

## **APPENDIX 1 TO REPORT**

**HEREFORDSHIRE COUNCIL**

**HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

**DRAFT**

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## HEREFORDSHIRE COUNCIL

### HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

#### 1. Introduction and Overview

- 1.1 Herefordshire Council (hereinafter “the Council”) is responsible for the licensing of Hackney Carriage, Private Hire and Operator businesses within Herefordshire. These licences are regulated by qualifying licensed vehicles, drivers and operators within the terms of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, as extended by the Public Health Act 1875 and the Transport Act 1985. This policy document sets out the policies that the Council will apply when making decisions upon applications received for:
- a. Dual Driver Licences (hackney carriage and private hire)
  - b. Operator Licences
  - c. Vehicle Licences (hackney carriage and private hire)

The policy will be reviewed every three years or sooner if deemed necessary, and minor changes will be made following consultation with elected groups representing the taxi and private hire trade. More significant changes may need to be referred to the Council’s Regulatory Committee.

- 1.2 This Council will have regard to Government guidance taken from the Action Plan for Hackney Carriage and Private Hire, Office of Fair Trading Regulation of licensing taxi and PHV services in the UK, the Best Practice Guidance on Taxis and Private Hire Vehicles and elected groups representing the taxi and private hire trade. The Policy is consistent with Section 17 of the Crime and Disorder Act 1998 which requires the Local Authority to do all that it reasonably can to prevent crime and disorder within its locality. The policy is consistent with the Human Rights Act 1998, the Environmental Protection Act 1990, the Race Relations Act 1976, the Race Relations (Amendment) Act 2000, Herefordshire Council’s enforcement policy, and the Anti-social Behaviour Act 2003. The Licensing Authority will also have due regard to other organisations’ policies and strategies.

- 1.3 The original policy was made after full consultation with:

- a. The Chief Officer of Police;
- b. Local disability interest groups
- c. Bodies representing local holders of Dual Drivers licences;
- d. Bodies representing local holders of Operator licences;
- e. Bodies representing local holders of Vehicle licences
- f. Bodies representing users of the service.
- g. Departments within the Herefordshire Council (e.g. Planning, Highways, Parking Enforcement, Diversity, Legal and Safeguarding).
- h. Representative of Hereford Railway Station Private Rank.

- 1.4 The purpose of this policy document is to assist both officers and Members in arriving at decisions on particular applications or incidents, setting out those matters that will normally be taken into consideration. Additionally, the policy document seeks to provide clarity for applicants, and other persons interested in or users of the Taxi/Private Hire service within Herefordshire. Whilst the Council has produced this policy as the general approach to be taken in considering applications, the Council recognises that each application will always be considered on its individual merits and shall base this decision on the Criminal Record

Bureau Check (CRB), Medical report, DVLA return, vehicle compliance tests, knowledge test, and the information supplied by the applicant, and any other representations.

- 1.5 It is the Council's wish to facilitate well-run and well-managed licence holders and businesses, enabling the County's residents and visitors to benefit from the service provided by the 'Taxi and Private Hire Trade'.

This Policy Statement recognises the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, which places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. This Policy Statement also recognises that the Council is required to produce a race equality scheme assessing the impact of proposed policies on race equality and to monitor policies for any adverse impact on the promotion of race equality, and this Policy Statement is referenced in this race equality scheme. The Authority, in determining applications, will have regard to this legislation so as to avoid any possible indirect discriminatory impact on particular ethnic groups.

## **2. Deregulation**

- 2.1 Herefordshire Council operates full de-regulation in accordance with Government Guidance and Best Practice. This policy takes into account Government guidance and the issue of demand and supply for the travelling public. Prior to any change, full consultation and an unmet demand survey will be undertaken.

## **3. Enforcement**

- 3.1 The Council recognises the fact that licensing is not to be the sole or only means of addressing problems or issues connected with the Taxi trade. Other mechanisms include:
- Planning controls;
  - Powers of local authorities to enforce through existing bylaws, conditions, Penalty Points Scheme [Appendix 1](#) and statutory instruments;
  - Police powers to enforce the law;
  - Highways Management, including civilian Parking Enforcement Officers;
  - Vehicle Inspectorate (VOSA);
- 3.2 Enforcement will be carried out to prevent/identify breaches of conditions or associated legislation. Any enforcement action will be determined on a risk basis by council officers and its partner agencies and resources will be concentrated on areas perceived as having the greatest need.
- 3.3 Inspections will include the vehicle, operator and driver. The driver inspections may include the use of breath testing equipment to detect excess alcohol and standard drugs testing. Breath and other illegal substance testing will be carried out by the police.
- 3.4 All enforcement actions and decisions will be in line with the Council's Enforcement Policy,, Enforcement Concordat and the Code for Crown Prosecutors.

#### **4. Enforcement Action**

4.1 The following enforcement actions may be taken.

- a) Take no action
- b) Take informal action ie, written, verbal warnings
- c) Issue penalty points
- d) Use statutory notices, (stop notices etc)
- e) Suspend a licence
- f) Revoke a licence
- g) Use formal simple cautions
- h) Prosecute

#### **5. Scheme of Delegated Functions**

5.1 All applications received that fall outside the Council's standard conditions and policy will be referred to the Regulatory or Sub-Regulatory Committee and will incur additional costs unless waived by Committee Members. In the case of determining an applicant's 'fit and proper' status the application will be referred to the Officer Panel.

5.2 Table of Delegated functions to consider applications and appropriate enforcement action to be taken:

<b>Matter to be dealt with</b>	<b>Officer Panel</b>	<b>Regulatory/Sub Committee</b>	<b>Officers</b>
Appeals following Officer Panel Decisions		All Cases	
Application for dual driver			If no representation is received from an enhanced CRB check, DVLA or medical report, and the knowledge test is successfully completed.
Application for dual driver licence with unspent cautions/convictions	All cases		
Application for dual driver/operator licence with spent cautions/convictions not of sexual, violent or similar nature			Licensing Manager/Officer
Application for dual driver/operator licence with spent cautions/convictions of a sexual, violent or similar nature. If the offence is a single offence at the lower end of the scale and is more than 10 years old, Officers have discretion not to refer and to determine.			Head of Service or Team Manager and Licensing Officer (may refer to committee)

Application for dual driver/operator licence where the applicant is listed on a national offenders register	All cases		
Application for operator licence			If no representation is received from a standard CRB check.
Application for operator licence with unspent convictions/cautions	All cases		
Application for vehicle licence which complies fully with licence conditions and policy			Licensing Officer
Application for vehicle licence, which does not comply with licence conditions and policy.		All cases	
Request to transfer vehicle licence			Licensing Officer
Request to change vehicle on plate within standard conditions			Licensing Officer
Request to change vehicle on plate outside standard conditions		All cases	
Applications with licence restored after disqualification under the Totting up procedure i.e. speeding	All cases		
Applications with isolated motoring cautions/convictions - may refer if of a serious nature.			Head of Service or Team Manager and Licensing Officer (may refer to committee)
Application with cautions/convictions for major traffic offences. Except if the offence is a single offence at the lower end of the scale and is more than 10 years old, Officers have discretion not to refer and to determine.			Head of Service or Team Manager and Licensing Officer (may refer to officer panel)
Application with cautions/convictions for driving without insurance	All cases		
Application with cautions/convictions for drink driving. If it is a single offence and is more than 10 years old, Officers have discretion not to refer and to determine.			Head of Service or Team Manager and Licensing Officer (may refer to officer panel)
Offences/allegations committed during the term of the licence			Immediate suspension issued

involving sexual offences, violence or public order offences.			by Licensing Manager/Officer to be reviewed at the next available Officer Panel
Offences/allegations committed during the term of the licence not involving violence or public order offences.			Head of Service or Team Manager and Licensing Officer (may refer to officer panel)
Suspension of the dual driver licence			Any of the following:- Chief Executive, Corporate Director, Assistant Director of Health and Wellbeing following a request by the Licensing Manager Officer or Licensing Assistant, to be reviewed by at next Officer Panel.
Review of suspension of a dual driver licence	All cases		
Review of suspension to consider re-instatement of dual driver licence	All cases		
Revocation of the dual driver licence		All cases	
Complaints			Licensing Officer/Manager/Licensing Assistant
Persistent /serious complaints			Team Manager and or Licensing Officer (may refer to officer panel or Regulatory/Sub Committee)
Applications with unsatisfactory medical report from GP or other medical advisor i.e. Council's Doctor			Team Manager and or Licensing Officer
Issue of Penalty Points			Authorised Officers of Herefordshire Council. Officers will carry identification and authorisations can be checked during normal office hours.
Exceeding maximum permitted penalty points or persistent	All cases		

offences/complaints of a similar nature			
New applicant barred on the ISA Register			Refusal by Licensing Manager
Notification of ISA barring during term of the licence	All cases		Immediate suspension issued, to be reviewed at the next available Officer Panel.
Appeals following Officer Panel refusal, suspension or revocation of licence		All cases	

## **6. Panel and Committee Hearings and Decisions**

6.1 Officer Panel hearings are arranged to determine any applications that Officers have brought to the attention of the Panel and which therefore cannot be dealt with under delegated powers. All matters presented to the Panel will be in the format of a written report, a copy of which will be provided to the applicant before the Panel meeting. Each case will be determined on its individual merits and the Authority will give appropriate weight to:

- The Legislation
- The information provided by all parties to the hearing
- Available guidance
- This Policy Statement
- Consideration of convictions Policy

[Appendix 2](#) details the hearing processes

6.2 Hearings will be held at set dates throughout the year and will be at least monthly. The Panel will conduct a quasi-judicial consideration of the application based upon the evidence presented. The Officer Panel will be made up of the Council's expert officers in accordance with the latest revision of the panel's protocol / terms of reference.

6.3 A legal advisor, advocate or a friend may represent any applicant, where such individuals choose not to represent themselves.

6.4 The Panel will meet in private to protect the personal details of applicants.

6.5 Applicants will be informed of the decision of the Panel in writing within 5 working days of the hearing. The decision determined by the Panel will be accompanied with reasons for the decision.

6.6 To make a fair decision it is important that that the Panel is aware of all of the facts relating to any given case. Accordingly, the Panel will need to understand why the applicant feels that they should be granted a licence in the face of the matters brought to the Panel's attention. Therefore, the applicant will be given every opportunity to present suitable and sufficient evidence to support their case that they be granted a licence.



- 6.7 Any appeal following an Officer Panel recommendation must be referred to the Regulatory Sub-Committee. Appeals must be made to the Licensing Section within 14 days of the Officer Panel decision notice.
- 6.8 Any appeal following a Sub-Committee decision must be made to the Magistrates Court within 21 days of the decision, appeal rights will be notified to the applicant in writing.
- 6.9 The full terms of reference for this Panel is presented in Appendix 12, which now excludes the requirement for a licensed taxi driver to hold a dual driver badge if he/she holds a valid dual driver (taxi) licence. This demonstrates partnership working between council service areas and results in reduced burden on the trade.

## **7. Applications**

- 7.1 Applications must be submitted in the prescribed manner to include the full fee. Any application received not in the prescribed manner will not be determined until all relevant information is received. The application and fee must be submitted by post to the Licensing Office, or in person to one of the Council's Customer Service Centres. No plate and badge can be issued until received by Licensing Staff therefore, a minimum of 5 working days is required for the application to be completed. No refunds will be considered if the application is refused unless refunded by Regulatory Committee Members.
- 7.2 In the case of renewals the application and fee must be received before the expiry date, if it is received after the expiry date a new application will be required. Supporting documentation can be submitted at a later date, but the plate/badge/licence will not be issued until all necessary documentation is received.

## **8. Driver Applications**

- 8.1 To obtain a Dual Driver licence the following requirements shall be met: -
- a) The applicant must be medically examined by a qualified medical practitioner who has known the applicant for a period of at least 12 months and has immediate access to the applicant's full medical records. The medical fitness standard adopted by Herefordshire Council for such licence holders reflects the fitness standard for Group 2 DVLA drivers. The medical will be required for all new applications and every five years thereafter. Upon reaching 65 years of age or upon medical advice, the medical will be required annually.
  - b) The Licensing unit will refer the medical report to the Council's medical practitioner for approval. The additional cost will be met by the applicant.
  - c) When deemed necessary the applicant may be required to undergo a medical examination by the Council's Medical practitioner or other medical expert at the expense of the applicant.
  - d) An enhanced Criminal Record Bureau check must be carried out by Herefordshire Council in order that the information can assist the Council to determine from the result if the applicant is a 'fit and proper' person to have a dual drivers licence issued. This will be required on initial application and thereafter every three years. If the applicant is a European Union or other overseas applicant, or has lived abroad for more than 6 months, a certificate of good conduct will be required from the relevant Embassy.
  - e) A knowledge test set by the Council must be successfully completed before a new dual badge can be issued.
  - f) A DVLA declaration must be signed upon application or renewal, in order that the Council can be satisfied the applicant has the necessary driving licence. If the applicant does not

hold a British or European Union Driving Licence, additional conditions may apply depending on the Country of issue.

- g) The applicant must be aged 21 years or over, and hold a driving licence granted under Part 111 of the Road Traffic Act 1988 for at least 12 months.
- h) If the applicant is not a British or European Union citizen evidence of eligibility to work will be requested.
- i) The dual driver conditions can be found at [Appendix 3](#)
- j) Herefordshire Council has a Policy to enable dual driver applications to be determined, the Consideration of Convictions Policy can be found at [Appendix 4](#)
- k) The drivers Code of Good Conduct can be found at [Appendix 5](#) and the Drivers Dress Code at [Appendix 6](#)
- l) All drivers who have a 3 year dual driver badge will be required to provide an annual declaration of their medical fitness and their 'fit and proper' status; this will incur a fee.

## **9. Operator Applications**

9.1 Before a person is first licensed as an Operator the following requirements shall be met:

- a) A Basic Criminal Record Bureau check must be carried out in order for the Council to determine from the result if the applicant is a 'fit and proper' person to have an Operator licence issued. This will only apply to applicants who do not undertake Enhanced Criminal Record Bureau checks as part of a Dual Drivers or County Transport Badge application.
- b) A satisfactory reference, covering the applicant's financial record.
- c) The Private Hire Operator conditions can be found at [Appendix 7](#)

## **10. Vehicle Licence Applications**

- a) There needs to be in existence either a policy of insurance or 'such security' as complies with the requirements of Part V1 of the Road Traffic Act 1988.
- b) A Basic Criminal Record Bureau check must be carried out in order the Council can determine from the result if the applicant is a 'fit and proper' person to have vehicle proprietor's licence issued. This will only apply to applicants who do not undertake Enhanced Criminal Record Bureau checks as part of a Dual Drivers or County Transport Badge application.
- c) The vehicle must comply in all respects with the licence conditions for the type of licence being applied for and the compliance test.
- b) New Hackney Carriage licences will only be issued on vehicles, which are fully wheelchair accessible and meet the criteria stated in the vehicle licence conditions. Wheelchair accessible vehicles must be wheelchair accessible at all times when plying for hire.
- c) The vehicle licence conditions can be found at [Appendix 8](#)
- d) Details of vehicle damage and how it will be assessed can be found at [Appendix 9](#)
- e) The seating configuration of MPV vehicles can be found at [Appendix 10](#)

## **11. Fares**

11.1 The Council may review fares annually in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. The notice will be advertised and a copy of the Notice will be open to public inspection without payment during normal office hours.

Any objections to the proposed increases should be made in writing to the Council stating the reason.

If no objections are made or if all objections so made are withdrawn, the proposed increases shall come into operation on or as near to the 1<sup>st</sup> November as practicable, or at the date of withdrawal of the last objection, whichever is the later, subject to approval of elected members.

If objections are duly made and not withdrawn, Herefordshire Council shall set a further date not later than two months after the date specified on which the proposed increases shall take effect with or without modification, as decided by Herefordshire Council's Regulatory Committee after consideration of any objections.

## **12. Fees**

- 12.1 Fees in respect of all licences will be reviewed as deemed necessary by the Council and where appropriate made available for public inspection and comment.
- 12.2 Subject to the provisions of the Local Government (miscellaneous Provisions) Act 1976, this Council may recover the full costs of administration of its licences.
- 12.3 The Council will not issue any licence until the appropriate prescribed fee in respect of the same has been paid to the Council.
- 12.4 If an annual fee is required without the need to apply for another licence and that fee is not paid the Council will take action to recover this fee as a civil debt through the County Court and/or suspend the licence the fee relates to.
- 12.5 If existing drivers fail to comply with or are late supplying Medical, Annual Self Declaration or CRB information, and have had two written reminders, the licence will be suspended until the required information is received.

## **13. Complaints**

- 13.1 All complaints which are pursued by the Council are based upon the driver's fitness to hold a licence and/or the condition of the licensed vehicle. Full details of how to make a complaint can be found at [Appendix 11](#).

## **14. Further Information**

For more information regarding Taxi licensing contact:

Telephone :- 01432 260105

Address :- Licensing Team, Bath Street Offices, PO Box 233, Bath Street, Hereford, HR1 2ZF

E-mail :- [Taxi-Licensing@herefordshire.gov.uk](mailto:Taxi-Licensing@herefordshire.gov.uk)

Fax:- 01432 383142

## **15. Appendices**

- Appendix 1 Penalty Points Scheme
- Appendix 2 Referral to Officer Panel or Regulatory Sub-Committee procedure
- Appendix 3 Driver Conditions
- Appendix 4 Consideration of Convictions Policy
- Appendix 5 Drivers Code of Conduct
- Appendix 6 Drivers Dress Code
- Appendix 7 Private Hire Operator Conditions
- Appendix 8 Vehicle Conditions

- Appendix 9 Vehicle damage
- Appendix 10 Seating configuration for a MPV vehicle
- Appendix 11 Complaints
- Appendix 12 Terms of Reference for Officer Panel

## **16. Safeguarding children and vulnerable persons**

### **Arrangements for Safeguarding Children and Vulnerable Persons**

#### **1. Statement**

1.1 The Licensing Authority has a duty of care to children and vulnerable persons who use Taxi or Private Hire transport that is licensed by the Council. The Licensing Authority recognises that all children and vulnerable persons have a right to be safe and protected from abuse and harm. It takes seriously its duty to safeguard and protect children and vulnerable persons and will take all reasonable steps to ensure that the operators and drivers of Taxi and Private Hire vehicles and any other licence holders pose no threat to children or vulnerable persons.

1.2 The definition of a child is a person under the age of 18.

1.3 A vulnerable person is defined as vulnerable when they cannot take steps to protect themselves. Some people need support throughout their life, and anyone can become vulnerable - maybe through stresses at home or at work, illness and excess alcohol.

#### **2. Child and Vulnerable Persons Protection Policy**

2.1 The Licensing Authority will seek to ensure that those involved in delivering its services understand what action is taken if they have concerns about the safety or welfare of a child or vulnerable person. The Licensing Authority licenses Taxi/Private Hire Drivers. On first application, all Drivers are required to undertake a Criminal Records Bureau (Enhanced CRB) check, and every 3 years thereafter on renewal applications. The Licensing Authority has in force a Taxi/Private Hire Policy that determines their principles on dealing with applications who have a negative CRB disclosure. Any applicants who have do not hold a British Passport will be required to submit a 'Code of Good Conduct' from the Country or Countries where they have resided.

2.2 This statement complements Herefordshire's arrangements for the adults and children's safeguarding boards and complies with Section 11 of the Children Act 2004.

#### **3. Managing Individuals Who Pose A Risk Of Harm**

3.1 Under the Criminal Justice Act, the Licensing Authority has a duty to co-operate with multi agency public protection arrangements. The Licensing Authority is committed to these arrangements and where necessary will liaise with the Local Authority Designated Officers who have responsibility for Safeguarding.

Where the Licensing Authority receives a complaint regarding the moral, physical, sexual harm or neglect of a child or vulnerable person the licence holder will be contacted and where the matter is considered to be serious the Licensing Authority shall issue a precautionary suspension.

It is recognised that the Licensing Authority may not be able offer further explanation in view of any pending Police or other official investigation. The suspension will be reviewed at the next scheduled Officer Panel of which at least one of the Panel Members shall be responsible for Safeguarding.

Each case, however, will be dealt with on its own merit.

#### **4. Review and Evaluation**

4.1 The Licensing Authority will review this statement and where appropriate amend the Safeguarding of Children and Vulnerable Persons Arrangements for Licensing, every three years to ensure that it is consistent with the arrangements agreed by the Herefordshire Council in respect of Safeguarding Children and Vulnerable Persons.

#### **17. Data Protection Statement**

##### **Data Protection Act 1998**

This policy covers the treatment of personal data that Herefordshire Council may collect when you e-mail us, complete an application form, or when you complete and submit an online form on our web site.

When completing forms you may be asked for personal information such as name, address, postcode etc. It is only when you supply this type of information that you can be personally identified.

Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act.

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

Further information relating to the Data Protection Act 1998 can be sent to you on request. If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer:

Data Protection Officer,  
County Secretary and Solicitor  
Herefordshire Council  
Brockington  
35 Hafod Road  
Hereford HR1 1SH

# Appendix 1

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**HEREFORDSHIRE COUNCIL**

**PENALTY POINTS SCHEME**

## Index

1. **Penalty Points Scheme**
2. **Recommendations**
3. **List of Offences/Breach of Vehicle Licence Conditions/Byelaws**
4. **List of Offences/Breach of Driver Licence Conditions**
5. **List of Offences/Breach of Operator Licence Conditions**
6. **County Of Herefordshire District Council Byelaws relating to Hackney Carriages**

## 1. Penalty Points Scheme

- 1.1 This scheme will be used where appropriate. The penalty points will be run in accordance with the Council's enforcement policy. The penalty points scheme does not fetter the Licensing Authorities duty to consider other forms of enforcement and formal prosecutions should it be deemed proportionate to the offence(s).
- 1.2 The penalty points system outlined below identifies a number of breaches of Herefordshire Council Conditions and Byelaws. It then indicates the number of points to be issued. The implementation of points would take place immediately or following investigation by the Licensing Authority.
- 1.3 For persons holding **more** than one vehicle licence the threshold for commencement of formal action will be increased by **1 point** per vehicle licence held
- e.g. Person holding 6 Vehicle Licences = 6 Additional points are added to the single vehicle threshold of **12 points**
- This will give an **18 points** threshold before formal action is considered by the Council.
- 1.4 The details of how the scheme will be operated are as follows:
- a) Penalty points will be applied by Authorised Officers of the Council either immediately or upon completion of investigation of relevant breaches of the Council's hackney carriage and private hire conditions.
  - b) Any penalty points issued will be confirmed in writing to the relevant licence holder or issued as a penalty points notice at the time of discovery.
  - c) The number of penalty points issued will be in accordance with the attached tariff. (Appendix 1).
  - d) The Council retains the discretion to issue penalty points to driver, proprietors and operators for a single contravention if the circumstances warrant it, i.e. the breach is one against all these licences and it is considered joint responsibility is held.
  - e) The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to his/her employer or operator.
  - f) Penalty points issued under this scheme will have a "life" of twelve months, and then will be deemed spent. The system is based upon a rolling twelve-month period.
  - g) There is no financial penalty associated with the system, and the licensee may continue to work. However, the licensee will be asked to attend a Licensing Committee hearing if more than a certain number of points are imposed on an individual licence in any one 12 month period. The thresholds are as follows:

Dual Driver	12 Points
Hackney Carriage Vehicle	12 Points
Private Hire Vehicle	12 Points
Private Hire Operator	24 Points



- h) If there are three repeat identical contraventions within a 6-month period the offender will automatically be referred to the Regulatory Committee.

## **2. Recommendations**

- 2.1 On appearing before the Licensing Committee the following recommendations will generally be made by Officers.
- a) On the accumulation of 12 or more penalty points in a 12 month period a driver or a vehicle proprietor will be subject to a recommendation to suspend his/her licence for a period of 1 month. If the points issued are connected to breaches of licence conditions, there will be an additional requirement to sit and pass the Council's knowledge test.
  - b) On the accumulations of 24 or more penalty points in a 12 month period an operator will be subject to a recommendation to suspend his/her licence for a period of 1 month.
  - c) Drivers, proprietors, or operators who accumulate the necessary total of points in a rolling year on a second or subsequent occasion, will be asked to reappear before the Licensing Committee. The Committee will take into account previous penalty points, cautions, suspensions or prosecutions when considering Officers recommendation for a longer period of suspension, or revocation of licence.
- 2.2 The above recommendations does not fetter the discretion of the Regulatory Committee who may always decide to take no further action, to suspend the licence for any period, or to revoke a licence.
- 2.3 Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of appeal to the Magistrates Court. All suspensions will be subject to a 21-day appeals period prior to implementation to allow for the formal appeals process.

## **3. List Of Offences/Breach of Vehicle Licence Conditions/Byelaws**

<b><u>Condition number</u></b>	<b><u>Offence</u></b>	<b><u>Max penalty for prosecution</u></b>	<b><u>Code</u></b>	<b><u>Points</u></b>
1.10	Failure to supply 6 monthly MOT test when vehicle is over six/twelve years of age		<b>V1</b>	<b>4</b>
5.3	Failure to have or maintain illuminated markings at entrances and exits		<b>V2</b>	<b>2</b>
6.4	Failure to have/maintain grab handles		<b>V3</b>	<b>2</b>
6.7	Failure to have a means of loading wheelchairs into the vehicle, available at all times.		<b>V4</b>	<b>2</b>
6.8	Failure to supply a mechanical tail lift safety certificate to the Council annually		<b>V5</b>	<b>4</b>
6.9	Failure to keep a wheelchair access vehicle available without modification at all times		<b>V6</b>	<b>2</b>
7.2	Failure to provide an annual LPG safety compliance Certificate		<b>V7</b>	<b>4</b>

8.1	Failure to maintain seat belts in a safe condition		<b>V8</b>	<b>4</b>
9.1	Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent		<b>V9</b>	<b>4</b>
10.1 (a)	Failure to display approved roof sign		<b>V10</b>	<b>4</b>
10.1	Failure to maintain roof sign in working order		<b>V10</b>	<b>2</b>
10.1 (b)	Failure to display roof sign on the front part of the roof		<b>V11</b>	<b>2</b>
10.1 (c)	Failure to display front door signs.		<b>V12</b>	<b>4</b>
10.1 (c)	Displaying incorrect signs ie, wrong wording or magnetic		<b>V12</b>	<b>2</b>
10.1 (e)	Private hire vehicles advertising incorrectly		<b>V13</b>	<b>2</b>
10.2	Failure to display two or more "no smoking" signs in the vehicle		<b>V14</b>	<b>2</b>
11.1	Incorrectly displaying licence plate		<b>V15</b>	<b>2</b>
11.2	Failure to return plate on expiry of licence if requested to do so by Licensing Staff		<b>V16</b>	<b>2</b>
11.3	Failure to report loss or damage of a vehicle plate, following discovery of loss or damage.		<b>V17</b>	<b>2</b>
11.4	Failure to surrender vehicle licence and plate if proprietor does not wish to retain vehicle licence		<b>V18</b>	<b>2</b>
12.1	Advertising on vehicle without written authorisation from the LA		<b>V19</b>	<b>2</b>
13.1	Failure to submit taximeter for testing when requested to do so by LA		<b>V20</b>	<b>2</b>
13.2	Tampering or allowing an unauthorised person to tamper with taximeter		<b>V21</b>	<b>2</b>
13.3	Failure to display a statement of fares inside the HC		<b>V22</b>	<b>2</b>
13.4	Wilfully or neglectfully causing letters or figures in the statement to be obscured		<b>V23</b>	<b>2</b>
13.5	Failure to deposit copy of statement of fares which differ from the approved fares		<b>V24</b>	<b>2</b>
14.1 + 15.1	Failure to notify Licensing of		<b>V25</b>	<b>4</b>

	accidents or damage affecting the safety, performance or appearance of the vehicle			
15.2	Failure to supply steering geometry and alignment reports following an accident if required		<b>V26</b>	<b>4</b>
15.5 + 15.6	Failure to get authorisation for a temporary transfer vehicle or leaving the vehicle on for more than two weeks		<b>V27</b>	<b>2</b>
16.1	Failure to have insurance on the licensed vehicle		<b>V28</b>	<b>12</b>
16.2	Failure to produce insurance certificate for the vehicle		<b>V29</b>	<b>4</b>
16.3	Failure to keep copy of insurance/cover note in the vehicle		<b>V30</b>	<b>2</b>
16.4	Failure to notify Council of change of insurer or particulars within 2 working days.		<b>V31</b>	<b>2</b>
17.1	Failure to produce details to the Council of drivers permitted to drive		<b>V32</b>	<b>2</b>
17.2	Failure to notify Council of any permanent changes to the list of drivers.		<b>V33</b>	<b>2</b>
17.3	Failure to notify Council of change of address		<b>V34</b>	<b>2</b>
18.1	Failure to carry a suitably approved fire extinguisher within the vehicle		<b>V35</b>	<b>2</b>
18.2	Failure to carry first aid equipment as specified in conditions		<b>V36</b>	<b>2</b>
19.1	Failure to obtain written permission to use trailers on Licensed vehicles		<b>V37</b>	<b>2</b>
20.1	Failure to present vehicle and trailer for inspection		<b>V38</b>	<b>4</b>
21.1	Failure to maintain radio equipment in safe condition which poses a risk of injury to passengers		<b>V39</b>	<b>2</b>
22.1	Proprietor/Driver of vehicle allowing a greater number of persons to be conveyed than is specified on the licence		<b>V40</b>	<b>12</b>
22.2	Failure to maintain a reasonable standard of behaviour		<b>V41</b>	<b>3</b>
22.3	Failure to provide information		<b>V42</b>	<b>4</b>

	requested by an Authorised Officer			
23.1	Using CCTV equipment not in accordance with the provisions of the conditions and the data protection act		V43	2
24.4	Providing alcoholic drinks not in accordance with the sale or supply of alcohol legislation		V44	2

#### **4. Breaches of Dual Driver Licence Conditions**

<b><u>Condition number</u></b>	<b><u>Offence</u></b>	<b><u>Max penalty for prosecution</u></b>	<b><u>Code</u></b>	<b><u>Points</u></b>
1.2	Driver not clean and respectable in their dress		D1	2
1.2	Driver not complying with the Dual Drivers Dress Code		D2	2
1.2	Driver not behaving in a civil and orderly manner		D3	3
1.3	Driver allowing noise from radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle		D4	2
1.4	Driver smoking whilst in the vehicle		D5	2
1.5	PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre-booking		D6	3
1.6	PH driver plying for hire		D7	4
1.7	PH driver calling out or influencing person to travel in the vehicle for gain without a prior appointment		D8	3
2.1	Not wearing badge whilst on duty		D9	2
2.2	Not displaying second badge or not visible to passengers being conveyed in the vehicle		D10	2
2.3	Failure to surrender drivers badge to the Licensing Authority upon expiry, revocation or suspension of their licence when requested by Licensing Staff		D11	2
2.5	Failure to supply annual self-declaration and fee			2

3.1	Failure to carry evidence of insurance cover, this can be a cover note, in the vehicle whilst on duty		<b>D12</b>	<b>2</b>
4.1	Carrying greater number of persons than the number specified on the licence		<b>D13</b>	<b>12</b>
4.2	Carrying other persons in the vehicle without the consent of the hirer		<b>D14</b>	<b>2</b>
4.3 a)	Failing to ensure safety of passenger luggage		<b>D15</b>	<b>4</b>
4.3 b)	Failing to offer reasonable assistance with luggage		<b>D16</b>	<b>2</b>
4.3 c)	Failing to take steps to ensure passenger safety		<b>D17</b>	<b>2</b>
5.1	Fail to search vehicle after journey		<b>D18</b>	<b>2</b>
6.2	Charging more than the metered fare		<b>D19</b>	<b>4</b>
6.3	Tampering or allowing tampering of a taximeter		<b>D20</b>	<b>4</b>
6.4	Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare		<b>D21</b>	<b>2</b>
6.5	Demanding more than the previously agreed fare		<b>D22</b>	<b>4</b>
6.6	Demanding more than the fare shown on the taxi meter		<b>D23</b>	<b>4</b>
6.7	Starting the fare before the hirer enters the vehicle without prior agreement		<b>D24</b>	<b>4</b>
7.1	Failure to notify proprietor of complaints made by the passengers		<b>D25</b>	<b>2</b>
7.2	Failure to notify passengers of their right to refer their complaint to the Council		<b>D26</b>	<b>2</b>
8.1	Failure to attend at appointed time or place without sufficient cause		<b>D27</b>	<b>2</b>
8.2	Unnecessarily prolonging journey in distance or time		<b>D28</b>	<b>4</b>
9.1	Failure to provide copy of dual drivers licence to operator		<b>D29</b>	<b>2</b>
9.2	Failure to ensure insurance cover for them to drive vehicle		<b>D30</b>	<b>2</b>
9.3	Failure to ensure vehicle is licensed by Council for the purpose used		<b>D31</b>	<b>2</b>

10.1	Failure to notify Council of change of address/telephone number within 7 days		<b>D32</b>	<b>4</b>
10.2	Failure to notify Council of motoring or criminal convictions during the period of licence		<b>D33</b>	<b>12</b>
10.3	Failure to notify Council of involvement in incidents which the Police are involved and may lead to a caution/conviction		<b>D34</b>	<b>12</b>
10.4	Failure to notify Council in writing within 7 days of serious injury or illness affecting fitness to drive		<b>D35</b>	<b>12</b>
11.1	Failure to carry assistance dog without exemption		<b>D36</b>	<b>2</b>
11.2	Making additional charge for carrying assistance dog		<b>D37</b>	<b>2</b>
12.1	Not using mobile phone in accordance with The Road Vehicle (construction and use) (Amendment) (No.4) Regulation 2003		<b>D38</b>	<b>2</b>
13.2	Failure to keep vehicle reasonably clean		<b>D39</b>	<b>2</b>
13.3	Failure to notify Council of serious vehicle damage within 72 hours or present vehicle if requested to do so		<b>D40</b>	<b>4</b>
13.4	Failure to provide a written receipt for the fare paid if requested to do so by the passenger		<b>D41</b>	<b>2</b>
13.5	Failure to co-operate with any Authorised Officer, Constable or any other clearly identifiable person nominated by the Council		<b>D42</b>	<b>4</b>
14.1	Failure to keep a record of bookings in the Private Hire Vehicle. This can be computerised/electronic or written		<b>D43</b>	<b>2</b>
15.1	Failure to comply the regulations governing the wearing of seat belts		<b>D44</b>	<b>4</b>

## **5. Breaches of Operator Licence Conditions - Private Hire**

<b><u>Condition number</u></b>	<b><u>Offence</u></b>	<b><u>Max penalty for prosecution</u></b>	<b><u>Code</u></b>	<b><u>Points</u></b>
1.3	Operating more vehicles than stated on licence		O1	2
2.1	Failure to obtain and maintain insurance on vehicle		O2	12
2.1	Failure to produce evidence of insurance cover to the Council		O3	4
2.3	Failure to notify Council of change of insurer within 2 days		O4	2
3.1	Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises		O5	2
3.2	Failure to provide a prompt, efficient or reliable service		O6	2
3.3	Failure to attend a booking at appointed time or place without sufficient cause		O7	2
3.4	Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence		O8	12
4.1	Operating the business from a premises outside the County of Herefordshire		O9	12
4.2	Failure to keep booking or waiting areas which the public have access, clean, adequately heated, ventilated and lit		O10	2
4.3	Failure to provide seating facilities in waiting areas		O11	2
6.1	Failure to supply written confirmation within seven days of changes to the particulars shown on the application form relating to the licence		O12	4
7.1	Failure to notify the Council within seven days of any convictions imposed on him/her, during the period of the licence		O13	12
8.1	Failure to keep proper records for a period of not less than six months		O14	3

8.2	Failure to keep proper records		O15	2
8.7	Using the words taxi or cab in company advertising without having at least 70% of the fleet licensed as hackney carriages.		O16	2
8.7	Displaying the word Taxi or Cab on a private hire vehicle		O17	2
8.8	Failure to keep records of all drivers employed or failure to produce details of the drivers		O18	2
8.9	Failure to notify Council within seven days of the particulars of any driver who is no longer employed by the operator		O19	2
9.1	Failure to maintain telephone or radio equipment in sound condition or failure to repair defects promptly		O20	2
9.2	Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment		O21	2
10.1	Using unlicensed drivers to drive a Herefordshire Council licensed vehicle		O22	12
11.1	Failure to keep a written record of all complaints or failure to make available to the Council		O23	2

#### 6. Breaches of County Of Herefordshire District Council Byelaws Relating To Hackney Carriages

<b><u>Byelaw number</u></b>	<b><u>Offence</u></b>	<b><u>Max penalty for prosecution</u></b>	<b><u>Code</u></b>	<b><u>Points</u></b>
2 (b) (i)	Wilfully or negligently causing licence number to be concealed from public view while the carriage is standing or plying for hire		B1	2
2 (b) (ii)	Causing or permitting the carriage to stand or ply for hire with an illegible plate		B2	2
3	Failure to furnish the hackney carriage in accordance with requirements of the Byelaw		B3	2
4.	Failure to provide a taximeter in accordance with the requirements of the Byelaw		B4	2



5.	Failure to operate taximeter in accordance with requirements of the Byelaw.		<b>B5</b>	<b>2</b>
6.	Driver or proprietor tampering with meter or permitting any unauthorised person to tamper with meter		<b>B6</b>	<b>4</b>
7. (b)	Failure to proceed to another rank when at the time of arrival rank is full		<b>B7</b>	<b>2</b>
7. (c) (d)	Failure to station or move the carriage immediately behind the carriage or carriages in front on the rank		<b>B8</b>	<b>2</b>
8.	A proprietor or driver using the services of a person to importune a person to hire the vehicle		<b>B9</b>	<b>2</b>
10.	Failure by driver to take reasonable precautions to ensure the safety of passengers		<b>B10</b>	<b>4</b>
11.	Driver or proprietor allowing more persons to be conveyed than the licence allows		<b>B11</b>	<b>12</b>
12.	Failure by driver to wear the badge provided by the council when plying for hire		<b>B12</b>	<b>2</b>
13.	Failure to provide when requested reasonable assistance with luggage		<b>B13</b>	<b>2</b>
15.	Failure to display statement of fares inside the carriage in a legible state		<b>B14</b>	<b>2</b>
17.	Failure to deposit lost property to the offices of the Council or Police within 48 hours of discovery		<b>B15</b>	<b>2</b>
18.	Plying for hire whilst static at a place which is not a rank		<b>B16</b>	<b>3</b>

## Appendix 2

### TAXI LICENSING COMMITTEE HEARING PROCEDURE

1. The Chairman will open the hearing and introduce the members of the Sub- Committee or Panel and other members present.
2. The Chairman will ask the Applicant and his/her representative present to introduce themselves.
3. The Chairman will inform all those present that the meeting is not open to the public.
4. The Chairman will remind the Applicant that he/she can be represented by a legal representative at his/her own expense.
5. The Licensing Officer will present the report and call any witnesses.
6. The Chairman will invite members of the Sub-Committee or Panel and the Applicant to ask any relevant questions of the Licensing Officer or the witnesses.
7. The Chairman will invite the Applicant or his/her representative to present the Applicant's case and to call any witnesses on behalf of the Applicant.
8. The Chairman will invite members of the Sub-Committee or panel to put questions to the Applicant and/or his/her representative and/or witnesses.
9. The Chairman will invite the Applicant and/or his/her legal representative to sum up.
10. The Chairman will ask the Applicant to confirm that he/she has said all he/she wishes to.
11. The Chairman will ask the Sub-Committee or Panel Members if they have all the information they need to reach a decision.
12. The Applicant and any other parties present will retire from the meeting room so that the Sub-Committee or Panel can reach its decision in private.
13. When the Sub-Committee or Panel has reached its decision the Applicant and his/her representative will be invited to return to the meeting room. The Chairman will relay the decision and the reason(s) for the decision to the Applicant.
14. The Chairman will inform the Applicant of the date on which the decision will take effect and of any right of appeal to Magistrate Court or referral to the Sub-Regulatory Committee.

*An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which written confirmation of the decision is received by the Applicant.*

## Appendix 3

HEREFORDSHIRE COUNCIL

PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS CONDITIONS

DRAFT

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## CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS

Herefordshire Council licenses both Hackney Carriage and Private Hire Vehicles under the provisions of The Town and Police Clauses Act 1985, Part 11 of the Local Government Miscellaneous Provisions Act 1976 as amended by the Transport Act 1985.

These conditions were approved by the Herefordshire Council's Regulatory Committee these conditions will replace all previous conditions and will remain in place until such time the Regulatory Committee approve any amendments or review the conditions.

**All applications received which fall outside the Licensing Authorities Conditions or Policy will be referred to Regulatory Committee for determination and may incur additional costs to be paid by the applicant. Money will only be refunded in exceptional circumstances if the Committee Members instruct a refund.**

**Once a valid application has been accepted no refunds will be considered unless authorised by Committee Members.**

*(Herefordshire Council will use Government Guidance and Herefordshire Councils Hackney Carriage and Private Hire Licensing Policy to base its decisions)*

### 1.0 CONDUCT OF THE DRIVER

- 1.1 The driver of a hackney carriage or private hire vehicle licensed by Herefordshire Council shall hold a current dual drivers badge and licence from Herefordshire Council. Drivers of private hire vehicles must be aware that the driver, vehicle and Operator must all have licences issued by Herefordshire Council.
- 1.2 At all times the driver shall be clean and respectable in their dress and person and behave in a civil and orderly manner. The Drivers Dress Code and Drivers Code of Good Conduct must be complied with. These can be found at Appendix 5 and 6.
- 1.3 The driver shall not at any time cause or permit the sound emitted by any radio or other similar equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- 1.4 The driver is not permitted by law to smoke in the licensed vehicle at any time.
- 1.5 All private hire drivers, when not engaged in a pre-arranged booking, must not park in such a position or location on the Public Highway which could give the appearance of being for hire.
- 1.6 The driver of a private hire vehicle shall not ply for hire in their vehicle but shall drive the vehicle for hire only by prior appointment.
- 1.7 The driver of a licensed vehicle shall not call out or influence any person in any way, which might reasonably be considered as an invitation to travel in their vehicle for gain.

### 2.0 BADGES AND PLATES

- 2.1 Whilst on duty, the driver shall wear the badge on the upper front of the body plainly and distinctly visible.
- 2.2 The second badge issue by the Council shall be displayed to be plainly and distinctly in the front of the vehicle.
- 2.3 The driver will return their drivers badge to the Licensing Unit upon the expiry, revocation or suspension of their licence if requested to do so by the Licensing Authority.
- 2.4 After the expiry date, shown on any drivers licence, that licence is no longer valid and any badge must be returned to the Licensing Unit if requested to do so by the Licensing Authority. (Insurance may be invalid if the dual drivers licence has expired.)
- 2.5 The driver is also required to supply the annual self-declaration form, fee and other documentation required to maintain the 3 year badge. Failure to supply these will result in the licence being suspended and Penalty Points being issued.

### **3.0 INSURANCE**

- 3.1 The driver shall carry evidence of insurance cover in the vehicle at all times whilst on duty, showing that the vehicle is suitably insured for the purpose of Hackney Carriage/Private Hire use. A photocopy of the certificate or cover note will be accepted.

### **4.0 PASSENGERS/LUGGAGE**

- 4.1 The driver shall not carry or permit to be carried in his vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle.
- 4.2 The driver shall not, without the consent of the hirer, carry any other person in the vehicle.
- 4.3 All drivers shall if required: -
  - a) carry a reasonable quantity of passenger's luggage, ensuring its security.
  - b) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he/she may take up or set down such person.
  - c) take reasonable precautions to ensure the safety of persons carried in or entering or alighting from the vehicle.

### **5.0 LOST PROPERTY**

- 5.1 The proprietor or driver of a licensed vehicle shall, when practicable after journeys search the vehicle for lost property.
- 5.2 Any property found by the driver in the vehicle, or handed to them, shall, if not claimed by or on behalf of the hirer within 24 hours, be given to the police or handed in to one of the Council Info Centres or to the Licensing Office.
- 5.3 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 the estimated value (or the fare for the distance from the place of finding to the return address of the owner of the property or police station, whichever be the greater, but not more than ten pounds).

## **6.0 TAXI METER/FARES**

- 6.1 Licensed vehicles equipped with a taximeter (compulsory for a hackney carriage but optional for a private hire car) shall operate the taximeter in accordance with the requirements of the conditions. For hackney carriages the taximeter must be used even if it is a pre-booked journey. A lesser fee than the metered fare may be charged. If the journey is undertaken through a service contract or out of the county and the fee is quoted to be less than the metered fare the hackney carriage would not be required to use the taximeter.
- 6.2 The driver shall not charge more than the metered fare or the additional fees permitted by the agreed tariffs.
- 6.3 A driver of a licensed vehicle shall not tamper with or permit any person, other than a proper authorised person or approved technician, to alter or adjust any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.
- 6.4 If the vehicle is fitted with a taximeter, the driver shall not cause the fare showing to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has agreed the fare.
- 6.5 The driver shall not demand from the hirer a fare in excess of any previously agreed fare for that hiring between the hirer and the operator or, if the vehicle is fitted with a taxi meter, the fare shown on the face of the taximeter.
- 6.6 The driver of a hackney carriage undertaking, for any hirer, a journey ending outside Herefordshire and in respect of which no fare and no rate was agreed before the hiring was effected, shall not require for such journey a fare greater than that indicated on the taxi meter with which the hackney carriage is equipped.
- 6.7 The fare for each journey shall only begin when the hirer enters the vehicle, unless prior agreement has been made or if the customer is not available until later than the agreed pick up time. Appropriate waiting time shall be given without charge to people with disabilities.

## **7.0 COMPLAINTS**

- 7.1 The driver shall advise the proprietor of the vehicle of any complaints made by passengers.
- 7.2 The driver shall advise passengers of their right to refer the complaint to the Council and give contact details for them to do so.

## **8.0 PROMPT ATTENDANCE**

- 8.1 The driver who has agreed or has been hired to be in attendance with the vehicle at any appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such time and place.
- 8.2 The driver shall not, without reasonable cause, unnecessarily prolong, in distance or in time, the journey for which the vehicle has been hired.

## **9.0 LICENCE/APPLICATION**

- 9.1 If the driver is permitted or employed to drive a hackney carriage and/or private hire vehicle by an operator/vehicle proprietor they shall, before commencing to drive that vehicle, provide a copy of their dual driver's licence with that operator/vehicle proprietor for retention by them until such time as the driver ceases to be permitted or employed to drive for that operator/vehicle proprietor.
- 9.2 All drivers should ensure that the proprietor holds valid insurance to cover them for the hiring of a hackney carriage and/or private hire vehicle. The driver should also ensure that the proprietor has a private hire operator's licence where appropriate.
- 9.3 All drivers shall ensure that any car driven by them is licensed by the Council for that purpose.
- 9.4 The issue of a dual driver licence will be subject to satisfactory CRB, Medical, DVLA returns when appropriate, and for new applications the applicant must pass the Herefordshire Council Knowledge Test. In some circumstances a code of good conduct will be required in addition to the CRB.
- 9.5 Prior to the expiry of a licence a reminder will be sent to drivers. Only one reminder will be sent. Renewal paperwork must be submitted without delay, as no licence will be issued until the appropriate satisfactory checks are received, including CRB and Medical if required. Late renewals will be referred to Regulatory Committee for determination and the cost will be paid by the applicant.
- 9.6 All drivers applying for a new dual driver licence after 1<sup>st</sup> November 2005 or other drivers directed by the Regulatory Committee shall undertake and pass a knowledge test.

## **10.0 CHANGE OF DETAILS/CIRCUMSTANCES**

- 10.1 The driver shall notify the Council in writing of any change of their address and/or telephone number within 7 days of such change.
- 10.2 The driver shall immediately, disclose to the Taxi Licensing Unit in writing, details of any conviction/caution imposed on him/her during the period of the licence, motoring or criminal. Failure to do this could result in immediate suspension of the dual driver licence or referral to Regulatory Committee for determination, the cost of referral will be paid by the applicant, unless this fee is waived by the Committee members.
- 10.3 The driver shall immediately, disclose to the Taxi Licensing Unit in writing, details of any involvement in incident/s which may lead to caution/conviction. Failure to do this could result in immediate suspension of the dual driver licence or referral to Regulatory Committee for determination and the cost will be paid by the applicant, unless this fee is waived by the Committee members.
- 10.4 The driver or person nominated by them shall notify the Council in writing, as soon as possible and in any event within 7 days of any serious illness or injury affecting their fitness to drive in any way. Failure to do this could result in immediate suspension of the dual driver licence or referral to Regulatory Committee for determination and the cost will be paid by the applicant, unless this fee is waived by the Committee members.



## **11.0 ANIMALS**

- 11.1 Any animal belonging to or in the custody of any passengers can be conveyed in a licensed vehicle at the driver's discretion.
- 11.2 A driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a disabled person to accompany him in the vehicle will have a duty to: -
- a) Convey the disabled passenger's dog and allow it to remain with the passenger; and
  - b) Are not to make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the Disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with a physical impairment, and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of one of those charities.

- 11.3 The driver shall only be exempt from the condition 11.2 on medical grounds and has obtained an exemption notice from Herefordshire Council. The notice of exemption shall be exhibited in a prominent position.

## **12.0 MOBILE PHONES**

- 12.1 Drivers wishing to use a mobile phone in the vehicle must use them in accordance with The Road Vehicles (construction and use) (Amendment) (No.4) Regulation 2003.

## **13.0 GENERAL CONDITIONS**

- 13.1 The holder of this licence shall comply with the provisions of the Town Police Clauses Act 1847 as amended by Part 11 of the Local Government (Miscellaneous Provisions) Act 1976, a copy of which is available for inspection at the Licensing Office.
- 13.2 The driver is to ensure reasonable cleanliness of the vehicle inside and out.
- 13.3 The driver is to inform the Council's Licensing Section and the proprietor of the vehicle of any accident or damage to the vehicle within 72 hours, and present the vehicle for inspection forthwith if requested to do so.
- 13.4 The driver shall, if requested by the hirer of the vehicle, provide them with a written receipt for the fare paid.
- 13.5 The driver of a licensed vehicle shall co-operate with any Authorised Officer, Constable or any other clearly identifiable person nominated by the Council, with any enquires.

## **14.0 PRIVATE HIRE**

- 14.1 Private hire vehicle drivers must keep a record of journeys, which is to be kept in the vehicle or accessible through the private hire operator immediately if it is requested.

- (i) The driver of a private hire vehicle shall at all times whilst acting in accordance with the private hire driver's licence keep a record sheet in the private hire vehicle and before commencement of each journey, enter particulars of each journey to be undertaken and the name and address of the person who has made the booking. This may be in computerised form if the operating system provides this facility. If the journey is part of a contract, individual records of each journey will not have to be detailed, as long as the journeys are noted in the contract of hire.

## 15.0 THE WEARING OF SEATBELTS

- 15.1 The requirements contained in the Road Traffic Act 1988, s 15, the Motor Vehicle (wearing of seat belts) Regulations 1993, Part III and the Motor Vehicles (wearing of seatbelts by Children in Front Seats) Regulations 1993 and the Motor Vehicles (Wearing of Seat Belts) (Amendments) Regulations 2006 must be complied with. Please see table below

	Front Seat	Rear Seat	Who is responsible
Driver	Taxi drivers - hackney carriage drivers are exempt from wearing a seat belt while on duty (whether they have a passenger or not). Private hire taxi drivers are only exempt when carrying a fare-paying passenger. They must wear a seat belt at all other times.		Driver
Child up to 3 years old	Correct child restraint MUST be used.	If no appropriate restraint available the child may travel unrestrained in the rear.	Driver
Child from 3 <sup>rd</sup> birthday up to either 135cms in height or 12 years old	Correct child restraint MUST be used	MUST use adult belt if the correct child restraint is not available.	Driver
Child over 135 cms or 12 to 13 years	Seat belt MUST be worn if available	Seat belt MUST be worn if available	Driver
Passengers 14 years and over	Seat belt must be worn if available	Seat belt must be worn if available	Passenger

## Appendix 4

### Herefordshire Council Taxi and PHV Licensing Consideration of Criminal Convictions' Policy

#### 1. Introduction

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

#### 2. General policy

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences or allegations which may show a pattern of offending and unfitness.
- 2.2 A person with a propensity to offend or conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
- a. Remain free of conviction for an appropriate period; and
  - b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

- 2.3 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

### **3. Appeals**

- 3.1 Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he or she is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal (Local Government Miscellaneous) Provisions Act 1976, s 77 (1).

### **4. Powers**

- 4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 4.3 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

### **5. Consideration of disclosed criminal history**

- 5.1 Under the provisions of Sections 51, 55, and 59, of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operators licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:
- How relevant the offence(s) are to the licence being applied for
  - How serious the offence(s) were
  - When the offence(s) were committed
  - The date of conviction
  - Circumstances of the individual concerned
  - Sentence imposed by the court
  - The applicant's age at the time of conviction
  - Whether they form part of a pattern of offending
  - Any other character check considered reasonable (e.g. personal references)
  - Any other factors that might be relevant

- 5.2 Existing holders of drivers' licences are required to notify the licensing authority of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions). Holders of dual driver licences are also required to notify the licensing authority if they are being investigated for involvement in any incident which may lead to a conviction or caution or entry onto a register.
- 5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing officer in confidence for advice, contact details are at the end of this policy.
- 5.4 The licensing authority conducts enhanced disclosures from the Criminal Records Bureau (CRB) of any applicant for a driver licence. The licensing authority follows the CRB's Code of Practice on the fair use of disclosure information. A copy is available on request.
- 5.5 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. The licensing authority abides by the CRB's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.
- 5.6 More information about the CRB can be found on their website at [www.disclosure.gov.uk](http://www.disclosure.gov.uk).
- 5.7 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.
- 5.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

## **6. Serious offences involving violence**

- 6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.
- 6.2 In other cases anyone of a violent disposition will normally be refused to be licensed until at least 5 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
- 6.3 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
  - Murder

- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault of a Police Officer
- Common assault with racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 5 years prior to the date of application:

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.7 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

6.8 In the event of a licence being granted, a strict warning both verbally and in writing

should be administered.

## **7. Possession of a weapon**

- 7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the travelling public.
- 7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

## **8. Sex and indecency offences**

- 8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period (normally at least 5 years) free of conviction for such offences before a licence will be granted.
- 8.2 (a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:
- Rape
  - Assault by penetration
  - Offences involving children or vulnerable adults
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 8.3 (b) Before an application is considered, an applicant should be free of conviction for at least 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:
- Sexual assault
  - Indecent assault
  - Possession of indecent photographs, child pornography etc.
  - Exploitation of prostitution
  - Trafficking for sexual exploitation
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 8.4 (c) Before a licence is considered, an applicant should be free of conviction for at least 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:
- Indecent exposure
  - Soliciting (kerb crawling)
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 8.5 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register or any other Barring list.
- 8.6 A licence will not normally be granted if an applicant has more than one

conviction for a sex or indecency offence.

## **9. Dishonesty**

9.1 A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. PHV drivers must pass lost property to the operator. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc.

Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

9.2 In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception including making false statement or perjury
- taking a vehicle without consent
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

## **10. Drugs**

10.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

10.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.

10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

10.4 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

10.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be



required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

## **11. Driving offences involving the loss of life**

11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

A licence will not normally be granted unless the applicant is free of conviction for 7 years or (or at least 3 years must have passed since the completion of the sentence, whichever is longer) if he has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

11.2 Before a licence is granted, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for:

- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers

## **12. Drink driving/driving under the influence of drugs**

12.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 3 years, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

## **13. Outstanding charges or summonses**

13.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings. Where information is received through the Notifiable Occupations Scheme for existing licence holders, consideration of the incident/offence will be made at the Officer Panel.

13.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused. For an existing dual driver the licence may be suspended by the licensing officer and reviewed by the Officer

Panel.

- 13.3 There are two legislative provisions which allow a driver suspension or revocation. The first takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. The second is used if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect. The notice given to the driver includes a statement with an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

#### **14. Non-conviction information**

- 14.1 If an applicant has, on one or more occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing/revoking the licence. Such offences would include serious violent offences and serious sex offences.
- 14.2 In assessing what action to take, the safety of the travelling public must be the paramount concern.

#### **15. Cautions**

- 15.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence. However, the caution cannot be reconsidered by Officers or Members, as the individual accepted a caution as an admission of guilt.

#### **16. Licensing offences**

- 16.1 Certain offences under taxi legislation such as illegally plying for hire, overcharging and refusing to carry disabled persons and driving without a dual driver licence would normally prevent a licence being granted or renewed until a period of 3 years has passed since the offence.

#### **17. Insurance offences**

- 17.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed and may lead to revocation or suspension of the licence.
- 17.2 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would normally be granted for a dual drivers licence. An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his operators' licence revoked immediately and prevented from holding a licence for three years.

#### **18. Overseas residents**

- 18.1 If an applicant for dual driver or private hire operator has spent six continuous months or more overseas the licensing authority will expect to see evidence of a criminal

record check from the country/countries covering the period.

## **19. Licences issued by other licensing authorities**

- 19.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

## **20. Summary**

- 20.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.
- 20.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall cumulative history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

## Annex A – Motoring offences and court issued penalty points

The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. These codes are recorded from information supplied by the courts (accurate at the time of this Document March 2011).

Code	Offence	Penalty
<b>Accident Offences</b>		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
<b>Disqualified Driver</b>		
BA10	Driving whilst disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6
<b>Careless Driving</b>		
CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other road users	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40	Causing death through careless driving when unfit through drink	3-11
CD50	Causing death by careless driving when unfit through drugs	3-11
CD60	Causing death by careless driving with alcohol level above the limit	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3-11
CD71	Causing death by careless driving then failing to supply A specimen for drug analysis	3-11
CD80	Causing death by careless, or inconsiderate, driving	3-11
CD90	Causing death by driving: unlicensed, disqualified or Uninsured drivers	3-11
<b>Construction &amp; Use Of Offences</b>		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3

C80	Using a mobile phone while driving a vehicle	3
<b>Dangerous Driving</b>		
DD40	Dangerous Driving	3-11
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11
DD90	Furious Driving	3-9
<b>Drink or Drugs</b>		
DR10	Driving or attempting to drive with alcohol level above limit	3-11
DR20	Driving or attempting to drive while unfit through drink	3-11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR80	Driving or attempting to drive when unfit through drugs	3-11
DR90	In charge of a vehicle when unfit through drugs	3-11
<b>Insurance Offences</b>		
IN10	Using a vehicle uninsured against third party risks	6-8
<b>Licence Offences</b>		
LC20	Driving otherwise than in accordance with the licence	3-6
LC30	Driving after making a false declaration about fitness applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical ground	3-6
<b>Miscellaneous Offences</b>		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	As Appropriate
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc.	3
<b>Motorway Offences</b>		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
<b>Pedestrian Crossings</b>		
PC10	Undefined Contravention of Pedestrian Crossing Regulation	3

PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3

<b>Speed Limits</b>		
SP10	Exceeding goods vehicle speed limits	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
<b>Traffic Directions And Signs</b>		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'Stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
<b>Special Code</b>		
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 Years, the driver is liable to be disqualified	
<b>Theft or Unauthorised Taking</b>		
UT50	Aggravated taking of a vehicle	3-11

### **Aiding, abetting, counselling or procuring**

Offences as coded, but with 0 changed to 2 e.g. LC10 becomes LC12.

### **Causing or permitting**

Offences as coded, but with 0 changed to 4 e.g. LC10 becomes LC14.

### **Inciting**

Offences as coded, but with the end 0 changed to 6 e.g. DD40 becomes DD46.

### **Non-endorsable offences**

Some offences are non-endorsable. A non-endorsable offence is an offence which courts do not endorse onto paper counterpart. No penalty points are attributed to these offences but they carry a period of disqualification.

At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

### **Period of time**

Periods of time are signified as follows: D=Days, M=Months, Y=Years Endorsements

remain on a counterpart licence for the following periods of time: Endorsements must

remain on a licence for 11 years from date of conviction if the offence is:

- Drinking/drugs and driving (shown on the licence as DR10, DR20, DR20 and DR80).
- Causing death by careless driving whilst under the influence of drink/drugs (shown on the licence as CD40, CD50 and CD 60).
- Causing death buy careless driving, then failing to provide a specimen for analysis (shown on the licence as CD70).

Or 4 years from the date of conviction if the offence is as listed below:

- Reckless/dangerous driving (shown on the licence as DD40, DD60 and DD80).
- Offences resulting in disqualification.
- Disqualified from holding a full licence until a driving test has been passed. Or 4

years from the date of offence in all other cases.

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# Appendix 5

## **CODE OF GOOD CONDUCT FOR LICENSED DRIVERS**

This Code of Good Conduct should be read in conjunction with the other statutory and policy requirements set out in this document. Ordinarily, but without prejudice to any other disciplinary procedures detailed in this Policy, breaches of the Code of Good Conduct will be dealt with by use of the Penalty Points System contained within ***Appendix 1 of the Taxi Licensing Policy..***

### **Responsibility to the Trade**

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

- (i) complying with this Code of Good Conduct;
- (ii) complying with the Council's Hackney Carriage and Private Hire Licensing Policy;
- (iii) behaving in a civil, orderly and responsible manner at all times.

### **Responsibility to the Public**

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 hiring;
- (d) assist, where necessary, passengers' ingress to and egress from vehicles;
- (e) offer passengers reasonable assistance with luggage;
- (f) behave in a professional and respectful manner at all times.

### **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 illegally;
- (b) keep the volume of all audio equipment and two-way radios to a minimum;
- (c) switch off the engine if required to wait;
- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.
- (e) at hackney carriage ranks, in addition to the requirements above:
  - (i) rank in an orderly manner and proceed along the rank in order and promptly;
  - (ii) remain in the vehicle.
  - (iii) not illegally rank in areas where there is no designated rank
  - (iv) not queue jump at a rank
- (f) at private hire offices:
  - (i) not undertake servicing or repairs of vehicles, unless the property has the appropriate planning permission;
  - (ii) not allow volume of all audio equipment and two-way radios to unduly disturb residents of the neighbourhood;



- (iii) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

## **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 and, in particular, shall not use a hand held mobile phone whilst driving;
- (d) obey all Traffic Regulation Orders and directions at all time;
- (e) not smoke at any time when inside the vehicle;
- (f) not consume alcohol immediately before, or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (g) not drive while having misused legal or illegal drugs;
- (h) fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.
- (i) not eat in the vehicle in the presence of customers.
- (k) use ranks in accordance with the byelaws.
- (l) not ply for hire in a place which is not a rank
- (m) not park on a rank to take breaks or go shopping

## **Disciplinary Hearings**

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

- (i) the driver has been convicted, since the grant of the licence, of an offence involving dishonesty, indecency or violence
- (ii) the driver has been convicted of an offence under any legislation relating to hackney carriage or private hire vehicle regulation
- (iii) the driver has breached any requirements of the Council' Hackney Carriage and Private Hire Licensing Policy. Penalty points may be issued for non-compliance with this code, as per the point system laid down in Appendix 1 of this policy.
- (iii) there is a breach of condition of this code

Details of the workings of the disciplinary hearings are set out in Appendix 2 of this Policy.

# Appendix 6

## Drivers' dress code

The purpose of the drivers' dress code is to seek a standard of dress that portrays a professional image of drivers licensed by the licensing authority and to ensure that public and driver safety is not compromised.

The dress code is a condition of the dual driver's licence and defines what is meant by 'respectable' in dress. Employees working for companies operating their own dress codes will be required to comply with the licensing authority's standard.

### Acceptable standards of dress

- Collared shirts, blouses, polo shirts, or sweat shirts should cover the shoulders and be capable of being worn inside trousers or shorts.
- Shirts or blouses may be worn with a tie or open necked.

### Trousers, shorts and skirts

- Trousers may be either full length or shorts.
- Shorts shall be tailored.
- Trousers and shorts shall be of material of one colour.
- Footwear for all drivers shall fit around the heel of the foot. All the above must be of smart appearance and in good condition.

### Unacceptable standards of dress

- Clothing not being kept in a clean condition and those which have holes and rips.
- Words or graphics on any clothing that is of an offensive or suggestive in nature.
- Sportswear e.g. football or rugby kits, track suits, beach wear, etc.
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- Not having either the top or bottom half of their bodies suitably clothed.
- No baseball caps or hoods worn up whilst in the vehicle.

Failure to comply with this dress code will render a licensed driver liable to the issue of Penalty Points under the council's approved penalty point scheme shown in Appendix 1 of this policy.

**Appendix 7**

**HEREFORDSHIRE COUNCIL**

**OPERATORS' LICENCE CONDITIONS**

**DRAFT**

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## **OPERATORS' LICENCE CONDITIONS**

Herefordshire Council licenses Private Hire Operators under the provisions of Part 11 of the Local Government Miscellaneous Provisions Act 1976 and the Town and Police Clauses Act 1847.

These conditions were approved by the Herefordshire Council's Regulatory Committee on 20<sup>th</sup> March 2007 these conditions will replace all previous conditions and will remain in place until such time the Regulatory Committee approve any amendments or review the conditions.

**All applications received which fall outside the Licensing Authorities Conditions or Policy will be referred to Regulatory Committee for determination and will incur additional costs to be paid by the applicant.**

*(Herefordshire Council will use Government Guidance and Herefordshire Councils Hackney Carriage and Private Hire Licensing Policy to base its decisions)*

### **1.0 LICENCE**

- 1.1 Granting of an Operator's Licence for private hire shall be for a period of 3 years.
- 1.2 The licence is not transferable.
- 1.3 Only the maximum number of vehicles stated on the licence shall operate from the licensed Booking Office.

### **2.0 INSURANCE**

- 2.1 Before the licensed vehicle is used such insurance or securities as are required under Part V1 of the Road Traffic Act 1972 shall be obtained in respect of the vehicle and the certificate in respect of the policy of insurance shall be produced to the Licensing Section for inspection.
- 2.2 On the expiry of the insurance the original cover note or original Certificate of Insurance renewing cover must be produced to the Council prior to or on the day of expiry of the previous certificate. Faxed copies will only be accepted if received from the Insurance Company/Broker direct.
- 2.3 The licence holder shall notify the Council of any change of insurer or any change to the insurance particulars and shall provide full details thereof within two working days of such change.
- 2.4 For premises open to the public evidence of appropriate public liability insurance must be provided.

### **3.0 CONDUCT OF THE OPERATOR**

- 3.1 The Operator shall operate the business in all respects in a manner which does not cause nuisance or inconvenience to the public at large or to persons in occupation of premises adjoining or adjacent to the premises at which he keeps private hire vehicles when not in use.
- 3.2 When booking, the operator shall provide a prompt, efficient and reliable service.
- 3.3 Ensure that when a licensed vehicle has been hired to be in attendance at any appointed time and place, if the vehicle is delayed or prevented by sufficient

cause of attending at the appointed time and place, the hirer be notified where possible of any change to the original booking.

3.4 The Operator shall not knowingly permit to be conveyed in a licensed vehicle, any greater number of persons than that prescribed on the licence plate issued by the Council and affixed to the outside of the vehicle.

3.5 All documents and equipment listed in the conditions must be available for the Council to inspect.

#### **4.0 PREMISES**

4.1 The premises from which the private hire vehicle operates must be within the County of Herefordshire District Council area.

4.2 Kept clean, adequately heated, ventilated and lit, any premises which the Operator provides and to which the public have access, whether for the purpose of booking or waiting.

4.3 Ensure that any waiting area provided by the Operator has adequate seating facilities.

#### **5.0 CONSENTS**

5.1 The Operator shall be responsible for ensuring that Planning Permission is in force in respect of the premises from which the licensee operates. Evidence of appropriate Planning Permission must be shown at the time of application. Including exemptions where they apply.

5.2 The Operator shall ensure the number of vehicles used at the premises comply with any Planning Permission in force.

#### **6.0 CHANGE OF DETAILS**

6.1 The Operator shall disclose to the Council in writing within seven days, any changes in the particulars shown on the application form relating to this licence.

6.2 The Operator shall notify the Council in writing of any changes of address (including any address from which he operates or otherwise conducts his business as an Operator) within seven days of the change taking place.

#### **7.0 CONVICTIONS**

7.1 Within seven days the Operator shall notify the Council in writing of any convictions imposed on him/her (or if the Operator is a company, any conviction imposed on the company) during the period of the licence, giving full details of the charge, conviction, and any penalty imposed together with any other information that the Council may request.

#### **8.0 RECORD KEEPING**

8.1 The licensed Operator shall keep and maintain at all times for a period of not less than six months, a record of hiring showing the particulars of every booking of a private hire vehicle, including any booking accepted at the request of another operator.

8.2 The record shall be kept in the form of a log sheet or computer database detailing in particular.

- (a) Time and date of booking.
- (b) Name and where possible address of hirer.
- (c) How the booking was made (i.e. by telephone, personal call, etc).
- (d) Time of pickup.
- (e) Point of pickup.
- (f) The destination.
- (g) Time at which a driver was allocated to the booking.
- (h) Registration/unique identity number of the vehicle allocated for the booking.
- (i) Remarks (including details of any subcontract).

8.3 For record of bookings the entries shall be numbered consecutively and the information shall be entered before the commencement of each journey.

8.4 The licensed Operator who wishes to operate a computer booking system must have permission from the Council.

8.5 Where a computer system has been agreed the Operator must provide details of the security arrangements in relation to the entry of booking and provide a list of persons authorised to make those entries.

8.6 The Operator shall also keep records of all particulars of all private hire vehicles operated by them, to include:

- (a) Type and make of vehicle.
- (b) Vehicle registration number.
- (c) Owner of vehicle.
- (d) Driver of vehicle.
- (e) Private Hire vehicle plate number.
- (f) A copy of a suitable policy of insurance.

8.7 The Operator shall not as part of his trading name use the words "taxi" or "cab", unless 70% of the fleet consists of licensed hackney carriage vehicles. On private hire vehicles the word Taxi or Cab must not be used even if it forms part of the Company name.

8.8 The Operator shall keep a record of dual drivers employed by them and shall produce to the Council on demand details of the drivers employed.

8.9 The Operator shall notify the Council in writing, within seven days, the name and address of any driver who ceases to be employed by the Operator for whatever reason.

## **9.0 TELEPHONE/RADIO EQUIPMENT**

9.1 Ensure that any telephone facilities and radio equipment provided are maintained in a appropriate working condition and that any defects are repaired promptly.

9.2 The licensed Operator shall ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the D.T.I licence.

## **10.0 DRIVERS USED BY THE OPERATOR**

10.1 Only drivers currently licensed by Herefordshire Council as dual drivers may be employed to drive by the Operator.

## 11.0 COMPLAINTS

- 11.1 The Operator shall keep a record of all written complaints, which must be available for inspection by an Authorised Officer at all times.

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# APPENDIX 8

HEREFORDSHIRE COUNCIL

**CONDITIONS ATTACHED TO  
PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE LICENCE**

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## CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE LICENCE

Herefordshire Council licenses both Hackney Carriage and Private Hire Vehicles under the provisions of Part 11 of the Local Government Miscellaneous Provisions Act 1976 and the Town and Police Clauses Act 1847.

These conditions were approved by Herefordshire Council's Regulatory Committee on **9<sup>th</sup> March 2010**. They replace all previous conditions and will remain in place until such time as the Council approve any amendments or review the conditions.

**All applications received which fall outside the Licensing Authority's Conditions or Policy (including late renewal applications) will be referred to Regulatory Committee (or an equivalent panel) for determination and this will incur additional costs to be paid by the applicant.**

Note: although the fee must be paid before committee, the committee has the ability to waiver the fee if appropriate after the hearing

*(Herefordshire Council will use government guidance and Herefordshire Council's Hackney Carriage and Private Hire Licensing Policy to base its decisions upon)*

### **Section 1: LICENSING OF VEHICLES - GENERAL**

- 1.1 The conditions shown below apply to all applications for new hackney/private hire licenses and for all renewal applications.
- 1.2 Any vehicle to be licensed must have Category M1 shown on the registration document unless meeting Condition 1.3 or 1.4.
- 1.3 A vehicle of Category M2 (as shown on the registration document) may be licensed providing that the vehicle has passed an enhanced VOSA Single Vehicle Approval (SVA) test and the applicant has provided a written self-declaration that no changes have taken place to that vehicle since the SVA test was passed.
- 1.4 A vehicle of Category N1 will be considered if it complies with 1.5 below.
- 1.5 Vehicles which have been manufactured or adapted by a manufacturer or installer approved by Herefordshire Council can be licensed, provided that supporting documentation has been supplied to prove this, as well as a written self-declaration declaring that the vehicle has not been altered since its initial manufacture or adaptation.
- 1.6 Where a vehicle is not manufactured by an approved manufacturer, an enhanced VOSA Single Vehicle Approval Pass Certificate must be provided which includes category P for non-wheelchair access vehicles and categories P and D if the vehicle is wheelchair accessible. A written self-declaration shall also be provided, declaring that the vehicle has not been altered since initial manufacture/ conversion.
- 1.7 All vehicles must meet the criteria as laid out in Section 4.
- 1.8 New/replacement vehicles shall not be permitted if they were registered prior to the year 2000.
- 1.9 The licence shall not be transferred until the vehicle reaches five years of age.
- 1.10 All vehicles over six and twelve years of age shall be subjected to additional tests in accordance with the provisions set out in section 20.

- 1.11 A wheelchair access vehicle cannot at any time be replaced for a non-wheelchair access vehicle, unless the first licence for that plate was issued for a non-wheelchair access vehicle before 2002. The only exception is on a temporary transfer and then only in accordance with section 15.
- 1.12 A non-wheelchair access vehicle may be replaced with any vehicle which complies with the requirements contained in Section 4.
- 1.13 No vehicle will be licensed to carry more than 8 passengers in total.

### **Section 2 - NEW HACKNEY VEHICLE LICENCE**

- 2.1 The vehicle to be licensed shall be a wheelchair accessible vehicle and shall be so constructed or adapted to carry disabled persons whilst remaining in their wheelchair.
- 2.2 The vehicle, when initially submitted for licensing, shall not be more than five years old. The age of the vehicle shall be determined by the date of its first registration, as shown on the registration document. The condition at section 2.1 shall remain attached to the licence for each subsequent renewal or transfer.
- 2.3 The vehicle licence shall not be transferred to another vehicle until the vehicle reaches five years of age and then only to another wheelchair accessible vehicle.
- 2.4 The vehicle licence can be transferred if the vehicle is written off or it is on a temporary transfer basis following breakdown or damage, in which case it shall be replaced in accordance with section 15 or section 2.1 if the vehicle is being replaced on a permanent basis.

### **Section 3 - NEW PRIVATE HIRE VEHICLE LICENCE**

- 3.1 For a new Private Hire Licence application, the vehicle to be licensed shall not be more than:
  - i. 5 years old for a wheelchair accessible vehicle that conforms to section 6 or
  - ii. Two years old for any other type of vehicle.

The age of the vehicle shall be determined by the date of first registration on the registration document. The vehicle must comply with the vehicle specifications contained in section 4.

- 3.2 If the vehicle is wheelchair accessible it shall be so constructed or adapted so that it can carry disabled persons whilst remaining in their wheelchair and comply with section 6.
- 3.3 The licence cannot be transferred to another vehicle until the vehicle reaches five years of age, for a wheelchair accessible, or two years of age for any other. It can, however, be transferred if the vehicle is written off or it is on a temporary transfer basis following breakdown or damage, in which case it shall be replaced in accordance with section 15 or section 3.1 if the vehicle is being replaced on a permanent basis.

### **Section 4 - VEHICLE SPECIFICATION**

- 4.1 The vehicle to be licensed shall, according to the manufacture's specification, have or be: -
  - a) Right hand drive.
  - b) All body panels to be of the same colour.
  - c) A capacity for a minimum of four seated passengers and a maximum of eight.
  - d) A minimum of four doors

- e) Either a separate luggage compartment or have a fixed screen (of sufficiently sturdy construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment, which shall be kept in position at all times. People carriers and multi purpose vehicles (MPVs) shall have a means of securing luggage whilst transported in the vehicle.
- f) A serviceable spare tyre, or run flat type tyre, jacking equipment and wheel brace.
- g) Road wheels with tyre load ratings set at the manufacturer's recommendations. The use of remoulds will not be permitted.
- h) A permanent roof which is watertight. Sunroofs are only allowed if fitted as new by the vehicle manufacturer.
- i) Equipped with fully functional nearside and offside exterior rear view mirrors.
- j) All windows/doors opening in accordance with the original vehicle specification or for legal conversions in accordance with a suitable compliance test.
- k) A rear seat with at least 41 cm seating space per passenger.
- l) A suitable boot able to carry passenger luggage in all saloons and estate vehicles. This must be capable of carrying three suitcases of size 70 x 46 x 32 cm.
- m) No bull bars or similar attached.
- n) The clear height for the top of the doorway not less than 1.2 metres.
- o) Unobstructed access to all emergency doors or exits. (Seats must be located to facilitate this).

## **Section 5 - MINI BUSES & MPVs**

- 5.1 These are in addition to all other conditions and apply to mini buses and MPVs that are licensed as private hire vehicles and taxis.
- 5.2 All doors must be capable of being opened from the inside.
  - i. The vehicle must have at least two doors to the rear of the driver for the exclusive unobstructed use of passengers.
  - ii. All doors must show the method of operation of door lock operating levers, i.e. they shall depict "Pull" or "Push" with directional arrows in 5cm letters.
  - iii. All emergency doors must be clearly identifiable to passengers and shall be clearly marked "Emergency Exit" in 5cm letters.
- 5.3 All steps at entrances and exits shall be illuminated or have clearly visible markings at floor level.
- 5.4 Where the internal floor height of the vehicle exceeds 12ins (305mm) Intermediate steps shall be fitted every 9ins (228mm) from road level up to the internal floor height.
- 5.5 The tread area of all steps shall have a minimum depth of 6ins (152mm) and shall have a slip resistant surface.
- 5.6 All steps shall be capable of supporting the weight of 150 kg.

## **Section 6 - WHEELCHAIR ACCESSIBLE VEHICLES**

- 6.1 These are in addition to all other conditions and apply to wheelchair accessible vehicles.
- 6.2 Restraints for the wheel chair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair (whether folded or otherwise) when not in use if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers.
- 6.3 The door used for disabled access shall be so constructed as to permit an unrestricted opening across the width of the doorway of at least 75cm. If the door is not of the sliding type the minimum angle of the door for wheelchair access when opened must be 90 degrees (i.e. perpendicular to the vehicle).

- 6.4 Grab handles shall be placed at door entrances to assist the elderly and disabled.
- 6.5 The top of the tread for any disabled person entrance shall be at floor level of the passenger compartment and shall not exceed 38cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance shall be fitted with non-slip treads.
- 6.6 The vertical distance between the highest part of the floor and roof in the passenger compartment shall not be less than 1.3m.
- 6.7 A ramp or ramps for the loading of a wheelchair and occupant shall be available at all times (other than where there is a mechanical tail lift fitted). An adequate locking device shall be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision shall be made for the ramps to be stowed safely when not in use.
- 6.8 All vehicles fitted with a mechanical tail lift shall supply a tail lift safety certificate to the Council annually. This shall be supplied to the Licensing Section upon renewal of the vehicle licence.
- 6.9 Wheelchair accessible hackney carriages shall be capable of being used as such immediately and without modification.
- 6.10 In the case of a Private Hire Vehicle fitted with wheelchair facilities, the vehicle can be adapted and the wheelchair provision not counted as a permanent seat. However, the wheelchair facilities shall be maintained for use when required through a pre-booking.
- 6.11 All passenger rear doors to be hinged vertically or sliding.

#### **Section 7 - LPG SAFETY CHECK**

- 7.1 LPG installations shall comply with the LPG Gas Association's code of practice 2. A valid certificate confirming its compliance shall be given to the Licensing Section for photocopying when the installation is new.
- 7.2 No licence shall be renewed until a valid certificate is produced to the Council confirming that a safety check has taken place and that the vehicle is safe. This shall be provided annually.

#### **Section 8 - SEAT BELTS**

- 8.1 Seat belts shall be fitted to all seats in all licensed vehicles. They shall be readily accessible for use by all passengers and shall be maintained in a good condition and kept in a useable and safe state of repair at all times.

#### **Section 9 - ALTERATIONS**

- 9.1 No alterations to any equipment, dimensions or other specifications shall be undertaken in a licensed vehicle without the prior consent of an Authorised Officer of the Licensing Section.
- 9.2 For the avoidance of doubt, alterations include both additions to and the removal of any existing equipment in, or on, the Licensed Vehicles.

## **Section 10 - SIGNS**

10.1 The Licensed Vehicle shall be of such a design or appearance or bare such distinguishing marks as the Council may require, clearly identifying it as a Licensed Vehicle. The under-mentioned signs shall be applicable in respect of this condition.

- a) All licensed vehicles (except purpose built Hackney Carriages with a built in roof sign and Private Hire Vehicles) are to have roof signs the minimum width of which is to be 60cm, with "Herefordshire Council" above and "Licensed Hackney Carriage" below the word "Taxi" on both the front and rear. The front of the sign shall be green in colour as specified by the Council. The rear of the sign shall be red in colour and may show a fleet number, not more than 7.5cm in diameter, in the top right hand of the sign. No other markings shall be permitted on the roof signs. The licence holder and driver of the taxi shall maintain the sign in efficient working order at all times. The sign shall be capable of being so operated that at night it indicates clearly and conveniently to persons outside the carriage whether or not the vehicle is available for hire.
- b) The roof sign shall be displayed on the front part of the roof.
- c) Both front doors of all Licensed Hackney Carriages shall display a sign incorporating Herefordshire Council's corporate logo together with the vehicle licence number, in the following dimensions: the sign shall be a minimum of 60cm x 19cm wide with lettering measuring at least 6cm in height. The sign shall be the adhesive type and shall not be magnetic. However, magnetic signs may be permitted on a short term temporary basis and then only with the written authority of the Licensing Section. The sign shall be located on the top half of the door where it is clearly visible to the public.
- d) No other sign shall be permitted on either front door, unless it is part of a whole vehicle body wrap advert, which leaves space for the door signs.
- e) Private hire vehicles that wish to advertise their operator details on the vehicle shall also display two adhesive signs one on each front door of the vehicle which states "Private Hire and Advanced Booking Only". The lettering must measure at least 6cm in height. Magnetic signs may be used for temporary use vehicles.
- f) In addition to the Council's official plate, private hire vehicles may fix on any rear door of the vehicle a non-illuminated sign of a size not exceeding 60cm x 19cm, the lettering to be not more than 7.5 cm in height, and can be reflective. The sign may contain the following information advertising the company:-
  - i. Name of operator
  - ii. Telephone number of operator

10.2 Two or more notices shall be displayed within the vehicle, in a conspicuous location, indicating "NO SMOKING". Such notices shall be clearly visible to passengers.

10.3 Private hire vehicles may not use the words 'taxi' or 'cab' anywhere on the vehicle.

## **Section 11 - LICENCE PLATES AND BADGES**

11.1 For all licensed vehicles, the council licence plate and/or bracket shall be securely fixed to the rear of the vehicle by directly fixing it to the bodywork or bumper. It shall be clearly visible when looking at the rear of the vehicle. The council licence plate must not obscure the number plate or any obligatory lights on the vehicle. No council licence plate shall be fitted on any other area, including the rear window.

11.2 The licence plate shall remain the property of the Council and shall be returned to Herefordshire Council upon expiry, suspension or revocation. All licence plates shall be

returned within 5 working days of the issue of the new plate and can be returned to any of the Info Centres within Herefordshire.

- 11.3 The loss of, damage to or illegibility of a plate or badge shall be reported to the Council as soon as the loss, damage, or illegibility becomes known and a duplicate shall be issued at the expense of the Licence Holder. The vehicle shall not be used for hire until the Plate or Badge has been replaced.
- 11.4 The holder of the licence is strictly prohibited from transferring or purporting to transfer any interest in the licensed vehicle. If at any time during the period of the vehicle licence the proprietor for any reason does not wish to retain the vehicle licence, the person must immediately surrender and return the vehicle licence and the licence plates to the Council. This condition shall not preclude the transfer of any interest in the licensed vehicle as part of the transfer/sale of the business to a new owner.
- 11.5 All renewal applications received after the date of expiry shall be treated as grants and not renewals and the appropriate conditions and fees shall apply.
- 11.6 However, the Licensing Officer has the authority to renew the plate in the 7 day period following expiry. The plate shall only be renewed until the sitting of the next Regulatory Committee (or equivalent panel) who will consider whether to continue to allow the plate renewal. At the time of drafting these conditions, the fee for the referral is £150 and is payable before the committee hearing. This fee may be revised by the Council from time to time.
- 11.7 Any application received prior to the expiry date of the existing licence shall be treated as a renewal. However no plate or badge shall be issued until such time as all the required documents have been received and accepted by Herefordshire Council's Licensing Section.

Note: In such cases there shall be no need to go in front of the Regulatory Committee.

#### **Section 12 - ADVERTISING**

- 12.1 No advertisement shall be placed on any vehicle unless the content of the advertisement and the proposed location on the vehicle has been agreed by the Licensing Section and written authorisation given by them.
- 12.2 The advertisements will be assessed against the following criteria:
  - Non sexual
  - Non discriminatory
  - Not to cause public offence
  - Not misleading
  - Location does not distract from council vehicle signs
  - Not to obscure vision of the driver

#### **Section 13 - TAXIMETER/FARES**

- 13.1 Licensed vehicles equipped with a taximeter of approved design (compulsory for a hackney carriage but optional for private hire vehicle) must be submitted for testing before operating within Herefordshire Council's area and shall be subject to further tests as and when required by the Licensing Section.
- 13.2 A proprietor of a licensed vehicle shall not tamper with or permit any person, other than a properly authorised person or approved technician, to alter or adjust any taximeter with which the vehicle is provided, its fittings or with the seals affixed to the equipment.
- 13.3 The proprietor of a Hackney Carriage shall cause a statement of fares (as set by the Council) to be exhibited inside the carriage, in clearly distinguishable letters and figures.



- 13.4 The proprietor of a Hackney Carriage shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.
- 13.5 The proprietor of a licensed vehicle shall deposit with the Licensing Section a copy of the statement of fares referred to above if the prices differ in any way from those that are in force at the time for Hackney Carriage vehicles licensed by the Authority.

#### **Section 14 - VEHICLE DAMAGE**

- 14.1 Any damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein shall be reported to the Licensing Section within 24 hours or, when the office is closed, within 24 hours of it re-opening. Where considered necessary, arrangements shall be made for the Licensing Section to inspect the vehicle. If following inspection and considered necessary by an Officer of the Council, written consent must be received before the vehicle can be used again. The vehicle must not be used other than for the purpose of taking it for repair or inspection if the vehicle is deemed unfit for use.

#### **Section 15 - ACCIDENTS AND TEMPORARY VEHICLE TRANSFER CONDITIONS**

- 15.1 Accidents involving personal injury to passengers shall be notified to the Police. The Licensing Section shall also be notified as soon as possible but in any case within 24 hours or, when the office is closed, within 24 hours of it re-opening.
- 15.2 Vehicles that have sustained major accident damage will be required to provide a satisfactory steering geometry and alignment report. This shall be in the form of a written or printed document from an approved VBRA vehicle repairer. In addition the vehicle shall be required to undergo a further compliance test.
- 15.3 Vehicles which replace a licensed vehicle on a temporary basis shall meet the requirements contained within the standard vehicle licence conditions
- 15.4 All licensed vehicles including wheelchair accessible are allowed to be temporarily substituted by a standard vehicle for use as a replacement, but only for a limited period to be agreed with the Licensing section. This replacement shall comply with section 1 and 4 plus all other relevant conditions.
- 15.5 A temporary transfer will be valid for a 2 week maximum period unless authorised by the Licensing Section due to extenuating circumstances.
- 15.6 If the transfer takes place during normal office working hours, the licensing Section shall be notified before the transfer takes place. Transfers outside of normal office working hours shall be notified to the Licensing Section immediately after the office re-opens. In either case, no temporary transfer vehicle can be used without it having a licence plate attached to it.
- 15.7 Vehicles used as a temporary transfer vehicle must have a "Certificate of Readiness" which incorporates a certificate of compliance, inspection sheet. Valid insurance must be valid prior to the vehicle being used. Such vehicles shall comply with Section 4 of the standard licence conditions.

#### **Section 16 - INSURANCE**

- 16.1 Before the licensed vehicle is used, such insurance or securities as are required under Part V1 of the Road Traffic Act 1972 shall be obtained in respect of the vehicle. The certificate for the policy of insurance shall also be produced to the Licensing Section for inspection. The policy must show that the vehicles are suitably insured for 'hire and reward' purposes.
- 16.2 On the expiry of the insurance, a cover note or 'Certificate of Insurance' renewing cover must be produced to the Licensing Section prior to or on the day of expiry of the previous

certificate. Photocopies of the original can only be made by Council staff and faxed copies shall only be accepted if received from the Insurance Company/Broker direct.

- 16.3 The proprietor shall ensure that a copy of the Certificate of Insurance is kept in the vehicle at all times, and this shall include details of drivers authorised under the policy to drive the vehicle.
- 16.4 The licence holder shall notify the Council of any change of insurer or any change to the insurance particulars and shall provide full details to the Council of these alterations within two working days of such a change.

**Section 17 - NOTIFICATIONS**

- 17.1 The proprietor of a licence shall produce details of drivers licensed by Herefordshire Council permitted to drive by him/her to the Licensing Section.
- 17.2 The proprietor shall notify the Council of any change in the list of drivers within seven days of the change.
- 17.3 The licence holder shall, within seven days, notify the Council in writing of any change of address and produce the vehicle licence to the Licensing Section so that the new address may be endorsed there.

**Section 18 - SAFETY EQUIPMENT**

- 18.1 The vehicle shall be equipped with and carry at all times a British Safety Approved fire extinguisher, which is serviceable. It shall be suitable for use on vehicle fires and shall be located in a position for use by the driver. This must be permanently marked with the vehicle's Hackney Carriage or Private Hire licence number.
- 18.2 The vehicle shall be fitted with first aid equipment. The first aid kit must be carried in the vehicle in such a position as to be readily available for use and bear the plate number of the vehicle indelibly marked. It shall contain as a minimum the following items in Table 18.3 below as prescribed in the Public Service Vehicles (Condition of Fitness, Equipment, Use and Certification) (Amendment No.2) Regulations 1986. This equipment shall be permanently marked with the vehicle's Hackney Carriage or Private Hire licence number.

<b>Table 18.3</b>	<b>Item</b>	<b>Quantity</b>
	Suitable container in which to carry first aid items. Permanently marked with the vehicle plate number	1
	Basic instruction card covering expired air respiration, external cardiac compression, treatment of shock, recovery position and treatment for bleeding control	1
	Triangular bandages	2
	Large sterile unmedicated dressing (not less than 15.0 cm x 20.0 cm)	3
	Individually wrapped sterile adhesive dressings	24
	Safety pins	12
	Disposable gloves	1 pair
	Antiseptic wipes	10
	Disposable bandage (not less than 7.5 cm)	1
	Sterile eye pads with attachments	2
	Tuff-Kut scissors	1 pair

## Section 19 - TRAILERS

- 19.1 Written permission shall be obtained from the Licensing Section to use trailers.
- 19.2 Trailers shall only be used in connection with private hire bookings and shall not be used for plying for hire on any rank. Trailers shall comply with the following standards:
- i. Unbraked trailers shall be less than 750 KGs gross weight.
  - ii. Trailers over 750kgs gross weight shall be braked, acting on at least two road wheels.
  - iii. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
  - iv. A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer whenever in use.
  - v. The maximum permissible length of the trailer shall be 7 metres, including the drawbar and coupling.
  - vi. The width of the trailer shall not be greater than the towing vehicle, subject to no trailer being wider than 2.3m.
  - vii. The maximum length for braked twin axle trailers is 5.54m.
  - viii. The trailer shall at all times comply with all Road Traffic legislation requirements, and in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986.
  - ix. The vehicle insurance shall reflect cover for towing a trailer.
  - x. Trailers shall not be left unattended anywhere on the highway.
  - xi. The speed restrictions applicable to trailers shall be observed at all times.
  - xii. The registration number plate and the vehicle plate of the Private Hire Vehicle shall be attached to the rear of the trailer.
  - xiii. The trailer shall be inspected annually and shall be considered to be satisfactory by the Council.

## Section 20 - VEHICLE INSPECTION (see appendices 1 & 2)

- 20.1 Prior to the issue or renewal of a licence, all vehicles and trailers shall be mechanically inspected at the Council's Testing Depot, as per appendices 1 and 2 attached. Frequency of testing will generally be dependent on the age of the vehicle (see table in condition 21.2 below). However, when the VOSA tester identifies that additional testing may be required due to the condition of the vehicle, then following consultation with the Licensing Officer, the frequency of these tests can be increased to three per year.
- 20.2 All vehicles shall pass the Council's compliance test before each renewal.

AGE OF VEHICLE	TYPE OF VEHICLE	FREQUENCY OF TEST PER YEAR
1-6	Car, minibus, people carriers (MPV), disabled access, stretched limousines	x 1
6-12	Car, minibus, people carriers (MPV), disabled access, stretched limousines	x 2
Over 12	Car, minibus, people carriers (MPV), disabled access, stretched limousines	x 3

- 20.3 The second test may be an MOT test and these tests shall be carried out 6 months apart. In the case where 3 tests are required per year, these must be carried out 4 months apart and the 2<sup>nd</sup> and 3<sup>rd</sup> tests may be an MOT.
- 20.4 Should a vehicle fail to pass an inspection on a major failure, the vehicle inspector or authorised officer of the Council will notify the licensee that the licence has been suspended, if this is deemed necessary. The vehicle shall then be required to be

resubmitted to the depot within seven calendar days and a re-test fee shall be applicable. This seven-day limit shall also apply to any instruction issued for a vehicle to be presented for inspection. When the vehicle tester identifies to the driver that the vehicle has failed the required test for public or road safety reasons, then it shall not be used for hire or reward until the suspension is lifted.

- 20.5 An authorised officer, an officer nominated by the Council or any police constable shall have the power at all reasonable times to inspect and test any vehicle licensed by the Council for the purpose of ascertaining its fitness. All persons named above will have identification which can be produced at the time of inspection.

### **Section 21 - RADIOS**

- 21.1 All telephone facilities and radio equipment provided shall be maintained in a safe condition and any defects shall be repaired promptly. The licensed operator shall ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment shall only be used on the frequencies stipulated in the D.T.I licence and the licensed operator shall allow the Council access to inspect all equipment and D.T.I licenses.
- 21.2 All telephone facilities and radio equipment provided shall not interfere with any other radio or telecommunication equipment.
- 21.3 Where apparatus for the operation of a two-way radio, data heads or GPS systems are fitted, no part of the apparatus shall be situated in a way which could cause accident or injury to a passenger, nor shall it be placed in the rear boot compartment if LPG tanks are situated in them.

### **Section 22 - GENERAL CONDITIONS**

- 22.1 The proprietor of a licensed vehicle shall not convey or permit to be conveyed in such a vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle.
- 22.2 All vehicle proprietors shall maintain a reasonable standard of behaviour in their dealings with the general public, other licensed operators, proprietors, and drivers of licensed vehicles, as well as authorised officers of the Council.
- 22.3 The proprietor or driver of a licensed vehicle licensed by the Council shall furnish the authorised officers with such information relating to either the drivers or vehicles as is necessary to enable them to undertake their duties.
- 22.4 The proprietor or driver of a licensed vehicle licensed by the Council shall provide any reasonable assistance necessary for carrying out the functions of the appropriate legislation to an authorised officer and any person accompanying the authorised officer.
- 22.5 The authorised officer shall show their authorisation if required.

### **Section 23 - CCTV**

- 23.1 All new hackney carriage vehicles will have council approved CCTV installed before they are allowed to ply for trade or hire. All existing hackney carriage vehicles shall have council approved CCTV installed before 12<sup>th</sup> July 2015 (i.e. three years from the date of the revised policy being ratified by Cabinet).
- 23.2 All such recording CCTV equipment shall be fitted only with the written consent of the Council. Where CCTV equipment is fitted, an approved sign shall be displayed in the vehicle warning customers that camera surveillance equipment may be in operation. Any image captured by the camera shall only be viewed by an authorised officer of the Council, by the Police, or by the dedicated System Operator. The dedicated system operator must have a valid CRB enhanced certificate, the details of the operator and compliance with the Data Protection Act must be notified in writing to the Council.

## Section 24 - STRETCHED LIMOUSINES

- 24.1 For stretched Limousines, conditions 24.2 to 24.8 below are inclusive and override conditions 2.1, 3.1, 4.1(a) and 4.1(c).
- 24.2 On being presented for licensing for the first time the vehicle shall have at least one of the following:
- (i) A UK Single Vehicle Approval Certificate
  - (ii) A European Whole Vehicle Approval Certificate
  - (iii) A UK Low Volume Type Approval Certificate
  - (iv) Limousine Declaration of Condition of Use
- 24.3 All operators shall be required to sign a declaration that the vehicle shall not carry more than 8 passengers (even if there are more than 8 passenger seats within) and that at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer.
- 24.4 Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale or supply of alcohol.
- 24.5 Stretched limousine vehicles shall comply with the existing Conditions of Licence applicable to all licensed private hire vehicles, with the exception of those listed at paragraph 24.1 above.
- 24.6 The fee shall be the same as for a private hire licence.
- 24.7 No licence issued to a stretched limousine shall be transferred to any other type of vehicle.

## APPENDIX A

### HEREFORDSHIRE COUNCIL

#### LICENSED VEHICLE TESTING STANDARD – MECHANICAL AND STRUCTURAL

Items for test in addition to MOT test.

The item numbers refer to the item codes on the test sheet.

29	Spare Tyre	Correct size for vehicle and conforms to legal requirements.
32	Seat Belts	All seat belts must conform to legal requirements and be operational
33	Wiring	Ensure that correct load fuses are being used. Ensure that visible wiring is not so corroded or chaffed that in the opinion of the tester a short circuit is likely to occur. That all junctions and installations are electrically sound.
34	Battery	Ensure that the battery mounting is not so corroded that the battery may break loose. Ensure that the battery is anchored securely. Ensure that the casing of the battery is sound and is not likely to allow acid to escape.
35	Starter Motor	Ensure starter motor is mounted securely
36	Engine Mountings	Mountings must be secure and not so corroded that they may be likely to fail.
37	Oil Leaks	Oil leaks must not create any type of hazard for the vehicle, pedestrians or other road users.
39	Drive Shaft	Universal joints must be serviceable and mountings secure. There must not be any undue 'play'.
40	Gearbox	Mountings must be secure and not so corroded as to be likely to fail. Gear selection must not be noisy.
41	Rear Axle	No oil leaks

43	Clutch Operation	Must operate satisfactorily and not 'judder', 'grab' or 'slip' outside normal limits.
44	Clutch Linkage	No signs of undue wear and are not likely to fail.
45	Clutch Hydraulics	System, if fitted, must not be leaking or the pipes and fittings so corroded that they may fail.
46	Fuel System	Inspected for security, corrosion and leaks.
50	Windscreen	Screen must be clear and there are no scratches, damage or obstructions, which will impede the view of the driver.
51	Windows	All windows must be clear of any obstructions or damage, which will in any way impede the view of the driver. No curtains must be placed over the windows and any blinds if installed must not be of a type, which will restrict all round vision. All windows must be capable of being operated in a satisfactory manner. All windows must be fitted with glass, which complies with the British Standard.
54	Vehicle Structure	The structure must be in a sound condition with no signs of corrosion or damage.
55	Speedometer	The speedometer shall work in a normal manner.
56	Odometer	The odometer shall work in a normal manner
57	Mirrors	All mirrors must be securely mounted and not cracked, broken or corroded so as to distort any view to the rear. Where a mirror is intended to be adjustable it must be capable of being adjusted.
58 59	Doors / Handles / Locks	All doors, including boot, must open and close easily from both inside and outside. Any door locking mechanism shall be easily operated by passengers. All doors and boots shall be secure when shut. All lock fittings shall be secure and complete. Grab handles where fitted must be secure and fit for the purpose.
60	Fascia / Interior Lights	The speedometer shall be correctly illuminated. All interior and passengers lights where fitted shall be secure and operate. All switches and fittings shall be secure and operate correctly. There shall be no exposed wires or large holes in the fascia.
61	Bumper	Front and rear bumpers must be fitted and securely mounted. They must not be damaged or corroded.
62	Road Test	The vehicle must be capable of manoeuvring safely and must handle correctly without any undue drift or pull etc
63	Registration Plates	Checked for condition, correct location and that they conform to legal requirements.
65	Other	Any item, defect or fault which in the opinion of the Licensing Officer or the mechanical tester which renders the vehicle in their opinion, to be unfit for use as a hackney carriage or private hire vehicle will be noted as a fail.
66	First Aid Kit	The kit must comply with conditions 19.2 & 19.3
67	Fire extinguisher	Must comply with condition 19.1

## APPENDIX B

### HACKNEY CARRIAGES

#### TESTING STANDARD – APPEARANCE / SAFETY / COMFORT / COMPLIANCE WITH LICENCE CONDITIONS

Items considered in test: -

#### 1.0 External Bodywork

The body work shall have no damage which materially affects the safety or appearance of the vehicle, shall not have signs of corrosion or have any sharp edges which may cause injury to passengers. The paintwork shall be clean, consistent and uniform over the whole vehicle. The paintwork shall be of a professional standard. All fitments shall be intact and free from any damage, stains or corrosion of any kind.

#### 2.0 Seats and Upholstery

All seats, upholstery, trim and carpets must be clean and free from stains, holes, tears and damage of any form. There must be no sharp edges which would be likely to cause injury or damage. Seat coverings must be sound, intact, fitted snugly to seats and be clean. The interior seat springs shall be sound and not penetrating the fabric of the seat. There shall be no loose rugs, blankets, cushions or other articles on the passenger seats.

#### 3.0 Floor

The floor must be sound and covered by fitted vehicle carpets. If furnished with rubber mats they must be in a clean and undamaged condition. Carpet off cuts are not acceptable as mats in the vehicle. Only one mat per seat is acceptable. The floor coverings must not be so worn as to cause danger to passengers.

#### 4.0 Doors

All fittings shall be secure, undamaged and capable of being operated at all times by the passenger. The door linings shall be intact, clean and free from holes, tears, stains or any other damage.

#### 5.0 Head Lining

The head lining shall be intact, clean and free from holes, tears, stains or any other damage.

#### 6.0 Boot

The boot shall be kept clean and free of any stains, spills etc. Matting if fitted must be in one piece and be capable of being cleaned. The boot must be kept clear for the use of passenger's luggage apart from the spare wheel and jack (and excepting specialised fitments for first aid or other equipment etc).

#### 7.0 Fire Extinguishers

A fire extinguisher (of the specified type) must be located in an accessible position and a notice displayed in the vehicle to identify its location. The fire extinguisher must be so secured and unobstructed that it will not create any danger or hazard for the driver or passengers. The extinguisher shall be clearly marked with the number of the licence when granted, in a manner acceptable to Officers of the Licensing Unit.

## **8.0 First Aid Kits**

First Aid kits shall be available to PSV standard. The kit shall be marked with the number of the licence when granted, in a manner acceptable to Officers of the Licensing Unit.

## **9.0 Taximeter**

The taximeter shall be checked and tested to ensure that the current tariffs set by Herefordshire Council are not exceeded. The taximeter may be sealed by the Inspecting Officer, as he/she considers necessary.

## **10.0 Fare Card**

The fare card must be clearly displayed in such a position as to be easily seen by passengers.

## **11.0 Internal Plate Sticker**

The internal plate sticker shall be displayed in such a position as to be easily seen by the passengers.

## **12.0 Exterior Plate**

The external identification plate issued by the Council shall be securely fixed to the vehicle in such a position as to be clearly visible from the rear of the vehicle, or, centrally on the rear of the vehicle, where a bracket behind the registration number plate is used.

## **13.0 Top Light**

The top light where fitted must be capable of being illuminated. The light must be securely mounted and installed so as not to cause any danger or hazard to the driver, passengers, the public or other road users.

## **14.0 Vehicle failure**

Where in the opinion of the Inspecting Officer the vehicle fails to reach the standard required by the Council for the issue of a hackney carriage licence, the applicant(s) or nominee will be informed of the defects or grounds on which the vehicle has failed to reach that standard. The applicant(s) or nominee will then be given the choice of: -

Removing the vehicle from the test garage for the defects to be rectified and returning the vehicle within 7 days and/or 200 miles (where the vehicle is normally kept within 10 miles of the testing station), or within 7 days and/or 300 miles (where the vehicle is normally kept more than 10 miles from the testing station). The applicant or nominee shall also pay the appropriate re-test fee if required.

If the vehicle is not returned for re-test within 7 days the applicant or his/her nominee shall inform the Licensing Unit of the reasons why and any proposed further actions to be taken in respect of the vehicle. Re-tests after 7 days may incur full application fees.

**Please note: - This list is not exhaustive and additional items may be included as deemed appropriate by Officers of the Licensing Unit.**



# Appendix 9

## Vehicle damage – Herefordshire Council

If in the opinion of the council's nominated tester or authorised examiner, there is a defect or fault present on the vehicle which is not specifically mentioned within this manual or 'The MOT inspection manual' which is considered detrimental to the fitness of the vehicle, then that defect will constitute a failure.

These standards may be applied between tests for breach of conditions or suspension/revocation notices.

### General

The authority has a duty to ensure that all hackney carriages and private hire vehicles which are licensed by it for the use of fare paying passengers are well maintained and are in a presentable condition with no significant external damage or corrosion.

### Paintwork and uniform colour

The authority recognises that vehicle paintwork can deteriorate with time and the paintwork is easily damaged yet costly and difficult to repair. The conditions relating to the standard of the paint finish reflect this. Paintwork should be uniform in colour over the whole of the vehicle and where repairs have been carried out best practice body shop techniques should be followed to ensure that the best colour match possible is obtained using recognised automotive re-finishing products.

### Poor workmanship

Repairs should be carried out to high standards. Defects which result from poor preparation or poor application of the paint finish are likely to result in the vehicle not reaching the required standard. Such defects, including runs, 'orange peel', 'fish eyes', dust in the paint, sander marks, poor paint coverage and over spray are not acceptable.

### Cosmetic damage

The authority recognises that vehicles suffer minor 'cosmetic' damage during day-to-day use and that this type of damage can be the most difficult and the most costly to repair. The conditions reflect that this type of defect is inevitable on hackney carriages and private hire vehicles. Permitted areas of 'cosmetic' damage as detailed below are subject to there being no more than one such defect on any panel and no more than five such defects on the vehicle. Compliance with the requirements can be achieved by repairing only some of the defects where this is to the advantage of the proprietor.

A panel is the roof, front wing, rear wing, front door (including 'A' pillar), rear door (including 'B' pillar), bonnet (including the area below the windscreen), boot or tailgate, sill, front panel (including bumper), rear panel (including bumper).

### Scratches

Single scratches or groups of scratches which fit completely inside the test template will not cause the vehicle to fail the test unless the paint film has been broken and rusting is evident. A scratch is where the paint film is damaged, but there is no deformation of the bodywork.

### Small dents

Small dents, which fit completely inside the test template, will not cause the vehicle to fail the test unless the paint film has been broken and rusting is evident. A dent is where the bodywork has been deformed as a result of an impact or other contact and may or may not include damage to the paint film.

### **Rust Spots**

A single rust spot or a group of rust spots which fit completely inside the template will not cause the vehicle to fail the test unless the metal is corroded and unable to withstand 'thumb' pressure without crumbling or permanent distortion. Perforation of the panel due to corrosion from the underside of the panel will result in failure of the test. A rust spot is a defect caused by oxidation of the metal due to a failure of the paint film to protect it but without obvious damage.

### **Flaking**

Areas of flaking paint or lacquer which fit inside the test template will not cause the vehicle to fail the test. Flaking is where an area of the paint or lacquer film loses its adhesion to the substrate due to poor preparation, contamination, water ingress, etc.

### **Stone chips**

Stone chips will not cause the vehicle to fail the test unless the paint film has been broken and rusting is evident. A stone chip is a defect to the paint film caused by the impact of small stones 'thrown up' by other traffic.

### **Replacement panels**

Vehicles which have been damaged and had replacement panels fitted are acceptable as hackney carriages and private hire vehicles provided that the repairs have been carried out to an acceptable standard.

- Fitting - replacement panels should be fitted as per the vehicle manufacturers specification using approved fittings.
- Alignment - replacement panels should be correctly aligned. They should be level with all adjacent panels and the gap between panels should be uniform and similar to those between original panels.

### **Trim**

Vehicle trim serves a number of purposes and can make a significant contribution to the overall appearance of the vehicle. Bearing this in mind, the council accepts that some items of trim are delicate and damage easily, whilst others are designed to prevent panel damage and may become damaged whilst performing that function.

- Fixing - all trim should be present, correctly aligned and fixed in accordance with the manufacturer's specification.
- Damage – scuffing of protective trim will not cause the vehicle to fail the test. Minor damage of 'cosmetic' trim will not cause the vehicle to fail the test.

### **Major accident damage**

Vehicles, which have been involved in serious accidents, may be used as hackney carriages or private hire vehicles provided that they have been professionally repaired. Any vehicle that

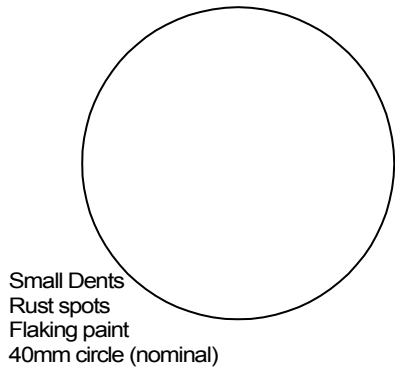
is involved in a major accident must be reported to the licensing section within the prescribed time as laid down in the conditions of use.

Vehicles that have sustained major accident damage will be required to provide a satisfactory steering geometry and alignment report. This shall be in the form of a written or printed document from an approved VBRA vehicle repairer. In addition the vehicle may be required to undergo a further compliance test or inspection at the test centre.

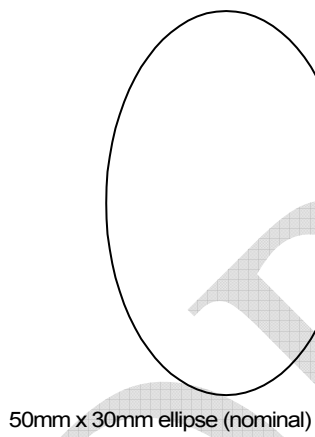
### **Assessment**

Where a vehicle tester detects evidence that a vehicle has been involved in an accident which may have caused damage to the structural integrity of the vehicle or may have caused safety critical components to become miss-aligned, the proprietor must prove to the satisfaction of the authorised examiner that the repairs were effected to an acceptable standard or the vehicle must be submitted, at the proprietors expense, for specialist examination at an approved centre before a licence will be granted or renewed.

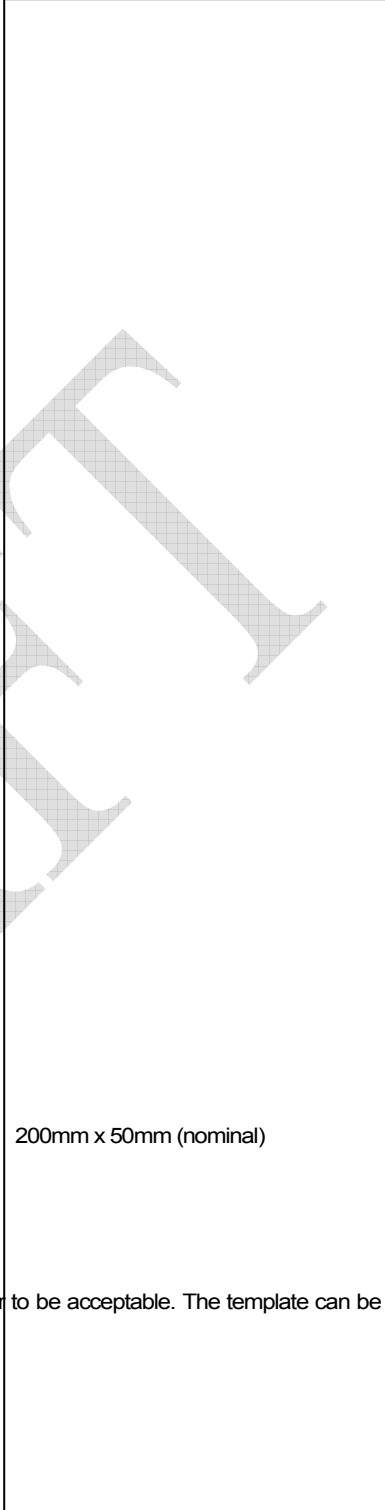
DRAFT



or



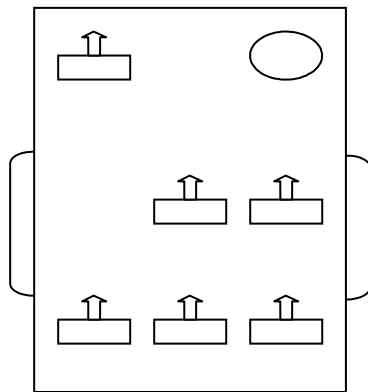
Scratches only



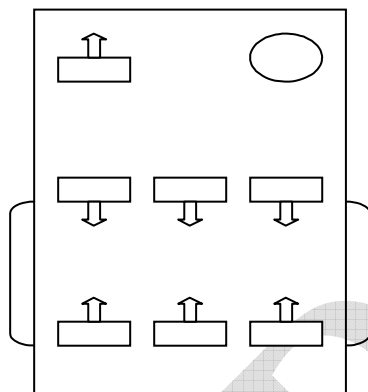
Damage must fit completely within the lines of the appropriate template in order to be acceptable. The template can be aligned to be most advantageous to the proprietor.

# APPENDIX 10

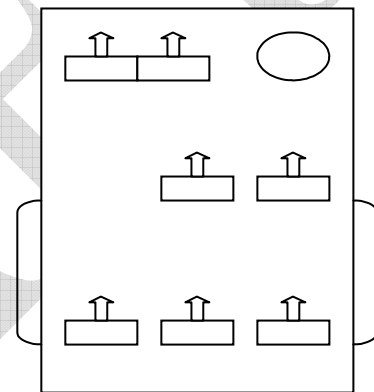
## SEATING CONFIGURATIONS IN MULTI-PASSENGER VEHICLES



Six-seater  
vehicle



Seven-seater  
vehicle



Eight-seater  
vehicle

# Appendix 11

## Passenger complaints procedure – Herefordshire Council

It is a common misconception that the Council employs licensed drivers. This is not the case. Hackney Carriage and Private Hire licences allow holders to run what is considered to be their own businesses. As individual business owners, licensees are in a position to run their businesses as they see fit, with the proviso that they meet the requirements of the licences held and the law governing the licence. Therefore, any complaints about service should be directed to the relevant operator or individual if it is a Hackney Carriage which is not attached to an operator.

All complaints which are pursued by the Council are based upon the driver's fitness to hold a licence and/or the condition of the licensed vehicle. Accordingly, any complaints about driving standards should also be directed to the Police.

Each step of any complaint investigation must be documented due to the fact that there is potential for the complaint to progress to being heard in Court. The complainant should therefore provide the following information as a minimum:

- Date and time of the incident
- Vehicle identification (plate number, description of vehicle etc.)
- Identification of Licensed Operator (if applicable)
- Identification of the driver (licence number, personal description)
- Description of the incident

Whilst we are happy to take complaints over the telephone, we may ask the Complainant to confirm this information in writing or to provide a witness statement. This can be submitted by email, fax or letter - using the contact details below.

Many investigations are concluded within 5 working days; however the length of time taken to conclude the investigation is largely dependant upon the licensed operator's, vehicle proprietor or driver's response time to our correspondence.

Licensing Teamt  
Bath Street Offices  
Bath Street  
Hereford  
HR1 2ZF

Tel 01432 260105  
E-mail – [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)  
Fax – 01432 383142

## Trade member complaints procedure

### Making Experiences Count: Compliments, Comments and Complaints

We are committed to providing high quality services across NHS Herefordshire and Herefordshire Council. To do this we need to know what you think about your experience. Your comments and compliments as well as your complaints will help us in making decisions about the services we provide and how we can improve them.

We have set up a dedicated Customer Insight Team who can help you with all compliments, comments and complaints relating to Health, Adult Social Care, Children and Young People and all Council Services.

Whatever your views, we would like to hear from you!

## Compliments

If you have received a particularly good service from NHS Herefordshire or Herefordshire Council, please let us know. We will use all compliments to promote good practice throughout our services.

## Complaints

All staff work hard to get things right, but sometimes things do go wrong. If you are not happy with the level of service received from NHS Herefordshire or Herefordshire Council, please let us know. By doing this you will help us to improve our services.

## How can we help?

The Customer Insight Unit is here to help solve problems and pass on compliments and comments to improve the services we provide. We will listen to your complaints fully and discuss with you how we can resolve issues to your satisfaction through an agreed complaints handling plan.

## How to contact us

To make your compliment, comment or complaint you can:

- Complete our [feedback online form](#)
- Telephone the Customer Insight Unit on 01432 260 535
- Send an e-mail to [feedback@herefordshire.gov.uk](mailto:feedback@herefordshire.gov.uk)
- Call into any of our [Customer Service Centres](#), where a member of the Customer Service team will be able to help you.

## What to Expect

We will:

- Acknowledge your complaint within three working days.
- Agree a date with you to provide you with a detailed response.
- Investigate your complaint.
- Ensure agreed outcomes are achieved.

If you are still unhappy you can take your complaint further by contacting the Ombudsman Service:

For Health complaints contact:

The Parliamentary and Health Ombudsman, Millbank Tower, Millbank, London, SW1P 4QP Tel: 03450 154 033

For Council Complaints including Social Care contact:

The Local Government Ombudsman, The Oaks, 2 Westwood Way, Westwood Business park, Coventry, CV4 8JB Tel: 024 7682 0000

You can contact the Ombudsman at any point, however, it is their usual practice not to deal with a complaint themselves until the local complaints procedure has been completed.

# APPENDIX 12

## A PROTOCOL FOR DEALING WITH APPLICATIONS, RENEWALS AND REFERRALS:

### TAXI AND COUNTY TRANSPORT BADGE OFFICER PANEL

#### 1 Introduction

Herefordshire Council receives and administers applications, renewals and referrals for dual-driver licences (i.e. drivers of both hackney carriage and private hire vehicles) in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. This system is administered by the Licensing Team who are part of the Environmental Health & Trading Standards Division (a part of the People's Services Directorate).

Herefordshire Council also receives and administers applications, renewals and referrals for 'County Transport Badges' (CTBs) for those persons who wish to undertake contract work as a taxi or bus driver for school contracts, or for those who wish to be an escort for children and/or vulnerable people in relation to transportation in taxis and buses. Although there is no statutory basis for the CTB system, it is considered best practice and ensures a high standard of control over the selection of drivers and escorts allocated school contracts to transport or escort children/vulnerable people. This CTB system is administered by the Admissions and Transport Team who are part of the People's Directorate.

#### 1.1 Issues

There is a tension in the system: taxi drivers who do not hold a CTB can transport children/vulnerable people by virtue of their taxi driver's licence so long as it is not 'council business'. Conversely, a bus driver or escort who has a CTB (through the school or adult social care contract system) can transport or escort children/vulnerable people without the need to hold a taxi driver's licence. In practice, however, many possess both a taxi licence and a CTB.

As the Director of People's Services has a statutory responsibility for ensuring that the Council discharges its functions to safeguard vulnerable children, young people and adults, there is a need to ensure that both safeguarding and regulatory functions are discharged consistently and transparently. There are similarities and differences in both systems. The most significant area of difference is that of determining whether or not a driver/escort is 'fit and proper'.

Recently, it has been highlighted that the Licensing Team and the Admissions and Transport Team have historically applied different 'legal' tests in deciding whether a driver is fit and proper and should or should not be licensed (as a taxi driver) or 'badged' as a school contract driver/escort. Both a taxi driver and a 'badged' driver/escort arguably perform a similar role when transporting/escorting a child/vulnerable person.

**This protocol therefore sets the way forward in which Herefordshire Council will deal with these two processes in a joined up, cohesive and consistent manner, utilising the most appropriate expert officers available to it when doing so.**



## 2 Taxi and County Transport Officer Panel - Terms of Reference

### 2.1 Formation

On 19<sup>th</sup> November 2010, constitutional changes were agreed by the Council. Part of the change was a revision of the role and functions of the Regulatory Committee and Regulatory Sub Committee. It was also agreed that the Chief Executive establish an officer review panel to review certain regulatory decisions made by officers, namely in connection with certain types of licences, particularly taxi licences.

Whilst the Regulatory Committee has the authority to consider dual-driver licence applications that fall outside the criteria laid down in the Taxi Licensing Policy<sup>1</sup>, Regulatory Committee has now given authority to an officer panel to be known as the 'Taxi and County Transport Badge Panel' to deal with such applications in the first instance.

These constitutional changes were agreed to come into effect after 1<sup>st</sup> February 2011. After this date this panel shall therefore make all the initial decisions in relation to the 'fit and proper' status of all dual-driver applicants having regard to the Council's Taxi Licensing Policy and the relevant taxi case law.

For taxi drivers, the definition of what is a fit and proper person is not set in law. However, the generally accepted test is to ask yourself the following question:

*"Would you allow your son, daughter, mother, spouse or other person you care about get into this vehicle with this person alone?"*

Additionally, this test can be expanded following the 1998 High Court case of *McColl v Rushcliffe BC*, Lord Chief Justice Bingham said *"one must...ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with a good driving record and adequate experience, sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers"*. This was followed in the more recent 2002 case of *Leeds CC v Hussain*.<sup>3</sup>

The officer panel shall also consider applications for 'County Transport Badges' for applicants who fall outside of the acceptance criteria laid down by the People's Services Directorate in their guideline policy entitled 'Obtaining a County Transport Badge'<sup>2</sup>. To determine the 'fit & proper' status of an applicant for a CTB, the taxi definitions above shall also be used, although the Council reserves the right to apply these in the most precautionary manner.

Once the 2012 version of the revised taxi policy is signed off by Cabinet, a CTB shall no longer be required for applicants possessing a valid dual-driver's (taxi) licence.

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<sup>1</sup> Taxi Licensing Policy – Latest version being 2007 and amended version 2012

<sup>2</sup> 'Obtaining a County Transport Badge' – Flow chart from CYPD, 2010.

<sup>3</sup> James Button, "Button on Taxis", pages 401 to 414 inc, 3<sup>rd</sup> Edition

## **2.2 Membership**

The membership of the Taxi and County Transport Officer Panel shall be made up of the following:

- The service/key manager with responsibility for taxi licensing (currently the Head of Environmental Protection & Licensing – EHTS, Health & Wellbeing Service)
- Head of Service – Looked After Children – People’s Services Directorate
- A representative from the Taxi Licensing Team
- A representative from the Schools Admission & Transport Team (County Transport badges)
- A representative from Human Resources Service (Recruitment and CRB Team)
- A representative from Adult Social Care
- A representative from the West Mercia Police
- A representative from the Council’s legal advisors
- Secretariat support (currently an officer in the Democratic Services team).

If a member of this panel is not available, a deputy should be sent where at all possible. For the panel, to be quorate, it must have at least one representative from the Licensing Team (when a dual driver’s badge is in question), one representative from Safeguarding (either Children’s or Adult’s), one representative from the Schools Admission & Transport Team (when a CTB is in question), a legal advisor and secretariat support (i.e. 4 or 5 members).

The chair shall rotate between the Head of Service for Licensing and the Head of Service for Looked After Children, although this role can be deputised where appropriate.

Where appropriate, others may be invited to join the Panel if considered necessary when dealing with a particular application or issue.

Meetings will normally be held monthly, although they can also be scheduled on an ad-hoc basis according to need. Minutes of each meeting will be taken and signed off by the Chair. These minutes will be confidential and released only to appropriate and authorised officers of the Council, members of the Regulatory Committee and the Police.

## **2.3 Process**

The applicant shall normally be invited to attend the officer panel hearing and he/she will be entitled to have legal representation there. At the discretion of the panel, the applicant may also invite the attendance of others, such as a character witness, family member or potential employer.

The applicant and his/her representative(s) will be requested to leave the room when the case is discussed by the panel and a decision is made. The panel shall then make a decision based on the evidence available to it at that time. If further evidence is sought, it has the ability to defer a decision to a later date.

Full consensus will be sought by the Chair regarding an application. Where any Panel member is of the opinion that an application should be refused, or that a licence be revoked, then that will be the decision of the Panel. The applicant will be informed in writing of such a decision and provided with appropriate and sufficient detail.

## **2.4 Appeals**

The applicant will be given the right to appeal the decision of the officer Panel at no cost.

For a dual driver's licence, such an appeal will be referred to the Council's Regulatory Sub Committee, which will take the format of three elected members who will be trained in this area of work. It is expected that the Panel member(s) who recommend refusal or revocation will attend (or be represented at) any appeal hearing of the Regulatory Sub Committee to present the relevant details to members.

All recommendations for the revocation of an existing dual driver's licence shall be automatically referred to the Regulatory Sub Committee for ratification, as only the Regulatory Committee or its sub committee can actually revoke an existing dual-driver's licence. Refusals for a grant of a dual driver's badge need not automatically pass to the Regulatory Sub Committee, as this is required only on if an appeal is lodged.

However, revocations of, or refusals for, a County Transport Badge will not be referred to committee but instead to the Assistant Director (Children & Young People Provider Services). This is because the CTB is not a statutory licensing process and therefore an applicant has no right of appeal to a Magistrates Court.

The applicant's statutory rights of appeal with respect to application refusals or licence revocations are triggered only on the outcome of the Council's Regulatory Sub Committee's decision, i.e. for dual-driver licences. The 21 day appeal period during which an appeal may be made to the Magistrates' Court, does not commence upon the date of the Panel decision but on the date of the Council's Regulatory Sub Committee's decision.

There is no right of appeal to the Magistrates Court for refusal to grant, or the revocation of, a County Transport Badge.

The applicant will normally be informed of the outcome of the Panel by post, although the Panel reserves the right to also notify the applicant immediately after the decision has been made, should this be more appropriate. Any decision letter will state the reason for the refusal or revocation and this will normally be posted within 2 working days of the Panel hearing. The letter will also include what further steps may be taken by the applicant if the panel's decision is unfavourable.

## **3 General**

The Council's Licensing Team and the Council's School Admission & Transport Team will work closely together to ensure a joined-up approach when processing both the dual-driver and County Transport Badge applications, renewals and referrals.

Where at all possible, this will include the shared use of a CRB return for a period of at least 6 months after being obtained as well as information sharing between the two teams, including immediate notification of any positive CRB disclosures.

**4 Approval of the Protocol:**

Approved by:

Assistant Director (Law & Governance), acting on behalf of the Chief Executive:

Signed ..... Chris Chapman,  
Assistant Director – Law & Governance

Date .....

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Interim Director of Public Health, on behalf of the Licensing Team and the Health & Wellbeing Service:

Signed ..... Sarah Aitken,  
Interim Director of Public Health

Date .....

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Assistant Director (Children & Young People Provider Services), on behalf of the Council's children's safeguarding function and county transport badge function:

Signed ..... Kathy O'Mahony,  
Assistant Director (Children & Young People  
Provider Services),

Date .....

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Head of Service (Adult Social Care), on behalf of the Council adult's safeguarding function:

Signed ..... Sara Keetly,  
Head of Service (Adult Social Care)

Date .....