

Report of Head of Planning and Local Development

REVIEW OF OPERATIONAL POLICY AND CONDITIONS GOVERNING TAXI AND PRIVATE HIRE LICENSING

1 Purpose of report

To update members on the results of the consultation exercise on the draft Operational Policy and Conditions Governing Taxi and Private Hire Licensing and to seek Member's approval of the updated documents.

2 Executive summary

A consultation exercise was undertaken on the draft updated policy. These documents have now been amended following consultation. The new policy is designed to incorporate changes in legislation, to reflect comments from the licensed trade on the existing policy and to improve consistency of enforcement. The main proposed changes to the conditions are given in Appendix 1.

3 Appendices

Appendix 1 –Consultation response summary

Appendix 2 - Draft Operational Policy and Appendices

4 Proposed action:

4.1 The committee is invited to RESOLVE that the updated policy and conditions governing Taxi and Private Hire licensing are implemented from 1st April 2017

5 Background

5.1 The Council has responsibility for licensing Hackney Carriage and Private Hire vehicles, drivers and operators within the borough of Wellingborough. The current policy and procedures were introduced in 2012 following a 6 week consultation period.

5.2 There is no statutory duty on local authorities to produce a policy regarding Hackney Carriages and Private Hire licensing, but councils are entitled to adopt a policy to guide and inform members, the trade and the general public on the standards it considers necessary in maintaining and improving consumer protection and at the same time allowing businesses to thrive and develop. The purpose of the policy is not to fetter the discretion of the decision makers, as

each case must be judged on its own merits, but to act as an aid to ensure consistency in the decision making process.

- 5.3 Updated draft procedures covering conditions of licensing were produced and presented to committee in September 2015. Permission was granted to consult the trade on the updated policies. Since this time, the government have updated legislation in relation to the length that licences must last and work has been undertaken at a county level over the convictions policy and safeguarding matters, in an attempt to secure some consistency over policies. This delayed the consultation process. The updated policies were consulted upon between 13th October 2016 and the 24th November 2016.
- 5.4 A summary of the main proposed changes and the consultation responses received, are included within Appendix 1. This document also summarises the suggested changes to the policy consulted upon, following the consultation process. The responses are provided in full on the [council website](#).

6 Discussion

- 6.1 All Private Hire Operators, and Hackney Carriage / Private Hire drivers were contacted and invited to respond to the consultation. In addition, the Police, Borough Council Members, County Council officers and other interest groups were also consulted. The consultation documents were also posted onto the council website. A questionnaire was produced, to assist meaningful feedback.
- 6.2 In total 16 responses were received, of which 14 were from licensed drivers / operators, 1 from the Wellingborough Hackney Carriage Association and 1 from the Office of the Police and Crime Commissioner for Northamptonshire.
- 6.3 The consultation responses have been fully considered and the proposed response to each of them are given within Appendix 1.
- 6.4 The current policy does not permit any vehicle older than 5 years from the first date of registration on the initial application to be licensed, however there is no upper age limit once the vehicle is licensed. It was proposed that once licensed, the maximum age of a vehicle will be no more than 7 years from date of registration, unless it complies with the Exceptional Vehicle Age Policy. This was to address concerns over the standard of some of the older vehicles currently licensed.
- 6.5 The majority of the trade disagreed with the proposal, since they believe that the current policy works well; is less costly; 2 tests a year are adequate and . 7 year old vehicles remain in good condition. The proposal was not to prevent the use of older vehicles, but to require them to remain in 'exceptional' condition for it's age, since this provides a safe and comfortable service for the public. It is proposed as a result of the consultation responses received, that the Exceptional Vehicle Age Policy be introduced, but the age changed so that vehicles need to comply with this policy from 10 years old, rather than 7 years old as originally proposed.

- 6.6 The current policy does not detail specific requirements over the use of CCTV within licensed vehicles. A draft policy was included within the consultation documents. Although most responders agreed with the proposal, some concerns were raised over how this could be enforced due to the increasing use of dash cams and mobile phones. These comments are noted and it is proposed that the policy be replaced with a simple condition requiring all licensed drivers, vehicle owners, and operators, to ensure that any such recording devices, are only installed, used and maintained, in accordance with all current Data Protection and Information Commissioner Office requirements, in respect of such devices and recordings.
- 6.7 Amendments were suggested to the frequency of driver's medical checks. Current requirements have fallen out of line with DVLA Group 2 medical frequencies, due to changes in the length of driver licenses. The proposed changes will rectify this issue. Four responses were received against this proposal on the grounds of additional expense and not agreeing with the need for change. It is however proposed that the council proceed with the proposed changes, to ensure public safety.
- 6.8 It was proposed that medical examination of licensed drivers must be undertaken by the General Practitioner (GP) with whom the driver is permanently registered. This is to prevent drivers failing to disclose medical conditions to the doctor undertaking the assessment. Half of the people responding disagreed with this proposal due to increased costs. It is suggested that the policy be amended to permit applicants to attend any General Medical Practitioner, but the examining doctor must have sight of, and review, the applicants full medical records history. This documented history would need to be obtained by the applicant from their own GP.
- 6.9 Changes were proposed to the door signage on Private Hire Vehicles. Half of the responders disagreed with the proposal, mainly due to a desire for magnetic signage to be permitted. Once licensed, a vehicle remains a Private Hire Vehicle at all times, and must therefore be compliant with conditions of licensing at all times. Magnetic signage is not felt to be appropriate, and has not been permitted for many years. It is considered a retrograde step if this was now permitted as it can be left off, removed, forgotten, or easily copied, all of which put the public at potential greater risk, caused by less visible licensed vehicles. The current policy does allow for Private Hire vehicles used exclusively for chauffeur, executive, airport transfer, special event, school transport or similar specialist (non-circuit) work to apply for an exemption from the requirement for door signage, as detailed in paragraph 15.5 of Appendix B to the policy.
- 6.10 The current policy does not specify the required shade of yellow for Hackney Carriage saloon vehicles, which has resulted in inconsistent shades used and complaints to the authority. The proposed change specified that vehicles must be mid-yellow in colour, in a shade approved in advance by the council. Half of the trade disagreed on the basis that they believe that licensed saloon vehicles should not be required to be sprayed yellow. It is felt that the current

requirement for all saloon Hackney Carriage vehicles to be yellow works well and it is proposed that the policy should state an exact shade of non-metallic yellow for all new saloon Hackney Carriages (equivalent to a Vauxhall AJU yellow).

- 6.11 There has been a gradual reduction in the number of licensed wheelchair accessible hackney carriage vehicles. To counteract this, it was proposed that the number of available saloon Hackney Carriage Vehicle licenses be gradually reduced as licenses become available. Half of the responders disagreed with this proposal on the basis that some customers find it difficult to get into higher or bigger taxis. It is proposed that as a result of responses received, the policy remains as it currently is.
- 6.12 The current policy only permits wheelchair accessible vehicles to load from the nearside door. The proposed conditions consulted upon, permitted the use of rear loading wheelchair accessible vehicles. This was to allow for the carriage of larger wheelchairs which cannot be accommodated in side loading vehicles. The majority of responders agreed with this proposal apart from the Hackney Carriage Association, which raised concerns over the safety of these vehicles on the Hackney rank. It is therefore proposed that the policy is amended to permit only Private Hire vehicles to use rear loading wheelchair accessible vehicles, since the pre-booking of these vehicles will allow for any safety issues to be considered in advance.
- 6.13 Due to safety concerns it was proposed that drivers must not use any type of ear phones or headphones whilst driving a licensed vehicle. Most consultation responses disagreed with the proposal for operational and personal safety reasons. As a result of the responses received, the policy has been amended to permit the use of one Bluetooth earpiece in one ear only and which does not require any contact with the mobile telephone to operate.
- 6.14 The proposed final policy and conditions of licensing, are included within Appendix 2. The policy sets out the standards that are considered necessary to maintain and improve consumer protection, whilst allowing businesses to thrive and develop.

7 Legal powers

- 7.1 The proposals are within the Council's Licensing powers under the Local Government (Miscellaneous Provisions) Act 1976.

8 Financial and value for money implications

- 8.1 There are no financial implications

9 Risk analysis

This table needs to be completed for any report setting out a proposed course of action that entails risks at the outset of the project or if the risks change along the way.

Nature of risk	Consequences if realised	Likelihood of occurrence	Control measures
If the policy is not updated it will not reflect latest guidance, will not take on board concerns of the trade and will not promote consistency across the county	The Licensing Officer will continue to apply current conditions and will continue to receive complaints from within the trade.	Medium	Implement the updated policy

10 Implications for resources

There are no direct implications on resources, but a clearer consistent policy will ensure consistency in the decision making process which will improve Licensing efficiency.

11 Implications for stronger and safer communities

A clear taxi licensing policy will promote standards considered necessary in maintaining and improving consumer protection while allowing businesses to thrive and develop.

12 Implications for equalities

An initial equality impact assessment (EqIA) screening has been undertaken which does not indicate any adverse affects as a result of the changes proposed.

13 Author and contact officer

Amanda Wilcox, Principal Environmental Health Manager

14 Consultees

Licensing Officers
District Law
Chairman of the Licensing Committee

15 Background papers

Consultation Responses

CONSULTATION RESPONSE SUMMARY

Date	Action
13/10/2016	Consultation opens
24/11/2016	Consultation ends
20/12/2016	Consultation responses considered, amendments made where appropriate and draft report compiled for Services Committee
17/01/2017	Proposed amendments and draft polices considered by Services Committee
01/04/2017	New policies and conditions of licensing come into force (subject to ratification by Services Committee on 17/01/2017)

Summary of responses:

- All current licensees were written to directly to notify them of the consultation (over 250). Consultation information was also published on BCW website, BCW Twitter feed; on the council's electronic display screens in receptions; in the Licensing reception. Numerous partner agencies and third sector organisations were also emailed directly.
- Total of 16 responses received to the consultation.
 - 14 of these were from licensed drivers / operators
 - 1 response was received from the Wellingborough Hackney Carriage Association, representing 34 named Hackney Carriage Operators
 - 1 response received from the Office of the Police and Crime Commissioner for Northamptonshire
- In addition to the 16 formal responses, written comments / requests were received from one individual and the Guide Dogs for the Blind organisation.

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	Matter being considered	Current Policy	Proposed Amendment	Proposed Benefit(s)	Responses	Summary Comments	BCW Response
1	Age of vehicles	At present the Council does not licence any vehicle older than 5 years from the first date of registration on the initial application, however there is no upper age limit once the vehicle is licensed.	Once licensed the maximum age of a vehicle will be no more than 7 years from date of registration unless it complies with the Exceptional Vehicle Age Policy. All vehicles over 7 years will be subject to the Exceptional Vehicle Age Policy and will be subject to 3 vehicle tests per year.	Enhanced inspection and testing regime for older vehicles to maintain adequate vehicle standards. Encourages a newer, more comfortable and efficient fleet. Enhanced public perception of the taxi / private hire fleet.	Agree - 2 Disagree – HCA plus 12	<ul style="list-style-type: none"> • 2 Tests a year is adequate. 3 tests is extra expense. • A 'new' vehicle can be licensed at 4yrs 11 months yet 2yrs 1 month later the vehicle could be removed unless it goes through an exceptional process. This is not cost effective for business. Cars of 7,8,9 years old are just as sound as a car 5 years old if maintained. Cost calculations given. I would suggest vehicles over 12 years old should be subject to more stringent checks but better checks should be done on all vehicles. • Wheelchair vehicle test – ramps and fixings should also be tested and marked with the vehicle registration, and driver competency in use tested. • 2 tests a year is adequate. Vehicle is kept highly maintained. • 2 tests a year is adequate. • Vehicle condition not age should determine whether it needs to be removed or tested more than twice per year. • As long as it passes the MOT / Council test. • 7 years too early for 3 MOTs. Also extra expense. • 5 year old cars are new and reliable so after 7 years will be in good condition. 3 MOTs extra 	<p>DFT guidance suggests there should be no upper age limit for vehicle licensing purposes. BCW are not proposing an upper age limit, simply more frequent testing and inspection of older vehicles to ensure they are maintained in good cosmetic condition, in addition to the mechanical safety.</p> <p>Revised policy to increase the vehicle checks to three times a year (every 4 months) once a vehicle reaches ten years old. At this age it is likely there will be increased cosmetic wear and decay on high use licensed vehicles which will require enhanced maintenance and repair. The extra annual check is to be undertaken at one of the Councils appointed testing stations.</p> <p>There are currently a relatively low number of Hackney Carriage vehicles over ten years old, and even fewer Private Hire vehicles over ten years old, so this change will not have a widespread impact.</p>

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					<p>expense and time consuming.</p> <ul style="list-style-type: none"> • The current system works well. Instead of investing in vehicles, operators will run older vehicles for shorter periods of time. • Well serviced and looked after cars at 10-15 years old are of excellent standard. Even by the Councils own standards they agreed to bring 'an older' car back onto its books. • 6 monthly checks are more than adequate. • This is urgently needed to get a lot of the poor quality taxis off the road. The sooner the better. Being a motor engineer I see a lot of taxis (especially black cabs) that should be scraped and not transporting the paying public. • Reference to 'Secretary of State is satisfied that level of testingis satisfactory and ... licensed vehicles in Wellingborough already having 2 enhanced MOT tests per year we find no reason for any change regarding the age and testing of vehicles'. • Reference to DoT publication dated 2010 regarding frequency and criteria of tests. Also reference to DoT guidance stating 'It is possible for an older vehicle to be in good condition so the setting of an age limit beyond which a local authority will not 	<p>The small extra annual cost incurred by a low number of vehicle owners will be offset by savings the vehicle owner may make in keeping an older vehicle on the road as opposed to investing in a newer vehicle.</p>
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						licence vehicles may be arbitrary and inappropriate, but a greater frequency of testing may be appropriate – for example twice yearly testing for vehicles more than five years old.	
2	CCTV	<p>Current policy unclear and non-specific.</p> <p>CCTV systems currently require individual approval before installation.</p>	<p>New guidelines and notification procedure to be adopted including requirement to demonstrate up to date registration with the Information Commissioner.</p> <p>Written prior notification to BCW required rather than individual approval</p>	<p>Clearer policy.</p> <p>Future changes to Information Commissioner requirements will take precedence over BCWs policy</p> <p>Written prior notification to BCW rather than individual system / installation approval.</p>	<p>Agree - 8</p> <p>Disagree – HCA plus 1</p>	<ul style="list-style-type: none"> Technology now means mobile phone or tablet acts as well if not better than CCTV. Even a smart watch. I think this is already beyond restricting how you can record in the car. To keep council standards will require over £150 when a £25 cam does the job. Dashcams should be treated differently from CCTV recording within the passenger compartment. Car insurers are now beginning to accept dashcam footage as evidence. Independently owned buses, coaches and minibuses are allowed to use these. Every smartphone has the capability to record full video very simply, therefore any argument suggesting dashcams should not be allowed must fail as any driver with a smartphone can record within the vehicle. 	<p>Proposed amendment to remove licence conditions in respect of CCTV and other audio and / or visual recording devices due to the ubiquitous prevalence of such devices in modern society.</p> <p>The current conditions will be replaced with one simple condition requiring all licensed drivers, vehicle owners, and operators to ensure any such recording devices are only installed, used and maintained in accordance with all current Data Protection and Information Commissioner Office requirements in respect of such devices and recordings.</p>
3	Criminal convictions policy	The convictions policy has not been updated for several years and requires updating to reflect good practice	The updated policy reflects national and local good practice.	<p>Provides more detail and clarity on certain matters.</p> <p>Enhanced standards in accordance with emerging national issues and guidance</p>	<p>Agree - 10</p> <p>Disagree - HCA</p>	<ul style="list-style-type: none"> Section 13.1 and 14 – I think 3 years is too lenient. Feedback concerning specific complaints from the public which have not led to prosecution but may be considered by the Council and may result in action 	<p>No change to proposed amendments.</p> <p>The only response that disagreed with the proposed policy focussed solely on Section 12, regarding non-conviction information and complaints.</p>

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						being taken against a driver who is innocent. It is suggested the Council only take a complaint from a member of public once the complainant has reported it to the police and a reference number for this be given to the Council.	The Council have existing safeguards and policies in place for dealing with complaints and allegations, whether substantiated or not, and these sufficiently deal with the concerns raised.
4	DBS checks	At present the council requires applicants for drivers licences to undertake a DBS check, but does not require applicants to sign up to the relatively new DBS update service, which means that we are not informed if any convictions are added during the course of the licence.	All applicants will be required to sign up to the DBS update service and inform the DBS that updates are to be sent to the Borough Council of Wellingborough. This will ensure that the licensing officer is made aware of any changes to the DBS status during the term of the licence. The council will undertake annual status checks.	Permits the Council to undertake increased frequency of checking criminal records information and also be notified of any changes to the DBS status of individual between routine checks.	Agree – HCA plus 10 Disagree - 1	<ul style="list-style-type: none"> I do school run for Northampton Council and they don't accept online check, only paper copy. 	No change to proposed amendments as no significant concerns raised for consideration.
5	Disability Awareness Training	There is currently no requirement for drivers to attend training on disability awareness.	The policy will require all drivers to undertake specific council provided disability awareness training and assessment	Enhanced driver awareness of disability issues.	Agree - 9 Disagree – HCA	<ul style="list-style-type: none"> Common sense should prevail and just because someone undertakes training does not mean they will act on it. If a driver refuses or does not act correctly to anyone with a disability, they should have their badge revoked. Agree but cost implication in time and money. NCC provide some to school 	No change to proposed amendments as this proposal is only likely to benefit drivers and disabled passengers.

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						<ul style="list-style-type: none"> contracts • Yes – but added cost to existing and new drivers • Unless required e.g. school contracts, frequent contact with unaccompanied minors • Would this be for new drivers? If for existing, would this be at cost to us or will the council put on workshops / webinars? • Yes this is a good policy and will help drivers better understand passengers with disabilities. • We believe Wellingborough Hackney Carriage drivers always treat people with disabilities with professionalism and respect and feel any further training would be unnecessary. • Training does not prevent individuals discriminating. 	
6	Safeguarding training	There is currently no requirement for drivers to attend training on child and sexual exploitation issues.	The policy will require all drivers to undertake specific council provided, child and sexual exploitation awareness raising training and assessment.	Enhanced driver awareness of child and sexual exploitation issues.	Agree - 9 Disagree – HCA plus 1	<ul style="list-style-type: none"> • This is a major step forward. • Drivers and operators working on contracts with NCC already have to do this. • Agree but cost implication in time and money. • NCC provide some to school contracts • Yes – but added cost to existing and new drivers • Would this be for new drivers? If for existing, would this be at cost to us or will the council put on workshops / webinars? • Yes – this policy is well overdue • Drivers spend a limited amount of time with passengers and concentrate on road awareness. We would immediately contact 	No change to proposed amendments as there is both a countywide and national approach to improving safeguarding controls, awareness and training for licensed drivers and others.

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						the police if we had concerns, and this training would be unnecessary.	
7	Driver Fitness Checks	Drivers must undergo a medical examination every six years up to the age of 45 years, from 45 to 60 years a medical is required at 4 yearly intervals and over the age of 60 years with every application.	<p>The frequency of driver's medical checks has fallen out of line with DVLA Group 2 medical frequencies, due to changes in the length of driver licenses.</p> <p>Licensed drivers will be required to undergo a medical examination every six years up to the age of 45 years, and on each application (3 years) between the age of 45 and 65. From the age of 65, drivers will be required to undergo a medical examination every 12 months.</p>	<p>No change for drivers / applicants up to the age of 45.</p> <p>Enhanced medical checks for those aged between 45 and 65, to reflect general medical evidence and natural deterioration of health.</p> <p>Annual checks for drivers / applicants aged over 65 to ensure they remain fit to work as a licensed driver.</p> <p>Increased likelihood of medical issues being identified early.</p>	<p>Agree - 6</p> <p>Disagree – HCA plus 3</p>	<ul style="list-style-type: none"> • Added expense unless health concerns i.e. diabetes or heart. However, understand need for this. • Extra expense for few people over 65 • Current intervals sufficient. Other authorities have no medical requirements (e.g. Bedford). • We believe there should be no change regarding this as it is a requirement for every driver to notify the DVLA of any illnesses or condition. We feel current requirements are adequate. 	<p>No change to proposed amendments</p> <p>The proposals are in accordance with the Group 2 medical standard and there is insufficient justification to support deviation from this.</p>
8	Driver Fitness Checks	Currently applicants can elect which medical practitioner they attend to complete the medical examination, regardless of whether they have access to	The medical examination must be undertaken by the General Practitioner (GP) with whom the driver is permanently registered.	<p>The examining medical practitioner will know the full medical history of an applicant.</p> <p>Reduces the potential for non-disclosure of any medical or health condition that may affect an individual's ability to drive.</p>	<p>Agree - 7</p> <p>Disagree – HCA plus 7</p>	<ul style="list-style-type: none"> • I support this even though the cost is a lot higher • GP charges four times the amount charged by private doctor. Medical reports can be printed and given to the private doctor, which will contain full medical history. • GP charges whatever they like whereas private doctor charge 	<p>Amendment to proposed condition to:</p> <ul style="list-style-type: none"> • permit applicants to attend any General Medical Practitioner that is able to undertake the medical assessment, but the policy and medical disclosure forms will be

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		<p>the applicants medical history and medical records or not.</p>			<p>competitive rate.</p> <ul style="list-style-type: none"> • Drivers should be able to get a medical where they choose, as medical records can be printed by your GP and given to the Doctor you choose. It is also cost effective as GP charges between £150 and £200. • Cost at own practice £150. Cost at practice in Northampton £60. • Should put condition on medical form that doctor has to access patient information on computer. • Doctor on wheels professional PSV/lorry is cheaper. • At least double cost. Are patient records not available by all doctors on computer • I think it would be better if any medical concerns that you seek authority to view our medical records. • Currently a GP in the Wellingborough area will conduct a Group 2 medical for around a third of the cost of my GP. • The DVLA have confirmed any GP having concerns during a Group 2 medical would not issue the certificate. • The GP at Irchester who undertakes most medicals for Wellingborough drivers seems to require a print out from the applicants own GP before they conduct a medical exam. 	<p>amended to specify the examining Doctor must have sight of, and review the applicants full medical records history. The examining Doctor completing the medical disclosure will need to confirm on the medical disclosure form that they have reviewed the applicants full medical history</p>
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9	DVLA licence checks	Checks are undertaken with the DVLA during each application and renewal. This check confirms whether the individual is licensed to drive and provides details regarding the number of penalty points and endorsements present on their licence.	The council will require checks with the DVLA to be undertaken up to twice during the term of the licence, and where there is any doubt that the driver remains a 'Fit and Proper' person to hold a Private Hire or Hackney Carriage drivers licence.	Enhanced monitoring of the status of individual driving licences. Reduces the potential for non-disclosure of matters affecting the ongoing validity or status of a DVLA driving licence.	Agree – HCA plus 10 Disagree - 0	<ul style="list-style-type: none"> • 	No change to proposed amendments.
10	Vehicle licence holder requirements	Currently no checks are undertaken on the an applicant's suitability to hold a private hire or hackney carriage vehicle licence (as opposed to checks which are routinely undertaken on each application for a drivers licence)	Applicants for private hire and hackney carriage vehicle licenses, will be required to produce an up to date (less than 3 months old) basic disclosure certificate from Disclosure Scotland, and sign a declaration relating to criminal convictions on each application. This does not apply to existing licensed drivers or existing licensed private hire operators; or insurance / fleet hire companies	Permits the council to ensure licensed vehicle owners do not have any adverse criminal records history that may be relevant to them holding a vehicle licence	Agree - HCA plus 10 Disagree - 0	<ul style="list-style-type: none"> • Maybe they should have a badge too and be on the insurance to ensure they are not using the vehicle for their own benefit illegally. 	No change to proposed amendments.

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			that provide temporary accident replacement vehicles.				
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11	Door signage	<p>At present the Council requires all private hire vehicles to display at least two door signs, of a design, size and type approved by the Council, bearing the words "Private Hire Vehicle Pre-bookable only".</p> <p>The sign is however produced and designed by the licence holder and it is difficult to enforce consistency in appropriate sizing and location of the required wording on the vehicles.</p>	<p>All licensed vehicles are required to display standard council approved door signs containing the wording 'PRIVATE HIRE VEHICLE ADVANCED BOOKINGS ONLY' prominently, in capital letters, with a prescribed font, size and colour and with the signage and wording located in the central of the two front doors.</p> <p>Existing licensed vehicles will have 6 months grandfather rights.</p>	<p>Promotes and permits consistency of appearance between different operators.</p> <p>Promotes and permits consistency of enforcement.</p> <p>Sets out clearly to members of public that pre-bookings are required for private hire journeys.</p>	<p>Agree – HCA plus 6</p> <p>Disagree - 5</p>	<ul style="list-style-type: none"> • There should be an option to remove the signage after my shift due to taxis being vandalised and broken into. • Company name and wording should be on a magnetic sign so the driver can remove it after their shift. Milton Keynes allow this. • Should be an option to remove the wording after a shift because too many vandalism and break-ins. • Does this mean 'Private hire advance bookings only' on two front doors? Currently name, phone number beneath wording. • Does this mean company name cannot be shown? • Also sensible display on vehicle advertising company e.g. on back should be allowed, including asking for more driver applicants. • Current signage sufficient if approved before use. • I agree- in other towns this is the size of operators name / numbers with Borough Shields. Small letters on bottom of doors do not. Plenty of PH still do not have this. 	<p>No change to proposed amendments.</p> <p>Insufficient justification to deviate from proposals.</p> <p>It is not permissible to remove the licence plates from the inside or outside of any licensed vehicle required to display them, so it is not felt that any further risk is carried by requiring non-magnetic signage.</p> <p>Magnetic signage is not felt to be appropriate, and has not permissible for many years. It is considered a retrograde step if this was now permitted as it can be left off, removed, forgotten, or easily copied, all of which put the public at potential greater risk caused by less visible licensed vehicles.</p>
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						<ul style="list-style-type: none"> • Yes – I agree this needs to be clarified. The letter size, font and colour needs to be uniform. 	
12	Vehicle signage	The current policy does not allow those vehicles which hold an exemption from the requirement to display required private hire door signage to display any other signs on their vehicle.	The new policy will allow the licensee to apply to have one small discreet sign of a design and type approved by the council, on the rear of the vehicle displaying the company name only. This approved panel must not exceed 10cm by 10cm. In addition to non-exempt vehicles displaying the proposed standard door signage, it is proposed that vehicle operators will be permitted to display their operator name and contact details on both rear passenger doors.	Permits executive hire vehicles to display a discreet sign which will allow the public to identify it is still a licensed vehicle. Permits discreet advertising for the operator (which is already permitted on all other private hire vehicles)	Agree – 5 Disagree – HCA plus 3	<ul style="list-style-type: none"> • The plate inside and out of the vehicle identifies it as a licensed vehicle which is bigger than a discreet sign. • Exemptions should be reduced. Without door signage public is not protected from unlicensed drivers. • We see no reason why every private hire vehicle should not comply to the same standards regardless of their usage. A licensed vehicle is always licensed and therefore should always be plated and signed until it is no longer licensed, with no exceptions. 	No change to proposed amendments. This proposed change will allow vehicles with a 'discreet plate' exemption to be more easily identifiable to persons using them.
13	Operator records	The conditions require licensed operators to keep legible, hand-written or computerised records of all journeys undertaken, in	The updated policy makes the requirements relating to paper based records more explicit on the type of book used or drivers they use.	Prevents paper based record keeping using loose leaf sheets, which can be subject to loss or amendment.	Agree – HCA plus 8 Disagree – 3	<ul style="list-style-type: none"> • As an operator who does little PH work – none by radio – our records are maintained in a folder as they are printed off daily and stored for 6 years. A bound book can also be damaged. For contract 	No change to proposed amendments. There is potential for abuse in every system, but this policy will assist reduce the risk of paper based records being lost, damaged, or amended retrospectively.

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		accordance with the relevant legislation. Previously no requirement for a bound book for paper based records	Paper based records must be contained within a sequentially numbered and bound book. Loose leaf records are not acceptable.			work you should have a caveat that states where the operator does not have radios / PDAs and less than x drivers this is not required as long as records are kept <ul style="list-style-type: none"> • Computerised records acceptable. • Any form of record keeping can be doctored. • Understand reason but could cause problems for records on computer 	Electronic database booking systems normally have an audit trail to record any amendments etc.
14	Tinted Windows / Privacy Glass	Policy prevents privacy glass or excessive tinted windows, but tinted glass now often comes as standard causing expense to drivers.	Manufacturer's standard fitted tinted windows to be permitted, but no privacy glass and no after-market alterations such as application of tinting film.	Prevents vehicle owners having to undertake expensive replacement of manufacturers standard windows Promotes and permits consistency for all vehicle owners. Promotes and permits consistency of enforcement.	Agree – 14 Disagree – HCA	<ul style="list-style-type: none"> • Grandfather rights for existing vehicles still applies? • The vehicle inspector should also use a light meter. This way there is no confusion. • The Council needs a definitive ruling on privacy glass and how it is determined. We feel an opacity check should be carried out at each test. 	No change to proposed amendments. Proposed amendments allow an acceptable objective solution to the current subjective determinations, without permitting total privacy glass in non-executive vehicles.
15	Penalty points on DVLA driving licence	New applications with more than 8 current points on the D.V.L.A. driving licence will not be considered. Where an applicant has	A new application with more than six current points on the D.V.L.A. driving licence will not be considered. Any licensed driver accruing more than six penalty points in	Promotes enhanced driving standards and monitoring of new applicants and existing drivers. Sets out those standards more clearly and introduces lower	Agree – 7 Disagree – HCA plus 3	<ul style="list-style-type: none"> • This is a big step forward. • Depends on the reason for points as to the within 2 or 3 year period. • New applicants to stay at 8. • High distance driving can attract points. Operators 	No change to proposed amendments. Applicants are applying to work as professional drivers and uphold higher driving standards than 'ordinary drivers'.

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		received more than six points within the last two years for speeding or other minor offences and/or has also additionally failed to inform the Licensing Authority within 14 working days of the points being notified the application will be considered by the Licensing Sub-Committee to determine their suitability.	any two year period will be referred to the Licensing Sub-Committee. Any driver accruing nine or more points in any three year period will have their licence immediately suspended; be referred to the Licensing Sub-Committee, and be required to undertake a Practical Driving Standards Assessment before the suspension is lifted.	thresholds for penalty points Promotes and permits consistency for all applicants and drivers. Promotes and permits consistency of enforcement. Makes clear when a driver will be required to undertake a further competency based retest, rather than simply referring to the Licensing-Sub Committee. Sets out clearly when a driver will have their licence suspend in respect of accruing driving penalty points.		markets need to be considered. • The current policy is already very strict, way above the legislation for an ordinary motorist and we feel there should be no change.	
16	Lost Property	Property found in the vehicle shall within 48 hours of completion of the journey either be returned to the owner or delivered to the nearest police station.	Drivers must first make reasonable attempts to reunite any lost property with its owner before taking it to the nearest Police station.	Reduces reliance on drivers taking lost property to the police station, potentially resulting in quicker return of property to its owner, and reducing reliance on police involvement in the first instance.	Agree – 10 Disagree – HCA	<ul style="list-style-type: none"> • ‘Reasonable efforts’ need to be clarified. • We feel we should be able to charge a fare to the owners address if required immediately. If there was no rush I am sure a driver would drop it on their next run free of charge. If the owner lives in a village or another town then the normal metered fare should apply. 	<p>No change to proposed amendments.</p> <p>Current policies require drivers to check their vehicle at the end of a journey.</p> <p>Current policies permit a charge to be made, in certain circumstances.</p>
17	Accident reporting	Previously required to be	Now on a prescribed form to	Enhanced consistency in reporting and		<ul style="list-style-type: none"> • I am sure this is an internal thing if when we report an 	No change to proposed amendments.

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		provided to the Council in writing, but no particular format for this.	ensure all relevant information is provided and ensure consistency in reporting and recording of this information.	recording of accident damage and any follow up actions in respect of damaged vehicles.	Agree – HCA plus 10 Disagree - 0	accident the Council asks the right questions rather than fill in a form.	
18	Excess seating in minibuses	Previous policy had no specific requirement regarding what should be done with larger vehicles where excess seating had been removed, potentially permitting the reinstallation of excess seating at any time.	Any minibus or similar vehicle which has had excess seating removed to allow not more than eight passenger seats, must have any excess seating fixings permanently removed and holes or other fixings permanently capped (i.e. welded over or similar) before a licence can be issued.	Assists ensure compliance with the maximum seating capacity that vehicles can be licenced for by the Local Authority (not more than 8 passenger seats).	Agree – HCA plus 5 Disagree - 3	<ul style="list-style-type: none"> • Some wheelchair accessible vehicles have seats on a tracking system to allow for more than one wheelchair; therefore removing excess seating may affect the tracking lines. If a vehicle is purchased and the log book states 12 seats or 8 seats, it should be used as that number. May be an issue if the 8 seats can be configured to allow for one wheelchair to, but with the eighth seat remaining, but not used, therefore no more than 8 passengers. • Already subject to many NCC and BCW checks. If covered will allow future sale outside PH work when no longer required not necessary. • This would add extra cost when removing holes and reverse when selling. • Only licence 9 seaters max. Adapted vehicles will be hard to resell. • There also needs to be 	<p>Proposed amendment to apply this only to vehicles with capacity for over nine seats and in which the seating is intended to be fixed in one place, on the basis these vehicles are not purposely designed for adaptability or for wheelchair access.</p> <p>The proposed condition will not apply to vehicles purposely designed to allow for regular flexible changes in seating configurations, including accommodating wheelchairs, and seating that is fitted onto manufacturers purpose designed and installed runners or tracks.</p>

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						<p>more checks on drivers qualifications to drive such vehicles.</p> <ul style="list-style-type: none"> • Members of the Taxi Association feel very disappointed with the suggestion they need to be prevented physically from committing a criminal offence by additionally installing additional seating. This would immediately render the insurance invalid and be against the conditions of the vehicle licence. 	
19	Colour of non-black Hackney Carriage vehicles	Hackney Carriages that are not required to be black in colour (Licence Plates 1-29 only) are currently required to be yellow in colour.	Proposed change specifies vehicles must be mid-yellow in colour but also must be non-metallic paint / colour and must be a shade approved in advance by the council	<p>Promotes and permits consistency for all vehicle owners.</p> <p>Promotes and permits consistency of enforcement.</p> <p>Some metallic paints can appear different colours in different light, and can cause confusion as to the exact colour.</p> <p>Grandfather rights intended to apply to existing vehicles until time of replacement.</p>	<p>Agree – HCA plus 7</p> <p>Disagree – 6</p>	<ul style="list-style-type: none"> • Drivers should not have to undertake expensive replacement of manufacturers standard colour. Allow any colour or black or white. • Prevents vehicle owners having to undertake expensive replacement of manufacturers standard colour. Allow any colour or e.g. Black / white. • All Hackneys to be one colour to standardize fleet in eyes of the public. • 'Mid yellow' is still too vague. The Council should stipulate what shade. It is not metallic paint that makes the cars 	<p>Proposed amendment to state an exact shade of non-metallic yellow for all new saloon Hackney Carriages (Plates 1-29 only). Grandfather rights apply to existing licensed vehicles.</p> <p>This will increase consistency in fleet appearance and avoid confusion for vehicle owners.</p> <p>The extra cost incurred in spraying or wrapping a vehicle in the appropriate yellow colour can be considered as offset by the significantly lower initial purchase cost of saloon vehicles as opposed to wheelchair accessible London</p>

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						<p>appear different colours. With LED street lighting, normal bulk colours will look white. Metallic looks better.</p> <ul style="list-style-type: none"> • Yes but I don't think the policy goes far enough. Grandfather rights should be for 12 months so existing yellow cabs are in fact yellow not gold. • The Taxi Association feel the 'all yellow' rule should be reviewed as saloon cars are seldom manufactured in yellow and the cost of respraying is around £1500. Bonnets or boots could be the required yellow shade or perhaps white, with the rest of the vehicle remaining the colour it is. Or a chequered design transfer on the bonnet or sides. 	<p>style hackney carriages.</p> <p>Partially colour changed vehicles or other suggested options would not look visually or cosmetically acceptable.</p>
20	Basic DBS check specifically required for each individual director of a Limited company acting as a private hire operator.	Current requirement in place but is unclear upon appointment of a new director during any licensed period.	Individual basic disclosure required for all directors of companies acting as operators, and also prior to any individual director being appointed during the licence period.	Ensures clarity over appointments of company directors to companies holding or applying for a Private Hire Operators Licence.	Agree – HCA plus 10 Disagree – 0	<ul style="list-style-type: none"> • Only individuals should be operators, not companies as easy to remove licences. 	No change to proposed amendments.

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21	Private Hire Stretched Limousine Policy (Appendix E)	Current policy refers to stretched limousines only, which is restricted and does not adequately cover all novelty type vehicles.	Change of terminology from Stretched Limousines to Special Occasion and Novelty Vehicles.	New terminology is all encompassing for all special occasion and novelty type vehicles.	Agree – HCA plus 9 Disagree – 1	<ul style="list-style-type: none"> All novelty vehicles should comply with all PHV policies. 	No change to proposed amendments.
22	DVSA Taxi Driver test	DVSA Taxi Driver test required for all new applicants- however the DVSA have given short notice that they intend to cease providing this test for resource and capacity reasons.	It is proposed that the Council will adopt another practical driving standards assessment from another test provider (yet to be agreed), for all new drivers and those required to take or retake the driving standards assessment	Ensures all new drivers and those required to take or retake the driving standards assessment are tested by a competent driving assessor to a suitable standard.	Agree – 9 Disagree – HCA plus 2	<ul style="list-style-type: none"> Standard test now replaced with 30 different providers hence no consistency. The council could appoint 2 local driving schools, similar to how they have appointed 2 local garages for vehicle tests. 	<p>No change to proposed amendments.</p> <p>The Council now has one nominated national service provider who uses a local driving school instructor, but also allows flexibility if an applicant wishes to take their test in another geographical area.</p> <p>The waiting time with the new provider is far less than the previous arrangement with the DVSA. The provider also has capacity to deal with increased demand if necessary.</p>
23	Hackney Carriage Saloon vehicles	Permits a fleet of yellow coloured saloon or minibus type vehicles using grandfather rights to retain the fleet at maximum 29 vehicles	Where a vehicle licence lapses without renewal before expiry; or is surrendered or revoked, for an existing Hackney Carriage saloon / estate or MPV (Licence Plates 1 – 29 inclusive only), grandfather	Proposed change encourages a potential gradual reduction in the non-wheelchair accessible hackney carriage vehicle fleet and an increase in wheelchair accessible hackney carriages.	Agree – 5 Disagree – HCA plus 4	<ul style="list-style-type: none"> Some customers find it difficult to get into higher or bigger taxis. Removing plates 1-29 would impede accessibility for some passengers. Saloon cars more popular than black cabs as easier to get in and out. Should keep 29 plates but not increase. 	Current arrangements to remain with no amendment.

			<p>rights will no longer apply and it will not be permitted to be replaced with another saloon / estate or MPV type vehicle, but only by a wheelchair accessible black cab type vehicle.</p>	<p>This will help address the decline witnessed over recent years in the number of wheelchair accessible hackney carriages on the fleet.</p>		<ul style="list-style-type: none"> • Keep 29 yellow plates as most customers prefer cars than black cabs. Easily accessible for elderly. • A lot of people can afford to buy a saloon but not a black cab. • The town operates plenty of disabled cars. The most get used for buggies. I bet each driver will pick up one wheelchair a month if that. • Existing yellow cabs are useful for the older generation but the introduction of smaller black cabs should mean they are not needed in future. • Previously the Chair of Wellingborough Pensioners Voice opposed the imposition of a totally wheelchair accessible fleet in Wellingborough as it was claimed many members could not get into WAVs. This is seen on a daily basis on the rank when a passenger will not use the WAV at the front of the rank but will walk down the rank to the 	
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						nearest saloon vehicle.	
24	Paper copies of driver and vehicle licence and current vehicle insurance certificate	Current requirement to retain the paper vehicle and driver licences and a copy of the current vehicle insurance certificate in the vehicle.	Requirement to retain a copy of document in the vehicle removed and replaced with a requirement to produce the current documentation on request from a Police Officer or authorised Borough Council Officer.	<p>Reduces an unnecessary burden on vehicle owners and drivers.</p> <p>Removes risks associated with leaving documentation containing personal data in the vehicle.</p> <p>Licence plates already demonstrate whether a vehicle licence is current.</p> <p>PNC checks verify whether vehicle insurance is valid.</p>	<p>Agree – HCA plus 10</p> <p>Disagree – 0</p>		No change to proposed amendments.
25	Rear access vehicles	Policy currently permits nearside loading vehicles only, including wheelchair accessible vehicles.	Proposed amendment permits nearside or rear loading vehicles for wheelchairs access only.	<p>Rear loading vehicles are cheaper to purchase / lease.</p> <p>Rear loading vehicles allow larger wheelchairs (such as motorised wheelchairs) to be accommodated and transported.</p> <p>The proposed amendment should assist encourage an increase in wheelchair accessible vehicles being licensed and added to the fleet.</p> <p>It is understood some school transport contracts require rear</p>	<p>Agree – 10</p> <p>Disagree – HCA</p>	<ul style="list-style-type: none"> • Assume this is for PH and HC? • This is a good policy and will help the older generation that cannot get into the larger black cabs. • We feel that these conditions should apply to both Hackney carriage and Private Hire vehicles. • Safety concerns are relevant to both, however it is felt that there would be increased risks on taxi ranks • Where a rear access vehicle is used the 	Proposal amended to permit only Private Hire vehicles to use rear access due to concerns over access / egress etc. on the taxi ranks which is easier to plan for with pre-booked journeys / private hire. All converted vehicles still require Type approval certification (M1).

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				<p>access vehicles and allowing this proposed change will permit Wellingborough Licensed vehicle operators / drivers to bid for those contracts.</p>		<p>gradient of the ramp increases where the kerb is not used. A pavement kerb tends to be 15cms / 6 "higher so reduces the gradient of the ramp. This has an effect on the manual handling requirements for the driver assisting the passenger and also the comfort and security of the passenger</p> <ul style="list-style-type: none"> • Necessity of bumping up and down kerbs to get to and from the rear of the vehicle, increasing the risk to passengers with spinal injuries, or other injuries, of a sensitive nature. • Increased risk due to the manual handling requirements bumping wheelchairs up and down kerbed pavements to access the rear of the vehicle • The risk of being crushed behind the vehicle if another vehicle runs into the back of the taxi whilst being loaded • Increased risk of being trapped in the vehicle as a result of a rear end collision 	
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						<ul style="list-style-type: none">• In the event of an accident, a rear access vehicle only has the one means of access / egress from the vehicle, whereas, side loaded vehicles have two doors. If the rear of the vehicle is damaged it may prove difficult to assist a disabled passenger from the damaged vehicle• Rear loading vehicle require an additional 3 meters space in order to manoeuvre a wheelchair user into the vehicle using a rear access ramp• Additional rank space taken up by the need to deploy a ramp at the rear end of the vehicle• Increased requirement for vehicles to shunt reverse and manoeuvre on the taxi rank to accommodate the rear access loading thus increasing the risk of accident• Rear access WAVs do not have the seating capacity of four passengers if one is seated in a wheelchair• No Luggage guard currently available within the market place adding	
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						<p>risk to passenger safety</p> <ul style="list-style-type: none"> • Increased risk to the driver whilst being forced to work at the rear of the vehicle on a public highway • Increased risk to the passenger whilst in the road accessing or exiting the vehicle. • It is in the present conditions it is stated that "a vehicle must be able to accommodate 4 adult passengers not including the driver". Some conversion vehicles on the market used by members of the public (not hire and reward) often lose seats, (fold up out of the way or lift out for instance), and on some models all of the seats are inaccessible or removed when a wheelchair is loaded. • We suggest vehicles only be considered which are London cab style vehicles (as current regulations) and at all times have the provision of 4 passenger seats in addition to the wheelchair user and driver. 	
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26	E-cigarettes	Current policy has no requirement	Drivers must not use any type of e-cigarette or similar device in a licensed vehicle	<p>Reduces the risk of drivers driving without due care and attention.</p> <p>Reduces the likelihood of distraction and accidents whilst in control of the vehicle.</p> <p>Reduces the likelihood of complaints or allegations of drivers smoking tobacco</p>	<p>Agree – HCA plus 8</p> <p>Disagree - 1</p>		No change to proposed amendments.
27	Earphones / Headphones	Current policy has no requirement	Drivers must not use any type of ear phones or headphones whilst driving a licensed vehicle	<p>Reduces the risk of drivers driving without due care and attention, or being unable to hear what is going on around the vehicle.</p> <p>Reduces the likelihood of distraction and accidents whilst in control of the vehicle.</p>	<p>Agree – 2</p> <p>Disagree – HCA plus 12</p>	<ul style="list-style-type: none"> • Should be allowed to use a Bluetooth headset to communicate with the office and in case of emergencies. • Current law makes use of handsets illegal. Most headphones now allow touch button or voice recognition or just direct answering of phone, therefore not touching the phone and not illegal. • Other distractions in addition to phones. • It should be stipulated that headphones can only be ones that do not require any pressing of a button on your phone, and that if call is not work related then end call and call back later. It is 	<p>Proposal amended to permit use of one Bluetooth earpiece only on one ear, and which does not require any contact with the mobile telephone to operate.</p> <p>Earphones or other devices worn on two ears will not be permitted.</p>

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						<p>ridiculous to expect drivers to do this as long as it is within the law.</p> <ul style="list-style-type: none">• Allow drivers to use a Bluetooth headset to communicate with the operator in an emergency.• Allow drivers to use Bluetooth headset to call office.• Certain hands free sets allow privacy of conversation as well as being aware and in control. What is different to sat nav / radio etc.?• You can hear in vehicle. No different to other devices.• This will make it hard to communicate with our customers and we will lose jobs.• Bluetooth should be permitted. It has more privacy. It is important for us to answer calls as customers will make other arrangements if they can't get through. As we are self employed we have to give good service.• Many drivers use headsets rather than hands free.	
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						<ul style="list-style-type: none"> • It is more distracting having a person in the car. If using Bluetooth / earphones your concentration is on the road. People in the car try to make eye contact. If anything this should be encouraged as it is within the law. • The association strongly disagrees with a total ban on all types of earphone / headset as proposed. All the taxi trade use a mobile phone and legislation prevents use of a hand held phone whilst driving but does permit use of sat navs, hands free phones etc. Phones are used for driver safety and pressing one button on an earpiece can call help in an emergency. • It would not be appropriate to use a system with speakers in the vehicle as passengers could hear details of a confidential call. • Our suggestion is to allow a Bluetooth earpiece in one ear only, just as the police and many others 	
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						use. This would permit drivers to still hear what is going on around the vehicle.	
28	<p>Summary of general comments and feedback:</p> <ul style="list-style-type: none"> • Ref No's 5,6,7,8 – costs are escalating for new as well as existing drivers. Very hard to recruit due to current costs. • Ref 12 – surely a small driver / passenger assisted sign in rear is admissible. We have spent hundreds of pounds in press with no response. Other areas are using this to recruit. To date we have not put any sign on our vehicles but others do. • Ref 27 clarification of communication that is permissible required. • Welcome overhaul is far reaching and covers many detailed improvements. • Committee must take into account the fare structure which the PH trade uses as a basis for charging. Of 365 licensing authorities in the UK, Wellingborough is placed at 324, ENC is 324; MK is 126; KBC is 124; NBC is 89. A 2 mile fare in ENC is £4.70, Wellingborough is £4.90, and Northampton £6.20. Changes need to reflect this. • I have agreed to all proposed policies because I think they will make our taxis safer and more comfortable for the public. • The Wellingborough Hackney Carriage Association submitted more comprehensive feedback on many points, all of which has been considered. Some key points are summarised above. • During the consultation period, the Council also received a general request from Guide Dogs for the Blind Association to consider specific matters set out by them and update our policies if / where necessary. Their request has been considered in the context of the consultation. Compliance with the Equality Act 2010, referred to by the Guide Dogs Association lies with individual operators and drivers, in addition to the Council. 						

**Operational Policy And Conditions
Governing Taxi And Private Hire Licensing**

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SECTION ONE - BACKGROUND

1.10 Definitions

DBS – Disclosure and Barring Service

DVSA – Driver and Vehicle Standards Agency

DVLA – Driver and Vehicle Licensing Agency

GP – General Practitioner

HCV – Hackney Carriage Vehicle

MOT – Ministry of Transport – annual motor vehicle inspection

PHO – Private Hire Operator

PHV -Private Hire Vehicle

The Council - Borough Council of Wellingborough

WAVs - Wheelchair Accessible Vehicles

1.20 Background

1.21 Borough Council of Wellingborough has responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within the district of Wellingborough.

1.30 The Role of Taxis and PHV's

1.31 Taxis (more formally known as hackney carriages) and PHVs play an important part in local transport. In 2003, 650 million journeys were made by taxi and PHV in Great Britain and households spent around £3 billion on taxi and PHV journeys; spending by business and foreign visitors was substantially added to this figure. Taxis and PHVs are used by all social groups but low income young women (amongst whom car ownership is low) is one of the largest groups of users.

1.40 The Role of Licensing: Policy and Justification

1.41 The aim of the council in its licensing of the taxi and PHV trades is to protect the public.

1.42 Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting

up the cost of operation or otherwise restricting entry to the trade. The council recognises that too restrictive an approach can work against the public interest and can have safety implications. For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver is competent and that the vehicle is safe.

1.50 Best Practice Guidance

1.51 The Department for Transport consulted with a large number of individuals and organisations to produce their document -Taxi and Private Hire Vehicle Licensing: Best Practice Guidance. Due regard has been given to the advice contained within that document in putting together these licensing conditions. The documents listed below were also considered when drafting this policy and conditions:

- The Office of Fair Trading - Legal Framework of Taxi and PHV licensing in the UK
- The National Association of Licensing and Enforcement Officers - Model Standard for Taxi and Private Hire Licensing
- Department for Transport - Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

1.60 Consultation

1.61 The council recognises that a number of groups and organisations have an interest in the provision of hackney carriage and private hire vehicle services. These groups include those working within the hackney carriage and PHV trade, enforcement agencies; local residents, and third sector or commercial organisations; all of whom have views and concerns that require consideration in bringing together this document.

1.62 Consultation was undertaken before the policy and standard conditions were implemented. Consultation will also be undertaken before any substantial changes are made.

SECTION TWO - INTRODUCTION TO GUIDANCE

2.10 Powers and Duties

2.11 These conditions of licensing are written following powers in the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Borough Council of Wellingborough the duty to carry out its licensing functions in respect of hackney carriages and private hire vehicles.

2.20 Objectives

2.21 In setting out its conditions of licensing, the council seeks to promote the following objectives:

- The protection of public safety.
- The establishment of a professional and respected hackney carriage and private hire trade.
- Public access to an efficient and effective public transport system.
- The protection of the environment.

2.22 The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is Borough Council of Wellingborough's wish to facilitate well run and responsible businesses which display sensitivity to the wishes and needs of the general public.

2.30 Status

2.31 In exercising its discretion when carrying out its regulatory functions, the council will have regard to this document and the objectives set out above.

2.32 Each application will be considered on its own merits. Enforcement action will be taken in accordance with the councils Enforcement Policy.

2.40 Implementation

2.41 The council expects licence holders to comply with the terms and conditions of this document immediately. It is acknowledged that certain provisions may place financial obligations on existing licence holders and, accordingly, the council will permit a transitional period, during which necessary changes must be made. (hereinafter referred to as Grandfather Rights). Where Grandfather rights apply they are described within that individual condition (see appendices).

SECTION THREE - DRIVERS

3.10 Competency

3.11 Borough Council of Wellingborough believes that hackney carriage and private hire drivers are professional drivers whose driving abilities and standards should be of the highest calibre from the time an applicant is first granted a licence and badge. The council recognises that private hire and hackney carriage drivers are lone workers, who occasionally have to manage difficult customers whilst, simultaneously, having to drive a vehicle safely and to high standards. Consequently, in addition to the legal requirement for applicants to have held a full UK driving licence for at least 12 months, the council requires applicants for hackney carriage or private hire driver's licences to demonstrate their competency by passing the tests described below.

3.11.1 Drivers must at all times comply with all relevant legal requirements and byelaws (Appendix G).

3.13 Full details of conditions applicable to drivers are given within Appendix A.

3.20 Driver Tests

3.21 Borough Council of Wellingborough considers that licensed Hackney Carriage drivers need a good working knowledge of the area for which they are licensed. In particular, applicants for licences who are not resident in, or familiar with, the Wellingborough area benefit from studying for and passing the local knowledge test.

3.22 In order to maintain the high standards that the council expects of its drivers, a licence will not be granted unless the council is satisfied that the applicant is a 'Fit and Proper' person. The council considers that the Knowledge Test' is a relevant question to be asked in helping to decide who is a 'Fit and Proper' person, in this context. An applicant's ability to find destinations easily, have a working knowledge of the licensed district, have a good working knowledge of the Highway Code and the legislation relevant to the use of hackney carriage and private hire vehicles is seen as a fundamental skill in providing a safe, quality, service to passengers.

3.23 In order to determine an Hackney carriage applicants 'Fitness' in this respect, applicants will be required to undertake a written test as to their knowledge of:

- the topography of the Borough Council of Wellingborough licensed district and its immediate surroundings;

- the Highway Code;
- the statutory legislation relating to hackney carriage and private hire vehicle use;
- the conditions of licensing for hackney carriage vehicles and private hire vehicles;
- relevant road traffic legislation;
- basic numeracy and literacy.

3.30 English language

3.31 It is important that the customer can easily communicate with the licensed driver for the purposes of receiving good customer service. All applicants are therefore required to take an English language comprehension test, to include verbal discussion and some mental arithmetic . For Hackney Carriage drivers this will form part of the Knowledge test.

3.40 Driving Proficiency and Qualifications

3.41 The council requires applicants to take a Practical Driving Standards Assessment test specifically for drivers of Hackney carriage and private hire vehicles. Where appropriate, the assessment includes a section on the use of wheelchair accessible vehicles (WAVs).The test is undertaken through the Councils nominated test provider.

3.42 All new applicants for driver licences are, therefore, required to take and pass a Practical Driving Standards Assessment (as determined by the Borough Council) before a licence will be granted. Those applicants intending to drive a wheelchair accessible vehicle must complete that element of the assessment. .

3.43 Existing holders of hackney carriage or private hire driver licences will not be required to take and pass the Practical Driving Standards Assessment, unless:

- a) they reach the threshold for suspension of their licence and testing with respect to accrual of DVLA penalty points
- b) unless Members of the Licensing Sub-Committee require it.
This may be required where the driver:

- attracts a substantiated complaint about their standard of driving
- is shown to have been involved in a blameworthy road traffic collision

- commits an offence or offences for which they receive a Fixed Penalty Notice fine and/or points
- commit an offence or offences for which they appear at Court and receive points and/or a fine
- for any other reasonable cause
- are required to assure the council that they remain a 'Fit and Proper' person to hold a licence

In which case the Licensing Manager will refer the driver to the Licensing Committee who have the authority to require the Practical Driving Standards Assessment to be taken or retaken.

3.50 Medical Examination

3.51 The council follows guidance from the Department of Transport Taxi and Private Hire Vehicle Licensing which states that each applicant for the grant of a driver's licence will be required to undergo a medical examination to the Group Two (2) standard, to assess their physical and mental fitness to drive a licensed vehicle. The completed medical examination report must be returned to the council and shown to be satisfactory before a licence will be considered.

3.52 Applicants for the initial grant of a driver's licence must undergo the medical examination prior to the grant of the first licence. Thereafter licence holders will be required to undergo a medical examination every six years up to the age of 45 years, and on each application between the age of 45 and 65. From the age of 65, drivers will be required to undergo a medical examination every 12 months.

3.53 The medical examination may be undertaken by any suitably qualified General Medical Practitioner, unless the council has specifically appointed a designated Medical Practitioner to be used, but the examining medical practitioner must have sight of, and review, the applicant's full medical history before making an assessment as to whether the driver should be considered medically fit to be granted a licence.

The examining medical practitioner will need to confirm in writing on the medical disclosure that they have reviewed and considered the applicant's full medical records history before signing the disclosure.

3.54 Licensed drivers must notify the council immediately, in writing, of any deterioration or change in their physical or mental health that may affect their fitness to drive a licensed vehicle.

3.55 Where there is any doubt as to the medical fitness of any applicant or licence holder, the council may require that person to undergo a medical examination by a medical practitioner nominated by the council.

3.60 Disclosure and Barring Service (DBS) Disclosures

3.61 Public safety is the first priority in all aspects of hackney carriage and private hire licensing. Consequently, DBS checks and the declaration on each renewal application form of any convictions or cautions, both criminal and motoring, are an essential requirement of the licensing process. A licence shall not be granted to any applicant who does not comply with the minimum requirements as set out in the Council's Criminal Records Policy (see Appendix F)

3.62 Applicants for licences are required to disclose all convictions and cautions, including those that would previously have been regarded as spent under the Rehabilitation of Offenders Act 1974, by completing the relevant section of the licence application form.

3.63 Failure to declare any conviction, or caution, may result in the immediate suspension of a licence, pending an investigation, and, if necessary, an appearance before a panel of the licensing sub-committee.

3.64 Before an initial application for a driver's licence can be considered, the council must be in receipt of an enhanced DBS disclosure related to that applicant. The applicant must apply for the disclosure through the Borough Council of Wellingborough, since 'applicant's copy' certificates from third parties will not be accepted, unless there are exceptional circumstances.

3.65 DBSs older than 3 months old will not be accepted for applications unless there are exceptional circumstances, in which case it will be at the discretion of the Licensing Manager.

3.66 Applicants for a driver's licence who come from elsewhere in the EU and other overseas countries, who have been resident in the United Kingdom for less than five years, will also be required to provide a Certificate of Good Conduct (Citizenship) from their country of birth, or residence, via their embassy or legation.

3.67 Licensed drivers are required to notify the council, in writing, within seven days, of any criminal or motoring convictions, endorsements or cautions that they receive during the term of a licence, and of any arrest or pending court appearances. Failure to do so may result in the immediate suspension of a driver's licence pending the outcome of an investigation.

- 3.68 All applicants must sign up to the DBS update service and allow the council to undertake status checks. Registration lasts for 12 months and licensed drivers will be required to keep this up to date.
- 3.69 The council will undertake DBS status checks during the term of the licence for routine monitoring purposes and where there is any doubt that the licence holder remains a 'Fit and Proper' person. The licence holder will be required to provide the council a copy of their up to date DBS certificate upon request.

3.70 Police Notifications

- 3.71 When a driver comes to the notice of the police and identifies their occupation as hackney carriage or private hire driver, the police will where appropriate, notify the relevant licensing authority of convictions and any other relevant information relating to a potential risk to public safety.
- 3.72 Where an applicant is from a country other than in the EU, country checks will be made on an individuals right to work. This may involve contact with the UK Border Agency.
- 3.73 Any circumstances affecting the suitability of a holder of a hackney carriage or private hire driver's licence or private hire operators licence to continue to hold that licence will be notified to the Licensing Manager and referred to the Licensing sub-Committee. The committee will make a decision regarding endorsements.

3.80 DVLA Licence Checks

- 3.81 Checks will be undertaken with the DVLA during each application and renewal. This check confirms whether the individual is licensed to drive and provides details regarding the number of penalty points and endorsements present on their licence.
- 3.82 The council will require licensed drivers to assist them in undertaking these checks with the DVLA for routine monitoring during the term of the licence and where there is any doubt that the driver remains a 'Fit and Proper' person to hold a Private Hire or Hackney Carriage drivers licence.
- 3.83 A new application with more than six current points on the D.V.L.A. driving licence will not be considered. Any licensed driver accruing more than six penalty points in any two year period will be referred to the Licensing Sub-Committee.

3.84 All penalty points must be notified in writing to the Licensing Authority, within seven days of the points being issued.

3.90 Driver Training

3.91 Child Sexual Exploitation (CSE) is of national concern and the council takes this issue very seriously. Licensed drivers provide an important public service and are in close contact with vulnerable members of society. They are therefore vital in providing local intelligence and early recognition of CSE issues in the community. All drivers will therefore be required to undertake specific awareness raising training and pass an assessment on CSE.

3.92 Drivers will on occasion drive passengers who have additional requirements for support. It is important that drivers understand how best to assist their passengers with the required level of assistance. All drivers will therefore be required to undertake specific awareness training and pass an assessment on disability awareness.

SECTION FOUR - HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

4.10 Accessibility

- 4.11 Borough Council of Wellingborough has considered how accessible licensed vehicles are for disabled people (which includes – but is not limited to people who need to travel in a wheelchair).
- 4.12 The Department for Transport has for some years now been working on proposals which would substantially improve taxi provision for people with disabilities. This work is continuing and an announcement will be made in due course. In the meantime licensing authorities are encouraged to introduce taxi accessibility policies for their areas.
- 4.13 Different accessibility considerations apply to taxis and PHV's. Taxis can be hired on the spot -in the street or at a rank -by the customer dealing directly with a driver; but PHV's can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps makes that possible. For PHV's, it may be more appropriate for a local authority to license any type of saloon car, or other vehicles, noting that some PHV operators offer accessible vehicles in their fleet.

Accessibility issues were raised during consultation, particularly in respect of potential risks of rear loading taxis on the taxi ranks.

As PHVs always have to be pre-booked, the Council believe it is possible for the potential benefits to permitting use of such rear loading vehicles to be offset against any potential increased risks posed by rear loading as this can be considered and mitigated at booking stage; unlike Taxis plying for hire on the taxi ranks.

Side loading wheelchair accessible vehicles can accommodate most regular sized wheelchairs, whereas rear loading vehicles can potentially also accommodate the larger motorised wheelchairs. It is felt appropriate for Private Hire vehicles to be permitted to be rear loading, whereas due to concerns raised during consultation, it is not for taxis plying for hire on the taxi ranks.

- 4.14 In September 2000 the council deregulated the number of hackney carriages that may ply for hire in the Borough. All newly licensed hackney carriages licensed after this date must be a London style cab, or similar with wheelchair access facilities, such vehicles to be defined as a purpose built hackney carriage with nearside wheelchair access. Hackney Carriage Plate Numbers 1-29 will be reserved for yellow saloon/estates/multi-purpose vehicles.

4.20 Security / CCTV

- 4.21 The Borough Council of Wellingborough is very aware that drivers of hackney carriage and private hire vehicles, being lone workers, are vulnerable to unlawful acts whilst providing a service to the public. In addition, the installation of in-car CCTV provides reassurance to the travelling customer. Therefore, the council supports the installation of approved security screens, CCTV or other suitable security devices in hackney carriage and private hire vehicles.

The Borough Council is also aware that there are an increasingly wide range of audio and visual recording devices available, including smart phones and similar devices. As such, it is not believed to be practical to have a policy that adequately covers the whole range of different audio or visual recording devices and circumstances they may be used in licensed vehicles, and ensure any such policy ensures on-going compliance with the Data Protection Act or Information Commissioner requirements.

The Borough Council therefore places full responsibility for compliance with all Data Protection Act and Information Commissioner requirements in respect of audio or visual recordings in licensed vehicles, and the storage and use of all recordings, upon any vehicle owner, operator and driver using such equipment.

Due to the potential sensitivities of making audio or visual recordings in licensed vehicles, any breach of the requirements of the Data Protection Act or Information Commissioner Guidance on audio or visual recordings will be considered a breach of the conditions of licensing and will be taken extremely seriously.

4.30 Special Occasion Vehicles

- 4.31 Every application to licence a special occasion vehicle (including stretch limousines and other specialist vehicles) as a private hire vehicle will be considered on its individual merits.

Appendix E sets out the Councils policy on Special Occasion vehicles.

4.40 Livery

- 4.41 The council has decided that it is necessary, in the interests of public safety, for the public to be able to clearly distinguish between HCVs and PHVs. As a result, all HCVs will display a roof sign bearing the words Taxi, Cab, For Hire or similar that is capable of being illuminated at night, at all times whilst the vehicle is available for hire.

4.42 PHVs must not display any form of roof sign. Every private hire vehicle must, however, display door signs of a type and design approved by the council, except where prior written permission has been granted not to do so (Discreet Plate Policy).

4.43 Private Hire vehicles must not be capable of being mistakenly confused as a Hackney Carriage vehicle. Yellow four door saloons, or the TX series, MetroCab (London style vehicles) or any vehicle having the appearance of a hackney carriage will not be considered for licensing as a private hire vehicle.

4.44 Full details of conditions applicable to Private Hire vehicles are given in Appendix B and details of requirements for Hackney carriage vehicles are given in Appendix C

4.50 Vehicle Proprietors

4.51 Since public safety is the first priority in all aspects of hackney carriage and private hire licensing, all individual applicants for private hire and hackney carriage vehicle licenses, will be required to produce an up to date (less than three months old) basic disclosure certificate obtained from Disclosure Scotland, and sign a declaration relating to criminal convictions on each application. This will not be required for:

- drivers currently licensed by the authority who will have produced a valid enhanced DBS disclosure,
- private hire operators, who hold a current Private Hire Operators Licence issued by the Borough Council of Wellingborough
- recognised insurance companies, or other similar fleet hire companies that provide temporary or accident replacement vehicles

4.52 If there are any doubts over whether the applicant is a suitable person to hold a vehicle licence, the applicant will be referred to the councils Licensing Sub-Committee for decision. Basic Disclosures will not be required where the applicant has obtained an enhanced certificate for a Borough Council of Wellingborough Private Hire or Hackney Carriage driver's license.

4.60 Vehicle Testing

4.61 The proprietor of a licensed vehicle will be required to present the vehicle for inspection and testing up to three times in any twelve month period at the approved testing centre. Additionally any authorised officer may inspect and test vehicles and taxi-meters at all reasonable times and require further inspection and testing, if the officer is not satisfied. The owner of the vehicle remains at all times liable to ensure that any vehicle complies with the statutory requirements and in particular to ensure that if appropriate a M.O.T. test certificate is in force in respect of the vehicle. Roadside checks will be carried out and

vehicle licences are liable to be suspended until any necessary work has been completed. If the suspended vehicle is not brought up to standard within two months, the licence is deemed to be revoked. The licensing fee does not include the cost of inspection, or re-test in respect of (a) a prohibition notice issued by the Vehicle Inspectorate (b) a Notice under Sections 60 & 68 of the 1976 Act. Any charge under those circumstances is the responsibility of the vehicle owner.

4.62 Generally the Council requires vehicles to be tested twice a year. Once for the annual renewal of its licence, and once at six months through that licensed year. If a vehicle is not presented in the required month for its interim test, and no other arrangement has been negotiated with the Council's officers, the vehicle licence is deemed to be suspended until such time as the test is satisfactorily completed.

4.63 Any vehicle which fails its annual or interim test is required to be submitted for re-test within 7 days unless an alternative arrangement has been previously negotiated with the Council's officers.

4.70 Exceptional Age Policy

4.71 Vehicles shall be no older than 5 years from the first day of registration on the initial application to the Borough Council of Wellingborough for a Private Hire or Hackney carriage Vehicle Licence. The first date of registration will be as shown on the vehicle registration document, which may not necessarily be the first date it is registered with the DVLA (e.g. may previously have been registered abroad.) An exemption will be allowed at the discretion of the Licensing Manager for Executive Cars or Special Occasion vehicles used on an infrequent basis.

4.72 Once licensed the maximum age of a vehicle will be no more than 10 years from date of registration. All vehicles over 10 years are subject to the Exceptional Vehicle Age Policy and will be subject to 3 vehicle tests per year.

4.73 The term "exceptional condition" is used to describe vehicles which are over any age limit set by the Council, but that can continue to be licensed because of their condition.

4.74 Any Council which imposes an age limit on its vehicles must be prepared to consider applications from vehicles that are in "exceptional condition" and the following specification is a guide to suggest the type of vehicles that the Council will consider.

4.75 A vehicle of "exceptional condition" is one where the components i.e. mechanical, body panels, paint and trim are in an exceptional condition with regard to the age of the vehicle. It is essential that the image of an

exceptional older vehicle upholds the standards normally set by a much younger vehicle.

4.76 General conditions applicable to this exceptional condition policy are ;

- a) The owner of a hackney carriage or private hire vehicle whose vehicle is approaching its age limit will be required to notify the licensing authority in writing at the time of making an application for the grant of a licence that they wish to extend the operating life of their existing vehicle by 12 months. They must continue to do so, on each subsequent renewal application.
- b) The examination and inspection of any vehicle in accordance with this policy shall be increased to 3 times a year due to the higher risk of failure i.e. 4 monthly as opposed to 6 monthly inspection dates. Should the vehicle present with more than 5 faults at two consecutive inspections, the vehicle will not be eligible for further licensing.
- c) The criteria detailed below are in addition to all current vehicle test criteria requirements.
- d) The Councils nominated testing station (in conjunction with an authorised officer of the Licensing Authority where necessary) will undertake an inspection of the vehicle to assess its general condition and appearance in accordance with the criteria detailed below: -
 - In order for a vehicle to be considered suitable for an operating extension under this policy it must have successfully passed two of its last four fitness tests on first submission.
 - Bodywork should be in near perfect condition with no signs of panel age deterioration, dents or any other abrasions that may detract from the overall appearance of the vehicle.
 - Mechanical condition is such that there should be no item that may show age, deterioration or cause or contribute to a less than safe, comfortable passenger ride.
 - The underside condition of the vehicle does not show any signs of rusting or age, or deterioration.
 - General paint condition should not show signs of fading, discolouration or mismatching and retain a finish generally found on much younger vehicles
 - The exterior trim must be complete.
 - Interior trims, panels, seating and carpets etc. should be of a condition that is free from frayed, discoloured, faded or torn components.
 - All seatbelts, airbags, grab rails and other safety devices are in good condition and repair and fully operational.
 - The boot and luggage compartment must be clean, uncluttered and watertight.

- There shall be no evidence of leakage of fuel from the vehicles fuel filler cap.
- The passenger compartment should be free from damp or any other odours that may cause passenger discomfort.
- For wheelchair accessible vehicles only: Ramps and restraining straps will be complete and serviceable and maintained in good repair

4.77 Ultimately, the decision on whether or not a car can continue to be licensed under the proviso that it is in “exceptional condition” would have to be judged on the merits of each vehicle. Consideration would also have to be given to the type of vehicle, engine size, mileage and the fact that in the case of a Private Hire Vehicle, it is going to be used as a licensed vehicle rather than a family saloon.

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SECTION FIVE - APPLICATION PROCEDURES AND SERVICE STANDARDS

5.10 Service Standards

5.11 The council will:

- process any new or renewal application within 28 working days of receiving a completed application form and all associated documentation.
- process any change of vehicle application, where the current licensed vehicle is still in use, within 28 working days.
- process any change of vehicle application involving a replacement vehicle, following a road traffic incident or serious breakdown, within five working days of receiving a completed application form and all associated documentation.
- process any other applications or notifications, such as change of address or vehicle transfer, within 28 working days of receipt of all required documents and forms.

5.12 The council will send written reminders to existing licence holders approximately six weeks before the expiry date of the current licence. Where any application is received less than five working days before the expiry of the current licence, the council cannot guarantee completion before the expiry of the current licence and so the licence may expire. In this case, the driver or vehicle concerned would not be licensed and would be unable to work.

5.13 If a driver or vehicle renewal application is not received prior to the expiry of the existing licence, the application will not be treated as a renewal. It will be treated as an initial (new) grant of a licence, for drivers this will mean they must submit a new medical examination and a new DBS disclosure . and D.V.L.A. disclosure and may be required to sit a practical driving standards assessment . For Hackney Carriage licenses a late application will result in loss of the current plate. The decision to grant the licence will not be made until all the relevant documentation has been received by the council.

5.14 All communications to Private Hire Operators will only be made through their registered operating address which must be within the Wellingborough district.

5.20 Consideration of Applications

- 5.21 The council will consider each application on its own merits once it is satisfied that the appropriate criteria have been met and the application form and all supporting documents have been correctly completed and received. The council will refer to the Policy Statement on Convictions when considering driver applications.
- 5.22 The timescales apply from the day of submission of the last required documentation.

5.3 Grant and Renewal of Licences

- 5.31 The initial grant of a hackney carriage or private hire driver's licence will be for a period of three years, unless there are exceptional reasons to issue a licence for a shorter period.
- 5.32 The grant, and renewal, of hackney carriage and private hire vehicle licences will be for a period of one year.
- 5.33 The initial grant of private hire operators licences will be for a period of five years.
- 5.34 The licensee shall submit an application for the renewal of this licence and all required original documentation, to the council, at least five working days prior to the expiry of the current licence. DBS forms must be submitted at least 5 weeks before required, to ensure that they are received back by the council before the licence expires.

Taxi and Private Hire Conditions of Licensing

Appendix A – Drivers

CONDITIONS OF LICENCE – DRIVERS

The following specifications and conditions of licence are made by Borough Council of Wellingborough under powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure effective regulation of private hire vehicle use and to ensure that proper vehicle and driver standards are maintained, in the interests of public safety.

Possession of this Conditions of Licence document does not guarantee that the individual holds a current, valid private hire or hackney carriage driver licence. The validity of any licence may be confirmed by contacting Borough Council of Wellingborough Licensing Team.

DEFINITIONS

In these conditions:

- ‘the 1976 Act’ means the Local Government (Miscellaneous Provisions) Act 1976 (as amended)
- ‘the Council’ means Borough Council of Wellingborough.
- ‘Authorised Officer’ means a Licensing Officer authorised in writing by Wellingborough Council.
- ‘the hirer’ means any person who, from time to time, hires or books the vehicle.
- ‘the licensee’ means the person(s) named in the licence.
- ‘the driver’ means the person(s) named in the licence
- ‘the operator’ means any person or company or partnership licensed by the Council to operate private hire vehicles.
- ‘the vehicle’ means the vehicle named in the licence.

GENERAL

All licensed drivers must comply, in all respects, with the conditions of licensing set out below. The conditions of licence are supplementary to, and should be read in conjunction with, applicable statutory legislation. The following list is not exhaustive: -

- The Town Police Clauses Act 1847 (as amended)
- The Local Government (Miscellaneous Provisions) Act 1976 (as amended)
- The Disability Discrimination Act 1995
- The Equality Act 2010

1.0 CONDUCT OF DRIVER

- 1.1. The driver shall, at all times, when acting in accordance with the driver's licence granted to them, wear the badge as supplied by the council in such a position and manner as to be plainly and distinctly visible at all times.
- 1.2. The badge supplied by the council shall include the driver's full name, colour photograph, licence number and expiry date. The badge must not be covered, concealed or defaced in any way
- 1.3. The licence holder shall not lend the badge to any other person or permit any other person to wear it and on termination or surrender of a driver's licence, he/she shall return the badge to the council immediately.
- 1.4. The driver shall behave in a civil, polite and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 1.5. The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view or allow the licence plate to be so defaced as to make any figure or information unavailable. The driver shall also ensure that the door signs that are required to be displayed on the vehicle are present and not damaged, defaced or concealed in any way.
- 1.6. The driver of a private hire or hackney vehicle who has agreed, or has been hired, to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- 1.7. The driver, when hired to drive to a particular destination, shall proceed to that destination by the shortest available route, unless a different route has been agreed with the hirer before the commencement of the journey.
- 1.8. The driver shall not convey, or permit to be conveyed, in such vehicle any greater number of persons than the number of persons specified on the vehicle licence (plate).
- 1.9. The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.
- 1.10. The driver must not solicit, by calling out or by any other means, any person to hire or be carried for hire, and Private Hire Drivers must not accept an offer for the hire of the vehicle except where that hiring is first communicated to the driver by the operator.
- 1.11. The driver shall ensure that the vehicle is presented in a clean and tidy, roadworthy and well maintained condition for each journey undertaken.
- 1.12. The private hire or hackney vehicle must only be driven with the permission of the proprietor of the vehicle.

- 1.13 The driver must comply with any hirer's request not to drink or eat in the vehicle, or play any radio or sound equipment, which is not connected with the operation of the vehicle as a hackney private hire vehicle.
- 1.14 The driver shall ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any person, whether inside or outside the vehicle.
- 1.15 The driver shall not attract the hirer's attention, as a means of indicating that the vehicle has arrived or is waiting, by operating the horn or shouting.
- 1.16 The driver must not cause or permit a private hire vehicle to stand on a road or in a public place so as to suggest that the vehicle is plying for hire or stop, wait on or use any hackney carriage stand.
- 1.17 Drivers are not permitted to use any type of e-cigarette or similar device in a licensed vehicle
- 1.18 Drivers are permitted to use one Bluetooth earpiece only on/in one ear, which does not require any direct contact with the mobile telephone to operate, and which does not interfere with their ability to drive safely. Any such equipment must only be used in compliance with all other relevant legislation. Drivers are not permitted to wear or use earphones or other devices on/in two ears. Equipment or devices that require any contact whatsoever with the mobile phone to operate or activate them, are not permitted.

2.0 **FITNESS OF DRIVER**

- 2.1 The licensed driver must at any time, or at such intervals as the council may reasonably require, produce a medical report in a form prescribed by the council, to the effect that he/she is, or continues to be physically and mentally fit to be the driver of a private hire vehicle.
- 2.2 Applicants for the initial grant of a drivers licence must undergo the medical examination prior to the grant of the first licence. Thereafter licence holders will be required to undergo a medical examination on each application between the ages 45 to 65 years. From the age of 65, drivers will be required to undergo a medical examination every 12 months.

The medical examination may be undertaken by any suitably qualified General Medical Practitioner, but the examining medical practitioner must have sight of, and review, the applicant's full medical history before making an assessment as to whether the driver should be considered medically fit to be granted a licence.

The examining medical practitioner will need to confirm in writing on the medical disclosure that they have reviewed and considered the applicants full medical records history before signing the disclosure.

Licensed drivers must notify the council immediately in writing of any deterioration or change in their physical or mental health that may affect their fitness to drive a licensed vehicle.

- 2.3 Whether or not a medical report is produced a driver must, if required by the council at any time, submit to a medical examination, if necessary by a Medical Practitioner designated by the council.
- 2.4 A driver must cease driving any licensed hackney or private hire vehicle and inform the council immediately they become aware of any medical condition which may affect their driving ability and/or the health and safety of themselves or their passengers.
- 2.5 The following medical condition(s) must be notified to the council, in writing, as soon as reasonably practicable:
- Heart condition .
 - Deterioration of eyesight or hearing
 - Abnormal blood pressure .
 - Alcohol or drug dependency
 - Diabetes .
 - Mental or psychological disorders
 - Epilepsy .
 - Serious physical injury or disability
 - Sudden attacks of giddiness or fainting
 - Any other condition affecting the ability to drive

3.0 **FARES AND JOURNEYS**

- 3.1 A hackney carriage driver must not charge a fare which is greater than that given in the 'Hackney Carriage Table of Maximum Fares' set by the council, for any journey ending inside the borough of Wellingborough.
- 3.2 The operator of a private hire vehicle may make their own agreement with the hirer as to the fare to be charged for a particular journey. This must be agreed in advance of the journey taking place.
- 3.3 The driver shall, if requested by the hirer, provide the hirer with a written receipt for the fare paid. The receipt must include the following information in a legible format:
- The time and date of the journey
 - The start and destination points of the journey
 - The drivers name (in capitals)
 - The vehicle licence plate number or registration
 - The fare paid
 - The drivers signature
- 3.4 If the vehicle is fitted with a taxi-meter, then the driver of the vehicle shall:
- A. unless the hirer expresses at the commencement of the journey his/her desire to engage by time alone (agree fare before commences), bring the meter into operation at the commencement of the journey
 - B. bring the machinery of the taxi-meter into action by moving the said key, flag, button or other device, so that the word 'HIRED' is legible on the face of the taximeter before

beginning a journey for which the fare is charged by distance and time, and keep the machinery of the taxi-meter in action until the termination of the hiring;

- C. when waiting for hire, keep the key, flag, button or other device fitted for that purpose locked in the position in which no fare is recorded on the face of the meter;
- D. cause the display of the taxi-meter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness, as defined for the purposes of The Road traffic Act 1972, and also at any other time at the request of the hirer; and
- E. not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taxi-meter, the fare shown on the face of the meter.

3.5 In the event of a journey commencing in but ending outside Borough Council of Wellingborough's area, or vice-versa, there may be charged for the journey such fare or rate, if any, as was agreed before the hiring commenced. If no such agreement was made then the fare to be charged should be no greater than that fixed by the council 'Hackney Carriage Table of Maximum Fares'.

4.0 **DUTIES OF LICENCE HOLDER**

- 4.1 Any change in circumstance affecting this licence must be notified to the council in writing, in accordance with the timescales outlined below:
- 4.2 The driver's licence, to which these conditions refer, must be made available for inspection, on request, by any authorised officer of the council or police.
- 4.3 The driver must notify the council in writing, within 7 days of being engaged or employed to drive a private hire vehicle, of the name of the proprietor (licensee) of the vehicle, the operator of the vehicle (if different) and the date when such engagement or employment commenced. The driver must also notify the Council in writing within 7 days of any termination of employment with an operator.
- 4.4 All licenses and badges remain the property of the council at all times. They must be returned promptly when the licensee ceases to be engaged or employed as a private hire driver, the licence expires, or where the licence is suspended or revoked.
- 4.5 The driver must notify the council in writing, within 7 days, of any change of personal address or change of private hire operator (private hire drivers only).
- 4.6 The driver must notify the council in writing, within 7 days, of any criminal or motoring Conviction or endorsement, Caution, arrest, pending court appearance, or the receipt of any Fixed Penalty Notice imposed on them whilst the licence is in force. Failure to do so may result in the immediate suspension of this licence pending an investigation by the council.
- 4.7 The licensed driver must submit an enhanced disclosure and barring service certificate to the council every 3 years. This must be obtained through Borough Council of Wellingborough as the registered body. Third party certificates will not be accepted.

- 4.8 The licensee shall submit an application for the renewal of this licence and all required original documentation, to the council, at least 5 working days prior to the expiry of the current licence, failure to apply within this period will result in the applicant being treated as a new applicant and not a renewal. DBS forms must be submitted at least 5 weeks before required, to ensure that they are received back by the council before the licence expires.
- 4.9 All applicants must sign up to the DBS update service and allow the council to undertake status checks. Registration lasts for 12 months and licensed drivers are required to keep this up to date.

5 LOST PROPERTY

- 5.1 The driver shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been left therein. If any property is found, drivers must, wherever possible, make reasonable attempts to reunite lost property with its owner. In the event that this is not possible, the property should, as soon as possible, but in any event within 48 hours, be handed in at the nearest Police Station. A receipt or Found Property Register number must be obtained at that time and retained by the driver.

6. ACCIDENT REPORTING

- 6.1 A proprietor, or driver of a licensed vehicle shall report to the council, in writing, on the Council's prescribed form, as soon as reasonably practicable, and in any case within 72 hours of the occurrence, any accident including road traffic collisions or any other accident causing damage to a licensed vehicle materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons using the vehicle.

7 CARRIAGE OF ANIMALS

- 7.1 A driver must not carry in a licensed vehicle any animal which belongs to or is being looked after by themselves, the owner of the vehicle or the operator whilst it is being used as a private hire vehicle.
- 7.2 Animals in the custody of passengers may be carried, at the driver's discretion, provided that they are restrained in a safe manner.
- 7.3 A driver must carry assistance dogs, including guide dogs for the blind, hearing dogs and other dogs which assist persons with physical impairments, when requested to do so by the customer. The only exception being where a driver has been granted an exemption from doing so by the council.
- 7.4 An exemption certificate, when granted, must be displayed in the licensed vehicle it relates to at all times whilst it is available for hire.

8 WHEELCHAIR ACCESSIBLE VEHICLES

8.1 All drivers of wheelchair accessible vehicles (WAV's):

- A. must be fully aware of the correct method of operation of all ramps, lifts, wheelchair restraints and any ancillary equipment provided for the purpose of conveying wheelchair bound passengers;
- B. must, before the vehicle is put into motion, ensure that all wheelchairs and occupants are firmly secured to the vehicle by use of an approved restraint system and seatbelt(s). The wheel brakes of any wheelchair should be set before the private hire vehicle is put into motion;
- C. must ensure that any wheelchair(s), equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to any other person, and in accordance with any statutory legislation or regulations;
- D. must be physically capable of loading and unloading passengers confined to an un-powered wheelchair.

Taxi and Private Hire Conditions of Licensing

Appendix B – Private Hire Vehicles

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CONDITIONS OF LICENCE – PRIVATE HIRE VEHICLE

The following specifications and conditions of licence are made by Borough Council of Wellingborough under powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure effective regulation of private hire vehicle use and to ensure that proper vehicle and driver standards are maintained, in the interests of public safety.

Possession of this Conditions of Licence document does not guarantee that a private hire vehicle licence is in force for the vehicle nor do they imply that the vehicle is roadworthy or fit for use. The validity of any licence may be confirmed by contacting Borough Council of Wellingborough Licensing Team.

DEFINITIONS

In these conditions:

- ‘the 1976 Act’ means the Local Government (Miscellaneous Provisions) Act 1976 (as amended)
- ‘the Council’ means Borough Council of Wellingborough.
- ‘Authorised Officer’ means a Licensing Officer authorised in writing by Wellingborough Council.
- ‘the hirer’ means any person who, from time to time, hires or books the vehicle.
- ‘the licensee’ means the person(s) named in the licence.
- ‘the operator’ means any person or company or partnership licensed by the council to operate private hire vehicles.
- ‘the vehicle’ means the vehicle named in the licence.

GENERAL

All licensed vehicles shall comply, in all respects, with the conditions of licensing set out below. The conditions of licence are supplementary to, and should be read in conjunction with, applicable statutory legislation. The following list is not exhaustive: -

- The Town Police Clauses Act 1847 (as amended)
- The Local Government (Miscellaneous Provisions) Act 1976 (as amended)
- The Road Vehicles (Construction and Use) Regulations 1986 (as amended)

1.0 CONSTRUCTION

- 1.1 All licensed vehicles shall have an appropriate 'type approval' which is either a:
- A. European Whole Vehicle Type Approval;
 - B. British National Type Approval; or
 - C. Individual Vehicle Approval It is also recommended that vehicles with a Euro NCAP star rating of four, or more, should be considered when purchasing a replacement vehicle.
- 1.2 Vehicles should be manufactured or adapted to carry not more than eight passengers; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers. Where a vehicle has been altered, adapted or modified ONLY Type Approval Certificates granted after alteration, adaptation or modification will be accepted
- 1.3 The vehicle shall be:
- A. a four-door saloon car with adequate seating accommodation for not less than four adult passengers in addition to the driver (exemptions from this requirement may be issued at the discretion of the Licensing Manager for smaller modern economical two seater cars or Executive cars); or
 - B. a five door estate or hatchback with adequate seating accommodation for not less than four adult passengers in addition to the driver. Estate vehicles must be fitted with a luggage screen or guard to prevent luggage encroaching into the passenger compartment in the event of an accident ; or
 - C. a Multi Purpose Vehicle (MPV), including those manufactured or suitably adapted to carry wheelchair bound passengers, with adequate seating accommodation for, not less than, four adult passengers, and not more than eight inclusive of any passengers who may be seated in wheelchairs, in addition to the driver. Such vehicles to be provided with a means of securing any luggage carried. Such vehicles must have been granted the relevant M1 Type Approval Certificate, applicable after the vehicle has been manufactured or adapted, for carrying wheelchair-bound passengers; or
 - D. a mini-bus type vehicle, including those manufactured or suitably adapted, to carry wheelchair bound passengers, with adequate seating accommodation for, not less than four adult passengers, and not more than eight inclusive of any passengers who may be seated in wheelchairs, in addition to the driver. Such vehicles must have been granted the relevant M1 or M2 Type Approval Certificate, applicable after the vehicle has been manufactured or adapted, for carrying wheelchair-bound passengers.
 - E. Vehicles in Category C or D above may be permitted to have less than 4 adult passenger seats if it is purposely designed and constructed to carry wheelchair bound passengers, as long as the vehicle has the relevant M1 or M2 Type Approval Certificate, applicable after the vehicle has been manufactured or adapted, for carrying wheelchair-bound passengers.

F. Any minibus or other vehicle in which the seating is intended to be fixed in one place, and which has potential for capacity for over nine seats, which has had excess seating removed to allow not more than eight passenger seats, must have any excess seating fixings permanently removed and holes or other fixings permanently capped (i.e. welded over or similar) before a licence can be issued. This requirement will not apply to vehicles purposely designed to allow for regular flexible changes in seating configurations, including accommodating wheelchairs, and seating that is fitted onto manufacturers purpose designed and installed runners or tracks

- 1.4 The TX series, MetroCab (London style vehicles) or any large vehicle having the appearance of a hackney carriage will not be considered for licensing as a private hire vehicle. Any vehicle which could be confused with a London style cab shall not be permitted to be black in colour.
- 1.5 All Private Hire vehicles shall be of any standard manufacturer's colour other than yellow.
- 1.6 The vehicle must be suitable in type, size and design for use as a private hire vehicle.
- 1.7 Only those vehicles manufactured as right hand drive will be acceptable for licensing (an exception may be made in the case of stretch limousines).
- 1.8 The engine capacity shall be not less than 1,400cc, or 90BHP or equivalent (exemptions will be considered at the discretion of the Licensing Manager for smaller modern economical two seater cars).
- 1.9 The vehicle shall be provided with sufficient luggage space for the number of passengers for which the vehicle is licensed.

2.0 DOORS

- 2.1 All saloon, hatchback or estate cars shall have at least four side opening doors which may be opened from the inside and the outside.
- 2.2 MPV's and mini-bus type vehicles shall have a minimum of three doors, not including any tailgate or rear doors.
- 2.3 Wherever possible the offside passenger door should remain locked to prevent passengers exiting the vehicle into road traffic and wherever possible to allow access and egress on the nearside (kerbside) of the vehicle only. Grandfather rights apply for existing licensed vehicles at the time these conditions come into force, but they must comply when that vehicle is replaced after 1st January 2015.
- 2.4 The vehicle shall be constructed so that doors open sufficiently wide as to allow easy access into, or out of the vehicle.
- 2.5 Tailgates and rear doors are only to be used for loading/unloading luggage or as an emergency exit, unless the vehicle has been designed, modified or adapted to carry wheelchair bound passengers, and as long as the vehicle has the relevant M1 or M2 Type Approval Certificate, in which case the rear doors may be used for loading those passengers only.

3.0 **TINTED WINDOWS**

3.1 The Road Vehicles (Construction and Use) Regulations 1986, as amended, specify the minimum levels of light that must pass through the windscreen and the front side windows. The limits are:

A. Motor vehicles first used before 1 April 1985: The windscreen and front side windows must allow at least 70% of light to be transmitted through them.

B. Motor Vehicles first used on or after 1 April 1985: The light transmitted through the windscreen must be at least 75%. The front side windows must allow at least 70% of light to be transmitted through them.

If the glass is tinted to a point whereby it lets through less light, then the vehicle does not meet legal requirements.

3.2 Vehicle manufacturer's standard tinted glass is accepted on licensed vehicles. However privacy glass; tinted or coloured films or other aftermarket modifications to windows are not acceptable.

3.3 An exception to this requirement may be made in respect of executive, luxury and special occasion vehicles only, that are never used for general private hire activities such as short journeys and town centre work dependent on prior written permission being granted by the council. This applies to vehicles.

4.0 **VENTILATION**

4.1 Windows must be provided at the rear and sides along with the means of opening and closing not less than one window on either side.

4.2 Rear passenger windows must be capable of being opened and closed by passengers unless air conditioning is available.

5.0 **WHEELCHAIR ACCESSIBLE VEHICLES (WAV'S)**

5.1 In the case of all private hire vehicles which are built or adapted for the carriage of wheelchair bound passengers, the design of the vehicle shall be such that any wheelchair is loaded, and unloaded, from either the rear or the nearside of the vehicle.

5.2 Any vehicle that has been adapted or modified to accommodate disabled passengers shall be re-certified, after adaptation or modification, to meet the European Whole Vehicle (M1 or M2) Type Approval standard, the British National Low Volume Type (M1 or M2) Approval standard or the British National Single Vehicle (M1 or M2) Type Approval in respect of all such adaptations or modifications. The relevant certificate will be required before such a vehicle can be licensed.

- 5.3 Access to and egress from the wheelchair position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus;
- 5.4 Wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and comply with the M1 or M2 standards as specified in European Directive 76/115 EEC (as amended by 90/629 EEC) and should be secured in such a position as to not obstruct any emergency exit when the equipment is not in use;
- 5.5 A suitable, separate, restraint (seat belt) must be available for the occupant of the wheelchair and must always be used when a wheelchair is being carried;
- 5.6 Access ramps or lifts must be securely fixed to the vehicle prior to use and be able to support the weight of any wheelchair, occupant and helper; such devices shall have a minimum load rating of 300kg. Relevant information and manufacturers markings must be displayed on all lifting equipment and ramps.
- 5.7 Ramps, steps and lifts must be securely stored in the vehicle before driving off;
- 5.8 The vehicle shall be fitted with a locking mechanism, or other device, that holds the wheelchair access door in the open position whilst a wheelchair is being loaded or unloaded.
- 5.9 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S/I 1998/2307). Any such equipment must be maintained in efficient working order so as to be available for use at all times.
- 5.10 Where a vehicle is manufactured or adapted to carry a wheelchair, and the vehicle has been licensed as such, the licensee (and any licensed private hire operator responsible for operating the vehicle) shall ensure that the driver of the vehicle has received sufficient training to be able to load/unload and convey wheelchair bound passengers in safety and comfort.
- 5.11 A sign may be affixed to the outside of the vehicle indicating that it is able to convey passengers in wheelchairs, provided that the vehicle has been manufactured or properly adapted for that purpose.

6.0 SEAT BELTS

- 6.1 All private hire vehicles must be fitted with fully operational seat belts, one for each passenger to be carried. Each seat belt to be fully compliant with any relevant legislation and British Standard, except where the law specifically provides for an exemption. Seat belts should be used in accordance with the requirements of the statutory legislation that is applicable at the relevant time.

7.0 FIRE EXTINGUISHER

- 7.1 A fire extinguisher must be carried at all times in such a position as to be readily available for use.

- 7.2 The appliance shall have a minimum contents weight of 1 (one) kilogram, conform to BS EN3 1996 and be of the dry powder or foam type.
- 7.3 The extinguisher shall be fitted with a gauge that indicates the condition of the contents and shall be indelibly marked with the registration mark or licence number of the vehicle to which it is assigned.
- 7.4 Fire extinguishers that are damaged, dented or disfigured, in any way, will render the associated vehicle liable to immediate suspension until a replacement extinguisher is provided.
- 7.5 The extinguisher shall be securely mounted in a bracket, affixed to the vehicle, in the boot/luggage area of the vehicle where it is readily accessible to the driver. A notice indicating its location shall be displayed within the vehicle where it can be clearly seen by passengers carried in the vehicle.

8.0 **FIRST AID KIT**

- 8.1 There shall be provided, in such a position as to be readily available at all times whilst the vehicle is available for hire, a first-aid kit, to enable the driver to administer basic first-aid to him/herself.
- 8.2 The first-aid kit shall be provided, and maintained with appropriate dressings and appliances for immediate use in an emergency.
- 8.3 The kit should be in a sealed container, indelibly marked with the registration mark or licence number of the vehicle to which it is assigned.

9.0 **LUGGAGE**

- 9.1 Luggage carried must, where necessary, be suitably secured in place and must not obstruct any exit, or emergency exit.

10.0 **MAINTENANCE AND CONDITION OF A PRIVATE HIRE VEHICLE**

- 10.1 Sufficient means must be provided by which any person in the vehicle may communicate with the driver;
- 10.2 The roof or covering must be kept watertight.
- 10.3 The seats must be properly cushioned, covered and free from cigarette burns, rips, splits, tears, stains or any other signs of excessive wear.
- 10.4 The floor must be covered with carpet, mat or other suitable material, such covering shall be properly secured and be free from cigarette burns, rips, splits, tears or stains.

- 10.5 Fittings, furniture and additional equipment fitted in the vehicle are to be kept in an acceptably clean condition, well maintained and in every way fit for public service. Items such as taxi-meters, radios, Sat-Nav's, mobile phone holders and other ancillary items shall be securely mounted in the vehicle in such a position as to not hinder or obstruct the driver's operation of, or view out of, the vehicle.
- 10.6 No material alteration or change to the specification of the vehicle is to be made without the prior written approval of the council at any time whilst the licence is in force.
- 10.7 The vehicle must be supplied with a suitable bulb-kit to provide for the replacement of defective bulbs whilst the vehicle is available for hire. Such bulb-kit to be indelibly marked with the registration number or licence number of the vehicle to which it is assigned.
- 10.8 The council will suspend the vehicle licence or refuse to issue a licence to any vehicle where the vehicle excise duty has not been paid.
- 10.9 The interior and exterior of the vehicle shall be maintained in a clean, safe and proper manner, to the reasonable satisfaction of the council and in particular, the exterior of the vehicle shall be free from conspicuous dents, sharp edges, conspicuous rust or un-repaired accident damage (however caused) and shall at all times have uniform paintwork equivalent to that applied by the manufacturer.
- 10.10 The doors, windows and seats shall be required to function in accordance with the original manufacturer's specification.
- 10.11 Vehicles shall be liable to being inspected and tested at any time (in accordance with the requirements of the 1976 Act). If, upon inspection, it is discovered that a vehicle is not being properly maintained or kept in good order, a notice may be served on the owner to this effect setting out the defects to be remedied. If public safety is compromised by the defects, further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.
- 10.12 The vehicle proprietor shall in accordance with its manufactured standard ensure that all wheels and tyres are roadworthy and conform to prescribed ratings.
- 10.13 The licensee shall provide and maintain, at all times when the vehicle is in use or available for hire, a spare wheel or other manufacturers standard equipment for the vehicle to deal with a punctured or damaged wheel or tyre (such as a gel or foam repair kit)
- 10.14 Generally, only a spare wheel and tyre, of the same size and construction as the vehicle road wheels will be acceptable. Where no such spare is available, a wheel and tyre of the 'space saver' type, or other manufacturer's standard equipment for the vehicle may be allowed subject to it being supplied, as standard, by the vehicle manufacturer and to approval being granted by the council. In the event of a 'space saver' wheel being used, it must only be used to conclude the journey during which it was fitted and in accordance with the manufacturer's maximum speed limit. After conclusion of that journey, the vehicle must not be used for hire until a standard wheel and tyre is fitted to replace the 'space saver' wheel.

11.0 TAXI-METER

The licensee and or the driver shall ensure that where a private hire vehicle is fitted with a taxi meter: that the following conditions are complied with.

- 11.1 All taxi meters shall be so constructed, or programmed, that it is not possible for any person to manually alter the tariff rate without breaking the seals affixed thereto. Each meter must be set, calibrated, and sealed with a tamper-proof seal by a competent meter installer. The vehicle licence holder must obtain and retain written certification of such calibration and sealing. This certification must be provided to an authorised office of the Council upon request.
- 11.2 The taxi-meter shall be fitted with a key, flag or other device, the operation of which shall bring the machinery of the taxi-meter into action and cause the word "HIRED" to appear on the face of the taxi-meter;
- 11.3 Such key, flag or other device shall be capable of being located in such a position that the machinery of the taxi-meter is not in action and that no fare is recorded on the face of the taxi-meter;
- 11.4 When the machinery of the taxi-meter is in action there shall be recorded on the face of the taxi-meter, in figures clearly legible and free from ambiguity, the fare which the proprietor or driver is entitled to demand, and take, for the hire of the vehicle;
- 11.5 The word "FARE" shall be printed on the face of the taxi-meter in plain letters so as to clearly apply to the fare recorded thereon;
- 11.6 The taxi-meter shall be so placed that all letters and figures on the face thereof shall be, at all times plainly visible to any person travelling in the vehicle and, for that purpose, the letters and figures shall be suitably illuminated during any period of hiring, and the switch for operating the light provided and the said illumination shall be incorporated in and operated in conjunction with the key, flag or other device which brings the machinery of the taxi-meter into action. No other method of operating the said light shall be employed;
- 11.7 The taxi-meter and all the fittings thereof shall be affixed to the vehicle with seals or other appliances so that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances;
- 11.8 The taxi-meter tariff shall be set at a fare, no higher than that published within the Borough Council of Wellingborough tariff of hackney carriage fares. A private hire vehicle fitted with a taxi-meter must display the Borough Council of Wellingborough tariff of fares in a place where it is clearly visible to passengers travelling in the vehicle, at all times whilst the vehicle is available for hire.

12.0 IDENTIFICATION (LICENCE) PLATE

- 12.1 The identification plate issued by the council, bearing the number of the licence granted in respect of the vehicle, shall be securely fixed on the outside rear of the vehicle. The plate shall be kept in such a condition that the information contained thereon is clearly

visible to public view. The plate shall be fixed in such a manner that it can be removed by an authorised officer of the council or police without causing damage to the vehicle.

12.2 Where a private hire vehicle licence has been suspended, revoked or has expired, and provided that, where necessary, the requisite notice(s) has been served, as required by the 1976 Act an authorised officer of the council or police is entitled to remove and retain the vehicle licence plate.

12.3 Vehicle licence plates remain the property of Borough Council of Wellingborough at all times and must be returned on surrender, suspension, revocation or expiry of the licence or if the vehicle is sold, or disposed of, out of the licensed trade. If a plate is lost or stolen it must be reported to the police. A crime or lost property number must be obtained, and the Licensing Office informed within 24 hours.

12.4. The licensee of a private hire vehicle used exclusively for chauffeur, executive, airport transfer, special event, school transport or similar specialist (non circuit) work may apply, in writing, to the council for an exemption from the requirement to display the identification plate. Permission will only be granted at the discretion of the Licensing Manager. Such permission will be given in writing and must be carried in the vehicle at all times whilst it is licensed as a private hire vehicle. The identification (licence) plate must also be kept in the vehicle at all times whilst the vehicle is available for hire.

13.0 **COPY OF LICENCE CONDITIONS**

13.1 The licensee shall ensure that they, or any driver they engage or employ to drive the vehicle, carry a copy of these conditions in the vehicle and make them available for inspection by any authorised officer, police officer, hirer or passenger on request.

14.0 **INTERIOR MARKINGS**

14.1 The licensee shall ensure that the number of the vehicle licence and the maximum number of passengers to be carried, is clearly marked and maintained inside the vehicle, in such a position as to be clearly visible at all times to the persons conveyed therein. This interior sign shall be provided by the council with the vehicle licence plate.

15.0 **SIGNS, NOTICES AND ADVERTISING**

15.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed in, on or from a private hire vehicle except as may be required by any statutory provision (including bye-laws) or, as authorised by the council in writing.

15.2 Condition 15.1 shall not apply to any indication on a taxi-meter fitted to the vehicle, or to a sign which:

A. is displayed on, in or from the vehicle only while it is stationary; and

- B. contains no words or numbers other than the name and address of a person, firm or company through which the vehicle may be hired and/or the name of a passenger or passengers to be carried in that vehicle; and
- C. is displayed in accordance with a prior arrangement made for the carriage of a passenger or passengers named in that sign.

15.3 All private hire vehicles must display at least two permanently affixed door signs, of a design and type approved in writing, in advance, by the council.

One approved panel of dimensions not exceeding 60cm by 45cm will be affixed on each front door of a vehicle bearing the prescribed words "PRIVATE HIREVEHICLE ADVANCED BOOKINGS ONLY" in capital letters.

The prescribed wording must be contained within the sign not below or separate from it, and it must be located prominently in the central area of each front door.

The text must be in a plain and easily readable font such as Arial and must be easily readable from a reasonable distance away, with a minimum font size 96 (minimum letter height 21mm).

The font colour for the prescribed wording must be plain solid black, unless a dark coloured background is proposed for the sign, in which case the font colour must contrast prominently with the background colour.

The sign may also bear the name of the operator or his business name, his business address and telephone number, the font size for which should be approximately equal to the prescribed wording font size.

Any other words, numbers or graphics must not obscure or be more prominent than the prescribed wording on any sign.

Grandfather rights apply for a period of 6 months for existing licensed vehicles at the time these conditions come into force. Upon expiry of the 6 month period, all vehicles must comply with this requirement.

Magnetic or other temporary type signage is not acceptable.

15.4 Once licensed as a private hire vehicle, door signs containing the prescribed wording must be displayed at all times, except where prior written permission has been given by the council for an exemption. If door signs are damaged or defaced in any way they must be replaced immediately.

15.5 The licensee of a private hire vehicle used exclusively for chauffeur, executive, airport transfer, special event, school transport or similar specialist (non circuit) work may apply, in writing, to the council for an exemption from the requirement to display door signs. Permission will only be granted at the discretion of the Licensing Manager. Such permission will be given in writing and must be carried in the vehicle at all times whilst it is licensed as a private hire vehicle.

- 15.6 Where a vehicle holds an exemption from the requirement to display door signs, the licensee may apply to have one small discreet sign of a design and type approved by the council on the rear of the vehicle displaying the company name only. This one approved panel must not exceed 10cm by 10cm.
- 15.7 The licensee of the vehicle shall notify the council, in writing, within seven working days if the vehicle transfers to a different private hire operator and the vehicle door signs must be replaced accordingly. The foregoing provisions, of this condition, shall not apply to a sign in, on or from a private hire vehicle:
- A. which indicates membership of the AA, RAC or other similar motoring organisation; or
 - B. which indicates that passengers should not eat or smoke in the vehicle. Signage in accordance with the Smokefree Workplace Regulations, vehicle requirements, must be affixed to the outside, or inside, of the vehicle indicating that smoking is prohibited in the vehicle; or
 - C. which indicates that in-car CCTV surveillance is in use in the vehicle; or
 - D. which indicates that the vehicle is suitable, and equipped, for the carriage of wheelchair bound passengers;
 - E. which indicates that the driver of the vehicle is exempted through medical grounds from the requirement to carry assistance dogs.

16.0 **CHANGE OF ADDRESS**

- 16.1 The licensee of the private hire vehicle, to which this licence applies, shall notify the council in writing, of any change of their home or business address during the period of the licence, within seven days of such change taking place.

17.0 **CONVICTIONS**

- 17.1 The licensee of a private hire vehicle shall as soon as is practicable, and in any event within seven days of any conviction, caution, or fixed penalty notice tell the council in writing, details of such conviction, caution, or fixed penalty notice imposed upon them. If the licensee is a company or partnership, this will also apply to any of the directors or partners, during the period of the licence (Convictions to include both criminal and motoring).

18.0 **INSURANCE**

- 18.1 All licensed vehicle owners / operators are required to maintain adequate motor vehicle insurance cover at all times whilst a vehicle is licensed.

The licensee shall produce, on request, a current, valid, Certificate of Motor Vehicle Insurance (or insurance cover note) which either names all individual licensed drivers of

that vehicle, or provides full insurance cover for unnamed licensed drivers (such as a fleet policy) for that vehicle; as proof of continuous insurance cover.

19.0 VEHICLE DAMAGE

19.1 The licensee shall, as soon as reasonably practicable, but in any case within 72 hours, disclose to the council, in writing on the Councils prescribed form, details of any accident involving the vehicle or, of any damage to the vehicle however caused, materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The vehicle may not continue to operate without the prior written agreement of the council.

20.0 TRAILERS

Trailers may only be used with the prior, written, approval of the council and are subject to the following requirements:

- 20.1 The trailer must be presented for inspection and testing, at a council approved testing station prior to first use and, again, at each inspection of any vehicle on which the trailer is authorised to be used.
- 20.2 Trailers can only be used in connection with private hire bookings where excess luggage needs to be carried.
- 20.3 The trailer must, at all times, comply with all requirements of Road Traffic legislation, in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- 20.4 The vehicle insurance must provide adequate cover for the towing of a trailer.
- 20.5 Trailers must not be left unattended anywhere on the highway.
- 20.6 Speed restrictions applicable to trailers must be observed at all times.
- 20.7 Trailers over 750kg gross weight shall be equipped with an approved braking system.
- 20.8 The trailer shall be equipped with an approved break-away cable.
- 20.9 The trailer shall be fitted with a manufacturers plate showing the permissible; maximum load.
- 20.10 When the trailer is in use with a licensed vehicle, the licence plate issued by the council, specifically for that trailer shall be displayed on the outside rear of the trailer so as to be clearly visible to other road users.
- 20.11 A suitable lid, or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever it is in use.

21.0 AGE LIMITS

- 21.1 Vehicles shall be no older than 5 years from the first day of registration on the initial application to the Borough Council of Wellingborough for a Private Hire Vehicle Licence. The first date of registration will be as shown on the vehicle registration document, which may not necessarily be the first date it is registered with the DVLA (e.g. may previously have been registered abroad.) An exemption will be allowed at the discretion of the Licensing Manager for Executive or Special Occasion vehicles used on an infrequent basis.
- 21.2 A licensed vehicle older than 5 years which has not passed it's annual test on or before the date of expiry of it's current vehicle licence will not be reconsidered for licensing.
- 21.3 Once licensed the maximum age of a vehicle will be no more than 10 years from date of registration. All vehicles over 10 years are subject to the Exceptional Vehicle Age Policy and will be subject to 3 vehicle inspections per year.
- 21.3 Those vehicles submitted for licensing, or re-licensing, are required to pass the Councils compliance test. Those vehicles which fail a compliance test shall not be used for private or public hire until such time as the vehicle passes the compliance test.

22.0 ANNUAL LICENCE RENEWAL

- 22.1 The licensee shall submit an application for the renewal of this licence, including all required original documentation, to the council at least 5 working days prior to the expiry of the current licence. Photocopies of documents will not be accepted.

23.0 DEPOSIT OF DRIVER'S LICENCE

- 23.1 If the proprietor of the vehicle engages or employs any other person to drive the vehicle he/she shall, before the person commences to drive the vehicle, and for so long as they are so engaged or employed, require the driver to give him/her their current private hire driver's licence, to keep until such time as the driver ceases to be permitted or employed to drive the vehicle or any other licensed private hire vehicle of his/hers.

24.0 OPERATION OF A PRIVATE HIRE VEHICLE

- 24.1 Any requirements of the statutory legislation affecting the use and operation of private hire vehicles, being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.
- 24.2 Every contract for the hire of a private hire vehicle licensed under the 1976 Act shall be deemed to be made with the operator who accepted the booking for that vehicle, whether or not they provided the vehicle. Therefore if the licensee intends to take bookings in whatever form, by telephone, in person or by contract, a private hire vehicle operator's licence is required. Guidance on licensing conditions for Private Hire Operators is given in Appendix D.

25.0 CERTIFICATE OF COMPLIANCE (vehicle testing)

- 25.1 Private hire vehicles that are one year old, or over, are required to undergo, and pass, a Ministry of Transport test at a VOSA / DVSA approved MOT testing station. A valid MOT certificate will be required before a private hire vehicle licence will be granted to a vehicle aged twelve months or over.
- 25.2 All vehicles must have a valid Certificate of Compliance in force in relation to the vehicle, issued when the vehicle has passed the appropriate council test. Any vehicle that fails to pass the council compliance test is not considered to be fit for use as a licensed vehicle and shall be withdrawn from service until the vehicle has been re-tested and passed as fit. Those vehicles submitted for compliance testing that are found to have faults which, may, render them unsafe or unsuitable for licensed work may have the vehicle licence suspended and the vehicle identification plate removed, until such time as the vehicle has passed a compliance test to the satisfaction of the council. It is the responsibility of the licensee of the vehicle to ensure that vehicles are submitted for compliance testing on or before the relevant renewal dates and that vehicles remain fit for service at all times.

26.0 CCTV IN PRIVATE HIRE VEHICLES

- 26.1 The council recognises that some proprietors may wish to install CCTV security cameras in their vehicle for the benefit and protection of both driver's and passengers.

All vehicle owners, operators and drivers using any audio or visual recording equipment in their vehicle must ensure full compliance with all current Data Protection Act and Information Commissioner requirements in respect of audio or visual recordings in licensed vehicles, and the storage and use of all recordings.

27.0 LUGGAGE OR OTHER ITEMS LEFT IN PRIVATE HIRE VEHICLES

- 27.1 The licensee/driver shall, after the completion of any journey, check the vehicle to ensure that any goods or property have been left behind by the last passenger(s) carried in the vehicle.
- 27.2 If any property is found drivers must wherever possible, make reasonable attempts to reunite lost property with its owner. In the event that this is not possible, the property should, as soon as possible, but in any event within 48 hours, be handed in at the nearest Police Station. A receipt or Found Property Register number must be obtained at that time and retained by the driver.

Taxi and Private Hire Conditions of Licensing

Appendix C – Hackney Carriage Vehicles

CONDITIONS OF LICENCE – HACKNEY CARRIAGE VEHICLE

The following specifications and conditions of licence are made by Borough Council of Wellingborough under powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure effective regulation of private hire vehicle use and to ensure that proper vehicle and driver standards are maintained, in the interests of public safety.

Possession of this Conditions of Licence document does not guarantee that a hackney carriage vehicle licence is in force for the vehicle nor do they imply that the vehicle is roadworthy or fit for use. The validity of any licence may be confirmed by contacting Borough Council of Wellingborough Licensing team.

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- ‘the hirer’ means any person who, from time to time, hires or books the vehicle.
- ‘the licensee’ means the person(s) named in the licence.
- ‘the driver’ means the person(s) named in the licence
- ‘the operator’ means any person or company or partnership licensed by the council to operate private hire vehicles.
- ‘the vehicle’ means the vehicle named in the licence.
- .

GENERAL

All licensed vehicles shall comply, in all respects, with the conditions of licensing set out below. The conditions of licence are supplementary to, and should be read in conjunction with, applicable statutory legislation. The following list is not exhaustive: -

- The Town Police Clauses Act 1847 (as amended)
- The Local Government (Miscellaneous Provisions) Act 1976 (as amended)
- The Road Vehicles (Construction and Use) Regulations 1986 (as amended)

1.0 CONSTRUCTION

- 1.1 All licensed vehicles shall have an appropriate 'type approval' which is either a:
- A. European Whole Vehicle Type Approval;
 - B. British National Type Approval; or
 - C. Individual Vehicle Approval. It is also recommended that vehicles with a Euro NCAP star rating of four, or more, should be considered when purchasing a replacement vehicle.
- 1.2 Vehicles should be manufactured or adapted to carry not more than eight passengers; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers. Where a vehicle has been altered, adapted or modified only Type Approval Certificates granted after alteration, adaptation or modification will be accepted.
- 1.3 The vehicle shall be:
- A. a four-door saloon car, non-metallic yellow in colour (equivalent to Vauxhall AJU yellow) , with adequate seating accommodation for, not less than, four adult passengers in addition to the driver; or
 - B. a five door estate or hatchback, non-metallic yellow in colour (equivalent to Vauxhall AJU yellow) with adequate seating accommodation for, not less than, four adult passengers in addition to the driver. Estate vehicles must be fitted with a luggage screen or guard to prevent luggage encroaching into the passenger compartment in the event of an accident ; or
 - C. a Multi-Purpose Vehicle (MPV), non-metallic yellow in colour (equivalent to Vauxhall AJU yellow)) including those manufactured or suitably adapted to carry wheelchair bound passengers, with adequate seating accommodation for, not less than, four adult passengers, and not more than eight inclusive of any passengers who may be seated in wheelchairs, in addition to the driver. Such vehicles to be provided with a means of securing any luggage carried. Such vehicles must have been granted the relevant M1 Type Approval Certificate, applicable after the vehicle has been manufactured or adapted, for carrying wheelchair-bound passengers; or
 - D. a mini-bus type vehicle, black or non-metallic yellow in colour (equivalent to Vauxhall AJU yellow) including those manufactured or suitably adapted, to carry wheelchair bound passengers, with adequate seating accommodation for, not less than four adult passengers, and not more than eight inclusive of any passengers who may be seated in wheelchairs, in addition to the driver. Such vehicles must have been granted the relevant M1 or M2 Type Approval Certificate, applicable after the vehicle has been manufactured or adapted, for carrying wheelchair-bound passengers.

Any minibus or other vehicle in which the seating is intended to be fixed in one place, and which has potential for capacity for over nine seats, which has had excess seating removed to allow not more than eight passenger seats, must have any

excess seating fixings permanently removed and holes or other fixings permanently capped (i.e. welded over or similar) before a licence can be issued. This requirement will not apply to vehicles purposely designed to allow for regular flexible changes in seating configurations, including accommodating wheelchairs, and seating that is fitted onto manufacturers purpose designed and installed runners or tracks

E. Any purpose built vehicle of the London Taxis International TX series, MetroCab or similar London cab style vehicles. These vehicles must be black in colour.

- 1.4 The vehicle must be suitable in type, size and design for use as a Hackney Carriage vehicle
- 1.5 In September 2000 the council deregulated the number of hackney carriages that may ply for hire in the Borough. All newly licensed hackney carriages licensed after this date must be a London style cab, or similar with wheelchair access facilities, such vehicles to be defined as a purpose built hackney carriage with nearside loading wheelchair access. Hackney Carriage Plate Numbers 1-29 will be reserved for yellow saloon/estates/multi-purpose vehicles with grand father rights.
- 1.6 At the discretion of and with the prior written consent of the Licensing Manager, whilst a hackney carriage is engaged in connection with a wedding, the roof sign may be removed for such periods as the vehicle is so engaged.
- 1.7 Only those vehicles manufactured as right hand drive will be acceptable for licensing
- 1.8 The vehicle shall be provided with sufficient luggage space for the number of passengers for which the vehicle is licensed.
- 1.9 The engine capacity shall be not less than 1,400cc, or 90BHP or equivalent.

2.0 DOORS

- 2.1 All saloon, hatchback or estate cars shall have, at least, four side opening doors which may be opened from the inside and the outside
- 2.2 MPV's and mini-bus type vehicles shall have a minimum of three doors, not including any tailgate or rear doors.
- 2.3 Wherever possible the offside passenger door should remain locked to prevent passengers exiting the vehicle into road traffic and wherever possible to allow access and egress on the nearside (kerbside) of the vehicle only.
- 2.4 The vehicle shall be constructed so that doors open sufficiently wide as to allow easy access into, or out of the vehicle.
- 2.5 Tailgates and rear doors are only to be used for loading/unloading luggage, as an emergency exit only. The rear door(s) or tailgate should be clearly marked, both inside and out, with a sign indicating that they can only be used as an emergency exit..

3.0 **TINTED WINDOWS**

3.1 The Road Vehicles (Construction and Use) Regulations 1986, as amended, specify the minimum levels of light that must pass through the windscreen and the front side windows. The limits are:

- Motor vehicles first used before 1 April 1985: The windscreen and front side windows must allow at least 70% of light to be transmitted through them.
- Motor Vehicles first used on or after 1 April 1985: The light transmitted through the windscreen must be at least 75%. The front side windows must allow at least 70% of light to be transmitted through them.

If the glass is tinted to a point whereby it lets through less light, then the vehicle does not meet legal requirements.

3.3 Vehicle manufacturer's standard tinted glass is accepted on licensed vehicles. However privacy glass; tinted or coloured films or other aftermarket modifications to windows are not acceptable.

3.3 An exception to this requirement may be made in respect of executive, luxury and special occasion vehicles only, that are never used for general private hire activities such as short journeys and town centre work dependent on written permission being granted by the council. This applies to vehicles.

4.0 **VENTILATION**

4.1 Windows must be provided at the rear and sides along with the means of opening and closing not less than one window on either side.

4.2 Rear passenger windows must be capable of being opened and closed by passengers unless air conditioning is available.

5.0 **WHEELCHAIR ACCESSIBLE VEHICLES (WAVS)**

5.1 In the case of all hackney carriage vehicles which are built or adapted for the carriage of wheelchair bound passengers, the design of the vehicle shall be such that any wheelchair is loaded, and unloaded, from the nearside of the vehicle.

5.2. Where an existing hackney carriage licence has been granted specifically as a wheelchair accessible vehicle, such vehicles may only be replaced by suitably approved wheelchair accessible vehicles.

5.3 Any vehicle that has been adapted or modified to accommodate disabled passengers shall be re-certified, after adaptation or modification, to meet the European Whole Vehicle (M1 or M2) Type Approval standard, the British National Low Volume Type (M1 or M2) Approval standard or the British National Single Vehicle (M1 or M2) Type Approval in respect of all such adaptations or modifications. The relevant certificate will be required before such a vehicle can be licensed.

- 5.4 Access to and from the wheelchair position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus;
- 5.5 Wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and comply with the M1 standards as specified in European Directive 76/115 EEC (as amended by 90/629 EEC) and should be secured in such a position as to not obstruct any emergency exit when the equipment is not in use;
- 5.6 A suitable, separate, restraint (seat belt) must be available for the occupant of the wheelchair and must always be used when a wheelchair is being carried.
- 5.7 Access ramps or lifts must be securely fixed to the vehicle prior to use and be able to support the weight of any wheelchair, occupant and helper; such devices shall have a minimum load rating of 300kg. Relevant information and manufacturers markings must be displayed on all lifting equipment and ramps.
- 5.8 Ramps and lifts must be securely stored in the vehicle before driving off;
- 5.9 The vehicle shall be fitted with a locking mechanism, or other device, that holds the wheelchair access door in the open position whilst a wheelchair is being loaded or unloaded.
- 5.10 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S/I 1998/2307). Any such equipment must be maintained in efficient working order so as to be available for use at all times.
- 5.11 Where a vehicle is manufactured or adapted to carry a wheelchair, and the vehicle has been licensed as such, the licensee (and any licensed private hire operator responsible for operating the vehicle) shall ensure that the driver of the vehicle has received sufficient training to be able to load/unload and convey wheelchair bound passengers in safety and comfort.
- 5.12 A sign may be affixed to the outside of the vehicle indicating that it is able to convey passengers in wheelchairs, provided that the vehicle has been manufactured or properly adapted for that purpose.

6.0 SEAT BELTS

- 6.1 All hackney carriage vehicles must be fitted with fully operational seat belts, one for each passenger to be carried. Each seat belt to be fully compliant with any relevant legislation and British Standard, except where the law specifically provides for an exemption. Seat belts should be used in accordance with the requirements of the statutory legislation that is applicable at the relevant time.

7.0 FIRE EXTINGUISHER

- 7.1 A fire extinguisher must be carried at all times in such a position as to be readily available for use.
- 7.2 The appliance shall have a minimum contents weight of 1 (one) kilogram, conform to BS EN3 1996 and be of the dry powder or foam type.
- 7.3 The extinguisher shall be fitted with a gauge that indicates the condition of the contents and shall be indelibly marked with the registration mark or licence number of the vehicle to which it is assigned.
- 7.4 Fire extinguishers that are damaged, dented or disfigured, in any way, will render the associated vehicle liable to immediate suspension until a replacement extinguisher is provided.
- 7.5 The extinguisher shall be securely mounted in a bracket, affixed to the vehicle, in the boot/luggage area where it is readily accessible to the driver. A notice indicating its location shall be displayed within the vehicle where it can be clearly seen by passengers carried in the vehicle.

8.0 FIRST AID KIT

- 8.1 There shall be provided, in such a position as to be readily available at all times whilst the vehicle is available for hire, a first-aid kit, to enable the driver to administer basic first-aid to him/herself.
- 8.2 The first-aid kit shall be provided, and maintained with appropriate dressings and appliances for immediate use in an emergency.
- 8.3 The kit should be in a sealed container, indelibly marked with the registration mark or licence number of the vehicle to which it is assigned.

9.0 LUGGAGE

- 9.1 Luggage carried must, where necessary, be suitably secured in place and must not obstruct any exit, or emergency exit.

10.0 MAINTENANCE AND CONDITION OF A HACKNEY CARRIAGE VEHICLE

- 10.1 Sufficient means must be provided by which any person in the vehicle may communicate with the driver.
- 10.2 The roof or covering must be kept watertight.
- 10.3 The seats must be properly cushioned, covered and free from cigarette burns, rips, splits, tears, stains or any other signs of excessive wear.

- 10.4 The floor must be covered with carpet, mat or other suitable material, such covering shall be properly secured and be free from cigarette burns, rips, splits, tears or stains.
- 10.5 Fittings, furniture and additional equipment fitted in the vehicle are to be kept in an acceptably clean condition, well maintained and in every way fit for public service. Items such as taxi-meters, radio's, Sat-Nav's, mobile phone holders and other ancillary items shall be securely mounted in the vehicle in such a position as to not hinder or obstruct the driver's operation of, or view out of, the vehicle;
- 10.6 No material alteration or change to the specification of the vehicle is to be made without the prior written approval of the council at any time whilst the licence is in force;
- 10.7 The vehicle must be supplied with a suitable bulb-kit to provide for the replacement of defective bulbs whilst the vehicle is available for hire. Such bulb-kit is to be indelibly marked with the registration number or licence number of the vehicle to which it is assigned.
- 10.8 The council will suspend the vehicle licence or refuse to issue a licence to any vehicle where the vehicle excise duty has not been paid.
- 10.9 The interior and exterior of the vehicle shall be maintained in a clean, safe and proper manner, to the reasonable satisfaction of the council and, without prejudice to the foregoing, in particular, the exterior of the vehicle shall be free from conspicuous dents, sharp edges, conspicuous rust or un-repaired accident damage (however caused) and shall at all times have uniform paintwork equivalent to that applied by the manufacturer.
- 10.10 The doors, windows and seats shall be required to function in accordance with the original manufacturer's specification.
- 10.11 Vehicles shall be liable to being inspected and tested at any time (in accordance with the requirements of the 1976 Act). If, upon inspection, it is discovered that a vehicle is not being properly maintained or kept in good order, a notice may be served on the owner to this effect setting out the defects to be remedied. If public safety is compromised by the defects, further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.
- 10.12 The vehicle proprietor shall in accordance with its manufactured standard ensure that all wheels and tyres are roadworthy and conform to prescribed ratings.
- 10.13 The licensee shall provide and maintain, at all times when the vehicle is in use or available for hire, a spare wheel.
- 10.14 Generally, only a spare wheel and tyre, of the same size and construction as the vehicle road wheels will be acceptable. Where no such spare is available, a wheel and tyre of the 'space saver' type, or other manufacturer's standard equipment for the vehicle may be allowed subject to it being supplied, as standard, by the vehicle manufacturer and to approval being granted by the council. In the event of a 'space saver' wheel being used, it must only be used to conclude the journey during which it was fitted and in accordance with the manufacturer's maximum speed limit. After conclusion of that journey, the vehicle must not be used for hire until a standard wheel and tyre is fitted to replace the 'space saver' wheel.

11. TAXI-METER

The licensee and or the driver shall ensure that:

- 11.1 All taxi meters shall be so constructed, or programmed, that it is not possible for any person to manually alter the tariff rate without breaking the seals affixed thereto

Each meter must be set, calibrated, and sealed with a tamper-proof seal by a competent meter installer. The vehicle licence holder must obtain and retain written certification of such calibration and sealing. This certification must be provided to an authorised office of the Council upon request.

- 11.2 The taxi-meter shall be fitted with a key, flag or other device, the operation of which shall bring the machinery of the taxi-meter into action and cause the word "HIRED" to appear on the face of the taxi-meter;
- 11.3 Such key, flag or other device shall be capable of being located in such a position that the machinery of the taxi-meter is not in action and that no fare is recorded on the face of the taxi-meter;
- 11.4 When the machinery of the taxi-meter is in action there shall be recorded on the face of the taxi-meter, in figures clearly legible and free from ambiguity, the fare which the proprietor or driver is entitled to demand, and take, for the hire of the vehicle;
- 11.5 The word "FARE" shall be printed on the face of the taxi-meter in plain letters so as to clearly apply to the fare recorded thereon;
- 11.6 The taxi-meter shall be so placed that all letters and figures on the face thereof shall be, at all times plainly visible to any person travelling in the vehicle and, for that purpose, the letters and figures shall be suitably illuminated during any period of hiring, and the switch for operating the light provided and the said illumination shall be incorporated in and operated in conjunction with the key, flag or other device which brings the machinery of the taxi-meter into action. No other method of operating the said light shall be employed;
- 11.7 The taxi-meter and all the fittings thereof shall be affixed to the vehicle with seals or other appliances so that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances;
- 11.8 The taxi-meter tariff shall be set at a fare, no higher than that published within the Borough Council of Wellingborough tariff of hackney carriage fares. A hackney carriage vehicle fitted with a taxi-meter must display the Borough Council of Wellingborough tariff of fares in a place where it is clearly visible to passengers travelling in the vehicle, at all times whilst the vehicle is available for hire.

12. IDENTIFICATION (LICENCE) PLATE

- 12.1 The identification plate issued by the council, bearing the number of the licence granted in respect of the vehicle, shall be securely fixed on the outside rear of the vehicle. The plate shall be kept in such a condition that the information contained thereon is clearly

visible to public view. The plate shall be fixed in such a manner that it can be removed by an authorised officer of the council or police without causing damage to the vehicle.

12.2 Where a hackney carriage vehicle licence has been suspended, revoked or has expired, and provided that, where necessary, the requisite notice(s) has been served, as required by the 1976 Act a Police officer or authorised officer of the council is entitled to remove and retain the vehicle licence plate.

12.3 Vehicle licence plates remain the property of Borough Council of Wellingborough at all times and must be returned on surrender, suspension, revocation or expiry of the licence or if the vehicle is sold, or disposed of, out of the licensed trade. If a plate is lost or stolen it must be reported to the police. A crime or lost property number must be obtained, and the Licensing team informed within 24 hours.

13.0 COPY OF LICENCE CONDITIONS

13.1 The licensee shall ensure that they, or any driver they engage or employ to drive the vehicle, carry a copy of these conditions in the vehicle and make them available for inspection by any authorised officer, police constable, hirer or passenger on request.

14.0 INTERIOR MARKINGS

14.1 The licensee shall cause to be marked and maintained inside the vehicle; in such a position as to be clearly visible at all times to the persons conveyed therein, the number of the vehicle licence and the maximum number of passengers to be carried, as prescribed in the licence. This interior sign shall be provided by the council with the vehicle licence plate.

15.0 SIGNS, NOTICES AND ADVERTISING

15.1 The licensee shall cause to be affixed and maintained whilst the vehicle is being used as a hackney carriage an illuminated roof sign, of a design and construction previously approved by the council, bearing the word 'TAXI' and, if desired, a telephone number through which the vehicle may be hired. The sign to be operated through the setting of the taxi-meter and must only be illuminated when the vehicle is available for hire.

15.2 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed in, on or from a hackney carriage vehicle except as may be required by any statutory provision (including bye-laws) or, as authorised in writing by the council in writing.

15.3 Hackney vehicles may display up to two door signs, of a design and type approved by the council. One approved panel of dimensions not exceeding 60cm by 45cm may be affixed on each front door of a vehicle bearing the name of the operator or his business name, his business address and telephone number.

15.4 Condition 15.2 shall not apply to any indication on a taxi-meter fitted to the vehicle, or to a sign which:

- A. is displayed on, in or from the vehicle only while it is stationary; and
- B. contains no words or numbers other than the name and address of a person, firm or company through which the vehicle may be hired and/or the name of a passenger or passengers to be carried in that vehicle; and
- C. is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in that sign.

15.5 The foregoing provisions, of this condition, shall not apply to a sign in, on or from a hackney carriage vehicle:

- A. which indicates membership of the AA, RAC or other similar motoring organisation; or
- B. which indicates that passengers should not eat or smoke in the vehicle. Signage in accordance with the Smokefree Workplace Regulations, vehicle requirements, must be affixed to the outside, or inside, of the vehicle indicating that smoking is prohibited in the vehicle; or
- C. which indicates that in-car CCTV surveillance is in use in the vehicle; or
- D. which indicates that the vehicle is suitable, and equipped, for the carriage of wheelchair bound passengers;
- E. which indicates that the driver of the vehicle is exempted through medical grounds from the requirement to carry assistance dogs.

16.0 **CHANGE OF ADDRESS**

16.1 The licensee of the hackney carriage vehicle, to which this licence applies, shall notify the council in writing, of any change of their home or business address during the period of the licence, within seven days of such change taking place.

17.0 **CONVICTIONS**

17.1 The licensee of a Hackney vehicle shall as soon as is practicable, and in any event within seven days of any conviction, caution, or fixed penalty notice tell the council in writing, details of such conviction, caution, or fixed penalty notice imposed upon them. If the licensee is a company or partnership, this will also apply to any of the directors or partners, during the period of the licence (Convictions to include both criminal and motoring).

18.0 **INSURANCE**

18.1 The licensee shall produce, on request, a current, valid, Certificate of Insurance (or insurance cover notes) to provide proof of continuous insurance cover.

19.0 VEHICLE DAMAGE

- 19.1 The licensee shall, as soon as reasonably practicable, but in any case within 72 hours, disclose to the council, in writing, on the prescribed form, details of any accident involving the vehicle or, of any damage to the vehicle however caused, materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The vehicle may not continue to operate without the prior approval of the council.

20.0 TRAILERS

Trailers may only be used with the prior, written, approval of the council and are subject to the following requirements:

- 20.1 The trailer must be presented for inspection and testing, at a council approved testing station prior to first use and, again, at each inspection of any vehicle on which the trailer is authorised to be used.
- 20.2 Trailers can only be used in connection with bookings where excess luggage needs to be carried;
- 20.3 The trailer must, at all times, comply with all requirements of Road Traffic legislation, in particular those laid down in the latest version of the Road Vehicles (Construction and Use) Regulations. The vehicle insurance must provide adequate cover for the towing of a trailer.
- 20.5 Trailers must not be left unattended anywhere on the highway.
- 20.6 Speed restrictions applicable to trailers must be observed at all times.
- 20.7 Trailers over 750kg gross weight shall be equipped with an approved braking system.
- 20.8 The trailer shall be equipped with an approved break-away cable.
- 20.9 The trailer shall be fitted with a manufacturers plate showing the maximum load permissible.
- 20.10 When the trailer is in use with a licensed vehicle, the licence plate issued by the council, specifically for that trailer shall be displayed on the outside rear of the trailer so as to be clearly visible to other road users.
- 20.11 A suitable lid, or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever it is in use.

21.0 AGE LIMITS

- 21.1 Vehicles shall be no older than 5 years from the first day of registration on the initial application to the Borough Council of Wellingborough for a Private Hire Vehicle Licence. The first date of registration will be as shown on the vehicle registration document, which

may not necessarily be the first date it is registered with the DVLA (e.g. may previously have been registered abroad.) An exemption will be allowed at the discretion of the Licensing Manager for Executive or Special Occasion vehicles used on an infrequent basis.

- 21.2 A licensed vehicle older than 5 years which has not passed it's annual test on or before the date of expiry of it's current vehicle licence will not be reconsidered for licensing.
- 21.3 Once licensed the maximum age of a vehicle will be no more than 10 years from date of registration. All vehicles over 10 years are subject to the Exceptional Vehicle Age Policy and will be subject to 3 vehicle inspections per year.
- 21.3 Those vehicles submitted for licensing, or re-licensing, are required to pass the Councils compliance test. Those vehicles which fail a compliance test shall not be used for private or public hire until such time as the vehicle passes the compliance test.

22.0 LICENCE RENEWAL

- 22.1 The licensee shall submit an application for the renewal of this licence, including all required original documentation, to the council at least 5 working days prior to the expiry of the current licence. Photocopies of documentation will not be accepted.

23.0 DEPOSIT OF DRIVER'S LICENCE

- 23.1 If the proprietor of the vehicle engages or employs any other person to drive the vehicle he/she shall, before the person commences to drive the vehicle, and for so long as they are so engaged or employed, require the driver to give him/her a copy of their current hackney carriage driver's licence, to keep until such time as the driver ceases to be permitted or employed to drive the vehicle or any other licensed hackney carriage vehicle of his/hers.

24.0 OPERATION OF A HACKNEY CARRIAGE VEHICLE

- 24.1 Any requirements of the statutory legislation affecting the use and operation of hackney carriage vehicles, being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.

25.0 CERTIFICATE OF COMPLIANCE

- 25.1 Hackney carriage vehicles that are one year old, or over, are required to undergo, and pass, a Ministry of Transport test at a DVSA approved MOT testing station. A valid MOT certificate will be required before a hackney carriage vehicle licence will be granted to a vehicle aged twelve months or over.
- 25.2 All vehicles must have a valid Certificate of Compliance in force in relation to the vehicle, issued when the vehicle has passed the appropriate council test. Any vehicle that fails to pass the council compliance test is not considered to be fit for use as a licensed vehicle

and should be withdrawn from service until the vehicle has been re-tested and passed as fit. Those vehicles submitted for compliance testing that are found to have faults which, may, render them unsafe or unsuitable for licensed work may have the vehicle licence suspended and the vehicle identification plate removed, until such time as the vehicle has passed a compliance test to the satisfaction of the council. It is the responsibility of the licensee of the vehicle to ensure that vehicles are submitted for compliance testing on or before the relevant renewal dates and that vehicles remain fit for service at all times. Compliance tests will be undertaken twice a year and when relevant an MOT test will be required.

26.0 CCTV IN HACKNEY CARRIAGE VEHICLES

26.1 The council recognises that some proprietors may wish to install CCTV security cameras in their vehicle for the benefit and protection of both driver's and passengers.

All vehicle owners, operators and drivers using any audio or visual recording equipment in their vehicle must ensure full compliance with all current Data Protection Act and Information Commissioner requirements in respect of audio or visual recordings in licensed vehicles, and the storage and use of all recordings.

27.0 LUGGAGE OR OTHER ITEMS LEFT IN HACKNEY CARRIAGE VEHICLES

27.1 The licensee/driver shall, after the completion of any journey, check the vehicle to ensure that any goods or property have been left behind by the last passenger(s) carried in the vehicle.

If any property is found drivers must wherever possible, make reasonable attempts to reunite lost property with its owner. In the event that this is not possible, the property should, as soon as possible, but in any event within 48 hours, be handed in at the nearest Police Station. A receipt or Found Property Register number must be obtained at that time and retained by the driver.

Taxi and Private Hire Conditions of Licensing

Appendix D – Private Hire Operator

CONDITIONS OF LICENCE – PRIVATE HIRE OPERATOR

The following specifications and conditions of licence are made by Borough Council of Wellingborough under powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure effective regulation of private hire vehicle use and to ensure that proper vehicle and driver standards are maintained, in the interests of public safety.

Possession of this Conditions of Licence document does not guarantee that a private hire operator licence is in force. The validity of any licence may be confirmed by contacting Borough Council of Wellingborough Licensing team.

DEFINITIONS

In these conditions:

- ‘the 1976 Act’ means the Local Government (Miscellaneous Provisions) Act 1976 (as amended)
- ‘the Council’ means Borough Council of Wellingborough.
- ‘Authorised Officer’ means a Licensing Officer authorised in writing by Wellingborough Council.
- ‘the hirer’ means any person who, from time to time, hires or books the vehicle.
- ‘the licensee’ means the person(s) named in the licence.
- ‘the operator’ means any person or company or partnership licensed by the council to operate private hire vehicles.
- ‘the vehicle’ means the vehicle named in the licence.

GENERAL

Private hire vehicle operators shall comply, in all respects, with the conditions of licensing set out below. The conditions of licence are supplementary to, and should be read in conjunction with, applicable statutory legislation. The following list is not exhaustive: -

- The Town Police Clauses Act 1847 (as amended)
- The Local Government (Miscellaneous Provisions) Act 1976 (as amended)
- The Road Vehicles (Construction and Use) Regulations 1986 (as amended)

1.0 STANDARDS OF SERVICE

- 1.1 The operator shall not, by calling out or otherwise, importune any person to hire any private hire vehicle operated by them and shall not make use of the services of any person for that purpose.
- 1.2 This licence permits the holder to operate private hire vehicles from the authorised premises only, as identified within the licence. Any change must be notified, in writing, within seven days to The Licensing Officer, Borough Council of Wellingborough.
- 1.3 The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times. The operator shall:
 - A. ensure that when a private hire vehicle, operated by them, has been hired to be in attendance at an appointed place and time such vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed place and time; and
 - B. keep clean and adequately heated, ventilated and lit any premises which the operator provides to which the public have access, whether for the purposes of booking or waiting, and ensure that any waiting area provided has adequate seating facilities; and
 - C. ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- 1.4 The operator shall not incite the proprietor or driver of any private hire vehicle, operated by them, to convey in such vehicle a greater number of persons than the number of persons specified in the licence for that vehicle.
- 1.5 The operator shall keep a written record of any complaint and record any action taken in response to that complaint. In addition the operator shall notify the Licensing Officer in writing, of any complaints concerning one of their contracts for hire, on a monthly basis.
- 1.6 The operator shall ensure that they only make use of drivers and vehicles licensed by Borough Council of Wellingborough and shall ensure that all the drivers and vehicles engaged or employed by them comply with all licence requirements laid down by Wellingborough Council.
- 1.7 The operator shall ensure that, where necessary, they are in possession of adequate Public and Employers Liability insurance.
- 1.8 The operator shall ensure that each private hire and hackney carriage vehicle operated by them is in a suitable mechanical condition, safe, comfortable, clean and presentable. That there is in force at all times a suitable Certificate of Insurance, a hackney carriage or private hire licence granted by Borough Council of Wellingborough, and that the plate provided by the council, in accordance with Section 48(5) of the Local Government (Miscellaneous Provisions) Act 1976 is affixed to the vehicle in such a manner and position as is required by the council.
- 1.9 The Operators Licence granted by Borough Council of Wellingborough and a copy of these conditions must be available, at all times, at the premises designated in the

licence. The operator shall make the licence and these conditions available for inspection by either actual or potential fare paying passengers.

2.0 OPERATORS RECORDS OF WORK

2.1 The operator shall keep legible, hand-written or computerised records, in accordance with Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976, and complete them at the time of accepting any booking. Such record shall contain the following information:

- A. The time and date of the booking and, if different, the time and date of the proposed journey.
- B. The name and address, or telephone number, of the hirer.
- C. The agreed time and place of collection. (Place to include an address or street name)
- D. The destination. (to include an address or street name)
- E. The time at which a driver/vehicle was assigned to the booking
- F. The Borough Council of Wellingborough licence number, or company call-sign of the vehicle.

The Borough Council of Wellingborough licence number, or company call-sign of the driver
- G. The fare, if agreed between the operator and the hirer at the time of booking.
- H. Remarks (to include, if necessary, details of any sub-contract, fare evasion, complaints in respect of the service provided by the operator or driver or any other matter relevant to the hiring to which it relates.)

- I. Paper based records must be contained within a sequentially numbered and bound book. Loose leaf records are not acceptable.

3.0 OPERATORS RECORDS -VEHICLES

3.1. The operator shall keep legible, hand-written or computerised records of the particulars of all private hire vehicles operated by him in accordance with Section 56(3) of the Local Government (Miscellaneous Provisions) Act 1976, including the:

- A. Vehicle registration mark
- B. Make, model, colour
- C. Number of passenger seats. (As authorized by the hackney carriage/private hire vehicle licence)

- D. The hackney carriage/private hire licence number.
- E. The company call-sign for the vehicle.
- F. The vehicle proprietors name and address.
- G. Insurance particulars of all vehicles working on behalf of the operator.
- H. The date the vehicle was added to the operator's fleet.
- I. The date the vehicle was withdrawn from the operator's fleet.

4.0 **OPERATORS RECORDS -DRIVERS**

- 4.1 The operator shall keep legible, hand-written or computerised records of the particulars of all drivers of hackney carriage/private hire drivers operated by them, including:
 - A. The name, address and company call-sign assigned to the driver.
 - B. The date the driver starts working for the operator.
 - C. The date the driver stops working for the operator.
 - D. Any change of address of a driver during the course of his service with the operator.
 - E. Any illness, disability or condition which may affect a driver's ability to safely carry out their duties, where the operator becomes aware of any such condition.
 - F. The Borough Council of Wellingborough hackney carriage/private hire driver's licence number and expiry date of same.
- 4.2. The operator shall retain the licence of any driver engaged by them, until such time as the driver ceases to be so engaged. The operator shall also ensure that all drivers engaged by them are in possession of the appropriate drivers badge issued by Borough Council of Wellingborough. (Original hackney carriage driver licenses should be held by the vehicle proprietor)
- 4.3 All records, however maintained, shall be kept for at least 12 months from the date of the entry. The records shall be produced for inspection, on request, by any authorised officer of the council or police officer. The records must be kept at the licensed address. Where the operator keeps computerised records they must be able to provide a print-out (in a format approved by the council) of the requested records upon demand, as, and when, required.

5.0 **CONVICTIONS**

- 5.1 The operator shall, within 7 days, disclose to the council, in writing, details of any convictions, including motoring endorsements, convictions and Fixed Penalty Notices,

imposed on them (or if the operator is a company or partnership, on any of the directors or partners) during the life of the licence.

- 5.2. The operator (and each individual director of any limited company acting as an operator) shall provide a basic disclosure certificate to the council on each application for an Operator's Licence every five years, or prior to any individual new director being appointed. If the operator is also a driver licensed with Borough Council of Wellingborough, the enhanced disclosure certificate necessary for the driver's licence will suffice and it is not necessary to also provide a basic disclosure certificate in addition, if the operator is also a licensed driver.

6.0 **STAFF**

- 6.1 The operator shall notify the council, in writing, within 7 days of the engagement or employment of a new hackney carriage or private hire driver, and of any additional hackney carriage or private hire vehicles. The operator shall also inform the council of the termination of engagement, employment or operation of such hackney carriage or private hire drivers or vehicles.

7.0 **INSURANCE**

- 7.1 The operator shall ensure that every hackney carriage or private hire vehicle operated by them in accordance with this licence is covered by a Certificate of Insurance or cover note. This insurance should indemnify the proprietor of the vehicle in accordance with the provisions of the Road Traffic Act 1972, for the carriage of passengers for hire or reward.

8.0 **CHANGE OF ADDRESS**

- 8.1 The operator shall notify the council, in writing within 7 days, of any change to their address, including their personal address and any address from which they operate, or otherwise conduct their business as an operator, during the period of the licence.

Taxi and Private Hire Conditions of Licensing

Appendix E – Private Hire Special Occasion Vehicles

CONDITIONS OF LICENCE – PRIVATE HIRE – SPECIAL OCCAISION VEHICLES

The following specifications and conditions of licence are made by Borough Council of Wellingborough under powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure effective regulation of private hire vehicle use and to ensure that proper vehicle and driver standards are maintained, in the interests of public safety.

Possession of this Conditions of Licence document does not guarantee that a private hire vehicle licence is in force for the vehicle nor do they imply that the vehicle is roadworthy or fit for use. The validity of any licence may be confirmed by contacting Borough Council of Wellingborough licensing team.

DEFINITIONS

In these conditions:

- ‘the 1976 Act’ means the Local Government (Miscellaneous Provisions) Act 1976 (as amended)
- ‘the Council’ means Borough Council of Wellingborough.
- ‘Authorised Officer’ means a Licensing Officer authorised in writing by Wellingborough Council.
- ‘the hirer’ means any person who, from time to time, hires or books the vehicle.
- ‘the licensee’ means the person(s) named in the licence.
- ‘the driver’ means the person(s) named in the licence
- ‘the operator’ means any person or company or partnership licensed by the council to operate private hire vehicles.
- ‘the vehicle’ means the vehicle named in the licence.

GENERAL

Special Occasion Vehicles shall comply, in all respects, with the conditions of licensing set out below and with the relevant parts of the Conditions of Licensing for Private Hire Vehicles. These conditions of licence are supplementary to and should be read in conjunction with applicable statutory legislation. The following list is not exhaustive:

The Town Police Clauses Act 1847 (as amended)
The Local Government (Miscellaneous Provisions) Act 1976 (as amended)
The Road Vehicles (Construction and Use) Regulations 1986 (as amended)

1.0 PRIVATE HIRE –SPECIAL OCCAISION VEHICLES

- 1.1 Special Occasion Vehicles (including stretched limousines and all other specialist vehicles) shall not be used for every day private hire use. The vehicle shall meet with the Conditions of Licensing relating to private hire vehicles (Appendix B) with the exception that the vehicle:
 - A. may be left hand drive;
 - B. may not have side facing seats;
 - C. may have tinted or privacy glass, in the passenger compartment only, provided that it complies with the requirements of current Road Vehicles (Construction and Use) Regulations;
 - D. that all seats be fitted with approved seat belts that comply with all relevant road traffic legislation.
- 1.2 The licensee of the vehicle shall ensure that the vehicle is, at all times, only driven by a person who holds a current private hire vehicle driver's licence issued by Borough Council of Wellingborough;
- 1.3 The licensee shall not carry in the vehicle more than the number of persons shown in the vehicle licence, regardless of the age or size of the passenger;
- 1.4 Passengers shall not be permitted to be carried in the front/drivers compartment of the vehicle whilst the vehicle is in use for private hire;
- 1.5 Intoxicating liquor shall not be supplied in the vehicle unless there is in force an appropriate licence permitting the sale or supply of same.
- 1.6 Where alcoholic drink is supplied in the vehicle, no person under the age of 18 years being conveyed in the vehicle shall be allowed to consume alcohol. Any alcohol served shall only be served in non-breakable receptacles (e.g. plastic). Alcohol shall only be served whilst the vehicle is stationary and at all other times bottles are to be stored in a secure container.
- 1.7 The following activities are prohibited in the vehicle
 - A. Striptease
 - B. Lap dancing
 - C. Pole dancing
 - D. Any other activity or performance of a similar kind
- 1.8 The licensee/driver of the vehicle shall not, knowingly, permit to be played any video, DVD, Blu-Ray or other recorded image that is unsuitable having regard to the age of the passengers. In that respect regard must be had to the British Board of Film classification of any video, DVD, Blu-Ray or other recorded images shown. The licensee shall ensure that appropriate permissions and licences (including Performing Rights Society (PRS) and/or a Phonographic Performance Licence (PPL)) are held for the vehicle, where

appropriate. Copies of these documents must be carried in the vehicle at all times whilst it is available for hire.

2.0 **VEHICLE SAFETY EQUIPMENT**

- 2.1 The licensee of the vehicle shall provide a minimum of two fire extinguishers that conform to British Standard EN3:1996, have a minimum contents weight of 1 kilogram and be of the dry powder or foam type.
- 2.2 One fire extinguisher must be securely mounted, on a bracket, in a convenient position within the driver's compartment. The second must be securely mounted within the boot of the vehicle, so as to be readily available at all times;
- 2.3 The vehicle and all its fittings and equipment shall be kept in a fit, serviceable, efficient, safe and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles (Construction and Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reason(s) for non-compliance is corrected;
- 2.4 Vehicles must be fitted with a 'Life' safety hammer which must be securely located in the driver's compartment.
- 2.5 The licensee shall not, at any time, use or allow the use of in the vehicle any radio scanner or citizen band radio.

3.0 **DOORS**

- 3.1 The vehicle to which this licence is granted shall have a minimum of four doors, as standard, two available for the driver's compartment and, a minimum of, two available in the rear passenger compartment. All doors must work correctly.

Appendix F - Criminal Records Policy

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1.0 Introduction

1.1 Borough Council of Wellingborough is responsible for issuing Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 and therefore must ensure, that those who are granted a licence are 'fit and proper'. In undertaking this duty the council's primary concern is protecting public safety.

2.0 Scope

2.1 This policy provides guidance to applicants for a licence, council officers and the Licensing Sub-Committee on what is to be taken into account when determining if an applicant is a 'fit and proper' person to hold a licence. This policy relates to any application regardless of whether it is a new or a renewal application. Whilst criminal convictions will play a large part in the determination of the application, other information relating to the applicants honesty and integrity, general behaviour and driving ability will also be taken into account.

2.2 This policy mainly relates to the determination of a drivers licence application/renewal, however its principles are equally applicable in the determination of a hackney carriage/private hire driver's vehicle licence and a private hire operators licence, or matters arising during the lifetime of any licence. Therefore when a conviction is noted on any application form and is considered relevant in determining if an applicant is 'fit and proper', this policy will be referred to in order to assist the determination of the application. Relevant matters arising during the lifetime of any licence will also be dealt with in accordance with the requirements of this policy.

2.3 In this policy the word 'applicant' refers to new applicants, existing licence holders who are seeking renewal and existing licence holders that are the subject of periodic auditing or having their licence reviewed by the council as part of the policy implementation process. It also includes existing licence holders who are being considered by the council by virtue of offending activity having recently come to light.

2.4 This policy applies from the date of publishing to all current licences, and to all new and renewal applications after the publication date.

3.0 Background

3.1 In order to protect public safety the council is mindful of the following:

- That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

- 3.2 There is no strict legal definition for what constitutes a 'fit and proper person' and it will be in the opinion of the Licensing Sub-Committee whether an individual brought in front of them is a 'fit and proper' person.
- 3.3 To assist in determining whether an applicant is a 'fit and proper' person to hold a licence the council will undertake any checks it deems necessary and will take every step to ensure that licences are not issued to, or used by, unsuitable people. The council and the Licensing Sub-Committee will take the following into consideration:
- Criminality – details provided from the Disclosure and Barring Service Certificate, or intelligence from the Police or any other legitimate source
 - Period of holding a DVLA driver's licence – an applicant who has not held a valid UK driver licence for the appropriate class of vehicle for a period of at least one year will not be eligible to apply for a licence
 - Number of endorsed driving licence penalty points – as detailed in the DVLA licence check
 - Right to work – evidence that the applicant is eligible to work in the UK must be provided within the application. If the leave to work is less than the drivers licence (3 years) the licence will only be issued for the same period, however the fee remains the same.
 - Medical fitness – a completed medical must be provided with the application by a Registered Medical Practitioner who has full access to the applicant's medical records and history. If we are not satisfied with the medical information submitted, further assessments may be required at the cost of the applicant
 - The conduct of the applicant in making the application - the applicants integrity during the application process will be considered For example, where an applicant has not disclosed all criminal convictions on the application form as requested, but the DBS Certificate details convictions, or the applicant makes a false declaration or withholds any other relevant information that would reasonably be expected to be disclosed, this will be considered to be dishonest and the application may not be looked on favourably
 - The previous licensing history of existing / former licence holders –information may be sought from any neighbouring authorities, that the applicant may have previously worked in
 - Consideration of the question - "Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"
- 3.4 The council and the Licensing Sub-Committee may also take into account information and intelligence provided to them from other agencies such as the Police, Immigration and Children and Adult Safeguarding teams.
- 3.5 This policy is a guide for members, officers, applicants and any other person with an interest in taxi licensing, however it is not possible to detail every possible situation and every applicant is dealt with on a case by case basis. In some circumstances it may be appropriate or necessary to depart from the guidelines where they do not apply or suit. Any deviation will be discussed with a legal representative at the Licensing Sub-Committee.
- 3.6 For clarity, in this policy the term 'conviction' is defined as any convictions, cautions, formal warnings, or reprimands. Also where the policy states 'from date sentence has

ended', this will be taken to mean the date by which the whole length of time sentenced by the court would have elapsed and not necessarily the length of time the individual has actually served. For example if a sentence of 5 years imprisonment was given, then the end date will be 5 years from the date sentenced. If the applicant has only served 2 and was released, a further 3 years is still required. The term 'since completion of the sentence' is to be taken in the same way.

- 3.7 The council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors or omissions are identified.

4.0 General Policy

4.0.1 The Licensing Sub-Committee may determine that an applicant who has had a previous conviction for a serious offence will not be automatically barred from obtaining a licence, however it would normally be expected that the applicant be required to:

1. Remain free of conviction for an appropriate period as specified below; and
2. Provide evidence that they are a fit and proper person to hold a licence. It is the applicants responsibility to produce any evidence they think relevant to assist in the determination of whether they are considered to be 'fit and proper'. Simply remaining free from convictions is not necessarily enough to prove this, especially where there is evidence that the applicant's standard of driving or behaviour has been called into question.

4.0.2 The criteria set out below would normally be applied to all licences and applications. The council may depart from this policy where exceptional circumstances require them to do so and this will be considered in conjunction with the council's legal representative. Where the applicant or licence holder has otherwise a good record of driving and good character, but has criminal convictions, the character will not be considered as exceptional circumstances.

4.1 Appeals

4.1.1 Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the council is not satisfied they are a fit and proper person to hold such a licence, has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal, revocation or suspension [Local Government (Miscellaneous Provisions) Act 1976, S 77 (1)].

4.2 Powers

4.2.1 **Section 61 of the Local Government Miscellaneous Provisions Act 1976:** Allows the council 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; any breach of the councils conditions of licensing or byelaws; or any other reasonable cause.

- 4.2.2 **The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975:** Allows the council to take into account all convictions recorded against an applicant or the holder of a private hire or hackney carriage driver's licence, whether spent or not. The council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, fixed penalty notices, warnings and reprimands must be declared.
- 4.2.3 **Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976:** The council is required to ensure that an applicant for the grant or renewal of a hackney carriage and / or a private hire vehicle driver's licence is a "fit and proper" person to hold such a licence. If an applicant has any ongoing investigations, convictions, warnings, cautions or charges awaiting trial, the council will look into:
- How relevant the offence(s) are to the licence being applied for
 - How serious the offence(s) are / were
 - When the offence(s) were committed
 - The date of the conviction, warning, caution etc.
 - Circumstances of the individual concerned
 - Any sentence imposed by the court or any potential sentence that may be imposed
 - The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.
 - 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, for example:
 - The previous conduct of an existing or former licence holder,
 - Whether the applicant has intentionally misled the council or lied as part of the application process,
 - Information provided by other agencies / council departments.
- 4.2.4 Existing holders of driver's licences are required to notify the council in writing within 14 days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case) as detailed in the terms and conditions of the drivers licence. This can be done by emailing: licensing@wellingborough.gov.uk. In addition, licence holders must inform the council within 3 working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the council as to the honesty or integrity of the licence holder and will be taken into account as part of any subsequent renewal applications or Licensing Sub-Committee hearing.
- 4.2.5 All drivers will have an enhanced Disclosure Barring Service (DBS) check undertaken at the time of application. All new and renewal applicants must attend the council offices for the DBS check to be completed, once the DBS disclosure certificate has been received by the applicant they must sign up to the DBS update service within 19 days of the certificate issue. The fees for the service are the responsibility of the applicant and must be paid on an annual basis, or as required by the DBS. The applicant must sign up to this service before the licence is issued, as it is a condition of the licence that they have and remain signed up to the update service.
- 4.2.6 Information on the suitability of the applicant may be sought and considered from any other external organisations. The Common Law Disclosure Policy used by all Police

forces may result in information being received that calls into question the suitability of the driver. This may come at the point of application or throughout the duration of the licence.

4.2.7 It is an offence for any person to knowingly or recklessly make a false declaration or to omit any material particular in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement, a false declaration, or an omission on their application for the grant or renewal of a licence, the licence will normally be refused.

4.2.8 Any offences or behaviour not covered by this Policy will not prevent the council from taking into account those offences or behaviours.

4.3 Options when determining an application/licence

4.3.1 When determining an application or reviewing an existing licence the Council has the following options:

- approve the application or take no further action
- refuse the application/ revoke the licence/ suspend the licence
- issue a warning
- require further training / retraining or other control measure to be put in place
- for existing drivers who have accumulated 9 or more points on their DVLA driving licence, or attract complaints about their driving standards, their drivers' licence will normally be suspended until the driver has successfully undertaken a driving test to DVSA standards. Such a test will be at the licence holder's expense.

5.0 Serious offences involving violence

5.0.1 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 be refused if the applicant has a conviction for an offence that involved the loss of life

5.0.2 A licence will not be granted where the applicant has a conviction for any of the following offences:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

5.0.3 An applicant who has any of the below offences, will not be considered until at least 5 years have elapsed since the completion of any sentence and or licence period:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot

- Assault of a Police Officer or any other official
- Violent disorder
- Resisting arrest
- Any racially-aggravated offence against a person or property
- Common assault
- Affray
- Any offence that may be categorised as domestic violence
- Any Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

5.0.4 Consideration may only be given to the granting / issuing of a licence, if at least 5 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Obstruction
- Criminal damage
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

5.0.5 A licence will not be granted if an applicant has more than one conviction for an offence of a violent nature.

5.1 Possession of a weapon

5.1.1 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 public. Depending on the circumstances of the offence, at least 3 years must have passed since the completion of the sentence, before a licence is granted.

6.0 Sexual and indecency offences

6.1 Licensed drivers often carry unaccompanied and vulnerable passengers, therefore the council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences will be refused a licence. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Grooming

- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.2 In addition to the above the council will not grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar register.

7.0 Dishonesty

7.1 A hackney carriage/private hire driver is expected to be trustworthy. During the course of their working duties they will deal with cash transactions and valuable property may be left in their vehicles. Drivers will also deal with passengers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

7.2 In general, a minimum period of 5 years free of conviction, or at least 5 years must have passed since the completion of sentence (whichever is longer), 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
- Taking a vehicle without consent
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

7.3 Any applicant or existing licence holder that is found to have intentionally misled the council, or lied as part of the application process, will not be issued with a licence or will have their existing licence revoked.

8.0 Alcohol and Drugs

8.1 A serious view is taken of any drug related offence. Taking drugs and driving poses an obvious risk to public safety. Applicants who have convictions for the supply of drugs should also be treated with considerable concern. The nature and quantity of the drugs, and whether for personal use or supply, will be considered carefully.

8.2 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 alcohol or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 5 years, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be granted. 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 granted.

- 8.3 Because of the nature of a driver's involvement with the public, a licence will not be granted where the applicant has a conviction for an offence related to the trafficking or supply of drugs.
- 8.4 A licence will not be granted where the applicant has a conviction for offences related to the possession of illegal / controlled drugs until at least 10 years have passed since the completion of any sentence and / or licence period, and only then after full consideration of the nature of the offence and the quantity / type of drugs involved.
- 8.5 If there is evidence of persistent drugs use, misuse or dependency, a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant had a drug dependency, then they would be required to show evidence of 5 years free from drug taking after detoxification treatment.

9.0 Driving offences involving the loss of life

- 9.1 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 be granted if an applicant has a conviction for:
- Causing death by dangerous driving
 - Causing death by careless driving whilst under the influence of drink or drugs
 - Causing death by careless driving
 - Causing death by driving: unlicensed, disqualified or uninsured drivers
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

10.0 Other traffic offences

- 10.1 Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal. For existing drivers who have accumulated 9 or more points on their DVLA driving licence, their driver licence will normally be suspended until the driver has successfully undertaken a driving test to DVSA standards (taxi and private hire test). Such a test will be at the licence holder's expense.
- 10.2 Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court rather than a fixed penalty), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least one year free of such convictions. For applicants with more than one offence this should normally be increased to two years.

10.3 Where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

11.0 Outstanding Charges or Summonses

11.1 If the individual is the subject of an outstanding charge or summons their application may be suspended until the matter is resolved. This decision will be made on a case by case basis.

12.0 Non-conviction information

12.1 The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of the witness / complainant and the licence holder will be taken into account.

12.2 If an applicant has been arrested or charged but not convicted, for a serious offence which suggests he/she could be a danger to the public, consideration should be given to refusing the application. Such offences would include violent and / or sexual offences.

12.3 In assessing the action to take, the safety of the travelling public must be the paramount concern.

13.0 Licensing Offences

13.1 Certain offences under taxi legislation such as operating without an operators licence, plying for hire, overcharging and refusing to carry disabled persons or assistance dogs (without a prior exemption), will prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

14.0 Insurance Offences

14.1 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 will prevent a licence being granted or renewed.

14.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance, will have his operator's licence revoked immediately and will not be permitted to hold a licence for a period of at least three years.

15.0 Applicants with periods of residency outside the UK

- 15.1 If an applicant has spent six continuous months or more overseas (since the age of 16) the council will expect to see evidence of a criminal record check from the country / countries visited covering the period.
- 15.2 Due to the potential lifetime relevance for some of the most serious offences mentioned in this policy, the council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS certificate will be required, for those countries for which checks are not available, the council will require a certificate of good conduct authenticated by the relevant embassy.

16.0 Summary

- 16.1 Whilst 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, in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (the period of time depending on the crime committed, as detailed above), before an application is likely to be successful. If there is any doubt about the suitability of an individual to be licensed, the committee needs to be mindful of the need to protect the public and caution should be exercised.
- 16.2 While it is possible that an applicant may have a number of convictions that individually, meet the above guidelines, the overall offending 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.
- 16.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. S61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 16.4 At least three years should elapse after the restoration of the DVLA driving licence, before a licence would be granted for a hackney carriage or private hire drivers licence

Taxi and Private Hire Conditions of Licensing

Appendix G – Byelaws For Hackney Carriages

BOROUGH COUNCIL OF WELLINGBOROUGH

Byelaws for Hackney Carriages

BYELAWS

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the council of the Borough of Wellingborough with respect to hackney carriages in the Borough of Wellingborough

Interpretation

1. Throughout these byelaws “the Council” means the Council of the Borough of Wellingborough and “the district” means the Borough of Wellingborough

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A proprietor or driver of a hackney carriage shall:-
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:-
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;

- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:-
- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
 - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges

5. The driver of a hackney carriage provided with a taximeter shall:-
 - (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
 - (a) proceed with reasonable speed to one of the stands appointed by the Council;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
 - (d) from time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading; and
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares

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

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.
15.
 - (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
 - (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not 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.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof

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

17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
- (a) carry it as soon as possible and in any even within 48 hours if not sooner claimed by or on behalf of its owner, to a police station in the Borough and leave it in the custody of the officer in charge of the station on his giving a receipt for it; and
 - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the Police Station, whichever be the greater) but not more than five pounds.

Penalties

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

Repeal of Byelaws

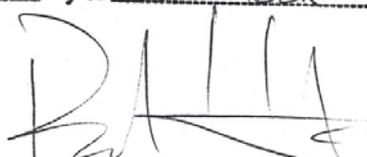
19. The byelaws relating to hackney carriages which were made by the Borough Council of Wellingborough on the 26th day of November 1976 and which were confirmed by the Secretary of State on the 14th day of January 1977 are hereby repealed.

THE COMMON SEAL of **THE BOROUGH COUNCIL OF WELLINGBOROUGH** was Hereunto affixed in the presence of:-


Authorised Officer



The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into force on the 12 day of SEPTEMBER 2005


Signed by authority of the Secretary of State.