

LICENSING AND REGULATION COMMITTEE

1 December 2010

REVIEW OF THE HACKNEY CARRIAGE AND PRIVATE HIRE CONDITIONS OF LICENCE

REPORT OF HEAD OF LEGAL SERVICES

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

In 2007, a Member/Officer Working Group was set up to produce a completely new set of conditions for hackney carriage and private hire drivers, vehicles and private hire operators. A draft set of conditions was agreed by Members of the Working Group after which, the Council consulted the Taxi Association and sent a copy of the draft conditions to all relevant licence holders on 7 September 2007, and then reported back to the Group on 24 February 2008 with comments received.

Unfortunately, due to other work commitments and staff illness, the proposed new conditions were not brought before the Licensing and Regulation Committee until now for decision.

In recent months, the Licensing and Registration Manager; Property and Licensing Solicitor and Assistant Licensing and Registration Officer have met to produce another set of new conditions with further changes which take into account changes to legislation and best practice since the Working Group met in 2007. These conditions are attached to this report.

RECOMMENDATIONS:

- 1 That Members consider the attached draft conditions, and;
- 2 That Members agree that Officers should start the consultation process with the taxi trade.

## LICENSING AND REGULATION COMMITTEE

1 December 2010

### REVIEW OF THE HACKNEY CARRIAGE AND PRIVATE HIRE CONDITIONS OF LICENCE

#### REPORT OF HEAD OF LEGAL SERVICES

#### DETAIL:

##### 1 Introduction

- 1.1 A district Council may attach conditions to licences granted under Sections 47, 48, 51 and 55 of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 All hackney carriage drivers licensed by Winchester City Council are dual licence holders; hackney carriage and private hire drivers. This allows the Council to attach conditions for private hire drivers to their licences.
- 1.3 In 2007, a Member/Officer Working Group was set up to discuss and complete a thorough overhaul of the conditions attached to a hackney carriage and/or private hire drivers licence, hackney carriage vehicle licence, private hire vehicle licence and private hire operators licence.
- 1.4 Owing to other commitments, after consultation with the relevant licence holders, the conditions were not brought before the Licensing and Regulation Committee for approval.
- 1.5 After consulting the relevant licence holders at that time, in the main, the taxi trade agreed with the new conditions and only had a few comments regarding the age of vehicles (when first presented for licensing as a hackney carriage or private hire vehicle), the need for comprehensive insurance and the servicing of vehicles.
- 1.6 In August this year, the Licensing and Registration Manager; Property and Licensing Solicitor and Assistant Licensing and Registration Officer started working on a complete new set of conditions. Since the last set of draft conditions was near-completion there have been several updates and issues that Officers have become aware of which they believe should be included. It was for this reason that a new set of conditions was produced rather than attempting to amend the previous set.
- 1.7 The new set of draft conditions comprises three documents: conditions for hackney carriage and private hire drivers; conditions for hackney carriage and private hire vehicles and, conditions for private hire operators.
- 1.8 The hackney carriage and private hire vehicle conditions were amalgamated as these vehicles effectively perform the same role, which is to carry passengers for hire and reward. There are some exceptions, for example, the

type of signs permitted on vehicles, and these are set out on page 8 of the draft hackney carriage and private hire vehicle conditions (Appendix 2).

- 1.9 Officers have taken into consideration the comments made by the taxi trade during the previous consultation period. There is now no condition which requires vehicle licence holders to prove that they have serviced their vehicle. However, it would still be a condition of their licence that they service their vehicle in accordance with the manufacturer's recommendations.
- 1.10 Drivers also queried the need for comprehensive insurance. Members decided at the time that the Council should continue to require comprehensive insurance.
- 1.11 Other local authorities in Hampshire have varied views on insurance. Some insist on comprehensive insurance, some allow third party insurance and others allow the vehicle licence holder to choose based on a business decision.
- 1.12 Officers have taken into account the Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance. The most recent version dated March 2010 can be found at Appendix 9. The guidance states; *'This Guidance is intended to assist licensing authorities but it is only guidance and decisions on any matters remain a matter for the authority concerned'*.
- 1.13 Members are asked to consider the attached set of draft conditions and make amendments should they consider it necessary (Appendix 1 to 3).
- 1.14 If Members approve the draft conditions, officers will then start the consultation process with the current hackney carriage and private hire licence holders.
- 1.15 After the consultation period has expired, a further report will be brought before the Licensing and Regulation Committee to consider comments made by the taxi trade and to approve a final set of conditions.
- 1.16 Officers hope that a final set of conditions can be in place within 6 months (by June 2011).

#### OTHER CONSIDERATIONS:

##### 2 CORPORATE STRATEGY (RELEVANCE TO):

- 2.1 This report covers issues which relate to Safe and Strong Communities.

### 3 RESOURCE IMPLICATIONS:

- 3.1 It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

### BACKGROUND DOCUMENTS:

None

### APPENDICES:

Appendix 1	Draft hackney carriage and private hire driver conditions
Appendix 2	Draft hackney carriage and private hire vehicle conditions
Appendix 3	Draft private hire operator conditions
Appendix 4	Current byelaws
Appendix 5	Current hackney carriage vehicle conditions
Appendix 6	Current private hire driver conditions
Appendix 7	Current private hire vehicle conditions
Appendix 8	Current private hire operator conditions
Appendix 9	Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010)



## DRAFT

### Hackney Carriage & Private Hire Drivers Conditions

These conditions are made under Section 51 Part II of the Local Government (Miscellaneous Provisions) Act 1976 by Winchester City Council in respect of Hackney Carriage and Private Hire Vehicle Drivers and the Town Police Clauses Act 1847.

The holder of a Hackney Carriage and/or Private Hire Vehicle Driver's licence must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any order or regulation made under this Act, and the requirements of any other Act of Parliament or orders, regulations or byelaws made under these Acts relating to the driving of motor vehicles.

Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

#### Interpretation

In these conditions

**"Authorised Officer"** means any officer of the Council authorised in writing by the Council for the purpose of these conditions.

**"Hackney Carriage"** has the same meaning as in the Town Police Clauses Act 1847.

**"Private Hire Vehicle"** means a motor vehicle constructed or adapted to seat fewer than eight passengers, other than a Hackney Carriage or public service vehicle, which is provided for hire with the services of a Driver for the purpose of carrying passengers.

**"Taximeter"** means any device for calculating the fare to be charged in respect of any journey in a Hackney Carriage or Private Hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both.

**"the Act"** means Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

**"the Council"** means Winchester City Council.

**"the Driver"** means a person licensed to drive a Hackney Carriage and Private Hire vehicle under Section 51 of the Act.

**"the Licence Holder"** means the holder of the Hackney Carriage and/or Private Hire Drivers licence.

**“the Operator”** means the person(s) or company directors whom the Council has granted the Private Hire Operator’s Licence under Section 55 of the Act.

**Drivers must be familiar with the conditions and apply them at all times and upon request make them known to any hirer.**

### **General**

1. The Driver’s badge shall be worn in such a position that it be clearly seen all the time Driver is working.
2. The Driver’s badge remains the property of Winchester City Council and if the Driver’s licence is not renewed, or is otherwise revoked or suspended such badge shall be returned by the Driver together with the licence to the Council within seven days of a written notice or upon the demand of an Authorised Officer.
3. The identity badge remains the property of Winchester City Council and in the event of loss or damage to this badge, which renders it unserviceable, the Licence Holder shall make application to the Council for a replacement badge to be issued for which a fee is payable. Loss or theft shall be reported to the Police and the Police reference number provided to the Council.
4. The Driver of a Hackney Carriage or Private Hire vehicle shall be fully acquainted with the topography of the district and, if requested to do so, satisfy the Council as to his/her knowledge of the district.
5. The Driver shall immediately and in any case within seven days disclose to the Council in writing any convictions motoring or otherwise imposed upon him/her during the period of the licence.
6. The Driver shall notify the Council in writing of any change of address during the period of licence prior to such change taking place and in any case within seven days of such change.
7. The Driver shall if requested by the hirer provide a written receipt for the fare paid. This shall include the Driver’s full name, Driver’s badge number, signature and date.
8. If, at any time, the Driver becomes aware of any medical condition which may affect his/her fitness to drive licensed vehicles he/she shall immediately give notice in writing to the Council and shall, if required, submit to an examination by a registered medical practitioner of the Council’s choice to ascertain his/her fitness to be licensed. The cost of such examination shall be paid by the driver.
9. The Driver of a Hackney Carriage or Private Hire vehicle where the Taximeter is used, shall be entitled to the fare fixed by the Council. The fare shall be calculated by distance and shown on the Taximeter. The Driver shall not demand a higher fare than that shown on the Taximeter unless a fouling charge is applicable.

10. The Driver shall produce a valid certificate of insurance at the request of an Authorised Officer. Failure to do so may result in suspension of the Drivers licence.

### **Conduct of Driver**

11. The Driver of a Hackney Carriage or Private Hire vehicle shall drive to any destination by the shortest available route unless otherwise directed by the hirer.
12. The Driver shall at all times:-
  - (a) Provide a prompt, efficient and reliable service.
  - (b) Assist passengers with luggage, pushchairs and wheelchairs.
  - (c) Be clean and respectable in his/her dress and person and in a manner not to cause embarrassment to members of the public.
  - (d) Behave in a civil, courteous and orderly manner.
  - (e) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.
  - (f) Comply with any code of conduct the Council may have in force at any time he/she is licensed by the Council.
13. The Driver shall at no time cause or permit the noise emitted by any radio or in car entertainment in the vehicle to be a source of nuisance or annoyance to any person, whether they are inside or outside the vehicle.
14. The Driver who has been hired to be at an appointed time and place shall unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at the appointed time and place.
15. The Driver shall when requested by any person hiring or seeking to hire the vehicle:-
  - (a) Convey a reasonable quantity of luggage.
  - (b) Afford reasonable assistance in loading and unloading.
  - (c) Afford reasonable assistance by removing the luggage to and from the entrance of any house, station or place at which the journey starts or finishes.
16. The Driver of a Hackney Carriage or Private Hire vehicle shall refrain from operating a radio or similar communications equipment to the annoyance of the hirer.
17. The Driver of a Hackney Carriage or Private Hire vehicle shall not smoke inside the vehicle at any time.

18. A Driver of a wheelchair capable vehicle shall not refuse to take a wheelchair bound passenger when plying for hire or when instructed to do so by the Private Hire Operator.

### **Vehicle inspection**

19. The Driver shall immediately after the end of any hiring of a licensed vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left in the vehicle.
20. Any property that is found or is given to the Driver having been left in a Hackney Carriage or Private Hire vehicle shall deposit it at a Police Station within 24 hours, providing details of the finding.
21. The Driver of a Hackney Carriage vehicle or Private Hire vehicle shall ensure that the vehicle is kept to a high standard of cleanliness at all times. In cases where the Driver is not the vehicle Licence Holder, he/she shall report any mechanical or bodywork problems to the Licence Holder immediately.

### **Carrying of animals**

22. The Driver of a Hackney Carriage or Private Hire vehicle shall not refuse to carry an assistance dog provided it is accompanied by a fare paying passenger, unless the Driver can produce a letter of exemption from the Council. No charge shall be made for the carriage of assistance dogs.
23. The Driver of a Hackney Carriage or Private Hire vehicle shall not convey in the vehicle any animals belonging to or in the custody of the Driver, the proprietor or operator of the vehicle unless they are accompanied by a fare paying passenger.
24. Any animal belonging to or in the custody of any fare paying passenger which at the **Driver's discretion** may be carried in a Hackney Carriage or Private Hire vehicle shall not be carried in the front of the vehicle.

### **Appeals**

25. The Licence Holder may appeal against the imposition of any of these conditions.
26. The Licence Holder/applicant may appeal against the refusal to grant or renew, suspension or revocation of a licence.
27. Any appeal should be made to the Magistrates Court within 21 days of the refusal to grant or renew, suspension or revocation of such licence.

### **HACKNEY CARRIAGE DRIVERS ONLY**

28. Every Driver of a Hackney Carriage for which ranks are fixed by any Byelaw shall when plying for hire in any street and not actually hired proceed with reasonable speed to one of the ranks, and;



- (a) If the rank, at the time of arrival is occupied by the number of vehicles authorised to occupy it, proceed to another rank.
  - (b) On arriving at a rank not already occupied by the full number of vehicles authorised to occupy it, place the vehicle immediately behind the vehicle on the end so as to face in the same direction.
  - (c) When any other vehicle immediately in front is moved, move the vehicle forward so as to fill the place previously occupied.
29. The Driver of a Hackney Carriage shall when occupying any position on a rank shall remain with the vehicle ready to be hired at once.
30. The Driver of a Hackney Carriage provided with a Taximeter shall:-
- (a) When plying for hire, have the roof light illuminated.
  - (b) When hired or off duty, or in another Council district, ensure the roof light is not illuminated.
  - (c) Ensure the Taximeter is not activated until immediately prior to the journey starting.
  - (d) Ensure that the Taximeter is properly illuminated throughout any part of the hiring.
  - (e) Not tamper with or permit any person to tamper with any Taximeter in the vehicle.
31. The Driver shall clearly display the current Hackney Carriage fare chart.
32. The Driver of a Hackney Carriage plying for hire shall drive to any place within the Council district at the request of the hirer.
33. The Driver of a Hackney Carriage shall not, by calling out or otherwise, encourage any person to hire such carriage and shall not make use of the services of any other person for that purpose.

#### **PRIVATE HIRE DRIVERS ONLY**

34. The Driver shall not demand from the hirer of a Private Hire vehicle a fare in excess of any previously agreed for the hiring between the hirer and the Operator. If the vehicle is fitted with a Taximeter and the fare has not been agreed then the fare shall be that amount shown on the Taximeter.
35. Drivers of Private Hire Vehicles shall not stop on or near an appointed Hackney Carriage rank at any time in circumstances which could give the impression that the vehicle is being used to ply for hire.



## DRAFT

### Hackney Carriage and Private Hire Vehicle Conditions

These conditions are made under section 47(1) Part II of the Local Government (Miscellaneous Provisions) Act 1976.

The holder of a Hackney Carriage Vehicle Licence or Private Hire Vehicle Licence shall observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II and any orders or regulations made thereunder and the requirements of any other Act of Parliament or orders, regulations or byelaws made thereunder relating to motor vehicles.

Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

#### Interpretation

In these conditions:-

**“Authorised Officer”** means any officer of the Council authorised in writing by the Council for the purpose of these Conditions.

**“External Licence Plate”** means the Hackney Carriage or Private Hire Vehicle Licence plate issued by the Council that is displayed on the outside rear of the Vehicle.

**“Hackney Carriage”** has the same meaning as in the Town Police Clauses Act 1847.

**“Internal Licence Plate”** means the Hackney Carriage or Private Hire Vehicle Licence plate issued by the Council that is displayed in the Vehicle on the windscreen.

**“Private Hire Vehicle”** means a motor vehicle constructed or adapted to seat fewer than eight passengers, other than a Hackney Carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

**“Taximeter”** means any device for calculating the fare to be charged in respect of any journey in a Hackney Carriage or Private Hire Vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both.

**“the Act”** means the Local Government (Miscellaneous Provisions) Act 1976.

**“the Council”** means Winchester City Council.

**“the Driver”** means the person licensed to drive a Hackney Carriage and Private Hire Vehicle under section 51 of the Act.

**“the Licence Holder”** means the holder of the Hackney Carriage or Private Hire Vehicle Licence.

**“the Operator”** means the person to whom the Council has granted the Private Hire Operator’s Licence to which these conditions apply. In the case of a partnership these conditions apply to each of the partners and in the case of a company to each of the company directors.

**“the Vehicle”** means the Hackney Carriage Vehicle or Private Hire Vehicle.

**The Licence Holder must be familiar with the conditions and apply them at all times and upon request make them known to any hirer.**

### **Saloon vehicles**

1. A Saloon vehicle when licensed for the first time must be less than two years from the date of first registration. The Vehicle can remain in use for six years from the date of first registration after which it may be renewed on a year by year basis at the discretion of an Authorised Officer.

### **Purpose built and conversion vehicles**

2. A purpose built vehicle and conversion vehicle when licensed for the first time must be less than three years old from the date of first registration and the Vehicle can remain in use for six years from the date of first registration after which it may be renewed on a year by year basis at the discretion of an Authorised Officer.
3. Purpose built and conversion vehicles should also be capable of carrying a wheelchair securely with seats that slide on rails or individual seats that can be removed or flip down seats, to allow more room for luggage and wheelchairs or both. The first row of seats behind the Driver must not be a bench seat.
4. A converted vehicle should have a certificate of conversion from a reputable company and will not be accepted without such a document.
5. For Private Hire Vehicles only, see 47 below.

### **Maintenance and appearance of vehicles**

6. Once the Vehicle is six years old and every year thereafter, the Vehicle shall be presented to an Authorised Officer for an inspection for its appearance and suitability prior to testing at the nominated garage and grant or renewal of licence. Any vehicle that is not to the satisfaction of an Authorised Officer shall repair the Vehicle prior to the expiry date or replace the Vehicle subject to the age limits above.
7. The Vehicle shall be maintained and serviced in accordance with the manufacturer’s recommendations.
8. The Vehicle may be called in for inspection at any time by an Authorised Officer to ensure compliance. Failure to attend and show any documentation as requested may lead to suspension or revocation of licence under Section 68 of the Act.

9. The Vehicle and its fittings must at all times when it is available for hire or being used as a Hackney Carriage or Private Hire Vehicle be safe, clean and tidy. It shall comply with all relevant statutory requirements applicable to the class of vehicle to which the Vehicle belongs including the Motor Vehicle (Construction and Use) Regulations 1978.
10. The Vehicle shall be maintained throughout the term of the Hackney Carriage or Private Hire Vehicle licence, to a high standard of appearance to the complete satisfaction of an Authorised Officer.
11. Any vehicle presented shall be free from any significant areas of visible rusting, dents or scratches to include the following:-
  - (a) PAINT WORK. All panels on a vehicle should be in matching colour.
  - (b) SEATS. In conventional saloon vehicles where it is intended that the licence should be for four passengers, the rear seat must be at least 50 inches (127cms) in width. All seats have a minimum leg room of 18 inches per passenger and in respect of seating comply with the Road Vehicles Registration and Licensing Regulations 1971. All seats shall be free from cuts, tears or cigarette burns.
  - (c) CARPETS /FLOOR COVERING. All carpets and floor coverings shall be complete and free from cuts, tears or serious staining.
  - (d) HEADLINING AND OTHER TRIM. All interior trim including headlining, shall be clean, complete, properly fitted and free from serious, tears or major soiling.
  - (e) INTERIOR. The interior shall be kept clean, tidy, free from litter and water tight.
  - (f) BOOT/ LUGGAGE COMPARTMENT. This shall be kept empty except for spare wheel, essential tools and first aid kit. The compartment shall be clean, tidy and free of any litter or other rubbish. Any covering shall be free from major cuts, tears or other damage or staining.
  - (g) WINDOWS. No less than 75% of light must filter through the windscreen and no less than 70% light must filter through all other windows (Regulation 32(10) Road Vehicles (Construction and Use) Regulations 1986).
  - (h) WINDOW OPERATION. All passengers, except those occupying a middle seat, must be able to open adjacent windows without difficulty.

### **Mechanical Inspection**

12. The Vehicle shall be mechanically inspected by the Council's nominated testing station no earlier than once month prior to a licence being issued.
13. The Vehicle shall not be used as a Hackney Carriage or Private Hire Vehicle unless there is a current mechanical inspection certificate and if applicable, an MOT certificate in force in respect of that vehicle.

## **Fire Extinguisher**

14. A fire extinguisher must conform to the current recognised British Standard and must be carried in the Vehicle at all times.

## **First Aid Kit**

15. A first aid kit must be carried within the interior of the Vehicle and be readily available to passengers on request. The first-aid kit must be maintained in full and proper order.

## **Documents**

16. The following documents shall be carried in the Vehicle at all times:-
  - (a) A copy of the current insurance certificate or insurance cover note.
  - (b) A copy of the current fare chart, clearly displayed within the Vehicle where it may be seen by any passenger.

## **Taximeters**

17. The Taximeter in any new vehicle or any replacement Taximeter shall be of the calendar type which, when recalibrated cannot be altered by the Driver.
18. The Licence Holder shall notify the Council of any replacement Taximeters fitted to the Vehicle.
19. The Taximeter should be maintained in good working order at all times and must be inspected and sealed by the Authorised Officer prior to use.
20. Whenever the Hackney Carriage fares are amended, the Licence Holder shall ensure that the Taximeter is tested by an Authorised Officer within fourteen days of the change.

## **Signs and Advertising**

21. No signs, notices, advertisements, plates, marks, letters figures, symbols, emblems or devices whatsoever (collectively referred to as 'sign') other than those mentioned in paragraph 22) below shall be displayed on in or from the Vehicle.
22. Signs permitted are:-
  - (a) registration number
  - (b) any sign required by law or Council policy
  - (c) the licence plate giving the licence number and the maximum number of passengers to be carried on the outside rear of the Vehicle.
  - (d) any sign on a Taximeter indicating that the Vehicle is for hire

- (e) For Hackney Carriages only, the roof sign referred to in paragraph 44 and 46 (g) below
- (f) any sign indicating membership of a national motoring organisation
- (g) the fare chart
- (h) any sign approved by the Council to indicate that payment of fares may be made by credit/debit card
- (i) any sign provided by Hampshire County Council to show that the Vehicle is used for schools contracts
- (j) any other sign within the Vehicle must be approved in advance by an Authorised Officer

23. Any sign permitted must be positioned so as not to impede visibility.

### **Licence Plate**

- 24. The Internal Licence Plate shall be displayed on the front nearside of the windscreen, or in the case of vehicles that have a partition, displayed on this partition.
- 25. The External Licence Plate shall be firmly affixed and displayed on the rear of the Vehicle to the satisfaction of an Authorised Officer.
- 26. The Council shall be informed immediately should the Internal or External Licence Plate be broken, lost or defaced. On no account shall a vehicle be used as a Hackney Carriage or Private Hire Vehicle without a plate.
- 27. The Internal or External Licence Plate shall be returned to the Council by the Licence Holder if, for any reason, the Vehicle is not available for hire for a period of more than fourteen days without the consent of the Council, in advance.

### **Towing Of Trailers**

28. No Hackney Carriage or Private Hire Vehicle shall tow a trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to an Authorised Officer. The External Licence Plate shall be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the Vehicle.

29. Any trailer used must comply with all relevant regulations.

### **Mechanical Breakdown**

30. In cases where the Driver has fully complied with the service requirements, if the Vehicle becomes unfit to complete a hiring:-

- (a) The Driver shall be entitled to demand the fare for the distance already covered.
- (b) The Driver shall secure alternative transport without delay to complete the journey if the hirer so wishes.

(c) If the Vehicle is repaired and completes the hiring the Driver shall be entitled to the full fare with the exception of any time that the Driver was waiting for the repair to be carried out.

(d) Any such incident shall be reported to an Authorised Officer within seven days.

### **Vehicle Checks**

30. Any Vehicle which in the opinion of an Authorised Officer does not comply with any legislation, bye-laws or conditions may be inspected by an Authorised Officer at any time to ensure its fitness to be used as a Hackney Carriage or Private Hire Vehicle.

### **Insurance**

31. The licence holder shall produce to the Council a valid certificate of insurance within seven days of the insurance cover being renewed or any change of insurer during the course of the licence, or any change of additional drivers.

### **Dual Plating**

32. No vehicle shall be licensed if it is also licensed in another district.

### **Navigation**

33. The Licence Holder shall ensure that the Vehicle is equipped with an indexed street map of the Winchester City Council district at all times. Vehicles that carry a satellite navigation system must also comply with this condition.

### **Luggage**

34. All luggage shall be carried in the luggage area and may only be carried in the seating area if it is safely secured and with the consent of the passengers.

### **Transfer of vehicle**

35. In the event that the Licence Holder of a Hackney Carriage or Private Hire Vehicle transfers his/her interest in that vehicle to a person other than one of those named on the licence, he/she shall within seven days of the transfer, give notice in writing to the Council specifying the name, address and Hackney Carriage and/or Private Hire Driver licence number of the person to whom the Vehicle has been transferred.

### **Driver**

36. The Licence Holder shall notify the Council in writing of the names, addresses and licence numbers of drivers of the Vehicle and shall produce evidence of fully comprehensive insurance for each driver.

### **Change of Address**

37. The Vehicle Licence Holder shall inform the Council of any change of address within seven days.

### **Convictions**

38. The Driver shall within seven days disclose to the Council in writing any convictions motoring or otherwise imposed upon him/her during the period of the licence (or, if the Licence Holder is a company or partnership, of any of the directors or partners).

### **Replacement Vehicles**

39. A replacement vehicle must comply with these conditions.

### **Appeals**

40. The Licence Holder may appeal against the imposition of any of these conditions.
41. The Licence Holder/applicant may appeal against the refusal to grant or renew, suspension or revocation of a licence.
42. Any appeal should be made to the Magistrates Court within 21 days of the refusal to grant or renew, suspension or revocation of such licence.
43. In the case of refusal to grant a hackney vehicle licence, the appeal should be made to the Crown Court.

### **HACKNEY CARRIAGE VEHICLES ONLY**

#### **Roof Signs**

44. Other than a purpose built vehicle that has a 'taxi' light/sign integrated into the Vehicle, a sign of a design approved by the Council shall be installed in a central position across the width of the roof.
45. The roof sign shall be connected to the Taximeter and shall be illuminated at all times while the Vehicle is plying for hire. The light shall at all times comply with the requirements of vehicle lighting regulations when illuminated.

#### **Wheelchair Bound Passengers**

46. This section is applicable to vehicles which are required to comply with the conditions of fitness as prescribed by The Disability Discrimination Act 1995 (the "DDA")
- (a) The Vehicle shall be adapted or designed to carry at least one wheelchair bound passenger and three other passengers in addition to the wheelchair bound passenger.
  - (b) There shall be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn and to safely access or exit the Vehicle.
  - (c) There shall be sufficient space for a wheelchair to be safely secured facing forward or rearward. No wheelchair shall be carried facing sideways.



- (d) There shall be a separate means of securing the chair and the wheelchair passenger.
- (e) Wheelchair ramps shall be carried in the Vehicle at all times.
- (f) Passengers in wheelchairs shall enter the Vehicle from the side adjacent to the pavement when the Vehicle is plying for hire on an authorised rank. Rear loading facilities may be used other than on the highway.
- (g) A Vehicle designed or adapted to carry wheelchairs shall display a minimum of two signs indicating that it is capable of carrying wheelchair bound passengers.
- (h) Any swivel seat fitted must meet the requirements of the DDA.

### **PRIVATE HIRE VEHICLES ONLY**

47. With reference to paragraphs 1, 2 & 3 above; in exceptional circumstances these age limits may be waived. For example, a classic car or executive vehicle in excellent condition.

#### **Signs and Advertising**

- 48. Private Hire Vehicles shall have a sign advertising the name of the Operator on both sides of the Vehicle which, in addition to the name of the company shall include the words 'Advance booking only' or 'No booking no ride'. Vehicles that are exempt under Section 75(3) of the Act are excluded from this condition.
- 49. Private Hire Vehicles are not permitted to display roof signs.
- 50. Private Hire Vehicles shall not display any advertisement that includes the words 'taxi', 'cab' or words of a similar meaning.

#### **Hackney Carriage ranks**

- 51. Drivers of Private Hire Vehicles shall not stop on or near an appointed Hackney Carriage rank at any time in circumstances which could give the impression that the vehicle is being used to ply for hire.



## DRAFT

### Private Hire Operator's Licence Conditions

These conditions are made under section 55(3) Part II of the Local Government (Miscellaneous Provisions) Act 1976.

The holder of a Private Hire Vehicle Operator's licence shall observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any orders or regulations made thereunder and the requirements of any other Act of Parliament or orders, regulations or byelaws made thereunder relating to the operation of the motor vehicles.

Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

#### Interpretation

In these conditions

**"Assistance Dogs"** means as defined in Section 37A(2) Disability Discrimination Act 1995.

**"Authorised Officer"** means any officer of the Council authorised in writing by the Council for the purpose of these conditions.

**"Private Hire Vehicle"** means a motor vehicle constructed or adapted to seat fewer than eight passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

**"the Act"** means Local Government (Miscellaneous Provisions) Act 1976.

**"the Council"** means Winchester City Council.

**"the Driver"** means a person licensed to drive a hackney carriage and private hire vehicle under Section 51 of the Act.

**"the Operator"** means the person to whom the Council has granted the Private Hire Operator's Licence to which these conditions apply. In the case of a partnership these conditions apply to each of the partners and in the case of a company to each of the company directors.

**The Operator shall be familiar with the conditions and apply them at all times.**

1. Any vehicle employed or used by the Operator shall be licensed by Winchester City Council before it is used as a private hire vehicle.

## **Records to be kept by the Operator**

2. The records required to be kept by the Operator under Section 56(2) and (3) of the Act shall be kept in a book, electronic file or other form approved by the Council, and produce on request to an Authorised Officer for examination.
3. The Operator shall record before the commencement of each journey, the following particulars of every booking of a private hire vehicle accepted:-
  - a) the name and pick up point of the hirer
  - b) the time and date of the booking
  - c) the time and date of the pick up and the call sign of the vehicle used
  - d) the name and licence badge number of the Driver dispatched
  - e) how the booking was made (i.e. by telephone, personal call, etc)
  - f) the destination
  - g) fare quoted or to be charged by the meter and in either case to include call out or return fee
4. The Operator shall keep copies of all hackney carriage and private hire driver and vehicle licences operated.
5. The Operator must inform the Council of the names and licence badge number of all drivers operated by him/her within 7 days of the arrangement.
6. The Operator shall keep a record of all vehicles and their call signs.
7. The Operator shall keep a copy of the letter of exemption issued by the Council of all private hire vehicles that are exempt from displaying a licence plate.
8. The Operator shall keep all records for a period of at least 12 months following the date of the last entry.
9. If the telephone number of the operating company is diverted to a person outside of the operating premises at any time, that person must record all bookings as in 3 above. These records must be added to the full record within 48 hours.

## **Standard of service**

10. The Operator shall provide a prompt, efficient and reliable service to the public at all reasonable times, in particular shall ensure that the hirer is aware of the fare for the journey, or whether it is to be metered and in either case to include any call out or return fee.
11. The Operator shall ensure that when a private hire vehicle has been booked the Driver attends at the appointed time and place punctually, unless delayed or prevented by sufficient cause.
12. Any premises to which the public have access, whether for the purpose of booking or waiting, the Operator shall keep clean, adequately heated, ventilated and lit premises which the Operator provides.

## **Fares**

13. If a minimum fare is to be charged, the Operator shall ensure that each customer is informed at the time of booking. If no fare is quoted, the meter shall be used to calculate the fare and the Driver shall not demand more than the fare shown on the meter. The meter shall not be started until the customer is seated in the vehicle.

## **Provisions regulating signs on vehicles**

14. The Operator shall ensure that any licensed private hire vehicle shall not display any advertisement that includes the words 'taxi', 'cab' or words of a similar meaning.

## **Conduct of the Operator**

15. The Operator shall immediately upon receipt notify the Council in writing of any complaints concerning the conduct of a driver or the cleanliness/condition of a vehicle.
16. The operating address shall be located within the County of Hampshire.
17. No Operator shall change the operating address without prior agreement in writing from the Council.
18. The Operator shall notify the Council in writing of any change of operating address during the period of the licence within seven days of such change.
19. The Operator shall provide details to the Council in writing within seven days of the date of any caution or conviction he/she receives.
20. The Operator may only sub-contract any accepted booking to another private hire operator licensed by Winchester City Council.
21. The Operator shall not refuse any booking made for carrying wheelchair bound passengers without reasonable cause and shall ensure that each of these bookings is carried out.
22. The Operator shall not refuse any booking nor apply any additional charge for carrying Assistance Dogs without reasonable cause and shall ensure that each of these bookings is carried out.

## **Appeals**

23. The Operator may appeal against the imposition of any of these conditions.
24. The Operator/applicant may appeal against the refusal to grant or renew, suspension or revocation of a licence.
25. Any appeal should be made to the Magistrates Court within 21 days of the refusal to grant or renew, suspension or revocation of such licence.

**WINCHESTER CITY COUNCIL**



**BYELAWS**  
**with respect to**  
**HACKNEY CARRIAGES**

MADE ON THE 19th JANUARY 1981

CITY OF WINCHESTER

BYELAWS

WITH RESPECT TO HACKNEY CARRIAGES

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Winchester City Council with respect to Hackney Carriages in the district of the City of Winchester.

Interpretation

1. Throughout these Byelaws "the Council" means the Council of the City of Winchester and "the district" means the district of the City of Winchester.

Taximeter

2. The proprietor of a hackney carriage shall cause the taximeter required by the Condition 3 of the Hackney Carriage Licence to be 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 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 or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and 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 figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of the table of fares fixed by the Council for the hire of the vehicles by distance and for time.
  - 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 may be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - f. The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

'For Hire' Signs

3. The proprietor of a hackney carriage shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:

- a. the sign shall bear the words "FOR HIRE" in plain letters at least one and a half inches in height;
- b. the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

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

4. The driver of a hackney carriage provided with a taximeter shall:
  - (i) a. when the hackney carriage is standing or plying for hire, keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of byelaw No.3 so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage;
  - b. as soon as the carriage is hired whether by distance or by time, operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage;
  - c. Before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose 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;
  - (ii) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.
5. 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.
6. 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 appointed stands, subject to the requirement that before plying or standing for hire at the Winchester Railway Station, the proprietor of a hackney carriage first obtains a permit from British Rail Board.
7. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
8. 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.
9. The driver of a hackney carriage shall refrain from smoking when requested to do so by the hirer and from operating a radio or similar equipment to the annoyance of the hirer.

(See new para. 8 on page 8)

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. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
12. 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. Provided that for the purpose of this byelaw two children under the age of 12 years shall count as one person and children under 3 years shall not be reckoned.  
*(See new para. 12 on page 8)*
13. 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 a position and manner as to be plainly visible.
14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
  - a. convey a reasonable quantity of luggage;
  - b. afford reasonable assistance in loading and unloading;
  - c. afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such a person.
15. Every driver of a hackney carriage shall at all times when driving for hire when required by any person hiring or conveyed in such carriage, produce a copy of these byelaws for the perusal and inspection of such person.
16. Every proprietor or driver of a hackney carriage who shall knowingly convey in the carriage the dead body of any person shall immediately thereafter notify the fact to the Environmental Health Officer of the Council.

Provisions fixing the rates or fares for time as well as distance to be paid for hackney carriages within the district and securing the due publication or such fares

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

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the table of fares which it may not be possible to record on the face of the taximeter.

The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with the conditions of the licence for the vehicle shall not wilfully or negligent 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

18. 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.
19. 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:
- carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
  - be entitled to receive from any person to whom the property shall be redelivered 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 office of the Council whichever be the greater) but not more than five pounds.

Penalties

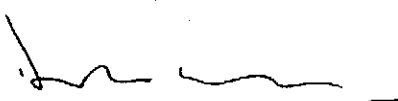
20. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding fifty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefor.

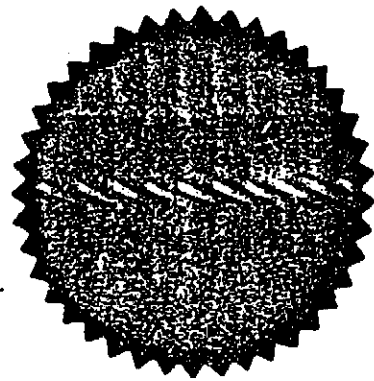
Repeal of Byelaws

21. The byelaws relating to hackney carriages which were made by Winchester City Council on 24th day of April 1975 and which were confirmed by the Secretary of State on the 6th day of June 1975 are hereby revoked.

The Common Seal of the Council  
of the City of Winchester was pursuant  
to a resolution of the Council  
hereunto affixed this 3rd November 1980

in the presence of:-

  
Chief Executive



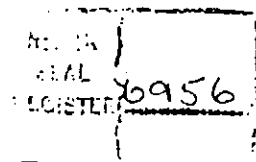
The Secretary of State this  
day confirmed the foregoing byelaws  
and fixed the date on which  
they are to come into operation  
as the 19th January 1981

J. L. BANTOCK

An Assistant Under Secretary  
of State

Home Office  
Whitehall

9. 1. 81



WINCHESTER CITY

BYELAWS WITH RESPECT TO HACKNEY CARRIAGES

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by Winchester City Council with respect to Hackney Carriages in the district of Winchester City.

Byelaw Numbered 12 (Twelve) in the series of byelaws with respect to Hackney Carriages which was made by Winchester City Council on the 3rd day of November 1980 and confirmed by the Secretary of State on the 19th day of January 1981 is hereby repealed and the following byelaw shall be substituted therefore and shall be construed as one with the series of byelaws aforesaid:-

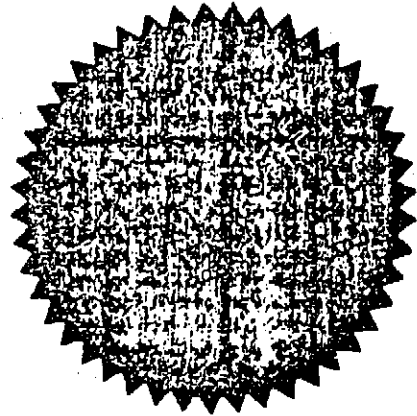
12. A proprietor or driver of a Hackney Carriage shall not convey, or permit to be conveyed, in such Hackney Carriage, any greater number of persons than the number of persons specified on the plate affixed to the outside of the vehicle, provided that for the purpose of this byelaw three children under the age of ten years shall count as two persons in seats other than the front seat of such vehicle and in a vehicle not licensed to carry more than four persons the maximum number of such children to be carried on the rear seat of such vehicle shall not exceed four.

The foregoing byelaw was duly made at a meeting of the Health and Works Committee of the Council of Winchester City on the 24th day of January 1983.

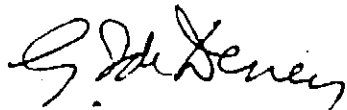
THE COMMON SEAL of WINCHESTER )  
CITY COUNCIL was hereunto affixed )  
in the presence of:- )



City Secretary.



The following articles and amendments by  
the Secretary of State shall come into  
operation on the 22 day of April 1983



**G. I. de DENEY**  
Assistant Under Secretary  
of State

Special Authority of the  
Secretary of State

Home Office

22 4 83

WINCHESTER CITY

BYELAWS WITH RESPECT TO HACKNEY CARRIAGES

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

Byelaw numbered 6 in the series of byelaws with respect to hackney carriages which was made by Winchester City Council on the 3rd day of November 1980 and confirmed by the Secretary of State on the 19th January 1981 is hereby repealed and the following byelaw shall be substituted therefore and shall be construed as one with the series of byelaws aforesaid:-

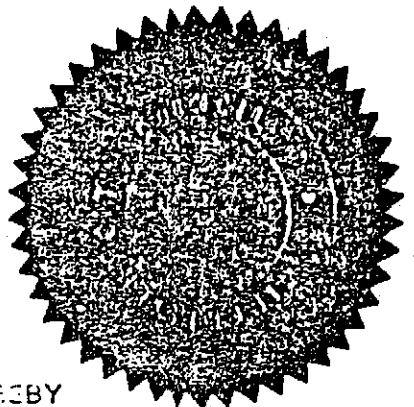
6. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
- (a) Proceed with reasonable speed to one of the appointed stands.
  - (b) If a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another 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 it in the same direction;
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage moved off or moved forward.
  - (e) Nothing in this byelaw shall permit the driver of a hackney carriage from standing or plying for hire at the hackney carriage stand at Station Approach at Winchester Railway Station unless the proprietor of the taxi shall first have obtained the appropriate permission from the British Railways Board.

The foregoing byelaw was duly approved at a meeting of the Licensing Sub-Committee of Winchester City Council held on the 13th September 1984.

THE COMMON SEAL of WINCHESTER )  
CITY COUNCIL was hereunto )  
affixed in the presence of:- )



City Secretary



NO. IN )  
SEAL ) CHS.  
NUMBER )

Date 11. 10. 1984

THE FOREGOING BYELAW IS HEREBY  
CONFIRMED BY THE SECRETARY OF  
STATE AND SHALL COME INTO OPERATION  
ON THE 1st DAY OF February 1985

*P.E. Pilling*

AN ASSISTANT SECRETARY IN THE  
DEPARTMENT OF TRANSPORT ON BEHALF  
OF THE SECRETARY OF STATE FOR  
TRANSPORT. 7/1/85

## WINCHESTER CITY COUNCIL

## HACKNEY CARRIAGE

## CONDITIONS OF LICENCE

Made under Section 47 of the Local Government (Miscellaneous Provisions) Act, 1976, by the Council of the Winchester City with respect to Hackney Carriages in the Winchester City District.

Interpretation

Throughout these Conditions "the Council" means the "Winchester City Council" "the District" means the "City of Winchester Area".

"Proprietor" means the person named in the licence forming the subject of these conditions.

1. The holder of this hackney carriage licence shall comply with the provisions of the regulations relating to hackney carriages contained in the Town Police Clauses Act, 1847, the Public Health Act 1875 (as amended), the Local Government (Miscellaneous Provisions) Act 1976 (Part II) or any re-enactments thereof, and in the byelaws made by the Council, a copy of which is supplied to each proprietor.
2.
  - (a) no vehicle shall be used as a hackney carriage unless licensed by the Council'
  - (b) all licensed vehicles must display inside the vehicle a fare card and the licence number allocated to the vehicle.
  - (c) the fare card shall be prominently displayed inside the vehicle and no charges other than those specified on the fare card shall be charged;
3. The holder of a hackney carriage licence shall also comply with the following:-
  - (a) a vehicle in respect of which a licence has been temporarily surrendered shall be made available for re-examination as to its mechanical fitness before a licence is re-issued;
  - (b) the holder of a licence shall provide and fix to the vehicle as soon as possible a taximeter such taximeter to comply with the hackney carriage byelaws and to be maintained in working order at all times;
  - (c) the vehicle shall be equipped with a sign capable of being properly illuminated and bearing the words "for hire" so as to comply with the Winchester City byelaws with respect to hackney carriages, and such other sign as the Council may require.
  - (d) the vehicle shall be equipped with a suitable efficient fire extinguisher of either dry-powder or vapourising liquid type.

- (e) the vehicle to be equipped at all times with a properly-maintained first-aid kit containing such dressings and appliances as may be required for immediate use in an emergency.
4.
    - (a) the vehicle to which this licence relates shall at all times during the continuance of the licence be maintained in sound mechanical condition, while the coachwork and upholstery of such vehicle shall be maintained in good and clean order to the satisfaction of the Council;
    - (b) the person by whom this licence is held shall take the vehicle or cause it to be taken annually and at such other times as the Council may deem necessary to such place and at such times as the Council may decide for the purpose of inspection.
    - (c) the Proprietor of a Hackney Carriage shall report to the Council in accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976. Any accident involving the hackney carriage.
  5.
    - (a) an identification plate provided by the Council bearing the number of the licence granted in respect of the vehicle shall be securely fixed to the satisfaction of the Council to the outside of the off-side rear of the vehicle in such position that it shall be clearly visible and shall be not less than 12" nor more than 30" to the bottom edge of the plate from the ground when the vehicle is fully laden, and shall not be wilfully or negligently concealed from public view while the vehicle is being used for hire purposes nor be permitted to stand or ply for hire with the plate so defaced as to be illegible.
    - (b) a deposit shall be payable to the Council for the provision of such plate by the proprietor.
    - (c) in the event of loss or damage rendering such plate unserviceable the said deposit shall be forfeited to the Council and the proprietor shall make immediate application for a replacement accompanied by a further deposit.
    - (d) On expiry, revocation or suspension of a licence granted under the provisions of Section 37 of the Town Police Clauses Act, 1847, the Council may by notice require the proprietor to return to them within 7 days the identification plate issued in respect of such licence granted to him.

If any proprietor fails without reasonable excuse to comply with the terms of such notice he shall be guilty of an offence, and any authorised Officer of the Council or any Police Constable shall be entitled to remove and retain the said plate.

6. The proprietor or driver of a Hackney Carriage shall not place or suffer to be placed on any part of such vehicle, either inside or outside any printed, written or other matter by way of advertisement except with the consent of the Council.
7. A proprietor or driver of a Hackney Carriage shall:-
  - (a) not leave unattended without due cause, any Hackney Carriage whilst it is standing or plying for hire;

- (b) fully acquaint himself with the topography of the District and if requested to do so satisfy the Council as to his knowledge of the District.
- (c) be suitably attired to the satisfaction of the Council when hired or plying for hire.

#### GENERAL CONDITIONS

The Council may decide to suspend, revoke or refuse to renew any licence in respect of a hackney carriage vehicle for any reasonable cause, including:-

- (a) that the hackney carriage vehicle is unfit for use as a hackney carriage vehicle;
- (b) any offence under, or non-compliance with, the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or any re-enactments thereof, on the part of the proprietor;
- (c) non-compliance with these conditions.

#### SPECIAL NOTE:

Any person aggrieved by the refusal of the Council to grant a hackney carriage vehicle licence, or by any of the within-written conditions as attached to the grant of such licence, may appeal to a magistrates' court:-

Public Health Act 1936 - Section 300(3) Local Government (Miscellaneous Provisions) Act 1976 Part II Section 77(1)

#### **ADDITIONAL CONDITION FOR VEHICLES CARRYING PERSONS IN A WHEELCHAIR.**

The vehicle to which this Licence relates shall be capable of carrying a person in a wheelchair and at least 3 other passengers in addition to the person in a wheelchair and to be capable of carrying at least 5 passengers at times when there is no person in a wheelchair being carried as a passenger. The vehicle shall be so equipped as to be capable of loading a person in a wheelchair from the nearside of the vehicle and there shall be a door on the offside of the vehicle available for passengers. The licensed vehicle shall permanently display a sign of the content, dimensions, colour and design approved by the Council, clearly visible from outside the vehicle and on its nearside, indicating that it is available for the immediate use of a person in wheelchair.



## **PRIVATE HIRE VEHICLE DRIVERS**

### **CONDITIONS OF LICENCE**

Made under the Local Government (Miscellaneous Provisions) Act, 1976, by the Council of Winchester City the regulation of Drivers of Private Hire Vehicles in the District of Winchester City.

1. Throughout these Conditions the "Council" means the Winchester City Council and the "Licensed Driver" means the person named in the licence forming the subject of these conditions as being licensed to drive.
2. The Licensed Driver shall when driving any private hire vehicle observe and carry out the requirements of the provisions of the City of Winchester Byelaws with respect to Private Hire Vehicles and any Orders, Regulations or Byelaws made under any Act of Parliament as to the licensing and use of private hire vehicles.
3. The Licensed Driver shall pay to the Council a deposit of an amount from time to time determined for the provision of a Drivers Badge and in the event of loss or damage rendering the badge unserviceable or indistinguishable the deposit shall be forfeited to the Council and the Licensed Driver shall make immediate application for a replacement accompanied by a further deposit such replacement if issued being subject to a like condition.
4. On expiry, revocation or suspension of this licence, the Licensed Driver shall return this licence in good condition and the badge to the Council within seven days when the aforesaid deposit will be refunded.
5. The Licensed Driver shall at all times be suitably attired to the satisfaction of the Council and at all times behave in a civil, courteous and orderly manner, and shall take all reasonable precautions to ensure the comfort and safety of persons conveyed in or entering or alighting from private hire vehicles.
6. The Licensed Driver shall not convey in a vehicle used for private hire a greater number of persons than the number of persons specified on the plate attached to the vehicle, provided that for the purpose of these conditions two children under the age of 12 years shall be regarded as one person and children under 3 years of age shall not be reckoned.
7. These conditions are without prejudice to the provision of the Town Police Clauses Act, 1847, the Local Government (Miscellaneous Provisions) Act, 1976, or any Order made thereunder or the requirements of any other Act of Parliament or Order made thereunder and nothing in these licence conditions shall relieve the Licensed Driver from any duty to observe and carry out any obligation made thereunder.



8. The driver shall:-

- (a) afford all reasonable assistance with passengers' luggage.
- (b) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him.
- (c) not without the express consent of the hirer smoke, drink or eat in the vehicle.
- (d) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- (e) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

9. Written Receipts

The driver shall if requested by the hirer of a private hire vehicle provide him with a written receipt for the fare paid.

10. Animals

"The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle and any animal belong to or in the custody of any passenger which in the drivers' discretion may be conveyed in the vehicle shall only be conveyed in the rear of the vehicle".

11. Prompt Attendance

The driver of a private hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

12. If the driver is permitted or employed to drive a private hire vehicle of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit his licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

13. Fare to be Demanded

The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previous agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

14. Change of Address

The driver shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

15. Reporting of Illness

The driver shall notify the Hackney Carriage Inspector forthwith of any illness or disability which might render him/her unfit to act as driver of a private hire vehicle.

16. No Private Hire Driver or Private Hire Vehicle Operator shall cause a Private Hire Vehicle to wait on the highway within 200 metres of an authorised taxi rank unless in connection with a pre-booked fare.

GENERAL CONDITIONS

The licence may be suspended, revoked or not renewed by the Council:-

- (a) If the driver has since the grant of the licence been convicted of an offence involving dishonesty, indecency or violence;
- (b) if the driver commits an offence or otherwise fails to comply with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976 or any re-enactments thereof;
- (c) If the driver is suffering from, or has suffered, any illness or disability which in the opinion of the Council renders him/her unfit to continue to act as a Private Hire driver;
- (e) on any other reasonable grounds.

Any person aggrieved by the conditions attached to the grant of a private hire vehicle drivers licence may appeal to a magistrates court.



## **PRIVATE HIRE VEHICLE**

### **CONDITIONS OF LICENCE**

Made under Section 48(2) of Part II of the Local Government (Miscellaneous Provisions) Act 1976, by the Council of Winchester City with respect to Private Hire Vehicles for hire in the District of Winchester City.

#### Interpretation

1. Throughout these Conditions "the Council" means the Winchester City Council, "Private Hire Vehicle" means the vehicle forming the subject of this licence, "Proprietor" means the person named in the licence forming the subject of these conditions.
  
2. (a) The identification plate provided by the Council bearing the number of the licence granted in respect of the vehicle shall be securely fixed, to the satisfaction of the Council, to the outside of the offside rear of the vehicle in such position that it shall be clearly visible from the rear of the vehicle and shall be not less than 12" nor more than 30" to the bottom edge of the plate from the ground when the vehicle is fully laden, and shall not be wilfully or negligently concealed from public view while the vehicle is being used for hire (subject to certain exemptions).
  
- (b) The licence plate shall remain the property of the Council and shall be returned to them within seven days after the service on the proprietor or an appropriate notice if the proprietor no longer holds a Private Hire vehicle licence with the Council which is in force in respect of the vehicle. Any deposit which may from time to time be determined for the issue of the licence plate shall be refunded upon the plate being returned to the Council in a satisfactory condition;
  
- (c) A deposit shall be payable to the Council for the provision of such plate.
  
- (d) In the event of loss or damage rendering such plate unserviceable the said deposit shall be forfeited to the Council and the proprietor shall make immediate application for a replacement accompanied by a further deposit.
  
3. The proprietor of the Private Hire Vehicle:-
  - (a) shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified on the plate affixed to the outside of the vehicle, PROVIDED that for the purpose of this Condition two children under the age of 12 years shall be regarded as one person and children under the age of 3 years shall not be reckoned:
  
  - (b) shall not display on any Private Hire Vehicle licensed by the Council any sign or notice -

- 1) which consists of or includes the word 'taxi' or 'cab' whether in the singular or plural and whether alone or as part of another word or
  - 2) which consists of the words 'for hire' or the form of wording which is in any other way such as to suggest that the vehicle on which it is displayed is presently available to take up any passenger wishing to hire it or would be so available if not already hired.
- (c) shall permit an authorised officer of the Council to inspect and test a Private Hire vehicle at all reasonable times. If the officer is not satisfied as to the fitness or condition of the Private Hire vehicle, he shall give notice in writing to the proprietor to make the vehicle available for further inspection and testing at such reasonable time and place as specified in the notice, the vehicle licence is being suspended until such time as the officer is so satisfied; provided that if the officer is not so satisfied before the expiration of a period of two months, the licence shall be revoked. The licence plate shall, on revocation of the licence, be handed to the officer of the Council but will be returned on reinstatement of the licence;
4. Any alteration in the design of the vehicle whether to the machinery or to the body shall be reported to the Council, who may require the proprietor to submit the vehicle for further examination;
  5. The proprietor shall report to the Council in accordance with Section 50(3) Local Government (Miscellaneous Provisions) Act 1976 any accident involving a Private Hire Vehicle.
  6. The proprietor shall cause to be carried on the vehicle an efficient fire extinguisher of minimum of 1Kg dry powder.
  7. The proprietor shall cause to be carried in the vehicle at all times a first-aid kit containing such dressings and appliances as may be required for immediate use in emergency.
  8. At all times the proprietor shall during the currency of the licence keep in force in relation to the user of the vehicle as a Private Hire vehicle a policy of insurance issued by an approved insurance company on a Comprehensive basis and comply with the requirements of Part VI of the Road Traffic Act 1972 or any re-enactment thereof;
  9. On being so required by an authorised officer the proprietor shall produce to that officer for examination a certificate of insurance issued by an approved insurance company in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1972 or any re-enactment thereof, provided that if the proprietor fails to produce such certificate to the officer on request the proprietor shall, within five days of such request, produce it to that officer or to any other authorised officer at the Council Offices, Colebrook Street, Winchester.

#### GENERAL CONDITIONS

The Council may decide to suspend, revoke or refuse to renew any licence in respect of a Private Hire vehicle for any reasonable cause, including:-

- (a) that the Private Hire vehicle is unfit for use as a Private Hire vehicle;

- (b) any offence under, or non-compliance with, the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or any re-enactments thereof on the part of the proprietor/operator.
- (c) non-compliance with these conditions.

Any person aggrieved by the refusal of the Council to grant a Private Hire vehicle licence, or by any of the within-written conditions as attached to the grant of such licence, may appeal to a magistrates' court:-

Public Health Act 1936  
Section 300(3)

Local Government (Miscellaneous  
Provisions) Act 1976

Part II - Section 77(1)

**WINCHESTER CITY COUNCIL**  
**OPERATORS OF PRIVATE HIRE VEHICLES**  
**CONDITIONS OF LICENCE**

Made under Section 55 (3) Part II of the Local Government (Miscellaneous Provisions) Act, 1976, by the Council of the Winchester City with respect to persons licensed to operate Private Hire Vehicles in the District of the Winchester City Council.

**Interpretation**

1. Throughout these conditions the "Council" means the Winchester City Council, "Private Hire Vehicles" means every motor vehicle licensed by the council for that purpose, "Licensed Operator" means the person named in the Licence forming the subject of these conditions as being Licensed to operate Private Hire Vehicles in the City.
2. The Licensed Operator shall maintain a record book in a form satisfactory to the Council and enter therein before the commencement of each journey such particulars of every booking of a private hire vehicle invited or accepted by him whether by accepting the same from the hirer or by undertaking it at the request of another operator, as the Council may prescribe and shall produce such record on request to any "authorised officer" of the Council or any Police Officer for inspection.
3. The Licensed Operator shall not allow a greater number of Private Hire Vehicles to operate from his premises than the number for which planning permission has been granted by the Council.
4. No advertisement:-
  - (a) Indicating that motor vehicle can be hired in application to a specific address or telephone number, being the address or telephone number of the premises in the City of Winchester or
  - (b) On or near such premises indicating that motor vehicle can be hired at those premises.

Shall include the words "Taxi" or "Cab" whether in the singular or plural and whether alone or as part of another word unless the vehicles offered for hire are licensed Hackney Carriages or the advertisement makes it clear that they are not.

5. A Licensed Operator shall produce his Operator's Licence on request to any authorised officer of the Council or to a police constable.

**General Conditions**

The Council may suspend, revoke or refuse to renew an operator's licence for any reasonable cause including:-

- (a) any offence under or non-compliance with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, or any re-enactments thereof;
- (b) any conduct on the part of the operator which renders him unfit to hold an Operator's Licence;
- (c) a material change in the circumstances of the Operator or the basis on which the Licence was granted.
- (d) non-compliance with any of these conditions.

Any applicant aggrieved by the refusal of the Council to grant an Operator's Licence, or by any conditions attached thereto, may appeal to a Magistrates Court.

**TAXI AND PRIVATE HIRE VEHICLE LICENSING:  
BEST PRACTICE GUIDANCE**

**March 2010**

## **TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE**

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## **INTRODUCTION**

1. The Department first issued Best Practice Guidance in October 2006 to assist those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades.
2. It is clear that many licensing authorities considered their licensing policies in the context of the Guidance. That is most encouraging.
3. However, in order to keep our Guidance relevant and up to date, we embarked on a revision. We took account of feedback from the initial version and we consulted stakeholders in producing this revised version.
4. The key premise remains the same - it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations. This Guidance is intended to assist licensing authorities but it is only guidance and decisions on any matters remain a matter for the authority concerned.
5. We have not introduced changes simply for the sake of it. Accordingly, the bulk of the Guidance is unchanged. What we have done is focus on issues involving a new policy (for example trailing the introduction of the Safeguarding Vulnerable Groups legislation); or where we consider that the advice could be elaborated (eg enforcement); or where progress has been made since October 2006 (eg the stretched limousine guidance note has now been published).

## **THE ROLE OF TAXIS AND PHVs**

6. Taxis (more formally known as hackney carriages) and PHVs (or minicabs as some of them are known) play an important part in local transport. In 2008, the average person made 11 trips in taxis or private hire vehicles. Taxis and PHVs are used by all social groups; low-income young women (amongst whom car ownership is low) are one of the largest groups of users.
7. Taxis and PHVs are also increasingly used in innovative ways - for example as taxi-buses - to provide innovative local transport services (see paras 92-95)

## **THE ROLE OF LICENSING: POLICY JUSTIFICATION**

8. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. 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. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

9. 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 does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

10. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

### **SCOPE OF THE GUIDANCE**

11. This guidance deliberately does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Nor for the most part does the guidance seek to set out the law on taxi and PHV licensing, which for England and Wales contains many complexities. Local licensing authorities will appreciate that it is for them to seek their own legal advice.

### **CONSULTATION AT THE LOCAL LEVEL**

12. It is good practice for local authorities to consult about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, or Chambers of Commerce, organisations with a wider transport interest (eg the Campaign for Better Transport and other transport providers), womens' groups or local traders.

### **ACCESSIBILITY**

13. The Minister of State for Transport has now announced the way forward on accessibility for taxis and PHVs. His statement can be viewed on the Department's website at: <http://www.dft.gov.uk/press/speechesstatements/statements/accesstotaxis>. The Department will be taking forward demonstration schemes in three local authority areas to research the needs of people with disabilities in order to produce guidance about the most appropriate provision. In the meantime, the Department recognises that some local licensing authorities will want to make progress on enhancing accessible taxi provision and the guidance outlined below constitutes the Department's advice on how this might be achieved in advance of the comprehensive and dedicated guidance which will arise from the demonstration schemes.

14. Different accessibility considerations apply between taxis and PHVs. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs 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 to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet. The Department has produced a leaflet on the ergonomic requirements for accessible taxis that is available from: <http://www.dft.gov.uk/transportforyou/access/taxis/pubs/research>

15. The Department is aware that, in some cases, taxi drivers are reluctant to pick up disabled people. This may be because drivers are unsure about how to deal with disabled people, they believe it will take longer for disabled people to get in and out of the taxi and so they may lose other fares, or they are unsure about insurance arrangements if anything goes wrong. It should be remembered that this is no excuse for refusing to pick up disabled people and that the taxi industry has a duty to provide a service to disabled people in the same way as it provides a service to any other passenger. Licensing authorities should do what they can to work with operators, drivers and trade bodies in their area to improve drivers' awareness of the needs of disabled people, encourage them to overcome any reluctance or bad practice, and to improve their abilities and confidence. Local licensing authorities should also encourage their drivers to undertake disability awareness training, perhaps as part of the course mentioned in the training section of this guidance that is available through Go-Skills.

16. In relation to enforcement, licensing authorities will know that section 36 of the Disability Discrimination Act 1995 (DDA) was partially commenced by enactment of the Local Transport Act 2008. The duties contained in this section of the DDA apply only to those vehicles deemed accessible by the local authority being used on "taxibus" services. This applies to both hackney carriages and private hire vehicles.

17. Section 36 imposes certain duties on drivers of "taxibuses" to provide assistance to people in wheelchairs, to carry them in safety and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution through a Magistrates' court and a maximum fine of £1,000.

18. Local authorities can take action against non-taxibus drivers who do not abide by their duties under section 36 of the DDA (see below). This could involve for example using licence conditions to implement training requirements or, ultimately, powers to suspend or revoke licences. Some local authorities use points systems and will take certain enforcement actions should drivers accumulate a certain number of points

19. There are plans to modify section 36 of the DDA. The Local Transport Act 2008 applied the duties to assist disabled passengers to drivers of taxis and PHVs whilst being used to provide local services. The Equality Bill which is currently on its passage through Parliament would extend the duties to drivers of taxis and PHVs whilst operating conventional services using wheelchair accessible vehicles. Licensing authorities will be informed if the change is enacted and Regulations will have to be made to deal with exemptions from the duties for drivers who are unable, on medical grounds to fulfil the duties.

### **Duties to carry assistance dogs**

20. Since 31 March 2001, licensed taxi drivers in England and Wales have been under a duty (under section 37 of the DDA) to carry guide, hearing and other prescribed assistance dogs in their taxis without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for an exemption from the duty on medical grounds. Any other driver who fails to comply with the duty could be prosecuted through a Magistrates' court and is liable to a fine of up to £1,000. Similar duties covering PHV operators and drivers have been in force since 31 March 2004.

21. Enforcement of this duty is the responsibility of local licensing authorities. It is therefore for authorities to decide whether breaches should be pursued through the courts or considered as part of the licensing enforcement regime, having regard to guidance issued by the Department.

<http://www.dft.gov.uk/transportforyou/access/taxis/pubs/taxis/carriageofassistancedogsinta6154?page=2>

### **Duties under the Part 3 of the DDA**

22. The Disability Discrimination Act 2005 amended the DDA 1995 and lifted the exemption in Part 3 of that Act for operators of transport vehicles. Regulations applying Part 3 to vehicles used to provide public transport services, including taxis and PHVs, hire services and breakdown services came into force on 4 December 2006. Taxi drivers now have a duty to ensure disabled people are not discriminated against or treated less favourably. In order to meet these new duties, licensing authorities are required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services.

23. The Disability Rights Commission, before it was incorporated into the Equality and Human Rights Commission, produced a Code of Practice to explain the Part 3 duties for the transport industry; this is available at [http://www.equalityhumanrights.com/uploaded\\_files/code\\_of\\_practice\\_provision\\_and\\_use\\_of\\_transport\\_vehicles\\_dda.pdf](http://www.equalityhumanrights.com/uploaded_files/code_of_practice_provision_and_use_of_transport_vehicles_dda.pdf). There is an expectation that Part 3 duties also now demand new skills and training; this is available through GoSkills, the sector skills council for road passenger transport. Go-Skills has also produced a DVD about assisting disabled passengers. Further details are provided in the training section of this guidance.

24. Local Authorities may wish to consider how to use available courses to reinforce the duties drivers are required to discharge under section 3 of DDA, and also to promote customer service standards for example through GoSkills.

25. In addition recognition has been made of a requirement of basic skills prior to undertaking any formal training. On-line tools are available to assess this requirement prior to undertaking formal training.

## **VEHICLES**

### **Specification Of Vehicle Types That May Be Licensed**

26. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

28. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

29. The owners and drivers of vehicles may want to make appropriate adaptations to their vehicles to help improve the personal security of the drivers. Licensing authorities should look favourably on such adaptations, but, as mentioned in paragraph 35 below, they may wish to ensure that modifications are present when the vehicle is tested and not made after the testing stage.

### **Tinted windows**

30. The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.

### **Imported vehicles: type approval (see also “stretched limousines”, paras 40-44 below)**

31. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For

passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- a European Whole Vehicle Type approval;
- a British National Type approval; or
- a Individual Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at [www.businesslink.gov.uk/vehicleapprovalschemes](http://www.businesslink.gov.uk/vehicleapprovalschemes)

### **Vehicle Testing**

32. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

- **Frequency Of Tests.** The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.
- **Criteria For Tests.** Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs\*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

\*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office see <http://www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726>

- **Age Limits.** It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.

- **Number Of Testing Stations.** There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency – VOSA – may be able to assist where there are local difficulties in provision of testing stations.)

33. The Technical Officer Group of the Public Authority Transport Network has produced Best Practice Guidance which focuses on national inspection standards for taxis and PHVs. Local licensing authorities might find it helpful to refer to the testing standards set out in this guidance in carrying out their licensing responsibilities. The PATN can be accessed via the Freight Transport Association.

### **Personal security**

34. The personal security of taxi and PHV drivers and staff needs to be considered. The Crime and Disorder Act 1998 requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. Crime and Disorder Reduction Partnerships are also required to invite public transport providers and operators to participate in the partnerships. Research has shown that anti-social behaviour and crime affects taxi and PHV drivers and control centre staff. It is therefore important that the personal security of these people is considered.

35. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. In addition, licensing authorities may wish to ensure that such modifications are present when the vehicle is tested and not made after the testing stage.

36. There is extensive information on the use of CCTV, including as part of measures to reduce crime, on the Home Office website (e.g. <http://scienceandresearch.homeoffice.gov.uk/hosdb/cctv-imaging-technology/CCTV-and-imaging-publications>) and on the Information Commission's Office website ([www.ico.gov.uk](http://www.ico.gov.uk)). CCTV can be both a deterrent to would-be trouble makers and be a source of evidence in the case of disputes between drivers and passengers and other incidents. There is a variety of funding sources being used for the implementation of security measures for example, from community safety partnerships, local authorities and drivers themselves.

37. Other security measures include guidance, talks by the local police and conflict avoidance training. The Department has recently issued guidance for taxi and PHV drivers to help them improve their personal security. These can be accessed on the Department's website at: <http://www.dft.gov.uk/pgr/crime/taxiphv/>.

In order to emphasise the reciprocal aspect of the taxi/PHV service, licensing authorities might consider drawing up signs or notices which set out not only what passengers can expect from drivers, but also what drivers can expect from passengers who use their service. Annex B contains two samples which are included for illustrative purposes but local authorities are encouraged to formulate their own, in the light of local conditions and circumstances. Licensing authorities may want to encourage the taxi and PHV trades to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

### **Vehicle Identification**

38. Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

- a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;
- a licence condition which requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.
- Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.

### **Environmental Considerations**

39. Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted. This will be of particular importance in designated Air Quality Management Areas (AQMAs). Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly



assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set. They should also bear in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form).

### **Stretched Limousines**

40. Local licensing authorities are sometimes asked to license stretched limousines as PHVs. It is suggested that local authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. Indeed, the Department's view is that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle and that any authorities which do adopt such practices are leaving themselves open to legal challenge. A policy of excluding limousines creates an unacceptable risk to the travelling public, as it would inevitably lead to higher levels of unlawful operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators. The Department has now issued guidance on the licensing arrangements for stretched limousines. This can be accessed on the Department's web-site at <http://www.dft.gov.uk/pgr/regional/taxis/stretchlimousines.pdf>.

41. The limousine guidance makes it clear that most operations are likely to fall within the PHV licensing category and not into the small bus category. VOSA will be advising limousine owners that if they intend to provide a private hire service then they should go to the local authority for PHV licences. The Department would expect licensing authorities to assess applications on their merits; and, as necessary, to be proactive in ascertaining whether any limousine operators might already be providing an unlicensed service within their district.

42. Imported stretched limousines were historically checked for compliance with regulations under the Single Vehicle Approval (SVA) inspection regime before they were registered. This is now the Individual Vehicle Approval (IVA) scheme. The IVA test verifies that the converted vehicle is built to certain safety and environmental standards. A licensing authority might wish to confirm that an imported vehicle was indeed tested by VOSA for IVA before being registered and licensed (taxed) by DVLA. This can be done either by checking the V5C (Registration Certificate) of the vehicle, which may refer to IVA under the "Special Note" section; or by writing to VOSA, Ellipse, Padley Road, Swansea, SA1 8AN, including details of the vehicle's make and model, registration number and VIN number.

43. Stretched limousines which clearly have more than 8 passenger seats should not of course be licensed as PHVs because they are outside the licensing regime for PHVs. However, under some circumstances the SVA regime accepted vehicles with space for more than 8 passengers, particularly where the precise number of passenger seats was hard to determine. In these circumstances, if the vehicle had obtained an SVA certificate, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than 8 passengers, bearing in mind that refusal may encourage illegal private hire operation.

44. Many councils are concerned that the size of limousines prevents them being tested in conventional MoT garages. If there is not a suitable MoT testing station in the area then it would be possible to test the vehicle at the local VOSA test stations. The local enforcement office may be able to advise (contact details on <http://www.vosa.gov.uk>).

## **QUANTITY RESTRICTIONS OF TAXI LICENCES OUTSIDE LONDON**

45. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

46. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

47. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

48. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

49. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

50. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

- **the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be...

- **waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
- **latent demand**, for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- **peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.
- **consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
- **publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
- **financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

51. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

## **TAXI FARES**

52. Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) Fare scales should be designed with a view to practicality. The Department sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. Authorities may wish to consider adopting a simple formula for

deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.

53. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

54. There is a case for allowing any taxi operators who wish to do so to make it clear – perhaps by advertising on the vehicle – that they charge less than the maximum fare; publicity such as '5% below the metered fare' might be an example.

## **DRIVERS**

### **Duration Of Licences**

55. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme. Paragraphs 62-65 below provide further information about this scheme.

56. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

### **Acceptance of driving licences from other EU member states**

57. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended since the 1976 Act was passed. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections 51 and 59 of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification

requirements for the grant of taxi and PHV driver's licences. Since that time, a number of central and eastern European states have joined the EU and the EEA and the Department takes the view that drivers from the Accession States are eligible to acquire a taxi or PHV driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an acceding State (see section 99A(i) of the Road Traffic Act 1988). To complete the picture, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 (SI 1998 No 1946) gave equal recognition to Northern Ireland driving licences for the purposes of taxi and PHV driver licensing under the 1976 Act (see section 109(i) of the Road Traffic Act 1988, as amended).

### **Criminal Record Checks**

58. A criminal record check is an important safety measure particularly for those working closely with children and the vulnerable. Taxi and PHV drivers can be subject to a Standard Disclosure (and for those working in "Regulated Activity" to an Enhanced Disclosure) through the Criminal Records Bureau. Both levels of Disclosure include details of spent and unspent convictions, cautions reprimands and final warnings. An Enhanced Disclosure may also include any other information held in police records that is considered relevant by the police, for example, details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations. An Enhanced Disclosure is for those working in Regulated Activity<sup>1</sup> and the Government has produced guidance in relation to this and the new "Vetting and Barring Scheme" which is available at [www.isa.gov.org.uk/default.aspx?page=402](http://www.isa.gov.org.uk/default.aspx?page=402). [*The Department will issue further advice as the new SVG scheme develops.*]

59. In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they should take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will doubtless want to have a clear policy for the consideration of criminal records, for example the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

60. Local licensing authorities will also want to have a policy on background checks for applicants from elsewhere in the EU and other overseas countries. One approach is to require a certificate of good conduct authenticated by the relevant embassy. The Criminal Records Bureau website ([www.crb.gov.uk](http://www.crb.gov.uk)) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries.

61. It would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually, provided drivers are obliged to report all new convictions and cautions to the licensing authority.

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<sup>1</sup> "Regulated Activity" is defined in The Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Regulations 2009

## **Notifiable Occupations Scheme**

62. Under this Scheme, when an individual comes to the notice of the police and identifies their occupation as a taxi or PHV driver, the police are requested to notify the appropriate local licensing authority of convictions and any other relevant information that indicates that a person poses a risk to public safety. Most notifications will be made once an individual is convicted however, if there is a sufficient risk, the police will notify the authority immediately.

63. In the absence of a national licensing body for taxi and PHV drivers, notifications are made to the local licensing authority identified on the licence or following interview. However, it is expected that all licensing authorities work together should they ascertain that an individual is operating under a different authority or with a fraudulent licence.

64. The police may occasionally notify licensing authorities of offences committed abroad by an individual however it may not be possible to provide full information.

65. The Notifiable Occupations Scheme is described in Home Office Circular 6/2006 which is available at <http://www.basingstoke.gov.uk/CommitteeDocs/Committees/Licensing/20070710/3%20yr%20licences-update%20on%20hants%20constab%20procedures%20re%20Home%20office%20circ%206;2006-%20Appendix%202.pdf>. Further information can also be obtained from the Criminal Records Team, Joint Public Protection Information Unit, Fifth Floor, Fry Building, 2 Marsham Street, London SW1P 4DF; e-mail Samuel.Wray@homeoffice.gsi.gov.uk.

## **Immigration checks**

66. The Department considers it appropriate for licensing authorities to check on an applicant's right to work before granting a taxi or PHV driver's licence. It is important to note that a Criminal Records Bureau check is not a Right to Work check and any enquires about the immigration status of an individual should be addressed to the Border and Immigration Agency. Further information can be found at [www.bia.homeoffice.gov.uk/employingmigrants](http://www.bia.homeoffice.gov.uk/employingmigrants). More generally, the Border and Immigration Agency's Employers' Helpline (0845 010 6677) can be used by licensing staff to obtain general guidance on immigration documentation, although this Helpline is not able to advise on individual cases. The authority can obtain case specific immigration status information, including whether a licensing applicant is permitted to work or details of work restrictions, from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY. Further details on the procedures involved can be obtained by contacting the Unit (020 8196 3011).

## **Medical fitness**

67. It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:

- they carry members of the general public who have expectations of a safe journey;
- they are on the road for longer hours than most car drivers; and
- they may have to assist disabled passengers and handle luggage.

68. It is common for licensing authorities to apply the “Group 2” medical standards – applied by DVLA to the licensing of lorry and bus drivers – to taxi and PHV drivers. This seems best practice. The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (ie 3500-7500 kgs lorries); the position is summarised at Annex C to the Guidance. It is suggested that the best practice is to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.

### **Age Limits**

69. It does not seem necessary to set a maximum age limit for drivers provided that regular medical checks are made. Nor do minimum age limits, beyond the statutory periods for holding a full driver licence, seem appropriate. Applicants should be assessed on their merits.

### **Driving Proficiency**

70. Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

### **Language proficiency**

71. Authorities may also wish to consider whether an applicant would have any problems in communicating with customers because of language difficulties.

### **Other training**

72. Whilst the Department has no plans to make training courses or qualifications mandatory, there may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades. These will cover customer care, including how best to meet the needs of people with disabilities. More information about these qualifications can be obtained from *GoSkills*, the Sector Skills Council for Passenger Transport. *GoSkills* is working on a project funded by the Department to raise standards in the industry and *GoSkills* whilst not a direct training provider, can guide and support licensing authorities through its regional network of Regional Managers.

73. Some licensing authorities have already established training initiatives and others are being developed; it is seen as important to do this in consultation with the local taxi and PHV trades. Training can cover customer care, including how best to meet the needs of people with disabilities and other sections of the community, and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict. Training may also be considered for applicants to enable them to reach an appropriate standard of comprehension, literacy and numeracy. Authorities may wish to note that nationally recognised qualifications and training programmes sometimes have advantages over purely local arrangements (for example, in that the qualification will be more widely recognised).

Contact details are:

GoSkills, Concorde House, Trinity Park, Solihull, Birmingham, B37 7UQ.

Tel: 0121-635-5520

Fax: 0121-635-5521

Website: [www.goskills.org](http://www.goskills.org)

e-mail: [info@goskills.org](mailto:info@goskills.org)

74. It is also relevant to consider driver training in the context of the 2012 Olympic and Paralympic Games which will take place at a number of venues across the country. One of the key aims of the Games is to “change the experience disabled people have when using public transport during the Games and to leave a legacy of more accessible transport”. The Games provide a unique opportunity for taxi/PHV drivers to demonstrate their disability awareness training, and to ensure all passengers experience the highest quality of service.

### **Topographical Knowledge**

75. Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. So most licensing authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence (though the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high).

76. However, PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would-be PHV driver to pass the same ‘knowledge’ test as a taxi driver, though it may be thought appropriate to test candidates’ ability to read a map and their knowledge of key places such as main roads and railway stations. The Department is aware of circumstances where, as a result of the repeal of the PHV contract exemption, some people who drive children on school contracts are being deterred from continuing to do so on account of overly burdensome topographical



tests. Local authorities should bear this in mind when assessing applicants' suitability for PHV licences.

## **PHV OPERATORS**

77. The objective in licensing PHV operators is, again, the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them.

### **Criminal Record Checks**

78. PHV operators (as opposed to PHV drivers) are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. But a Basic Disclosure, which will provide details of unspent convictions only, could be seen as appropriate, after such a system has been introduced by the Criminal Records Bureau. No firm date for introduction has yet been set; however, a feasibility study has been completed; the Criminal Records Bureau is undertaking further work in this regard. Overseas applicants may be required to provide a certificate of good conduct from the relevant embassy if they have not been long in this country. Local licensing authorities may want to require a reference, covering for example the applicant's financial record, as well as the checks outlined above.

### **Record Keeping**

79. It is good practice to require operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking. This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that 6 months is generally appropriate as the length of time that records should be kept.

### **Insurance**

80. It is appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

### **Licence Duration**

81. A requirement for annual licence renewal does not seem necessary or appropriate for PHV operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). Indeed, a licence period of five years may well be appropriate in the average case. Although the authority may wish to offer operators the option of a licence for a shorter period if requested.

## **Repeal of the PHV contract exemption**

82. Section 53 of the Road Safety Act 2006 repealed the exemption from PHV licensing for vehicles which were used on contracts lasting not less than seven days. The change came into effect in January 2008. A similar change was introduced in respect of London in March 2008. As a result of this change, local licensing authorities are considering a range of vehicles and services in the context of PHV licensing which they had not previously licensed because of the contract exemption.

83. The Department produced a guidance note in November 2007 to assist local licensing authorities, and other stakeholders, in deciding which vehicles should be licensed in the PHV regime and which vehicles fell outside the PHV definition. The note stressed that it was a matter for local licensing authorities to make decisions in the first instance and that, ultimately, the courts were responsible for interpreting the law. However, the guidance was published as a way of assisting people who needed to consider these issues. A copy of the guidance note can be found on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/rsa06privatehirevehicles> As a result of a recent report on the impact of the repeal of the PHV contract exemption, the Department will be revising its guidance note to offer a more definite view about which vehicles should be licensed as PHVs. The report is also on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/phvcontractexemption/>.

## **ENFORCEMENT**

84. Well-directed enforcement activity by the local licensing authority benefits not only the public but also the responsible people in the taxi and PHV trades. Indeed, it could be argued that the safety of the public depends upon licensing authorities having an effective enforcement mechanism in place. This includes actively seeking out those operators who are evading the licensing system, not just licensing those who come forward seeking the appropriate licences. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including for example any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Local authorities will also wish to liaise closely with the police. Multi-agency enforcement exercises (involving, for example, the Benefits Agency) have proved beneficial in some areas.

85. Local licensing authorities often use enforcement staff to check a range of licensed activities (such as market traders) as well as the taxi and PHV trades, to make the best use of staff time. But it is desirable to ensure that taxi and PHV enforcement effort is at least partly directed to the late-night period, when problems such as touting tend most often to arise. In formulating policies to deal with taxi touts, local licensing authorities might wish to be aware that the Sentencing Guidelines Council have, for the first time, included guidance about taxi touting in their latest Guidelines for Magistrates. The Guidelines, which came into effect in August 2008, can be accessed through the SGC's web-site - [www.sentencing-guidelines.gov.uk](http://www.sentencing-guidelines.gov.uk).

86. Some local licensing authorities employ taxi marshals in busy city centres where there are lots of hirings, again perhaps late at night, to help taxi drivers picking up, and would-be passengers queuing for taxis.

87. As part of enforcement, local licensing authorities will often make spot checks, which can lead to their suspending or revoking licences. They will wish to consider carefully which power should best be used for this purpose. They will note, among other things, that section 60 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal for the licence-holder, whereas section 68, which is also sometimes used, does not; this can complicate any challenge by the licence-holder.

88. Section 52 of the Road Safety Act 2006 amended the Local Government (Miscellaneous Provisions) Act 1976 such that local authorities can now suspend or revoke a taxi or PHV driver's licence with immediate effect on safety grounds. It should be stressed that this power can only be used where safety is the principal reason for suspending or revoking and where the risk justifies such an approach. It is expected that in the majority of cases drivers will continue to work pending appeal and that this power will be used in one-off cases. But the key point is that the law says that the power must be used in cases which can be justified in terms of safety. The Department is not proposing to issue any specific guidance on this issue, preferring to leave it to the discretion of licensing authorities as to when the power should be used.

## **TAXI ZONES**

89. The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.

90. The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

91. It should be noted that the Government has now made a Legislative Reform Order which removed the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. The Legislative Reform (Local Authority Consent Requirements)(England and Wales) Order 2008 came into force in October 2008. Although these resolutions no longer require the approval of the Secretary of State, the statutory procedure for making them – in paragraph 25 of schedule 14 to the Local Government Act 1972- remains the same.

## **FLEXIBLE TRANSPORT SERVICES**

92. It is possible for taxis and PHVs to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport

needs, especially in rural areas – though potentially in many other places as well. In recent years there has been a significant increase in the provision of flexible services, due partly to the availability of Rural Bus Subsidy Grant and Rural Bus Challenge Support from the Department.

93. The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

94. The main legal provisions under which flexible services can be operated are:

- **Shared taxis and PHVs – advance bookings (section 11, Transport Act 1985):** licensed taxis and PHVs can provide a service at separate fares for up to eight passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre, or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.
- **Shared taxis – immediate hirings (section 10, Transport Act 1985):** such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not PHVs) can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. (The authority is required to set up such a scheme if holders of 10% or more of the taxi licences in the area ask for one.) The passengers pay only part of the metered fare, for example in going home after a trip to the local town, and without pre-booking, but the driver receives more than the metered fare.
- **Taxibuses (section 12, Transport Act 1985):** owners of licensed taxis can apply to the Traffic Commissioner for a 'restricted public service vehicle (PSV) operator licence'. The taxi owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxibuses can be used for local authority subsidised bus services. The travelling public have another transport opportunity opened for them, and taxi owners have another business opportunity. The Local Transport Act 2008 contains a provision which allows the owners of PHVs to acquire a special PSV operator licence and register a route with the traffic commissioner. A dedicated leaflet has been sent to licensing authorities to distribute to PHV owners in their area alerting them to this new provision.

95. The Department is very keen to encourage the use of these types of services. More details can be found in the Department's publication 'Flexible Transport Services' which can be accessed at:

<http://www.dft.gov.uk/pgr/regional/buses/bol/flexibletransportservices>

## LOCAL TRANSPORT PLANS

96. The Transport Act 2000 as amended by the Transport Act 2008, requires local transport authorities in England outside London to produce and maintain a Local Transport Plan (LTP), having regard to any guidance issued by the Secretary of State. The latest guidance published in July 2009 will cover the next round of LTPs from 2011. LTPs set out the authority's local transport strategies and policies for transport in their area, and an implementation programme. 82 LTPs covering all of England outside London have been produced and cover the period up to 2011. From 2011 local authorities will have greater freedom to prepare their LTPs to align with wider local objectives.

97. All modes of transport including taxi and PHV services have a valuable part to play in overall transport provision, and so local licensing authorities have an input to delivering the LTPs. The key policy themes for such services could be availability and accessibility. LTPs can cover:

- quantity controls, if any, and plans for their review;
- licensing conditions, with a view to safety but also to good supply of taxi and PHV services;
- fares;
- on-street availability, especially through provision of taxi ranks;
- vehicle accessibility for people with disabilities;
- encouragement of flexible services.

## **TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE**

### **Useful questions when assessing quantity controls of taxi licences**

- Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

#### Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
  - reduce the availability of taxis;
  - increase waiting times for consumers;
  - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

#### Questions relating to setting the number of taxi licences

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, ie potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

#### Questions relating to consultation and other public transport service provision

- When consulting, have you included etc
  - all those working in the market;
  - consumer and passenger (including disabled) groups;
  - groups which represent those passengers with special needs;
  - local interest groups, eg hospitals or visitor attractions;
  - the police;
  - a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
- Do you receive representations about taxi availability?
- What is the level of service currently available to consumers (including other public transport modes)?

## TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

***Notice for taxi passengers - what you can expect from the taxi trade and what the taxi trade can expect from you***

### **The driver will:**

- ***Drive with due care and courtesy towards the passenger and other road users.***
- ***Use the meter within the licensed area, unless the passenger has agreed to hire by time.***
- ***If using the meter, not start the meter until the passenger is seated in the vehicle.***
- ***If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area then the driver must adhere to the meter.***
- ***Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.***

### **The passenger will:**

- ***Treat the vehicle and driver with respect and obey any notices (e.g. in relation to eating in the vehicle).***
- ***Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.***
- ***Be aware of the fare on the meter and make the driver aware if it is approaching the limit of their financial resources.***
- ***Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.***

**Notice for PHV passengers - what you can expect from the PHV trade and what the PHV trade can expect from you**

**The driver will:**

- **Ensure that the passenger has pre-booked and agrees the fare before setting off.**
- **Drive with due care and courtesy towards the passenger and other road users.**
- **Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.**

**The passenger will:**

- **Treat the vehicle and driver with respect and obey any notices (eg. in relation to eating in the vehicle).**
- **Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.**
- **Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.**



## **TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE**

### **Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard**

#### Exceptional circumstances under which DVLA will consider granting licences for vehicles over 3.5 tonnes or with more than 8 passenger seats.

Insulin treated diabetes is a legal bar to driving these vehicles. The exceptional arrangements that were introduced in September 1998 were only in respect of drivers who were employed to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence for category C1 considered. The criteria are

- To have been taking insulin for at least 4 weeks;
- Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;
- To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- To provide evidence of at least twice daily blood glucose monitoring at times when C1 vehicles are being driven (those that have not held C1 entitlement in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles);
- To have no other condition which would render the driver a danger when driving C1 vehicles; and
- To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to DVLA any significant change in condition.