

NORTH TYNESIDE COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY



North Tyneside Council

Version 2 April 2010

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1.1 Hackney Carriage and Private Hire Licensing

- 1.1.1 Hackney carriage and private hire vehicles play an important part in local transport. Hackney carriage and private hire vehicles are a highly-flexible form of public transport that can play an increasingly important role in improving accessibility. Hackney carriage and private hire vehicles are used by all social groups.
- 1.1.2 The aim of local authority licensing of the hackney carriage and private hire trade is to protect the public. North Tyneside Council is aware that the public should have reasonable access to hackney carriages and private hire vehicles because of the role they play in local transport provision.
- 1.1.3 A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to 'ply for hire'. This means that it may stand at ranks or be hailed in the street by members of the public. Private hire vehicles too must have no more than 8 passenger seats but they must be booked in advance through an operator and may not ply for hire in the street.
- 1.1.4 Local authorities are responsible for licensing of hackney carriage and private hire vehicles in their areas.
- 1.1.5 North Tyneside Council currently licences 204 hackney carriage vehicles and approximately 850 private hire vehicles.

1.2 Powers and Duties

- 1.2.1 In 1977, North Tyneside Council adopted Part 2 of The Local Government (Miscellaneous Provisions) Act 1976, (as amended). This places on North

Tyneside Council (the Council) the powers and duties to carry out licensing functions in respect of hackney carriage and private hire licensing. As such the Council is responsible for the licensing of private hire drivers, vehicles and Operators and hackney carriage drivers and vehicles. This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.

1.3 Objectives

1.3.1 The objectives of this Policy are as follows:

- a) To protect consumers interests by
 1. ensuring that hackney carriage and private hire vehicles are safe, clean, reliable and accessible to meet the varying needs of the customers.
 2. ensuring that drivers and private hire operators are fit and proper persons.
- b) To provide clarity for licensees with respect to the Council's expectations and the decision making process.
- c) To encourage environmental sustainability.
- d) To encourage high standards of service and competence in the hackney carriage and private hire trade.

1.3.2 This Policy shall apply in respect of new applications, renewals, transfers and other areas connected to the following licences:

- Private hire vehicle proprietor
- Private hire driver
- Private hire operator
- Hackney carriage driver
- Hackney carriage proprietor
- Combined hackney carriage and private hire driver

1.3.3 This Policy shall also apply in respect of disciplinary and enforcement measures and will introduce a code of conduct to be followed by all persons licensed under this Policy.

1.4 Methods

1.4.1 The methods to be employed will be:

- Setting the standards for the licensing of drivers, vehicles and operators.
- Periodical licensing and routine inspection of vehicles, with appropriate follow up action.

- Routine inspection of insurance policies, with appropriate follow up action.
- Checks of driver's medical condition, criminal record (if any) and knowledge of the borough.
- Investigation of complaints with appropriate follow up action.
- Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees.
- Taking enforcement and/or disciplinary action including the issue of prosecution proceedings, verbal and written warnings, written cautions, notices, suspension or revocation of licences for breaches of legislation or conditions.
- Conditions added to licences.
- Compliance with Byelaws

1.4.2 When considering applications and taking enforcement action the Council as Licensing Authority is also subject to the Regulators' Compliance Code, North Tyneside Council's Enforcement Policy and the Code for Crown Prosecutors.

1.5 Best practice Guidance

1.5.1 In formulating this Policy consideration has been given to the available best practice guidance issued by the Department for Transport and Office of Fair Trading.

1.6 Status

1.6.1 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy and the objectives set out above.

1.6.2 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from the Policy, clear and compelling reasons will be given for doing so.

1.7 Implementation and Review

1.7.1 This Policy will take effect from 9 April 2009.

1.7.2 The Council will keep this Policy under review and will consult where appropriate on proposed revisions. A full review of the Policy will be conducted every three years from the date of effect above.

1.7.3 Upon implementation of this Policy, the Council requires licence holders to comply with its terms immediately. Where it is not possible to comply with part of the Policy due to outstanding action required by the Council information will be provided as to an implementation date for that part.

1.7.4 **From the date of effect in 1.7.1, this Policy overrides and supersedes all**

existing policies in relation to private hire and hackney carriage licensing.

- 1.7.5 North Tyneside Council may monitor and review this Policy or areas of the Policy prior to the three year review period.
- 1.7.6 Subsequent to the introduction of this Policy, the Council may make decisions which change the content of this Policy. The changes may have immediate effect or expressed as coming into effect on a given date. This Policy document will be regularly updated to reflect these changes. Amended copies of the Policy will be available from the Licensing Team and via the internet at www.northtyneside.gov.uk.

1.8 Consultation

- 1.8.1 In preparing this Policy the Council has taken into account the views of:
- Current licence holders
 - Northumbria Police
 - Local businesses and their representatives
 - Residents and their representative bodies
 - Local transport providers
 - Disability Groups
 - Planning Authority
 - Service users
- 1.8.2 The Council has also consulted with other organisations. A full list of those consulted in preparing this Policy is available from the Licensing Section.
- 1.8.3 The views of all of these persons and bodies has been taken into account in determining this Policy.

1.9 Area and Impact

- 1.9.1 North Tyneside is one of the five metropolitan districts that comprise the county of Tyne and Wear. It covers an area of 8,367 hectares and has a growing population of around 192,000.
- 1.9.2 The late night economy of the Borough is principally centred around Whitley Bay where a number of entertainment premises are situated. Activity is also centred on restaurants, pubs and takeaway establishments in areas such as Tynemouth, North Shields and Wallsend.
- 1.9.3 North Tyneside Council recognises and welcomes the contribution that the Hackney Carriage and Private Hire trade makes to the transport and tourism industry.

1.10 Partnership Working

1.10.1 The Council will work in partnership with the following agencies and individuals to promote the licensing objectives:

- Local Hackney Carriage and Private Hire Trade
- Police authority
- Planning authority
- Local Transport authorities and committees
- Local residents
- Disability Groups
- Service users and their representatives

1.10.2 Following the implementation of this policy North Tyneside Council intends to form a hackney carriage and private hire licensing forum made up of the above partners listed in 1.10.1 to consider future licensing issues.

1.11 Related Legislation and Strategies

1.11.1 This Policy will be integrated with local planning, transport, tourism, equality and cultural strategies, and other plans introduced for the management of the Borough and night-time economy.

1.11.2 The Council will work in partnership with other agencies including those referred to in paragraph 1.10.1.

1.12 Equality

1.12.1 As an employer and service provider North Tyneside Council is committed to ensuring equality in employment and service delivery. To achieve the above standard the Council is aware of its duties and obligations under the following legislation:

- Sex Discrimination Act 1975
- Race Relations Act 1976/2000
- Disability Discrimination Act 1995/2005
- Human Rights Act 1998

1.13 Duties and obligations under Disability Discrimination Act 1995 (DDA)

1.13.1 Those who provide transport services by way of Hackney Carriage and Private Hire Vehicles are now deemed to be providers of services to the public for the purposes of Part 3 DDA 1995.

1.13.2 A statutory Code of Practice: Provision and Use of Transport Vehicles - Supplement to Part 3 Code of Practice has been issued which provides guidance on specific issues (but should be read in conjunction with the Code of Practice for

Part 3 of the Act: Rights of Access to Goods, Facilities, Services and Premises). Licensees should read this code and ensure they operate in accordance with it. As they are statutory codes, approved by Parliament they are admissible under the Act and Courts must take them into account where relevant.

- 1.13.3 Following the guidance in the Code may help transport providers avoid adverse court judgements – it includes examples of good practice – but it is not a complete or authoritative statement of the law and is not a substitute for taking appropriate advice. Ultimately the Courts will provide authoritative interpretation of the Code.
- 1.13.4 The Equality and Human Rights Commission web site also has a document available entitled "Avoiding Disability Discrimination in Transport: A Practical Guide for Taxi and Private Hire Services". Licensees are advised to read this guidance.
- 1.13.5 Where a disabled person believes they have been discriminated against contrary to Part 3 they can bring a claim against the transport provider in the County Court. The claimant may seek a declaration that they have been discriminated against, damages for injury to feelings, damages for financial loss, interest on damages, and/or an order that the service provider stops discriminating against them.
- 1.13.6 It is a condition of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment so as to transport passengers in wheelchairs at all times. The licence for the vehicle may be suspended until such time as the council considers the vehicle is fit for purpose.
- 1.13.7 Licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply for an exemption from the duty on medical grounds. A medical certificate must be provided at the drivers expense, from the drivers own GP stating the details of their medical condition. A register will be kept of those drivers exempted.
- 1.13.8 Persons who breach Disability Discrimination duties may be guilty of a criminal offence.
- 1.13.9 Further information is available from the Equality and Human Rights Commission at www.equalityhumanrights.com.

2. Vehicles – Hackney Carriage and Private Hire

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2.1 Specifications

2.1.1 The Department for Transport Best Practice Guidance recommends that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the “type approval” rules within any specifications they determine.

2.1.2 All vehicles, therefore, shall have an appropriate ‘type approval’ which is either:

- European Whole Vehicle Type approval;
- British National Type approval; or
- British Single Vehicle Approval (SVA).

As a guide, most large volume production vehicles produced in the UK and EU states after 1987 will satisfy British and/or European Whole Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non-EU State since its original manufacture will require separate SVA and/or Department for Transport approval and such documentation must be submitted with an application.

2.1.3 Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles.

2.1.4 **Appendix A** sets out the minimum standards which are expected in respect of

licensed vehicles.

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2.2 Private Hire Vehicles

2.2.1 A private hire vehicle is a motor vehicle constructed or adapted to seat no more than 8 passengers which is provided for hire with the services of a driver for the purpose of carrying passengers. All hirings for a private hire vehicle must be pre-booked through a licensed private hire operator. Any vehicle used as a private hire vehicle must be licensed under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

2.2.2 North Tyneside Council must be satisfied that the following criteria are met before granting a licence:

That the vehicle is

- Suitable in type, size and design for use as a private hire vehicle
- Not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage
- In a suitable mechanical condition
- Safe
- Comfortable

2.2.3 Conditions may be attached to the grant of a licence as are considered reasonably necessary.

2.2.4 In addition to the above legislative requirements this Policy also requires that vehicles be clean and North Tyneside Council has imposed conditions relating to the size and other specifications of the vehicle. These are attached at **Appendix A**.

2.2.5 All private hire vehicles must:

- Not be black in colour; or be any colour, which, in the opinion of the Council, closely resembles black.
- Not be fitted with a roof sign of any description.
- If the vehicle is fitted with a meter, it must be properly tested and sealed and be of a type approved by the Council.
- Display a yellow licence plate, which must be securely attached to the exterior rear of the vehicle as prescribed by a condition of the Council.
- Display a yellow decal attached centrally to both front doors of the vehicle.

2.2.6 General conditions are attached to a private hire vehicle licence relating to the identification of the vehicle and safety issues. These are attached at **Appendix B**.

2.3 Hackney Carriage Vehicles

- 2.3.1 A hackney carriage vehicle is a wheeled vehicle used in standing or plying for hire that is required to have a numbered plate fixed upon it. The legal definition of a hackney carriage is contained in the Town Police Causes Act 1847.
- 2.3.2 A hackney carriage can ply for hire within the prescribed area and also wait at a hackney carriage stand within the licensing district.
- 2.3.3 Conditions can be imposed upon the grant of a hackney carriage proprietor's licence and North Tyneside Council has byelaws to control the conduct of both proprietors and drivers. These byelaws are attached at **Appendix K**.
- 2.3.4 North Tyneside Council has imposed requirements relating to the size and other specifications of the vehicle. These are attached at **Appendix A**.
- 2.3.5 General conditions are be attached to a hackney carriage vehicle proprietor's licence relating to the identification of the vehicle and safety issues. These are attached at **Appendix B**.
- 2.3.6 All hackney carriages must:
- Be black in colour
 - Fitted with an approved roof sign bearing the word "TAXI"
 - Display a white licence plate, which must be securely attached to the exterior rear of the vehicle in the vicinity of the bumper
 - Fitted with a meter of an approved type with the fares charged as determined by the Council
 - Meters, after being checked for accuracy, must be sealed by officers of the Council or an agent approved by the Council
 - Display a white decal attached centrally to both front doors of the vehicle.

2.4 Limitation of Numbers

- 2.4.1 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.
- 2.4.2 The present legal provisions on quantity restrictions for hackney carriages are set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed taxis "if, but only if, the local Authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet".
- 2.4.3 Any new application for a hackney carriage proprietor's licence which would be in excess of that number will be refused if the Council is satisfied that there is no significant unmet demand for taxi services within the area. An applicant whose licence is refused has a right of appeal to the Crown Court.

- 2.4.4 North Tyneside Council is satisfied that there is no significant unmet demand for hackney carriage services within this area. Therefore it has placed a limit on the number of hackney carriage vehicle licences issued. This limit has been placed at 204 following a decision made by the Council on 8th October 2009 following consideration of the results of an independent study.
- 2.4.5 The current limit includes grandfather rights granted to proprietors of saloon vehicles. These rights permit the continued use of a saloon vehicle by proprietors who were granted their hackney carriage proprietor's licence prior to July 1992. These rights are to remain and encourage a mixed fleet of hackney carriage vehicles consisting of saloons and wheelchair accessible vehicles. It is recognised that users with some medical conditions will find saloons easier to access than wheelchair accessible vehicles.
- 2.4.6 A waiting list exists for prospective applicants for hackney carriage proprietor licences to indicate their intention to be considered should a licence become available. When licences have been returned they are issued according to the waiting list of persons who have notified the Council of an intention to apply should a licence become available. Whilst a waiting list remains only one licence will be issued per person on the waiting list. The recipient of the licence will be removed from the list. Should further licences be required a new request must be made in writing and the person will be added to the end of the waiting list.
- 2.4.7 This limitation of numbers will be periodically reviewed and this Policy will be amended to take account of the results as required.

2.5 Insurance

- 2.5.1 All vehicles must have a current valid policy of insurance at all times appropriate to the vehicle. This policy must be in place before a licence can be granted.
- 2.5.2 It is an offence to drive a vehicle without the appropriate insurance in place.
- 2.5.3 Requests to produce evidence of the appropriate insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request.
- 2.5.4 If a vehicle is off the road and uninsured the proprietor must advise the Licensing Team in writing immediately or in any event within 72 hours.

2.6 Advertisements, signs, notices etc.

- 2.6.1 No signs, notices, advertisements, video or audio display etc or other markings shall be displayed on, in or from the vehicle subject to the following exceptions:
- Any sign, notice or other marking required to be displayed by legislation or any condition attached to this licence
 - Advertising on the rear doors, rear wings and boot area of the vehicle (of

two-dimensional insignia type) approved by the Council

- Advertising along the top 8 cm strip of the windscreen of the vehicle provided that it is not illuminated and it bears only the name and/or telephone number in block letters of the firm operating the vehicle.

2.6.2 Signs, notices or advertisements must not be of a content that the Council deems to be offensive or abusive. Further guidance as to the content of the advert may be sought from the Advertisement Standards Authority, www.asa.org.uk.

2.6.3 The Head of Development, Strategy and Planning can approve and refuse to allow advertisements in the areas permitted in this Policy. All advertisements have to be approved by the Head of Development Strategy and Planning prior to being displayed on a vehicle. Any unauthorised advertisements will be required to be removed and appropriate action will be taken.

2.6.4 Any queries regarding advertisements must be referred to the Licensing Section.

2.7 Accident notification

2.7.1 The proprietor shall notify the Licensing Team in writing within 72 hours of any accident that results in damage to the vehicle.

2.7.2 The proprietor must comply with any request to produce the vehicle for inspection at the Council offices so that it's roadworthiness can be assessed. Any failure to do so is an offence and the appropriate action will be taken.

2.8 Vehicle testing

2.8.1 All vehicles must undergo and satisfy an inspection by the Council's vehicle examiners or at a place specified by the Head of Development Strategy and Planning prior to being licensed.

2.8.2 It is the proprietor's responsibility to ensure that a licensed vehicle is roadworthy and fit for hire and reward purposes at all times.

2.8.3 Vehicles are to be tested in accordance with the Vehicle Testing Arrangements (attached at **Appendix C**). The Testing Station may also be directed to look at other issues identified by the Licensing Officer.

2.8.4 Vehicles that are 4 years old and over at the time of the licence being granted will require an interim test. Vehicle proprietors will be required to produce their vehicle for testing when requested. The fee for this interim test will form part of the annual licence fee. Vehicles that are 3 years old on the date the licence is granted but turn 4 years old during the one year term of the licence are excluded from the routine requirement to undertake an interim test. Such vehicles may still be requested to be presented for inspection and test in accordance with the statutory provisions.

2.8.5 Vehicles failing to satisfy this test will be required to be retested and a retest fee paid. Where appropriate the licence may be suspended.

2.9 Application Procedure

2.9.1 The following original documents are to be submitted by hand or by post for new/replacement vehicle and renewal applications:

- Application form
- Vehicle test certificate - pass
- Vehicle registration document in applicants name (or proof of purchase identifying applicant as purchaser if newly purchased vehicle).
- Appropriate valid certificate of motor insurance for date of intended business use.

Fees:

- Licence fee. Please note the fee differs depending on the age of the vehicle.

2.9.2 Although applications may be made by post, licence plates must be collected in person. Applicants may also wish to produce original documents in person.

2.9.3 Postal or e-mail applications must be made at least 7 days prior to licence expiry date to allow for the application to be processed. The booking of vehicle tests must be done by telephone, in person or by email at taxi.licensing@gov.uk.

2.9.4 Applications will not be determined until all original documents listed in 2.9.1 are received by the Council.

2.9.5 If the application is refused the fee will be refundable minus the proportion of the charge for the test fee and an administrative charge. Should the application be appealed the administrative charge will be higher and will result in no refund being given.

2.9.6 The Head of Development Strategy and Planning has the discretion to attach, amend or remove a condition of licence.

2.10 Change of address

2.10.1 The proprietor must advise the Council in writing within 7 days of a change of business or home address during the period of the licence.

2.11 Transfer of interest

2.11.1 The proprietor shall notify the Council in writing, giving the name and address of the new proprietor, within 14 days if the interest in the vehicle is transferred to

another person not currently named on the licence.

- 2.11.2 If the interest is transferred to a person currently named on the licence the Council should be advised to remove the outgoing proprietor.

2.12 Limousines

- 2.12.1 A stretch limousine is a luxury saloon car with a lengthened wheelbase and an extended chassis.
- 2.12.2 North Tyneside Council recognises the role limousines have to play in the private hire trade to meet a public demand and as such it is necessary for them to come under the licensing system and the controls that this will allow. North Tyneside Council, however, has not developed a separate licensing regime for such vehicles, rather it has widened the criteria of the current vehicle specifications that licensed vehicles must meet. Please see **Appendix A**.
- 2.12.3 Most limousines are imported for commercial purposes and are required to take a single vehicle type approval (SVA) test. This ensures that the vehicles meet modern safety standards and environmental standards before being used on public roads.
- 2.12.4 North Tyneside Council has no objection to licensing limousines that are safe and fit for the road. North Tyneside Council has given consideration to left hand drive vehicles and vehicles with side facing seats, however, they are not suitable due to the safety issues that exist with such vehicles and as such will not licence them.
- 2.12.5 There shall be no sale or provision of alcohol from any vehicle without a current premises licence under the Licensing Act 2003 being in force.
- 2.12.6 There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.
- 2.12.7 A vehicle does not need to be licensed while it is being used in connection with a wedding.

2.13 Executive Hire Private Hire Vehicles

- 2.13.1 Private hire vehicles used solely for executive hire can be exempted under Section 75 (3) Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display a licence plate and the driver from wearing a driver's badge.
- 2.13.2 Any proprietor of a licensed private hire vehicle wishing to apply for this exemption should be engaged solely in the provision of an executive service. The applicant must satisfy the Head of Development Strategy and Planning that the specification of the vehicle and the overall level of service provision constitutes an

executive hire service. This is initially done by way of submission of a business plan and interview with the Licensing Officer.

- 2.13.3 Applications are to be made in writing.
- 2.13.4 If granted, an Exemption Notice will be issued to the proprietor. The Exemption Notice shall not be granted for a period of more than one year and shall expire upon the expiry of the private hire vehicle licence.
- 2.13.5 The Exemption Notice is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions attached at **Appendix D** and any additional conditions. Failure to comply with these conditions may result in the withdrawal of the Exemption Notice. The conditions are attached at **Appendix D** to this Policy.
- 2.13.6 The private hire operator, proprietor and driver operating under the provisions of an executive Exemption Notice, remain subject to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 with regard to the respective licences and the conditions attached in each case.
- 2.13.7 Any vehicle operating under this exemption may also request in writing to be exempt from the condition limiting the tint on the rear passenger windows (two rear passengers windows, back window and any rear side windows if present).
- 2.13.8 Any vehicle granted an exemption, and which has tinted windows, must not be engaged at all in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years). The driver must not act as the accompanying adult. Further, the Operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle with tinted windows will be supplied.

2.14 Tinted Windows

- 2.14.1 The windows (excluding the windscreen which must have a minimum light transmission of 75%) of any vehicle shall not have been treated so that less than 70% of light is transmitted through it, unless the following criteria can be met in which case there will be no minimum light transmission:

- The vehicle is an executive hire vehicle operating under an Exemption Notice, and
- The vehicle will not be engaged at all in any contract or provision of vehicle for the carriage of minors or based around the carriage of unaccompanied children/young persons (under age 18 years). The driver must not act as the accompanying adult and
- Approval has been given by the Head of Development Strategy and Planning.

- 2.14.2 The Operator must, unless such a vehicle has been specifically requested, inform a hirer that a vehicle with tinted windows will be supplied.

2.15 CCTV in vehicles

- 2.15.1 The Department for Transport Draft Best Practice Guidance recommends licensing authorities look sympathetically on or even actively encourage the installation of security measures such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.
- 2.15.2 It is not proposed that such measures should be required, as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. The hackney carriage and private hire trade are, however, encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.
- 2.15.3 Any vehicle fitted with CCTV must display a sign approved by the Licensing Officer advising passengers that a CCTV system is in operation in the vehicle.
- 2.15.4 Where CCTV is in place there is an expectation that it is in working order when passengers are being carried. The CCTV system should be maintained to manufacturers standards.
- 2.15.5 The CCTV recording must be available for viewing by a Police Officer on request. Any failure to comply with this request will be reported to the Licensing Officer for consideration of the appropriate action to be taken.

2.16 Environmental Considerations

- 2.16.1 The DOT guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.
- 2.16.2 Hackney carriage and private hire vehicles are an essential form of transport in the North Tyneside Council area. Many people depend on such vehicles for trips that buses or cars are incapable of making. They are able to achieve higher occupancy rates than a private car and so, to some extent, already play their part in helping to achieve environmental improvements in the Borough. It is, however, clearly important that emissions from hackney carriage and private hire vehicles are reduced as far as possible.
- 2.16.3 It is therefore considered that efforts should be made to improve, as far as possible, the efficiency of vehicles licensed in North Tyneside by, in particular, reducing the levels of CO₂ emitted. Liquid petroleum gas (LPG) conversions to

vehicles licensed or to be licensed by North Tyneside Council are therefore acceptable. Any conversion to LPG must be carried out by an approved converter and the conversion certificate produced to the Council for inspection. Vehicles must, however, still comply with the minimum luggage capacity and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

- 2.16.4 It is further proposed that the possibility of reducing licensing fees for fuel-efficient vehicles is investigated. If considered suitable, the Council could promote the uptake initially of LPG, petrol-electric or compressed natural gas by offering a reduction of 20 – 25% in private hire and hackney carriage vehicle licence fees upon conversion to LPG fuel. Other alternative fuels could then be considered to qualify for a reduction in the licence fee as technology improves. This will not be considered until after the implementation of this policy.
- 2.16.5 Clearly emissions from hackney carriage and private hire vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at taxi ranks. It is, however, proposed that this aspect be tackled through education and promotion.
- 2.16.6 The Department for Transport accepts that a greater frequency of testing is appropriate for older vehicles. As such, twice-yearly tests are required for vehicles more than four years old.
- 2.16.7 Local licensing authorities are, however, also advised to consider how far their vehicle licensing policies can and should support any local environmental initiatives by, perhaps, setting vehicle emissions standards or promoting cleaner fuels.
- 2.16.8 A further Government report suggests that, by adopting targeted air quality policies for road transport, significant reductions can be achieved for noxious pollutants in the atmosphere. It highlights the impact European wide emission limits are having on improving air quality. In private cars, these standards are introduced for new vehicles as follows:
- **Euro I technology** – became mandatory for new cars from 1993 (light goods vehicles 1994)
 - **Euro II technology** – became mandatory for new cars from 1997 (light goods vehicles 1998)
 - **Euro III technology** – became mandatory for new cars from 2001 (light goods vehicles 2002)
 - **Euro IV technology** – will become mandatory for new vehicles in 2006

Air quality improvements are clearly hampered through the length of time it takes for vehicles to be retired. As an example, even with a maximum vehicle lifetime of 12 years, vehicles will only begin to meet the minimum Euro I standard from this year.

- 2.16.9 Consideration needs to be given as to whether, in the interests of the environment, tougher emissions standards should be introduced for all licensed

vehicles and, in particular, whether it would be appropriate to shorten the period of time from when new standards are introduced to when full fleet compliance with those standards is achieved. Any introduction of emissions standards would, however, need to be phased, to safeguard the livelihood of businesses. This would mean, not only following the adoption dates for Euro standards, but also introducing strict retirement dates for vehicles that fail to meet the latest standards.

2.17 Demand Responsive Transport

- 2.17.1 North Tyneside Council welcomes initiatives such as taxi sharing schemes and taxi buses and the environmental and improved service benefits that they bring.
- 2.17.2 The Council recognises that these services can play a valuable role in meeting a range of transport needs and is keen to promote such services in order to increase the availability of transport to the travelling public.
- 2.17.3 North Tyneside Council will work with service providers in the future to bring about such schemes where there is a demand for them.
- 2.17.4 The main legal provisions under which flexible services can be operated are listed below:

Shared taxis - immediate hirings (section 10, Transport Act 1985):

The local licensing authority can develop a scheme whereby hackney carriages 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 hackney carriage proprietors in the Borough ask for one.

North Tyneside Council, in partnership with Cobalt Business Park and the North Tyneside Hackney Carriage Association, is currently looking to develop such a scheme as one of the measures within the business park's travel plan aimed at promoting sustainable travel within the site with an emphasis on reducing reliance on single occupancy car travel.

Shared taxis and Private Hire Vehicles - advance bookings (section 11, Transport Act 1985):

Hackney carriage and private hire vehicles 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 that for a single hiring.

Taxibuses (section 12, Transport Act 1985):

Hackney carriage proprietors can apply to the Traffic Commissioner for a 'restricted public service vehicle PSV operator licence'. The hackney carriage

proprietor 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 hackney carriage, though it can go beyond it.

3. Drivers

Contents

- 3.1 Licences
- 3.2 Experience
- 3.3 Driver Knowledge/Locality Test
- 3.4 Criminal Records Check
- 3.5 Relevance of Convictions and Cautions
- 3.6 Medical Assessment
- 3.7 Application Procedure
- 3.8 Term of Licence
- 3.9 Conditions of Licence
- 3.10 Code of Good Conduct
- 3.11 Driver's Dress Code

3.1 Licences

3.1.1 North Tyneside Council issues the following driver licences:

- Private hire driver
- Hackney carriage driver
- Combined private hire/hackney carriage driver

3.1.2 Licences are issued subject to proof of eligibility – driving licence, knowledge/locality test, criminal records check and medical assessment.

3.1.3 The statutory and practical criteria and qualifications for each licence are broadly identical and therefore this chapter will apply to all driver licences. However where differences exist between the licensing regimes reference will be made to it in this policy.

3.2 Experience

3.2.1 A driver licence will not be granted to anyone who has not been authorised to drive a motor car for at least 12 months before the date of application.

3.3 Driver Knowledge/Locality Test

3.3.1 In order to determine the fitness of a person to hold a licence, all applicants are required to sit and pass a written test on their knowledge of the local geography, driver conduct, licensing legislation and the highway code.

3.3.2 No driver's licence will be issued without the applicant first gaining a knowledge test pass certificate. This certificate will stand for future renewals. If a driver does not renew their licence and 6 months elapses before re-applying a new test certificate will be required.

3.4 Criminal Records Check

- 3.4.1 A criminal record check on a driver is an important safety measure for all drivers. Enhanced Disclosure through the Criminal Records Bureau (CRB) is required (applied for through North Tyneside Council Licensing Team) as these disclosures include details of both spent convictions, police cautions and intelligence by virtue of the Rehabilitation of Offenders Act 1974 (Exception) Order 1977.
- 3.4.2 The Rehabilitation of Offenders Act 1974 does not apply to applicants for hackney carriage or private hire driving licences.
- 3.4.3 Applicants are required to disclose all convictions, including those that would normally be regarded as spent. Before an application for a new driver's licence will be considered, the applicant must apply for an Enhanced Disclosure of criminal convictions through North Tyneside Council. The application will not be processed until the results are received. CRB checks are not portable and only CRB checks applied for through North Tyneside Council will be accepted.
- 3.4.4 The Council is a Body registered with the Criminal Records Bureau and can apply for the Disclosure at the applicant's request subject to receipt of the appropriate fee. Application forms are available from the Licensing Section. A minimum of three forms of identity will be required in order to verify the identity of an applicant. The full list of acceptable documentation is available from the Licensing Office or on the council's website, www.northtyneside.gov.uk.
- 3.4.5 The Council is bound by rules of confidentiality. The applicant for a CRB Disclosure will be sent a separate disclosure report to their home address. The Council will also receive a copy of the report that will form part of the application.
- 3.4.6 Any applicant for a new or renewal of a licence will be required to complete the pre-licensing questionnaire and declaration attached at **Appendix I**. This questionnaire highlights any time spent abroad and any convictions or cautions imposed in the UK or abroad. All of the applicant's criminal convictions must be entered onto this form including spent convictions and cautions. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council (s.57 Local Government (Miscellaneous Provisions) Act 1976).
- 3.4.7 Applicants for renewal of a driver's licence are required to have an enhanced level disclosure criminal record check from the Criminal Records Bureau every third year. Please note these criminal record checks are not portable and must be applied for through the Licensing Section.

Applicants who have spent time abroad

- 3.4.8 If an applicant is newly resident in the UK they must still apply for an enhanced CRB check regardless of the period of time they have spent in the UK.
- 3.4.9 Where an applicant has been continually absent from the United Kingdom and Channel Islands for 3 months or more usually an enhanced CRB disclosure in

itself will be insufficient to satisfy the Council that the applicant is a fit and proper person, as the CRB does not routinely provide criminal record information from non-UK countries. Such applicants should provide a Certificate of Good Conduct or equivalent document from each country where they have been resident/domiciled.

- 3.4.10 A Certificate of Good Conduct or equivalent document is an extract from the judicial record or administrative authority in the relevant country testifying to good conduct and/or to any criminal convictions recorded against the individual.
- 3.4.11 The Head of Development Strategy and Planning may approach the relevant Embassy or appropriate body directly to verify documents provided. The applicant will be advised of any costs involved (e.g. in relation to translation) and these costs must be met by the applicant.
- 3.4.12 The applicant is advised to submit additional information with the application e.g. verifiable references from former employers and persons in positions of trust, which may demonstrate that they are a fit and proper person.
- 3.4.13 The Council may require the applicant to submit additional information.
- 3.4.14 At all times, the Council's aim is to protect members of the public who are using vehicles and drivers licensed by the Council and thus if the documentation produced does not satisfy the Council then the application will be refused.
- 3.4.15 The Head of Development Strategy and Planning may determine such applications or refer them to the Regulation & Review Committee.

3.5 Relevance of Convictions, Cautions and Conduct

- 3.5.1 In relation to the consideration of convictions and cautions recorded against a person and concerns around their conduct please refer to Chapter 7.
- 3.5.2 In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its own merits.
- 3.5.3 In some cases the Council may require annual CRB checks at a cost to the licensee.

3.6 Medical Assessment

- 3.6.1 Upon an initial application for a driver's licence the applicant shall produce a completed Medical Certificate Form MC1. This must be completed by the applicants own G.P or a Medical Practitioner with access to the applicants full medical history. The applicant is responsible for paying the fee for the examination. If necessary the G.P. may return the completed form direct to the Licensing Section.

- 3.6.2 Group 2 Medical Standard of Fitness applies. Please refer to Chapter 7 for more details with regard to medical fitness.
- 3.6.3 Applicants attaining 45 years of age must provide evidence of their medical fitness to hold a licence at each fifth renewal of their licence up to the age of 65 years, after which a medical is required at every annual renewal thereafter.

3.7 Application Procedure

New Applications

3.7.1 The following documents are to be submitted in person for a **new** application:

- Application form
- Medical Certificate Form (MC1)
- Criminal Records Bureau application form with identity documents (or alternative)
- Knowledge Test pass certificate
- Driving Licence (including part D9 paper counterpart if applicable)

Fees:

- Licence fee including disclosure application fee

3.7.2 The application will not be determined until the knowledge test has been taken and passed and a Medical Certificate and CRB check are received. Any incorrectly completed forms will be returned.

3.7.3 Photo card licence holders must produce their photo card and D9 (paper counterpart) before the application can be considered.

3.7.4 If the application is withdrawn or refused the fee will be refunded minus the proportion of the charge for the CRB and knowledge test fee and an administrative charge. Should the application be appealed the administrative charge will be higher and will result in no refund being given.

Renewals

3.7.5 Applications to renew a licence must be submitted prior to the expiry date of the current licence.

The following documents are to be submitted in person for a **renewal** application:

- Application renewal form
- Medical Certificate Form (MC1) if required
- Criminal Records Bureau application form with identity documents if required
- Driving licence (including Part D9)

Fees:

- Licence fee including disclosure application fee if required
- 3.7.6 If the application is refused the fee will be refunded minus the proportion of the charge for the CRB and knowledge test fee and an administrative charge. Should the application be appealed the administrative charge will be higher and will result in no refund being given.
- 3.7.7 Holders of existing North Tyneside Council driver's licences must apply to renew their licence in the month preceding the expiry date and ideally the application should be submitted at least 7 days prior to the expiry of the existing licence. **Renewal applications submitted after the expiry date will not be accepted.**
- 3.7.8 North Tyneside Council will take account of the previous CRB check, medical history and knowledge test held of any driver who has not renewed their driver's licence but re-applies within 6 months of the expiry date.
- 3.7.9 Renewal applications will be processed and a driver's licence issued pending any required enhanced CRB check unless the Council has reasonable grounds for concern. In this situation the renewal will not be granted until or unless these concerns have been resolved.
- 3.7.10 If details of new convictions or pending charges are received during the renewal process the application to renew will be determined according to this Policy.
- 3.7.11 If convictions or charges are disclosed, the Head of Development Strategy and Planning will make a decision as to their relevance. The Council may require further information from the Police, Crown Prosecution Service or other agencies prior to making a decision. If the information received is deemed relevant according to this Policy the application may be refused. Appeals against this decision must be made in writing to the Regulation and Review Committee and/or Magistrates Court within 21 days of receiving the decision in writing.
- 3.7.12 If details of any convictions or cautions are received through the CRB check process and these were not disclosed by the applicant on the signed declaration form stating that there are no new convictions or cautions and this will be treated very seriously and the appropriate action taken in accordance with the North Tyneside Council's Enforcement Policy.
- 3.7.13 The Head of Development Strategy and Planning may at any time refer a decision to renew a drivers licence to the Regulation and Review Committee.
- 3.7.14 If a licence is refused the decision and reasons for the decision will be notified in writing to the licensee within 5 working days of the decision.
- 3.7.15 All drivers will be issued with two badges detailing their name, licence number, expiry date and a photograph of the licence holder. One badge must be worn at all times when the driver is working. Drivers are encouraged to display the other

badge in the vehicle where it is clearly visible to passengers.

- 3.7.16 Lost or damaged badges must be notified to the licensing Section by the next working day. A fee will be charged for each replacement badge.

3.8 Term of Licence

- 3.8.1 All driver licences are granted for a period of one year.

3.9 Conditions of Licence

- 3.9.1 The conditions set out at **Appendix E** are considered reasonably necessary and as such may be legally imposed in respect of private hire drivers.
- 3.9.2 The Council is not permitted to attach conditions to a hackney carriage driver's licence. It is, however, empowered to attach such conditions to a private hire driver's licence as are considered necessary.
- 3.9.3 This policy however introduces a driver's code of good conduct, which North Tyneside Council encourages all drivers to adhere to.

3.10 Code of Good Conduct

- 3.10.1 This policy document introduces a Code of Good Conduct for all drivers that the Council wishes drivers to operate in accordance with. This serves to promote the Council's licensing objectives in respect of hackney carriage and private hire licensing. This Code of Good Conduct will be taken into consideration in disciplinary matters.
- 3.10.2 All licence holders will have access to the Code of Conduct.
- 3.10.3 The Code of Conduct is attached at **Appendix F** to this policy.

3.11 Driver's Dress Code

- 3.11.1 A dress code serves to enhance the professional image of the hackney carriage and private hire trade, and promotes the concept that drivers of licensed vehicles are vocational drivers.
- 3.11.2 In order to raise the profile of the licensed trade, drivers should operate, at all times in a professional manner and conform to a minimum standard of dress. A Dress Code for licensed drivers is therefore introduced, **Appendix G**. The Authority will not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times.
- 3.11.3 Failure to comply with the Dress Code may be taken into consideration in disciplinary matters.

4. Private Hire Operators

Contents

- 4.1 Requirements and obligations
- 4.2 Criminal Record Checks
- 4.3 Conditions
- 4.4 Insurance
- 4.5 Planning Consent
- 4.6 Application Procedure
- 4.7 Licence Duration
- 4.8 Address from which an operator may operate
- 4.9 Zoning
- 4.10 Record Keeping
- 4.11 Change of Address
- 4.12 Convictions
- 4.13 Complaints

4.1 Requirements and obligations

- 4.1.1 Any person who operates one or more private hire vehicles must apply to the Council for a private hire operator's licence.
- 4.1.2 The objective in licensing private hire operators is to ensure the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.
- 4.1.3 A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.
- 4.1.4 A private hire operator must ensure that every private hire vehicle despatched by him is licensed and driven by a person who holds a private hire driver's licence. All three licences (operator, vehicle and driver) must be issued by the same licensing authority.
- 4.1.5 It is a criminal offence to operate a private hire vehicle without an operator's licence.
- 4.1.6 Operators need to familiarise themselves with the law and ensure they employ suitable work methods in order to comply with the law and avoid committing licensing offences.
- 4.1.7 Applications for operator's licences must be made on the prescribed form, together with the appropriate fee. The Authority will then decide whether the applicant is a fit and proper person to hold an operator's licence.

4.1.8 The Licensing Officer may require sight of a business plan for new applications.

4.2 Criminal Record Checks

4.2.1 Private hire operator's licences will only be granted to persons that the Council are satisfied are fit and proper. This will be ascertained by way of a CRB Disclosure of criminal convictions, information requested on the application form or if deemed necessary during interview with the Licensing Officer.

4.2.2 Before an application for a private hire operator's licence will be considered the applicant must provide a current (less than 1 month old) Basic CRB Disclosure of criminal convictions. If the applicant is currently licensed as a driver with this Council they will be exempt from this requirement.

4.2.3 Any concerns highlighted during this process will be carefully considered and may be referred to the Regulation and Review Committee for determination.

4.3 Conditions

4.3.1 The Council has power to impose such conditions on an operator's licence as it considers reasonably necessary.

4.3.2 **Appendix H** sets out the model conditions to be attached to an operator's licence which cover the standards of service expected.

4.4 Insurance

4.4.1 Applicants are advised to ensure that the appropriate public liability insurance has been taken out for premises that are open to the public.

4.5 Planning Consent

4.5.1 Applicants are advised to confirm with the relevant planning authority that they have the correct planning consent for the premises.

4.5.2 If the planning consent is time restricted it is the operators responsibility to ensure that a new permission is applied for prior to the current planning permission expiring.

4.6 Application Procedure

4.6.1 The following documents are to be submitted in person or by post for a new or renewal application:

- Application form

- Basic CRB Disclosure of criminal convictions certificate (if not currently licensed as a driver)

Fees:

- Licence fee

4.6.2 Officers may require a site visit prior to the determination of the application for an operators licence.

4.7 Licence Duration

4.7.1 Operators licences will have a duration of one year.

4.8 Address from which an Operator may operate

4.8.1 Upon grant of an operator's licence the Council will specify the address from which the operator may operate. The premises must be in North Tyneside and must have planning consent for use as a private hire office.

4.8.2 If an operator wishes to change the premises from which they operate they should seek approval from the Licensing Officer prior to any change.

4.9 Zoning

4.9.1 North Tyneside Council will no longer identify specific locations as bases where they would park their vehicles when waiting for bookings or the number of vehicles that may operate from a base. This information however may still be contained in the relevant planning permission.

4.10 Record Keeping

4.10.1 Operators are required 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 agreed at the time of booking. **Appendix H** refers.

4.10.2 The operator shall submit, to the Head of Development Strategy and Planning, in writing before the 7th day of each month, the names and vehicle licence numbers of all proprietors, drivers and desk clerks employed or used by him during the previous month, together with the dates they commenced and ceased employment if this occurred during the month.

4.10.3 Records should be preserved for a period of not less than 2 years and be available for inspection at the request of an Officer of the Council or Police.

4.11 Change of Home Address

4.11.1 The operator must advise the Council in writing of any change of his home address within 7 days of such a change taking place.

4.12 Convictions/Cautions

4.12.1 The operator shall disclose to the Council within 7 days in writing of any conviction/caution.

4.13 Complaints

4.13.1 Operators must advise the Council within 7 days of any complaints received concerning a contract for hire or purported contract for hire relating to or arising from his business and the action if any that the operator proposes to take. These details will be kept on file.

5. Fares

Contents

- 5.1 General
- 5.2 Fare Tariff Formula
- 5.3 Table of Fares
- 5.4 Receipts
- 5.5 Overcharging

5.1 General

- 5.1.1 Licensing authorities have the power to set hackney carriage fares for journeys within the prescribed area.
- 5.1.2 Hackney carriage fares, set by North Tyneside Council, are a maximum and can be negotiated downwards by the hirer.
- 5.1.3 North Tyneside Council reviews the fare scales on an annual basis.
- 5.1.4 The Council is not able to set fares for private hire vehicles. It is a matter for negotiation between the hirer and operator. When a hackney carriage vehicle is used for private hire services the fare charged cannot exceed that which would be charged under the table of fares applicable to hackney carriages.
- 5.1.5 When a journey ends outside of the Council's district a fare greater than that shown on the meter may be charged but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare can be charged. Failure to comply is an offence.

5.2 Fare Tariff Formula

- 5.2.1 North Tyneside Council prescribes the maximum fares that can be charged by a hackney carriage. The table of fares is not attached to this Policy as it is reviewed annually or more frequently depending on emerging circumstances e.g. the economic climate. A current table of fares is available from the Licensing Section.
- 5.2.2 A formula is used to set maximum fares and charges. A full explanation of the formula is available from the Licensing Office.
- 5.2.3 A Notice of any variation to the maximum fare will be advertised in the Newcastle Evening Chronicle or similar newspaper with a date set 14 days from publication for making objections to the variation of fares.
- 5.2.4 If no objections are received the fare variation will have immediate effect at the end of the 14 day period for lodging objections. If any objections are received the matter will be referred to Regulation and Review Committee for consideration.

5.3 Table of Fares

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

5.4 Receipts

5.4.1 A hackney carriage driver must, if requested by the passenger, provide a written receipt for the fare paid.

5.5 Overcharging

5.5.1 All meters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare shown on the meter.

6. Fees

Contents

- 6.1 Fee Structure
- 6.2 Variations to fee structure
- 6.3 Payments
- 6.4 Payment Refunds

6.1 Fee Structure

- 6.1.1 The legislation provides that the fees charged may be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands and administering the control and supervision of hackney carriages and private hire vehicles.
- 6.1.2 The current scale of fees and charges are available from the Licensing Office.

6.2 Variations to fee structure

- 6.2.1 The fee structure is reviewed annually as part of the Council's budgetary process. Notice of the current scale of fees will be supplied to new applicants at the time of application.
- 6.2.2 A Notice of any variation to the maximum fees will be advertised in the Newcastle Evening Chronicle newspaper or similar newspaper with a date set 28 days from publication for making objections to the variation of fees.
- 6.2.3 If no objections are received the fee variation will have immediate effect at the end of the 28 day period specified for objections. If any objections are received the matter will be referred to Regulation and Review Committee for consideration.

6.3 Payments

- 6.3.1 Payments can be made in the form of cash in person, cheques made payable to North Tyneside Council or by debit card. Under no circumstances must cash accompany postal applications.

6.4 Payment Refunds

- 6.4.1 Fees paid in relation to hackney carriage and private hire vehicle licences are subject to a partial refund on the unexpired portion of the licence should the proprietor choose to surrender their licence during the period of the licence. Refunds are payable on a full quarterly basis only and an administration fee will be levied.

7. Convictions, Cautions, Conduct & Medical Fitness

Contents:

- 7.1 Hackney Carriage & Private Hire Drivers
- 7.2 Rehabilitation of Offenders Act 1976
- 7.3 Operators

- 7.4 **Section A - Guidance as to the Relevance of Convictions, Cautions & Offences**
- 7.5 General Policy
- 7.6 Formal Cautions & Endorsable Fixed Penalties
- 7.7 Offences of Dishonesty
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- 7.9 Drugs Offences
- 7.10 Sexual & Indecency Offences
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- 7.14 **Section B – Conduct**

- 7.15 **Section C – Medical Fitness**
- 7.15.1 Production of medical certificate
- 7.15.5 Group 2 Standard
- 7.15.7 Age
- 7.15.9 Monitoring of medical condition
- 7.15.11 Refusal, Suspension and Revocation on grounds of medical fitness
- 7.16 Group 2 Standard
- 7.17 Age
- 7.18 Monitoring of medical conditions
- 7.19 Refusal, suspension and revocation on grounds of medical fitness

7.1 Hackney Carriage & Private Hire Drivers

- 7.1.1 When an application is made for a hackney carriage or private hire driver licence the Council must be satisfied that the applicant is a **fit and proper** person before issuing the licence. By law the Council shall not licence drivers unless they are satisfied of this. (s.51 & s.59 Local Government (Miscellaneous Provisions) Act 1976).
- 7.1.2 The legislation is worded in such a way so as to put the onus on the applicant to produce evidence to satisfy the Council that they are a fit and proper person, rather than for the Council to prove that they are not.
- 7.1.3 If adequate evidence that a person is a fit and proper person is not adduced or if there are grounds to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

7.1.4 In addition, the Council may:

1. suspend; or
2. revoke; or
3. refuse to renew

a hackney carriage or private hire driver licence:

- if the licensee has been convicted of an offence involving dishonesty, indecency or violence; or
- if the licensee has been convicted of a private hire/hackney carriage licensing offence; or
- for any other reasonable cause.
(s.61 LG(MP) Act 1976)

7.1.5 Reasonable cause will encompass other convictions, cautions, medical fitness or conduct.

7.2 Rehabilitation of Offenders Act 1974

7.2.1 Hackney Carriage and Private Hire drivers are excluded from the provisions of the Rehabilitation of Offenders Act 1974. **All** relevant convictions, including spent convictions must be declared on first application or any renewal and may be considered.

7.3 Operators

7.3.1 The Council must be satisfied that Applicants for operator licences are fit and proper persons before issuing a licence. These guidelines will also be considered when determining an Operator Licence Application.

7.3.2 It is accepted that an Operator does not have the same level of direct contact with the public as they will not drive the customer (unless s/he also holds a private hire or hackney carriage driver's licence). However, it is acknowledged that the Operator will be in possession of information about a persons whereabouts and movements and will deal with the public either face to face or over the telephone and therefore there is a need for them to be fit and proper persons.

7.4 Section A – Guidance as to the Relevance of Convictions, Cautions & Endorsable Fixed Penalties

7.5 General Policy

7.5.1 One of the main objectives of the licensing regime is to ensure that, as far as possible, those licensed to drive the public in hackney carriage or private hire

vehicles are suitable persons to do so, that they are drivers with a good driving record and adequate experience, sober, mentally and physically fit, honest and not persons who would take advantage of their position to abuse or assault customers.

- 7.5.2 The aim of these guidelines is not to punish the applicant/licensee twice for a conviction or caution but to ensure that public safety is not compromised and to protect the public from those who have demonstrated a propensity towards wrongdoing.
- 7.5.3 These guidelines have been approved by the Regulation & Review Committee (the Committee). They are intended to assist Licensing Officers and the Committee in decision making and to ensure a consistent approach is maintained. However, each case is to be decided upon its own merits and Officers and the Committee will not stick rigidly to the guidelines if there are exceptional circumstances which warrant a departure. Simply remaining free of conviction will not generally be regarded as sufficient evidence that a person is a fit and proper person to hold a licence.
- 7.5.4 It may be appropriate to depart from the general policy in some cases, for example, in situations where an offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account. Where there has been a conviction for a sexual offence, murder or manslaughter a licence will normally be refused. Where an applicant has served a custodial sentence the Council will consider the number of years since their release and the period for which they have been free of conviction when determining their fitness to be licensed. Time spent in custody will generally be discounted from the conviction free period.
- 7.5.5 The guidelines should also assist applicants, licensees and those representing them, by clearly setting out the expectations the Council has in relation to the behaviour of applicants/licensees. This should also minimise the time spent and associated costs incurred by both the Council and applicants/licensees.
- 7.5.6 These guidelines will be taken into account and in general will be followed when dealing with a new application, a renewal application and when considering whether to issue a warning, suspend or revoke an existing licence.
- 7.5.7 In considering evidence of an applicants good character and fitness to hold a drivers licence, where previous convictions or other information relating to criminal matters is disclosed, the Council will consider the nature of the offence or allegation made, when it was committed, the date of conviction, the applicants age when the offence was committed and any other factors which might be relevant. However, where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction [Nottingham City Council v Mohammed Farooq (1998)].

- 7.5.8 The guidelines are not an attempt to define who is a fit and proper person.
- 7.5.9 The guidelines do not deal with every type of offence. However, offences described in the guidelines and similar offences, though differently described or worded in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

7.6 Formal Cautions and Endorsable Fixed Penalties

- 7.6.1 For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

7.7 Offences of Dishonesty

- 7.7.1 Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the appropriate fare and in other ways. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may include especially vulnerable people. For these reasons a serious view is taken of any convictions involving dishonesty.
- 7.7.2 In general if a period of 3-5 years free of conviction cannot be evidenced an application is unlikely to be granted.
- 7.7.3 In particular, an application will normally be refused unless a period of at least 3 years has elapsed since the applicant was convicted of an offence of:
- Theft
 - Burglary
 - Fraud
 - Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
 - Handling or receiving stolen goods
 - Forgery
 - Conspiracy to defraud
 - Obtaining money or property by deception
 - Other deception
 - Or similar offences or offences which replace the above offences
- 7.7.4 After 3 years have elapsed since the date of conviction, regard will be had to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

7.8 Offences of Violence

7.8.1 As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved following, a licence will normally be refused:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Or similar offences or offences which replace the above offences

7.8.2 In other cases a period of 3 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will generally be required before an application is likely to be granted.

7.8.3 An application will normally be refused unless at least 5 to 10 years has elapsed since the applicant was convicted of an offence of:

- Arson
- Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- Grievous bodily harm with intent (s.18 Offences Against the Person Act)
- Grievous bodily harm with intent (s.20 Offences Against the Person Act)
- Robbery
- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
- Assault Police
- Possession of offensive weapon
- Possession of firearm
- Or similar offences or offences which replace the above offences.

7.8.4 An application will normally be refused unless at least 3-5 years has elapsed since the applicant was convicted of an offence of:

- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Racially aggravated common assault (s.29(1)(c) Crime and Disorder Act 1998)
- Common assault

- Affray
- Racially-aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- Riot
- Obstruction
- Criminal damage
- Violent disorder
- Resisting arrest
- Or similar offences or offences which replace the above offences.

7.9 Drugs Offences

7.9.1 Supply of Drugs

7.9.2 An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and less than 5 -10 years have elapsed prior to the date of application.

7.9.3 After 5 years, regard will be had to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

7.9.4 Possession of Drugs

7.9.5 An application will normally be refused where the applicant has a conviction for possession of drugs and less than 3 to 5 years has elapsed prior to the date of application.

7.9.6 An application will normally be refused where the applicant has more than one conviction for offences related to the possession of drugs and the conviction is less than 5 years prior to the date of the application.

7.9.7 If an applicant was addicted to drugs then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

7.10 Sexual and Indecency Offences

7.10.1 As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, or other similar offences under the Sexual Offences Act 2003 or other legislation will normally be refused a licence.

7.10.2 Applicants with a conviction relating to sexual offences such as indecent exposure, soliciting, importuning, or other similar offences under the Sexual Offences Act 2003 or other legislation will normally be refused a licence until they can show a substantial period (usually between 5 and 10 years) free from any such conviction.

7.10.3 After 5 years, regard will be had to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

7.11 Motoring Offences

7.11.1 Disqualification

7.11.2 Where an applicant has been disqualified from driving because of a major traffic offence, the application will generally be refused unless a period of 3 years free from conviction has elapsed from the restoration of the DVLA licence, and 5 years where the disqualification relates to driving with excess alcohol.

7.11.3 Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time, this will normally be taken as reflecting seriously on the applicants driving standard. Generally, a period of 2 years free from conviction must have elapsed from the restoration of the DVLA licence.

7.11.4 In totting-up cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the Council is likely to refuse a hackney carriage or private hire drivers licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the Court made its finding of exceptional circumstances justifying the non-qualification.

7.11.5 Major Traffic Offences

7.11.6 An application will normally be refused where the applicant has a conviction for an offence within 2 years of the date of the application, where the offence did not result in a period of disqualification.

7.11.7 More than one conviction for this type of offence within the last 5 years is likely to merit refusal.

7.11.8 A very serious view is taken of convictions involving driving without proper insurance cover.

7.11.9 Major Traffic Offences would include:

- Using a vehicle uninsured against third party risks
- Failing to stop after an accident
- Failing to give particulars or to report an accident within 24 hours
- Driving while disqualified by order of Court
- Attempting to drive while disqualified by order of Court
- Driving without due care and attention

- Driving without reasonable consideration for other road users
- Dangerous driving
- Driving or attempting to drive with alcohol level above limit
- Driving or attempting to drive while unfit through drink or drugs
- Driving or attempting to drive then failing to supply a specimen for analysis
- In charge of a vehicle while alcohol level above limit
- In charge of a vehicle while unfit through drink or drugs
- Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- Failing to provide specimen for breath test
- Driving or attempting to drive when unfit through drugs
- Driving otherwise than in accordance with a licence
- Driving after making a false declaration about fitness when applying for a licence
- Driving a vehicle having failed to notify a disability
- Driving after a licence has been revoked or refused on medical grounds
- Motor racing on the highway
- Aggravated taking of a vehicle
- Aiding, abetting, counselling or procuring any of the above offences
- Causing or permitting any of the above offences
- Inciting any of the above offences
- Or similar offences or offences which replace the above offences

7.11.10 Minor Traffic Offences

7.11.11 Isolated convictions for minor traffic offences should not prevent a person from obtaining a licence. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature in the past 3 years, the applicant will normally be expected to show a period free of conviction of at least 6 months.

7.11.12 Minor Traffic Offences would include:

- Leaving a vehicle in a dangerous position
- Unlawful pillion riding
- Play street offences
- Driving with uncorrected defective eyesight or refusing to submit to a test
- Failure to give information as to identity of driver, etc.
- Contravention of Special Road Regulations (excluding speed limits)
- Contravention of Pedestrian Crossing Regulations
- Failing to comply with traffic light signals
- Failing to comply with double white lines
- Failing to comply with a Stop sign
- Failing to comply with direction of a constable or traffic warden
- Failing to comply with traffic sign (excluding Stop sign, traffic lights or double white lines)
- Failing to comply with school crossing patrol sign

- Failing to comply with a traffic direction sign
- Aiding, abetting, counselling or procuring any of the above offences
- Causing or permitting any of the above offences
- Inciting any of the above offences
- Or similar offences or offences which replace the above offences

7.11.13 Hybrid Traffic Offences

7.11.14 Offences listed below will be treated as major traffic offences if the Court awarded 4 or more penalty points for the offence and as minor traffic offences if the Court awarded 3 or less penalty points for the offence.

- Using vehicle with defective brakes
- Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- Using a vehicle with defective tyres
- Using a vehicle with defective steering
- Causing or likely to cause danger by reason of load or passengers
- Exceeding goods vehicle speed limit
- Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- Exceeding statutory speed limit on a public road
- Exceeding passenger vehicle speed limit
- Exceeding speed limit on a motorway
- Exceeding speed limit offence
- Aiding, abetting, counselling or procuring of any of the above offences
- Causing or permitting any of the above offences
- Inciting any of the above offences
- Or similar offences or offences which replace the above offences

7.12 Licensing Offences

7.12.1 One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (the Acts) and Hackney Carriage Byelaws is to ensure the protection of the public. The main private hire and hackney carriage offences are set out in Chapter 9 of the policy.

7.12.2 A serious view is taken of convictions for offences under the Acts and byelaws when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

7.12.3 In particular, where an applicant has been convicted of an offence such as driving a hackney carriage or private hire vehicle without the appropriate licence, using an unlicensed vehicle or failing to produce insurance at any time during the 2 years preceding the application they will normally be refused a licence.

7.12.4 Where an individual has more than one conviction for a licensing offence within the 5 years preceding the date of the application they will normally be refused a licence.

7.13 Drunkenness/Drug Use

7.13.1 With a motor vehicle

7.13.2 A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. An application will normally be refused where the applicant has a conviction for an offence within 2 years of the date of the application. More than one conviction for this type of offence within the last five years is likely to merit refusal.

7.13.3 Where a disqualification has occurred as a result of a drink-driving or drug use offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an applicant is considered for a licence.

7.13.4 In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic or had a drug dependency.

7.13.5 Not in a motor vehicle

7.13.6 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence. In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

7.14 Section B – Conduct

7.14.1 Criminal convictions are not the only criteria used when considering whether an individual is a fit and proper person to be licensed. Other factors, including the applicant or licensee's demeanour, appearance and behaviour may be taken into account in determining fitness and propriety.

7.14.2 The Council may require an applicant to submit information it reasonably considers necessary to enable it to determine whether a licence should be granted or whether conditions should be attached (s.57 LG(MP) Act 1976).

7.14.3 The Courts have found that one purpose of licensing powers is to prevent licences being given to or used by those who are not suitable, taking into account their driving record, driving experience, sobriety, mental and physical

fitness, honesty and ensuring that they would not take advantage of their employment to abuse or assault passengers (Leeds City Council v Hussain [2002]).

- 7.14.4 When determining the fitness and propriety of drivers Council Officers and members will consider whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom they care, to get into a vehicle with the applicant/licensee alone.
- 7.14.5 If the answer to this question is an unqualified yes, then the test is probably satisfied. If the Officers or members have doubts then further consideration will be given as to whether the individual is a fit and proper person.
- 7.14.6 The Council can consider circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.
- 7.14.7 The Council's focus is upon the impact of the applicant or licence holder upon members of the public. This does not require any consideration of the personal circumstances of the applicant or licensee which are irrelevant, except perhaps in very rare cases to explain or excuse some conduct of the driver.

7.15 Section C – Medical Fitness

7.15.1 Production of medical certificate

- 7.15.2 Under s.57 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may require an applicant for a hackney carriage or private hire drivers licence to produce a certificate signed by a registered medical practitioner to the effect that s/he is physically fit to be a driver of such a vehicle. North Tyneside Council requires a medical certificate upon an initial application for a licence.
- 7.15.3 In addition or in place of such a certificate the Council may require an applicant to submit to examination by a registered medical practitioner selected by the Council as to his/her fitness to be a driver of a hackney carriage or private hire vehicle.
- 7.15.4 The medical practitioner must confirm that:
1. they have examined the applicant
 2. the applicant is registered with the practice and/or
 3. they have had full access to the applicant's medical records
 4. the medical examination was carried out to the Group 2 standard
 5. s/he considers the applicant to be fit to act as the driver of a hackney carriage or private hire vehicle.
- 7.15.5 If the medical practitioner has not had access to the applicant's full medical records the Council may require more frequent medical testing and/or select a practitioner to undertake a full medical examination of the applicant. All

expenses are payable by the applicant.

7.16 Group 2 Standard

7.16.1 In line with DVLA recommendations, the Council has adopted the DVLA Group 2 driver standard for medical fitness of hackney carriage and private hire drivers. This is a higher medical standard than that required of drivers of other motor vehicles and is required due to the length of time the driver may spend at wheel and the responsibility they have for the safety of their passengers and the public.

7.17 Age

7.17.1 The Council's policy is that a medical certificate is required upon an initial application for a licence. It remains valid until a driver reaches the age of **45 years** when a further medical certificate is required. A medical certificate is then required every **5 years until the age of 65** after which a certificate is required on a yearly basis.

7.18 Monitoring of medical condition

7.18.1 In addition, where a driver suffers from a medical condition that requires monitoring but would not prevent him/her from holding a licence the council may, as an additional condition of their licence, require written confirmation from his/her GP or consultant on each annual renewal that s/he remains fit to carry out the duties of a driver. Any condition attached to a driver's licence will be regularly reviewed.

7.19 Refusal, Suspension and Revocation on grounds of medical fitness

7.19.1 If the Licensing Authority is not satisfied as to the medical fitness of an applicant a hackney carriage or private hire drivers licence will not be granted (s.51 & s.59 LG(MP) Act 1976).

7.19.2 If the Licensing Authority is not satisfied as to the medical fitness of a hackney carriage or private hire driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under s.61 Local Government (Miscellaneous Provisions) Act 1976.

7.19.3 Section 52 of the Road Safety Act came into force on 16th March 2007 and amended section 61 of the Local Government (Miscellaneous Provisions) Act 1976. It now gives Local authorities have the power to suspend or revoke a hackney carriage or private hire driver's licence **with immediate effect** where they are of the opinion that the interests of public safety require such a course of action.

8. Regulation & Review Committee

8.1 Introduction

8.1.1 The Council's Regulation and Review Committee exercises the Council's functions in relation to the licensing of Hackney Carriage vehicles, Hackney Carriage drivers, Private Hire vehicles, Private Hire operators and Private Hire drivers under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation.

8.1.2 The Committee meets on a regular basis. The schedule of meetings is available at www.northtyneside.gov.uk.

8.1.3 When considering any matter the Regulation & Review Committee will have regard to the Council's Private Hire and Hackney Carriage Policy.

8.1.4 A Sub-Committee will meet to determine the following:

1. Appeals against decisions of the Head of Development, Strategy and Planning in relation to the grant, refusal and suspension of all licences.
2. Disciplinary Action (if any) to take against licensees referred to it by the Head of Development, Strategy and Planning; and
3. Referred matters - any licensing application or other matter concerning individual licensees referred to it by the Head of Development, Strategy and Planning.

8.2 Determination of Appeals, Disciplinary or Referred Matters concerning Individual Licensees/Applicants by the Regulation and Review Committee

8.2.1 Decision making in relation to licensing is an onerous duty, dealing with both the livelihood of the Licensee/Applicant and the risks to the safety and comfort of the public.

8.2.2 When the Committee considers such matters concerning a Licensee/Applicant it is operating in a quasi-judicial capacity and the rules of natural justice must be observed, the Licensee/Applicant must be treated fairly and be seen to be treated fairly. The Committee must be impartial, unbiased and act in good faith.

8.2.3 The Committee is required to make judgements based on the evidence submitted to it. It is not the Members' role to sit as advocates of either the Head of Development Strategy and Planning/the Police or the Licensee/Applicant but to weigh the merits of the case as presented - ensuring that the proper considerations are taken into account and irrelevant factors are ignored, thereby reaching a balanced decision. The Committee must also state the reasons for its decisions.

- 8.2.4 Only Committee members who have heard the entire application/appeal/disciplinary are able to take part in the decision making process.
- 8.2.5 Committee members should not participate in the hearing of a matter if there is apparent bias. This can arise where a member's outside connections make it appear that there is a real danger of bias or a member has a prejudicial interest. Personal interest in a matter under consideration must be declared. Where a prejudicial interest exists the member must withdraw from the meeting room.
- 8.2.6 A prejudicial interest exists where a member has a personal interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest and it either:
- a. affects the financial position of the relevant person or body; or
 - b. relates to the determination of any approval, consent, licence, permission or registration in relation to that person or body.

8.3 Appeals

- 8.3.1 When considering an appeal against a decision of the Head of Development Strategy and Planning in relation to the grant, refusal or suspension of a licence the Sub- Committee may:
1. Uphold the appeal in whole or in part
For example, if an appeal concerns the refusal of a licence, the Sub-Committee may determine that the licence should be granted but may stipulate additional conditions that must be attached to the licence and/or issue a strong warning as to the licensee's future conduct.
 2. Dismiss the appeal

8.4 Disciplinary or Referred Matters

- 8.4.1 When considering a disciplinary or a referred matter e.g. an application for a licence, the Sub-Committee will have regard to the appropriate section of the policy.
- 8.4.2 Appropriate disciplinary action can take a number of forms, for example:-
1. Revocation of a licence
 2. Refusal to renew a licence
 3. Suspension of a licence
 4. A warning letter expressing the Council's dissatisfaction with the Licensee's behaviour, whilst also advising that future conduct incompatible with that expected of a Licensee could lead to a suspension, refusal to renew or revocation.

Additional conditions if considered reasonably necessary may be attached to a licence when it is renewed (n.b. conditions cannot be attached to a Hackney Carriage Driver's Licence).

8.4.3 The action to be taken in any particular case will depend on the seriousness of the conduct/conviction/medical condition concerned.

8.5 Regulation & Review Committee – Appeals/Disciplinary/Referred Matters - Procedure Note

8.5.1 The Regulation and Review Committee hearing aims to ensure that the Environment Service and the Licensee/Applicant have the fullest opportunity to present all of the information they wish. The Committee is required to give full and fair consideration to the cases presented by the Officers and the Licensee/Applicant and must reach a decision based on all of the relevant information presented to it at the hearing. To achieve this, the following procedure is adopted:-

8.5.2 Before the Hearing

8.5.3 Decisions of the Head of Development Strategy and Planning in relation to the grant, refusal and suspension of licences are provided in writing and will enclose an appeal form. Appeal forms can also be obtained by contacting the Licensing Office or Democratic Services. An appeal must be lodged within 21 days of notification of the decision. Upon receiving notification of an appeal to Committee, the Head of Development, Strategy and Planning will submit a report to the Committee.

8.5.4 If a licensee/applicant wishes to appeal directly to a Court they should approach the Court and/or seek independent legal advice in relation to the correct forms and procedures. Court documentation should be served upon the Head of Legal and Democratic Services.

8.5.5 Where the Head of Development Strategy and Planning refers a matter to the Regulation & Review Committee for determination he shall inform the Licensee/Applicant of this and will submit a report to the Committee.

8.5.6 A copy of the report to Committee and the procedure to be followed at the hearing is supplied to the Licensee/Applicant by Democratic Services. Copies of the Private Hire and Hackney Carriage Policy are available on the internet or upon request from the Licensing Office. Licensees/Applicants are strongly advised to read this document when preparing for the hearing.

8.5.7 The Licensee/Applicant shall be given notice in writing at least seven days in advance of the time and place of the hearing and of his right to be accompanied by a friend or other person, including a solicitor, and shall be allowed to call

witnesses.

- 8.5.8 The Licensee/Applicant shall also be given the opportunity to submit a written statement of his/her case or other supporting documents prior to the hearing. Documentation should be provided to Democratic Services in advance of the hearing, if it is not, or if the Committee has not had sufficient time to consider the documentation the Committee may refuse to accept the documentation or it may be necessary for consideration of the case to be deferred.

8.5.9 Absence of the Licensee/Applicant

- 8.5.10 The meeting may proceed in the absence of the Licensee/Applicant if they have informed the Licensing Authority or the Democratic Support Officer that they do not wish to attend or be represented at the hearing. If the Licensee/Applicant would like the meeting to be adjourned to enable them to attend then they must make this clear and provide reasons for the request.

- 8.5.11 If Licensee/Applicant fails to attend or be represented at a meeting without notifying the Licensing Authority or Democratic Support Officer, the Committee may adjourn the hearing to a specific date if it considers it to be appropriate to do so, alternatively it may proceed with the meeting in their absence. In the interests of efficiency, meetings will generally proceed notwithstanding the absence of the Applicant.

- 8.5.12 Where it is decided to proceed in the absence of the Licensee/Applicant the Committee will consider the information they have supplied along with the report from the Head of Development, Strategy and Planning.

- 8.5.13 If, in exceptional circumstances, a decision is made to adjourn a hearing the Licensee/Applicant will be advised of the new date, time and venue.

8.5.14 At the Hearing

- 8.5.15 Members of the Committee may ask questions at all stages.

- 8.5.16 The Head of Development, Strategy and Planning or his representative shall present a report in the presence of the Licensee/Applicant and his/her representative and may call witnesses.

- 8.5.17 The Licensee/Applicant and/or his/her representative shall have the opportunity to ask questions of the information provided by the Head of Development Strategy and Planning or his representative and any witnesses called.

- 8.5.18 The Licensee/Applicant and/or his/her representative shall then put his/her case and shall call such witnesses as he/she wishes.

- 8.5.19 The Regulation and Review Committee and the Head of Development Strategy and Planning or his representative shall have the opportunity to ask questions of the Licensee/Applicant and/or his/her representative and any witnesses called by

or on behalf of the Licensee/Applicant.

- 8.5.20 The Head of Development Strategy and Planning or his/her representative and the Licensee/Applicant and his/her representative shall have the opportunity to sum up their case if they so wish. If all parties opt to sum up, the Licensee/Applicant or his/her representative may speak last.
- 8.5.21 The Licensee/Applicant and his/her representative and witnesses and the Head of Development Strategy and Planning or his representative and witnesses shall withdraw from the meeting. Officers from Legal and Democratic Services will remain in the meeting to provide procedural and legal advice
- 8.5.22 The Regulation and Review Committee shall deliberate in private, only recalling the Licensee/Applicant or his/her representative and the Head of Development Strategy and Planning or his representative to clear points of uncertainty. If this occurs all parties will be invited back into the hearing together. If the Committee has no additional queries the Licensee/Applicant and the Head of Development Strategy and Planning will be notified by Officers from Legal & Democratic Services and they will not be requested to return to the meeting.
- 8.5.23 The Licensee/Applicant will be notified of the Regulation and Review Committee's decision and the reasons for it in writing, usually within five working days. Where a licence has been suspended, revoked or a renewal has been refused written notice must be given within fourteen days.

8.6 Appeal to the Court

- 8.6.1 There is a statutory right of appeal to the Magistrates Court in relation to:
- a refusal to grant a private hire or hackney carriage driver licence;
 - any conditions attached to a private hire driver licence;
 - a decision to suspend, revoke or refuse to renew a private hire or hackney carriage driver licence;
 - a refusal to grant a private hire vehicle licence or against any conditions specified in the licence;
 - a refusal to grant an operator's licence or any conditions attached to the grant of an operator's licence;
 - a decision to suspend, revoke or refuse to renew an operator's licence.
- 8.6.2 An appeal against a refusal to grant a Hackney Carriage vehicle/proprietors licence lies straight to the Crown Court.
- 8.6.3 Any appeal must be lodged with the appropriate Court within 21 days of notification of the decision. Costs may be awarded by the Court against an unsuccessful appellant and therefore a licensee may wish to take independent legal advice with regard to the merits of an appeal.
- 8.6.4 Usually, any action against the licence is stayed pending the outcome of a Court

appeal (s.77(2)LG(MP) Act 1976). However, in cases where the public interest requires that a suspension or revocation of a driver licence should take immediate effect a decision can be made that s.77(2) shall not apply. In such cases the driver must be notified in writing, with an explanation as to why the action has been taken.

8.6.5 Decision making may also be challenged by judicial review in the High Court. Independent legal advice should be sought.

8.7 WHO IS WHO?

The Licensee or Applicant

The Licensee or Applicant (accompanied by a friend or representative if so wished) is invited to attend and make representations to the Committee.

Officers of Development, Strategy and Planning

Officers representing the Head of Development Strategy and Planning will submit information to the Committee to enable it to consider whether and what action should be taken.

On occasions a representative from the Police Authority, other body or a witness may attend to provide relevant information.

The Regulation and Review Committee -

The Regulation and Review Committee is the body which has the delegated authority from the Council to decide upon appeals, disciplinary and other matters referred by the Head of Development, Strategy and Planning.

Officers of Legal and Democratic Services -

Officers representing Legal and Democratic Services advise the Committee on the relevant law and procedures. They do not take part in the decision making process.

9. Enforcement, Discipline & Offences

Contents

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- Council Officers and Regulation & Review Committee
- Enforcement/Disciplinary Options
- Informal Action
- Suspension of Vehicle Licence
- Vehicle Defect Rectification Notice
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9.2 Town Police Clauses Act 1847

9.3 Local Government (Miscellaneous Provisions) Act 1976

9.3.2 Hackney Carriage Provisions

9.3.3 Private Hire Provisions

9.4 Transport Act 1980

9.5 Road Traffic Act 1988 (No Insurance)

9.6 Criminal Justice and Public Order Act 1994 (Touting)

9.7 Health Act 2006 (Smoking)

9.8 Hackney Carriage Byelaws

Please note: This chapter provides an overview of enforcement and disciplinary action and the main offences concerned with the Private Hire and Hackney Carriage trade. It is not intended to be an exhaustive list. **It does not constitute legal advice.**

9.1 Enforcement & Discipline - Council Officers and Regulation & Review Committee

9.1.2 Whilst the operation of a successful Hackney Carriage and Private Hire vehicle service is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated in order to instill confidence in the travelling public who wish to use the service.

9.1.3 Enforcement of hackney carriage and private hire matters is undertaken by the Council. The police may also take action in certain circumstances.

9.1.4 Officers of the Council (usually Licensing Officers) can be authorised by the Council to undertake enforcement work. The Head of Development Strategy and Planning may authorise such officers. In undertaking such work the Officers will abide by the appropriate Enforcement Policy Statement. Enforcement work includes investigating complaints made about drivers, vehicles and operators in addition to matters observed by Officers e.g. vehicle defects. The Council can consider circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.

9.1.5 The Head of Development Strategy and Planning may take appropriate disciplinary action against licensees in accordance with this policy.

9.1.6 The Council's Regulation & Review Committee may determine the appropriate disciplinary action (if any) to take against licensees referred to it by the Head of Development Strategy and Planning.

9.1.7 Enforcement/Disciplinary Options

9.1.8 There are various options to take depending upon the circumstances including:

- take no action
- take informal action
- use statutory and other notices/requests
- suspend a licence
- revoke a licence
- refuse to renew a licence
- use formal cautions
- prosecute
- obtain an injunction

9.1.9 The Head of Development Strategy and Planning may refuse to grant or renew licences and may suspend licences, however, only the Regulation & Review Committee can revoke a licence (except see 9.1.17). Where the Head of Development Strategy and Planning considers that revocation of a licence is appropriate he will refer the matter to Committee. Where appropriate, the Head of Development Strategy and Planning may suspend the licence pending the Committee decision.

9.1.10 Informal Action

9.1.11 Informal action to secure compliance with the legislation and policy includes offering advice, verbal and written warnings and requests for action.

9.1.12 Informal action may be appropriate where:

- the act or omission is not serious enough to warrant more formal action
- from the individual licensee's history it can be reasonably expected that informal action will achieve compliance
- the consequences of non-compliance will not pose a significant risk to the safety of the public.

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

9.1.14 Repeated incidents of licence infringements, complaints etc are likely to lead to action being taken against the licensee by the Head of Development Strategy and Planning or a referral to the Regulation & Review Committee.

9.1.15 s.68 Notices – Suspension of Vehicle Licence

9.1.16 An authorised officer (or police officer) has the power at all reasonable times to inspect and test any hackney carriage or private hire vehicle (or taximeter affixed to such a vehicle) licensed by the Council to ascertain its fitness. If s/he is not satisfied as to the fitness of the vehicle or the accuracy of the taximeter s/he may by a written notice require the proprietor to make the vehicle or taximeter available for further inspection and testing at a reasonable time and place specified in the notice. The officer may suspend the vehicle licence until such time as they are satisfied as to fitness/accuracy. (s.68 Local Government (Miscellaneous Provisions) Act 1976). Suspension under s.68 takes immediate effect. There is no right of appeal against such a suspension. Therefore, this action will only be taken when an officer has reasonable grounds to suspect that the condition of the vehicle/taximeter poses an immediate risk to passengers and/or other road users.

9.1.17 If the officer is not satisfied of the fitness/accuracy of the vehicle within 2 months the vehicle licence is deemed to be revoked. Such matters do not need to be referred to Regulation and Review Committee by the Head of Development Strategy and Planning. The proprietor will be given written notice of the revocation. Alternatively, or in addition, the driver may first wish to appeal to the Council's Regulation and Review. Any appeal must be lodged within 21 days of notification of the decision.

9.1.18 Vehicle Defect Rectification Notices (VDRS)

9.1.19 In situations where non-compliance with the conditions of vehicle licence or contravention of the legislation or byelaws are noted officers may issue a vehicle defect rectification notice to the proprietor. Such notices are appropriate where the immediate suspension of the vehicle licence is not required. The notice will require the proprietor to remedy the defect and present the vehicle for inspection within five working days. If the defect has been remedied then usually no further action will be taken. If the defect is not remedied or the vehicle is not presented for inspection the vehicle licence may be suspended (s.60 (LG(MP) Act 1976) and/or the proprietor may be prosecuted (s.50 & s.73 LG(MP) Act 1976). A proprietor may appeal against a s.60 vehicle suspension.

9.1.20 Suspend, Revoke or Refuse to Renew a Licence

9.1.21 Vehicle Licences – s.60 LG(MP) Act 1976

9.1.22 The Council may suspend or revoke or refuse to renew a vehicle licence (private hire or hackney carriage) on any of the following grounds:

- a. that the vehicle is unfit for use;
- b. the operator or driver has committed any offence under or has not complied with the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976; or
- c. any other reasonable cause

9.1.23 Where the Council suspends, revokes or refuses to renew a vehicle licence under s.60 LG(MP)Act 1976 it shall give the proprietor written notice of the grounds for the decision within fourteen days. The proprietor may appeal to a Magistrates Court. Alternatively, or in addition, where the decision was made by the Head of Development Strategy and Planning, the proprietor may first wish to appeal to the Council's Regulation and Review. Any appeal must be lodged within 21 days of notification of the decision.

9.1.24 Driver Licences - s.61 LG(MP) Act 1976

9.1.25 The Council may suspend or revoke or refuse to renew a driver licence (private hire or hackney carriage) on any of the following grounds:

- a. that since the grant of the licence the licensee has been convicted of an offence involving dishonesty, indecency or violence; or
- b. that since the grant of the licence the licensee has been convicted of an offence under or has failed to comply with Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976; or
- c. any other reasonable cause.

9.1.26 Where the Council suspends, revokes or refuses to renew a driver licence under s.61 LG(MP)Act 1976 it shall give the driver written notice of the grounds for the decision within fourteen days. The driver must on demand return to the Council the Driver's badge. The driver may appeal to a Magistrates Court. Alternatively, or in addition, where the decision was made by the Head of Development Strategy and Planning, the driver may first wish to appeal to the Council's Regulation and Review. Any appeal must be lodged within 21 days of notification of the decision.

9.1.27 Operator Licences - s.62 LG(MP) Act 1976

9.1.28 The Council may suspend or revoke or refuse to renew an operators licence on any of the following grounds:

- a. any offence under or non-compliance with Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- b. any conduct on the part of the operator which appears to render him unfit to hold an operator's licence;
- c. any material change since the licences was granted in any of the circumstances of the operator on the basis of which the licence was granted; or

d. any other reasonable cause.

9.1.29 Where the Council suspends, revokes or refuses to renew an operator licence under s.62 LG(MP)Act 1976 it shall give the operator written notice of the grounds for the decision within fourteen days. The operator may appeal to a Magistrates Court. Alternatively, or in addition, where the decision was made by the Head of Development Strategy and Planning, the operator may first wish to appeal to the Council's Regulation and Review. Any appeal must be lodged within 21 days of notification of the decision.

9.1.30 Stay of Action Pending Outcome of Court Appeal

9.1.31 s.77(2) LG(MP)Act 1976 – stays any action against a licence pending the outcome of the Court appeal. This means that if a driver, operator or proprietor appeals against a decision to refuse to renew, suspend or revoke his licence, the licence is deemed to remain in force until the appeal has been determined.

9.1.32 The licensee has 21 days from notification of the decision to lodge an appeal with the Court. The licensee can continue to use the licence during that period and once an appeal is lodged, can continue to use it until the appeal has been dealt with. If the Magistrates dismiss the appeal the licensee has 21 days within which to lodge an appeal in the Crown Court and again, can continue to use the licence until the appeal is determined.

9.1.33 The Council may decide that a suspension or revocation should take immediate effect where they consider it is in the interests of public safety. In such cases the notice given to the driver must include a statement that it is an immediate suspension/revocation and an explanation why. The suspension or revocation takes effect when the notice is given to the driver. This provision will be used in the minority of cases and in most cases a licensee will be able to continue working pending appeal.

9.1.34 Where a licensee's Court appeal is unsuccessful the Court may order them to pay the Council's costs.

9.1.35 Requests for Insurance

9.1.36 In addition to spot checks, council officers have a regular programme whereby requests to produce insurance are sent to a random selection of proprietors for the production of vehicle insurance. If insurance is not produced the vehicle licence may be suspended and the proprietor may be prosecuted (s.50 LG(MP)Act 1976).

9.1.37 In addition, anyone driving an uninsured vehicle may be prosecuted (s.143 Road Traffic Act 1988).

9.1.38 Simple Cautions

9.1.39 A simple caution may be used as an alternative to a prosecution in appropriate circumstances, where the criteria for prosecution are satisfied but an offence is of a less serious nature. The Council will have regard to Home Office Guidance and other relevant guidance. It is necessary for the offence to be admitted prior to administering a caution.

9.1.40 A simple caution may be used to:

- to deal quickly and simply with less serious offences;
- to divert less serious offences away from the Courts;
- to reduce the chances of repeat offences.

9.1.41 Prosecution

9.1.42 In certain cases the Council will prosecute. In all cases the evidential and public interest test contained within the Code for Crown Prosecutors must be satisfied.

9.1.43 In addition to prosecution, disciplinary action (e.g. warning, suspension, revocation, refusal to renew) may be taken against the licence.

9.1.44 The standard fines for summary offences in the Magistrates Court are as follows:

- Level 1 - £200
- Level 2 - £500
- Level 3 - £1,000
- Level 4 - £2,500
- Level 5 - £5,000

9.2 Town Police Clauses Act 1847

9.2.1 The offences under the TPCA 1847 relate to hackney carriages.

Section	Offence	Maximum Penalty
40	Giving false information on an application for a HC proprietor's licence	Level 1
44	Failure of HC proprietor to notify of change of address	Level 1
45	Plying for hire without HC proprietor's licence	Level 4
47	Driving a HC without HC driver's licence	Level 3
47	Lending or parting with HC driver's licence	Level 3
47	HC proprietor employing unlicensed driver	Level 3
48	Failure of HC proprietor to hold HC driver's licence of person employed/permitted to drive his/her HC	Level 1

48	Failure of HC proprietor to produce HC driver's licence of person employed/permitted to drive his/her HC	Level 1
52	Failure to display HC plate	Level 1
53	Refusal to take a fare	Level 2
54	Charging more than the agreed fare	Level 1
55	Obtaining more than the legal fare	Level 3 and 1 months' imprisonment until the excess is refunded
56	Travelling less than the lawful distance for an agreed fare	Level 1
57	Failing to wait after a deposit to wait has been paid	Level 1
58	Charging more than the legal fare	Level 3
59	Carrying person other than the hirer without consent	Level 1
60	Driving HC without proprietor's consent	Level 1
60	Allowing another to drive HC without proprietor's consent	Level 1
61	Drunken driving of HC	Level 1
61	Wanton or furious driving or wilful misconduct leading to injury or danger	Level 1
62	Driver leaving HC unattended	Level 1
64	HC driver obstructing other HC's	Level 1

9.3 Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A 1976)

9.3.1 Offences under LG(MP)A 1976 relate to hackney carriages and private hire vehicles, proprietors, drivers and operators.

9.3.2 LG(MP)A 1976 - Hackney Carriage Provisions

Section	Offence	Maximum Penalty
49	Failure of proprietor to notify Council of transfer of HC proprietor's licence	Level 3
50(1)	Failure of proprietor to present HC for inspection as requested	Level 3
50(2)	Failure of proprietor to inform Council where HC is stored if requested	Level 3
50(3)	Failure of proprietor to report an accident to the Council	Level 3
50(4)	Failure of proprietor to produce HC proprietors licence and insurance certificate	Level 3
53(3)	Failure of driver to produce HC driver's licence	Level 3
57	Making false statement or omitting information to obtain a HC proprietor's licence	Level 3
58(2)	Failure of proprietor to return plate after notice given after expiry, revocation or suspension of HC proprietor's licence	Level 3
61(2)	Failure to surrender drivers licence after suspension, revocation or refusal to renew	Level 3
64	Cause or permit any vehicle other than HC to wait on a HC stand	Level 3
66	Charging more than metered fare for a journey ending outside the district, without prior agreement	Level 3
67	Charging more than metered fare when HC used as PH vehicle	Level 3
69	Unnecessarily prolonging a journey	Level 3
71	Interfering with a taximeter	Level 3
73(1)(a)	Obstruction of authorised officer or constable	Level 3
73(1)(b)	Failure to comply with requirement of authorised officer or constable	Level 3
73(1)(c)	Failure to give information or assistance to authorised officer or constable	Level 3

9.3.3

LG(MP) A 1976 - Private Hire Provisions

Section	Offence	Maximum penalty
46(1)(a)	Proprietor using or permitting use of an unlicensed PH vehicle	Level 3
46(1)(b)	Driving a PH vehicle without a PH driver's licence	Level 3
46(1)(c)	Proprietor of PH vehicle using an unlicensed driver	Level 3
46(1)(d)	Operating a PH vehicle without a PH operator's licence	Level 3
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle	Level 3
46(1)(e)	Operating a vehicle as a PH vehicle when the driver is not licensed as a PH driver	Level 3
48(6)	Failure to display PH vehicle plate when using or permitting use of PH vehicle	Level 3
49	Failure to notify the Council of transfer of PH vehicle licence	Level 3
50(1)	Failure of proprietor to present PH vehicle for inspection and testing as required	Level 3
50(2)	Failure of proprietor to inform Council where PH vehicle is stored if requested	Level 3
50(3)	Failure of proprietor to report an accident to the Council	Level 3
50(4)	Failure of proprietor to produce PH vehicle licence and insurance certificate	Level 3
53(3)	Failure of driver to produce PH driver's licence	Level 3
54(2)	Failure to wear PH driver's badge	Level 3
56(2)	Failure of PH operator to keep records of bookings	Level 3
56(3)	Failure by PH operator to keep records of PH vehicles operated by him	Level 3
56(4)	Failure to produce PH operator's licence on request	Level 3
57	Making false statement or omitting information to obtain PH driver's or operator's licence.	Level 3
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence	Level 3 (plus daily fine of £10)
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Level 3
67	Charging more than the metered fare when HC used as PH vehicle	Level 3
69	Unnecessarily prolonging a journey	Level 3
71	Interfering with a taximeter	Level 3
73(1)(a)	Obstruction of authorised officer or constable	Level 3
73(1)(b)	Failure to comply with requirement of authorised officer or constable	Level 3
73(1)(c)	Failure to give information or assistance to authorised officer or constable	Level 3

9.4 Transport Act 1980 – Private Hire Provisions

Section	Offence	Maximum Penalty
64(2)(a)	Driving a PH vehicle with a roof sign which contravenes s. 64(1)	Level 3
64(2)(b)	Causing or permitting a PH vehicle to be driven with a roof sign which contravenes s.64(1)	Level 3

9.5 Road Traffic Act 1988 s.143 – Using a vehicle without insurance

9.5.1 Drivers may be prosecuted by the police or the Council in relation to driving without insurance.

9.5.2 The maximum penalty is a level 5 fine. The driver's licence must be endorsed with between 6-8 penalty points and the Court has a discretion to disqualify the driver. The Court may impose a curfew or community rehabilitation order.

9.5.3 When sentencing the Court will consider aggravating and mitigating factors. If the vehicle concerned is a hackney carriage or private hire vehicle this will be an aggravating factor.

9.6 Criminal Justice and Public Order Act 1994 s.167 – Touting for hire

9.6.1 It is an offence in a public place, to solicit persons to hire vehicles to carry them as passengers. The penalty is a level 4 fine.

9.7 Health Act 2006, s.7 – Smoking in vehicle & s.8 – Failing to prevent smoking in vehicle

9.7.1 The maximum penalty for the above offences is a level 1 fine.

9.8 Hackney Carriage Byelaws

9.8.1 Prosecutions may be brought against hackney carriage proprietors and drivers for breach of the Council's byelaws.

9.9

Disability Discrimination Act 1995

Section	Offence	Maximum Penalty
37	Hackney carriage driver who fails to comply with a duty to: a. carry disabled passengers guide or hearing dog and allow it to remain with the passenger; and b. not to make an additional charge for doing so.	Level 3
37A(1)	Private Hire Operator failing or refusing to accept a booking made by or on behalf of a disabled person on the basis that they will be accompanied by an assistance dog.	Level 3
37A(2)	Private Hire Operator making an additional charge for carrying an assistance dog which is accompanying a disabled person.	Level 3
37A(3)	Driver of Private Hire Vehicle failing or refusing to carry out a booking made by or on behalf of a disabled person on the basis that they will be accompanied by an assistance dog.	Level 3

10. Hackney Carriage Stands

Contents

- 10.1 Appointed Stands
- 10.2 Creation of a Stand
- 10.3 Waiting on Stands
- 10.4 Hackney Carriage Hailing Points

10.1 Appointed Stands

- 10.1.1 The purpose of hackney carriage stands (also known as hackney carriage ranks) is to provide the public with a set location where they can hire a licensed hackney carriage. The stand is the only situation where a hackney carriage may ply for hire in a stationary position and should be situated in locations where the public most need hackney carriages, for example adjacent to transport facilities, retail areas and places of employment, entertainment and leisure facilities. Stands should be sited so that passengers can board or alight from the vehicle safely.
- 10.1.2 The Council is required to continually review the provision of hackney carriage stands in the borough. In this respect officers work closely with the North Tyneside Hackney Carriage Trade and oversee an ongoing programme of improving facilities at existing stands with, for example, the installation of illuminated taxi-cubes, guard rails and shelters at stands, all funded from a budget within the Local Transport Plan.
- 10.1.3 There are currently twenty-four official hackney carriage stands in the borough providing spaces for a total of eighty four vehicles. A list of the stands and their designated names are attached at **Appendix J**.
- 10.1.4 Transport facilities in the borough are well served with eight of the busiest metro stations having a stand.

10.2 Creation of a Stand

- 10.2.1 A new hackney carriage stand can be appointed under s.63 Local Government (Miscellaneous Provisions) Act 1976. This allows new stands to be created on public highways or private land with the appropriate consent of the land owner and can be for continual or part-time use.
- 10.2.2 Prior to a new stand being created or the maximum number of vehicles that can use a stand is varied a notice will be given to the Chief Officer of Police and a public notice published in a local newspaper.
- 10.2.3 New stands will not be sited where they may lead to obstructions.

10.3 Waiting on Stands

- 10.3.1 It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages.
- 10.3.2 Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare.
- 10.3.3 Drivers who park on a stand and leave their vehicle unattended commit an offence.

11. Complaints Procedure

- 11.1 North Tyneside Council recognises the high standards of the private hire and hackney carriage trade and expects all licence holders to uphold these standards at all times. However it is recognised that there may be occasions for transport users and other members of the trade to make complaints and as such a complaints procedure has been devised.
- 11.2 All complaints received will be investigated. Complainants will receive a written acknowledgement of their complaint within 2 working days advising the name of the Officer assigned to investigate the complaint.
- 11.3 Complainants may be asked to put their complaint in writing if the complaint is such that formal action may result.
- 11.4 North Tyneside Council recognises that some complaints can be frivolous or vexatious. These complaints will not be taken further.
- 11.5 Licensees are expected to assist Officer investigations and make themselves available for interview at a mutually convenient time and place.
- 11.6 At the end of the investigation all parties concerned will receive written confirmation of the result and action to be taken.
- 11.7 If any party is not satisfied as to the outcome the Council corporate complaints procedure is in place to deal with these issues.

Appendix A

Private hire and hackney carriage vehicle specifications

All licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle. This is in addition to all requirements of the Road Traffic legislation, which relates to all motor vehicles.

All vehicles must comply with the requirements of Section A. Private Hire vehicles must comply with the requirements of Section B and Hackney Carriage vehicles must comply with the requirements of Section C.

If you are making a new application for a Hackney Carriage proprietors licence or if you are replacing a hackney carriage first licensed after July 1992, the vehicle must be wheelchair accessible and must also comply with the requirements of Section D.

All vehicles must have the appropriate type approval.

The following vehicle specification must be maintained throughout the licence period unless changes have prior approval by the Council.

Section A - General specification for all vehicles

GENERAL CONSTRUCTION

1. The vehicle shall comply fully with all relevant statutory provisions relating to the construction of motor vehicles and including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986.
2. Any modification to the vehicle (eg conversion to wheelchair accessible, alteration of the original seat configuration or any other 'adaptation') must be approved by the council and the appropriate certificate produced.
3. The vehicle shall be right hand drive with a fixed head type body.
4. The vehicle shall be capable of carrying in reasonable comfort at least four passengers.
5. The vehicle shall be M1 category. In the case of post registration conversions Single Vehicle Approval is required.
6. The vehicle shall have a minimum unladen height of 1.325 metres (53").

PASSENGER COMFORT

7. Every passenger seat in the vehicle must meet the following minimum dimensions:
 - Individual seat width – 41cm (16")
 - Bench seat width (ie rear seat of a saloon vehicle) – 124cm (49")
 - Width between door handles – 124cm (49")
 - Width between rear doors – 132 cm (52")
 - Seat squab height measured from vehicle floor - 30cm (12")
 - Seat squab depth – 45cm (18")
 - Headroom measured from centre of seat to underside of roof – 87.5cm (35")
 - Legroom measured from seat back diagonally to vehicle floor – 92.5cm (37")
 - Unobstructed space in front of seat measured from seat back – 62.5cm (25")
8. There shall be no obstructions or features in the vehicle (eg prominent transmission tunnels, door furniture, vehicle controls, etc) which in the opinion of the Council materially interferes with the comfort of any passenger.
9. The vehicle shall have an adequate heating and ventilation system for the comfort of all passengers.

PASSENGER SAFETY

10. The vehicle shall be so designed as to enable any passenger to see out of the vehicle in all directions. If tinted glass is fitted, it shall have minimum light transmittance of 75% for the front windscreen, and 70% for all other vehicle window glass.
11. The vehicle shall have at least 4 doors and open sufficiently wide so as to allow safe and easy access and egress. Each passenger, other than a front seated passenger, shall have access to at least two doors.
12. Every passenger seat shall be either forward or rear facing and shall be fitted with an approved (lap & diagonal) seat belt.

LUGGAGE CAPACITY

13. The vehicle shall have capacity to convey a reasonable quantity of luggage.

Section B - Specification For Private Hire Vehicles

14. The vehicle must not be black in colour or a colour which closely resembles black in the opinion of the Licensing Officer.
15. If the Private Hire vehicle is fitted with a meter, it must be properly tested and sealed.
16. Private Hire vehicles must not have a roof sign.

Section C - Specification For Hackney Carriage Vehicles

17. Hackney Carriage vehicles must be black in colour.
18. Hackney Carriage vehicles must have fitted on the roof, an internally illuminated TAXI top sign meeting a specification in relation to size and colour approved by the Council. Non saloon type vehicles must have roof signs of minimum length 30cm and maximum length 40cm, minimum height 15cm and maximum height 20cm.
19. Hackney Carriage vehicles must be fitted with a taximeter, properly tested and sealed, and calibrated to enable testing in accordance with the councils current Hackney Carriage Fare Table.

Section D - Specification For New And Replacement Wheelchair Accessible Hackney Carriages Only

GENERAL CONSTRUCTION

20. The vehicle must comply fully with the requirements of the Road Vehicles (Construction and Use) Regulations 1986 as well as all general policies and specifications of the council which relate to hackney carriage vehicles.
21. The vehicle must comply fully with Sections A and C of the preceding 'General Specification for all Hackney Carriages and Private Hire Vehicles'.

PASSENGER SAFETY AND COMFORT

22. The vehicle must be capable of accommodating one or more wheelchairs in either a forward or rear facing position allowing adequate space to ensure the safety and comfort of the wheelchair user, and without interfering with the safety and comfort of any other passengers.
23. The design of the vehicle must allow safe access and egress of passengers including elderly and disabled passengers.
24. Wheelchair access to the vehicle must be from the nearside or rear of the vehicle. The door and doorway must be constructed as to permit an unrestricted opening across the doorway of at least 75cm.
25. The clear height of the doorway must not be less than 1.2 metres.

26. Grab handles must be placed at one or more passenger door entrances as appropriate, to assist the elderly and disabled.
27. The vertical distance between the highest part of the floor and the roof in the wheelchair passenger area must be no less than 1.3 metres.
28. Approved anchorages must be provided for the wheelchair and chairbound disabled person. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for the wheelchair and occupant must be independent of each other.
29. Suitable means of wheelchair access must be fitted to the vehicle. Ramps must be of suitable design to ensure that they do not slip or tilt when in use and they provide a suitable gradient when in use. Tail-lifts must be of an approved type.
30. If any of the seating within the vehicle has to be removed or adjusted in any way to accommodate one or more wheelchairs, the following conditions will also apply:
 - The removal/adjustment must be able to be carried out quickly and easily so that in the opinion of the Council there is minimal inconvenience caused to any hirer of the vehicle by the 'conversion'
 - Where one or more seats require removal to accommodate one or more wheelchairs there must be adequate space on the vehicle for the secure storage of any removed seats.
 - Where one or more seats are either removed or they become unusable when the vehicle has been 'converted' for wheelchair use there must be at least one further useable passenger seat.

**Conditions attached to a
Private Hire and Hackney Carriage Vehicle Proprietors Licence**

The following conditions are attached to the grant/renewal of the following vehicle licence:

Plate Number:

Registration Number:

Name of licensee(s) including part proprietors:

Failure to comply with the conditions may lead to action being taken against your licence.

STANDARD CONDITIONS

1. Maintenance Of Vehicle

The vehicle, all of its fittings and any attached equipment shall at all times when the vehicle is in use or available for hire, be kept in a clean, safe, tidy and efficient state, and must also comply with all relevant statutory provisions including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986.

2. Alteration Of Vehicle

No material alteration or change to the vehicle, its fittings or any attached equipment shall be made without the prior approval of the council.

3. Identification Plate

The licence plate supplied by the council and identifying the vehicle as a hackney carriage/private hire vehicle shall be securely fixed externally on or about the off side area of the rear bodywork or bumper of the vehicle in a conspicuous position and in such a manner as to be easily removed if necessary by an authorised officer of the council or a constable. The plate must be maintained in a satisfactory condition.

4. Interior Identification Marking

A sign supplied by the council indicating the licence number and the number of passengers the vehicle is licensed to carry, shall be displayed inside the vehicle in a prominent position on the inside of the windscreen so as to be clearly visible to passengers. The sign must be maintained in a satisfactory condition.

5. Door Decals

There shall be attached centrally to each front door of the vehicle when it is in use or available for hire, the appropriate hackney carriage or private hire vehicle decals supplied by the council. The decals must be maintained in a satisfactory condition.

6. Safety Equipment

There shall be provided in a convenient position in the vehicle at all times when it is in use or available for hire, a suitable and efficient fire extinguisher (AFFF BS 5432 or EN 3).

All fire extinguishers must be checked every 12 months, prior to vehicle testing. Such a check shall be carried out in accordance with the requirements of BS5306 Part 3 and Part 8 by a registered competent company. The date of the test and signatures must be clearly visible on a sticker attached to the extinguisher, along with the vehicle registration number.

Where a ramp or ramps are used, they must be fitted/carried safely in the vehicle at all times. The ramps must be identified with the vehicle registration number.

7. Signs, Notices, Etc

No signs, notices, advertisements, video or audio display etc or other markings shall be displayed on, in or from the vehicle subject to the following exceptions:

- Any sign, notice or other marking required to be displayed by legislation or any condition attached to this licence
- Advertising on the rear doors, rear wings and boot area of the vehicle (of two-dimensional insignia type) approved by the Council
- Advertising along the top 8 cm strip of the windscreen of the vehicle provided that it is not illuminated and it bears only the name and/or telephone number in block letters of the firm operating the vehicle.

Signs, notices, advertisements, video or audio display etc must not be of a content that the Licensing Officer deems to be offensive or abusive.

A sign must be affixed to the inside of the vehicle indicating that smoking is prohibited in the vehicle.

8. Change Of Address

The proprietor shall notify the council in writing within seven days of any change of address during the period of the licence.

9. Convictions

The proprietor shall notify the council in writing within seven days if he/she is convicted of any offence.

10. Deposit Of Drivers Licence

If the proprietor permits or employs any other person to drive the vehicle as a hackney carriage/private hire vehicle, the proprietor shall retain the persons hackney carriage/private hire drivers licence until such time as the driver ceases to be permitted or employed to drive the vehicle.

11. Transfer Of Interest

The proprietor shall notify the council in writing, giving the name and the address of the new proprietor, within 14 days if he transfers his interest in the vehicle to another person.

12. Accident Notification

The proprietor shall notify the council as soon as is practicable, or in any case within 72 hours of any accident which results in damage to the vehicle.

13. Additional Charges

The proprietor shall pay the council any reasonable additional charges to be determined by the council for:

- A) the replacement of any lost, damaged or stolen plate, decal or sign provided by the council (and which is required to be attached or displayed on or in the vehicle as a condition of this licence);
- B) any vehicle test appointment for which the proprietor fails to present the vehicle for testing or which is cancelled by the proprietor without giving at least 48 hours notice to the council.

14. Insurance

All vehicles must have a current valid policy of insurance at all times appropriate to the vehicle.

If a vehicle is off the road and uninsured the proprietor must advise the Licensing Team in writing immediately or in any event within 72 hours.

Additional Conditions/departure from standard conditions

As required

Stamped/dated

Vehicle Testing Arrangements

Vehicle Identification Number

Not more than one different identification number should be present on a vehicle first used on or after 1st August 1980. However, the same number may be displayed in more than one place.

Registration Plate

Condition, security, legibility and format of letters/numbers.

Lights

Condition, operation, security and correct colour. The headlamps will also be checked to see if the aim is correct.

Steering and Suspension

Correct condition and operation.

Wipers/Washers

Operate to give the driver a clear view of the road.

Windscreen

Condition and driver's view of the road.

Horn

Correct operation and type.

Seatbelts

All seatbelts installed are checked for type, condition, operation and security. All compulsory seatbelts must be in place.

Seats

Front seats secure. Front and rear backseats can be secured in the upright position.

Fuel System

No leaks, fuel cap fastens correctly and seals securely.

Exhaust Emissions

Vehicle meets the requirement for exhaust emissions. These vary on the age and fuel type of the vehicle.

Exhaust System

Complete, secure, without serious leaks and silences effectively.

Vehicle Structure

Free from excessive corrosion or damage in specific areas. No sharp edges.

Doors

Open and close. Latch securely in closed position. All doors should open from inside and outside the vehicle.

Mirrors

Presence, condition and security.

Wheels and Tyres (includes spare)

Condition, security, tyre size/type and tread depth.

Brakes

Condition, operation and performance (efficiency test). Wheels are not removed during the test. The tester only examines what they can see, reach or feel.

Vehicle Interior

Clean.

Vehicle Exterior

Uniform colour. No sharp edges.

Glass

Windscreen - minimum 75% light transmittance.

All other glass - minimum 70% light transmittance.

Fire Extinguisher

Present, correct type, gauge fitted, BS / EN number present.

Meter (if fitted)

Must be sealed.

Spare Wheel

Present, above legal limit. Same tyre size as other tyres. Space-saver is of an approved type.

Wheel-brace & Jack

Present. Correct operation.

Luggage Accommodation

Compartment clean, empty.

Seats & Interior Trim

Clean, free from rips or tears.

Floor Covering

Clean. No obstructions.

Licence Plate (Annual and Interim Tests Only)

Present. Securely attached to vehicle. Correct location on vehicle. In satisfactory condition.

Windscreen Disc

Present. Securely attached to windscreen. In satisfactory condition, information legible.

NTC Door Signs

Present. Fitted correctly. In satisfactory condition, information legible.

For Hire Sign

Present. Works in conjunction with meter and roof-sign.

Roof Sign (Saloon hackney carriages only)

Present. Correct type and size for type of vehicle. Correct colours. Lettering correct size.

Roof Sign – (Wheelchair accessible vehicles only)

Present. Correct type and size for type of vehicle. Correct colours. Lettering correct size.

Advertising - bodywork

Approved. Present only on rear doors & boot area of vehicle unless approved.

Advertising - glass

Approved. Present only on top edge of windscreen.

Fare Table (Dashboard/partition)

Present. In satisfactory condition. Most recent issue.

Fare Table (Rear windows)

Present. In satisfactory condition. Most recent issue.

Bylaws

Present.

Interior Door Locks (Purpose built cabs only)

Work in conjunction with foot-brake.

Ramps

Present. Stored securely.

Tail-Lifts

Present. Correct operation.

Standard 'Exemption Notice' Conditions
Executive Hire Vehicles

General Conditions

1. The Proprietor shall notify the Council immediately in writing if there is any material change in the nature of the use of the vehicle .
2. The Proprietor shall ensure that the private hire vehicle licence identification disc issued by the council is displayed within the nearside of the front windscreen at all times.
3. The 'Exemption Notice' issued by the Head of Development, Strategy and Planning in respect of the licensed private hire vehicle shall be carried within the vehicle at all times, and presented for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
4. Other than the Council's Licence Identification Disc; the proprietor shall not display in, on or from the vehicle any advertisement, sign, logo or insignia advertising the operating company or promoting the vehicles' status as a licensed private hire vehicle, without the prior written approval of the Head of Development Strategy and Planning.
5. The Private Hire Vehicle proprietors licence identification plate issued by the council shall not be affixed to the vehicle, and shall not be displayed in, on or from the vehicle at any time.
6. The Private Hire Vehicle proprietors licence identification plate issued by the council shall be carried in the luggage compartment of the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
7. No taximeter shall be displayed within the vehicle at any time.
8. No table of fares/tariff card shall be displayed in the vehicle at any time.
9. A tariff of charges shall be deposited with the Council and shall be carried within the vehicle at all times.
10. The Proprietor shall not change the body colour(s) which were present when the vehicle was first licensed without the prior written consent of the Head of Development, Strategy and Planning.
11. The Proprietor shall ensure that the driver of the vehicle does not wear the private hire drivers licence identification badge issued by the Council or display that badge in, on or from the vehicle at any time.
12. The Proprietor shall ensure that the private hire drivers identification badge issued by the council shall be carried within the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
13. The Proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a chauffeur's uniform or business suit when the vehicle is hired.
14. The Proprietor shall ensure that the hirer shall be afforded the facility to settle accounts and/or tender direct payment by credit card, debit card, cheque or cash.

Additional Conditions

Any executive hire vehicle wishing to take advantage of the exemption limiting the window tint should not be engaged in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years). The driver must not act as the accompanying adult. Further, the Operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle with tinted windows will be supplied.

The following conditions are attached to the grant of the following driver licence:

Name of licensee:

Licence Number:

Failure to comply with the conditions may lead to action being taken against your licence.

1. Conduct Of Driver

The Driver shall:-

1. Afford all reasonable assistance with passenger's luggage
2. At all times comply with the North Tyneside Council dress code and behave in a civil and orderly manner
3. Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her
4. Not without the express consent of the hirer, drink or eat in the vehicle.
5. Not without express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
6. Drivers are issued with two badges, one to be worn around the neck. At all times when acting in accordance with this licence a badge licensed to him/her must be displayed in such a position and manner as to be plainly and distinctly visible to passengers.

The Driver shall not smoke in the vehicle at anytime, including when the vehicle is not available for hire.

2. Passengers

1. The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
2. The driver shall not allow there to be conveyed in the front of a private hire vehicle beside him/her:
 - (a) Any child below the age of three years, or
 - (b) more than one person

3. Lost Property

If any property is left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, he/her shall take it as soon as possible in any event within twenty four hours, if not sooner claimed by or on behalf of its owner to a convenient police station and leave it in the custody of the officer on his/her giving a receipt for it.

4. Written Receipts

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

5. 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 whilst the vehicle is hired and he/she shall ensure that any animal belonging to or in the custody of any passengers is conveyed in the rear of the vehicle.

6. Prompt Attendance

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

7. Deposit Of Licence

If the driver is permitted or employed to drive a private hire vehicle of which the proprietor is someone, other than himself, he/she shall before commencing to drive that vehicle deposit this 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.

8. Change Of Address

The driver shall notify the Licensing Office in writing of his/her address during the period of the licence within seven days of such change taking place.

9. Medical Fitness

You must inform the Licensing Office immediately if you suffer from a medical condition or disability or a condition or disability previously notified worsens that may alter your ability to drive a vehicle.

A driver or prospective driver who receives medical treatment or medical consultation shall confirm with their medical attendant whether they are at that time fit to undertake the duties of a private hire vehicle driver. Where any medical attendant specifies that a driver or prospective driver should not drive for a determinate or indeterminate period that driver or prospective driver shall notify the Council immediately in writing of such medical opinion.

The requirement will not apply to any temporary incapacity or treatment for the duration of which the driver or prospective driver does not intend to drive a private hire vehicle.

10. Convictions And Cautions

The driver shall within seven days disclose to the council in writing details of any conviction imposed or caution received during the period of the licence.

11. Return Of Badge

The driver shall upon the expiry, revocation or suspension of this licence forthwith return to the Council the driver's badge issued by the Licensing Office when granting this licence.

12. Taxi Meter

If a private hire vehicle being driven by the driver is fitted with a taxi meter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

13. Fare To Be Demanded

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

Code Of Good Conduct For Licensed Drivers

In order to promote its licensing objectives as regards hackney carriage and private hire licensing, the Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

1. Responsibility to the Trade

Licence holders shall endeavour to promote the image of the Hackney Carriage and Private hire trade by:

- (a) complying with this Code of Good Conduct;
- (b) complying with all the Conditions of their Licence and the Councils Hackney Carriage and Private Hire Licensing Policy; Byelaws
- (c) behaving in a professional manner at all times.

2. Responsibility to Clients

Licence holders shall:

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

3. Responsibility to Residents

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

- (a) only use the vehicle horn in accordance with the law;
- (b) keep the volume of radio/cassette/cd player and VHF/digital radios to a minimum;
- (c) switch off the engine if required to wait;
- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

At hackney carriage ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- (a) rank in an orderly manner and proceed along the rank in order and promptly;
- (b) remain in the vehicle.

At private hire offices a licence holder shall:

- (a) not allow their radio/cassette/cd players or VHF/digital radios to cause disturbance to residents of the neighbourhood;
- (b) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

4. General

Drivers shall:

- (a) pay attention to personal hygiene and dress in accordance with the Dress Code;
- (b) be polite, helpful and respectful to passengers;
- (c) drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving;
- (d) obey all Traffic Regulation Orders and directions at all time;
- (e) not smoke in the vehicle at any time ;
- (f) not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (g) not drive while having misused legal or illegal drugs;
- (h) fulfill their responsibility to ensure compliance with legislation regarding the length of working hours.

PLEASE NOTE:

ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT

THE COUNCIL WILL TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING FOUND TO HAVE CONSUMED ANY ALCOHOL OR HAVING MISUSED ANY DRUGS WHILST IN CHARGE OF A LICENSED VEHICLE.

Drivers Dress Code

The purpose of a driver's dress code is to seek a standard of dress that promotes a positive image of the hackney carriage and private hire trade in North Tyneside, to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

The dress code is not a condition of licence and will not be enforced as such, however the Licensing Authority encourages drivers to comply with the requirements.

Acceptable Standards of Dress

Tops

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

Footwear

- Footwear for all drivers shall fit around the heel of the foot.

Unacceptable Standard of Dress

The following are deemed unacceptable:

- Clothing not kept in a clean condition, free from holes and rips.
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- Sportswear (e.g football/rugby kits, track suits, beach wear etc).
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- Drivers not having either the top or bottom half of their bodies suitably clothed.

Private Hire Operators Licence
Conditions Of Licence

1. Records

- (i) The records required to be kept by the operator under Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 must be kept in a suitable book, the pages of which are numbered consecutively, or other durable recording format and the operator shall enter or cause to be entered therein **before** the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:-
- a) The time and date of the booking;
 - b) The name of the hirer;
 - c) The time of the pick-up;
 - d) The point of pick-up;
 - e) The destination;
 - f) The licence number of the vehicle allocated for the booking;
 - g) Remarks (including details of any sub-contract).
- (ii) The operator shall also keep records of the particulars of all vehicles operated by him, which particulars shall include details of the proprietors, registration numbers and drivers of such vehicles, together with any radio call sign used. The operator shall also keep records of all desk clerks employed by him/her.
- (iii) The operator shall submit to the Head of Development, Strategy and Planning in writing on or before the 7th day of each month the names and vehicle licence numbers of all proprietors, drivers and desk clerks employed or used by him during the previous month together with the dates they commenced and ceased such employment or use if this occurred during the said month.
- (iv) The desk clerk shall sign the booking sheet at the start of each duty.
- (v) All records kept by the operator shall be preserved for a period of not less than TWO years following the date of the last entry.

2. Standard Of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
- b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- c) Ensure that any waiting area provided by the operator has adequate seating facilities.
- d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

3. Complaints

The operator shall notify the Council in writing, within 7 days, of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

4. Change Of Address

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

5. Convictions And Cautions

The operator shall within seven days disclose to the Council in writing details of any conviction or caution imposed on him/her (or, if the operator is a Company, of any its Directors) during the period of the licence.

6. Operators Licence

Operators shall operate wholly from those premises specified in the licence and situated within the boundaries of the Borough of North Tyneside.

The Operator shall display the Operators Licence issued by the Local Authority in a conspicuous position at the licensed premises.

7. Special Conditions Relating To Portacabins

- (i) The operator will provide and maintain hot and cold running water and wash hand basin facilities, which will be permanently connected to the main sewage system.
- (ii) The operator will provide and maintain toilet facilities which are to be permanently connected to the main sewerage system.

Hackney Carriage / Private Hire Driver Preliminary – Questionnaire

Section 1			
Full Name			
Date of Birth		Badge No.	
Country of Birth		Place of Birth (Town & District)	
Nationality			
Current Address			
Home Tel. No.		Mobile Tel. No.	

Section 2	
Which Company are you driving for?: (or if Independent please state)	

Section 3 - Convictions and Cautions

Date	Offence	Court/Country	Conviction/Sentence/Caution
Date	Offence	Court/Country	Conviction/Sentence/Caution
Date	Offence	Court/Country	Conviction/Sentence/Caution
Date	Offence	Court/Country	Conviction/Sentence/Caution

Section 4				
Have you ever been absent from the UK for a period of more than 3 months on each occasion? (excluding time spent in HM forces)				Yes / No
If yes, please detail below the periods of absence from the UK:-				
Date		Full Address	Country	Occupation
From	To			

Please continue on a separate sheet if necessary

Section 5	
DECLARATION	
<p>I understand that this information on this document consisting of (please insert) pages will form part of my application for renewal and hereby declare that to the best of my knowledge and belief the answers given on this questionnaire are true. If any person knowingly or recklessly makes a false statement or omits any material particular in giving information he / she shall be guilty of an offence. The Council may prosecute applicants who make false statements and/or take disciplinary action against them.</p>	
<p>Signed:</p> <p>(applicant)</p>	<p>Date:</p>

Hackney Carriage Ranks

LOCATION OF RANK	TIMES	NO. VEHICLES
North Shields Metro Station, Nile Street	24 hour	4
North Shields Bedford Street	24 hour	2
North Shields Royal Quays Shopping Outlet	24 hour	4
North Shields New Quay Ferry Landing	24 hour	2
North Shields Church Way	7 pm to 3 am	6
North Shields Camden Street (Outside Magnesia Bank)	7 pm to 2 am	2
North Shields Percy Main Metro Station	24 hour	2
North Shields Coble Dene	24 hour	4
North Shields Union Road	24 hour	4
Tynemouth Metro Station	24 hour	2
Tynemouth Front Street	8pm to 8am	8
Whitley Bay Promenade (Opposite Royal Hotel)	6 pm to 3 am	4
Whitley Bay Oxford Street	24 hour	4
Whitley Bay Bottom South Parade	24 hour	10
Whitley Bay Metro Station, Station Road	24 hour	4
Whitley Bay , Park View Shopping Centre	24 hour	2
Whitley Bay , Park Terrace	8 pm to 8 am	3
Whitley Bay , Hillheads Road Outside Ice Rink	8 pm to 8 am	4
Wallsend High Street West at KFC	24 hour	2
Wallsend Atkinson Terrace, Wallsend Metro Station	24 hour	3
Wallsend Station Road at Forum,	24 hour	2
Longbenton Four Lane Ends Metro Station	24 hour	2
Northumberland Park Metro Station	24 hour	2

BYELAWS

Metropolitan Borough of North Tyneside Byelaws made under Section 68 of The Town Police Clauses Act 1847, and Section 171 of The Public Health Act 1875 by the Council of the Borough of North Tyneside, with respect to hackney carriages in the Borough of North Tyneside

INTERPRETATION

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

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

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

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

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. Every proprietor of a hackney carriage shall:-
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver
 - (b) cause any roof or covering to be kept water tight
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side
 - (d) cause the seats to be properly cushioned or covered
 - (e) cause the floor to be provided with a proper carpet mat or other suitable covering
 - (f) cause the fittings and furniture generally to be kept in a clean condition well maintained and in every way fit for public service
 - (g) provide means for securing luggage if the carriage is so constructed to carry luggage
 - (h) provide for an efficient fire extinguisher which shall be carried in such a position as to be readily available for use
 - (i) in cases of motor hackney carriage provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

4. Every proprietor of a motor hackney carriage shall cause the same to be provided with a taximeter so constructed attached and maintained as to comply with the following requirements that is to say: -
 - (a) If the taxi meter is fitted with a flag or other device bearing the words “FOR HIRE”
 - (i) the words “FOR HIRE” shall be exhibited on each side of the flag of the flag or other device in plain letters at least one and a half inches in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible
 - (ii) when the flag or the other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible

 - (b) If the taximeter is not fitted with a flag or other device bearing the works “FOR HIRE”
 - (i) the taximeter is not 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” or other indication that the vehicle has been hired to appear on the face of the taximeter

- (ii) 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 of fare which the proprietor or driver is entitled to demand and take in pursuance of the byelaw in that behalf for the hire of the carriage by distance
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare record 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 the purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
 - (f) the taximeter and all fittings thereof shall be 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 of other appliances
5. Every proprietor of a motor hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" 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 vehicle whether or not the vehicle is for hire

PROVISION 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

6. Every driver of a motor hackney carriage shall:-
- (a) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE"
 - (i) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible
 - (ii) as soon as the carriage is hired by distance and before commencing the journey bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of hiring
 - (b) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE"
 - (i) when 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 5 so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage
 - (ii) as soon as the carriage is hired whether by distance or by time or at any time when the carriage is not available operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage
 - (iii) as soon as the carriage is hired by distance and 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 words "HIRED" or other indication that the vehicle has been hired is legible on the face of the taximeter, and the machinery of the taximeter in action until the termination of the hiring
 - (c) cause the dial of the taximeter to be properly illuminated throughout any part of the 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
7. 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

8. The driver of a hackney carriage shall, when plying for hire in the street and not actually hired:-
- (a) proceed with reasonable speed to one of the hackney carriage stands appointed by the council under the provisions of Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 for his particular class of vehicle;
 - (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 the stand in Front Street, Tynemouth (at eastern end of the parking area in the centre of the carriageway opposite the junction with Hotspur Street) if the same is not already occupied by the full number of carriages authorised to occupy it, station the carriage obliquely to the line of the carriageway in the direction indicated by white lines painted upon the carriageway and on one of the vacant spaces indicated by such white lines; and
 - (d) on arriving at the stand other than one referred to in paragraph (c) above:-
 - (i) if the stand is not already occupied by the full number of carriages authorised to occupy it, station the carriage or carriages on the stand and so as to face the same direction; and
 - (ii) from time to time when any other carriages immediately in front is driven off or moved forward causing his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward
9. 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.
10. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, either with the licence granted to him by the Council or afterwards, he shall when standing, plying for hire and when hired, wear that badge in such position and manner as to be plainly and distinctly visible.
11. Every driver of a hackney carriage so constructed as to carry luggage 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 in removing it to or from the entrance to any house, station or place, at which he may take up or set down such a person
12. The proprietor or driver of a hackney carriage shall at all times when standing, plying for hire and when hired, conduct himself in an orderly manner, and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
13. Every proprietor 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 Chief Environmental Health Officer of the Council.
14. A driver or proprietor of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any persons to hire such carriage and shall not make use of the services of any other person for this purpose.
15. A proprietor of a hackney carriage shall not convey or permit to convey in such carriage any greater number of persons than the number of persons specified by the Council which number shall be legible marked or painted on the plates required by Byelaw 2(a). For the purpose of this byelaw two children each under the age of 12 years may be regarded as one person.
16. Every driver of a hackney carriage shall at all times when standing, plying or driving for hire when required by any police constable or any person hiring such carriage produce a copy of these byelaws for the perusal and inspection of such constable or person.
17. The driver of a hackney carriage shall not at anytime when driving for hire, smoke tobacco or any like substance without the permission of the person hiring and being conveyed in such carriage.

PROVISION FOR SECURING THE DUE PUBLICATION OF FARES

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

- (b) 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 or take a fare greater than that recorded on the face of the taximeter save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.
- (c) The proprietor of a hackney carriage shall:-
 - (i) cause a statement of the fares from time to time fixed by the Council under the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act, 1976 to be painted or marked on the inside of the carriage, or on a place fixed thereto in clearly distinguishable letters and figures; and
 - (ii) renew such letters and figures as often as is necessary to keep them clearly visible
- (d) The proprietor of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

PROVISIONS SECURING THE SAFE CUSTODY AND REDELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

- 19.** The proprietor or driver of a hackney carriage shall immediately after termination of any hiring or as soon as practicable thereafter and before the next hiring, carefully search the carriage for any property that may have been accidentally left therein.
- 20.** The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him
 - (a) carry it within twenty four hours, if not sooner claimed by or on behalf of its owner, to the office of the Superintendent of Police at North Shields, Wallsend or Whitley Bay and leave it in the custody of the officer in charge on his giving a receipt for it,
 - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the nearest office of the Superintendent of Police referred to in Byelaw 22(a) whichever is the greater) but not more than five pounds.

SPECIAL PROVISIONS IN RELATION TO HACKNEY CARRIAGES DRAWN BY ANIMALS

- 21.** The driver of a hackney carriage drawn by any animal or animals shall, while standing, ply or driving for hire, cause every part of the harness of the animal or animals drawing the carriage to be kept in order, so that the animal or animals shall be properly and securely attached to the carriage, and under due control.
- 22.** The proprietor or driver of a horse-drawn hackney carriage shall not, in any street, feed or allow to be fed any horse harnessed or otherwise attached to such carriage, except with food contained in a proper bag or other receptacles suspended from the head of such horse or from the centre pole of the carriage, or which is held in and delivered with the hand of the person feeding such horse.
- 23.** The proprietor or driver of a hackney carriage shall not while standing, plying or driving for hire, drive or allow to be driven, or harness or allowed to be harnessed to the carriage any animal in such condition as to expose any person conveyed or being in such carriage, or any person traversing any street, to risk of injury.
- 24.** The distance to which the driver of a hackney carriage drawn by any animal or animals may be compelled to take passengers shall be any distance along the sea front between Feathers Caravan Site, Whitley Bay to the North, and the Haven, Tynemouth to the south, provided that, on journeys from south to north, this shall include such deviations from the Sea Front Highway along Park Avenue and Park Road, Whitley Bay as are required by the Whitley Bay one way circulatory System.
- 25.** The following provisions shall not apply in respect of horse drawn hackney carriages:-

Byelaws 3(a), (b), (c), (d), (e), (g) and (i), 4, 5, 6, 7 and 12.
- 26.** Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding fifty pounds 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 therefore.