulators in order to ensure that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.

### **1.3 Best Practice Guidance**

- 1.3.1 In formulating this policy, advice contained in the *Taxi and Private Hire Vehicle Licensing: Best Practice Guidance* issued by the Department for Transport in October 2006 has assisted the Authority. However, local circumstances and requirements have also been taken into account in this policy.

### **1.4 Status**

- 1.4.1 In exercising its regulatory functions, the Authority shall have regard to this policy document and the objectives set out above.
- 1.4.2 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Authority to depart substantially from its policy, clear and compelling reasons shall be given for doing so.

### **1.5 Implementation**

- 1.5.1 Once approved this policy will be in effect for a period of three years and the Authority expects licence-holders to comply with its terms immediately.
- 1.5.2 The Authority will keep this policy under review and will consult where appropriate on proposed revisions.
- 1.5.3 From the effective date this policy will override and supersede all existing policies in relation to hackney carriage and private hire licensing.

### **1.6 Licensing Profile**

- 1.6.1 A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public. Private hire vehicles must also have no more than 8 passenger seats but these must be booked in advance by customers through an operator and may not ply for hire in the street.
- 1.6.2 Dover District Council currently licences 69 hackney carriages and approximately 111 private hire vehicles as well as 31 private hire operators.
- 1.6.3 The Authority has approximately 298 drivers licensed to drive hackney carriages and private hire vehicles.

## **1.7 Consultation**

1.7.1 In preparing this policy the Authority has consulted with the following:-

- Dover Federation of Licensed Taxi Operators
- Taxi and Private Hire Drivers & Proprietors
- Private Hire Vehicle Operators
- Kent Police
- Kent County Council
- East Kent Coastal PCT
- Department for Transport
- Network Rail
- Disability Groups
- Transport User Groups
- Town Centre Management
- General Public
- Area Forums
- Local transport providers
- Dover, Deal & Sandwich Town Councils
- Parish Councils
- Dover Harbour Board
- Age Concern
- Centres for the Retired

## **1.8 Partnership Working**

1.8.1 The Authority will work in partnership with the following agencies to promote the policy objectives:-

- Local hackney carriage and private hire trades
- Kent Police
- Local Residents
- Disability Groups
- Service Users
- Vehicle and Operator Services Agency (VOSA)
- Kent County Council
- HM Revenue and Customs
- Department of Works and Pensions
- Other Authority departments

1.8.2 The Authority meets regularly with the hackney carriage and private hire trades to consider regulatory issues.

## 2 VEHICLES

### 2.1 Limitation of Numbers

- 2.1.1 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.
- 2.1.2 The current legal provision on quantity restrictions for hackney carriages is set out in Section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages “if, but only if, the local authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet.”
- 2.1.3 The Authority is satisfied that there is no significant unmet demand for the services of hackney carriages. An independent survey was last undertaken in August 2010 and the policy reviewed on 3<sup>rd</sup> October 2011.
- 2.1.4 The Authority currently limits the number of hackney carriages it licences to 69 but will continue to assess whether there is any significant unmet demand at a maximum of 3 yearly intervals.

### 2.2 Specifications and Conditions

- 2.2.1 Local licensing authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriage or private hire vehicles. However, Government guidance suggests that they should adopt the principle of specifying as many different types of vehicle as possible and encourages the use of the “type approval” rules within any vehicle specifications they adopt.
- 2.2.2 This Authority will impose such conditions as it considers reasonably necessary on hackney carriage and private hire vehicle licences. Such vehicles provide a service to the public and so it is considered appropriate to set criteria for the standard of the external and internal conditions of the vehicle, provided that these are not unreasonably onerous.
- 2.2.3 **Appendix A** sets out the specification and minimum standards in respect of hackney carriages and **Appendix B** sets out the specification and minimum standards for private hire vehicles.
- 2.2.4 Vehicles can be licensed for the carriage of between four and eight passengers. Applications in relation to vehicles that wish to accommodate less than four passengers shall be referred to the Regulatory Committee.

## 2.3 Accessibility

2.3.1 Hackney carriages and private hire vehicles are an essential mode of transport for disabled and older people. The combination of the personal service they offer, their wide availability and door-to-door operations enable them to respond particularly well to the travel needs of people with disabilities.

2.3.2 The Authority is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life. It fully supports the view of the Disability Rights Commission that:-

*“Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible.”*

For this reason, the Authority considers it important that people with disabilities have access to all forms of public transportation.

2.3.3 Therefore, in addition to the general conditions, accessibility for people with disabilities (including, but not limited to, people who need to travel in a wheelchair) is an important consideration in respect of the vehicles licensed as hackney carriages. The Council does not intend to impose a date by which all hackney carriages should be wheelchair accessible at present but does intend to carry out a full study to determine the need and demand in the district in order to properly inform its views. The Council will, however continue to offer financial incentives, by way of a discount on the licence fee, for applicants wishing to licence wheelchair accessible vehicles as hackney carriage and or private hire vehicles.

2.3.4 It is arguable that different accessibility considerations should apply between hackney carriage and private hire vehicles in that hackney carriages can be hired directly in the street or at a hackney carriage stand (“taxi rank”), by the customer dealing directly with a licensed driver. However, private hire vehicles can only be booked through a licensed private hire operator, normally by telephone or by visiting a private hire operator office. It is, therefore, considered particularly vital that a person with disabilities should be able to hire a hackney carriage on the spot with the minimum delay or inconvenience, and the Authority will continue to offer incentives to proprietors and operators of wheelchair accessible vehicles.

2.3.5 It is important that vehicle proprietors and private hire operators ensure that licensed drivers do not cause wheelchair passengers to travel sideways in their wheelchair and that drivers are trained in the use of relevant belts and other restraint and locking mechanisms. They should also ensure that driver training is up-to-date and that they are aware of new research concerning the safe carriage of passengers in wheelchairs. In particular, drivers need to be aware of the correct use of swivel seats, if fitted; when used, drivers should ensure that the seat is correctly locked in position when it is back inside the vehicle.



- 2.3.6 Since December 2006 licensed drivers have a duty to ensure disabled people are not discriminated against or treated less favourably. Guidance and a Code of Practice produced by the Disability Rights Commission explains these duties and is available from the Authority's website.
- 2.3.7 Another good practice guide, "Making private hire services more accessible to disabled people" has been produced by the Disabled Persons Transport Advisory Committee and can be obtained from [www.dptac.gov.uk/pubs/phv](http://www.dptac.gov.uk/pubs/phv).

## **2.4 Maximum Age of Vehicles**

- 2.4.1 No application for a hackney carriage or private hire vehicle licence will be granted if the vehicle, when initial application is made, exceeds 5 years of age or 100,000 miles.
- 2.4.2 No application for the renewal of a hackney carriage or private hire vehicle licence will be granted if the vehicle, when application is made, exceeds 8 years of age, or the total mileage travelled by the vehicle exceeds 300,000 miles.
- 2.4.3 No application for the renewal of a hackney carriage or private hire vehicle licence purpose built for the carrying of wheelchair dependant passengers, or a type licensed by the Public Carriage Office as a London Cab will be granted if the vehicle, when application is made, exceeds 12 years of age or the total mileage travelled by the vehicle exceeds 400,000 miles.
- 2.4.4 The Licensing Team Leader has delegated authority to extend the time limits set out at 2.4.1 – 2.4.3 for prestige or exceptionally well-maintained vehicles by a maximum of two further years. Applicants who fail to obtain approval from the Licensing Team Leader for an extension or who may wish to seek permission to extend beyond the two extra years may ask to be referred to the Regulatory Committee for consideration.
- 2.4.5 Applications for vehicles that fall outside of the policy guidelines will be referred to the Regulatory Committee for consideration.
- 2.4.6 All applications for vehicle licences are subject to the satisfactory passing of the MOT test and Inspection by the Licensing Officer. Applicants who fail to obtain approval from the Licensing Officer may ask to be referred to the Regulatory Committee for consideration.

## **2.5 Vehicle Testing**

- 2.5.1 The Authority needs to be satisfied that licensed vehicles operating within its area are safe.
- 2.5.2 All hackney carriage and private hire vehicles shall be subject to the current MOT standard test, and a further inspection by the Licensing Officer at a minimum of 6 monthly intervals. The Licensing Team Leader has delegated authority to require

further, more frequent testing up to a maximum of 3 tests per year where concerns over safety standards have been identified.

- 2.5.3 Licensed vehicles that fail an inspection and/or MOT test and are deemed unsuitable for use as a passenger vehicle by the vehicle examiner or Licensing Officer, will result in the vehicle proprietor being issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. Once the defects have been satisfactorily remedied then the proprietor may seek the lifting of the suspension notice by the Licensing Officer.
- 2.5.4 Proprietors of licensed vehicles are required to inform the Authority as soon as practicable, (or certainly within 72 hours), of any accident causing “damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein”.

## **2.6 Taximeters & Tariff Cards**

- 2.6.1 All Hackney Carriage Vehicles must be fitted with a ‘Taximeter.’ Each taximeter must be tested and, where possible, sealed by the Council prior to use of the vehicle. The meter must be positioned so that the display is clearly visible to the passengers. The meter must be started at the commencement of each hiring and left on until the hirer has paid the charge at the end of the journey.
- 2.6.2 Private Hire Vehicles do not have to be fitted with a ‘Taximeter’ but if one is fitted it must be checked and, where possible, sealed by the Council prior to use.
- 2.6.3 If the seals on any ‘Taximeter’ are broken the meter must be retested and resealed before use. It is an offence to tamper with any meter or the seals.
- 2.6.4 Hackney Carriage Vehicles must display a Tariff Card in the form provided by the Council in a prominent position clearly visible to passengers.
- 2.6.5 Private Hire Vehicles that are fitted with Taximeters must also display a Tariff Card and provide a copy to the Licensing Authority for reference.
- 2.6.6 Taximeters must be operated in accordance with section 20 of Appendix A and with the Hackney Carriage Byelaws as detailed at Appendix G.

## **2.7 Signage and Advertising**

- 2.7.1 It is important that the public should be able to identify and understand the difference between a hackney carriage and a private hire vehicle.
- 2.7.2 Private hire vehicles are not permitted to display roof-mounted signs or any signs that include the words “Taxi” or “Cab” or “For Hire”.
- 2.7.3 Roof signs fitted to hackney carriage vehicles must be illuminated at all times when the vehicle is available for hire.

- 2.7.4 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed.
- 2.7.5 All licensed vehicles, except those private hire vehicles deemed to be Prestige Vehicles by the Authority, must display plates on both the front and rear of the vehicle.
- 2.7.6 Proprietors of prestige vehicles who wish to be exempted from displaying licence plates must apply for an exemption certificate. Applicants who are unable to seek approval from the Licensing Team Leader for an exemption certificate may ask to be referred to the Regulatory Committee for consideration.
- 2.7.7 Private hire vehicles must display door signs in prominent positions on both rear doors of the vehicle indicating that they must be booked in advance and separate signs on the front doors indicating details of the operator.
- 2.7.8 Magnetic door signs are not permitted.
- 2.7.9 Vehicles are not allowed to display written or other material on any window with the exception of those permitted by the conditions of licence.
- 2.7.10 Licensed vehicle proprietors must not display or allow to be displayed in or on their vehicles any signs, notices, advertisements, video or audio display etc either for the purpose of advertising or by way of identifying or personalising marks. However, the Authority will consider varying this prohibition on application from vehicle licence holders in accordance with the terms of the conditions laid out in section 27 of Appendix A (Hackney Carriages) or section 25 of Appendix B (Private Hire).

## **2.8 Driver Safety**

- 2.8.1 The trade provide a valuable service, particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. Licensed drivers deal with strangers, often in isolated places and carry cash and may be at risk of violence and other offences such as non-payment of fares, verbal and racist abuse.
- 2.8.2 The Government has produced two short guidance documents for drivers which describe various precautionary measures that drivers can take to prevent violence as well as offering practical advice on what can be done in the event of a threat or violent incident. These documents can be obtained from the Authority or by visiting **[www.dft.gov.uk/pgr/crime/taxiphv](http://www.dft.gov.uk/pgr/crime/taxiphv)**.
- 2.8.2 There are a number of ways to reduce the risks such as pre-payment of fares, driver screens, CCTV surveillance systems and radio link schemes. Such measures are left to the judgement of the owners and drivers themselves. However, the hackney carriage and private hire trades are encouraged to consider the installation of CCTV systems in their vehicles on a voluntary basis.

2.8.4 If devices such as CCTV security systems are fitted for the purpose of assisting driver safety, adequate signage must be displayed in the passenger compartment advising passengers that they are being monitored / recorded. It is recommended that a minimum of two warning signs should be displayed prominently inside vehicles so as to be easily seen by passengers. Any such equipment must be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver / proprietors' responsibility to comply with all aspects of the law regarding such surveillance equipment and to ensure that the system is properly maintained and serviced to ensure clear images are recorded.

## **2.9 Environmental Considerations**

2.9.1 Hackney carriages and private hire vehicles are an essential form of transport in the Dover District area. Many people depend on hackney carriages for trips that other forms of transport are incapable of making. It is clearly important that emissions from licensed vehicles are reduced as far as possible.

2.9.2 It is therefore paramount that efforts should be made to improve, as far as possible, the efficiency of licensed vehicles by, in particular, reducing the levels of CO2 emitted. Liquid petroleum gas (LPG) conversions are, therefore, acceptable. Any conversion to LPG must be undertaken by an approved converter and the conversion certificate produced to the Authority for inspection.

2.9.3 Emissions from licensed vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at ranks.

2.9.4 The Authority would support initiatives that would be beneficial to the environment such as taxi sharing schemes and taxi and private hire vehicle buses.

## **2.10 Stretched Limousines**

2.10.1 Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States of America, has been increasing. Their use generally includes all private hire work plus special occasions such as days at the races, stag and hen parties and children's birthday parties.

2.10.2 Licensing authorities have generally considered there to be some problems preventing stretched limousines from being licensed including:

- many of them are left hand drive;
- many are fitted with all round darkened glass;
- many have been converted or modified after manufacture;
- seating space per passenger is 460mm and could give a greater capacity than eight persons; and
- due to their origin many parts may not be available making adequate maintenance difficult.

- 2.10.3 Most limousines are imported for commercial purposes and are therefore required to take a Single Vehicle Type Approval (SVA) test. The SVA Scheme is an Inspection Scheme for vehicles that are not approved to British and European Standards and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads. When presented for SVA the vehicle is produced with a declaration that it will never carry more than eight passengers. The importer must inform any person who may use it of this restriction. Any subsequent purchasers must also be informed of the restriction.
- 2.10.4 Any stretched limousines, which are offered for private hire, require a licence. Before licensing for private hire a full insurance policy for private hire purposes will be required.
- 2.10.5 Applications to licence stretched limousines as private hire vehicles will be treated on their merits. However, imported stretched limousine type vehicles will:
- be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive;
  - be authorised as prestige type private hire vehicles; and
  - if approved for licensing as private hire vehicles, be subject to the additional conditions detailed in **Appendix C**;

## **2.11 Contract Vehicles**

- 2.11.1 The Road Safety Act 2006 requires vehicles used for a contract with an organisation or company, for carrying passengers for hire or reward under a contract, to be licensed as private hire vehicles. As a general guide this will include executive hire, chauffeur services, park and ride for private car parks, airport travel, stretch limousines and novelty vehicles.

## **2.12 Prestige Type Vehicles**

- 2.12.1 A prestige vehicle is defined as any vehicle currently licensed with the Dover District Council as a Hackney Carriage or Private Hire Vehicle the residual value of which if sold privately exceeds £5,000 six years after the date of its first registration.
- 2.12.2 Proprietors of prestige type vehicles licensed as private hire vehicles or private hire vehicles used in special circumstances may seek the permission of the Authority to waive conditions of their licence relating to the display of licence plates, door stickers and driver badges.

## **2.13 Application Procedures**

- 2.13.1 Applications for a hackney carriage or private hire vehicle licence must be made on the specified application form in accordance with the application procedure set out in **Appendix D**.

## **2.14 Consideration of Applications**

- 2.14.1 The Authority will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.
- 2.14.2 Any applications for vehicle licences that fall outside of the policy will be referred to the Regulatory Committee for consideration.

## **2.15 Renewal of Licences**

- 2.15.1 Whilst every effort will be made to remind existing vehicle licence holders that their licences are due to be renewed and of the need to arrange an appointment prior to their expiry date, it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry. Application forms, appropriate fees, and supporting documentation, as set out in **Appendix D**, must be produced and appointments must be arranged on a date prior to the expiry date of the licence.
- 2.15.2 It is advisable that vehicles should be examined and tested at an approved testing station at least 7 days prior to the application appointment. This is to allow time for a vehicle to be repaired and then re-tested, should the vehicle examination identify the need and prior to the expiry of the licence.

## **3 DRIVERS**

### **3.1 Licences**

- 3.2.1 This Authority issues a single combined hackney carriage & private hire drivers licence. Licences are issued for a maximum period of 12 months but the Authority will grant licences for a lesser period if deemed appropriate.
- 3.2.2 Applicants must be over 18 years of age and hold a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 12 months. In addition to the above, licensed drivers who hold a EC/EEA driving licence must obtain a GB counterpart document.
- 3.2.4 Applicants must make a declaration that they have a statutory right to work in the UK and any applicant that has a limited right to work will not be issued a driver licence for a period longer than that limited period.
- 3.2.5 Application procedures are detailed in **Appendix D**.

### **3.3 Topographical Knowledge (Driver Knowledge Tests)**

- 3.3.1 Hackney carriage drivers need a good working knowledge of the area for which they are licensed because they can be hired directly at ranks or on the street. The Authority also considers it necessary for private hire drivers to know the area.

3.3.2 In order to assist the Authority in determining the fitness of an applicant to hold a hackney carriage or private hire driver's licence, applicants are required to undertake a communications test to challenge their understanding of the English language and a local knowledge test to challenge their knowledge of the highway system in the Dover district.

### **3.4 Driving Proficiency**

3.4.1 The Driving Standards Agency (DSA) provides a driving assessment specifically designed for hackney carriage and private hire drivers.

3.4.2 All new drivers are required to pass the DSA test, or another similar approved test as a part of the application process.

3.4.3 Applicants who have considerable relevant experience or alternative qualifications may apply, in writing, to have these taken into consideration in lieu of the DSA requirement. Each application will be considered on its own merits and a refusal to approve an application to have this condition waived may be appealed to the Regulatory Committee for consideration.

### **3.5 Driver Qualification**

3.5.1 The Authority believes all passenger transport drivers whose role demands high standards in driving and customer service would benefit from a nationally recognised qualification. These would cover customer care, including how best to meet the needs of people with disabilities and other sections of the community, and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies and how to defuse difficult situations and manage conflict.

3.5.2 As such, all new applicants are encouraged to attain a Vocational Related Qualification (VRQ) in Transporting Passengers by Taxi and Private Hire prior to the granting of a licence by the Council. However, an applicant who possesses a National Vocational Qualification (NVQ) in Road Passenger Vehicle Driving will also be acceptable.

3.5.3 This vocational qualification has been developed to enhance customer service and driving standards for the passenger transport industry.

3.5.4 Drivers licensed prior to the introduction of the application requirement referred to in paragraph 3.5.2 above are also encouraged to attain an NVQ in Road Passenger Vehicle Driving Level 2.

### **3.6 Medical Examination**

3.6.1 The Authority requires Group 2 Standards of Medical Fitness (as applied by the DVLA to the licensing of lorry and bus drivers) as the appropriate standard for licensed hackney carriage and private hire drivers.

- 3.6.2 Holders of Public Service Vehicle (PSV) and/or Heavy Goods Vehicle (HGV) Licences, where the holder is able to produce proof of current medical examination less than 3 months old, are not required to undergo a medical examination on first application.
- 3.6.3 Licence holders must advise the Authority, in writing and without delay, of any deterioration in their health that may affect their driving capabilities.
- 3.6.4 Where there is any doubt as to the medical fitness of the applicant, the Authority may require the applicant to undergo and pay for a further medical examination by a Medical Doctor appointed by the Authority.
- 3.6.5 Where there remains any doubt about the fitness of any applicant, the Regulatory Committee will review the medical evidence and make any final decision in light of the medical evidence available.
- 3.6.7 No licence will be issued until medical clearance (if required) has been established.
- 3.6.8 A satisfactory medical certificate from a doctor in the form provided must be submitted on first application and then at 5 yearly intervals until the age of 55 then every 3 years until the age of 61, thence annually, and at reasonable time at the request of the Council. All fees must be met by the applicant.

### **3.7 Criminal Record Bureau (CRB) Disclosures**

- 3.7.1 A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Criminal Records Bureau is required as these disclosures include details of spent convictions, police cautions and other relevant information. Enhanced checks are within the CRB eligibility criteria. Checks will be at the applicant's expense.
- 3.7.2 The Rehabilitation of Offenders Act 1974 **does not apply** to applicants for drivers licences. They are required to disclose all convictions, including those that would normally be regarded as spent.
- 3.7.3 Before an application for a driver's licence will be considered, the applicant must provide a current (less than 1 month old) Enhanced CRB Disclosure of criminal convictions for the purpose of driving a hackney carriage or private hire vehicle.
- 3.7.5 The Authority is an approved Criminal Records Bureau body; therefore, applicants must deal with the Criminal Records Bureau through the Authority and will be charged an appropriate fee.
- 3.7.6 The licence holder is also required to formally confirm (by signing a declaration) both their licence details and the fact that they have not been convicted of any offence at each renewal of their driver licence. Applicants with relevant offences may be referred to the Regulatory Committee for consideration.



3.7.7 The Authority is bound by rules of confidentiality, and will not divulge information obtained to any third parties. The applicant for a CRB disclosure will be sent a copy of the disclosure report to their home address, while the Authority will also receive a separate copy of the report, which will be used to process the application and then disposed of in a secure manner and in accordance with CRB guidance.

### **3.8 Relevance of Convictions and Cautions**

3.8.1 In assessing whether the applicant is a fit and proper person to hold a licence, the Authority will consider each case on its merits. It will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the Criminal Records Bureau, or similar document, the Licensing Team Leader will assess whether any or all of the convictions, and any additional information received, is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence in line with the policy at **Appendix E**. If there is any doubt as to the suitability of the applicant to hold a licence then the matter will be referred to the Regulatory Committee.

### **3.9 Convictions – Licence Holders**

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

3.9.2 Drivers who are convicted of any criminal or motoring offence or issued with a police caution during the period of their licence must disclose the conviction and the penalty imposed, in writing to the Authority within fourteen days of receiving the caution or conviction.

3.9.3 Convictions, police cautions and breaches of legislation, licence conditions, byelaws and this policy by licence holders will be dealt with in accordance with this Authority's enforcement policy as set out at **Appendix K**.

### **3.10 Code of Good Conduct**

3.10.1 The standards expected of licensed drivers are set out in a Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

3.10.2 This Authority's Code of Good Conduct for licensed drivers is set out in **Appendix H**. Licence applicants will be required to sign a declaration to confirm their understanding and acceptance of the code at their next renewal date.

### **3.11 Dress Code**

- 3.11.1 Anything that serves to enhance the professional image of the hackney carriage and private hire trade, and promotes the concept that drivers of licensed vehicles are vocational drivers is to be welcomed.
- 3.11.2 This Authority's Dress Code for licensed drivers is set out in **Appendix I**. Licence holders will be required to sign a declaration to confirm their understanding and acceptance of the code at their next renewal date.

### **3.12 Application Procedure**

- 3.12.1 An application for a hackney carriage or private hire driver's licence must be made on the specified application form. The application procedure is set out in **Appendix D**.

### **3.13 Renewal of Licences**

- 3.13.1 Although every effort will be made to remind licence holders in the month preceding their expiry, when their licences are due to be renewed and of the need to arrange an appointment, it remains the responsibility of the licence holder to ensure that applications to renew are made in good time. Application forms, appropriate fees, and supporting documentation, as set out in **Appendix D**, must be available and it is advisable that appointments are arranged on a date at least 7 days prior to the expiry of the licence. Licences cannot be renewed following their expiry.

### **3.14 Conditions of Licence**

- 3.14.1 Dover District Council issues joint drivers licences for both hackney carriage and private hire vehicles. Appendix G contains the hackney carriage byelaws relevant to hackney carriage vehicle and driver licences and Appendix F contains additional conditions attached to Private Hire driver licences which are considered reasonable, necessary and proportionate for all licensed private hire drivers.

## **4 PRIVATE HIRE OPERATORS**

### **4.1 Requirements and Obligations**

- 4.1.1 Any person, other than a hackney carriage proprietor, who operates a private hire service must apply to the Authority for a Private Hire Operator's Licence. The objective in licensing private hire operators is the safety of the public who will be using operators' premises and vehicles and drivers arranged through them.
- 4.1.2 A private hire vehicle will only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. A private hire operator must ensure that every private hire vehicle is driven by a person who holds a drivers licence issued by Dover District Council.

- 4.1.3 Applications for operator's licences must be made on the prescribed form, together with the appropriate fee. The Authority will then decide whether the applicant is a fit and proper person to hold an operator's licence.
- 4.1.4 All Operators must provide the Licensing Team with an up to date list of the drivers on their circuit and notify the Licensing Team of any changes i.e. when a driver leaves or joins.

## **4.2 Criminal Record Checks**

- 4.2.1 Before an application for a private hire operator's licence will be considered, the applicant must provide a current (less than 1 month old) Basic CRB Disclosure. The CRB disclosure must be produced on application and every three years thereafter if subsequent renewal applications are made.

## **4.3 Conditions**

- 4.3.1 All Operator's licences are issued subject to the conditions set out at **Appendix J**.

## **4.4 Insurance**

- 4.4.1 Before an application for a private hire operator's licence is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed.

## **4.5 Licence Duration**

- 4.5.1 This Authority will grant private hire operator licences for a period of one year from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.
- 4.5.2 Although every effort will be made to send out reminder letters to licence holders in the month preceding their expiry, when their licences are due to be renewed and the need to arrange an appointment, it remains the responsibility of the licence holder to ensure that applications to renew are made in good time.

## **4.6 Planning Permission**

- 4.6.1 Operators Licences will only be issued where the applicant has demonstrated that the necessary Planning Permissions are in place for the operation of a Private Hire Business from the address at which the licence is to be issued. If an applicant is unable to provide such evidence then the application will be rejected until such time as satisfactory evidence is provided to this effect.

## **5 DISCIPLINARY AND ENFORCEMENT MEASURES**

### **5.1 Enforcement**

5.1.1 The Government believes that regulators should have access to effective sanctions that are flexible and proportionate and that ensure the protection of workers, consumers and the environment when tackling non-compliance by businesses.

5.1.2 It is recognised that a risk-based approach to enforcement by the Authority benefits not only the public but also the responsible members of the hackney carriage and private hire trades.

5.1.3 In pursuance of its objective to encourage responsible hackney carriage/private hire businesses, the Authority will operate a firm but fair disciplinary and enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in section 1.2.1 of this document. Where defects are such that vehicles need to be immediately prohibited, livelihood interference is inevitable.

5.1.4 The Enforcement Policy as set out at **Appendix K** will ensure that the Authority's enforcement effort is reasonable, transparent and well directed.

### **5.2 Penalty Points Scheme and Warnings**

5.2.1 In respect of minor breaches of licence conditions the Authority will issue penalty points, warnings, and cautions, as are appropriate to the circumstances. The penalty points scheme is included at **Appendix L**.

5.2.2 A licence holder issued with penalty points may appeal against such a decision which will result in a hearing before the Regulatory Committee.

### **5.3 Suspension and revocation of vehicle licences.**

5.3.1 Local Government (Miscellaneous Provisions) Act 1976 (Extract)

*60.-(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke, or (on application therefor under section 40 of the Act of 1847 or section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:—*

*(a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;*

*(b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or*

*(c) any other reasonable cause.*

*(2) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within fourteen days of such suspension, revocation or refusal.*

*(3) Any proprietor aggrieved by a decision of a district council under this section may appeal to a magistrates' court.*

5.3.2 Licensed vehicles must be kept at all times in an efficient, safe, tidy and clean condition. Compliance with the vehicle specifications and conditions of licence is essential and will be enforced by periodic, random vehicle inspections by the Authority. Where it is found that any vehicle is not being properly maintained a Vehicle Defect Notice may be served on the vehicle proprietor setting out the defect(s) that need to be rectified and arrangements for the vehicle to be further inspected to check compliance. Failure to comply with the requirements of the notice may result in the vehicle licence being suspended automatically.

5.3.3 Where public safety is likely to be imperilled by the defect(s) the vehicle licence may be suspended until the defects have been remedied. The suspension notice will only be lifted once the Authority is satisfied that the defects have been satisfactorily repaired, and been passed as fit for use by the Authority.

5.3.4 Where a licence holder has been subject to two or more suspension notices in any 6 month period, he or she will be referred to the Regulatory Committee for consideration, the Committee may order the revocation or suspension of the licence.

5.3.5 As an alternative to revocation, the Regulatory Committee may decide that the appropriate action, in a situation where the licence is shortly to expire, is to resolve that the licence will not be renewed.

## **5.4 Suspension and Revocation of Driver Licences**

5.4.1 Local Government (Miscellaneous Provisions) Act 1976 (Extract)

*61.-(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—*

*(a) that he has since the grant of the licence—*

- (i) been convicted of an offence involving dishonesty, indecency or violence;*
- or*
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or*

*(b) any other reasonable cause.*

*(2) (a) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him in accordance with section 54 of this Act.*

*(b) If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.*

*(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.*

*(2B) 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 under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.*

*(3) Any driver aggrieved by a decision of a district council under subsection (1) of this section may appeal to a magistrates' court.*

5.4.2 Private Hire & Hackney Carriage Driver Licences are issued subject to the Private Hire Drivers Licence Conditions (Private Hire Driver Licences) (Appendix F), Hackney Carriage Byelaws (Hackney Carriage Driver Licences) (Appendix G) The Code of Good Conduct (Appendix H), Dress Code (Appendix I) Penalty Points Scheme (Appendix L) and breaches will be dealt with in accordance with the Enforcement Policy & Practice (Appendix K)

5.4.3 As an alternative to revocation, the Regulatory Committee may decide that the appropriate action, in a situation where the driver licence is shortly to expire, is to resolve that the licence will not be renewed.

## **5.5 Suspension and revocation of operators' licences.**

5.5.1 Local Government (Miscellaneous Provisions) Act 1976 (Extract)

*62.-(1) Notwithstanding anything in this Part of this Act a district council may suspend or revoke, or (on application therefor under section 55 of this Act) refuse to renew an operator's licence on any of the following grounds:—*

*(a) any offence under, or non-compliance with, the provisions of this Part of this Act;*

*(b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;*

*(c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or*

*(d) any other reasonable cause.*

*(2) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the operator notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal.*

*(3) Any operator aggrieved by a decision of a district council under this section may appeal to a magistrates' court.*

5.5.2 Private Hire Operator Licences are issued subject to the Private Hire Operator Licence Conditions (Appendix J) and breaches will be dealt with in accordance with the Enforcement Policy & Practice (Appendix K)

## **5.6 Prosecution**

5.6.1 The Authority may prosecute licence holders for relevant offences in accordance with the statutory Regulators Compliance Code and its own enforcement policy (Appendix K)

## **5.7 Complaints**

5.7.1 The Authority has a complaints procedure whereby the general public can submit complaints about licensed drivers and operators and details are included in **Appendix K**.

## **6 DELEGATED POWERS**

### **6.1 Regulatory Committee**

6.1.1 The Regulatory Committee of the Authority is responsible for the management of the Hackney Carriage and Private Hire licensing regime in the district.

6.1.2 Certain powers have been delegated to Officers under the scheme of Officer delegations within the Council's Constitution.

## **7 FARES**

### **7.1 General**

7.1.1 The Hackney Carriage Table of Fares ("the tariff") adopted by the Authority sets the maximum fare that can be charged by hackney carriage drivers. This can be negotiated downwards by the hirer for journeys within the district.

7.1.2 The Authority will review the tariff from time to time as necessary or when a bona-fide proposal is received. A notice of any variation to the maximum fare shall be advertised by the Authority in a local newspaper with a date set 14 days from publication for making objections to the proposed variation. If no objections are received the fare variation will have immediate effect at the end of the 14 day consultation period. If any objections are received the matter will be referred to Cabinet for consideration and a further implementation date set.

7.1.3 The Authority is not able to set fares for private hire vehicles.

7.1.4 When a journey ends outside of the district borders a fare greater than that which would have been shown on the meter may be charged **but only if an agreement has been made with the hirer in advance**. It should be noted that a fare greater than that shown on a meter cannot be charged irrespective of what may have been agreed beforehand if the journey ends within the district borders.

## **7.2 Table of Fares**

7.2.1 A table of authorised maximum fares will be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

7.2.2 Private Hire Operators who use licensed vehicles fitted with a fare meter shall provide the Authority with a current table of fares. This table must also be displayed in each private hire vehicle so that it is easily visible to all hirers.

## **7.3 Receipts**

7.3.1 Drivers shall, if requested by the passenger, provide written receipts for fares paid.

## **8 FEES**

### **8.1 Fee Structure**

8.1.1 The legislation provides that fees charged to applicants should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands (taxi ranks) and administering the regulation of the hackney carriages and private hire trades.

### **8.2 Payment Refunds and Transfers**

8.2.1 The appropriate fee must be paid when the application is submitted and a charge will be levied to cover the administrative costs associated with the transfer of ownership of a vehicle.

8.2.2 Licences surrendered prior to their expiry shall not be eligible for a refund of the unexpired portion of the licence, however, at the discretion of the Licensing Team Leader, all or some of the pro rata fee may be refunded in extenuating circumstances less any administration fees legitimately incurred.



## **9 HACKNEY CARRIAGE STANDS**

- 9.1 The purpose of hackney carriage stands (also known as taxi ranks) is to provide the public with a set location where they can hire a licensed hackney carriage. The stand is the only situation where a hackney carriage may ply for hire in a stationary position and shall be situated in locations where the public most need hackney carriages, for example adjacent to transport facilities, retail areas and places of employment, entertainment and leisure facilities. Stands shall be sited so that passengers can board or alight from the vehicle safely. Stands can be continual or part time use.
- 9.2 The Authority will work with the hackney carriage trade and other stakeholders to keep stands under constant review. Details of all public taxi ranks in the District are attached at **Appendix M**.

## **10 HACKNEY CARRIAGE HAILING POINTS**

- 10.1 Hackney Carriage hailing points have been introduced in other parts of the country and are an alternative to a stand where there is insufficient space for a stand or the location does not justify the creation of a stand. It is a specific location where the public know they will be able to hail a hackney carriage and the theory is that licensed drivers know where they are and will ensure they pass them on a regular basis. There is no provision for hackney carriages to wait at these locations.
- 10.2 Whilst there has been no request for the provision of hailing points in the Dover district, the Authority will consider such requests on their individual merits as they arise.

draft

## **APPENDIX A – VEHICLE SPECIFICATION AND CONDITIONS OF LICENCE FOR HACKNEY CARRIAGE VEHICLES**

### **New Applications**

The Authority is not currently accepting applications for new Hackney Carriage Vehicle Licences, however, should an application be considered or the quantity restrictions be lifted whilst this policy is in force then all new applications for Hackney Carriage Vehicle Licences will have to comply with the specification detailed below.

### **Existing Licensed Vehicles**

Vehicles that are currently licensed as Hackney Carriage Vehicles by Dover District Council will continue to be licensed on renewal, subject to an MOT Certificate and Compliance Certificate being in place and providing the application is made before expiry of licence, until the vehicle age and mileage limits in force at that time. All replacement vehicles (temporary and permanent) will have to comply with this specification from the date this policy becomes effective.

## **THE SPECIFICATION**

### **1 General**

- 1.1 1.1 All vehicles shall have an appropriate “type approval” which is either a European Community Whole Vehicle Type Approval (ECWVTA) or UK Low Volume Type Approval (UKLVTA). Vehicles shall not have been altered since that approval was granted.
- 1.2 Vehicles presented for approval, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.
- 1.2 No fittings, other than those approved, may be attached to, or carried on the inside or outside of the vehicle.
- 1.3 To aid identification of hackney carriage vehicles by the public, licensed vehicles, which are not those listed in paragraph 1.6 shall display, on both sides of the vehicle the word “taxi”. The word “taxi” shall be permanently marked; in a colour contrasting with the colour scheme of the vehicle in letters not less than 100 mm high. The wording shall be located in such a position that it is easily seen and may be repeated along the side of the vehicle.

### **2 Dimensions**

- 2.1 Maximum dimensions:

Width: 2 metres  
Height: 2 metres  
Length: 5 metres  
Weight: 3000 kgs

### **3 Body**

- 3.1 The vehicle shall have no signs of previous significant accident damage.
- 3.2 The paint work shall be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.
- 3.3 The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.
- 3.4 Running boards shall only permitted where they are fitted by manufacturers. The board shall be a minimum 125mm in width, all of which shall be available as a step.
- 3.5 Where the top tread of the entrance to the vehicle exceeds 460 mm and the vehicle is not fitted with approved running boards as described in paragraph 3.4, a moveable intermediate step shall be provided at each entrance into the passenger compartment. The intermediate step shall be encased beneath the vehicle and be electrically or manually operated to extend outwards. When not in use and whenever the vehicle is in motion, the step shall not extend outwards beyond the vertical line of the bodywork.
- 3.6 The step shall be covered with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the vehicle.
- 3.7 Electrically operated steps if fitted shall be operated from within the driver's compartment and shall have a failsafe device linked to the handbrake mechanism to prevent the possibility of the vehicle being driven while the step is extended.

### **4 Wheels**

- 4.1 The vehicle shall have four road wheels.
- 4.2 Space-saver spare tyres, where fitted as standard equipment to the vehicle, will be accepted. Provision shall be made for a standard road wheel to be secured in the vehicle should a space saver tyre be used in an emergency. A vehicle presented for examination and test with a space saver spare tyre in use as a road wheel will fail the test.
- 4.3 Any spare wheel shall conform to construction and use regulations.
- 4.4 A wheel brace and jack to enable the effective change of a tyre and wheel shall be carried: except where para. 4.5 applies.

4.5 Where an aerosol inflation and sealant device is supplied with the vehicle as standard by the manufacturer, a spare tyre need not be carried.

4.6 If a vehicle is fitted with 'run flat' tyres the vehicle shall be fitted with a tyre pressure sensor / warning device.

## **5 Steering**

5.1 All vehicles shall be right-hand drive and shall have been so since date of first registration

## **6 Interior**

6.1 The minimum leg room available to any passenger shall be 200mm. The measurement will be taken from the base of the seat to the rear of the seat in front when the front seat is at its full, rearwards extension. If this measurement cannot be achieved, then 1500mm shall be allowed from the base of the rear seat to the front well. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.

6.2 The internal headroom from the seat cushion to the lowest part of the roof in a vertical line shall be a minimum of 920mm.

## **7 Doors**

7.1 The vehicle shall have a minimum of 4 side opening doors which are easily accessible to passengers without the need to move or adjust any seats etc, to gain access to them.

7.2 All vehicles shall have doors that open sufficiently wide to allow easy access in and egress from the vehicle.

7.3 All doors shall be fitted with reflectors/reflective strips or lights, which are clearly visible from the rear of the vehicle when the door is open.

7.4 All doors shall be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

7.5 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in a fully open position.

## **8 Seats**

8.1 Vehicles shall have a passenger seating capacity of not less than 4 persons and not more than 8 persons.

8.2 Each seat shall be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.

- 8.3 Each seat shall not be less than 406mm in width.
- 8.4 Where bench seats are provided, then the seat shall provide a minimum of 406mm seating space for each passenger i.e. a rear bench seat shall not be less than 1218 mm in order to accommodate 3 passengers.
- 8.5 Each row of seats made available shall have door access immediately adjacent to it unless access to rows of seats is by way of permanent passageway from such a door.
- 8.6 If a seat is to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.

## **9 Windows**

- 9.1 Opening windows shall be provided in the rear of the vehicle capable of being opened by the rear seat passengers.
- 9.2 Vehicle windows shall have visual transmission of light of not less than 75% in respect of windscreens and not less than 70% in respect of all other windows and rear windscreen.
- 9.2 No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.
- 9.3 A serviceable device for demisting the rear window shall be fitted.

## **10 Heating and ventilation**

- 10.1 Vehicles shall have an efficient heating and ventilation system.

## **11 Wheelchair carrying facilities.**

- 11.1 Any vehicle that has the facility for the carriage of wheelchair and wheelchair passengers shall be fitted with:-
- Approved anchorages that shall be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers shall be independent of each other. Anchorages shall also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers.
  - A ramp or ramps for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear passenger door. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle when not in use.

- 11.2 The vehicle shall be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.
- 11.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) during the 6 months prior to being first licensed and at each subsequent renewal and be so certified and produced to Authority approved testing stations.

## **12 Fuel systems**

- 12.1 A device shall be provided whereby the supply of fuel to the engine may be immediately cut off. A manually operated device shall have its location together with the means of operation and "off" position, clearly marked on the outside of the vehicle. In the case of a vehicle fitted with an automatic inertia fuel cut off switch, no external switch or markings are required.
- 12.2 Before commencing any gas fuel conversions it is essential that written approval is sought from the Authority. The guidelines set out below give indication of current requirements.
- 12.3 All vehicles which are powered by Liquid Petroleum Gas (LPG) or Compressed Natural Gas (CNG) shall comply with all the relevant legislation set out in the Road Vehicles (Construction and Use) Regulations 1986 (as amended).
- 12.4 LPG conversions shall also comply with LP Gas Associations, Autogas Installations Code of Practice 11 and any later version of the COP. Conversion shall still comply with Road Vehicles (Construction and Use) Regulations 1986.
- 12.5 Compressed Natural Gas (CNG) - Vehicles shall comply with the Natural Gas Vehicle Design and Installation of Vehicle Fuel System Component Guidelines. Conversion shall still comply with Road Vehicles (Construction and Use) Regulations 1986 and certain additional safety features as required by the Authority.
- 12.6 To operate a vehicle powered by CNG on the public highway, special authorisation has to be granted through the Department of the Environment, Transport and Regions, Vehicle and Standards Engineering Division, (Reference to C & U regulation 91 (2)). Authorisation shall be submitted to the Authority upon presentation of vehicle for licensing.
- An appropriate certificate of installation shall be provided to the Authority at the time of inspection.
  - An annual exhaust emissions test certificate (issued by an approved vehicle inspectorate MOT testing station) shall be provided when the taxicab is presented for licensing.
  - An appropriate certificate of LPG / CNG Fuel Tank Integrity will be required, as may an annual system inspection certificate.

12.7 The Authority can consider allowing LPG / CNG vehicles to not carry a spare wheel. This would be subject to individual application and the provision that the driver of such a vehicle subscribes to a tyre repair /replacement or vehicle breakdown organisation.

### **13 CCTV Systems**

13.1 CCTV surveillance systems to assist driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored / recorded. Any such equipment shall be fitted overtly and in such a way so as not to present any danger or hazard to any passenger. It will be the driver/ proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.

### **14 Trailers and Roof carriers**

14.1 The vehicle may tow a trailer but shall;

- comply with the towing weights specified by the vehicles' manufacturer
- provide secure and weather proof storage for luggage
- display the licence plate on to a platform kit at the rear

14.2 If a roof carrier is to be used for luggage or goods, in addition to normal luggage, it shall be of a type fitted to the guttering or to the roof rails provided by the manufacturer.

### **15 Tyres**

15.1 All tyres, including the spare tyre, shall comply with the vehicle manufacturers specification.

15.2 Re-cut tyres are not acceptable for M1 passenger vehicles and remould tyres shall only be acceptable if they carry a recognised approval marking (currently BSAU144e) and display the following information clearly displayed on each tyre:

- Nominal size;
- Construction type (e.g. radial ply);
- Load capacity; and
- Speed capability

15.3 Tyres fitted to the vehicle shall have a minimum 1.6mm tread depth.

### **16 Electrical equipment**

16.1 Any additional electrical installation to the original equipment shall be adequately insulated and be protected by suitable fuses.

## **HACKNEY CARRIAGE VEHICLE CONDITIONS OF LICENCE**

### **17 Examination and Test**

- 17.1 Before a licence is granted for the use of a vehicle as a Hackney Carriage vehicle, the vehicle shall be examined and tested by an MOT approved vehicle testing station.
- 17.2 Every vehicle is also to be presented to the Licensing Officer for inspection to ensure that it complies with the additional vehicle conditions.

### **18 Licence Identification Plates**

- 18.1 The proprietor of a hackney carriage vehicle shall fix to the vehicle licence identification plates of size, colour, design and type prescribed by the Authority.
- 18.2 The proprietor shall ensure that the licence identification plate is fixed to the front and rear exterior of the hackney carriage vehicle either immediately above or immediately below the bumper in such a position as the vehicle registration plate is not obscured, with the particulars thereon facing outwards so that the licence is clearly visible by daylight from the highway at the rear of the vehicle. It shall be fixed on a platform kit supplied by the Authority in such a manner as to be easily removed by an authorised officer or a police constable. The platform kit shall be fixed by bolts or screws or other similar means.
- 18.3 The proprietor shall ensure that an approved holder displaying a hackney carriage driver badge and a vehicle licence identification card as supplied by the Authority is displayed on the passenger compartment internal screen, in a position for passengers to clearly see.
- 18.4 The proprietor shall ensure that no licence identification plate be displayed other than the plates issued by the Authority, and the said plates shall be displayed only on the vehicle to which it relates.
- 18.5 The licence plates shall remain the property of the Authority and shall be returned to it within seven days after the service on the proprietor of an appropriate notice by the Authority in the event of the hackney carriage licence ceasing to be in force in respect of that vehicle.

### **19 Taximeters**

- 19.1 The taximeter and fittings shall be fixed to the vehicle with seals or other appliances, so as not to be practicable for any person to tamper with them by breaking, damaging or permanently displacing the seals or other appliances.
- 19.2 The taximeter shall be positioned so that all letters and figures on its face shall be at all times illuminated and plainly visible to any passenger.



- 19.3 The taximeter when standing at a rank or plying for hire shall be kept locked in a position in which no fare is recorded on its face.
- 19.4 When the taximeter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that shall be charged for a journey.
- 19.5 If the taximeter has been altered for whatever reason, the proprietor of the vehicle shall forthwith make arrangements for resetting and resealing with the Licensing Officer.
- 19.6 The vehicle taximeter shall be brought into operation at the commencement of **all** hires and the fare demanded by the driver shall not be greater than that shown on the meter and fixed by this Authority. In the event of a hire ending outside the town boundary there may be charged for the journey such fare or rate of fare, if any, as was agreed before the hiring was effected. If no such agreement was made at the start of the journey then the fare to be charged should be no greater than that which would have been shown on the taximeter.
- 19.7 All Taximeters shall be operated in accordance with the Hackney Carriage Byelaws as detailed in Appendix G.

## **20. Table of fares**

- 20.1 The proprietor shall ensure that the current table of fares fixed by the Authority is on display inside the vehicle at all times and is not concealed from view or rendered illegible.

## **21. Receipt book**

- 21.1 The proprietor of a private hire vehicle shall ensure that a carbonated receipt book, or other suitable mechanism for producing receipts, is available in the vehicle at all times. A receipt will be given on request and each receipt shall show as a minimum the following particulars:-

- Date of journey
- Badge number of driver
- Amount paid

## **22. Luggage**

- 22.1 The proprietor shall at all times, provide facilities for the conveyance of luggage safely and protected from inclement weather.
- 22.2 Where luggage is stored other than in a boot (e.g. in an MPV), it shall be properly secured.

## **23 Property**

23.1 Any property left accidentally in the vehicle by passengers shall be taken to a local police station within 24 hours and reported as lost property.

## **24 Furnishing and maintenance of vehicle**

24.1 The proprietor shall ensure that the vehicle and all its fittings and equipment at all times when the vehicle is in use or available for private hire shall be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Road Vehicles (Construction and Use Regulations 1986) shall be fully complied with.

24.2 Where a separate compartment is provided for passengers, the proprietor shall provide sufficient means by which any person in the compartment may communicate with the driver.

24.3 The proprietor shall at all times, provide adequate lighting and heating for the interior of the vehicle.

## **25 Taxi signs**

25.1 The proprietor shall ensure that a roof sign of the approved type shall be illuminated at all times when (and only when) the vehicle is available for hire.

## **26 Signs, notices and advertisements**

26.1 Vehicles shall not be allowed to display any printed, written or other material on the windows of the vehicle except in respect of the following:-

- No eating or drinking;
- Public health and safety campaigns;
- Permits for private ranks;
- Trade organisation membership;
- No smoking; and
- Vehicle Excise Licence

26.2 Vehicle proprietors shall not display or allow to be displayed in or on their vehicle any signs, notices, advertisements, video or audio display etc either for the purpose of advertising or by way of identifying or personalising marks. However, the Authority will consider varying this prohibition on application from vehicle licence holders in accordance with the terms of these conditions.

26.3 Applications for approval of advertisements must be made in writing on the approved form to the Licensing Team Leader. The form must be accompanied by a copy of the proposed advertisement in full colour.

- 26.4 All advertisements must comply with the British Code Of Advertising Practice issued by the Advertising Standards Authority and must be legal, decent, honest and truthful. Each application will be considered on its own merits but advertisements will not be approved if they contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi nude figures; are likely to offend public taste; depict men or women as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities.
- 26.5 If the Licensing Team Leader is not satisfied as to the non-contentious nature or placement of an advertisement then any such application may be submitted to the Regulatory Committee.
- 26.6 Permitted advertisements may be displayed in the interior of vehicles on the underside of tip-up seats and these must be encapsulated in clear non-flammable plastic or be manufactured of rigid plastic.
- 26.7 Proprietors or drivers of licensed vehicles found to be advertising unauthorised or prohibited advertisements shall be issued penalty points.

## **27 Communication Devices**

- 27.1 Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus shall be fixed in the passenger compartment or in the rear boot compartment if LPG or CNG tanks or equipment are in use. It shall be of a type currently approved by the Radio Communications Agency.
- 27.2 Any radio apparatus shall be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.
- 27.3 No other radio equipment, either in the driver or the passenger compartment, is permitted without the prior approval of the Authority.

## **28 Auxiliary equipment**

- 28.1 Any auxiliary equipment that is fitted to a vehicle shall not impede the driver in any way, or hinder his/her view, or impede, or cause hazard to passengers or other road users.

## **29 Convictions**

- 29.1 Proprietors shall within 14 days of conviction disclose to the Authority, in writing, details of any convictions received during the period of licence.

## **30 Change of Address**

- 30.1 The proprietor shall notify the Authority, in writing, of any change in name and address within 14 days of such a change taking place.

## **APPENDIX B – VEHICLE SPECIFICATION AND CONDITIONS OF LICENCE FOR PRIVATE HIRE VEHICLES**

### **New Applications**

Only those vehicles which comply with the specification detailed below can be granted a new private hire vehicle licence by Dover District Council.

### **Existing Licensed Vehicles**

Vehicles that are currently licensed as Private Hire Vehicles by Dover District Council will continue to be licensed on renewal, subject to an MOT Certificate and Compliance Certificate being in place and providing the application is made before expiry of licence, until the vehicle age and mileage limits in force at that time. All replacement vehicles (temporary and permanent) will have to comply with this specification from the date this policy becomes effective..

## **THE SPECIFICATION**

### **1 General**

- 1.1 All vehicles shall have an appropriate “type approval” which is either a European Community Whole Vehicle Type Approval (ECWVTA) or UK Low Volume Type Approval (UKLVTA). Vehicles shall not have been altered since that approval was granted.
- 1.2 Vehicles presented for approval, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.
- 1.3 No fittings, other than those approved, may be attached to, or carried on the inside or outside of the vehicle.
- 1.4 Vehicles which could lead the public to believe that such a vehicle is a hackney carriage, shall not be licensed as a private hire vehicle

### **2 Dimensions**

#### 2.2 Maximum dimensions:

Width: 2 metres  
Height: 2 metres  
Length: 5 metres  
Weight: 3000 kgs

### **3 Body**

- 3.1 The vehicle shall have no signs of previous significant accident damage.
- 3.2 The paint work shall be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.
- 3.3 The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.
- 3.4 Running boards shall only be permitted where they are fitted by manufacturers. The board shall be a minimum 125mm in width, all of which shall be available as a step.
- 3.5 Where the top tread of the entrance to the vehicle exceeds 460 mm and the vehicle is not fitted with approved running boards as described in paragraph 3.4, a moveable intermediate step shall be provided at each entrance into the passenger compartment. The intermediate step shall be encased beneath the vehicle and be electrically or manually operated to extend outwards. When not in use and whenever the vehicle is in motion, the step shall not extend outwards beyond the vertical line of the bodywork.
- 3.6 The step shall be covered with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the vehicle.
- 3.7 Electrically operated steps if fitted shall be operated from within the driver's compartment and shall have a failsafe device linked to the handbrake mechanism to prevent the possibility of the vehicle being driven while the step is extended.

### **4 Wheels**

- 4.1 The vehicle shall have four road wheels.
- 4.2 Space-saver spare tyres, where fitted as standard equipment to the vehicle, will be accepted. Provision shall be made for a standard road wheel to be secured in the vehicle should a space saver tyre be used in an emergency. A vehicle presented for examination and test with a space saver spare tyre in use as a road wheel will fail the test.
- 4.3 Any spare wheel shall conform to construction and use regulations.
- 4.4 A wheel brace and jack to enable the effective change of a tyre and wheel shall be carried: except where para. 4.5 applies.
- 4.5 Where an aerosol inflation and sealant device is supplied with the vehicle as standard by the manufacturer, a spare tyre need not be carried.
- 4.6 If a vehicle is fitted with 'run flat' tyres the vehicle shall be fitted with a tyre pressure sensor / warning device.

## **5 Steering**

- 5.1 All vehicles, except of Stretched Limousines as detailed in 2.13.5, shall be right-hand drive and shall have been so since the date of first registration

## **6 Interior**

- 6.1 The minimum leg room available to any passenger shall be 200mm. The measurement will be taken from the base of the seat to the rear of the seat in front when the front seat is at its full, rearwards extension. If this measurement cannot be achieved, then 1500mm shall be allowed from the base of the rear seat to the front well. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
- 6.2 The internal headroom from the seat cushion to the lowest part of the roof in a vertical line shall be a minimum of 920mm.

## **7 Doors**

- 7.1 The vehicle shall have a minimum of 4 side opening doors which are easily accessible to passengers without the need to move or adjust any seats etc, to gain access to them.
- 7.2 All vehicles shall have doors that open sufficiently wide to allow easy access in and egress from the vehicle.
- 7.3 All doors shall be fitted with reflectors/reflective strips or lights, which are clearly visible from the rear of the vehicle when the door is open.
- 7.4 All doors shall be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.
- 7.5 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in a fully open position.

## **8 Seats**

- 8.1 Vehicles shall have a passenger seating capacity of not less than 4 persons and not more than 8 persons.
- 8.2 Each seat shall be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.
- 8.3 Each seat shall not be less than 406mm in width.
- 8.4 Where bench seats are provided, then the seat shall provide a minimum of 406mm seating space for each passenger i.e. a rear bench seat shall not be less than 1218 mm in order to accommodate 3 passengers.

8.5 Each row of seats made available shall have door access immediately adjacent to it unless access to rows of seats is by way of permanent passageway from such a door.

8.6 If a seat is to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.

## **9 Windows**

9.1 Opening windows shall be provided in the rear of the vehicle capable of being opened by the rear seat passengers.

9.2 Vehicle windows shall have visual transmission of light of not less than 75% in respect of windscreens and not less than 70% in respect of all other windows and rear windscreen.

9.4 No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

9.5 A serviceable device for demisting the rear window shall be fitted.

## **10 Heating and ventilation**

10.1 Vehicles shall have an efficient heating and ventilation system.

## **11 Wheelchair carrying facilities.**

11.1 Any vehicle that has the facility for the carriage of wheelchair and wheelchair passengers shall be fitted with:-

- Approved anchorages that shall be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers shall be independent of each other. Anchorages shall also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers.

- A ramp or ramps for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear passenger door. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle when not in use.

11.2 The vehicle shall be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.

11.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) during the 6 months prior to being first licensed and at each subsequent renewal and be so certified and produced to Authority approved testing stations.

## **12 Fuel systems**

12.1 A device shall be provided whereby the supply of fuel to the engine may be immediately cut off. A manually operated device shall have its location together with the means of operation and "off" position, clearly marked on the outside of the vehicle. In the case of a vehicle fitted with an automatic inertia fuel cut off switch, no external switch or markings are required.

12.2 Before commencing any gas fuel conversions it is essential that written approval is sought from the Authority. The guidelines set out below give indication of current requirements.

12.3 All vehicles which are powered by Liquid Petroleum Gas (LPG) or Compressed Natural Gas (CNG) shall comply with all the relevant legislation set out in the Road Vehicles (Construction and Use) Regulations 1986 (as amended).

12.4 LPG conversions shall also comply with LP Gas Associations, Autogas Installations Code of Practice 11 and any later version of the COP. Conversion shall still comply with Road Vehicles (Construction and Use) Regulations 1986.

12.5 Compressed Natural Gas (CNG) - Vehicles shall comply with the Natural Gas Vehicle Design and Installation of Vehicle Fuel System Component Guidelines. Conversion shall still comply with Road Vehicles (Construction and Use) Regulations 1986 and certain additional safety features as required by the Authority.

12.6 To operate a vehicle powered by CNG on the public highway, special authorisation has to be granted through the Department of the Environment, Transport and Regions, Vehicle and Standards Engineering Division, (Reference to C & U regulation 91 (2)). Authorisation shall be submitted to the Authority upon presentation of vehicle for licensing.

- An appropriate certificate of installation shall be provided to the Authority at the time of inspection.
- An annual exhaust emissions test certificate (issued by an approved vehicle inspectorate MOT testing station) shall be provided when the taxicab is presented for licensing.
- An appropriate certificate of LPG / CNG Fuel Tank Integrity will be required, as may an annual system inspection certificate.

12.7 The Authority can consider allowing LPG / CNG vehicles to not carry a spare wheel. This would be subject to individual application and the provision that the driver of such a vehicle subscribes to a tyre repair /replacement or vehicle breakdown organisation.



## **13 CCTV Systems**

13.1 CCTV surveillance systems to assist driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored / recorded. Any such equipment shall be fitted overtly and in such a way so as not to present any danger or hazard to any passenger. It will be the driver/ proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.

## **14 Trailers and Roof carriers**

14.1 The vehicle may tow a trailer but shall;

- comply with the towing weights specified by the vehicles' manufacturer
- provide secure and weather proof storage for luggage
- display the licence plate on to a platform kit at the rear

14.2 If a roof carrier is to be used for luggage or goods, in addition to normal luggage, it shall be of a type fitted to the guttering or to the roof rails provided by the manufacturer.

## **15 Tyres**

15.1 All tyres, including the spare tyre, shall comply with the vehicle manufacturers specification.

15.2 Re-cut tyres are not acceptable for M1 passenger vehicles and remould tyres shall only be acceptable if they carry a recognised approval marking (currently BSAU144e) and display the following information clearly displayed on each tyre:

- Nominal size;
- Construction type (e.g. radial ply);
- Load capacity; and
- Speed capability

15.3 Tyres fitted to the vehicle shall have a minimum 1.6mm tread depth.

## **16 Electrical equipment**

16.1 Any additional electrical installation to the original equipment shall be adequately insulated and be protected by suitable fuses.

## **PRIVATE HIRE VEHICLE CONDITIONS OF LICENCE**

### **17 Examination and Test**

- 17.1 Before a licence is granted for the use of a vehicle as a private hire vehicle, the vehicle shall be examined and tested by an MOT approved vehicle testing station.
- 17.2 Every vehicle is also to be presented to the Licensing Officer for inspection to ensure that it complies with the additional vehicle conditions.

### **18 Licence Identification Plates**

- 18.1 The proprietor of a private hire vehicle shall fix to the vehicle licence identification plates of size, colour, design and type supplied by the Authority.
- 18.2 The proprietor shall ensure that the licence identification plate is fixed to the front and rear exterior of the private hire vehicle in the vicinity of the bumper in such a position as the vehicle registration plate is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence is clearly visible by daylight from the highway. It shall be fixed on a platform kit as supplied by the Authority in such a manner as to be easily removed by an authorised officer or a police constable. The platform kit shall be fixed by bolts or screws or other similar means.
- 18.3 The proprietor shall ensure that an approved holder displaying a private hire driver badge and a vehicle licence identification card as supplied by the council is displayed, in a position for all passengers to clearly see.
- 18.4 The proprietor shall ensure that no licence identification plate be displayed other than the plates issued by the council, and the said plate shall be displayed only on the vehicle to which it relates.
- 18.5 The licence plates shall remain the property of the council and shall be returned to them within seven days after the service on the proprietor of an appropriate notice by the Authority in the event of the private hire vehicle licence ceasing to be in force in respect of the vehicle.

### **19. Meters**

- 19.1 If the vehicle is fitted with a meter for recording the fare it shall display and maintain the statement of fares inside the vehicle in such a position as to be clearly visible at all times to the hirer. The statement of fares shall include the following information:
- The minimum hire charge
  - The rate charged per mile
  - Any additional charges
- 19.2 The meter shall :-

- Be checked and sealed by the Licensing Officer before it is used;
- Not display a “For Hire” sign at any time;
- Be fitted in such a position that its figures are clearly visible to passengers and that it is sufficiently illuminated; and
- Be fitted to the vehicle with seals or other appliances, so as not to be practicable for any person to tamper with them by breaking, damaging or permanently displacing the seals or other appliances.

19.3 If no meter is fitted, the fare charged shall not exceed that stated in the statement of fares as displayed in the vehicle unless a rate has been separately agreed between the hirer and the Licensed Private Hire Operator at the time of booking and prior to the journey.

## **20 Signs and Notices**

20.1 Subject to 21.2 the proprietor of a private hire vehicle shall not display or suffer or permit to be displayed on a private hire vehicle any sign or notice which consists of or includes the word TAXI or CAB whether in the singular or plural or FOR HIRE or any word or words of similar meaning or appearances to any one of those words, whether alone or as part of another word.

20.2 Vehicles shall have directly fixed on the upper half panel of the rear side passenger doors, permanent self-adhesive vinyl notices indicating that the vehicle must be pre-booked as provided by the Council. In respect of multi passenger vehicles (MPV’s), the same signs shall be fixed directly on the rear near side passenger door and on the opposite panel on the offside of the vehicle.

20.3 Vehicles shall not display roof signs or allow any other signs on its bodywork without the approval of the Authority.

20.4 On the dashboard of the vehicle in a position for passengers to clearly see, there shall be displayed in an approved display holder, cards identifying the driver and the vehicle as provided by the Authority.

20.5 Vehicles shall not display any printed, written or other material on windows except the vehicle excise licence and no smoking signs. The following signs may be permitted by the Authority:

- No eating or drinking
- Public health and safety
- Trade organisation membership
- No smoking
- Vehicle Excise Licence

## **21. Receipt book**

21.1 The proprietor of a private hire vehicle shall ensure that a carbonated receipt book, or other suitable mechanism for producing receipts, is available in the vehicle at all

times. A receipt will be given on request and each receipt shall show as a minimum the following particulars:-

- Date of journey
- Badge number of driver
- Amount paid

## **22. Luggage**

22.1 The proprietor shall at all times, provide facilities for the conveyance of luggage safely and protected from inclement weather.

22.2 Where luggage is stored other than in a boot (e.g. in an MPV), it shall be properly secured.

## **23 Property**

23.1 Any property left accidentally in the vehicle by passengers shall be taken to a local police station within 24 hours and reported as lost property.

## **24 Furnishing and maintenance of vehicle**

24.1 The proprietor shall ensure that the vehicle and all its fittings and equipment at all times when the vehicle is in use or available for private hire shall be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Road Vehicles (Construction and Use Regulations 1986) shall be fully complied with.

24.2 Where a separate compartment is provided for passengers, the proprietor shall provide sufficient means by which any person in the compartment may communicate with the driver.

24.3 The proprietor shall at all times, provide adequate lighting and heating for the interior of the vehicle.

## **25 Signs, notices and advertisements**

25.1 Vehicles shall not be allowed to display any printed, written or other material on the windows of the vehicle except in respect of the following:-

- No eating or drinking;
- Public health and safety campaigns;
- Permits for private ranks;
- Trade organisation membership;
- No smoking; and
- Vehicle Excise Licence

- 25.2 Vehicle proprietors shall not display or allow to be displayed in or on their vehicle any signs, notices, advertisements, video or audio display etc either for the purpose of advertising or by way of identifying or personalising marks. However, the Authority will consider varying this prohibition on application from vehicle licence holders in accordance with the terms of these conditions.
- 25.3 Applications for approval of advertisements must be made in writing on the approved form to the Licensing Team Leader. The form must be accompanied by a copy of the proposed advertisement in full colour.
- 25.4 All advertisements must comply with the British Code Of Advertising Practice issued by the Advertising Standards Authority and must be legal, decent, honest and truthful. Each application will be considered on its own merits but advertisements will not be approved if they contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi nude figures; are likely to offend public taste; depict men or women as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities.
- 25.5 If the Licensing Team Leader is not satisfied as to the non-contentious nature or placement of an advertisement then any such application may be submitted to the Regulatory Committee.
- 25.6 Permitted advertisements may be displayed in the interior of vehicles on the underside of tip-up seats and these must be encapsulated in clear non-flammable plastic or be manufactured of rigid plastic.
- 25.7 Proprietors or drivers of licensed vehicles found to be advertising unauthorised or prohibited advertisements shall be issued penalty points.

## **26 Company signs**

### **26.1 Cars**

Company (Operator) signs (not magnetised) shall be displayed on the two front doors (upper half panel in line with Authority signs). The maximum size shall be 770mm x 260mm.

A sign may be displayed on the rear of the vehicle advertising the company but it shall not exceed 100mm in height and the telephone number should not exceed 75mm in height.

A copy of any proposed company sign shall be forwarded to the Licensing Section for approval.

### **26.2 MPV's**

Company (Operator) signs (not magnetised) shall be displayed on the two front doors (upper half panel in line with Authority signs) of private hire vehicles. Signs may be displayed on the rear of the vehicle advertising the company (but not the window). A copy of any proposed company signage shall be forwarded to the

Licensing Section who shall approve by vehicle make and model, signage parameters in proportion to the design of each vehicle.

**26.3 Other (Large) Vehicles**

The Authority shall approve, by vehicle make and model, signage parameters in proportion to the design of each vehicle. Company (Operator) signs (not magnetised) shall be displayed on the two front doors (upper half panel in line with Council signs).

26.4 All company signs shall be the same for each vehicle.

**27 Communication Devices**

27.1 Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus shall be fixed in the passenger compartment or in the rear boot compartment if LPG or CNG tanks or equipment are in use. It shall be currently approved by the Radio Communications Agency.

27.2 Any radio apparatus shall be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.

27.3 No other radio equipment, either in the driver or the passenger compartment, is permitted without the prior approval of the Authority.

**28 Auxiliary equipment**

28.1 Any auxiliary equipment that is fitted to a vehicle shall not impede the driver in any way, or hinder his/her view, or impede, or cause hazard to passengers or other road users.

**29 Convictions**

29.1 The proprietor of a private hire vehicle shall within 14 days of conviction disclose to the Authority in writing details of any convictions imposed on him during the currency of his licence.

**30 Change of Address**

30.1 The proprietor shall notify the Authority in writing of any change in his/her name or address within 14 days of such a change taking place.

**31 Production of Private Hire Vehicle Licence and Insurance Certificates**

31.1 The proprietor of a private hire vehicle shall provide a copy of the current private hire vehicle licence issued by the Authority and current insurance certificate to the operator for which the vehicle is being used during the time it is so used for that operation.

## **APPENDIX C – LIMOUSINES**

### **1 DEFINITION OF A LIMOUSINE**

1.1 For the purposes of this policy and licence conditions a stretched limousine is defined as follows: -

1.2 A stretched limousine is a motor vehicle that has undertaken a Ford Qualified Vehicle Modifier (QVM) or Cadillac Master Coachbuilder (CMC) or an equivalent conversion programme resulting in its lengthening by an additional body section that is:-

- capable of carrying up to but not exceeding 8 passengers;
- not a decommissioned military or emergency service vehicle; and

draft

## 2. PRE-LICENSING REQUIREMENTS AND LICENSING CONDITIONS

	Issue	Licence Condition	Justification
1	Left Hand Drive Vehicles	Permit Left Hand Drive limousines to be licensed.	The majority of stretched limousines are imported from the United States of America and are left hand drive. The Department for Transport has recommended that Authorities should not refuse to licence limousines simply because they have characteristics which contravene their existing policy, i.e. left hand drive.
2	Sideways Seating	Permit limousines with sideways facing seating to be considered for private hire vehicle licensing. But no seat must be positioned so that it permanently obstructs any door.	A main characteristic of stretched limousines is their sideways facing bench seats. In line with the Department for Transport guidance the Authority will consider the suitability of limousines with sideways seating for licensing.
3	Signage	Provided that they have received written consent from the Authority, limousines may, in certain circumstances, not be required to display identification signs required by other private hire vehicles.	Signage serves to distinguish private hire vehicles from ordinary saloon cars and to make them clearly identifiable to the public. However, the naturally distinctive appearance of stretched limousines means that they are very unlikely to be confused with a private road user's vehicle or a hackney carriage vehicle.
4	Tinted Glass	No restriction to the level of tint for the glass windows in the passenger compartment. However, tinted glass in the windscreen and front doors shall be restricted to the requirements of the SVA Standards.	It is recognised that the privacy provided by tinted glass in the passenger compartment is a central characteristic of a limousine.
5	Fare Table/Taximeter	Limousines are not required to display a fare table or contain a taximeter. Any taximeter fitted must be a calendar controlled taximeter and any fare table in operation be forwarded to the Authority.	Stretched limousines often do not operate under a fare system as journeys are generally pre-paid in advance based on the length of time they are hired for.
6	Roadworthiness	They shall hold a valid Single Vehicle Approval (SVA) Certificate or equivalent.	SVA test comprises of a visual examination of a vehicle and certifies its safety and



			roadworthiness.
7	Vehicle Age	Stretched limousines to be licensed in accordance with the Authority's current vehicle age policy.	To ensure that the limousines licensed by the Authority are in a good and safe condition.
	<b>Issue</b>	<b>Licence Condition</b>	<b>Justification</b>
8	Insurance	An appropriate insurance policy must be in place, which covers use of the vehicle for hire and reward.	The Authority has concerns that some limousines may be operating under insurance policies which do not cover use for hire and reward and take into account that the vehicle has been stretched.
9	Tyres	The limousine must be fitted with tyres that meet both the size and weight specification.	Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times.
10	Vehicle Testing	The limousine shall be examined twice a year to the appropriate Class MOT standard.	To ensure that limousines licensed by the Authority are maintained to high standards and remain safe.
11	Maximum Passengers	The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers.	Authorities can only licence vehicles with a maximum seating capacity of up to 8 passengers.
		Any seats in the driver's compartment other than the driver's seat shall not be used to carry passengers.	This is to ensure that passengers are not carried in the front of the vehicle to improve driver and passenger safety.
		The vehicle must not carry more than 8 passengers at any time. (age).	This condition shall be enforced by Authority officers performing random inspections of licensed vehicles.
		In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry 8 passengers.	To inform customers of the maximum carrying capacity of the vehicle.
12	Seat Belts	Seatbelts must be fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion.	In accordance with Road Vehicle (Construction and Use) Regulations.
13	Alcohol	Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the retail sale and supply of alcohol.	To comply with alcohol licensing requirements and safeguard public safety.

		Alcohol shall only be served while the vehicle is stationary and afterwards, the bottle(s) shall be placed in a secure receptacle.	
		If the occupants are below the age of 18 years, then no alcohol shall be permitted in the vehicle for consumption in the vehicle.	
	<b>Issue</b>	<b>Licence Condition</b>	<b>Justification</b>
	Alcohol (continued)	Any glassware in the vehicle must be made of strengthened glass. Polycarbonate vessels should be considered.	
14	Entertainment	The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.	To safeguard children and vulnerable adult passengers from viewing unsuitable material.
		The limousine operator shall ensure that a performing right licence is held (if appropriate).	Many limousines have the capability of playing recorded media for the entertainment of customers and so the operator must ensure the appropriate royalties are paid.
		If the limousine parks to provide some form of entertainment to its passengers then a Premises licence must be in place in accordance with the Licensing Act 2003.	Entertainment regulated under the Act includes recorded TV, video, video games, loudspeakers, or any other activity provided for the passenger's enjoyment.
15	Authority Notices	The proprietor shall when directed by the Authority, display and maintain any notices in a conspicuous position.	To convey information to passengers where appropriate.
16	Advertisements	No other signs, notices or any other marking will be displayed on or in the vehicle without the written consent of the Authority.	To ensure that any materials displayed in the limousine is suitable for public viewing
17	Luggage	Ensure that loose luggage is not carried within the passenger compartment of the vehicle.	Passenger safety.
18	Safety Hammer	Vehicles must be supplied with a safety hammer, capable of being used to break the glass windows of the vehicle and shall be securely located in the driver's compartment but in view and accessible to passengers in an	Passenger safety.

		emergency.	
19	Identification Badges	The proprietor of the vehicle will be issued, by the Authority, with two display holders containing cards identifying the driver, vehicle and expiry dates and other details of respective licences. The proprietor will ensure that one display holder is positioned where it can be seen by passengers and that the other is displayed on the top left-hand corner of the front windscreen where it can be clearly seen from the outside of the vehicle.	To ensure that driver and vehicle is licensed.
	<b>Issue</b>	<b>Licence Condition</b>	<b>Justification</b>
20	Identification Badges (continued)	No identification badge shall be parted with, lent or used on any other vehicle and the loss or damage of the badge shall be reported to the Authority as soon as the proprietor is aware of the loss.	
		In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle badge and licence to the Authority within seven days.	
21	CCTV	It is not proposed that such measures such as CCTV should be required, as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. The trades are, however, encouraged to consider the installation of CCTV in their vehicles on a voluntary basis. The Authority will explore funding streams to assist the trade in offsetting the cost of CCTV.	Driver safety.
22	Sun roof/Ceiling	If fitted, any sun roof switch to be isolated so it cannot be operated by passengers. Any mirrored or glass ceiling or fixtures shall be made of	

		strengthened glass.	
23	Interior	Adequate illumination shall be provided in the passenger compartment. The roof and side panels shall be adequately trimmed.	Passenger safety.
24	Doors	All doors shall be capable of being opened from inside as well as from outside the vehicle.	To enable safe access/egress.
25	Communication	A means of two way communication between the driver and passengers shall be installed to the satisfaction of the Authority.	Passenger and driver safety.

draft

### **3 DRIVER AND OPERATOR LICENSING REQUIREMENTS FOR LIMOUSINES**

- 3.1 In addition to the limousine being licensed as a private hire vehicle with the Authority, the limousine operator is required to hold a private hire operators' licence with the Authority.
- 3.2 All bookings for a limousine licensed as a private hire vehicle must be booked through the licensed private hire operator.
- 3.3 Once licensed as a private hire vehicle the limousine can only be driven by a person who holds a current combined drivers licence issued by Dover District Council.

draft

## APPENDIX D – APPLICATION PROCEDURES

### 1. Application Procedures – Vehicles

- 1.1 Vehicle proprietors shall make arrangements directly with MOT vehicle testing stations to have vehicles tested.
- 1.2 All vehicles shall also be presented to the Licensing Officer for additional inspection. Prior to submitting the vehicle for examination, proprietors shall ensure that the vehicle is in good condition, i.e. mechanically sound, bodywork satisfactory and the engine and full chassis steam cleaned.
- 1.3 Appointments to licence vehicles are held at the Council Offices, White Cliffs Business Park, Dover CT16 3PJ. Appointments are to be arranged with the Licensing Team.
- 1.4 When presenting an application, the following documents **MUST** accompany the completed application form:-
- (i) **DVLA Registration Document** (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as proprietor(s) thereof);
  - (ii) **Valid Certificate of Insurance;**
  - (iii) **MOT/Compliance Certificate;**
  - (iv) **Fee or Proof of Payment;**
- and for stretched limousines:-
- (v) **Single Vehicle Approval Certificate (SVA).**

### 2. Application Procedures – Drivers (Grant & Renewal)

- 2.1 Applications for hackney carriage or private hire drivers' licences may be made at any time of the year. Applicants shall hold a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). In addition any applicants who hold a EC/EEA driving licence shall also have a GB counterpart document.
- 2.2 Applicants shall have held a UK, EC or EEA driving licence for a least 12 months and be aged 18 years or over. Appointments are made by contacting the Licensing Team.
- 2.3 Appointments are held at the Council Offices, White Cliffs Business Park, Dover CT16 3PJ and undertaken by a member of the Licensing Team who will assist with the completion of the application form, the form which allows the Authority or its agent to access DVLA records and the CRB disclosure form (if required).

A fee will be required for all three forms and payment can only be made with a debit/credit card, cheque or postal order.

- 2.4 Applicants will be required to complete an application form for an Enhanced Disclosure from the Criminal Records Bureau on first application and every 3 years thereafter. Two forms of personal identification are required (passport, driving licence, birth certificate or marriage certificate) as well as a utility bill showing the applicants current address. Applicants will also need to provide their national insurance number. Personal identification requirements are detailed on the CRB website <http://www.homeoffice.gov.uk/agencies-public-bodies/crb/>
- 2.5 If new applicants are confident that the CRB Disclosure will be satisfactory then they can proceed to arrange appointments to obtain a completed medical certificate from a General Practitioner; to undertake the Authority communications and local knowledge test; DSA Test and may wish to also undertake a course to obtain the VRQ Level 2 award in Transporting Passengers by Taxi and Private Hire from a training provider. Otherwise, as the above actions will incur costs, applicants may prefer to wait for the return of the CRB Disclosure and clearance from the Authority to continue with the application.
- 2.6 All applicants shall provide a completed medical examination form supplied by the Authority and completed by a general practitioner on first application and at 5 yearly intervals until the age of 55 then every 3 years until the age of 61, thence annually, and at reasonable time at the request of the Council. The medical practice is likely to make a charge for this service. All fees must be met by the applicant.
- 2.7 All applicants must provide a minimum of 5 years address history. If an applicant has lived outside of the UK for any part of the previous 5 years then certificates of good conduct must be obtained from the Police at each place of residence detailing any driving or criminal convictions. Certificates must be translated into English at the applicants expense and must also be verified genuine by the relevant embassy in the UK for the country of origin.
- 2.8 All applicants must make a declaration that they have a statutory right to work in the UK and any applicant that has a limited right to work will not be issued a driver licence for a period longer than that limited period. Checks will be made with partner agencies including the UK Border Agency and HMRC. Students from overseas are advised that they are not currently able to work as self-employed drivers and must therefore be employed. They must also not work for more than 20 hours per week.
- 2.9 All applicants will be required to provide both parts of their driving licence for inspection. A check will be made with the DVLA regarding the validity of the driving licence presented and any outstanding convictions, penalty points and whether the licence is still valid. A charge will normally be made for this service and all fees must be met by the applicant.

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

#### **3.1 Introduction**

3.1.1 In order to maintain the high standards that the Authority expects of its drivers operating within the Town, knowledge of locations and places of interest is assessed by the Authority through its communication and local knowledge test.

#### **3.2 Local Knowledge Test**

3.2.2 The communications test must be passed before the local knowledge test can be taken.

3.2.3 Only 4 attempts are allowed for each test. After 4 failures the driver must allow 2 months to elapse from the date of the fourth failure before a further attempt can be made.

3.2.4 The communication test aims to identify understanding of the English language and basic mathematics.

3.2.5 The local knowledge test is written and aims to identify knowledge of locations of places of interest and routes.

#### **3.3 Driver Proficiency & Qualifications**

3.3.1 The Driving Standards Agency (DSA) provides a driving assessment specifically designed for hackney carriage and private hire drivers.

3.3.2 All new drivers are be required to pass the DSA test, or another similar approved test as a part of the application process.

3.3.3 Applicants who have considerable relevant experience or alternative qualifications may apply, in writing, to have these taken into consideration in lieu of the DSA requirement. Each application will be considered on its own merits and a refusal to approve an application to have this condition waived may be appealed to the Regulatory Committee for consideration.

3.3.4 Driver applicants are encouraged to complete and pass the VRQ Level 2 award in Transporting Passengers by Taxi and Private Hire.

3.3.5 The local knowledge test should be completed and passed prior to enrolling for the VRQ course unless already attained.

3.3.6 Applicants who possess an NVQ Level 2 award in Road Passenger Vehicle Driving shall not be required to attain the VRQ described in paragraph 3.3.1 above.



#### 4. **Consideration of Applications**

- 4.1 On receiving the Enhanced Disclosure from the CRB new applicants should make an appointment with the Authority and at that appointment provide the completed application form and necessary fees, driving licence, medical form, DSA Certificate and VRQ/NVQ certificate. **Disclosure and medical forms will not be accepted if more than 1 months old.**
- 4.2 If satisfied, from the information available, that the applicant is a fit and proper person to hold a licence, the Licensing Team Leader has delegated power to grant the application and issue a 12 month licence.
- 4.3 Two driver badges will also be issued which shall remain the property of the Authority and must be surrendered if the driver licence is suspended or revoked by the Authority. One badge shall be displayed on the driver's person at all times they are acting as a licensed driver and the other to be displayed in the vehicle.
- 4.4 If the Authority is not satisfied, on the information before it, that the applicant should be granted a licence, the matter may be referred to the regulatory Committee for a hearing.

draft

## **APPENDIX E - RELEVANCE OF CONVICTIONS TO APPLICATIONS**

### **1. Introduction**

- 1.1 The following guidelines shall be used to determine the relevance of criminal and other convictions in relation to applications for hackney carriage and private hire driver licences and private hire operator licences.
- 1.2 It should be noted that since 2002 hackney carriage and private hire vehicle drivers are exempt from the protection of the Rehabilitation of Offenders Act 1974, so that all convictions, spent or otherwise, can be considered in respect of an application for the grant, renewal or cancellation of a licence to be a hackney carriage or private hire vehicle driver.

### **2. General Policy**

- 2.1 Each application will be determined on its own merits.
- 2.2 A person with a conviction for serious crime need not be permanently barred from obtaining a licence but shall be expected to have remained free of conviction for 3 to 5 years, according to the circumstances of the offence, before an application is granted. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances.
- 2.3 However the overriding consideration will be the protection of the public, particularly children and vulnerable adults.
- 2.4 A police caution for violence, dishonesty and drug related offences shall generally prevent the granting of a licence for a minimum period of 2 years. In all other cases a police caution shall generally prevent the granting of a licence for a minimum period of 12 months.
- 2.5 Listed below are some general principles relating to the determination of applications for drivers and operators which shall generally be followed where convictions are disclosed.
- 2.6 References to convictions include police cautions, warnings, reprimands and issue of fixed penalty notices.

### **3. Minor Traffic Offences**

- 3.1 Convictions for minor traffic offences such as obstruction, waiting in a restricted street, speeding etc shall not necessarily prevent a person from proceeding with an application and each application will be treated on its own merits.
- 3.2 If sufficient DVLA penalty points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or private hire vehicle driver's licence may be granted after the restoration of the

DVLA driving licence. A warning letter shall, however, be issued to such licence holders about future driving standards.

#### **4. Major Motoring Offences**

4.1 Convictions for motoring offences such as:-

- reckless driving;
- driving without due care and attention;
- driving with no valid insurance;
- using a motor vehicle in an unfit condition; and
- driving whilst disqualified

will raise concern as to the applicant's fitness to hold a licence. A minimum of 3 years ought to have elapsed since the incident before such an application will be considered by the Authority. An applicant can, however, request that the application be referred to the Regulatory Committee for determination.

4.2 A conviction for causing death by careless driving or by dangerous driving shall result in the application automatically being referred to the Regulatory Committee for determination.

#### **5. Drunkenness**

##### **5.1 With a motor vehicle**

5.1.1 A serious view shall be taken of convictions for driving or being in charge of a vehicle whilst under the influence of alcohol or other substances. A single conviction for these offences will raise serious concerns as to the applicant's fitness to hold a licence. At least 3 years should have elapsed since the restoration of the DVLA driving licence before such an applicant is granted a licence.

5.1.2 More than one conviction shall result in the application automatically being referred to the Regulatory Committee.

5.1.3 If there is any suggestion that the applicant is an alcoholic or has an alcohol dependency, a medical examination shall be arranged by the Authority before the application is considered. If the applicant is found to be an alcoholic, a period of 3 years must elapse after treatment is successfully completed before an application can be considered further. An applicant can, however, request the application be referred to the Regulatory Committee.

##### **5.2 Not in a motor vehicle**

5.2.1 An isolated conviction for drunkenness shall not debar an applicant from obtaining a licence. However, a number of convictions for drunkenness could indicate a problem necessitating a medical examination to be arranged, the cost

of which is to be covered by the applicant. If the applicant is found to be an alcoholic, a period of 3 years must elapse after treatment is successfully completed before an application can be considered. An applicant can, however, request the application be referred to the Regulatory Committee.

## **6. Drugs**

- 6.1 An applicant with a conviction for a drug related offence shall be required to show a period of at least 3 years free of convictions before an application is considered or 5 years after the successful completion of detoxification treatment if an addict. An applicant can, however, request the application be referred to the Regulatory Committee.

## **7. Sexual or Indecency Offences**

- 7.1 Hackney carriage and private hire drivers often carry unaccompanied passengers, including children and vulnerable adults. Applicants with a conviction for indecent exposure, indecent assault, importuning, or any sexual offences, shall not be considered for a licence until a period of 5 years has elapsed since the offence. More than one conviction of this kind will preclude the granting of a licence for 10 years. **All** such applications will, in any case, be referred to the Regulatory Committee.

## **8. Violence**

- 8.1 As hackney carriage and private hire drivers have close contact with the general public, a serious view will be taken of applicants who have a conviction for grievous bodily harm, wounding or assault. At least 3 years should have elapsed since the incident before an application will be considered. An applicant can, however, request the application be referred to the Regulatory Committee.

## **9. Dishonesty**

- 9.1 Hackney carriage and private hire drivers are expected to be trustworthy. The delivery of unaccompanied property is indicative of the trust that businesses place in licensed drivers. Moreover, it is comparatively easy for dishonest drivers to defraud the public, for example by demanding more than the normal fare. Overseas visitors, in particular can be confused due to the change in currency. For these reasons a serious view will be taken of any convictions involving dishonesty. At least 3 years should have elapsed since the incident before an application will be considered. An applicant can, however, request the application be referred to the Regulatory Committee.

## **10. Other Offences and special circumstances**

- 10.1 If an applicant has declared or committed any other offence not listed above or the circumstances of the case justify it, the Licensing Administration Officer shall refer the application to the Licensing Team Leader who may consider it appropriate to refer it to the Regulatory Committee for determination

## **APPENDIX F - PRIVATE HIRE DRIVER'S LICENCE CONDITIONS**

### **1. Conduct of Driver**

- 1.1 The holder of a private hire driver's licence ("the driver") shall comply with the following conditions, which should be read in conjunction with the Code of Good Conduct set out in **Appendix H**.
- 1.2 The driver shall comply with the dress code at all times as detailed in Appendix I.
- 1.3 The driver shall at all times, when acting in accordance with the drivers licence granted to them, wear such badge as supplied by the Authority in such position and manner as to be plainly and distinctly visible at all times. He shall not allow the badge to be used by any other person or cause or permit any other person to wear it and on termination or surrender of the driver's licence, shall return the badge to the Authority immediately.
- 1.4 The driver shall behave in a civil, polite and orderly manner at all times in the course of carrying out business and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 1.5 The driver shall not wilfully or negligently cause or permit the vehicle licence plates to be concealed from public view.
- 1.6 The driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- 1.7 The driver when hired to drive to a particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest route.
- 1.8 The driver shall not convey or permit to be conveyed in such vehicle any number of persons greater than the number of persons specified in the licence and also referred to on the vehicle licence plate.
- 1.9 The driver shall convey a reasonable amount of luggage and provide reasonable assistance in loading and unloading luggage.
- 1.10 The driver shall not solicit, by calling out or otherwise importune, any person to hire or be carried for hire, and shall not accept an offer for the hire of the vehicle except where that is first communicated to the driver by the operator.
- 1.11 The vehicle shall be presented in a clean and tidy condition for each journey.
- 1.12 The private hire vehicle shall only be driven by licensed private hire drivers who have the consent of the proprietor of the vehicle.

1.13 The driver shall not drink or eat in the vehicle whilst driving or when passengers are aboard, or, if requested to by the passenger, play any radio or sound equipment that is not connected with the operation of the business.

1.14 The driver shall not operate the horn as a means of signalling that the vehicle has arrived for hire.

## **2. Fares and journeys**

2.1 The operator of a Private Hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.

2.2 The driver shall, if requested by the hirer, provide a written receipt for the fare paid. Each receipt should show the date of journey, driver badge number and amount paid.

2.3 If the private hire vehicle is fitted with a taximeter, then the driver of the vehicle shall unless the hirer expresses at the commencement of the journey his desire to engage by time, bring the meter into operation at the commencement of the journey;

- (i) bring the machinery of the taxi meter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter before beginning a journey for which a fare is charged for distance and time, and keep the machinery of the taximeter in action until the termination of the hiring;
- (ii) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer; and
- (iii) not demand from any hirer of a Private Hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the meter.

## **3. Duties of Licence Holder**

3.1 The driver's licence must be made available for inspection, on request, by any authorised officer of the Authority or any Police Officer.

3.2 The driver must notify the Authority, within 14 days of starting or terminating employment, as to the name and address of the operator and/or proprietor concerned, and the date when the employment either started or ended.

3.3 The private hire driver's licence or copy thereof must be presented to the proprietor/operator at the beginning of an employment.

- 3.4 All licences and badges issued remain the property of the Authority at all times. They must be returned forthwith when employment as a licensed driver ceases or if the licence expires and is not renewed or where the licence is suspended or revoked.
- 3.5 The driver must notify the Authority in writing, within 14 days, of any change of name or address.
- 3.6 The driver must notify the Authority, within a period of 14 days of any conviction for a criminal offence, motoring offence or receipt of a police caution or fixed penalty imposed whilst the licence is in force.
- 3.7 The driver shall report an accident in a private hire vehicle within 72 hours of the occurrence where damage materially affects the safety, performance and appearance of the licensed vehicle or the comfort or convenience of persons carried.
- 3.8 The driver shall keep a copy of these driver conditions in the licensed vehicle being used by that driver.
- 3.9 The driver shall inform the Authority, in writing, immediately, of any deterioration in health or injury that would affect the ability to drive a private hire vehicle.

#### **4. Lost Property**

- 4.1 A driver shall after the termination of each hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein, carry it as soon as possible and in any event within 48 hours to the nearest Police Station and leave it in the custody of an authorised officer on his giving a receipt for it.

#### **5. The Carriage of animals**

- 5.1 A driver shall not carry in a private hire vehicle any animal, which belongs to, or is being looked after by, themselves, the proprietor or operator of the vehicle.
- 5.2 Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.
- 5.3 A driver shall, however, carry assistance dogs. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs, which assist disabled people with a physical impairment.
- 5.4 Any driver with a medical condition, which may be exacerbated by such dogs, may apply for exemption from the condition in paragraph 5.3 to the Authority. A certificate of exemption will be supplied on production of suitable medical evidence.

## **6. Wheelchair Accessible Vehicles**

6.1 All drivers of wheelchair accessible vehicles must:-

- be fully conversant with the correct method to operate ramps, lifts and wheelchair restraints that can be fitted to the vehicle;
- ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and that the brakes of the wheelchair have been applied prior to the vehicle setting off; and
- ensure that any wheelchairs, equipment and passengers are carried in such a way that no danger is likely to be caused to any passenger in accordance with the Road Vehicles (Construction & Use) Regulations 1986.

draft



## **APPENDIX G - HACKNEY CARRIAGE BYELAWS**

DOVER DISTRICT COUNCIL

BYELAWS

WITH RESPECT TO HACKNEY CARRIAGES

29 JULY 1987

MADE UNDER SECTION 68 OF THE TOWN POLICE CLAUSES ACT 1847, AND SECTION 171 OF THE PUBLIC HEALTH ACT 1875, BY THE DISTRICT COUNCIL OF DOVER WITH RESPECT TO HACKNEY CARRIAGES IN THE DOVER DISTRICT.

### INTERPRETATION

1. Throughout these byelaws “the Council” means the District Council of Dover and “the District” means the Dover District.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE, SHALL BE DISPLAYED.

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto;
- (b) A proprietor or driver of a hackney carriage shall-
  - (i) not willfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
  - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

### PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. The proprietor of a hackney carriage shall:-
  - (a) Provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) Cause the roof or covering to be kept watertight;
  - (c) Provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) Cause the seats to be properly cushioned or covered;
  - (e) Cause the floor to be provided with a proper carpet, mat, or other suitable covering;

- (f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) Provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- (i) Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

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

- (a) The taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
- (b) Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the regulation in that behalf;
- (d) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- (f) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES**

5. The driver of a hackney carriage provided with a taximeter shall:-
- (a) When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) Before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - (c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is 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 time at the request of the hirer.

6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
  - (a) Proceed with reasonable speed to one of the stands in the district if there be one;
  - (b) If a stand, at the time of his arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand if there be one;
  - (c) On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - (d) From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, 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.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
  - (a) Convey a reasonable quantity of luggage;
  - (b) Afford reasonable assistance in loading and unloading;
  - (c) Afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

**PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISCTRICT, AND SECURING THE DUE PUBLICATION OF SUCH FARES.**

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

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

15. (a) The proprietor of a hackney carriage shall cause the statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

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

**PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF**

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

16. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-

(a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station in the district, and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and

(b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value or the fare for the distance from the place of finding to the Police Station whichever be the greater subject to the payment not exceeding five pounds.

**PENALTIES**

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

### REPEAL OF BYELAWS

19. The Byelaws relating to hackney carriages which were made by (1) the mayor, Alderman and Burgess of the Borough of Dover on the 31<sup>st</sup> day of March 1953, and the 11<sup>th</sup> day of October 1973 and confirmed by one of Her Majesty's Principal Secretaries of State on the 12<sup>th</sup> day of May 1953, and the 13<sup>th</sup> day of February 1974, respectively, (2) the Mayor, Aldermen and Burgesses of the Borough of Deal on the 5<sup>th</sup> Day of October 1971, and confirmed by one of Her Majesty's Principal Secretaries of State on the 9<sup>th</sup> day of December 1971, and (3) the Dover District Council on the 7<sup>th</sup> day of February 1975 and confirmed by one of Her Majesty's Principal Secretaries of State on the 26<sup>th</sup> day of March 1975, are hereby repealed.

Dated this 29<sup>th</sup> day of July 1987

THE COMMON SEAL of the  
DOVER DISTRICT COUNCIL

Was hereunto affixed

In the presence of:

(Sgd. ) JOHN MOIR  
Chief Executive

The foregoing byelaw is hereby confirmed by the Secretary of State and shall come into operation on the 1<sup>st</sup> day of February 1988.

(Sgd.) H. FAWCETT

An Assistant Secretary in the  
Department of Transport on  
behalf of the Secretary of  
State for Transport.

## **APPENDIX H - CODE OF GOOD CONDUCT**

This Code should be read in conjunction with the other statutory and policy requirements set out in this document.

### **1 Responsibility to the Trade**

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trades by:

- (a) complying with this Code of Good Conduct;
- (b) complying with all the conditions of their licence, byelaws and the Authority's Hackney Carriage and Private Hire Licensing Policy;
- (c) behaving in a civil, orderly and responsible manner at all times; and
- (d) sign to acknowledge the Code of Conduct.

### **2 Responsibility to Clients**

Licence holders shall:

- (a) maintain their vehicles in a safe and satisfactory condition at all times;
- (b) keep their vehicles clean and suitable for hire to the public at all times;
- (c) attend punctually when undertaking pre-booked hires;
- (d) assist, where necessary, passengers into and out of vehicles; and
- (e) provide passengers reasonable assistance with luggage.

### **3 Responsibility to Residents**

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

- (a) not sound the vehicle's horn after 11.30pm or from a stationary vehicle;
- (b) keep the volume of music media player and VHF radios to a minimum;
- (c) switch off the engine if required to wait; and
- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

- (e) not double park or obstruct driveways and/or access points etc.

#### **4 Responsibilities at Ranks and Offices**

Licence holders shall:-

- (a) rank in an orderly manner and proceed along the rank in order and promptly;
- (b) remain in attendance of the vehicle;
- (c) not allow their music media players or VHF radios to cause disturbance to residents of the neighbourhood; and
- (d) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

#### **5 General**

Drivers shall:-

- (a) pay attention to personal hygiene and dress so as to present a professional image to the public;
- (b) be polite, helpful and fair to passengers;
- (c) drive with care and due consideration for other road users and pedestrians;
- (d) obey all Traffic Regulation Orders and directions at all time;
- (e) not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (f) not drive while having misused legal or taken illegal drugs;
- (g) fulfil their responsibility to ensure compliance with legislation regarding the length of working hours;
- (h) not eat in the vehicle in the presence of customers;
- (i) not smoke in the vehicle at any time; and
- (j) respect authorised officers at Authority offices and elsewhere during their normal course of their duties.

## 6

### **Disciplinary Hearings**

Drivers should be aware of the powers the Authority has to take action, by way of suspension, revocation or refusal to renew a driver's licences where:-

- (a) the driver has been convicted , since the grant of the licence, of an offence involving dishonesty, indecency or violence;
- (b) the driver has been convicted of an offence under the legislation or Hackney Carriage and Private Hire Licensing Policy relating to taxi and private hire regulation; and
- (c) there is a breach of condition or this code.
- (d) there is a breach of the maximum number of penalty points under the Dover District Council penalty points system
- (e) any other reasonable cause

Guidelines for dealing with offences committed by licence holders are detailed in **Appendices K and L.**

draft



## **APPENDIX I - DRESS CODE**

The Authority is committed to encouraging the professional image of the trade and it considers that drivers should conform to a minimum standard of dress, as set out below, in order to raise and maintain the profile of the licensed trade. Whilst the Authority does not wish to impose such standards by way of conditions to any licence it expects, however, that such standards will be maintained at all times.

### **Acceptable Standards of Dress within this code**

- (1) Tops**
  - Shirts, blouses, T-shirts, or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.
  - Shirts or blouses can be worn with a tie or open-necked.
  
- (2) Trousers/Shorts/Skirts**
  - Trousers may be either full length or shorts if tailored.
  - Female drivers should not wear short skirts.
  - Smart jeans type trousers permitted.
  
- (3) Footwear**
  - Footwear should fit around the heel of feet.

### **Examples of Unacceptable Standards of Dress within this Code**

- Bare chests
- Unclean or damaged clothing or footwear
- Clothing with offensive words, logos or graphics
- Sportswear promoting sports teams
- Clothing with studs or sharp edges
- Beach type footwear (e.g. Flip flops and mules)
- Baseball caps or 'hoodies'
- Tracksuits or Shellsuits

## **APPENDIX J - PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS**

### **1 Standards of Service**

The operator shall:

- 1.1 Provide a prompt, efficient and reliable service to members of the public at all reasonable times;
- 1.2 Ensure that office staff behave in a civil and orderly manner at all times, in particular do not drink or take drugs on duty;
- 1.3 Ensure that when a vehicle has been hired, it arrives punctually at the appointed place, unless delayed by unforeseen circumstances;
- 1.4 Ensure that premises provided for the purpose of hiring or waiting are kept clean, adequately lit, heated and ventilated; and
- 1.5 Ensure that any waiting area provided has adequate seating facilities and if provided any telephone facilities are in good working order.
- 1.6 Ensure that any sanitary conveniences and washing facilities provided for customers and/or licensed drivers and vehicle proprietors should do so at readily accessible places in the building. They and the rooms containing them should be kept clean and be adequately ventilated and lit. Washing facilities should have running hot and cold or warm water, soap and clean towels or other means of cleaning or drying. Men and women should have separate facilities unless each facility is in a separate room with a lockable door and is for use by only one person at a time.

### **2 Records**

- 2.1 Records shall be kept by operators in a suitable form that does not permit back dating and in a form easily able to be inspected by authorised officers and the Police.
- 2.2 Extracts of the records shall be available to be taken away by authorised officers or the police.
- 2.3 All records maintained by the operator shall be kept for at least 12 months after entry and shall be produced for inspection, on request, by any authorised officer or Police officer.

### **3 Bookings**

- 3.1 Prior to each journey, the operator shall enter the following particulars of every booking in the above records:

- the date of the booking;
- the name of the hirer;
- the time and date of pick-up;
- the address of the point of pick-up;
- the destination;
- the plate number of the vehicle allocated;
- the badge number (or other identification) of the driver allocated; and
- the details of any booking sub contracted to another Dover licensed operator or hackney carriage in the district.

#### **4 Vehicles**

4.1 The operator shall keep a copy of licences issued by the Authority, for private hire vehicles it operates.

#### **5 Drivers**

5.1 The operator shall keep a copy of licences issued by the Authority, for drivers it operates.

5.2 The operator shall keep records of the following:-

- driver call signs;
- date of when a new driver begins service; and
- date when a driver ceases service;

5.3 If the operator becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to drive then they shall inform the Authority.

5.4 Private Hire Operators shall provide the Licensing Team with an up to date list of drivers on their circuit and notify the Licensing Team without delay as soon as a driver joins or leaves their circuit.

5.5 Private Hire Operators shall ensure that each driver on their circuit has a valid Driving licence, Hackney Carriage & Private Hire Drivers Licence, CRB, Insurance and medical certificate. If a driver cannot provide all of the required documentation then the Operator has a duty **not** to let the driver work on their circuit. A failure to ensure that drivers have the necessary documentation may result in the Operator being called before the Regulatory Committee for disciplinary measures.

#### **6 Change of Address**

6.1 The operator shall notify the Authority in writing of any change affecting this licence, including change of address (including any address from which he operates or otherwise conducts his business), which takes place during the

currency of the licence. Such notice shall be given within 14 days of the change to the Licensing Section.

## **7 Disclosure of Convictions**

- 7.1 The operator shall, within 14 days of conviction, notify the Authority in writing of any conviction or fixed penalty notice imposed on him during the currency of his/her operator's licence. If the operator is a company or partnership, this requirement shall apply if any of the directors or partners receives a conviction or fixed penalty notice.

## **8 Insurance**

- 8.1 The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by him under the licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.
- 8.2 If the Operator has premises to which the public have access, in connection with the hiring of vehicles, he shall ensure that there is public liability insurance in force, which indemnifies him against any claim for loss, damage or personal injury by any person using those premises.

## **9 Display of Terms and Conditions**

- 9.1 The operator shall keep a copy of these conditions at all premises used for a private hire business and shall make the same available for inspection by customers and on request by authorised officers and the Police.

### **Note: Planning Consent**

To operate a private hire business from a residential dwelling, planning permission, for such business use, will normally be required. A Private Hire Operator's Licence will not be granted without evidence that either planning permission has been issued for the premises concerned or planning permission is not required for the limited use proposed.

## **APPENDIX K - ENFORCEMENT POLICY & PRACTICE**

### **1 Enforcement Policy Statement**

- 1.1 It is the statutory duty of the Authority to ensure that licensed drivers and operators are licensed correctly and carry out their trade in accordance with both the relevant law, byelaws, statutory notices and conditions attached to licences. All enforcement action is carried out in accordance with the Government's Regulators' Compliance Code. The purpose of the statutory code of practice is to embed a risk-based, proportionate, targeted and flexible approach to regulatory inspection and enforcement among the regulators it applies to. This approach should ensure that the Authority is efficient and effective in carrying out its duties, without imposing unnecessary burdens on those it regulates.
- 1.2 All enforcement action, be it advice, oral warnings, written warnings, the imposition of penalty points, licence reviews, simple cautions or prosecutions, will primarily be based upon the seriousness of the breach or offence and the possible consequences arising out of it. Enforcement action will not, therefore, constitute a punitive response to minor technical contraventions of legislation.
- 1.3 Authorised officers making enforcement decisions will abide by this policy. Any departure from the policy must be exceptional, capable of justification, be fully considered and be endorsed by the Licensing Team Leader or above before the decision is taken (unless it is considered that there is significant risk to the public in delaying the decision).
- 1.4 Officers shall be authorised by the Director of Environment & Corporate Assets to take enforcement action relevant and appropriate to their level of competence. Competency will be assessed individually by reference to qualifications and experience.
- 1.5 Authorised officers shall exercise the principles of openness, helpfulness, proportionality, consistency and targeting in deciding on the correct enforcement approach to all circumstances. They shall be fair, independent and objective and shall not let any personal views about ethnic or national origin, sex, religious beliefs, political views or sexual orientation influence their judgement or approach.

### **2 General Policy**

- 2.1 Licence holders must immediately report, in writing, all criminal convictions, police cautions and major motoring offences, which occur during the currency of their licence to the Authority. In addition, breaches of the relevant legislation or conditions attached to driver, operator and vehicle licences may come to light following complaints and enforcement action or investigations. The action to be followed in response to such matters will be determined on its own merits.

2.2 Achieving and maintaining a consistency of approach to making all decisions that concern hackney carriage and private hire licensing and enforcement action, including prosecution, is of paramount importance. To achieve and maintain consistency, it is vital that the policy guidelines are always considered and followed where appropriate.

2.3 Licence application and enforcement decisions must always be consistent, balanced, and fair and relate to common standards, which ensure that the public is adequately protected. In reaching any decision many criteria must be considered including the:

- seriousness of offences;
- history of the licence holder;
- consequence of non-compliance;
- effectiveness of options; and
- danger to the public.

### **3 Enforcement Options**

3.1 Having considered all relevant information and evidence, the options for action are :-

#### **3.2 Licence Applications**

- Grant licences;
- Refer to Regulatory Committee; and
- Refuse to grant a licence

#### **3.3 Enforcement Action**

- Take no action;
- Take informal action;
- Issue statutory notices;
- Issue penalty points in line with the DDC process;
- Review a licence;
- Suspend a licence;
- Revoke a licence;
- Simple caution; and
- Prosecution

### **4 Informal Action**

4.1 Informal action such as offering advice (which can be written) or issuing oral and written warnings is generally used by authorised officers to secure good conduct by licence holders following:-

- complaints made by the general public;

- convictions for minor traffic offences; and
- contraventions of the dress code.

4.2 Such informal enforcement action taken by authorised officers shall be appropriate in any of the following circumstances:-

- If the behaviour or offence does not warrant more formal action;
- Consideration of the history of the licence holder results in a reasonable expectation that informal action will achieve compliance;
- Confidence in the licensed Operator is high; and
- Consequences of non-compliance will not pose a significant risk to public safety.

4.3 Even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a more formal approach.

## 5 **Statutory Notices**

5.1 Serious offences in respect of the condition and safety of licensed vehicles shall be dealt with by the issue of statutory notices by authorised officers and include:-

- Vehicle defect notices; and
- Stop notices.

## 6 **Penalty Points**

6.1 The Authority has a Penalty Points Scheme, which is detailed in **Appendix L**. Licence holders that have been found to be in breach of licence conditions or byelaws are likely to be issued with penalty points for individual transgressions. If a licence holder accumulates a total of 20 points during a rolling 12 month period then they will have their licence reviewed by the Regulatory Committee.

6.2 Licence holders that have had penalty points imposed on their licence can appeal to the Regulatory Committee.

## 7 **Licence Review**

7.1 Licence holders can also be required to appear before the Regulatory Committee in order that it can consider appropriate disciplinary measures on a case by case basis. This may arise in several ways:-

- The receipt of a conviction or police caution;
- The history;
- Complaints or offences;
- Penalty points;
- Transgression during “probationary” licence; and
- DVLA driving licence acquiring 12 or more points.

7.2 The criteria used for referring licence applicants to the Regulatory Committee is contained in the policy at **Appendix D**.

7.3 The Regulatory Committee can decide to take one or more of the following actions:-

- no action;
- issue an oral or written warning;
- require the licence holder to undertake the communications and local knowledge tests;
- require the licence holder to undertake a driver improvement course;
- require the licence holder to attain the NVQ Level 2 qualification (if not already held);
- suspend a licence;
- revoke a licence; or
- recommend the cautioning or prosecution of licence holders.

## **8 Simple Cautions**

8.1 A simple caution may be used as an alternative to a prosecution in order to:-

- deal quickly and simply with less serious offences;
- divert less serious offenders away from the Courts; and
- reduce the likelihood of re-offending.

8.2 To safeguard the suspected offender's interests, the following conditions should be fulfilled before a simple caution is administered:-

- there must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction;
- the suspected offender must admit the offence; and
- the suspected offender must understand the significance of a simple caution and give informed consent to being cautioned.

8.3 If there is insufficient evidence to consider taking a prosecution, then by implication, the criteria is not satisfied for the use of a simple caution. A simple caution should also not be used where the suspected offender does not make a clear and reliable admission of the offence. (It should be noted that there is no legal obligation for any person to accept the offer of a simple caution and no pressure should be applied to the person to accept a simple caution).

8.4 Where a person declines the offer of a simple caution, it shall be necessary to consider taking alternative enforcement action.



## **9 Prosecution**

- 9.1 In circumstances where justified within this policy, the Licensing Team Leader or Environmental Enforcement and Protection Manager may institute proceedings to prosecute offenders in consultation with the Solicitor to the Council. Where sufficient evidence is available, licence holders will be prosecuted for serious breaches of legislation such as:-
- illegally plying for hire;
  - driving a motor vehicle without valid insurance;
  - refusing to carry a guide, hearing or other assistance dog (if not exempted);
  - unauthorised alteration of a taximeter;
  - exceeding the number of passengers permitted; and
  - refusal to carry a passenger without reasonable cause.
- 9.2 Any person or vehicle proprietor or operator found to be driving or operating an unlicensed vehicle shall be prosecuted, where evidence is available, as shall any unlicensed drivers or operators found using licensed vehicles. (Section 46 of the 1976 Act).
- 9.3 The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Authority are not followed and /or the public is put at serious risk. Such circumstances are, however, in a minority. The criteria on which a decision to prosecute is made provides common standards, which ensures a consistent approach.
- 9.4 The circumstances which are likely to warrant prosecution may be characterised by one or more of the following:-
- where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law abiding are placed at a disadvantage to those who disregard it;
  - when there appears to have been reckless disregard for the safety of passengers or other road users;
  - where there have been repeated breaches of legal requirements;
  - where a particular type of offence is prevalent; and
  - where a particular contravention has caused serious public alarm.
- 9.5 When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a consistent, fair and objective decision to be made.
- 9.6 In addition to being satisfied that there is sufficient evidence to provide a realistic prospect of conviction, there must be a positive decision, based on the relevant criteria that it is in the public's interest to prosecute.

- 9.7 When a decision is being taken on whether to prosecute, the factors to be considered may include:-
- the seriousness of the alleged offence;
  - the risk or harm to the public;
  - identifiable victims;
  - failure to comply with a statutory notice served for a significant breach of legislation;
  - disregard of safety for financial reward;
  - the previous history of the party concerned;
  - offences following a history of similar offences;
  - failure to respond positively to past warnings;
  - the ability of any important witnesses and their willingness to cooperate;
  - the willingness of the party to prevent a recurrence of the problem;
  - the probable public benefit of a prosecution and the importance of the case e.g. whether it might establish a legal precedent.
  - whether other action, such as issuing a formal caution would be more appropriate or effective.

## **10 Appeals**

- 10.1 Appeals against certain decisions of the Authority may be made to the Magistrates' Court. These include refusal to grant or renew and suspension or revocation of, vehicle, drivers or operators licences.
- 10.2 Any notifications of enforcement actions will include written information on how to appeal. This will explain how, where and within what period an appeal may be brought and on what grounds and will confirm that the enforcement action is suspended pending the outcome of the appeal. If it appears to be in the interests of public safety, suspension can be immediate whether or not an Appeal is either lodged or contemplated.

## **11 Complaints**

- 11.1 The general public are able to make complaints to the Authority about the conduct and/or service received from licensed drivers and operators and the Authority shall adhere to the following procedure:-
- ascertain facts regarding complaint and decide if actionable;
  - register the complaint and refer to investigating officer;
  - complainant contacted within 5 working days;
  - complaint investigated;
  - decision made; and
  - all parties informed of that decision
- 11.2 Licensed drivers and operators who are the subject of a written complaint shall be informed of the nature of the complaint, including date, time and location of the incident and if necessary given sufficient notice to attend an interview.

- 11.3 Interviews with licence holders shall not be carried out under the Police and Criminal Evidence Act 1984 (P.A.C.E) code of practice, unless the licence holder is suspected of a criminal offence.
- 11.4 Licence holders can attend a non P.A.C.E. interview with a support person who shall not be permitted to speak at the interview but merely to support by physical presence.
- 11.5 In respect of P.A.C.E. interviews under caution, licence holders shall be permitted to have in attendance independent legal advice from either a certified Solicitor or an accredited or probationary representative. Alternatively, licence holders may have a support person at such interviews.
- 11.6 After consideration of the case file the investigating officer shall make one of the following decisions:-
- no action to be taken;
  - issue written advice;
  - issue a written warning;
  - issue penalty points;
  - refer to Regulatory Committee(licence review)
  - refer for prosecution
- 11.7 If the complaint is unsubstantiated then it is likely that no further action will be taken against the licence holder. It may be necessary to issue written advice to a licence holder but this does not infer that the licence holder was found to have acted wrongly.
- 11.8 Substantiated complaints that breach byelaws or conditions of licence may result in the offender being issued with penalty points.
- 11.9 Substantiated complaints of a serious nature relating to public safety, dishonesty or violence shall result in the matter being referred to the Regulatory Committee for a licence review.
- 11.10 Complaints received containing allegations of serious criminal offences shall be referred directly to Kent Police.
- 11.11 Disputes between licensed drivers should be resolved between themselves and not through this complaints procedure. If there is evidence relating to an alleged serious criminal offence, such as threats of violence, assault etc, then this should be submitted to Kent Police. Alleged breaches of bye-laws and licence conditions should be submitted to the Authority.
- 11.12 If an investigation into a complaint provides evidence of conduct such as those outlined in paragraph 9.1 above then the matter shall be referred to the Environmental Enforcement and Protection Manager who will consider whether prosecution is appropriate.

11.13 A licensed driver or operator that has been the subject of a high number of complaints or incidents, whether substantiated or not, shall be required to have their licence reviewed by the Regulatory Committee. This decision shall be taken by the Licensing Team Leader or above. Each case will be determined on its individual merits.

## **12 Transparency**

12.1 Following the receipt of a notification of a conviction or an adverse vehicle inspection, the licence holder will be informed of the action intended to be taken within 14 days or as soon as reasonably practicable.

12.2 Following the completion of an investigation into a complaint or any enforcement activity, the licence holder will be informed of the action intended to be taken.

12.3 Any written documentation issued or sent will:-

- contain all the information necessary to understand the offence and what needs to be done to rectify it. Where works are required, the period allowed for them to be completed will be indicated;
- indicate the legislation or conditions contravened and measures which will enable compliance with the legal requirements and point out, where appropriate, that other means of achieving the same effect may be chosen; and;
- clearly indicate any recommendations of good practice under an

12.4 The clear distinction between legal requirements and matters, which are recommended as good practice in all enforcement action, even if only giving verbal advice, is vitally important.

## APPENDIX L – PENALTY POINTS SCHEME

### 1. The Scheme

- 1.1 Points will be issued by authorised officers of the Authority to licence holders who are found to be in breach of legislation, byelaws or conditions of licence.
- 1.2 The maximum number of points that can be imposed in respect of any particular matter is 10 but it is possible for one incident or inspection to result in more than one set of points being issued.
- 1.3 If a licence holder accumulates 20 points or more within a rolling period of 12 months then their licence will be subject to a review by the Regulatory Committee.
- 1.4 Any licence holder aggrieved by the imposition of penalty points on their licence may write to the Licensing Team Leader for the matter to be internally reviewed. If the internal review fails, they may appeal to the Regulatory Committee where they will have the opportunity to explain why the points should not have been imposed.
- 1.5 Notice of the appeal must be submitted in writing to the Licensing Team Leader within 14 days of **receiving** the penalty points notice.
- 1.6 The tables below list the breaches of legislation, bye laws and conditions of licence that attract penalty points. Reference to HC is Hackney Carriage and to PH, Private Hire.

## **PRIVATE HIRE**

<b>A</b>	<b>Offences under the Local Government (Miscellaneous Provisions) Act 1976</b>	<b>Penalty Points</b>
1.	Vehicle not displaying plates (S.48(6)(a))	5
2.	Failure to notify vehicle transfer (S.49(1))	5
3.	Failure to provide valid MOT certificate (S.50(1))	5
4.	Failure to inform Authority where the vehicle is stored. (S.50(2))	5
5.	Failure to report an accident (S.50(3))	10
6.	Failure to produce a vehicle licence and insurance certificate (S.50(4))	5
7.	Failure to produce PH driver licence (Sec.53(3))	5
8.	Failure to wear driver badge (Sec.54(2))	10
9	Failure by Operator to keep records of bookings.(Sec.56(2))	10
10	Failure by Operator to keep records of vehicles.(Sec.56(3))	10
11	Failure to produce a PH Operators licence.(Sec56(4))	5
12	Making false statement or withholding information to obtain a licence.(Sec.57(2))	10
13.	Failure to return vehicle plate after notice given.(Sec.58(2))	5
14.	Failure to surrender driver licence after suspension.(Sec.61(2))	5
15.	Charging more than the meter fare when HC used as a PH.(Sec.67)	10
16	Unnecessarily prolonging a journey.(Sec.69)	10
17	Obstruction of an authorised officer or constable.(Sec.73(1)(a))	10

18	Failure to comply with requirement of an authorised officer or constable.(Sec73(1)(b))	10
19	Failure to give information or assistance to an authorised officer or constable.(Sec.73(1)(C))	10
20	Failure to notify change of name or address	5
<b>B</b>	<b>Offences under the Transport Act 1980</b>	
<b>Section</b>	<b>Offence</b>	<b>Penalty points</b>
64 (2) (a)	Driving a vehicle with a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word	10
64 (2) (b)	Causes or permits a vehicle to have a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word.	10

<b>C.</b>	<b>Conditions of Licence</b>
All breaches of licence conditions, dress code or code of good conduct shall attract a minimum of 5 penalty points while more serious breaches may be directly referred to the Regulatory Committee for consideration in accordance with the Enforcement Policy (Appendix K)	

## **HACKNEY CARRIAGE**

<b>A</b>	<b>Offences under the Local Government (Miscellaneous Provisions) Act 1976</b>	<b>Penalty Points</b>
1.	Failure to notify vehicle transfer (Sec.49(1))	5
2.	Failure to provide valid MOT certificate. (Sec.50(1))	5
3.	Failure to inform Authority where the vehicle is stored. (Sec.50(2))	5
4.	Failure to report an accident.(Sec.50(3))	5
5.	Failure to produce a vehicle licence and insurance certificate.(Sec50(4))	10
6.	Failure to produce HC driver licence.(Sec.53(3))	5
7.	Making false statement or withholding information to obtain a licence.(Sec.57(2))	10
8.	Failure to return vehicle plate after notice given.(Sec.58(2))	5
9.	Failure to surrender driver licence after suspension.(Sec.61(2))	5
10.	Charging more than the fare shown on the meter for a journey ending outside the district without prior agreement (Sec.66)	10
11.	Charging more than the meter fare when HC used as a PH.(Sec.67)	10
12.	Unnecessarily prolonging a journey.(Sec.69)	10
13.	Obstruction of an authorised officer or constable.(Sec.73(1)(a))	10
14.	Failure to comply with requirement of an authorised officer or constable.(Sec73(1)(b))	10
15.	Failure to give information or assistance to an authorised officer or constable.(Sec.73(1)(c))	10

<b>B. Offences under the Town Police Clauses Act</b>
--



<b>Section</b>	<b>Offence</b>	<b>Penalty points</b>
48	Failure by HC proprietor to hold a copy of HC driver licences of persons who use the vehicle	10
	Carrying other person than the hirer without consent	10

### **C. Offences under the Byelaws**

All breaches of hackney carriage byelaws shall attract 5 penalty points.

### **D. Conditions of Licence**

All breaches of licence conditions, dress code or code of good conduct shall attract a minimum of 5 penalty points while more serious breaches may be directly referred to the Regulatory Committee for consideration in accordance with the Enforcement Policy (Appendix K)

draft

## APPENDIX M – HACKNEY CARRIAGE STANDS

Market Square	Dover	
Pencester Road	Dover	
Biggin Street	Dover	
Worthington Street	Dover	
South Street	Deal	
Park Street	Deal	
New Street	Sandwich	

**A private stand is provided at Dover Railway Station and at the Port of Dover.**

draft