

APPENDIX 1



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

**Policy for the Licensing of:
Hackney Carriage Drivers and
Vehicles Private Hire Operators,
Drivers and Vehicles**

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1. INTRODUCTION

The policy outlines the requirements of the relevant legislation and gives guidance to new applicants, existing licence holders, and members of the public as to how the Ribble Valley Borough Council ("Council") will administer and enforce the requirements of the licensing regimes. The council may depart from its policy if the individual circumstances of any case warrant such a deviation. In such cases the Council must give full reasons for doing so.

This policy was first approved by Licensing Committee in April 2017 and has been reviewed in September 2018. The Head of Legal and Democratic Services has delegated powers to amend it when required by legislation or where Committee have resolved to change the Council's requirements or procedures.

1.1 Objectives

The aim of the licensing process is to regulate the hackney carriage and private hire trade in order to promote the objectives listed below. When considering each policy and procedure that makes up this document the Council has endeavoured 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.

Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They are an important part of the transport infrastructure of the country, and the purpose of a licensing regime is to ensure that the service to the public is accessible and safe, and seen to be so. Hackney carriage and private hire drivers are persons of trust who maintain contact with the public. They are able to provide services in situations where other forms of public transport is either not available or for those with specific mobility requirements.

In setting out this policy, the Council seeks to promote the following objectives:

- The protection of public safety;
- A professional and respected hackney carriage and private hire profession; and
- Increased access to efficient and effective transport for the public.

This document contains the policies adopted by the Council for such licences. These policies will normally be applied in every case but where there are exceptional or unusual circumstances then these policies and conditions may be departed from. In particular, where appropriate circumstance require it, additional conditions to those detailed in this document may be applied to licences. Any such departure from this policy will only be as approved by the Head of Legal and Democratic Services or Electoral and Licensing Officer in consultation with the Chairperson of the Licensing Committee.

In adopting these policies regard has been given to all current Government advice contained in circulars or suggested good practice. and the Guidance on determining suitability of Applicants and licensees in the hackney and private hire trade produced by the Institute of Licensing dated April 2018.

1.2 Powers and Duties

Legislation sets out how the Council must carry out its licensing functions in respect

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of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles.

1.3 Status

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives listed above.

1.4 Licensing Profile

The Council currently licenses approximately:

5964 hackney carriage drivers
55 hackney carriage vehicles
350 private hire operators
984 private hire drivers
796 private hire vehicles

(figures correct as at ~~September 2018~~ March 2017)

1.5 Changes to Policies, Procedures and other matters

Significant changes to this Policy, internal procedures and other matters will be reasonably consulted upon and communicated via the Council's website, and direct communications with licence holders and interested parties where relevant.

2. GENERAL POLICY MATTERS

2.1 Sharing of Information

The Council will only share with other enforcement bodies, information supplied by applicants, where it is lawful to do so. In particular, personal information will only be disclosed in accordance with the Data Protection Act 1998. This may include requests from other regulatory agencies where this is necessary for the detection or prevention of crime or required by law or in connection with legal proceedings.

2.2 Quantity Restrictions on the issue of Hackney Carriage Licences

This Council restricts the number of hackney carriage vehicles licensed to 53, 4 of which are fully wheel chair accessible and 8 have elap seats.

2.3 Age restrictions on drivers.

This Council does not set a maximum age for the issue of licences to hackney carriage or private hire drivers. Applicants will be assessed on their merits.

This Council imposes a minimum age of 21 for the issue of licences to hackney carriage or private hire drivers.

2.4 Disclosure and Barring Service (DBS) Certificates

As part of the application process for a driver's licence, an applicant will be required to complete and submit, through the Council's preferred provider, a Disclosure and Barring Service Certificate (DBS). Applicants are also required to disclose on their

application form all convictions.

An enhanced DBS certificate is required for all hackney carriage ~~drivers~~ and private hire driver's. A basic DBS certificate is required for all Hackney Carriage proprietors and private hire vehicle and operator's licence holders. Applicants for a Private Hire Operator's Licence, who hold an existing hackney carriage or private hire driver's licence at the time of application will be exempt from the requirement for a DBS certificate provided the licenses run concurrently.

Disclosure and Barring Service certificates will only be accepted if the disclosure is dated within one calendar month prior to the application, unless the applicant has signed up to the 'Update' service. In these cases, the DBS certificate position applied for must be recorded as "other workforce taxi driver" and the applicant must provide the original DBS certificate and the unique ID number given in respect of the update service registration so that the Council can undertake the required checks to ensure that the information contained on the DBS certificate is up to date and that there have been no changes since its issue.

Drivers, vehicle licence holders and operators shall be required to submit new DBS checks every three years. Interim checks may be required where there is an indication of previous criminal activity. Alternatively, licence holders can register to the DBS update service which would allow the Council (with the drivers permission) to carry out a Status check more frequently.

If you have convictions, your application may be determined by the Licensing Sub-Committee. Ribble Valley Borough Council has a policy Statement of Policy and Guidelines on relevant Convictions which sets out how the Council will normally deal with convictions, cautions and other relevant matters. You must declare any convictions, cautions or reprimands, including fixed penalty notices for traffic offences on your application form and when making the Statutory Declaration (as applicable to your application).

You must also declare if you are currently being investigated by any authority, enforcement agency or the Police.

2.5 Overseas Criminal History Checks

Where the applicant has lived in a country other than the UK for a continuous period of six months or more at any time since their tenth birthday, then in addition to the DBS certificate, the applicant will be required to produce a Certificate of Good Conduct issued by each relevant non-UK country in which they have resided. The certificate must be an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority for the relevant country. The certificate must document any convictions recorded against the individual or confirm their "good conduct". The applicant should contact their relevant Consulate for this. Overseas criminal history checks must have been obtained within the 6 month period preceding the application.

Asylum seekers who hold a Home Office issued application registration document together with a positive verification letter from the Home Office's Employer Checking Service stating that the named individual is permitted to work in the UK will be exempt from the requirement to submit a recent Certificate of Good Conduct. The Council will require any Certificate of Good Conduct that the applicant may have regardless of the age of the document.

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Applicants with Certificates of Good Conduct which are in a language other than English will be required to have them translated into English at their own expense by an independent translation service and the translation must be verified.

Certifying a Translation

If you need to certify a translation of a document that's not written in English, ask the translation company to confirm in writing on the translation:

- that it's a 'true and accurate translation of the original document'
- the date of the translation
- the full name and contact details of the translator or a representative of the translation company

2.6 Policy Relating to the Relevance of Convictions

The Council must not grant a licence to a hackney carriage or private hire driver unless it is satisfied that the applicant is a fit and proper person. The Council may refuse an application, refuse to renew an application, suspend or revoke a hackney carriage or private hire driver licence if:

- The applicant / driver has been convicted of an offence involving dishonesty, indecency or violence;
- The applicant / driver has been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- That he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- There is any other reasonable cause.

For the purposes of obtaining a hackney carriage or private hire driver licence, the Rehabilitation of Offenders Act does not apply and all previous convictions, cautions and intelligence revealed by DBS or overseas criminal history checks or from any other reliable sources must be disclosed and will be considered when assessing the applicant's suitability to be licensed regardless of the date when the matter under consideration occurred.

Since March 2002 all convictions, irrespective of age, remain "live" for the purpose of hackney carriage or private hire driver licensing, these occupations being added to the exemptions list from that time. DBS responses or overseas criminal history checks will be assessed against any relevant information and also against the following criteria:

- nature of the offence;
- circumstances of offence;
- periods of good behaviour;
- overall conviction history;
- sentence imposed by the court;
- applicants history as an existing licensee (if relevant); and
- any other check considered reasonable e.g. personal references.

Where an applicant for a licence has a criminal conviction, then this need not permanently disbar them for applying for a licence. Each case will be considered on its merits and due regard will be paid to the Council's Policy Statement of Policy and Guidelines on relevant Convictions including Statement of Policy about relevant

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convictions, cautions, complaints and other relevant matters of the time being.

2.7 Photographs

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Where a photograph needs to be submitted to the Council for the purpose of the licensing regime for drivers, these shall be:

- in colour;
- passport size which is to say 45 mm high and 36 mm wide;
- in clear and sharp focus;
- taken against a plain cream or plain light grey background;
- not have red eye;
- have been taken within the last 30 days;
- free from shadows, reflection;
- shall be taken with the subject facing forward with eyes open and clearly visible with a neutral expression;
- show the full head, without any head covering, unless worn for religious beliefs or medical reasons; and
- be a true likeness of the subject.

2.8 Driving Licences

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Applicants for new hackney carriage or private hire driver's licences shall have held a UK driving licence, a driving licence issued by a member state of the European Union or other exchangeable licence as defined in the Road Traffic Act 1988 for at least one year prior to the date of application. This period shall not include any periods when the driving licence has been suspended or revoked. The licence must reflect the applicant's current name and address.

2.9 Driving Standards Test

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As part of a new application for a hackney carriage or private hire drivers licence the applicant will be required to pass a driving standards test and submit evidence of that pass with their application. The test must have been passed within the six-month period preceding the application for the licence. The Council currently accepts test certificates from Diamond Advanced Motorists (www.advancedmotoring.co.uk/taxi-test).

2.10 Right to Licence

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On 1 December 2016, the section of the Immigration Act 2016 ("2016 Act") relating to hackney carriage and private hire licence came into force. These sections provide that driver and operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence. The Council must therefore carry out checks to ensure that licences are not issued to such people and that applicants have a "Right to Licence".

The Council must check that all applicants (both new applicants and at renewal) have a right to licence. This includes all nationalities, (including UK citizens), who apply for or hold a taxi or private hire driver licence or a private hire operator licence.

The Right to Licence check will only need to be carried out once, unless there are

restrictions on the length of time an individual may work in the UK. If this is the case a licence will not be issued for any longer than the period of time an individual is entitled to work in the UK and the check will be repeated each time the individual applies to renew or extend the licence.

Details of the documents which are accepted can be found on the Council's Immigration Act information sheet at https://www.ribblevalley.gov.uk/download/downloads/id/10896/list_of_acceptable_documents_for_right_to_a_licence_check.pdf

2.11 Medical Standards

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Applicants for hackney carriage or private hire driver's licences shall, as part of their application, submit the Group 2 medical form completed by their own GP.

The GP will indicate on the form the period within which the medical must be renewed (up to a maximum of 5 years) but this must be annual once the applicant reaches the age of 65.

In considering an applicant's medical fitness the Council will apply Group 2 DVLA standards. The Council reserves the right to require the submission of a new medical assessment at any time, at the licensee's expense, especially where information becomes available that suggests that a licensee's medical status has changed. Where a specific medical condition causes concern the Council may seek to obtain specialist medical advice solely on that applicant or licence holder's condition.

2.12 Inspections

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▲ Inspections will be carried out according to a risk-based and intelligence led system and may be in conjunction with the police or VOSA. Operators will have their records and possibly their premises inspected. Vehicles will be inspected.

Licence holders will have their documentation inspected and must produce to the Council, any document which has been requested for production, even if the document has previously been produced.

Wherever possible, vehicles and documentation will be inspected at the same time.

2.13 Lifting of Vehicle Suspensions

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▲ Where the licensed vehicle has been suspended under the Local Government (Miscellaneous Provisions) Act 1976 section 60 for failure to produce documents required by the Council, the suspension will only be lifted once the required documents are produced and are to the satisfaction of the Council. Where relevant, the Council reserves the right to conduct a vehicle inspection before lifting the suspension.

Where the licensed vehicle has been suspended under the Local Government (Miscellaneous Provisions) Act 1976 section 68 following an inspection, the suspension will only be lifted once any required documents have been produced, the defects identified in the suspension notice rectified and (if required) the vehicle passes a test by the Council's appointed testing centre.

2.14 Authorised Officers

The Council may authorise other Licensing Authorities to regulate hackney carriage and private hire drivers and vehicles in accordance with the Council's policy, conditions of the licence, byelaws and relevant law. The Council will publish via its website the names of Councils which have been authorised. To date the Council has not authorised any other authorities.

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2.15 Renewals

A renewal application will not be accepted more than one calendar month before the expiry of the current licence as a premature application increases the likelihood of the Council determining whether a person remains a "fit and proper" person based on information that is not up to date at the time of renewal.

If the applicant fails to submit a renewal application two weeks before the expiry of the current licence, the Council cannot guarantee the licence will be renewed on time. Only fully completed applications accompanied with the original required supporting documents and correct fee will be accepted, incomplete applications will be returned.

Where a licensed driver fails to apply for a new licence before their existing licence expires, (and in all cases where a period of one year has elapsed since the licence expired) the licensee may be required to apply for a new licence as if they were a new applicant. In such circumstances, a licence will not be granted until such time as all the necessary licensing requirements have been fulfilled.

Legal responsibility rests with drivers, vehicle proprietors and operators to ensure that their licence is current. Any person who drives a hackney carriage or private hire vehicle without a valid and appropriate licence or permits someone to use their vehicle as if it were a licensed vehicle commits a criminal offence.

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2.16 Period of Licences

All licences issued after the adoption of this policy shall last for the following periods.

- a hackney carriage vehicle licence shall last for a period not exceeding 4, 6 or 12 months dependent on the age of the vehicle;
- a hackney carriage driver's licence shall last for a period not exceeding three years;
- a private hire vehicle operator's licence shall last for a period not exceeding five years;
- a private hire vehicle licence shall last for a period not exceeding 4, 6 or 12 months dependent on the age of the vehicle; and
- a private hire driver's licence shall last for a period not exceeding three years.

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2.17 Test Purchasing

Where appropriate, the Council will carry out test purchasing of hackney carriage and private hire services in order to check that licensing requirements are being complied with.

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2.18 Vehicle Standards

Vehicles will not be considered suitable for licensing as hackney carriages or private hire vehicles unless they comply with this policy document and, in addition, the following:

Hackney Carriages

- an FX9 or equivalent (London cab type) vehicle or;
- a saloon or estate car with at least four doors and reasonable accommodation for luggage and capable of seating not less than 4 nor more than 8 adult passengers or;
- a minibus type vehicle capable of seating not more than 8 adult passengers;
- and in respect to an FX9 or equivalent or a minibus:
 - is a right-hand drive vehicle;
 - has adequate lighting for the interior of the vehicle and an adequate heating system for the driver and passengers, with means of control by the driver;
 - carries a spare wheel and tool kit to change wheels;
 - is of such a design to enable any person in the carriage to communicate with the driver;
 - is fitted with a roof or covering which can be kept water-tight; vi) contains windows and a means of opening and closing not less than one window on each side;
 - contains seats which must be properly cushioned or covered;
 - has a proper carpet, mat or other suitable covering for the floor;
 - contains fittings and furniture kept in a clean condition, safe and well maintained and in every way fit for public service;
 - is fitted in such a way to enable luggage to be secured if the vehicle is so constructed to carry luggage;
 - contains at least two doors for the use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver; and
 - (save with the approval of the Council) have glass in its windows with a minimum of 70% light transmission.
 - Licensed vehicles are not required to be fitted with closed circuit television (CCTV), where a licensed vehicle is equipped with CCTV, this must meet all legislative requirements and European Union directives and it must be specific for purpose i.e., to provide a safer environment for the benefit of the driver and passengers.

Private Hire

- be in a sound and road worthy condition
- be maintained in a safe and clean condition inside and out;
- comply fully with all relevant statutory requirements (including but not exclusively the Motor Vehicles (Construction and Use) Regulations as amended from time to time or its successor legislation;
- be fitted with four road wheels, and an approved spare wheel;
- have at least four doors;
- be capable of seating not less than four nor more than eight full-sized adult passengers;
- be of the right hand drive type;
- be fitted with a roof or covering which can be kept watertight;
- be fitted with wing mirrors;

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- contain windows which open and close, at least one on each side of the vehicle;
- contain properly upholstered and covered seats;
- contain furniture and fittings which are clean, well maintained and in every way fit for public service;
- be of such design as to enable the hirer/passenger in it to communicate with the driver;
- be fitted in such a way to enable luggage to be secured if the vehicle is constructed to carry luggage;
- have a proper carpet fitted to the floor;
- have the licence plate issued by the Council fixed by a bracket to the rear of the vehicle, which is easily removable;
- display an internal licence plate provided by the Council, in the front windscreen so as not to obscure the driver's vision.
- (save with the approval of the Council) have glass in its windows with a minimum of 70% light transmission.

2.19 Age of Vehicles

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The Council does not restrict the age of a vehicle but its age will determine the term of the licence as follows:

- Vehicles under 3 years old – 12 months;
- Vehicles over 3 years old but less than 7 years old – 6 months; and
- Vehicles over 7 years old – 4 months.

2.20 Category C and D vehicles

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Vehicles of Category C or D status can be licensed by this Council. The Council will, in addition to the application requirements, require a letter from the applicant's insurance company to confirm that they are aware of the Category status and are prepared to insure the vehicle.

2.21 Seating Capacity of Vehicles

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In determining the number of passengers that a vehicle may be licensed for, the following guidelines will be applied.

- where separate seats for each person are provided one person shall be counted for each separate seat provided;
- where the vehicle is fitted with continuous seats one person shall be counted for each complete length of 410 mm measured in a straight line lengthwise on the front of each seat, however this number shall be reduced where there are insufficient seatbelts provided to accommodate this number; and
- where any continuous seat is fitted with arms in order to separate the seating spaces and the arms can be folded back or otherwise put out of use, the arms shall be ignored in measuring the seat.

2.22 Signage Conditions

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Hackney Carriage

A Hackney Carriage must:

- be equipped with a roof sign, of a standard size - width 500mm, height 120mm - such sign to be illuminated and bearing the word "TAXI" in black letters on yellow background and facing forward and on the red background facing backwards.
- not save as set out above, be equipped with roof fittings, including advertisements except a wireless aerial which must be fitted in such a manner as to satisfy the Council;
- have a sign stating 'no smoking' with minimum diameter of 70mm displayed in a visible position inside the vehicle.
- not display any signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever on, in or from the vehicle except as may be required by any statutory provision (including bye-laws) or required or permitted by these conditions. This condition does not apply to any indication on a taximeter fitted to the vehicle or to a sign which:
 - is displayed in, on or from the vehicle whilst it is stationary;
 - contains no words or numbers other than the name and address of an operator of the vehicle or the name under which he carries on his business and its address;
 - is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.

Private Hire

A private hire vehicle must:

- not have any lights, plates, signs, advertisements or other fittings, save for those required under conditions or as approved by the Council;
- not be equipped with any roof fitting or sign other than a wireless aerial, approved by the Council;
- not display the words "Taxi", "Taxi Cab" or "Cab";
- display door signs upon its rear doors stating "Private Hire Vehicle", "Advanced bookings only" and "Not insured unless prebooked" only and the lettering within those signs must be in bold black type and not less than 15mm in height . These signs must be displayed on private hire vehicles AT ALL TIMES (including when the vehicle is not in use);
- display door signs upon its front doors which shall only include the name of the private hire operator and its telephone number. If the words "Taxi", "Taxi Cab" or "Cab" or "for hire" form part of the Operator's name these must be omitted from the sign; and
- display a sign stating "no smoking" with a minimum diameter of 70mm inside the vehicle in a position which is clearly visible to the hirer/passengers."

2.23 Licence fees

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 carriage and private hire trades.

The appropriate fee must be paid when the application for a hackney carriage or private hire driver's and/or vehicle licence is submitted.

Current fees are advertised on the Council's website and are detailed on the relevant application form guidance notes.

In respect of hackney carriage and private hire driver and vehicle licences, no refunds will be given after the licence had been issued.

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In respect of applications for hackney carriage and private hire driver's licences, no refund will be given to applicants who are refused a licence after determination by the Council.

2.24 Change of Ownership

The holder of a hackney carriage or private hire vehicle licence is required by law to notify the Council, in writing, of the name and address of a person to whom he/she has transferred their interest of the licensed vehicle to. Such notification must take place within 14 days of the transfer of interest.

The new proprietor of the vehicle must within 14 days of acquiring the vehicle, submit to the Council an application for a change of ownership and such application must be accompanied by the relevant insurance and the V5 registration document showing the new keeper's name and address or the new keeper supplement thereof. If a new keeper supplement is produced, the full log book must be submitted to the Council within 6 weeks.

If the change of ownership is not notified in accordance with the above, the Council may refuse to register the new proprietor.

2.25 Documentation

All documentation submitted in support of hackney carriage and private hire driver and vehicle licences, or private hire operators must be original documents which can be verified.

The Council will accept emailed copies of insurances documents to the Licensing department's official email address licensing@ribblevalley.gov.uk.

V5 vehicle registration documents and driving licences submitted by email when requested to do so or which are submitted as part of notifications regarding a change of address will be accepted by email provided that the document is clearly legible once viewed on Council systems. The Council reserves the right to refuse service by email where further enquiries or inspection of the original document is required.

V5 registration documents must be in an individual's name, partnership, sole trader or limited company registered with Companies' House.

2.26 Dual Plating

The Council does not allow a licensed vehicle to be licensed as a hackney carriage or private hire vehicle with any other licensing authority whilst the licence with this Council is in force.

3. HACKNEY CARRIAGE DRIVERS

3.1 First time applications

Before the Council will issue a licence the applicant must:

- Satisfy the Council that they are not less than 21 years of age

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- Satisfy the Council that they have for at least 12 months prior to the date of the application, held a driver's licence (not being a provisional licence granted to the application under Part III of the Road Traffic Act 1972 authorising him/her to drive a motor car.
- Complete the Council's application form and sign the statutory declaration in the form prescribed by the Council
- Pay the relevant fee
- Produce either their Birth Certificate or Passport or document or document combination that is stipulated as being suitable for compliance with the Immigration Act "right to licence" test
- Produce their DVLA Driving Licence and provide the appropriate authorisation to allow the Council to carry out a check with the DVLA
- 7. Provide 2 Passport style photographs
- Provide a Letter of character reference
- Complete the online Disclosure and barring service (DBS) check and provide a copy of the disclosure
- Provide a Mandatory Group 2 Medical Certificate signed by the applicant's own GP or by a GP from the same practise who has access to the applicant's medical records to the effect that they are fit to be a driver of a hackney carriage
- Satisfactorily complete the Council's knowledge test.
- Provide a certificate for the DVSA taxi driver test.
- Either provide a certificate for the ~~Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire)~~B Tech Introduction to the role of Professional Taxi and Private Hire Driving or confirm at which college this will be completed, and when and provide evidence of ~~enrollment~~enrolment on the course and that the fee has been paid.
- Complete the Council's Child Sexual Exploitation awareness course or provide a copy of the certificate if this has already been completed.
- Provide a document or document combination that is stipulated as being suitable for compliance with the Immigration Act "right to licence" test.

3.2 Renewal Applications

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Before an application to renew a licence will be granted the applicant must:

- Complete the Council's application form and sign the statutory declaration in the form prescribed by the Council.
- Pay the relevant fee.
- Provide 1 Passport style photograph.
- Produce their DVLA Driving Licence and provide the appropriate authorisation to allow the Council to carry out a check with the DVLA
- Produce their certificate for the ~~Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire)~~B Tech Introduction to the role of Professional Taxi and Private Hire Driving (this only applies where they first applied for a licence on or after 1 April 2016).
- Provide a Mandatory Group 2 Medical Certificate signed by the applicant's own GP or by a GP from the same practise who has access to the applicant's medical records to the effect that they are fit to be a driver of a hackney carriage (where required).
- Complete the online Disclosure and barring service (DBS) check and provide a copy of the disclosure (where required).
- When renewing for the first time since the implementation of the Immigration Act 2016 provide the necessary documentation to evidence their right to

licence.

- Complete the Council's Child Sexual Exploitation awareness course or provide a copy of the certificate if this has already been completed.

The Council will not accept an application for the renewal of a driver's licence more than one calendar month before the date on which the current licence is to expire as a premature application increases the likelihood of the Council determining whether a person remains a "fit and proper" person based on information that is not up to date at the time of renewal.

Legal responsibility rests with the driver to ensure that their licence is current. Any person who drives a hackney carriage or private hire vehicle without a valid and appropriate licence commits a criminal offence.

Any licence holder that drives after the expiry of their licence and before a new licence is granted is committing a criminal offence.

3.3 Byelaws

Hackney carriage drivers and proprietors shall comply with the byelaws adopted by the Council relating to hackney carriages as detailed within the appendices of this policy document. Where there is a conflict between the byelaws and the conditions of the licence or legislation, legislation will take precedence and in all other cases, the conditions of the licence will take precedence.

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3.4 Driver licence and badge

A driver shall be issued with a hackney carriage driver's licence and identification badge. These documents remain the property of the Council. At the request of an Authorised Officer of the Council, the licence and identification badge must be returned to the issuing office. A driver shall upon the expiry (without immediate renewal), revocation or suspension of the licence forthwith return the drivers badge to the Council.

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3.5 Convictions

The driver shall notify the Council within seven days of his arrest, charge, receipt of a summons or fixed penalty notice, conviction or Caution for any offence. If you have convictions, your licence may be determined by the Licensing Committee.

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3.6 Change of address

The holder of a hackney carriage or private hire driver's licence and/or vehicle licence shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change taking place. Within 6 weeks of such a change, the holder of a hackney carriage or private hire driver's licence shall produce to the Council, the updated driving licence showing the new address. The holder of a hackney carriage or private hire vehicle licence shall within 6 weeks produce the V5 registration document showing the new address and the amended driving licence.

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3.7 Conduct of driver

The driver shall at all times be clean and respectable in their dress and person and

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behave in a civil and orderly manner.

3.8 ~~Access to taxis and private hire vehicles for disabled users~~ ~~Carrying of assistance dogs and wheelchairs~~

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~~Sections 164A, 165, 165A, 168 and 170 of the Equality Act 2010 place duties on drivers to ensure that disabled people have specific rights and protections to access taxis and PHVs to receive assistance when using these services. A driver, unless in possession of an exemption certificate, must accept bookings made by or on behalf of a disabled person who is accompanied by an assistance dog. Furthermore, a driver must accept a booking by a person who will be accompanied in the hackney carriage vehicle by such a disabled person and a driver must not make an additional charge for carrying the disabled passenger's assistance dog, wheelchair or any other mobility aid.~~

~~The Council will proactively monitor and take enforcement action in respect of these duties and has incorporated them into its infringement scheme and Private Hire and Hackney Carriage Convictions Policy. Any breach of this duty will be enforced.~~

~~All new driver's will be required to complete training on these duties prior to the grant of a licence.~~

3.9 Health of driver

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The driver of a hackney carriage must inform the Council without delay about the onset or worsening of any health condition likely to cause them to be a source of danger to the public when driving either now or in the future. Examples are contained in the DVLA medical notification guidance. Such notification must be made in writing to the Council's office address or to the licensing department's email (licensing@ribblevalley.gov.uk).

Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor and refer to the DVLA medical rules and standards updated every 6 months.

4. HACKNEY CARRIAGE VEHICLES

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4.1 Licensing of hackney carriages

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(Local Government (Miscellaneous Provisions) Act 1976 section 47):

- 1) A district council may attach to the grant of a licence of a hackney carriage under the Town Police Clauses Act of 1847 such conditions as the district council may consider reasonably necessary.
- 2) Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
- 3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

4.2 General

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Hackney carriage vehicles shall comply with the hackney carriage conditions and byelaws adopted by the Council relating to hackney carriages. The vehicle shall be issued with identification plates and door livery which remain the property of the Council. A vehicle licence holder shall upon the expiry (without immediate renewal), revocation or suspension of the licence return the identification plates to the Council, subject to the relevant timescales.

4.3 Applications

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The following documents shall be submitted when making an application for a new or renewal licence:

- the correct fee;
- an original certificate of insurance for the vehicle, valid on the day the licence is collected, and with not less than 30 days cover insuring it for the purpose of its use as a hackney carriage vehicle; certificates of insurance emailed/faxed direct from the insurance company will be accepted;
- the original Vehicle Registration Document showing the current owners name and address or the new keeper supplement; (document must be in person name, sole trader, partnership or limited company);
- a current MOT certificate - on renewal applications, this certificate shall be no older than two months prior to the expiry of the vehicle licence;
- a vehicle inspection test certificate from the Council's approved testing centre;

The Council will not accept an application for the renewal of a vehicle licence more than one calendar month before the date on which the current licence is to expire as a premature application increases the likelihood of the Council determining whether a the vehicle remains fit for licensing based on information that is not up to date at the time of renewal.

Legal responsibility rests with the driver to ensure that their licence is current. Any person who drives a hackney carriage or private hire vehicle without a valid and appropriate licence commits a criminal offence.

Any licence holder who drives after the expiry of their licence and before a new licence is granted is committing a criminal offence.

4.4 Hackney Carriage Vehicle Conditions.

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The conditions appended at [Appendix A](#) are attached to a hackney carriage vehicle licence.

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4.5 Vehicle Inspection Test

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The vehicle inspection test must be carried out at the Council's approved testing centre. Currently Bee Mill Garage, Preston Road, Ribchester, Preston PR3 3XL. A checklist for the inspection can be found on the application form.

5. PRIVATE HIRE OPERATORS

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5.1 General

This Council will only licence Operator's offices that are within the Council's area. All licences are currently renewed in February, and are granted for only part of a year if applied for later.

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5.2 Applications

The following documents shall be submitted when making an application for a new licence or renewal of a vehicle licence:

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- the correct fee;
- ~~basic enhanced~~ DBS certificate;
- overseas criminal history check where applicable;
- The above two items are exempt if the applicant is an existing licensed driver or vehicle holder with this Council;
- Public Liability Insurance if the premises are open to the public; and
- Planning permission / certificate of lawfulness if applicable (contact the Planning Department for advice);

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Any application not accompanied by the appropriate documentation, or where the applicant has not attended for an interview, shall be rejected as invalid.

5.3 Private Hire Operator Conditions.

The conditions appended at Appendix B are attached to a private hire operator licence.

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6. PRIVATE HIRE DRIVERS

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6.1 First time applications.

Before a new driver's licence will be granted the applicant must:

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- Satisfy the Council that they are not less than 21 years of age
- Satisfy the Council that they have for at least 12 months prior to the date of the application, held a driver's licence (not being a provisional licence granted to the application under Part III of the Road Traffic Act 1972 authorising him/her to drive a motor car.
- Complete the Council's application form and sign the statutory declaration in the form prescribed by the Council
- Pay the relevant fee
- Produce either their Birth Certificate or Passport or other documents which satisfy the 'right to licence' test
- Produce their DVLA Driving Licence and provide the appropriate authorisation to allow the Council to carry out a check with the DVLA
- Provide 2 Passport style photographs
- Provide a Letter of character reference
- Complete the online Disclosure and barring service (DBS) check and provide a copy of the disclosure
- Provide a Mandatory Group 2 Medical Certificate signed by the applicant's own GP or by a GP from the same practise who has access to the applicant's medical records to the effect that they are fit to be a driver of a hackney

- carriage
- Satisfactorily complete the Council's knowledge test.
- Provide a certificate for the DVSA taxi driver test.
- Either provide a certificate for the ~~Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire)~~ B Tech Introduction to the role of Professional Taxi and Private Hire Driving or confirm at which college this will be completed, and when and provide evidence of ~~enrollment~~ enrolment on the course and that the fee has been paid.
- Complete the Council's Child Sexual Exploitation awareness course or provide a copy of the certificate if this has already been completed

Any application not accompanied by the appropriate documentation shall be rejected as invalid.

6.2 Renewal Applications

Before an application to renew a licence will be granted the applicant must:

- Complete the Council's application form and sign the statutory declaration in the form prescribed by the Council.
- Pay the relevant fee.
- Provide 1 Passport style photograph.
- Produce their DVLA Driving Licence and provide the appropriate authorisation to allow the Council to carry out a check with the DVLA
- Produce their certificate for the ~~Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire)~~ B Tech Introduction to the role of Professional Taxi and Private Hire Driving (this only applies where they first applied for a licence on or after 1 April 2016).
- Provide a Mandatory Group 2 Medical Certificate signed by the applicant's own GP or by a GP from the same practise who has access to the applicant's medical records to the effect that they are fit to be a driver of a hackney carriage (where required).
- Complete the online Disclosure and barring service (DBS) check and provide a copy of the disclosure (where required).

The Council will not accept an application for the renewal of a driver's licence more than one calendar month before the date on which the current licence is to expire as a premature application increases the likelihood of the Council determining whether a person remains a "fit and proper" person based on information that is not up to date at the time of renewal.

Legal responsibility rests with the driver to ensure that their licence is current. Any person who drives a private hire vehicle without a valid and appropriate licence commits a criminal offence.

Any licence holder that drives after the expiry of their licence and before a new licence is granted is committing a criminal offence.

6.3 Private Hire Driver Conditions.

The conditions appended at Appendix C are attached to a private hire driver licence.

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7. PRIVATE HIRE VEHICLES

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7.1 Applications

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The following documents shall be submitted when making an application for a new or renewal licence:

- the correct fee;
- an original certificate of insurance for the vehicle, valid on the day the licence is collected, insuring it for the purpose of its use as a private hire vehicle; certificates of insurance emailed direct from the insurance company will be accepted;
- the original Vehicle Registration Document showing the current owners name and address or the new keeper supplement; (document must be in person name, sole trader, partnership or limited company);
- an MOT certificate issued during a mechanical vehicle inspection at a Council nominated testing station dated within the month preceding the application; and
- if applicable, a letter from the registered keeper of the vehicle to the applicant, stating that they have given their permission for the vehicle to be licensed.
- Basic DBS certificate.

The Council will not accept an application for the renewal of a vehicle licence more than one calendar month before the date on which the current licence is to expire.

Legal responsibility rests with the driver to ensure that their licence is current. Any person who drives a private hire vehicle without a valid and appropriate licence commits a criminal offence.

7.2 Private Hire Vehicle Conditions

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The conditions appended at Appendix D are attached to a private hire vehicle licence.

7.3 Executive Vehicle Requirements

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Private Hire vehicles used solely for executive hire can be exempted under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display a licence plate and the driver from wearing a driver's badge. Applications for an exemption from this requirement must be made in writing.

(The Local Government (Miscellaneous Provisions) Act 1976 provides a further exemption when a vehicle is under a contract for the hire of the vehicle for a period of not less than 24 hours.)

The matters that will be taken into account when considering such applications will include the following:

- Most (and in this context this means approximately 90%) or all of the work should be for businesses which maintain an account with the operator(s). This should be demonstrated by reference to records of at least three months

- existing work;
- The vehicle should generally be used exclusively for account work and not used for any other booked work;
- The type of vehicle to which the application relates on the basis that executive status should relate only to luxury type vehicles;
- The compliance record of the operator concerned including details of any complaints lodged against drivers employed by the operator.
- An interview with an officer from the Council's Licensing department.

An Executive Vehicle shall be subject to the standard conditions attached to an exemption granted to the holder of a private hire vehicle licence.

If granted, the exemption notice will be issued to the holder of the private hire vehicle licence and shall be granted for a period not exceeding one year and shall expire upon the expiry of the private hire vehicle licence.

The conditions appended at **Appendix F** are attached to Executive Private Hire Vehicle licences.

7.4 Stretched Limousines

Stretched limousines will be considered by the Council for licensing as a private hire vehicle providing that:

- A certificate is produced to show that the vehicle has been examined under the Individual Vehicle Approval inspection regime by VOSA;
- The vehicle is not capable of carrying more than 8 passengers;
- All other aspects of licensing a vehicle as a private hire vehicle are complied with.

8. STATUTORY REQUIREMENTS – HACKNEY CARRIAGE VEHICLES

Below are some of the statutory requirements for hackney carriage vehicles. The list is not exhaustive and readers are recommended to consult the relevant legislation for further detail:

8.1 Accidents to Vehicles

The proprietor of a hackney carriage shall report to the Council in writing as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to such hackney carriage causing damage materially affecting the safety, performance or appearance of the hackney carriage or the comfort or convenience of persons carried therein. Compliance with this condition does not exempt the proprietor from his statutory liability to report accidents to the police.

8.2 Insurance

The proprietor of any hackney carriage licensed by the Council shall at the request of any Authorised Officer of the Council produce for inspection the vehicle licence for such hackney carriage and the certificate of the policy of insurance or security required by Section 143(2) Road Traffic Act 1988.

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9. STATUTORY REQUIREMENTS – PRIVATE HIRE OPERATORS

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Below are some of the statutory requirements for private hire operators. The list is not exhaustive and readers are recommended to consult the relevant legislation for further detail:

9.1 Term of Licence

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A Private Hire Operator's Licence will normally be granted for a period of 5 years. A renewal application must be received and processed before the expiry of the current licence. Any licence holder that drives after the expiry of their licence and before a new licence is granted is committing a criminal offence.

9.2 Drivers and Vehicles

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Only properly licensed drivers and vehicles are used to fulfil any booking.

10. STATUTORY REQUIREMENTS – PRIVATE HIRE DRIVERS

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Below are some of the statutory requirements for private hire drivers. The list is not exhaustive and readers are recommended to consult the relevant legislation for further detail:

10.1 Identification of Driver

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The driver of a private hire vehicle shall at all times whilst in the course of his duty wear his private hire driver's badge in such a position and manner as to be plainly visible and this badge must be shown, if requested to the hirer of the vehicle and to any "authorised officer" or police officer for the purposes of the Local Government (Miscellaneous Provisions) Act, 1976.

11. STATUTORY REQUIREMENTS – PRIVATE HIRE VEHICLES

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Below are some of the statutory requirements for private hire vehicles. The list is not exhaustive and readers are recommended to consult the relevant legislation for further detail:

11.1 Location of Vehicle

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The proprietor of a private hire vehicle licensed by the Council shall, within such period as the Council may by notice reasonably require, state in writing the address of every place where such private hire vehicle is kept when not in use, and shall, if the Council so requires, afford to them such facilities as may be reasonably necessary to enable them to cause such private hire vehicle to be inspected or tested there.

11.2 Transfer of Ownership

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The proprietor shall notify the Council in writing of any changes in vehicle ownership within 14 days of such change taking place.

11.3 Alteration of Vehicle

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

Appendix A

Hackney Carriage Vehicle Licence Conditions

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Appendix B

Private Hire Operators Licence Conditions

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▲ **Appendix C**

▲ **Private Hire Drivers Licence Conditions**

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Appendix D

Private Hire Vehicle Licence Conditions

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Appendix E

Byelaws Relating to Hackney Carriages

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Appendix F

Standard Conditions of an 'Exemption Notice' issued in respect of an Executive Private Hire Vehicle

Guidance Notes

An 'Exemption Notice' exempting a private hire vehicle proprietor from the requirement to display the exterior licence plate and door decals upon the vehicle, and the driver of that vehicle from the requirement to wear/display a private hire driver's identification badge, is granted subject to the licensed private hire vehicle being operated in accordance with the conditions set out below.

The vehicle must be an "executive" style car. The service offered must be contract or account type work with private companies who require a chauffeur type executive level of service. Such determination to be made by the Electoral and Licensing Officer whose decision is final.

Failure to comply with these conditions may result in the withdrawal of the exemption notice at the discretion of the Electoral and Licensing Officer.

Should it be the case that the Council's standard private hire operator, proprietor or Drivers' conditions conflict with the Council's standard 'Exemption Notice' conditions, then for the period that the said notice remains in force, the standard 'Exemption Notice' conditions shall be deemed to apply.

Standard Conditions

1. The Proprietor shall notify the Council immediately in writing if there is any material change in the nature of the use of the vehicle.
2. The 'Exemption Notice' shall be carried within the vehicle at all times, and presented for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
3. The Proprietor shall not display in, on or from the vehicle any advertisement, sign, logo or insignia advertising the operating company or promoting the vehicle's status as a licensed private hire vehicle, without the prior written approval of the Council.
4. The Private Hire Vehicle proprietors licence identification plate issued by the Council shall be carried in the luggage compartment of the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
5. A disc, which may be issued by the Council, shall be displayed on the inside of the front windscreen.
6. No taximeter shall be displayed within the vehicle at any time.
7. No table of fares/tariff card shall be displayed in the vehicle at any time.
8. The Proprietor shall ensure that the private hire vehicle driver carries his/her identification badge issued by the Council within the vehicle at all times and produced for inspection at the request of an Authorised officer of the Council, a Police Constable or the hirer.

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