



GREAT YARMOUTH
BOROUGH COUNCIL

Licensing Committee

Date: Tuesday, 22 December 2015
Time: 18:30
Venue: Council Chamber
Address: Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

AGENDA

Open to Public and Press

1 DECLARATIONS OF INTEREST

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest arises, so that it can be included in the minutes.

2 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3 **TAXI POLICY**

3 - 115

To consider the report from the Licensing and Elections Manager.

4 **TAXI FEES**

**116 -
117**

To consider the report from the Licensing and Elections Manager.

5 **EXCLUSION OF PUBLIC**

In the event of the Committee wishing to exclude the public from the meeting, the following resolution will be moved:-

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12(A) of the said Act."

Subject: Taxi policy

Report to: Licensing Committee
EMT
Cabinet
Council

Date: 22 December 2015
Date: 4 February 2016
Date: 10 February 2016
Date: 16 February 2016

Report by: Licensing and Elections Manager

SUBJECT MATTER AND DECISIONS REQUIRED:

Prompted by changes to the duration of taxi licences following the Deregulation Act 2015 a review of the current taxi licensing policy has been undertaken.

A draft policy has been subject to consultation over a 6 week period during November and December. Several letters with comments were received during this consultation and have been considered within the policy.

Members are asked to approve the attached draft policy as the new Taxi Licensing Policy. (amendments to the existing policy are highlighted in red)

1. BACKGROUND

- 1.1 The council's current taxi policy hasn't been fully updated since 2000 and it was thought appropriate to review procedures in line with new legislation, following the Deregulation Act 2015, and current good practice.

2. DRAFT POLICY AND CONSULTATION

- 2.1 Great Yarmouth Borough Council's current policy has been amended in line with the new legislation and current good practice. The new draft policy is attached at appendix 1.
- 2.2 The draft policy has been subject to a six week formal consultation process; which has taken place between November and December 2015. Consultation was by way of letters to all consultees and publication of the draft policy on the website.
- 2.3 Several comments were received following the consultation on the draft Policy, and these have been set out in the attached document appendix 2, together with officer comments as to whether they have been incorporated into the policy.

2.4 The final policy will be considered by Full Council at their meeting on 16 February 2016.

4. RECOMMENDATIONS

4.1 That the draft policy be approved in order for the final policy to be considered at full council and published from 1 April 2016

LEGAL IMPLICATIONS:

Statutory Changes

FINANCIAL IMPLICATIONS:

None

EXECUTIVE BOARD OR DIRECTOR CONSULTATION:

Director of Customer Services has been consulted

| | | |
|---|---------------------|-----|
| Does this report raise any legal, financial, sustainability, equality, crime and disorder or human rights issues and, if so, have they been considered? | Issues | |
| | Legal | Yes |
| | Financial | |
| | Sustainability | |
| | Equality | |
| | Crime and Disorder | |
| | Human Rights | |
| | Risk Considerations | Yes |



**GREAT
YARMOUTH**
BOROUGH COUNCIL

Hackney Carriage and Private Hire Policy and Handbook

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Approved by Full Council: ?? 2015

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Introduction

This handbook is the policy document for matters relating to the licensing of Hackney Carriages, Private Hire Vehicles and their drivers and Operators. It contains the following elements

1. The Borough Council Policy for Licensing of:
 - a. Hackney Carriage Vehicles (First, Second and Third Class)
 - b. Private Hire Vehicles
 - c. Drivers of Hackney Carriage and Private Hire Vehicles
 - d. Private Hire Operators
2. The procedures for applying for, processing and issuing of such licences
3. The general conditions attached to such licences

This handbook consolidates and replaces previous policy and guidance on this matter. It has been subject to consultation and has been formally adopted by the Borough Council.

The difference between the nature of the trades undertaken by hackney carriage and private hire vehicles may not be readily apparent, but the following brief description should clarify the situation:

- **A hackney carriage** - may ply for hire from an appointed hackney carriage stand (hereafter referred to as a rank) in the District or may be hailed in the street. The fares for such journeys are controlled under the rates or fares fixed by the Borough Council and the vehicle must be fitted with a taximeter calibrated to those fares.
- **A private hire vehicle** - may only undertake journeys in response to advance bookings. The charges for such journeys are not subject to Council control and should be agreed with the client before the start of the journey.

The Borough Council has adopted the Local Government (Miscellaneous Provisions) Act 1976, Part II, Section 45; The Town Police Clauses Act 1847, Section 68 and the Public Health Act 1875, Section 171.

The Acts require that the Borough Council must be satisfied that the vehicle is suitable in type, size and design for use as a hackney carriage or private hire vehicle that it is in a suitable mechanical condition and is safe and comfortable. In the case of private hire vehicles, it is further required that they must not be of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage. Any vehicle used as a hackney carriage or private hire vehicle must have in force a current insurance policy in relation to the use of that vehicle.

In addition to the statutory requirements, the Borough Council may attach to the grant of a licence, such conditions as the Borough Council considers reasonably necessary. However, the Act specifically states that the Borough Council shall not refuse such a licence for limiting the number of vehicles in respect of which the Borough Council grants such licences.

Any requirements of legislation that affects the operations being carried out under the terms of any licence granted should be regarded as if they are conditions of that licence. Wherever there appears in this Handbook a summary of any statutory provisions, you are advised that such summary may not be exhaustive.

Details held on drivers, vehicles or Operators are held in accordance with the Data Protection Act 1998. The authority will not share details of an individual unless it is with their consent or where it is required or permitted by law.

In case of a complaint against the service provision, the Borough Council has a formal complaint procedure. See the Borough Council website or phone or visit the Borough Council offices for details of this procedure.

Glossary and definitions

Within this handbook the following expressions have effect as below

- “**Borough Council**” means the Great Yarmouth Borough Council
- “**Authorised officer**” means an officer of the Borough Council authorised in writing;
- “**Driver's licence**” means, in relation to the driver of a hackney carriage, a licence under section 46 of the Town Police Clauses Act 1847 and, in relation to the driver of a private hire vehicle, a licence under section 51 of Local Government (Miscellaneous Provisions) Act 1976;
- “**Hackney carriage**” means a carriage exposed for hire to the public, whether standing in the public street or a private yard;
- “**Hackney carriage byelaws**” means the byelaws for the time being in force in the district of the Borough Council relating to hackney carriages;
- “**Private Hire Vehicle**” is a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers. Private hire vehicles cannot ply for hire on a rank or be hailed in the street and must be pre-booked through a private hire Operator licensed by the Borough Council.
- “**Operate**” means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle;
- “**Operator's licence**” means a licence issued by the Borough Council under section 55 of the Local Government (Miscellaneous Provisions) Act 1976;
- “**Taximeter**” means any device for calculating the fare to be charged in respect of any journey in a hackney carriage by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both;
- “**Vehicle licence**” means in relation to a hackney carriage a licence under sections 37 to 45 of the Town Police Clauses Act 1847 and in relation to a private hire vehicle means a licence under section 48 of Local Government (Miscellaneous Provisions) Act 1976. Once a vehicle is licensed it remains so 24/7 and must be driven at all times by a person who holds a combined driver's licence issued by the Borough Council.

- “**Special Event Vehicle**” means a private hire vehicle exclusively used for special occasions. .
- “**Hackney Rank/Stand**” A designated place adopted by the Borough Council where hackney carriages can wait the arrival of a hirer.
- “**Notify the Borough Council**” means notify the Licensing Team at the Borough Council in writing.
- “**The District**” means the district administered by Great Yarmouth Borough Council
- “**Authorised Officer/Agent**” means An Officer so authorised or acting on behalf of the Borough Council or a Police Officer
- “**The Operator**” means the person to whom the Borough Council has granted an Operator’s Licence to which these conditions apply. In the case of a partnership, to each of the partners and in the case of a company, to each of the company directors
- “**The Vehicle**” means the vehicle subject of the hackney carriage or private hire vehicle licence to which the conditions are attached
- “**The Proprietor**” means person, persons, or body named in the licence as the proprietor of the vehicle. This includes a part proprietor and in relation to a vehicle that is the subject of a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement
- “**The Driver**” means the person to whom the Borough Council has granted a hackney carriage/private hire driver’s licence to which these conditions are attached.
- “**Nominated Garage**” means garage(s) approved by the Borough Council for the purpose of undertaking mechanical inspections
- “**Mechanical Inspection Report**” means certificate issued by the Borough Council’s Agent
- “**Licence plate**” means plate issued by the Borough Council for the purpose of identifying the vehicle as a Hackney Carriage or Private Hire vehicle

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

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

Hackney Carriage and Private Hire Licensing Policy

1. General Policy

The Borough Council is responsible for licensing all hire vehicles which operate within the district, which are provided with a driver and operate with less than nine passenger seats.

The Borough Council does not limit the number of licences of drivers, vehicles or Operators issued – all cases will be treated on their merits and in accordance with the licensing policy

There are two types of vehicle:

- public hire vehicles (hackney carriages) and
- vehicles which are only available by prior booking arrangement (private hire vehicles).

Although the description 'taxi' should only be applied to a hackney carriage any hire vehicle is usually known as a 'taxi' by the public.

Private Hire vehicles may only undertake journeys in response to advance bookings. The Council is also responsible for granting private hire Operators' licences for the premises at which these bookings are made

The Borough Council is responsible for the licensing of the drivers of both classes of vehicle.

As provided for in Section 75(2) of the Local Government (Miscellaneous Provisions) Act 1976 the Licensing requirements do not apply:

- where a vehicle is used for bringing passengers into the District where the contract for hire was made outside the District, providing the vehicle is not made available for hire within the District
- to a vehicle used in connection with funerals or wholly or mainly by a person who is a funeral director, for the purpose of funerals
- when the vehicle is being used in connection with a wedding ceremony

2. Hackney Carriage/Private Hire Drivers Licences - criteria for grant of licence

Within the scope of legislation the Borough Council ensures that all drivers are 'fit and proper persons' to be licensed by carrying out checks on an applicant's background. Council issue dual driver's licences to all successful applicants, which enables the holder to drive either a hackney carriage vehicle or a private hire vehicle provided that these vehicles are licensed by this authority

In considering new applications for Hackney Carriage/Private Hire Drivers Licences and also any breaches during the currency of a licence, the Borough Council must be satisfied that drivers are fit and proper persons to hold a Licence. In doing so, they must have regard to all convictions, police cautions, charges, driving convictions, complaints of unacceptable conduct /behaviour, breach of licence conditions and other convictions obtained during the course of a Licence. When such

circumstances occur the application may be referred to the Licensing Committee for determination.

The law states that a Council shall not grant a Hackney Carriage/Private Hire Drivers Licence unless they are satisfied:

- the applicant is a fit and proper person
- The person has been authorised to drive a motor car for at least 12 months and
- the person is authorised to drive at the time of the application

In deciding whether the applicant is a fit and proper person the Borough Council have regard to a number of factors as outlined below. Each case will be considered individually on its merits and the applicant will have the opportunity to present their case to the Licensing Committee in circumstances where a Licence cannot be automatically issued. The Borough Council does not have a limit on the number of Driver Licences issued.

In doing so, they must have regard to all convictions, police cautions, charges, driving convictions, complaints of unacceptable conduct /behaviour, breach of licence conditions and other convictions obtained during the course of a Licence, in accordance with the convictions policy. When such circumstances occur the application may be referred to a Panel of the Licensing Committee for determination.

2.1 Consideration of previous convictions

This is facilitated by the applicant jointly with the Borough Council obtaining an up to date enhanced Disclosure about the applicant from the Disclosure and Barring Service. (DBS)

The Borough Council will consider all convictions (whether spent or not) which are relevant to an application for a Licence. The Rehabilitation of Offenders Act (which provides for cautions and convictions to become spent over time) does not apply in relation to applications for taxi drivers licences

Convictions, cautions and any additional information listed on a Disclosure will therefore be considered on an individual case basis with the applicant having the opportunity to explain the circumstances to the Licensing Committee of the Borough Council when they consider the Licence application.

Guidance on previous convictions/cautions etc can be found in the “Criminal Offence Guidelines” appendix of this handbook.

.2 2 Other information as is considered necessary

The Borough Council will request and take into account such information as it considers necessary. This currently includes

- a) Medical certificate – provided by a doctor to confirm the person is fit to drive (and if so whether or not entitled to exclusions from certain activities including carriage of guide dogs and wheelchair passengers because of their medical condition)

- b) References (from 2 persons, not related to the applicant, who have known the applicant for at least 5 years)
- c) Check on driving Licence / DVLA check – all current endorsements will be considered on a case by case basis as will previous endorsements or disqualifications where relevant
- d) Local Knowledge Test - to assess the applicants driving ability and knowledge of the area

3. Conditions

The Borough Council has the power to attach conditions to Driver, Vehicle and Operator licences. The standard conditions are as set out in this handbook document. Any requirements of legislation that effects the operations being carried out under the terms of a licence shall be regarded as if they are conditions of that licence.

4. Referral to the Committee

Where an applicant or a driver is referred to Committee for consideration, they will be notified in writing of the reason and the date, time and venue of the Committee hearing. They will be advised that they may bring a representative to the hearing. The representative may be a friend, legal representative or a representative from the trade whom they wish to assist them in addressing the Committee members in support of their application/disciplinary hearing. Please note that any consultation with a representative should take place in advance of the hearing date and not just prior to the meeting. This will ensure that their case is well prepared for Committee consideration.

5. The Licensing Committee

The Licensing Committee consists of Councillors. A Chairman is appointed to supervise the Committee during the process. The Committee may be advised by a legal representative. A number of Council Officers may also attend the hearing, in an advisory capacity. However, they do not take part in the decision making process.

6. The Hearing

A number of applications and disciplinary matters could be considered on the day. Each matter will be considered on its own merits and the public will be excluded to protect confidentiality were appropriate. In these circumstances the public will not have access to the meeting unless the applicant requests that they should.

When a person is called to appear before the Committee they and their representative and any complainants will be guided to their seats. They will be asked if they have received a copy of the report regarding the circumstances surrounding their case. The Committee will already have a copy of the report. Where the case arises from a complaint, the complainant, if present, will be asked to explain their complaint to the Committee. They will then be given the opportunity to question the complainant.

They will be asked to describe the circumstances surrounding the convictions or incident concerned and asked to demonstrate to the Committee why they think they are a fit and proper person to hold a Hackney Carriage/ Private Hire Drivers Licence or why they feel disciplinary action should not be taken.

7. The Decision

When considering convictions, the Committee will have regard to the 'Guidelines relating to the Relevance of Convictions'

After hearing the evidence and representations from all parties, the Committee will make their decision, and the applicant will be informed. The person will also be advised of the decision in writing together with their rights of appeal. The Committee have a number of options which include the following:

- Grant or refuse application
- Take no action
- Issue a verbal warning
- Suspend or revoke Licence
- Apply conditions to the licence
- Require driver to complete Driver Standards Agency assessment (DSA) and/or sit the Borough Council's Knowledge test, or any other action deemed appropriate.

8. Right of Appeal

If the Borough Council refuses the grant of a Vehicle, Operator or Drivers Licence, or in the case of a disciplinary hearing, decide to suspend or revoke a Drivers Licence or any other formal action, the person will have the right of appeal to a Magistrates' Court. In the case of refusal to grant a Hackney Carriage Vehicle (Proprietors) Licence, appeal will be to the Crown Court. Appeals may be made against all or any of the conditions attached to a licence granted. Any appeal must be made within 21 days of the grant of licence or the refusal of such a licence

9. General Advice

The Licensing Committee is a formal meeting where members sit in a quasi-judicial manner. This means that the Committee has to act in a similar fashion to a Court or Tribunal. It is therefore important that persons appearing before Committee should behave and dress in an appropriate manner. If a person appears before the Committee following a complaint about their conduct, they should not attempt to speak to the complainants / witnesses prior to the meeting as this could be deemed to be harassment.

10. Serving of Notices

Sub-sections (2) to (5) of S23 of the Local Government Act 1972 shall have effect and are incorporated in the conditions for vehicles, Operators and drivers in relation to any notices required or authorised by the conditions to be given or served on the licensee by or on behalf of the Borough Council or any authorised officer.

11. Licence Compliance monitoring and enforcement

The Borough Council also has a responsibility to secure compliance with legal standards and licence conditions of the drivers, vehicles and Operators it has licensed. Enforcement covers offences related to 'taxi' legislation, drivers' behaviour, the condition of the vehicles and the investigation of complaints made by the public against any licence holder.

As well as granting and issuing licences the Borough Council also has the power to suspend or revoke licences and take Court action if necessary against any offending licence holder. Licensing and enforcement is carried out by Council officers appointed 'Authorised Officers' for that purpose and they have been issued with written authority to do so as well as having a Council identity badge.

In any cases where checks on applicants for Drivers or Operator Licences reveal any concerns about the fitness or propriety to hold such licences then the application will be referred to the Borough Councils Licensing Committee for hearing and determination. Following complaint or other investigation if information comes to light concerning breach of any Council Licence conditions then the matter may be dealt with through a Vehicle Notice **or in accordance with the Borough Council Formal Points system.**

Vehicle testing in accordance with national best practice and the requirements contained in this handbook will be undertaken by the Borough Councils appointed vehicle testing contractor as authorised agent for the Borough Council at their nominated garage.

12. Unfit Vehicle Notices

Unfit Vehicle Notices can be issued by Authorised Officers and Police Officers where vehicle defects give cause for concern.

Immediate Unfit Notices will be given if the vehicle appears to be unsafe to carry members of the public. Once a Notice is issued the vehicle must not be used for hire with immediate effect. The vehicle must be presented to either an Authorised Officer or the Borough Councils approved testing station with the faults rectified. Only after this will the Notice be lifted and the vehicle can then be used for hire.

If the Notice is not lifted within two-months, the vehicle licence will be deemed revoked.

Deferred Notices can be issued which means the vehicle can continue to be used for the time specified and the faults rectified within a specified time. When the faults are rectified the vehicle must be presented to the Borough Councils approved testing station for inspection.

13. General compliance

Any breach of the requirements of this policy, including failure to disclose information relating to convictions etc, may result in suspension or revocation of a licence or other appropriate action.

Licensing Application Process

Combined Hackney Carriage/Private Hire Driver Application

Licensing prerequisites

Applicants must:

- be a fit and proper person to hold a licence
- be over the age of 21
- hold a DVLA Driver's Licence which has been valid for the past twelve (12) months
- undertake a medical showing that the applicant is physically fit to drive a hackney carriage (taxi) or private hire vehicle
- pass a local knowledge test of the Borough

In addition to the application form, all applications for driver licences must be accompanied by the following:

- Disclosure and Barring Service form (DBS);
- Driver's Medical;
- DVLA Driving Licence – (photocard or old style paper licence)
- Code issued by DVLA
- Fees;
- Passport Size Photograph certified as being a true likeness;
- Second Class Drivers Licences only - Code of Practice Road Driving Assessment for single horse urban environment.

Procedure for obtaining a combined HC/PH driver's licence

1. First of all, applicants must take a local knowledge test. The test consists of questions on the applicant's knowledge of pubs, clubs, roads, hotels, holiday parks, schools, shops, businesses etc. The test fee is non-refundable and must be paid at the time of booking. Bookings can be made at Customer Services, Great Yarmouth Borough Council, Gt Yarmouth.
2. An 80% pass rate is required and, should an applicant fail the test, each subsequent re-test will cost a further fee. The test will be undertaken by the Licensing Enforcement Officer at the Town Hall, Great Yarmouth.
3. On passing a local knowledge test, applicants will need to complete a criminal conviction disclosure form. Before this form can be sent to the Disclosure and Barring Service (DBS), confirmation of identity is required. See "Documents required for completing a Disclosure and Barring Service (DBS) Check".
<https://www.gov.uk/government/organisations/disclosure-and-barring-service>
Applicants are required to declare all convictions on their application form (not just driving convictions. The Licensing Officer will counter sign the conviction check form and send to the DBS. The completed conviction check will be returned direct to the applicant and should be presented to the Licensing Team.
4. For applicants whose previous residence is outside the UK, it will be necessary to obtain a Certificate of Good conduct from their embassy or

- home country. The Certificate of Good Conduct must be in English and provided at the applicant's own expense. This is in addition to the Enhanced Disclosure and Barring Service check. Once licensed, an enhanced Disclosure and Barring Service check must be produced every three years.
5. A check will need to be carried out to ensure that an applicant's DVLA driving licence is valid. The applicant will need to register on line at <https://www.gov.uk/view-driving-licence> and submit the code to the Licensing Section. Please note that this code is only valid for 21 days, therefore should not be obtained until the applicant has completed and received all relevant documents. If you do not have access to the internet, help will be available at reception in the Town Hall.
 6. Once the applicant has presented the DBS disclosure to the Licensing Team, they will be sent a drivers application form and a prescribed medical certificate for a doctor to complete. It should be noted that the cost of the medical is borne by the applicant but the fee charged is at the discretion of the doctor.
 7. To complete the application for a Hackney Carriage/Private Hire Driver's Licence, the applicant will need to provide the following:
 - (a) A DVLA Driver's Licence which has been valid for the past twelve (12) months and the DVLA code.
 - (b) The completed medical certificate issued within fourteen (14) days prior to the application being made that the applicant is physically fit to be a hackney carriage/private hire driver.
 - (c) One passport size photograph.
 - (d) The completed application form, together with the prescribed licence fee
 8. Providing the conviction check is clear and the DVLA check is satisfactory, a licence will be issued within 2-3 days. If any convictions have been disclosed, a meeting will be arranged with the applicant and the Licensing Enforcement Officer. The officers will decide whether the licence can be issued or whether to refer the application to the Licensing Committee for their determination

Driver's Licences (Second Class Hackney Carriages) additional matters

All applicants will be required to undertake and pass a knowledge test relating to animal welfare. (The required pass rate will be 100%).

Disclosure and Barring Service (DBS) Disclosures

Applicants that already have a disclosure and have signed up to the online update service must provide the original disclosure certificate and the unique online reference number so the Borough Council may access their record online.

You will be required to provide us with a new Disclosure and Barring Service check every 3 years unless your licence expires beforehand, or you have signed up for the online update service. Should you wish to re-apply you would be required to submit a new DBS disclosure.

Information revealed on a DBS Disclosure will only be used for the purpose of determining an application in relation to hackney carriages or private hire licensing.

Convictions

The public are entitled to have the utmost confidence in drivers of taxis and private hire vehicles and the Borough Council must ensure that only fit and proper persons obtain a drivers' licence.

The Borough Council has adopted a policy on convictions in relation to taxi and private hire vehicle drivers. It is recommended that persons with convictions read the policy before applying for a licence. [see Appendix IV] They may also wish to speak to the Licensing Officer for advice.

Applicants for taxi and private hire licensing are exempt from the Rehabilitation of Offenders Act 1988. Therefore all convictions, regardless of how long ago may be taken in consideration when determining applications.

Driver's Medical

A medical will be required upon initial application and must be carried out by a registered Medical Practitioner. **The medical standard required will be that of a Group 2 driver (DVLA Drivers Medical Group) the same standards that are applicable to other professional drivers.** The driver's application pack contains the medical form, which your doctor will be required to complete. Subsequent medicals will be required at age 45, then every five years after the age of 45 and then annually from the age of 65 years. A driver under the age of 65 with a controlled medical condition may also be required to undergo a full medical annually.

Medicals can be obtained either by going to your family GP or from a central agency, (for example, Abermed or Examinair.) Applicants will need to pay for this service direct to the provider - there is no standard fee for this service.

If you have a Group 2 medical for other purposes (i.e. HGV or PSV Licence) it may be able to be used for your taxi driver's licence. Please discuss this with a member of the licensing team

DVLA Driving Licence & DVLA code

You will need to supply your DVLA driving licence with your current address. Holders of Photo-card only driving licences are required to supply the photo card and holders of old style paper licences are required to provide their paper licence. There is a form in each application pack which must be completed and signed allowing officers to check your DVLA licence is valid.

Please note: If you have 9 or more current penalty points and/or any previous convictions appear on your DVLA driving licence we may refer your application to the Licensing Committee to ascertain whether you are a 'fit and proper' person to hold a licence.

Fees

Applications with all the relevant supporting documentation will not be accepted without the appropriate fee. Any licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

Knowledge Test

You will need to pass the Borough Council's Knowledge Test as part of the application process. The test will include questions on Licensing Conditions, the Highway Code, knowledge of the area and literacy and numeracy and it will be conducted by Licensing officers at the Borough Council.

Issue of Licence

A Combined Driver's Licence shall be valid for a maximum term of three years (unless a shorter period is deemed appropriate by the Borough Council).

Combined Driver Licence renewals will be accepted up to one calendar month before they are due to expire.

CONSULTATION DRAFT

Licensing Application Process

Private Hire Operators Licence Application

Any person who receives bookings or has contracts for the hire and reward for a private hire vehicle is required to hold an Operator's licence.

The application must be accompanied with a list of vehicles and drivers used by the Operator together with the fee.

An Operator must be a 'fit and proper person' and is therefore subject to a DBS check (see above). The applicant for the grant of a new licence will need to obtain a criminal records disclosure to enhanced level as an aid to establishing if an applicant is a suitable person to hold an Operator's licence. If a Combined Drivers Licence is held an additional criminal record check will not be necessary unless the DBS Disclosure is out of date (i.e. older than 3 years).

The applicant must make a declaration (by means of a form or questionnaire provided for the purpose) as to any criminal or motoring convictions recorded or pending against him/her in order to confirm that the applicant is a fit and proper person to hold a licence

An Operator's Licence shall be valid for a maximum term of five years (unless a shorter period is deemed appropriate by the Borough Council).

Licence renewals will be accepted up to one calendar month before they are due to expire.

CONSULTATION DRAFT

Licensing Application Process

Vehicle Application

Licensing prerequisites

The following will be checked before a vehicle licence is issued:

- A satisfactory vehicle inspection report following an inspection by an Authorised Officer/Agent of the Council (to include towing and the carriage of the number of wheelchairs for which the vehicle is adapted, if necessary)
- A current vehicle insurance certificate or cover note
- There should be a valid excise licence for the vehicle.
- The registration document (V5) and/or proof of purchase
- A full vehicle registration document must be produced at the grant of a licence, or as soon as is reasonable - and following any change to the original document.
- Proof that the vehicle has current MOT (Hackney Carriage vehicle require MOT at one (1) year old, Private Hire require MOT at three (3) years old.)
- A duly completed Council's application form
- Payment of the correct licence fee and any outstanding charge(s)

Registration Document or Bill of Sale. For initial applications only you will need to prove that you are the lawful keeper of the vehicle by providing an original copy of the vehicles V5 (vehicle registration document). A bill of sale (receipt) for that vehicle may be produced if the V5 is not available but the bill must include the date of first registration and the original V5 document must be produced within a calendar month.

Insurance Certificate. To enable us to licence a vehicle we require sight of an original valid insurance policy, and schedule or cover note for that vehicle covering the vehicle for Private Hire and/or Hackney Carriage work. Faxed or email copies of insurance documents are acceptable provided it is sent direct from the insurance company.

Vehicle Inspection/MOT. All vehicles licensed by the Borough Council require inspection at an approved garage (a list of approved garages can be found on the vehicle application form). [see Appendix V]

Suitability of vehicles for licensing

The Borough Council will not grant or renew a licence unless satisfied that the vehicle is suitable to be a licensed vehicle, is in a suitable mechanical condition, safe and comfortable. Only vehicles which meet the following specification will be considered for licensing

Vehicle Specification - Generally

- motor vehicles constructed or adapted to seat not more than eight (8) passengers. If you wish to licence a vehicle with above eight (8) passengers, you must contact the Traffic Commissioner's Office;
- The general policy is not to accept vehicles exceeding nine years of age on initial registration, or on subsequent renewals. In the case of purpose built vehicles, the age limit shall be nine years on initial registration, or ten years with wheelchair access, with no renewal limit providing the Council's licensing conditions continue to be complied with (The age of the vehicle to be taken from the vehicle registration document)
- **Hackney Carriage Vehicles which have petrol or diesel engines must have an engine size of at least 1.4l (1400cc);**
- Hackney Carriage vehicles that are London type vehicles must have at least two doors for the use of passengers travelling in the vehicle, neither being the door used by the driver. Normal saloon type vehicles must be fitted with four road wheels.
- Other vehicles may be plated as private hire vehicles where recommended by the Borough Council's Authorised Testing Agent and confirmed by the Borough Council's Authorised Licensing Officer
- Hatchback type vehicles – the hatch will not be considered or counted as a door for means of entry or exit;
- The seating capacity of a vehicle will be determined as follows: o where separate seats for each person are provided, one person shall be counted for each separate seat; o where the vehicle is fitted with continuous seats, one person shall be counted for each completed length of 40.7cm (16") measured in a straight line along the front of each seat. Where continuous seating is fitted with arms for separating the seating spaces and they can be folded back or put out of use, the seats shall be measured as if the arms had not been fitted; any passenger(s) carried in the front of a vehicle must have separate seat(s) from the driver; the number of seats for which the vehicle is to be plated will be decided by the Borough Council's Authorised Officer/Testing Agent and will be based upon the items above and the bylaws. Any additional seating in the vehicle must be removed and the fixings plated over to prevent re-instatement, before the grant of a licence; wheelchair accessible vehicles will have the seating capacity determined for fixed seating and separately for passengers carried in wheelchairs.
- all passenger seats must face forward or rearward to the direction of travel;
- luggage space must be a minimum of 0.5 m³ and be physically separated from the passenger seating;

- all motorised vehicles must be equipped with an operational fire extinguisher and a first aid kit (to comply with Health & Safety (First Aid) Regulations 1981);
- no vehicle will be granted a licence if it is licensed in another District due to the problems of meeting the variance in conditions applied in different Districts and the enforcement of those conditions in cases of non-compliance (i.e. signs, meters, suspensions or revocation)
- The vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior) - any lift-up tailgate shall not be included; or a vehicle shall have three side opening doors (designed for the purpose of permitting persons access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons access to/from the interior). **Vehicles constructed with less than 4 doors may be considered for licensing as Private Hire Vehicles or Special Event Vehicles.**
- Any vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety.
- Other than a vehicle classed as a special event vehicle the vehicle must be right-hand drive.
- **The vehicle must have European Community Whole Vehicle Type Approval (ECWVTA) and must show category M1 on the V5C/logbook.**
- **If the requirements in Condition above cannot be satisfied, or if the vehicle has been altered from the original manufacturers specification, then a Driver and Vehicle Standards Agency (DVSA) Individual Vehicle approval (IVA) or Voluntary Individual Vehicle Approval (VIVA) inspection must be undertaken and a satisfactory report produced.**
- In the case of a Private Hire vehicle its appearance must not lead people to believe it is a Hackney Carriage Vehicle.
- The vehicle must have seats with a minimum width of not less than 400mm per person.
- The vehicle shall be fitted with appropriate seatbelts to the front and rear seats of the vehicle.
- All wheelchair accessible vehicles shall be properly equipped with properly mounted fittings for the safe securing of a wheelchair and a passenger seated in it, when carried in the vehicle.
- If a mechanical hoist is fitted to the vehicle this will be required to be inspected annually by the manufacturer or his approved agent and a certificate produced to that effect.
- Estate versions of saloon vehicles fitted with seats in the rear luggage compartment will be licensed for a maximum of 4 passengers.
- Tinted Windows. - No glass, with the exception of a tinted sun-strip along the top of the windscreen, shall be tinted to such an extent as to obscure the view of the inside of the vehicle under normal workshop lighting conditions from a distance of 4 metres. Stretched Limousines are exempt from this requirement.

First Class Hackney Carriage Vehicles Specification

(for new applications received from January, 2005)

- General Construction
 - Any new plate shall be a brand new purpose built vehicle for the performance as a Hackney Carriage which has been fully tested to M1 category. Such vehicle cannot be replaced unless it is replaced with at least an equivalent but newer purpose built model.
 - All vehicles shall be so constructed as to facilitate the carriage of people with disabilities and must be capable of accommodating a person in a wheelchair in the passenger compartment, provided the wheelchair fits within the dimensions specified in paragraph 2 below.
 - Suitable means shall be provided to assist persons to rise from the rear seats with particular attention to the needs of people with disabilities.
 - Grab handles shall be placed at door entrances to assist the elderly and people with disabilities.
- Wheelchair facilities
 - Approved anchorages shall be provided for wheelchairs. These anchorages must be either chassis or floor linked and be capable of withstanding stresses to a dynamic deceleration test of 15g peak at 20 mph. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
 - The door and doorway shall be so constructed as to permit an unrestricted opening across the doorway of at least 75 centimetres. The minimum angle of the door, when opened, must be 90 degrees.
 - The clear height of the doorway shall not be less than 120 centimetres.
 - The outer edge of the floor at each entrance must be fitted with non-slip treads.
 - The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.3 metres.
 - A ramp or ramps for the loading of a wheelchair and occupant shall be available at all times for use at the rear nearside passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stored safely when not in use.
- Steering - the steering wheel shall be on the offside of the vehicle.
- Interior Lighting - Adequate lighting shall be provided for the driver and passengers. Separate lighting controls for both passenger and driver must be provided. In the case of the passenger compartment, an illuminated control switch must be fitted in an approved position. Lighting must also be provided at floor level to each passenger door and be actuated by the opening of the doors.
- Driver's compartment

- The inside of the vehicle shall have a partially glazed partition separating the passengers at the rear of the vehicle, from the driver. The front seat(s) of the vehicle will be included in the number of passengers allowed to use the vehicle; however, these seats shall be used at the driver's discretion in order to maintain the safety of the driver. When these seats are not to be used, the number of passengers carried should be reduced accordingly.
- The driver's compartment shall be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
- The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.
- Every vehicle must be provided with an approved means of communication between the passenger and driver.
- **Windows**
 - Windows shall be provided at the sides and rear.
 - Passenger door windows must be capable of being opened easily by passengers when seated. The control for opening a door window must be clearly identified to prevent being mistaken for any other control.
- **Heating and Ventilation** -An adequate heating and ventilation system shall be provided for the driver and passengers and means provided for independent control by the drivers and passengers.
- **Door fittings** -An approved type of automatic door locking device shall be fitted to passenger doors. When the vehicle is stationary, the passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism. The interior door handle must be clearly identified to prevent being mistaken for any other control.
- **Floor covering** -The flooring of the passengers' compartment must be covered in non-slip material which can easily be cleaned.
- **Luggage** - Provision shall be made for the carrying of luggage

Landau and Second Class Hackney Carriages Specification

Only vehicles meeting the following specification will be considered for licensing:

- A landau of traditional construction and appearance having spoke wheels and solid rubber tyres with a door on each side of the carriage. A drop down hood in two sections, meeting in the middle when closed and having rigid glass or plastic windows.
- A carriage with one door only at the rear, having spoke wheels and solid rubber tyres. The hood being in one piece, closing from front to rear, with no rigid windows.

Pedicab and Third Class Hackney Carriages Specification

Only vehicles meeting the following specification will be considered for licensing:

- Purpose built Tricycle rickshaws fitted with at least 2 passenger seats

Cosmetic Appearance Standards

- Exterior Bodywork and Wheel trims - The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer. Wheel trims must be fitted to all road wheels where part of the manufacturer's original specification
 - Rust - Any vehicle presented should be free from any visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed - any vehicle with more than three visible rust patches should be failed.
 - Dents - For the purpose of these conditions, the Council defines the term 'dent' as 'Any deviation from the manufactured contours of the vehicle's body work, including all trim'. Any vehicle with any dents on three or more panels should be failed.
 - Scratches - Any vehicle with un-repaired scratches on three or more panels should be failed.
- Upholstery - All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable other than 'fair, wear & tear'. Upholstery includes seats, headrests, armrests, carpets and other trim.
- Ventilation - All vehicles shall have suitable and adequate ventilation.
- Fittings - All fittings shall be properly maintained and in good working order. Fittings include clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fitments where the vehicle is to be licensed to carry wheelchair bound passengers.
- Roof and Floor Coverings - These should be clean and in good condition, ~~with no tears, or other damage.~~ complete and free from cuts, tears or major soiling
- Seats - In conventional vehicles where it is intended that the licence shall be for four (4) passengers, the rear seat must be at least 122cm (48") in width. All seats shall have a minimum of 40cm (16") per person and complies with the Road Vehicle (Registration and Licensing) Regulations 1971. All seats, including the driver's must be free from cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.
 - Headlining and Other Trim - All interior trim, including headlining, shall be clean, complete, properly fitted, and free from serious cuts, tears or major soiling.
 - Window Operation - All windows that by manufacture are made to open should be maintained to be easily operable by any passenger.
 - Boot/Luggage Compartment - This should be empty except for a spare wheel, essential tools and a first aid kit. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.

- Interior - The interior must be kept clean, tidy and free of any litter or rubbish.

Vehicle Inspection

The inspection is to determine that the vehicle is in roadworthy condition and meets the standards required by the Borough Council to be a licensed vehicle; in accordance with national best practice and the requirements contained in this handbook. [see Appendix V]

No vehicle shall be first licensed or re-licensed unless the vehicle has passed the vehicle inspection at one of the Borough Council's approved testing stations. All Hackney Carriage & Private Hire vehicles after 5 years (date as shown on DVLA V5 registration document) shall have a vehicle compliance test at an approved Vehicle Testing Station every 6 months.

The Borough Council will not grant/renew a vehicle licence unless the person examining it (on behalf of the Borough Council) has confirmed that it meets the standards specified in this Handbook and, at the same time, the vehicle has been certified roadworthy to MOT standard and has a current MOT certificate.

Vehicles of a class that are not subject to 'EU Type approval' and are being tested for the first time will be additionally tested to ensure tyres and any other aspect of the vehicle are safe and mechanically sound for the benefit of passenger.

Costs of such testing is payable by the person wishing to licence the vehicle. In addition the history of the vehicle may be taken into consideration when determining whether the vehicle should be licensed.

The 6 monthly compliance test certificate required for vehicles over 5 years old (see above) must be produced to the Borough Council within 7 days of the date of the test. Tests can be carried out by an approved testing station up to one calendar month before the 6 monthly point of the licence.

A vehicle which fails an inspection/safety check during the currency of a licence with The Borough Council will have the fault(s) rectified and the vehicle re-inspected at the same testing station within 2 months of the original inspection – failure to do so will lead to the automatic revocation of the vehicle licence.

A vehicle may be inspected by an authorised officer of the Borough Council or a Police Officer, at any reasonable time. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give written notice to the proprietor/Operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified and the vehicle licence may be suspended until the authorised officer or police officer is so satisfied. If the authorised officer or police officer is not satisfied within two months of the initial inspection the Vehicle licence shall be deemed revoked. An authorised officer or police officer may permit other persons to examine the vehicle on their behalf (e.g. DVSA).

The vehicle must be inspected and a satisfactory report issued by the Borough Councils appointed testing agent within one month preceding the application for a vehicle licence or renewal of a vehicle licence.

The requirement for Inspection applies to all vehicles, including those newly registered.

All vehicles being presented for testing at the approved Borough Council testing station shall be in clean condition to allow the tester to inspect the vehicle. The tester may refuse to test a vehicle that does not conform to this requirement.

Issue of Licence

If all the prerequisites and all conditions are met and are satisfactory, the Licence will be granted and will be valid for one (1) year from the date of issue. Except in the case of a vehicle replacement as detailed below.

Annual Renewal

Vehicle renewal applications will be accepted up to one calendar month before they are due to expire providing the MOT certificate is no more than one calendar month older than the renewal date. Vehicle licences will not be granted an earlier renewal date than their current expiry date. Vehicle Registration documents (V5C) are not required to be produced upon renewal of a vehicle licence, providing there has been no material changes to that vehicle/document during the preceding licence period.

- vehicles must comply with all prerequisites
- applications must be made in good time to enable all formalities to be completed
- no licence will be issued unless the application is complete with all documents, information and the payment required. Incomplete applications will be returned to applicants
- applications made after the expiry date will be considered as new applications and not a renewal

Other than insurance documents sent by email or fax direct from the insurance company all documentation must be originals. Photocopies, scanned or fax copy in other circumstances is not acceptable under any circumstances

Vehicle Replacement

Where a licensed vehicle is off the road due to accident damage, subject to satisfactory documentary evidence being produced to the authorised officer, the Borough Council will allow a replacement vehicle that meets the Borough Council's criteria for a hackney carriage/private hire vehicle.

Once repaired, a new vehicle inspection report may be required

A replacement vehicle must have a current certificate of insurance or cover note which covers the use of the vehicle.

Insurance

It shall be the responsibility of the proprietor of a licensed vehicle to produce proof of continuous insurance cover. The insurance proof is to be reviewed by the licensing authority within seven days of the expiry of the preceding certificate or cover note.

If the proprietor fails to produce a certificate of insurance cover on request he shall produce it forthwith or within seven clear days of the request to an authorised officer of the Borough Council. Failure to comply may result in the immediate suspension of the vehicle licence by authorised officers using delegated authority. The suspension will remain in place until a satisfactory certificate of insurance is produced.

Exceptions to Age Requirement

Special Event Vehicles are exempt from the general age policy and will be considered on their individual merits by the testing station authorised to test special event vehicles.

Altered Vehicles

Any vehicle which has been altered from the original manufacturers specification, re-registered or has been an insurance loss (categories C and D only) shall only be considered for licensing if the vehicle has been subjected to a satisfactory IVA or VIVA test (engineers report) from the Driver and Vehicle Standards Agency (DVSA) Vehicles without a DVSA engineers report will only be considered for licensing if they have been built to the manufacturers original specification. The IVA test is appropriate for vehicles not previously registered in the UK, and a VIVA for vehicles registered in the UK that need to prove compliance.

Category A and B write offs will not be considered fit for licensing.

LPG Conversions for existing licensed vehicles

Any vehicle proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Borough Council of such change and comply with the following conditions.

- LPG systems must be fitted in accordance with LPGA Code of Practice
- That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.
- If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely placed in a position not obstructing the entire luggage space.
- The proprietor of the vehicle must notify DVLA Swansea of the change in fuel from petrol to both LPG and petrol.
- The vehicle must be annually serviced by a person competent in LPG powered vehicles.

Vehicles Powered by Liquid Petroleum Gas (LPG) - New applicants

An applicant for a licence involving a vehicle which has been converted to run on LPG will be required to produce, prior to a licence being issued, a certificate stating that the LPG system has been fitted in accordance with LPGA Code of Practice 11.

The vehicle will be required to undergo an annual service by a person competent in LPG powered vehicles in addition to the Borough Councils Inspection

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the storage of a reasonable amount of luggage and any spare wheel displaced as a result must be stored in a location that does not impinge on the passenger carrying area of a vehicle.

Wheelchair Accessible Vehicle Specifications

Wheelchair Occupant Space

A wheelchair space shall not be less than:

- 1200mm measured in the longitudinal plane of the vehicle
- 750mm measured in the transverse plane of the vehicle
- 1300mm measured vertically from any part of the floor of the wheelchair space.

A wheelchair space shall allow the carriage of a wheelchair and a wheelchair user.

Lifts/Ramps

Access to the vehicle must be possible from the road or pavement either by a lift or ramp. Any power-operated device must be capable of manual operation in the event of a power failure. The boarding device must have a safe working load of 300kg and operate under normal loading conditions without undue deflection.

Ramps - A ramp should be of slip resistance material and at least 750mm in width. The ramp should be capable of being deployed both onto the road and onto a 125mm high kerb. The ramp when deployed should be securely located at the point of entry to the vehicle. For side loading the ramp when deployed to the pavement should not exceed a slope of 1:4. For rear loading the ramp when deployed to the road should not exceed 1:4. When not in use the ramp should be securely stored in such a manner as not to block any of the vehicle doors and not to present a hazard to the vehicle occupants.

Lifts - The lift platform must be not less than 750mm in width and not less than 1200mm in length. The ramp should be equipped with a device to prevent the wheelchair rolling off and should operate at a vertical speed of less than 0.15m/s.

Wheelchair securing mechanism anchorage - A 4 point anchorage system must be fitted, comprising two for attachment at the front of the wheelchair and two at the rear of the wheelchair, in accordance with ISO 10542-2.

Wheelchair securing mechanism - A suitable securing mechanism must be provided to secure the wheelchair in position and the wheelchair should be locked in place before the journey commences. The occupant of the wheelchair must be provided with an occupant restraining system (seatbelt).

Wheelchair accessible hire vehicles

There are a growing number of wheelchair accessible vehicles which are licensed by the Borough Council. All new Hackney Carriage Vehicles registered with the Borough Council must be wheelchair accessible.

The Borough Council welcomes views and information from the public regarding their needs for wheelchair accessible vehicles, the availability of currently licensed vehicles or what would help to provide an efficient 'taxi' service for people with physical disabilities.

CONSULTATION DRAFT

Conditions relating to Drivers Licences

1. Appearance

- the Driver shall be clean and tidy in appearance
- the Driver shall at all times be dressed in a manner not to cause embarrassment to members of the public and in particular, but without prejudice, to the generality of the foregoing:
 - shall wear smart casual or business dress, which includes tailored knee length shorts and smart jeans
 - shall not wear - swimming costumes; sleeveless vests or singlets; ripped or torn jeans; cut-down shorts; T-shirts containing any printing of an offensive or inflammatory matter

2. Permitting or Employing any other Person to Drive

- Before any proprietor of a vehicle permits or employs any person to drive his/her vehicle, he/she shall ensure that the vehicle is adequately insured for that person to drive and produce evidence of that insurance for inspection by any person permitted or employed to drive
- If the proprietor of a vehicle permits or employs any other person to drive his/her vehicle, he/she shall, before the person commences driving, cause the driver to give him/her Licence to Drive for retention until such time as the driver ceases to be permitted or employed to drive a licensed vehicle owned by the proprietor

3. Receipts

Any passenger requesting a receipt for any payment made, must be provided with a receipt showing the date, fare paid and must be signed by the driver. This shall be in such a form as to identify the company or individual providing the receipt.

4. Conduct

- the Driver shall behave in a professional, courteous, civil and orderly manner at all times
- the Driver shall take all reasonable precautions to ensure the safety of persons conveyed in, entering or alighting from the vehicle
- the Driver shall at all times when operating, wear the badge provided by the Council in such position as to be plainly visible
- the Driver shall not smoke in the vehicle at any time **The use of Electronic Cigarettes (e-cigs), Personal Vaporizers (PV) and Electronic Nicotine Delivery Systems (ENDS) is also prohibited at all times.**
- eating or drinking in the vehicle without the express consent of the passenger(s) is not permitted
- the Driver shall not cause or permit the noise emitted by any radio or other equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle

- When hired to drive to a particular destination, a driver shall (subject to any directions given by the hirer) proceed to that destination by the shortest available route.

5. Prompt Attendance

The Driver who has agreed or has been hired or he/she has otherwise been instructed by the Operator or proprietor of the vehicle to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place

6. Number of Passengers

- The Driver shall not convey in the vehicle a greater number of persons than the number of persons specified in the vehicle licence and on the plate affixed to the outside of the vehicle, regardless of the age of any passenger carried
- The Driver shall not convey in the front seat, any child below the age of twelve years, unless that child is wearing a suitable restraint and not more than one person in that seat
- The Driver shall not, without the consent of the hirer, permit any other person to be carried whilst hired

7. Death of a Passenger

Any driver, who knowingly carries in the vehicle, the dead body of any person shall immediately thereafter notify the fact to the Borough Council Licensing Team:

8. Luggage

The Driver of a vehicle so constructed as to carry luggage shall, when requested by a person hiring the vehicle:

- convey a reasonable amount of luggage
- afford reasonable assistance in loading and unloading
- afford reasonable assistance in removing it to or from the entrance of any building, station or any place at which he may take up or set down such person

9. Lost Property

- the Driver shall immediately after the termination of any hiring of a vehicle or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there
- any property accidentally left in a vehicle by any person who may have been conveyed therein that is found by or handed to the driver, unless it is sooner claimed by or on behalf of its owner, shall be taken within 24 hours to the nearest police station and left in the custody of the officer in charge

10. Touting and Soliciting

The Driver shall not, whilst driving or in charge of a private hire vehicle:

- tout or solicit any person to hire, or be carried for hire in any private hire vehicle

- cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle
- ply for hire or appear to be plying for hire by offering a vehicle for immediate hire while they or that vehicle are on a road or other public place;
- **accept an offer for the immediate hire of a vehicle while they or that vehicle are on a road or other public place except where the offer is first communicated to the driver in person by telephone or vehicle radio without him / her in any way procuring the offer.**

In this condition "road" means any highway and any other road to which the public has access and includes bridges over which a road passes.

11. Deposit of Licence

- If a driver is permitted or employed to drive a vehicle of which the Operator is someone other than himself/herself, he/she shall, before driving that vehicle, deposit his private hire licence with that Operator for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle
- The Operator must return such licence to the driver when he ceases to drive any vehicle operated by that Operator

12. Fare to be demanded

The Driver shall not demand from any hirer of a private hire vehicle a fare in excess of that previously agreed for the hiring between the hirer and the Operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the taximeter. Journeys shall be by the shortest or most direct route unless requested otherwise.

13. Change of Address

The Driver must inform the Council of any change of address, in writing, before the change of address, where possible, but not more than seven (7) days after in any case of such a change.

14. Convictions/Criminal Offences/Serious Illness

- The driver shall notify the Borough Council in writing if he/she receives any summons, charge, conviction, caution, formal or informal notice, County Court Judgement or fixed penalty notice within seven days of receiving such. The written notification should include the following details:
 - Offence / alleged offence;
 - Date, place & time of offence/alleged offence;
 - Whether acting as a hackney/private hire;
 - If motoring offence:
 - whether paying passengers carried;
 - speed or alleged speed;
 - speed limit for road;

- Punishment e.g. amount of fine, number of penalty points issued etc.
 - whether speed awareness course undertaken
- The Driver must immediately inform and in any case within seven (7) days, disclose to the Council in writing, details of any serious illness or any change in medical fitness to drive during the period of his licence
 - The Council will have the power through its Authorised Officer/Agent to take drivers off the road in serious criminal offences pending Licensing Committee hearing and in cases of serious illness especially any change in medical fitness to drive
 - For the avoidance of doubt such disclosure is made when it is received by the Licensing Manager in writing. The onus is on the driver to ensure the disclosure is received accordingly. The driver making a disclosure should obtain a receipt or other proof that the Council has received the information
 - If a Driver accrues 9 or more points in a 3 year period on his/her DVLA driving licence, they will be required to appear before a the Licensing Committee in order for their continued suitability to hold a driver's licence to be assessed.
 - Any driver who receives, during the currency of their licence, a conviction for drink driving may automatically have their licence suspended by an Authorised Officer and will be required to appear before the Licensing Committee for consideration of revocation of their licence.
 - Depending on the circumstances or the number of penalty points accrued on their DVLA driver's licence, drivers may be referred to the Licensing Committee. In doing so, the Committee must have regard to all convictions, police cautions, charges, driving convictions, complaints of unacceptable conduct/behaviour, breach of licence conditions and other convictions obtained during the course of a Licence.
 - Drivers should be aware that if they fail to comply with this requirement it may prevent the Borough Council from renewing their driver's licence under delegated authority.

15. Badges

The Driver's badge must be worn in a position where it may be seen at all times. The driver shall upon expiry (without immediate renewal), revocation or suspension of his licence, forthwith return to the Council the driver's badge issued to him by the Council. Driver badges remain the property of the Council at all times.

A driver shall not damage or deface a driver's badge nor allow any other person to do so.

In the event of a disqualification from driving, a driver shall immediately inform the Borough Council and return their driver's badge.

16. Operators

All drivers are responsible to check that the Operators through whom they are working has a current Operator's licence.

The driver shall notify the Borough Council in writing of any change in the private hire Operator he/she is working under the control of within 7 days of the change taking place.

17. Carriage of Animals

- The driver shall not convey in any vehicle any animals belonging to or in the custody of himself or the proprietor or Operator of the vehicle
- Any animal belonging to or in the custody of any passenger (other than an assistance dog) may be conveyed in a vehicle at the discretion of the driver
- No driver (unless they hold an Exemption certificate) may refuse to carry a Guide, Hearing, and other assistance dogs – Dogs for the Disabled, Support Dogs, Canine Partners for Independence - that is in the charge of a fare paying passenger. No charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person training such a dog and the dog should be allowed to remain with the passenger
- Any driver with a medical reason for not complying with this condition must obtain a medical certificate from a registered medical practitioner to exempt him. An application must then be made to the Council for an Exemption Certificate. A payment for such certificate(s). All vehicles and drivers must comply with the requirements of the Disability Discrimination Act 1995 in respect of carrying assistance dogs

18. Driving licence

A driver shall produce their DVLA driving licence for inspection by an authorised officer annually and at any point during the period of the licence (within 7 days of request).

19. Breakdowns

In the event of a breakdown during a hiring, the driver shall ensure that alternative arrangements are made for passengers to continue their journey.

20. Passenger Transport Badge Holders

If a licensed driver holds a badge with a County Council to carry passengers on school or other contracts, and that badge is suspended or revoked by the County Council, the driver shall notify the Borough Council, in writing, within 72 hours.

21. General Licence Conditions

All drivers shall operate strictly within the terms of any licence issued by the Borough Council.

Any requirements of legislation, which effects the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.

It is the driver's responsibility to provide the following information throughout the term of their licence:

- (a) DBS check every 3 years
- (b) Annual DVLA check

(c) Medical Certificate in accordance with conditions

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act shall be guilty of an offence and liable on summary conviction to a fine. In addition to such action, whether or not resulting in criminal proceedings being taken, may lead to the suspension or revocation of an existing licence or refusal to renew such a licence.

CONSULTATION DRAFT

Conditions relating to Operators Licences

1. Records to be kept by the Operator

- records required to be kept by the Operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, folder or other means approved by the Council, and produced for examination or on demand by an Authorised Officer/Agent or Police Officer
- the Operator shall enter in the record book, before the commencement of each journey, the following particulars of every booking invited or accepted by him
 - name and contact details of the hirer
 - location of the pick-up point
 - location of the destination
 - time the pick-up is required
 - time the booking was made
 - fare agreed and other details of booking
 - licence number of the vehicle and driver completing the hiring
- the Operator shall keep records of the particulars of all vehicles operated by him, including details of the owner, registration number and drivers and badge numbers, of such vehicles, together with any radio call sign used
- **The Operator shall keep all records for a period of three years, or such longer period as is required by an Authorised Officer of the Borough Council.**

2. Standard of Service

The Operator shall provide a prompt, efficient and reliable service to members of the public at all times of operation, and for this purpose shall in particular

- ensure when a vehicle has been booked, the driver attends at the appointed time and place punctually, unless delayed or prevented by sufficient means
- any premises provided by the Operator for the benefit of the public (whether for the purpose of booking or waiting), must be kept clean, adequately heated, ventilated and lit
- ensure the waiting area provided has adequate seating facilities
- ensure good order is maintained on the premises

3. Provisions Regulating Signs on Vehicles

The proprietor of a private hire business shall not cause any advertisement in respect of his business or the vehicles used for that purpose to include the words 'taxi', or 'cab', whether in the singular or plural, or words of similar meaning or appearance to either of these words, whether alone or as part of another word. Only licensed vehicles may carry any advertisement in relation to any hackney carriage or private hire Operator.

4. Provisions Regulating the Conduct of the Operator

- An Operator shall immediately upon receipt, notify the Council in writing, of any complaints concerning the cleanliness/condition of a vehicle or a complaint against a driver
- An Operator shall, within seven days, disclose to the Council in writing, details of any convictions (motoring or otherwise) imposed upon him (or if the Operator is a company or partnership, or on any of the directors or partners) during the period of the licence
- An Operator must not include in his trading title any reference to “taxi” or “cab” unless he/she is also the proprietor of a hackney carriage vehicle
- The Operator’s licence must be produced on request of an authorised officer or police officer on request.
- Operators must ensure that non-licensed staff, i.e. controllers, cleaners etc behave in a civilised and appropriate manner when involved in the operation of the business.
- The Operator shall provide a suitable number of parking spaces for vehicles awaiting allocation for the conveyance of passengers. These parking spaces must be notified to the Licensing Team at the time of any application or at any time there is a change in these arrangements. The Operator shall ensure that no vehicle, being operated by him, shall at anytime park in a position where parking restrictions are in place, at that time, any breach of this condition will be contrary to Section 55 (3) of the Act.
- An Operator must, if possible, accept a booking for a Private Hire vehicle if the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him/her.
- An Operator cannot make an additional charge for the carriage of an assistance dog.
- **In addition to other requirement, an Operator of a special event vehicle must also record the nature of the special event i.e. why was a special event vehicle booked**
- No Operator shall invite or accept a private hire vehicle booking or control or arrange a journey to be undertaken by a private hire vehicle without first making available the charge for the hire of the vehicle to the person making the booking. The charge can be notified in writing or verbally.
- The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times. This includes the following:
 - Ensure that when a private hire vehicle has been hired to attend at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, attend punctually at the appointed time and place.
 - Keep clean, adequately heated, ventilated and lit any premises which the Operator provides to which the public have access, whether for the purpose of booking or waiting.
 - Ensure that any waiting area provided by the Operator has adequate seating facilities.

- Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- The Equality Act 2010 makes it an offence for a private hire Operator to fail or refuse to take a booking for a private hire vehicle;
 - if the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and
 - the reason for the failure or refusal is that the disabled person will be accompanied by his assistance dog.
 - This is subject to medical exemption certificates and it is also an offence for the Operator to make any additional charge as a result of the need to carry an assistance dog.

5. Operator Office Location

Operator's office must be located within the District to enable any Authorised Officer/Agent access to the premises or any records as required by statutes or conditions

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

6. Deposit of Driver and Vehicle Licences

- Any Operator who employs or permits anyone to drive any licensed vehicle owned by him or her will ensure that the driver's licence is deposited with him during the period that the driver is employed or permitted to drive. The licence must be returned to the driver at the end of that period.
- Any vehicle employed or used by an Operator must be licensed and the proprietor of the vehicle shall deposit his vehicle licence with the Operator during the period that his vehicle is so employed. The Operator must return the licence to the vehicle proprietor at the end of that period.

7. Vehicles and drivers

- An Operator must ensure that all vehicles and drivers working for them are licensed by the Borough Council.
- When a new driver begins to work under the control of an Operator, and when an existing driver leaves, the Operator must inform the Borough Council in writing of that change within 7 days.
- An Operator shall maintain at his premises details of all vehicles operated by him, which shall include the following:
 - the Private Hire licence plate number;
 - the vehicle registration number;
 - the name and address of the proprietor of the vehicle;
 - the name(s) and address(es) of the driver(s) of the vehicles(s);
 - the badge number(s) of the driver(s).

- The above records shall be produced on request to any Authorised Officer of the Borough Council or Police Officer.
- An Operator shall undertake to ensure that all drivers and vehicles owned, controlled or operated by them shall be licensed and comply with all the conditions of their driver's licence and / or Private Hire Vehicle licence.

8. Complaints

An Operator shall maintain a log detailing any complaints received from customers. This shall be available for inspection by any authorised officer or police officer upon request. The log must provide the complainants name/address/complaint details & any action taken against driver/vehicle proprietor.

9. Convictions

The Operator shall notify the Borough Council in writing if he/she receives any summons, charge, conviction, caution, formal notice or fixed penalty notice within seven days of receiving such. The written notification should include the following details:

- Offence /alleged offence;
- Date, place & time offence/alleged offence;
- Punishment e.g. fine, penalty points etc.

Depending on the circumstances or the number of penalty points accrued on their DVLA driver's licence (if held), Operators may be referred to the Licensing Committee. In doing so, the Committee must have regard to all convictions, police cautions, charges, driving convictions, complaints of unacceptable conduct/behaviour, breach of licence conditions and other convictions obtained during the course of a Licence.

Operators should be aware that if they fail to comply with this condition, it may prevent the Borough Council from renewing their licence under delegated authority.

10. Penalties

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. In addition such action, whether or not resulting in criminal proceedings being taken, may lead to the suspension or revocation of an existing licence or refusal to renew such a licence

Conditions relating to Vehicle Licences

1. Renewal

A licence can only be renewed if a licence has been previously held and it has not been allowed to lapse or been revoked. There may be no lapse between licences.

2. Maintenance and Appearance of Vehicle

- when it is available for hire, the vehicle and its fittings must at all times:
 - be safe
 - be tidy
 - be clean
 - comply with all statutory requirements applicable to the class of vehicle
- the vehicle must be maintained to a high standard of appearance to the complete satisfaction of the Council, throughout the term of the licence
- the vehicle must be kept in exceptional condition including cleanliness and cosmetic appearance

3. Inspection of Vehicle

The vehicle must not be made available for hire or used as a hackney carriage/private hire unless there is a current mechanical inspection certificate in force and lodged with the Council in respect of that vehicle.

4. Alteration of Vehicle

During the currency of the Licence No alterations in the specification, design or appearance of the vehicle shall be made without the **prior written approval** of the Borough Council.

5. Documents and Internal Signage

- There must be carried in the vehicle when it is available for hire or being used as a licensed vehicle the sign issued by the Council giving the vehicle licence number and the maximum number of passengers to be carried.
- Hackney Carriage vehicles must also carry a copy of the current tariff as approved by the Council clearly displayed within the vehicle where it may be seen by any passenger on board;

6. External Signs etc.

No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems, other than those mentioned below shall be displayed on, in or from the vehicle.

- Signs permitted are:
 - any registration number
 - any sign required by statute or subordinate legislation
 - any sign on a taximeter indicating that the vehicle is for hire

- the licence plate giving the licence number and the maximum number of passengers to be carried on the outside rear of the vehicle.
- Roundels (crests) issued by the Borough Council with the licence number - on the rear doors
- the roof sign referred to below
- any sign indicating membership of a national motoring organisation
- any sign informing passengers not to smoke in the vehicle
- the tariff card as above
- any sign approved by the Council to indicate that the payment of fares may be made by credit card shall be displayed on the front windscreen of the vehicle
- any sign provided by the Norfolk County Council to show that the vehicle is used for school contracts shall be displayed in the windscreen in such a manner so as not to obstruct the driver's vision, and may only be displayed when actually employed in the performance of such contract work with pupils being carried.
- any other sign specifically approved in writing by the Borough Council must meet the conditions as set out above,
- no sign may contain any material of a religious or political nature or contain any matter likely to cause offence.
- On private hire vehicles no sign may include in the lettering any word whether in the singular or plural the words 'taxi', 'cab' or 'hire' or any word of a similar meaning or appearance to any of those words whether alone or as part of another word
- Any sign permitted must be positioned so as not to impede visibility and, in any event, no sign shall be placed on the rear window of the vehicle or hanging obstruction be placed in any part of the vehicle.

7. Advertising on outside of vehicle

The Borough Council will allow advertisements to be placed upon a vehicle subject to the following:

- The proprietor of a licensed vehicle shall not display or permit to be displayed on the vehicle any sign or advertisement whatsoever unless written permission has been obtained from the Borough Council.
- All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority. The Borough Council reserves the right to require the licensee to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.
- No advertisement will be permitted that relates to or advertises alcohol, nudity, gambling, smoking materials or others of a political nature.
- The same advertising must be displayed on the nearside and offside panels of vehicles.
- Any advertising may cover both back panels.

- Advertising may not be stuck over door trims. Door trims may not be removed to accommodate advertising.
- In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi", "cab" or "hire" the use of which will not be permitted.

The Borough Council reserves the right to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard

8. Licence Plate

- The Council must be informed immediately should the licence plate showing the number of the Hackney Carriage or Private Hire Licence be broken, lost or defaced or **stolen. If lost or stolen, the matter shall be reported to the police and a relevant reference number shall be required (i.e. Crime Number or Lost Property reference).** On no account must a hackney carriage ply for hire without a correctly displayed plate, as required under the Police Town Clauses Act 1947, Sections 51 and 52.
- Plates, badges and licences remain the property of the Council and must be returned immediately on ceasing operation or when the Council revoke or refuse to renew a licence or where the Proprietor no longer holds a licence issued by the Council. **Authorised officers are entitled to physically remove the plate from the vehicle and retain it where necessary**
- The Licence Plate shall be fixed in a permanent manner and displayed outside and on the rear of the vehicle, either immediately above or below the bumper. It shall be fixed in such a position that it and the vehicle's registration mark is not obscured, with its particulars facing outwards **and that the figures and numbers endorsed thereon are distinct and legible.**
- The Licence Plate is to be clearly visible. **The licence plate must not obstruct any signage prescribed by the Borough Council or any lights or the vehicles registration mark. Any items such as towbars must not obstruct the licence plate.**
- Special Event Vehicles must display the smaller special plate issued by the Borough Council

9. Roof Signs for Hackney Carriages

- A sign bearing the word 'taxi' on its front face must be installed on the roof of the vehicle. **It shall be securely fitted to the vehicle and must be of a design and shape approved by the Borough Council** The word 'taxi' must be plainly and distinctly visible. The sign may include the name and landline telephone number of the hackney carriage company, and must be capable of being illuminated during the hours of darkness. The sign must at all times comply with any requirements of vehicle lighting regulations when illuminated.

- This shall not apply to a vehicle complying with the Public Carriage office standards - any vehicle of this specification must display a sign bearing the word 'taxi' distinctly visible from the front of the vehicle.

For Private Hire vehicles no roof signs are permitted

10. Change of Address

The proprietor/vehicle licence holder must inform the Council of any change of address, in writing, before the change, where possible, but not more than seven (7) days afterwards.

11. Compliance

The responsibility for complying with these conditions, unless otherwise stated, shall be the proprietors/vehicle licence holder and drivers jointly and severally.

12. Wheelchair accessible vehicles

(ie vehicles in which passengers may be conveyed whilst seated in the wheelchair)

- a vehicle complying with the specifications required by the Disability Discrimination Act must be adapted or designed to carry at least one wheelchair bound passenger:
- there must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn
- there must be sufficient space for a wheelchair to travel
- there must be a separate means of securing the chair and the wheelchair occupant.
- there must be wheelchair ramps carried in the vehicle.
- a vehicle designed or adapted in accordance with the above may carry a maximum of two signs indicating that it is capable of carrying wheelchair bound passengers;

any swivel seat fitted must meet the requirements of the above Act.

13. Towing of trailers

- No licensed vehicle may tow any trailer unless evidence of valid insurance (see below) to cover such use of hire and reward has been produced to the Council and the licence endorsed.
- Any trailer used must comply in all respects with the requirements of EC94/20 Type Approval and any Acts and Regulations relating to trailers or parts thereof which may be in force at the time of licensing.
- The driver must hold the appropriate towing licence issued by the DVLA.
- Tyres & Wheels
 - tyres and wheels for the trailer must comply to manufacturers specification and current legislation relating to tyres;
 - a spare wheel and tyre to manufacturers specification and current legislation must be fitted to the trailer; and
 - a suitable toolkit must be carried.

- Lights - Full road lighting must be fitted to the trailer to comply with all legal requirements. All lights should be 'E' marked
- Insurance
 - a current certificate of insurance must be produced which covers the use of the trailer and the vehicle to be licensed to tow it: and
 - public liability insurance to the value of £100,000 must be produced to cover any luggage carried in the trailer.
- Advertisements - No advertisements will be allowed to be displayed on the trailer
- Licence Plate - An additional Borough Council vehicle plate must be purchased and displayed on the offside rear of the trailer.
- Number Plate - All trailers must be fitted with an approved style number plate bearing the same number as towing vehicle

14. Maintenance of vehicle and safety equipment

The proprietor/licence holder of the vehicle shall:

- provide sufficient means by which any person in the vehicle may communicate with the driver
- ensure the roof or covering to be kept watertight
- provide adequate windows and the means of opening and closing them
- ensure the seats to be properly cushioned and covered
- ensure the floor to be covered with a proper carpet, mat or other suitable covering
- ensure the fittings and furniture generally to be kept in a clean and well-maintained condition
- provide means for securing luggage
- ~~• provide an efficient vaporising liquid or dry powder fire extinguisher that shall be carried in such a position as to be readily available at all times. This should be to British Standard (BS)EN3:1996 Standard. The extinguisher in full working order at all times~~
- Fire Extinguisher
 - To be carried in such a position as to be readily accessible and available in any emergency. The fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF. Fire extinguishers must be maintained in accordance with BS5306 Part 3 i.e. they must have an annual service, a five-yearly service and refilled. These tests must be carried out by a BAFE certified engineer and new tags and seals must be placed on each extinguisher after inspection.
 - Unique identification tags will be provided for each extinguisher and must be affixed to the extinguisher at all times
- First Aid
 - provide a first aid kit as approved by the Health & Safety (First Aid) Regulations 1981. Such equipment to be carried in such a position in the vehicle as to be readily available at all times. The kit must be kept adequately stocked

- The first-aid kit is for self-administration only.
- ensure that the vehicle and all its fittings and equipment are at all times when the vehicle is in use or available for hire, kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles (Construction and Use) Regulations) are fully complied with
- ensure that no material alteration or change in the specification, design, condition or appearance of the vehicle are made without the written approval of the Council at any time whilst the licence is in force
- ensure all vehicles with rear seat belt anchorage points be fitted with rear seat belts
- where a meter is fitted to maintain all meters in working order at all times. Meters to be inspected and sealed by the Council's Authorised Officer/Agent before use
- Where a tariff card is provided it is clearly displayed where it may be seen by a passenger, giving the tariff applied by the Operator through whom the vehicle is operated
- No roof, boot racks or bullbars may be fitted to licensed vehicles during the currency of the licence unless prior authorised by the Borough Council
- Citizen Band Radios - No citizen band radios may be fitted in any Hackney Carriage or Private Hire Vehicle whilst it is licensed.
- Radio Scanning Devices - No radio scanning devices of whatsoever type or sort may be fitted to, carried in or used in or in the vicinity of any Hackney Carriage or Private Hire Vehicle during the currency of the licence.

15. Mechanical Breakdown

If any vehicle, for whatever reason, becomes unfit to complete a journey under a hire agreement:

- the driver shall be entitled to demand the fare for the distance already travelled
- the driver shall secure alternative transport immediately to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring, the driver shall be entitled to full fare with the exception of any time that the hirer waited for the repair to be executed
- any such incident must be reported to the Council within one (1) working day

16. Hackney Carriage Ranks

The number of hackney carriages stationed at any rank must not exceed the number for which the rank is appointed at any time. No private hire vehicle may use a hackney carriage rank.

17. Complaints, interim inspection and vehicle checks

- Any vehicle against which a complaint is laid must be presented to the Authorised Officer/Agent within one (1) working day of being so requested for inspection.

- The licensee, owner, registered keeper, Operator, driver or other person in charge of the vehicle may be interviewed.
- A vehicle may be called for inspection, including documents, at any reasonable time by the Authorised Officer/Agent to ensure compliance. Failure to attend and show any documentation as requested may lead to suspension or revocation of licence under Section 68 of the Act.
- An Authorised Officer/Agent may detain any vehicle, at any time, which is suspected of being involved in any infringement of legislation, bylaws or conditions, to ensure its fitness to be used as a licensed vehicle in the interest of public safety.
- if a vehicle fails the test and in the opinion of the examiner would fail to meet the standards required then the plate may be removed by Authorised Officer/Agent, until such time as the vehicle passes the test. Until then, the plate is to be returned to the Licensing authority and the vehicle may not be used for hire and reward
- any vehicle called for inspection that fails to attend may cause the vehicle and Operator licences to be suspended immediately and subsequently the licences may be revoked

18. Vehicle Inspections

- A vehicle which fails a compliance inspection/safety check during the currency of a licence will have the fault (s) rectified and the vehicle re- inspected within 2 months of the original inspection – failure to do so will lead to the automatic revocation of the vehicle licence.
- A Hackney Carriage may be inspected by an authorised officer of the Borough Council or a police officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give written notice to the proprietor to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the officer or police officer is so satisfied.
- If the authorised officer or police officer is not so satisfied within two months of the initial inspection the Hackney Carriage vehicle licence shall be deemed revoked.

Unfit Vehicle Notices

Unfit Vehicle notices can be issued by Authorised Officers and Police Officers where vehicle defects give cause for concern.

Immediate Unfit Notices will be given if the vehicle appears to be unsafe to carry members of the public. Once a Notice is issued the vehicle must not be used for hire with immediate effect. The vehicle must be presented to either an officer or the Borough Councils approved testing station with the faults rectified. Only after this will the Notice be lifted and the vehicle can then be used for hire.

If the Notice is not lifted within two-months, the vehicle licence will be deemed revoked.

Deferred Notices can be issued which means the vehicle can continue to be used for the time specified and the faults rectified within a specified time. When the faults are rectified the vehicle must be presented to a Borough Council approved testing station for inspection.

19. Vehicle Damage and Replacement Vehicles

- the proprietor of any vehicle must report to the Council, in writing, as soon as reasonably practicable, and in any case within seventy two (72) hours, the occurrence of any accident involving the vehicle
- the Authorised Officer/Agent will inspect the vehicle and make a decision as to whether or not the vehicle can continue in service
- if the vehicle can continue in service until a permanent repair is undertaken, the repair must be completed within a maximum of 28 days of the Authorised Officer/Agent's decision
- If any damage is considered by the Authorised Officer/Agent to be extensive enough to affect the safety or general appearance of the vehicle, it must be immediately withdrawn from service and the plate removed. The vehicle must be repaired, submitted for a Council mechanical inspection and the cosmetic appearance inspected by an Authorised Officer/Agent, before the plate is re-affixed and the vehicle returned to service
- In the case of any dispute the matter will be referred to the Councils Licensing Committee
- Any replacement vehicle, either a short-term or permanent replacement, must comply with licensing prerequisites above. A completed application form must be submitted together with the other necessary documents and the appropriate fee, before being used as a licensed vehicle. If all the above items and all conditions are met and are satisfactory, we will produce the licence within seven working days from receipt of an acceptable application

20. Operator's Licence

Private Hire Vehicles must be covered by an Operator's Licence issued by the Council

The vehicle proprietor/licensee shall maintain a list of names and addresses of all persons that have use of that licensed vehicle. The list shall be made available to authorised officers upon request

21. Specific Licensing Conditions for Landau and Second Class Hackney Carriages

- The vehicle shall be produced for examination and inspection by an Authorised Officer/Agent of the Council at such times and at such places as may be required
- The Council shall be notified if any alteration is proposed to be made to any part of the vehicle, before such alteration is carried out
- The vehicle shall be fitted with a sufficient drag-chain and slipper or other sufficient brake

- The vehicle shall be kept in good order, the inside and outside clean and braking machinery efficient
- The floor of the vehicle shall be covered with mats of a suitable material
- The vehicle shall have a watertight roof and a means of opening and closing the windows
- The seats of the vehicle shall be properly cushioned or covered; fittings and furniture shall be kept clean and adequate for the convenience of persons travelling in the vehicle
- The vehicle shall at all times display the plate showing the Hackney Carriage licence number
- The number of passengers carried in the vehicle shall not exceed the number on the Hackney Carriage licence
- A Second class Hackney Carriage shall not be used unless a dung catcher (as manufactured in accordance with the Council's specification) is fitted to the vehicle, which has the effect of preventing at least 90% of the horse dung from being deposited on the highway
- The licensee is to indemnify the Council from and against all claims by third parties arising from or in connection with the exercise of these rights hereby granted
- The Council will require the licensee to obtain road and public liability insurance policies, which include the Council's name. The amount of cover provided in respect of public liability should be a minimum of five million pounds (£5,000,000). The Council shall inspect and approve the policies before the licence is operated
- The licensee shall observe and comply with such bylaws and safety regulations recommended or imposed by law, and the bylaws and conditions from time to time in force within the District, which relate to the operating of horse-drawn vehicles
- The licensee shall not permit any person to mount, ride, drive, otherwise use, or treat any horse or the animal in their charge in such a manner as to cause suffering to the animal
- The licensee shall not cause or permit any horse or other animal in their charge to be kicked or ill-treated in any manner
- The maximum hours of working for any horse shall be ten (10) hours per day, five (5) days a week in a seven (7) day period and all horses shall be rested as appropriate. A sufficient quantity of palatable and fresh food and water shall always be available to all animals. In addition, a supply of fresh water shall always be available to all animals. Food and water being contained in a proper bag or receptacle
- Only horses shall be used to pull landaus. No horse, which in the opinion of any Authorised Officer/Agent, is incapable of pulling the vehicle or is in poor physical condition or which is suffering from any injury, disability or illness, shall be allowed to be harnessed to a landau or other vehicle
- Every part of the harness of animals drawing a Hackney Carriage shall be kept in order so that the animal is properly and securely attached to the carriage and under due control

- In the event of an Authorised Officer/Agent of the Council having reason to suspect that an animal being used in the operation of a Hackney Carriage is unfit to fulfil its functions, that animal shall be subjected to immediate inspection by a qualified veterinary surgeon and the licensee shall meet the costs involved. Where an animal is found unfit, its use in the operation of a Hackney Carriage shall be discontinued until a certificate of fitness signed by a qualified veterinary surgeon is produced to the Council's Authorised Officer/Agent
- All horses engaged in pulling second class Hackney Carriages must be at least 14.2 hands high
- The current Council Fare Table shall be exhibited on the exterior of both sides of the carriage so as to be in full view of the public at all times
- No person shall be charged more than the fares set out in the current Council Fare Table and the choice of single or return journeys shall be at the discretion of the hirer
- The licence shall be revocable in case of the Council being reasonably satisfied that a breach of the foregoing conditions or any Act or Bylaw relating to Hackney Carriages has occurred

22. Specific Licensing Conditions for Pedicab and Third Class Hackney Carriages

- The vehicle shall be produced for examination and inspection by an Authorised Officer of the Council at such times and at such places as may be required
- The Council shall be notified if any alteration is proposed to be made to any part of the vehicle, before such alteration is carried out
- The vehicle shall be kept in good order, the inside and outside clean and braking machinery efficient
- The vehicle shall have a watertight roof
- The seats of the vehicle shall be properly cushioned or covered; fittings and furniture shall be kept clean and adequate for the convenience of persons travelling in the vehicle
- The vehicle shall at all times display the plate showing the Hackney Carriage licence number
- The number of passengers carried in the vehicle shall not exceed the number on the Hackney Carriage licence
- The licensee is to indemnify the Council from and against all claims by third parties arising from or in connection with the exercise of these rights hereby granted
- The Council will require the licensee to obtain road and public liability insurance policies, which include the Council's name. The amount of cover provided in respect of public liability should be a minimum of five million pounds (£5,000,000). The Council shall inspect and approve the policies before the licence is operated

- The licensee shall observe and comply with such bylaws and safety regulations recommended or imposed by law, and the bylaws and conditions from time to time in force within the District
- The licensed Pedicab is exempt from the Council's policy of requiring hackney carriage vehicles to be installed with a taximeter
- The licensed Pedicab is exempt from any requirement to carry wheelchair passengers.
- For road safety purposes the licensed Pedicab may only operate between the following hours (1 hour after sunrise to 1 hour before sunset)
- Maximum fares for a licensed Pedicab will be agreed by Council during the application process
- The current Council Fare Table shall be exhibited on the exterior of both sides of the carriage so as to be in full view of the public at all times
- No person shall be charged more than the fares set out in the current Council Fare Table and the choice of single or return journeys shall be at the discretion of the hirer
- The licence shall be revocable in case of the Council being reasonably satisfied that a breach of the foregoing conditions or any Act or Bylaw relating to Hackney Carriages has occurred
- All other relevant rules applying to Private Hire and Hackney Carriage vehicles not referred to or exempted above (including licence fees, plating, advertising, cleanliness, carriage of assistance dogs etc) shall apply Other relevant considerations

That the area of operation for licensed Pedicabs be set as a specified radius (to be determined by the Licensing Committee) of a specified town centre or tourist attraction (to be determined by the Licensing Committee). The view of the Licensing Authority being that it would be unreasonable to expect a licensed Pedicab driver to undertake a hiring outside the specified distance / radius.

23. Insurance

The proprietor shall keep in force, in relation to the use of the hackney carriage, a policy of insurance in respect of public hire and complying with the provisions of Section 145 of Part VIA Road Traffic Act 1988 which covers third party liability both in respect of physical injury or death and in respect of damage to personal belongings. The certificate of insurance and schedule must be produced, on demand to an authorised officer of the Borough Council for inspection.

It shall be the responsibility of the proprietor of a hackney carriage to produce proof of continuous insurance cover in respect of public hire. The insurance proof is to be reviewed by the licensing authority within seven days of the expiry of the preceding certificate or cover note.

If the proprietor fails to produce a certificate of insurance cover on request he shall produce it forthwith or within seven clear days of the request to an authorised officer of the Borough Council. Failure to comply may result in suspension of the Hackney Carriage Vehicle licence.

24. Transfer of interest in the vehicle

If a proprietor of a licensed hackney carriage vehicle or of a private hire vehicle transfers his interest, in whole or in part, in the vehicle to any other person not specified in the vehicle licence he must notify the Borough Council within 14 days using the appropriate form. The form must be accompanied by the fee and supporting documents.

25. Taximeters

All Hackney Carriage vehicles licensed or to be licensed shall have a taximeter fitted. Each taximeter shall be tested by one of the Borough Council's approved testing stations in order to establish that the meter does not produce a fare in excess of the maximums prescribed in the current Hackney Carriage Fare Tariff approved by the Borough Council.

The taximeter shall be placed in a safe position and so far as possible so that all letters and figures on the face thereof shall be at all times plainly visible to any persons being conveyed in the carriage. For that purpose, the letter and figures shall be capable of being suitably illuminated during the period of hiring.

The driver of a hackney carriage shall, at the commencement of the journey, activate the meter so that the word 'Hired' is clearly visible and shall keep the meter operating until the termination of the hiring –

'Commencement of the journey' means:

- When the hirer enters the vehicle.
- When the driver has attended at an appointed place, and has made his presence known to the hirer.
- When the driver has presented him/herself at an appointed place at a specified time.

The driver of a Hackney Carriage Vehicle shall 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 a sign, which shall bare the words 'For Hire' in clear legible letters.

Any taximeter fitted to a Hackney Carriage Vehicle, which has been adjusted or repaired shall have the taximeter retested by one of the Borough Council's approved testing stations.

The taximeter shall clearly display a fare not exceeding the rate or fare approved by the Borough Council.

The taximeter and all the fitting thereof shall be so affixed to the carriage with security seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently disabling the security seals.

A taxi meter fitted to a licensed vehicle may be inspected by an authorised officer of the Borough Council or by a Police Officer at all reasonable times.

If the officer or constable inspecting the vehicle is not satisfied as to the fitness of the vehicle or the accuracy of the meter, he may without prejudice to the taxi meter condition, give written notice to the proprietor to make the Hackney Carriage and/or taxi meter available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the officer or constable is satisfied as to the vehicles fitness or as to the accuracy of the taxi meter.

If the officer or constable is not so satisfied within two months of the initial inspection, the Hackney Carriage Licence shall be deemed revoked.

26. Passengers

The proprietor or owner of a Licensed Hackney Carriage shall not permit to be conveyed in the vehicle a greater number of persons than prescribed on the licence for the vehicle.

The driver of a Licensed Hackney Carriage shall not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in the vehicle.

A driver shall not refuse to carry fewer persons than the number marked on the plate.

27. Change of Use

Once a Hackney Carriage or Private Hire vehicle has passed first registration it will not be considered as a new application if a change of use between either category is requested, or if the licence has previously lapsed and is being re-instated. This is conditional that the vehicle held a vehicle licence issued by this authority in the preceding 3 months.

28. CCTV Cameras

Licensed Vehicle proprietor may, subject to the written approval of the Borough Council, install and use a visible closed circuit TV surveillance camera in their vehicles which face outward and are for insurance purposes only. The camera must not record audio sound within the vehicle.

There is no requirement to display signage where outward only facing cameras are fitted.

29. Carriage of Portable Oxygen Tanks

Hackney carriage/private hire vehicle drivers will accept the carriage of portable oxygen tanks for passengers that require their usage for medical purposes.

Conditions relating to Special Event Vehicles

1. Application in Writing

Any person wishing to apply for a special event vehicle licence will be required to apply in writing to Borough Council stating the type of vehicle, and age, which they intend to use and the reasons why they believe that they should be considered for this vehicle category. Vehicles issued with a special event licence shall only be used for special occasions and executive business contracts. Vehicles licensed within this category shall not be used for everyday private hire use, e.g. 'school contracts' but must work under the control of a private hire Operator.

2. Sale of Alcohol

The licensee shall not facilitate the sale of alcohol unless there is in force an appropriate authorisation under the Licensing Act 2003 (either a premises licence or temporary event notice) permitting the sale of alcohol.

3. Types of Vehicle

Special event vehicles are a type of private hire vehicle and fall into the following 4 categories:

- Executive Vehicles;
- Novelty Vehicles
- Stretched Limousines;
- Historic Vehicles

Executive Vehicles & Novelty Vehicles presented for licensing for the first time should not normally be older than 3 years on the day the application is received.

Stretch Limousines presented for licensing for the first time should not normally be older than 7 years on the day the application is received.

Historic Vehicles presented for licensing for the first time must not have been constructed after 1st January 1973. Note: This is in accordance with DVLA taxation class for Historic Vehicles.

4. Licence Plate

The special exterior vehicle licence plate will be required to be fixed to the rear of the vehicle.

5. Communication Equipment

No vehicle shall be fitted with a two-way radio system.

6. Stretched Limousines

A "stretched limousine", is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. An "American stretched limousine" is a stretched limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford) or Cadillac.

The purpose of this Policy and subsequent conditions is to protect public safety. The conditions will apply in addition to the Authority's standard conditions for private hire vehicles and take account of the fact that stretched limousines will:

- travel generally at slower speeds than normal taxis;
- not normally overtake other vehicles;
- be easily recognisable by the hirer;
- be heavier and considerably longer than standard cars;
- be adapted or converted by someone other than the original manufacturer.

For the purposes of calculating the seating capacity of a vehicle the minimum width of a passenger seat is 400mm (16 inches). In the case of an 'L' shaped seat, sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.

In the case of a stretched limousine, or an American stretched limousine, where the vehicle has been constructed or adapted to seat up to 8 passengers, originals of the following documentation will be required by the Borough Council before an initial application for a vehicle licence can be considered:

- Completed importation documentation where applicable and individual vehicle approval (IVA) or Voluntary Individual Vehicle Approval (VIVA) certificate.
- Proof the 'stretch' was performed by the manufacturer or by a Coachbuilder approved by the vehicle manufacturer i.e. American Limousines must have been built by an approved coachbuilder under the QVM programme for Ford Vehicles or the CMC programme for Cadillac Vehicles.
- DVLA Registration Document (V5).
- Valid Certificate of Insurance, with cover for hire and reward.
- Current MOT certificate issued by an approved Testing Station.
- Where applicable, an installation certificate from a Liquefied Petroleum Gas Association (LPGA) Approved UK Vehicle Conversion Company, in the case of vehicles converted to run on LPG.
- Valid Road Vehicle Excise licence.

Any replacement parts fitted to stretch limousine vehicles must meet the approved standards of the stretched specifications i.e. tyres will not only have to meet the size specifications, but must also meet the weight specification.

Stretch limousines are exempt from Condition regarding tinted windows fitted to the side and rear window glass of the vehicle. The driver and passenger front side window glass and the front windscreen (cockpit area) must comply with Condition

7. Private Hire Operator – Additional Requirement

Special event vehicles must be specifically requested by the customer and it is not for the Operator to determine which class of vehicle should be assigned to the booking. In addition to the normal private hire Operator records required Operators of special event vehicles are to maintain a record of the nature of the special event i.e. Why the customer requested a special event vehicle.

APPENDIX I

HACKNEY CARRIAGE BYELAWS

Byelaws made under Section 68 of the Town Police Clauses Act, 1847 and Section 171 of the Public Health Act, 1875 by the **Great Yarmouth Borough Council** with respect to Hackney Carriages in the Borough of Great Yarmouth

1. Throughout these bylaws "the Council" means the Great Yarmouth Borough Council. "The District" means the Borough of Great Yarmouth. "First class hackney carriage" means a hackney carriage propelled by mechanical means. "Second class hackney carriage" means a hackney carriage drawn by an animal or animals.

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

- 2.(a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto
- (b) A proprietor or driver of a hackney carriage shall:-
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or playing 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. The proprietor of a hackney carriage shall:-
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver
 - (b) cause the roof or covering to be kept water-tight
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side
 - (d) cause the seats to be properly cushioned or covered
 - (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way, fit for public service
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use

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- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a first class 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:-
- (i) if the taximeter is fitted with a flag or other device bearing the words "For Hire":
 - (a) the words "For Hire" shall be exhibited on each side 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
 - (b) when the flag or 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
 - (c) when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter.
 - (ii) if the taximeter is not fitted with a flag or other device bearing the words "For Hire":
 - (a) the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word "Hired" to appear on the face of the taximeter
 - (b) such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter.
 - (iii) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of the bylaw in that behalf for the hire of the carriage by distance
 - (iv) the word "Fare" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon
 - (v) the taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
 - (vi) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently

displacing the seals or other appliances.

5. The Proprietor of a first class 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 carriage whether or not the carriage is for hire.
6. The Proprietor of a second class hackney carriage shall provide the carriage with a sufficient drag-chain and slipper or other sufficient brake.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES

7. The driver of a first class hackney carriage shall:
 - (i) if the taximeter is fitted with a flag or other device bearing the words "For Hire":
 - (a) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible
 - (b) 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 the hiring
 - (ii) if the taximeter is not fitted with a flag or other device bearing the words "For Hire":
 - (a) 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 bylaw 5 so that the words "For Hire" are clearly and conveniently legible by persons outside the carriage
 - (b) as soon as the carriage is hired whether by distance or time, operate the said sign so that the words "For Hire" are not conveniently legible by persons outside the carriage
 - (c) 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 word "Hired" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the

hiring.

- (iii) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.
8. A Proprietor or driver of a hackney carriage shall not tamper with or permit any persons to tamper with any taximeter with which the carriage is provided, with the fittings thereof or with the seals affixed thereto.
9. The driver of a hackney carriage shall when plying for hire in any street and not actually hired:
 - (a) proceed with reasonable speed to one of the stands fixed by the bylaw in that behalf
 - (b) if a stand, at the time of his arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward
 - (e) remain in his carriage if it occupies the first or second position on the stand, ready to be hired at once.
10. A Proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
11. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
12. 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.
13. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
14. A Proprietor of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
15. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, he shall, when standing or plying for hire, and when hired, wear that badge

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in such position and manner as to be plainly visible.

16. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
 - (a) convey a reasonable quantity of luggage
 - (b) afford reasonable assistance in loading and unloading
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such persons.
17. A Proprietor or driver of a second class hackney carriage shall not in any street feed or allow to be fed any horse or any other animal harnessed to a carriage unless the food is contained in a proper bag or other receptacle or is delivered with the hand.
18. The driver of a second class hackney carriage shall, while standing, plying 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 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.
- 18.(a)**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 allow 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.
19. While any hackney carriage is stationed on an authorised stand, the driver shall not sweep out or wash such carriage.

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

20. The Proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
21. 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 or handed to him:
 - (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the Police Headquarters, Great Yarmouth, or the Police Station, Gorleston and leave it in the custody of the officer in charge of the office on his giving a receipt for it
 - (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the Police Station, whichever be the greater) but not more than five pounds.

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PROVISIONS FIXING THE STANDS OF HACKNEY CARRIAGES

22. (This Byelaw has ceased to have effect by virtue of Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 but the stands fixed by the Byelaw are deemed to have been appointed under that Section and are (as amended) set out in Appendix 1).

PROVISIONS FIXING THE RATES OR FARES, AS WELL FOR TIME AS DISTANCE TO BE PAID FOR FIRST CLASS HACKNEY CARRIAGES WITHIN THE BOROUGH AND SECURING THE DUE PUBLICATION OF SUCH FARES

23. (These Byelaws ceased to have effect by virtue of Section 65(6) of the Local Government (Miscellaneous Provisions) Act 1976. The table of fares (as amended) is set out in Appendix 2).
- 24.(a) The Proprietor of a hackney carriage shall cause a statement of the fares fixed by the bylaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The Proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this bylaw 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.

PENALTIES

25. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding fifty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.
26. The Byelaws made by the Mayor, Aldermen and Burgesses of the County Borough of Great Yarmouth on the 28 July 1965 and 7 April 1971 and confirmed by one of Her Majesty's Principal Secretaries of State of 1 December 1965 and 10 May 1971 respectively and the Byelaw made by the Council of the Borough of Great Yarmouth on the 10 November 1977 and confirmed by one of Her Majesty's Principal Secretaries of State on the 23 December 1977 are hereby repealed.

IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed this second day of May One thousand nine hundred and seventy eight.

APPENDIX II

HACKNEY CARRIAGE STANDS

The Borough Council has appointed stands for **motorised hackney carriages**. The table below is a historical list of the locations which is currently under review.

| | Name of Street | Situation of stand | Number of vehicles |
|----|--------------------------------|---|--------------------|
| 1 | Alexander Rd (Western Side) | 12 metres south of its junction with Regent Road, southwards for a distance of 25 metres | 4 |
| 2 | Beach Coach Station | Lay-by in Coach Station | 20 |
| 3 | Hall Quay | East side, outside Nat West Bank | 5 |
| 4 | Market Gates Rd | South side | 4 |
| 5 | Regent Street | South side, from a point 46 metres north-east of its junction with Howard Street South in a north easterly direction for a distance of 20 metres | 6 |
| 6 | Theatre Plain | East Side (see below, feeder rank added) | 8 |
| 7 | Trafalgar Road | Opposite Holkham Hotel <i>(clarification sought from County)</i> | 8 |
| 8 | Marine Parade | Britannia Pier entrance bus stop Northwards | 4 |
| 9 | Marine Parade | West side from a point 61 metres south of the centreline of Trafalgar Road southwards for 42 metres | 4 |
| 10 | Marine Parade | From entrance to Sea Life Centre extending northwards <i>(clarification sought from County)</i> | 6 |
| 11 | Pier Walk, Gorleston | East of the main entrance to the Ocean Rooms, vehicles parking parallel to the kerb | 3 |
| 12 | Bus stops Marine Parade | The use of the following bus stops between 11.45pm and 6.30am West side near Bourbon Street West side near Tower <i>(clarification sought from County)</i> | 2 2 |
| 13 | King Street | 27 metres south-east of the centreline of its junction with the C610 King Street, south-eastwards for a distance of 50 metres (6pm-8am) | 10 |
| 14 | St Peters Road | North side of St Peters Road from a point 15 metres, due east of junction of St Peters Rd and Standard Place, extending 32 metres in an easterly direction | 4 |
| 15 | Freemantle Road | East Side, outside Tattersalls Gate at Racecourse | 6 |
| 16 | Marine Parade | Outside 59 Marine Parade | 2 |
| 17 | High Street, Gorleston | East side of public conveniences (Feathers Plain) | 5 |
| 18 | School Lane, Gorleston | North Side | 4 |
| 19 | Brewery Plain | To the north of the entrance to Tesco's supermarket (now palatial bingo/casino) | 2 |
| 20 | South Beach Parade | On the east side of the Parade extending northward from the opening leading to the | 14 |

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| | Name of Street | Situation of stand | Number of vehicles |
|----|-------------------------------|---|--------------------|
| | | Pleasure Beach (11pm – 6am) <i>Also Landau rank in the daytime</i> | |
| 21 | Marine Parade | To run Southwards from the southern end of the bus stop outside Bourbon Street, for the hours 11pm to 6.30am (this is to supplement the existing rank for two taxis) <i>(clarification sought from County)</i> | 8 |
| 22 | Temple Road Eastern side | From a point 33 metres south of its junction with South Market Rd, southwards for a distance of 19 metres | 3 |
| 23 | Temple Road Eastern side | From a point 71 metres south of its junction with South Market Rd, southwards for a distance of 38 metres | 6 |
| 24 | Theatre Plain South-West side | From a point 29 metres north-west of the centreline of its junction with the C610 King Street northwards for a distance of 14 metres (6am-6pm) | 2 |

The Borough Council has appointed stands for **landaus, second class hackney carriages** at the following locations

| | Name of Street | Situation of stand | Number of vehicles |
|---|--------------------|--|--------------------|
| 1 | Marine Parade | Britannia Pier Rank (Landau Station) | 11 |
| 2 | South Beach Parade | On east side of Parade extending northwards from opening leading to Pleasure Beach | 14 |

APPENDIX

PENALTY POINTS SYSTEM

The Borough Council operates a local penalty points scheme. This is a separate scheme to that which operates under the Road Traffic Offenders Act 1988.

Penalty points can be imposed on the drivers of Private Hire Vehicles and Hackney Carriages, proprietors of vehicles and Operators of Private Hire Vehicles for various infringements and are shown below. This system is designed for the public interest, as an aid to ensure continued public safety and to give the individual concerned a chance to rectify any relatively minor breaches of licence conditions without the need for the Council to resort straight to suspension/revocation or prosecution.

Drivers aggrieved by the imposition of penalty points on their hackney carriage /private hire drivers licence may appeal in writing to the Licensing Manager within 21 days of the notification of points awarded and have the matter considered by the Councils Licensing Committee.

If an individual concerned accrues a total of 12 local penalty points within a 3 year period then he/she will automatically be referred to the Licensing Committee of the Council to show just cause why their licence should continue.

The following list, whilst not exhaustive, details the circumstances in which a licence holder will be directly referred to the Licensing Committee:

- Providing false or misleading information on licence application form, or failing to provide relevant information including any convictions imposed;
- Authorised officer refused access to Operator/driver records;
- Carrying excess passengers;
- Abusive or obstructive behaviour (verbal or physical) to authorised officers of the Borough Council or police officers;
- Using a vehicle for which the licence has been suspended or revoked;
- Carrying an offensive weapon in the vehicle;
- Driver not holding a current DVLA licence;
- Nine or more penalty points on a DVLA driving licence;
- Convictions including motoring convictions for:
 - Drinking/drugs and driving;
 - Causing death by careless driving;
 - Reckless/dangerous driving
 - Offences resulting in disqualification;
 - Disqualified from holding a licence until driving test passed.

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The following list, whilst not exhaustive, details the number of penalty points that will be awarded for the infringements shown:

| Infringement | Penalty |
|--|----------------|
| Failing to have a Private Hire Driver/ Hackney Carriage Driver badge in his/her possession whilst driving a licensed vehicle | 3 Points |
| Not having an appropriate Fire Extinguisher and/or first aid kit in the vehicle | 3 Points |
| Failing to notify the Licensing Office, in writing within 7 days, of a change to name and/or address | 3 Points |
| Failing to carry Licensing Handbook whilst driving a licensed vehicle | 3 Points |
| Failing to display any Plates, Signs or Notices required by the Borough Council | 3 Points |
| Failing to deal with lost property in the correct manner | 3 Points |
| Private Hire Operator failing to notify the Licensing Office of any complaints received | 3 Points |
| Failing to attend the Council Offices when directed by an authorised officer | 3 Points |
| The issue of an Unfit vehicle notice for any reason other than for an accident | 3 Points |
| Unreasonable prolongation of journeys or any misconduct regarding the charging of fares | 3 Points |
| Failing to attend at appointed time and place without sufficient cause | 3 Points |
| Failing to display fare card (Hackney carriage) | 3 Points |
| Parking/Stopping contrary to authorised road markings | 3 Points |
| Parking/Stopping with one or more wheels on the pavement – in avoidable circumstances where obstruction has been caused | 3 Points |
| Failing to notify the Licensing Office, in writing within 7 days, of any points or convictions being imposed | 4 Points |
| Failing to produce a valid insurance certificate/cover note within 7 days of request | 4 Points |
| Failing to notify the Licensing Office, in writing within 72 hours, of being involved in an accident | 4 Points |
| Leaving a vehicle unattended on the rank | 4 Points |
| Private Hire Operator failing to maintain their records in the correct format | 4 Points |
| A licensed vehicle not carrying a spare wheel that is capable of being used | 4 Points |
| Using a mobile phone, radio hand set, eating or drinking whilst the vehicle is in motion unless specifically exempted by law | 6 Points |
| Displaying any feature on a private hire vehicle which would suggest it is a taxi | 6 Points |
| Failing to carry an assistance dog without requisite exemption | 6 Points |
| Using a unlicensed vehicle | 6 Points |
| Private Hire drivers touting for business | 6 Points |
| Failing to notify the Licensing Office of any change in medical fitness to drive | 6 Points |

APPENDIX

POLICY ON CONVICTIONS and CRIMINAL OFFENCE GUIDELINES

The following statement is the policy of the Great Yarmouth Borough Council and will apply to all applicants for a driver's licence for first, second or third class hackney carriages or private hire vehicles:

1. The public are entitled to have the utmost confidence in drivers of hackney carriage (taxis) and private hire vehicles. The Borough Council must ensure that only fit and proper persons obtain drivers' licences.
2. In deciding whether an individual is a fit and proper person to be granted a drivers licence previous convictions and cautions are very relevant. For this reason applicants for new licences must declare all previous convictions and cautions, even if they are "spent".
3. Existing licence holders must inform the Borough Council of any convictions and cautions they receive.
4. A formal written warning and the issue of penalty points on a licence may be given to an individual who has a conviction, or been issued with a caution, when it is not considered appropriate to revoke or suspend his licence. In such a case a further conviction or caution is likely to lead to the licence being revoked or suspended.
5. If the Licensing Officer considers that an application should be refused, or a licence revoked or suspended, the officer will arrange to see the individual so that the full facts can be ascertained. If, following the interview, the officer is still of the view that the application ought to be refused, or the licence revoked or suspended, the matter will be referred for consideration by the Licensing Committee. If a serious offence has been committed, the officer may suspend the driver immediately. The individual will be notified of the time and date of the meeting and will be able to attend and speak. He/she will be entitled to be represented at the meeting by a friend, colleague or solicitor.
6. If the Licensing Committee refuses the application, or revokes or suspends the licence, the individual has a right of appeal to the Magistrates' Court.
7. It is an offence for any person knowingly or recklessly to make a false statement or to omit any material particular in giving information required by the applicant for a licence, punishable by up to seven (7) years imprisonment upon conviction. Applicants are therefore advised to make a full statement of all offences, (whether spent or not) on the relevant form.
8. It is difficult to lay down precise guidelines as to when a conviction or caution will lead to an application being refused, or an existing licence being revoked or suspended. However the following guidelines will hopefully be of assistance to applicants and licence holders alike.
9. **General**
 - a. each case will be decided on its own merits
 - b. a person with a conviction for serious crime need not be permanently barred from obtaining a licence, but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before the application is entertained. However, persons with convictions for

offences of a sexual or child-related nature or other very serious crime will not normally be issued with a licence

- c. some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public
- d. the applicant who has unspent convictions, convictions for serious crimes, crimes of a habitual nature or other reason which may merit further consideration, will be referred to the Borough Council's Licensing Committee for a decision on whether a licence shall or shall not be granted
- e. the Borough Council reserves the right to act as a judicial authority in the case of spent convictions involving serious offences (i.e. death by dangerous driving, drugs, violence, sexual offences or offences of a habitual nature)

10. Serious offences

- a. Offences involving dishonesty, assault, indecency, drink and drugs and reckless or dangerous driving will be viewed particularly seriously.
- b. Cautions will generally be viewed less seriously than convictions.
- c. The penalty imposed by a court following conviction will be relevant. Generally the higher the penalty, the more seriously the offence will be regarded.
- d. The number of offences will be relevant, as will the period free of convictions.
- e. Applications are likely to be refused if a serious offence has been committed in the past 3 - 5 years. An existing licence holder is likely to have his/her licence revoked if he/she is convicted of a serious offence.

11. Minor Traffic Offences

- a. Minor motoring offences, such as speeding, driving without due care and attention and failing to obey road signals and markings will be relevant in deciding whether an application should be refused, or a licence revoked or suspended.
- b. Generally no formal action will be taken unless the individual has had 6 penalty points placed on his driver's licence in the preceding 12 months. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage/Private Hire Vehicle licence may be granted after its restoration but a warning shall be issued as to future conduct.
- c. Isolated convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding etc., should not prevent a person from proceeding with an application. Any new applicant must have held a full DVLA Licence for a period of twelve months without any period of suspension during those twelve months. Licence holders convicted during the period of the licence of such offence may be warned as to future conduct, and that any disqualification may lead to revocation of any Licence to Drive held with the Borough Council.

12. Major Traffic Offences

- a. An isolated conviction for driving without due care and attention etc, will merit at least a warning as to future driving and advice on the standards expected of a person who holds a Licence to drive issued by the Borough Council.
- b. More serious convictions such as dangerous driving or repeat offenders (those with more than one conviction for these types of offences within two years) will merit revocation, or refusal in the case of new applicants, and no further application will then be considered until a period of at least three years free from convictions has elapsed.

13. Insurance offences - With a motor vehicle

- a. a serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily debar an applicant provided he/she has been three (3) years free of conviction, but strict warning will be given as to future behaviour. More than one (1) conviction for these offences will raise grave doubts as to an applicant's fitness to hold a Licence to Drive issued by the Borough Council. At least three (3) years should lapse (after the restoration of the licence) before an applicant is considered for a hackney carriage or private hire driver's licence
- b. a driver found guilty of driving passengers for hire and reward without insurance will have his/her Licence to Drive revoked immediately and be banned from holding a Council Licence to Drive for a minimum of five (5) years
- c. any applicant with three (3) or more insurance offences, will not normally be considered fit and proper to hold a Licence to Drive

14. Drunkenness - With Motor Vehicle

- a. A serious view shall be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident shall not necessarily debar an applicant but strict warnings shall be given as to future behaviour. More than one conviction for these offences shall raise grave doubts as to the applicant's fitness to hold a licence. At least three years should elapse after conviction before an applicant is considered for a Licence to Drive. If there is any suggestion that the applicant is an alcoholic, a special medical examination shall be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years shall elapse after treatment is complete before a further licence application is considered.
- b. a driver found guilty of driving passengers for hire and reward whilst under the influence of drink will have his/her Licence to Drive revoked immediately and be banned from holding a Licence to Drive with the Borough Council for a minimum period of five years

15. Drunkenness - Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination

16. Drugs

An applicant with a conviction for a drug related offence shall be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she is an addict.

17. Indecency Offences

As Hackney Carriage/Private Hire Vehicle drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences, shall be refused until they can show a substantial period (at least 3 – 5 years) free of such offences. More than one conviction of this kind shall preclude consideration for at least 5 years. In either case if a licence is granted a strict warning as to future conduct shall be issued.

18. Violence

- a. As Hackney Carriage/Private Hire Vehicle drivers maintain close contact with the public, a firm line shall be taken with applicant's who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions shall be shown before an application is entertained and even then strict warning shall be administered.
- b. An existing licence holder could expect his licence to be suspended or revoked if convicted of these offences.

19. Dishonesty

- a. Hackney Carriage/Private Hire Vehicle drivers are expected to be persons of trust. The widespread practice of delivering for companies, taking children to school and families on holiday shows this trust. It is easy for dishonest drivers to defraud foreign visitors when giving change or other customers by taking them by other than the shortest route. Lost property can be kept by unscrupulous drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver.
- b. For these reasons, a serious view shall be taken of any conviction involving dishonesty. In general, a period of 3 – 5 years free of conviction shall be required before entertaining an application for a Licence to Drive by the Borough Council.
- c. Any existing driver convicted of offences of dishonesty may expect any licence held to be suspended or revoked and a possible ban on holding a Licence to Drive for a minimum of three (3) years.

APPENDIX V

HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE COMPLIANCE TESTING STATIONS AND STANDARDS

The Council has appointed the following test stations:

| Centre | Phone number | Opening Hours: |
|---|--------------|---|
| Runham Garage & MOT Centre 22-26, North River Road, Great Yarmouth | 01493 332166 | Monday to Friday 8.00 am to 6.00 pm Saturday 8.00 am to 1.00 pm |
| Pertwee & Back Ltd, Southgates Road, Great Yarmouth | 01493 331551 | Monday to Friday 8.30 am to 5.00 pm |
| Perfect Engineering, Harfreys Road, Harfreys Industrial Estate, Great Yarmouth | 01493 657131 | Monday to Friday 8.00am to 5.00pm |
| Eastern Car Commercials, Whipstock House, Southgates Road, Great Yarmouth | 01493 332013 | Monday to Friday 8.00 am to 5.00 pm, |
| Albies Workshop Suffling Road Great Yarmouth | 01493 855577 | Monday to Friday 8.00 am to 6.00pm, |
| Swift Taxis and Private Hire Ltd Swift House Morton Peto Road Gapton Hall Estate Great Yarmouth | 01493 302030 | Monday to Friday 6.00am to 8.00pm Saturday 8.00am to 1.00pm By Appointment |
| Autotune Unit 2 Anglia House Riverside Road Gorleston Great Yarmouth NR31 6PX | 01493 658882 | Monday to Friday 8.00am to 6pm Saturday 9.00am to 12 noon |
| Waveney District Council Testing Station Rotterdam Road Lowestoft NR32 2EF | 01502 565626 | By Appointment Specific test station for Special Event Vehicles and in cases where prescribed by Authorised Officers |

Introduction

1. This document is intended to provide practical guidance to vehicle testers charged with assessing vehicles being issued with a certificate of compliance. It will also give a general insight into the type of examination the vehicle will be subjected to before it can be issued with a certificate of compliance.

2. It is the responsibility of owners, Operators and drivers to ensure that their vehicles comply with the current rules and regulations of the appropriate Road Traffic Act and current Construction and Use Regulations at all times.

3. Where a vehicle is found not to conform to the requirements of the M.O.T. test and/or compliance test standards, that vehicle may have its licence suspended until the Borough Councils authorised officers are satisfied that the vehicle is fit to be licensed.

4. No adaptations, alterations, modifications, additional equipment, optional extras with the exception of tow bars fitted to a professional standard, are to be fitted to the vehicles without the prior approval of the Borough Council. Any owner wishing to alter or modify the vehicle, including the fitting of extras or alternative parts to those supplied by the manufacturer must seek prior permission from the Borough Council. Certain modifications may require special inspection by the Borough Council's authorised officer or his nominee before approval is given. (A fee may be applicable)

5. When a vehicle presented for compliance test fails on more than twelve items, that vehicle will have to be re-submitted for a full compliance test and a re-test fee will be charged. The vehicle proprietor will be issued with a failure sheet from the testing station, and the testing station will supply a copy of the failure sheet to the Licensing Team at the Borough Council.

6. Both M.O.T. and compliance tests must be completed by the same examiner at the same test station at the same time of day (obviously MOT testing is completed without avoidable distraction etc so compliance testing may be carried out before or after the MOT inspection). Compliance failure items must be resolved with the same garage at a later date.

7. The Borough Council recognises the need for approved MOT vehicle station examiners to test drive Hackney Carriage and Private Hire vehicles as part of the compliance inspection process.

8. Vehicles which are less than 3 years old and do not under national law require an MOT are required to be tested which will include a compliance test as well as a mechanical test to MOT standards

9. The procedures and standards for the tests must follow those laid down in:

- The "Best Practice Guide to Inspection of Hackney Carriage & Private Hire Vehicles" produced by the Hackney Carriage and Private Hire Inspection Technical Officer Group of the Public Authority Transport Network and published by the Freight Transport Association
http://www.fta.co.uk/export/sites/fta/galleries/downloads/vehicle_testing/Hackney_Carriage_document_0812.pdf
- The national MOT inspection manual for classes 3,4,5 and 7 vehicle applicable to Hackney Carriages and Private Hire Vehicles as currently published by the Driver and Vehicle Standards Agency
- The Great Yarmouth Borough Council Hackney Carriage and Private Hire Policy & Handbook

Comments received on draft Taxi Licensing policy

| No. | Organisation | Comments | Accepted into policy? | Reason why or why not? |
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| 1 | David Colman | <p>Hackney Licensing has become a bit of a joke by the old established taxi drivers of the borough, the council seem to issue licenses to anybody. At one time you had to be a resident of the borough for 7 years but now the new drivers all seem to rely on the mighty SATNAV god forbid if the satellite went down they would not be able to find their destination. Is it because the council needs the licence fee money or they dare not refuse minorities. People I have taken in my cab have told me that they have been charged over the top. I tell them to look at the tariff rate number 1 day or 2 for night some have told me it has been on rate 4. (need to be a compliance officer on weekends especially outside night clubs)</p> | Comments only | Requirement to be a resident of the borough for 7 years would be discriminatory. The Council does have a knowledge test. |
| 2 | Sean Asplin Norfolk County Council – Highways and Transport | <p>Safeguarding</p> <ul style="list-style-type: none"> • There is a good level of detail around the ‘fit and proper person’, but do you want to consider stating that you would also need to assess whether information you have poses a safeguarding risk to the public? <p>CCTV</p> <ul style="list-style-type: none"> • It is great to see that you allow CCTV, but I note that audio is not allowed. We do sometimes require CCTV, with audio on our contracts, which is often to protect the driver from malicious allegations and to allow us to identify quickly what may or may not have been said by a driver of pupil. As you know, we have some very challenging pupils and driver’s do worry about issues on the vehicle’s, which CCTV and audio can help resolve. It could be that you may consider audio should be part of a contractual requirement? | No No | <p>Taxi & Private hire licensing law refers to “fit and proper” – safeguarding issues are considered in that context.</p> <p>Consider requests for provision of audio on a case by case basis for private hire vehicles. Not a matter that can be considered for public hire.</p> |

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| 3 | Kevin Moloney California Cabs | <p>Roof Signs</p> <ul style="list-style-type: none"> Roof signs not to be permitted on private hire vehicles – in respect of this we feel there should be a sign as long as not illuminated displaying the landline phone number as if its night time its not very easy to identify a vehicle without a sign in the dark ie the council emblem and plate is all they could for especially for a person travelling alone <p>Page 39</p> <ul style="list-style-type: none"> The exclusions are Taxi, Cab or hire we think that the word car should also be included in this for example a company could set up calling themselves Yarmouth Cars and it would be accepted. Also how will this be checked as we already know of a private hire vehicle with their name on followed by Private Hire on their signwriting on both sides and on the back of the vehicle <p>Wheelchair fixing</p> <ul style="list-style-type: none"> We were a little unsure about the section for a four point fixing for wheelchairs we only have a two point fixing will this have to be changed or have we read it incorrectly. | <p>No</p> <p>No</p> <p>No</p> | <p>This is not good practice and would lead to confusion between taxis and PHV. Additional door signage on PHV is accepted.</p> <p>This wording is considered acceptable as it does not lead to confusion between taxis and private hire vehicles</p> <p>2 point fixing for established vehicles is ok if properly maintained</p> |
| 4 | Valerie Pettit | <p>Page 16 - valid excise licence, how will the council find out about this?</p> <p>Page 17 - bullet point 7 - why is there 'o' before 'where separate seat' ? 'o' before 'where the vehicle is fitted' ?</p> <p>Page 22 - second black ink paragraph, last sentence, mechanically sound for the benefit of 'passenger' should this be passengers? fifth black ink paragraph, should it read 'the' not 'The' Borough Council?</p> <p>Page 27 - takes note of clothing, but not footwear, should it?</p> | <p>Comment</p> <p>Typographical</p> <p>Typographical</p> <p>Typographical</p> <p>Good comment</p> | <p>Checks via DVLA</p> <p>Layout bullet pointing only</p> <p>Should read "passengers" Should read "the"</p> <p>The Council has not had specific issues</p> |

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| | | <p>Page 31 - carriage of animals - 4th bullet point sentence 'A payment for such certificate(s). Sentence appears incomplete.</p> <p>page 52 - 2(b) (i) 'standing or playing for hire' should this be plying?</p> <p>Page 58 - Carriage stands No.3 - East side of Nat West Bank. The bank is no longer there, would it be best to change it to the Star Hotel? No.7 - Holkham Hotel, is this still the name of the building? No. 12 - Bourbon Street no longer open/trading, should another name be used? No. 21 - Ditto</p> <p>Page 61 - Infringements - second line 'Fire Extinguisher or First Aid box - is this just 3 points or 3 points for each infringement?</p> <p>Page 66 - Testing Stations - are Pertwee and Back still trading in Southgates Road?</p> | <p>Typographical</p> <p>Typographical</p> <p>Agreed</p> <p>This is the correct address for Pertwee and Back</p> | <p>with this in the past but is willing to consider it</p> <p>A payment for such certificate(s) may be charged Should read "plying"</p> <p>Updated wording will be used – ranks are currently under review</p> <p>Lack of one or other item is an infringement - 3 points in total</p> |
| 5 | Cummings and Goings Taxis Ltd | <ol style="list-style-type: none"> 1. We don't agree that just because a vehicle is 5 years old or older it should be tested more than one under 5 years because no matter whether new or old all vehicles should be tested the same, and you would have double the cost for it being tested just because it's older which is unfair 2. Why have the Fire extinguishers serviced annually and refilled every | <p>No</p> <p>No</p> | <p>It is national best</p> |

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| | | <p>5 years, when health and safety states that if a vehicle is on fire, you and your customers should move safely away from the vehicle and phone the emergency services, because by lifting the bonnet you could make matters worse and put others in Danger and not forgetting the cost.</p> <p>3. First aid kits are a brilliant idea but they have use by dates and even if you supply a Plaster you become liable and once again who is going to pay for the replacements.</p> <p>4. The feathers rank in Gorleston only has permission for 5 vehicles this needs to be changed to 7 or 8 as every year more and more taxis are working Gorleston and we just never seem to have enough space, we are getting more shops and supermarkets but no more rank spaces.</p> <p>5. Handbooks in Taxis and private hire vehicles are not necessary because if we printed out handbooks for every vehicle think of all that wasted paper and the fact that you would probably have to replace them all the time because people can't leave things alone in the vehicles and you can download them to read without printing and wasting paper.</p> | <p>No</p> <p>No</p> <p>No</p> | <p>practice to have a serviceable fire extinguisher in a licensed vehicle. Use of the appliance will depend on circumstances and risk at the time It is national best practice to have a serviceable first aid kit in a licensed vehicle. It is primarily there for the driver in his workplace.</p> <p>This is not a policy issue but will be referred to County Highways for consideration</p> <p>It is good practice to have the licence conditions in a licensed vehicle so they can be readily referred to by the driver as necessary as an aid to ensuring compliance with</p> |
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| | | <p>6. A points system is not necessary it's degrading and just like being at school</p> <p>7. In your policy you state that we have to use Garages that are on your sheets but it's unfair that the bigger companies get to MOT their own vehicles, they should have to take them to other garages otherwise there is a conflict of interest.</p> | <p>No</p> <p>No</p> | <p>licence conditions Without a points system all breaches of licence conditions potentially require a costly licensing committee hearing and can result in loss of the relevant licence without further warning. The current MOT currently allows this. If cases arise where individual licence holders are taking shortcuts then Council Officers have the powers to require the vehicles to be retested at another test station.</p> |
| 6. | Swift Taxis & Private Ltd | <p>2.2 Other information as is considered necessary:- d) Local Knowledge Test – Whilst we understand the reason you require this, the current work climate and jobs losses mean we are finding it hard for people who want to work to get work in this industry. I have looked at what other councils require for their Hackney Licences and have found a mixture of requirements in relation to local knowledge tests. Ie (some require tests and some don't) In this day and age I feel the Local Knowledge test is not fit for purpose and</p> | No | <p>A local knowledge test is good practice – the test could be improved and the Council is willing to work with the trade and passenger groups to improve it</p> |

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| | <p>should be removed (If the test is to be kept, then it should be brought up to date and not where pubs and clubs are as that is not the core business of the taxi trade)</p> <p>Vehicle Specification – Generally Engine Size – The limit should be removed due to advances in engine technology and efficiency but based on vehicle suitability for the role as a Taxi.</p> <p>Fire Extinguisher & First Aid Requirement should be removed (see attached report ref Southampton council) as drivers are not covered under current insurance rules when using them and they must be kept in the boot of the vehicle as they could be used as a weapon if placed in the vehicle.</p> | <p>No</p> <p>No</p> | <p>Vehicles under 1.4 will be considered on individual merits</p> <p>It is national best practice to have a serviceable fire extinguisher in a licensed vehicle. Use of the appliance will depend on circumstances and risk at the time. It is national best practice to have a serviceable first aid kit in a licensed vehicle. It is primarily there for the driver in his workplace. Location in the boot of the vehicle may be appropriate. All cases will be looked at on individual merits</p> |
| | <p>Tinted Windows – privacy glass if fitted as standard by manufacturer and should only apply to the rear passenger windows where fitted.</p> | <p>No</p> | |

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| | | <p>Vehicle Inspection – compliance from to be updated, something I would be more than happy to do, to encompass all the requirements of a compliance test, including the MOT expiry date. This could then be emailed on completion of the test.</p> <p>MOT – Vehicles to have an MOT in line with national policy on other vehicles (i.e. new vehicles should be tested one year after date of registration to save brand new vehicles from having a MOT when there is no legal requirement for them. This should apply to Hackney Carriage & Private Hire vehicles. MOTs from other DVSA approved garages should be accepted as MOTs can be checked on line. For example, a 3 year old car purchased from a garage would generally be sold with a 12 months MOT; the customer would then transfer his plate to the vehicle and subsequently take it for a compliance test and, as current rules stipulate, another MOT. If their plate expires after four months this could, hypothetically, result in a vehicle having three MOTs in a 12 month period, incurring unnecessary additional costs.</p> <p>9 Lost Property – This clause should be amended to read the following “Any property found in a vehicle should be kept at the operating office for a period of one calender month, after which it would be disposed of” Police stations are not always manned and will only accept certain prohibited items.</p> | <p>Yes</p> <p>No</p> | <p>The compliance form will be updated in line with the final policy document The MOT is a national requirement. When a vehicle is to be plated and undergoes a compliance check the safety elements will be checked as per the national MoT standards. It does not automatically follow that the testing garage issue a new MoT certificate.</p> <p>Handing over of unclaimed lost property removes potential accusations of theft and is good practice for suspect packages at times of heightened</p> |
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| | | <p>Conditions relating to Operators Licences</p> <p>1. Records to be kept by the Operator – This should be amended to specify computer records as an additional means of recording information</p> <p>3. Provisions Regulating Signs on Vehicles. Private hire vehicles should be permitted to display the company website address (eg www.swifftaxis.com) to be placed on the rear bumper.</p> <p>Also for the Private hire crest & taxi crests to be removed, This cost is currently borne by the council and not all councils enforce the application of these crests, which can sometimes be difficult to attach to certain vehicles.</p> <p>4. Provisions regulating the conduct of the operator:- In relation to Parking space requirements, this needs to be removed as</p> | <p>Yes</p> <p>No</p> <p>No</p> <p>No</p> | <p>security</p> <p>Providing all the relevant information is recorded , securely stored and readily retrievable Operators can use electronic record systems</p> <p>This is a form of advertising and therefore can be considered by the council on an individual basis</p> <p>The vehicle door crests are considered important in highlighting the licenced status of the vehicle to customers</p> |
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| | <p>section 55(3) states 2A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary”</p> <p>The Equality Act 2010 – this should be subject to the appropriate vehicle being available at the time of booking. If a suitable vehicle is unavailable at the time of booking then the booking could not be fulfilled.</p> | No | <p>It is good practice for an operator to work with other trade members in attempting to satisfy customer requirements especially for vulnerable and infirm customers</p> |
| | <p>7.Vehicles and drivers – The clause requiring notification of driver details when commencing and leaving employment seems unnecessary. This information does not seem relevant.</p> | No | <p>It is important that the council can be satisfied that licence conditions are being met. Changes in drivers employment have consequences for insurance. Such notifications should be done by drivers and are considered good practice for operators. Licence plates remain the property of the Council -</p> |
| | <p>8.Licence plate – The physical removal by authorised officers could potentially be argued as criminal damage unless specified as removed by</p> | No | |

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| | | <p>qualified personnel.</p> <p>9.Roof signs – a list of approved signs should be available if signs need to be approved by the council.</p> <p>28.CCTV cameras – CCTV that records passengers and internal surveillance should be subject to borough council approval but Dash cams that record the exterior surroundings without audio and purely for insurance and vehicle monitoring purposes should be excluded from this clause.</p> <p>Penalty points system – There are a number of points which appear contradictory in the list. Discussion on this system before implementation would be required.</p> | <p>Yes</p> <p>Yes</p> <p>No</p> | <p>removal by council officer is a last resort – and as part of a legal sanction The Council will develop a list of approved signs over time The vehicle owner would be expected to notify the council of the forward facing CCTV The proposed points system are in line with similar schemes operated by other local authorities. Any award of points has a right of appeal.</p> |
| 7. | Roy Symonds – Gt Yarmouth Borough Taxi Association | <p>I have gone through the handbook and reproduced cut and paste items that I feel we need to comment on to go forward. I believe that the handbook is in need of rewriting as it can be seen as a mixture of a series of handbooks past and present. It needs to be much more comprehensible and logical, better laid out and more user-friendly and not repeat itself so often. The new Handbook needs to take a bigger part in the running and understanding of what the Taxi trade is, so that those in the trade know that they have to understand it more clearly and that it is an integral part of the GY taxi trade.</p> | | |

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| | | <p>Page 3. <i>A private hire vehicle</i> - may only undertake journeys in response to advance bookings. The charges for such journeys are not subject to Council control and should be agreed with the client before the start of the journey</p> <p>We previously believed that no licenced vehicle/driver could charge more than the meter rate. Can a driver in a PH vehicle charge as much as he/she likes? If a taxi does a PH job, ie a prebooked journey can he/she charge as much as they like?</p> <p><i>The Acts require that the Borough Council must be satisfied that the vehicle is suitable in type, size and design for use as a hackney carriage or private hire vehicle that it is in a suitable mechanical condition and is safe and comfortable. In the case of private hire vehicles, it is further required that they must not be of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage. Any vehicle used as a hackney carriage or private hire vehicle must have in force a current insurance policy in relation to the use of that vehicle</i></p> <p>Are PH vehicles still allowed to have illuminated top-signs that give the appearance that they are taxis, moreover company logos with the word "taxi" in them also give this impression, or can you stop this? Could you also enforce the fitting of meters in PH vehicles?</p> <p>/</p> | <p>No</p> <p>No</p> | <p>By definition a private hire booking is a contract between the customer and the operator. The charge is negotiable between them and could exceed the meter rate</p> <p>The policy is for private hire vehicles not to have top signs of any description. Provision of meters in private hire vehicles is not expressly excluded.</p> |
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| | | <p>Page 5.</p> <ul style="list-style-type: none"> • <i>“Hackney Rank/Stand”</i> A designated place adopted by the Borough Council where hackney carriages can wait the arrival of a hirer. <p>We all understand what a rank is. What obligation does an authority believe they have supply any rank spaces? (see Act below) do the spaces have to reflect the number of HC’s in the borough.</p> <p>Moreover is the GYBC aware that some ranks are positioned in areas where they are of no use, that is unused by the public, always have private cars parked on them etc. We have said before that a rank on scroby for 20 cars might seem generous but would be infact of no use, half the ranks in GY could be described this way.</p> <p>Page 6</p> <p><i>Although the description ‘taxi’ should only be applied to a hackney carriage any hire vehicle is usually known as a ‘taxi’ by the public.</i></p> <p>Again public and driver education plus correct decals should be more prevalent.</p> <p>Page 8</p> <p><i>d) <u>Local Knowledge Test</u> - to assess the applicants driving ability and knowledge of the area</i></p> <p>This is not clear. How can the driver’s driving ability be assessed by acquired local knowledge? Moreover, the trade would wish to take a greater involvement in these tests. We appreciate that nobody knows all of GY and that much comes with experience but for the sake of the public it is expected</p> | <p>Comment</p> <p>Comment</p> <p>Comment</p> | <p>to their drivers</p> <p>This will be dependent on various factors including the local road layout; demands in a given area for taxis etc and can change over time. The Councils therefore currently reviewing the situation</p> <p>The Council will continue to reinforce the current legal position</p> <p>A local knowledge test is good practice – the test could be improved and the Council is willing to</p> |
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| | | <p>by the public that a reasonable knowledge is required. Your statement below is valid here:</p> <p><i>When hired to drive to a particular destination, a driver shall (subject to any directions given by the hirer) proceed to that destination by the <u>shortest available route</u></i></p> <p>Page 10 <i>Following complaint or other investigation if information comes to light concerning breach of any Council Licence conditions then the matter may be dealt with through a Vehicle Notice or in accordance with the Borough Council Formal Points system.</i></p> <p>We are sure that details of the new formal points system will be forthcoming in this document but again at inception can these items be better outlined for all concerned?</p> <p><i><u>Immediate Unfit Notices</u> will be given if the vehicle appears to be unsafe to carry members of the public. Once a Notice is issued the vehicle must not be used for hire with immediate effect. The vehicle must be presented to either an Authorised Officer or the Borough Councils approved testing station with the faults rectified. Only after this will the Notice be lifted and the vehicle can then be used for hire.</i></p> <p>Whilst we would all presume that Vehicle Testing Stations do a good job, we would also so wish Test places be clearly aware of the penalties for passing an unsafe vehicle.</p> | <p>Comment</p> | <p>work with the trade and passenger groups to improve it.</p> <p>The unfit vehicle notice system has been in existence for several years. Details of the proposed formal points system is included in the draft handbook</p> <p>Examiners passing an unsafe vehicle is unacceptable and would be a matter for the police and Trading Standards</p> |
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| | | <p>Page 11</p> <p><i>1.First of all, applicants must take a local knowledge test. The test consists of questions on the applicant's knowledge of pubs, clubs, roads, hotels, holiday parks, schools, shops, businesses etc. The test fee is non-refundable and must be paid at the time of booking. Bookings can be made at Customer Services, Great Yarmouth Borough Council, Gt Yarmouth.</i></p> <p><i>2.An 80% pass rate is required and, should an applicant fail the test, each subsequent re-test will cost a further fee. The test will be undertaken by the Licensing Enforcement Officer at the Town Hall, Great Yarmouth.</i></p> <p>Again the trade would want more involvement in this procedure. And those applicants are better informed to the requirements of the new handbook. I would probably comment that 90% of Hackney/PH licence holders have never ever read any handbook. They rely on people such as I, this is a failing that need to be addressed.</p> <p>Page 12</p> <p><i>Providing the conviction check is clear and the DVLA check is satisfactory, a licence will be issued within 2-3 days. If any convictions have been disclosed, a meeting will be arranged with the applicant and the Licensing Enforcement Officer. The officers will decide whether the licence can be issued or whether to refer the application to the Licensing Committee for their determination</i></p> <p>Concerning DVLA checks what standards do the GYBC hold up? How many points are acceptable? What convictions are looked at more closely? This is a bit of a grey area that we need better definition to be more fair for all concerned.</p> | <p>Comment</p> | <p>and not specifically a matter for the Borough Council</p> <p>Better education and awareness raising of legal and best practice is to be encouraged and the Council hopes the trade will work with them on this</p> <p>Ideally professional drivers should have no points on their</p> |
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| | | <p>Page 13 <i>The Borough Council has <u>adopted a policy on convictions</u> in relation to taxi and private hire vehicle drivers. It is recommended that persons with convictions read the policy before applying for a licence. [see Appendix IV] They may also wish to speak to the Licensing Officer for advice.</i></p> <p>At inception, prior to the day of the Knowledge test could all applicants be made well aware of your new adopted policies, and the law, and be given a copy of the handbook that they must read. Along with the knowledge test they could be asked random questions taken from the book. Also at inception asked to fill in a form to reveal ALL possible details of their previous convictions, here and abroad? This might reveal areas that your checks might not find.</p> <p>Page 14 <i>A Combined Driver's Licence shall be valid for a maximum term of three years (unless a shorter period is deemed appropriate by the Borough Council).</i></p> <p>Are we informed here that all Hackney licences will last THREE years and not ONE as is at present?</p> <p><i>Subsequent medicals will be required at age 45, then every five years after the age of 45 and then annually from the age of 65 years. A driver under the age of 65 with a controlled medical condition may also be required to undergo a full medical annually.</i></p> <p>Please explain how the above is affected. Someone at 49 who renews their licence, will they be exempt from a medical until 52, or 55? Also those over 65, how will they be affected?</p> | <p>Comment</p> <p>Comment</p> <p>Comment</p> | <p>licence. In practice each case will be considered on its merits</p> <p>The adopted council policy will be published on its website and available to all prospective licence applicants and their prospective employers</p> <p>The law has recently changed meaning 3 year driver licences are the norm</p> <p>This policy is not currently changing. Licensed drivers will</p> |
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| | | <p>Might we presume that ANY brand new vehicle put forward as a Taxi does not need an MOT until it is ONE year old? And a brand new vehicle put forward as a PH does not require a MOT until it is three years old?</p> <p><i>Page 22</i> <i>Costs of such testing is payable by the person wishing to licence the vehicle. In addition the history of the vehicle may be taken into consideration when determining whether the vehicle should be licensed.</i> Please advise further on what part of any vehicles history will be taken into consideration.</p> <p><i>The 6 monthly compliance test certificate required for vehicles over 5 years old (see above) must be produced to the Borough Council within 7 days of the date of the test. Tests can be carried out by an approved testing station up to one calendar month before the 6 monthly point of the licence.</i> We would presume here that this is for Compliance only. That is, vehicle condition, meter check etc. And that it must be carried out BEFORE on the strict anniversary day of registration every six months. Moreover, what facility will be put in place to check the meters correctly, that satisfies all concerned?</p> | <p>Comment</p> | <p>Brand new vehicles do not need an MOT certificate in accordance with national law but for plating as hackney carriages or private hire vehicles they need to undergo and pass a compliance test which will include the safety checks normally undertaken at an MOT test. Please note the wording in brackets is to be removed</p> <p>Meters should be checked on a rolling road approved by trading standards or driven on an</p> |
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| | | <p><i>A vehicle may be inspected by an authorised officer of the Borough Council or a Police Officer, at any reasonable time. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give written notice to the proprietor/Operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified and the vehicle licence may be suspended until the authorised officer or police officer is so satisfied. If the authorised officer or police officer is not satisfied within two months of the initial inspection the Vehicle licence shall be deemed revoked. An authorised officer or police officer <u>may permit other persons to examine</u> the vehicle on their behalf (e.g. DVSA). We presume that ‘other persons’ will be qualified to do so?</i></p> <p>Page 27 <i>The Driver shall not smoke in the vehicle at any time The use of Electronic Cigarettes (e-cigs), Personal Vaporizers (PV) and Electronic Nicotine Delivery Systems (ENDS) is also prohibited at all times.</i> If we presume that the driver is allowed to smoke outside of the vehicle, is there any rule as to the distance the driver has to be away from the vehicle?</p> <p><i>Eating or drinking in the vehicle without the express consent of the passenger(s) is not permitted</i> Can you advise if it is permitted for a driver to eat or drink, if safe to do so, in the vehicle when he/she is the only occupant? And is this permitted when a driver is waiting on the rank?</p> | Comment | officially designated and measured route by the official examiner |
| | | | Comment | “other persons” will be chosen for their particular expertise and qualifications |

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| | | <p><i>The Driver shall not, whilst driving or in charge of a private hire vehicle: • tout or solicit any person to hire, or be carried for hire in any private hire vehicle</i></p> <p>Does this permit a driver whilst driving or in charge of a Hackney Carriage to solicit any person for trade?</p> <p><i>Page 29</i> <i>ply for hire or appear to be plying for hire by offering a vehicle for immediate hire while they or that vehicle are on a road or other public place;</i> Private Hire Vehicles display top signs and have decals that they are from a “Taxi” company, and sit outside popular venues, and “rank”. The public do not know if a vehicle is licenced or not. Every opportunity should be made to differentiate Taxis from PH’s. We see many jobs taken every week. A few years back the Trade was invited into council and it was “passed” that all PH crests would be rectangle and show clearly that the vehicle was NOT a Taxi. Perhaps ALL PH vehicles should have just a PH Plate affixed to the rear and no other identifying marks / decals / advertising, Pre-Booked signs may apply. Are we correct in presuming that any passengers carried as if they were in a Taxi by a PH driver are NOT insured? 90% of the time PH vehicles arrive at the pick-up point and they or their office ring the customer to inform them they have arrived and what vehicle they are in. <i>accept an offer for the immediate hire of a vehicle while they or that vehicle are on a road or other public place except where the offer is first communicated to the driver in person by telephone or vehicle radio without</i></p> | <p>No</p> <p>Comment</p> | <p>should be made to avoid lost property from occurring. Handing over of unclaimed lost property removes potential accusations of theft and is good practice for suspect packages at times of heightened security. Charging for return of lost items is not good practice.</p> <p>This statement relates to Private hire</p> <p>The Proposed council policy is to assist the travelling public and the trade distinguish between types of licensed vehicles. However it</p> |
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| | <p><i>him / her in any way procuring the offer.</i></p> <p>We have all seen this happen many times, but how many penalties have been imposed, PH drivers do not care. Until this is policed correctly the new regulation above means nothing.</p> <p>Whilst we would wish to support / represent all Hackney / PH Driving Licence holders, the principle of what a Hackney Carriage is must be protected.</p> <p><i>Page 29</i></p> <p><i>14. Convictions/Criminal Offences/Serious Illness</i></p> <p><i>Driver shall notify the Borough Council in writing if he/she receives any summons, charge, conviction, caution, formal or informal notice, County Court Judgement or fixed penalty notice within seven days of receiving such. The written notification should include the following details:</i></p> <ul style="list-style-type: none"> <i>o Offence / alleged offence;</i> <i>o Date, place & time of offence/alleged offence;</i> <i>o Whether acting as a hackney/private hire;</i> <i>o If motoring offence: whether paying passengers carried; speed or alleged speed; speed limit for road;</i> <p>This is fine, but to avoid any communication problems a dedicated phone-line, or email address, or website form that could be filled in or form that could be handed into Town Hall, would leave less doubt in a driver's minds. Again the offer or 'sale' of the New Handbook to every licence holder must be the way forward.</p> <p><i>Page 30</i></p> <p><i>Driver must immediately inform and in any case within seven (7) days, disclose to the Council in writing, details of any serious illness or any change in medical fitness to drive during the period of his licence The Council will have the power through its Authorised Officer/Agent to take drivers off the road in serious criminal offences pending Licensing Committee hearing and in cases of serious illness especially any change in medical fitness to drive For the avoidance of doubt such disclosure is made when it is received by the Licensing Manager in writing. The onus is on the driver to ensure the disclosure is received accordingly. The driver making a disclosure should</i></p> | <p>Comment</p> | <p>is clear that licensed holders must abide by the law and not attempt to mislead the public. The Council expects members of the licensed trade collectively to be more self policing</p> <p>The contact details</p> |
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| | <p><i>obtain a receipt or other proof that the Council has received the information If a Driver accrues 9 or more points in a 3 year period on his/her DVLA driving licence, they will be required to appear before a the Licensing Committee in order for their continued suitability to hold a driver's licence to be assessed. Any driver who receives, during the currency of their licence, a conviction for drink driving may automatically have their licence suspended by an Authorised Officer and will be required to appear before the Licensing Committee for consideration of revocation of their licence. Depending on the circumstances or the number of penalty points accrued on their DVLA driver's licence, drivers may be referred to the Licensing Committee. In doing so, the Committee must have regard to all convictions, police cautions, charges, driving convictions, complaints of unacceptable conduct/behaviour, breach of licence conditions and other convictions obtained during the course of a Licence. Drivers should be aware that if they fail to comply with this requirement it may prevent the Borough Council from renewing their driver's licence under delegated authority.</i></p> <p>Again although this is clear, this information must be given to applicants at inception, with a signed acknowledgement. Probably 90% of drivers have never read the Handbook, and rely on persons such as me to read it and I am not clear on all of it.</p> <p><i>All drivers are responsible to check that the Operators through whom they are working has a current Operator's licence.</i></p> <p>This is fine, but I do not know of any incident where a driver has asked to see a PH Operators Licence ever. It should be the PH Operators duty to give a photocopy to the driver for his information in return for the copy of his Hackney / PH Licence.</p> <p><i>Page 31</i></p> <p><i>The driver shall notify the Borough Council in writing of any change in the private hire PH Operator he/she is working under the control of within 7 days of the change taking place.</i></p> | <p>Comment</p> | <p>of the councils licensing team are well publicised on its website and in correspondence</p> |
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| | | <p>As of Page 15, the PH Operator should advise you not the driver. Again, does this ever happen? A driver could work for a PH Operator but then go and work for a Hackney only situation, or indeed just himself. I believe the fewer onuses you place on the driver, where applicable, leads to a happier situation.</p> <p><i>Animals - The driver shall not convey in <u>any vehicle</u> any animals belonging to or in the custody of himself or the proprietor or Operator of the vehicle</i> Are you able to change this to: Any Taxi or Private Hire Vehicle. Or “ any licenced vehicle.”</p> <p><i>The driver shall not convey in any vehicle any animals belonging to or in the custody of himself or the proprietor or Operator of the vehicle</i> A Taxi driver, here, cannot convey his own dog from A to B under any circumstances.</p> <p><i>Any animal belonging to or in the custody of any passenger (other than an assistance dog) may be conveyed in a vehicle at the discretion of the driver</i> Would this nullify the paragraph above if the driver had for example his partner with him?</p> <p><i>No driver (unless they hold an Exemption certificate) may refuse to carry a Guide, Hearing, and other assistance dogs – Dogs for the Disabled, Support Dogs, Canine Partners for Independence - that is in the charge of a fare paying passenger. No charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person training such a dog and the dog should be allowed to remain with the passenger</i> Drivers of saloon cars have often been seen to refuse all dogs, even assistance dogs whilst not having the Exemption Certificate on grounds, and even though illegal.</p> | <p>Comment</p> <p>Comment</p> <p>Comment</p> | <p>The policy document once approved will; be on the councils website.</p> <p>This is common sense and good practice</p> <p>The condition is for both parties to inform the council of changes</p> <p>For the avoidance of doubt “any licensed vehicle”</p> |
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| | | <p>Even Guide Dogs can damage and or soil seat covers. The Act does give provision for this though.</p> <p><i>(6)In determining whether to issue a certificate of exemption, the licensing authority shall, in particular, have regard to the physical characteristics of the taxi which the applicant drives or those of any kind of taxi in relation to which he requires the certificate.</i></p> <p>Whilst it might not be possible, would the GYBC issue a blanket proviso that no saloon driver need take any Guide dog if it is not his wish? Notwithstanding this point, if a Guide Dog soils a saloon Taxi, who pays the soilage charge and or damage to seats?</p> <p><i>A driver shall produce their DVLA driving licence for inspection by an authorised officer annually and at any point during the period of the licence (within 7 days of request).</i></p> <p>Now that the Paper Counterfoil is no more, should this not come under the Internet Driving Licence Check and the requirement be for an internet check?</p> <p><i>Any requirements of legislation, which effects the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.</i></p> <p>This point should be clearly laid out / advised at the <u>Knowledge Test point of contact</u>.</p> <p>It should be a requirement that any new potential driver read the new handbook and signs to agree to its content, and accepts that it lays out the terms and conditions that grants the licence in the first place and continues whilst the licence is still valid.</p> <p>It might seem that this Handbook does seem to prefer things back to front and prevention or full knowledge of the Rules prior to all else, is a better</p> | <p>Yes</p> <p>Comment</p> <p>Comment</p> | <p>If the partner was a passenger with their own dog that would be covered</p> <p>The law is quite clear on this point</p> |
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| | | <p>policy.</p> <p><i>It is the driver's responsibility to provide the following information throughout the term of their licence: (a) DBS check every 3 years (b) Annual DVLA check</i></p> <p>Perhaps this should read, to be more user friendly: It is the driver's responsibility to, in order to maintain a valid Hackney / PH Licence, provide when asked, help and information for the GYBC to obtain current information on. (a) DBS check every 3 years (b) Annual DVLA check Under 57(1) of the relevant Act.</p> <p>Page 32 (c) <i>Medical Certificate in accordance with conditions</i> <i>The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act shall be guilty of an offence and liable on summary conviction to a fine. In addition to such action, whether or not resulting in criminal proceedings being taken, may lead to the suspension or revocation of an existing licence or refusal to renew such a licence.</i></p> <p>Sorry do not really understand this. Does the Act describes it thus: 57 Power to require applicants to submit information. (1)A district council may require any applicant for a licence under the Act of 1847 or under this Part of this Act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence. (2)Without prejudice to the generality of the foregoing subsection— (a)a district council may require an applicant for a driver's licence in respect of a hackney carriage or a private hire vehicle— (i)to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or a private hire vehicle; and</p> | <p>Comment</p> <p>Comment</p> | <p>This requirement is to produce the drivers photocard licence on demand – which is good practice for all professional drivers to carry with them at all times</p> <p>It is common sense that applicants for any job should establish for themselves the job requirements and terms & conditions before they apply and accept a job. All licences issued by the Council are conditional licences</p> <p>It is the Drivers responsibility to provide or facilitate this information</p> |
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| | <p>(ii)whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the district council as to his physical fitness to be the driver of a hackney carriage or a private hire vehicle; Concerning Medical Certificates a driver will be unable to obtain one, or indeed a licence without the yellow form from the GYBC and of course the examination itself. Considering past recent cases might it be prudent to include signed confirmation that the applicant has advised the doctor fully as to his/her FULL medical history, as most examinations are not done by the applicants own doctor.</p> <p><i>Page 33</i> <i>The proprietor of a private hire business shall not cause any advertisement in respect of his business or the vehicles used for that purpose to include the words 'taxi', or 'cab', whether in the singular or plural, or words of similar meaning or appearance to either of these words, whether alone or as part of another word. Only licensed vehicles may carry any advertisement in relation to any hackney carriage or private hire Operator.</i> Most if not all of PH vehicles have top signs and are covered in decals that make it clear to the uninformed public that they are vehicles for hire. This has been going on for years but nothing has ever been done. We would wish to support all licenced drivers but rules laid out by you here are not being followed.</p> <p><i>Page 34</i> <i>An Operator shall immediately upon receipt, notify the Council in writing, of any complaints concerning the cleanliness/condition of a vehicle or a complaint against a driver</i> We are sure that this does happen. Again we would ask that the GYBC facilitates a simple action to inform the GYBC of this. By using a dedicated email address or a website page dedicated for this</p> | <p>No</p> | <p>which includes personal data – it is not for the council to chase drivers</p> <p>Regarding medicals the council proposal is to adopt the Group 2 medical standard for professional drivers – the procedure, detail and reporting form are prescribed by DVLA</p> |
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| | | <p>situation.</p> <p><i>No Operator shall invite or accept a private hire vehicle booking or control or arrange a journey to be undertaken by a private hire vehicle without first making available the charge for the hire of the vehicle to the person making the booking.</i></p> <p>This in practice never happens.</p> <p>The person / customer making the booking and 95% of these bookings are for ASAP, hardly ever ask for the charge and would never be informed of the charge, as a matter of course because this is sometimes difficult to estimate especially as most if not all PH vehicles have meters in their motors. But the persons who do ask only get a rough estimate and generally seem happy with this.</p> <p><i>Page 35</i></p> <p><i>Operator's office must be located within the District to enable any Authorised Officer/Agent access to the premises or any records as required by statutes or conditions</i></p> <p>Whilst not relevant at the moment, concerning such firms as UBER, if they came to GY, sometimes here the Operator's office is in another country. Would this make this situation illegal?</p> <p><i>An Operator shall maintain at his premises details of all vehicles operated by him, which shall include the following: o the Private Hire licence plate</i></p> | <p>No</p> <p>Comment</p> | <p>The Councils policy is not to allow any top signs on private hire vehicles plated by them</p> <p>As stated previously the council contact details are well publicised</p> <p>This is a legal requirement – the contract made may be for the charge to be based on a meter tariff -any</p> |
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| | | <p><i>Page 55</i> <i>The driver of a hackney carriage shall when plying for hire in any street and not actually hired:</i> <i>a) proceed with reasonable speed to one of the stands fixed by the bylaw in that behalf</i> <i>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</i></p> <p>There has been an ongoing problem with Ranks and Rank spaces in GY for maybe 20 years, many have come and gone; many have been produced that are of no value to the Taxi driver. We believe the GYBC does not understand the value of a “good” Taxi rank and the insignificance of some ranks that are never used by the Hackney trade because simply the public does NOT use them. This could be because as the town has evolved and changed what might have been a “good” rank 30 years ago is no longer of any financial value. Hence the Scroby Rank that I have quoted many times to no avail. The 1976 Act concerning Taxi Ranks says: Stands for hackney carriages. (1)For the purposes of their functions under the Act of 1847, a district council may from time to time appoint stands for hackney carriages for the whole or any part of a day in any highway in the district which is maintainable at the public expense and, with the consent of the owner, on any land in the district which does not form part of a highway so maintainable and may from time to time vary the number of hackney carriages permitted to be at each stand. (2)Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand in exercise of the powers of this section, a district council shall give notice to the chief officer of police for the police area in which the stand is situated and shall also give public notice of the proposal by advertisement in at least one local newspaper circulating in the district and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice.</p> | <p>Comment</p> | <p>with.</p> <p>Provision of internal CCTV has major data protection consequences. To that end installation of such systems require council approval.</p> <p>As stated previously provision of ranks is dependent on various factors including the local road layout; demands in a given</p> |
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| | <p>(3) Nothing in this section shall empower a district council to appoint any such stand—</p> <p>(a) so as unreasonably to prevent access to any premises;</p> <p>(b) so as to impede the use of any points authorised to be used in connection with a [F17] local service within the meaning of the Transport Act 1985 [F18] or PSV operator's licence granted under [F19] the Public Passenger Vehicles Act 1981], as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;</p> <p>(c) on any highway except with the consent of the highway authority; and in deciding the position of stands a district council shall have regard to the position of any bus stops for the time being in use.</p> <p>(4) Any hackney carriage byelaws for fixing stands for hackney carriages which were made by a district council before the date when this section comes into force in the area of the council and are in force immediately before that date shall cease to have effect, but any stands fixed by such byelaws shall be deemed to have been appointed under this section.</p> <p>(5) The power to appoint stands for hackney carriages under subsection (1) of this section shall include power to revoke such appointment and to alter any stand so appointed and the expressions "appointing" and "appoint" in subsections (2) and (3) of this section shall be construed accordingly.</p> <p>The legislation here is reasonably clear, though it seems to favour every other individual other than the Taxi driver. A clear point here though is that no number of actual rank spaces is mentioned. So under English Law we must presume that Reasonableness comes into play and in the Spirit of the Act the Law would presume that the Council would act reasonably and appoint 'Stands' or Ranks in suitable numbers to accommodate the increasing number of taxis it licences, and in places where they would be most beneficial not only to Taxi drivers but to the public.</p> <p>Prohibition of other vehicles on hackney carriage stands.</p> <p>(1) No person shall cause or permit any vehicle other than a hackney carriage</p> | <p>Comment</p> | <p>area for taxis etc and can change over time. The Councils is therefore currently reviewing the situation and will work with NCC highways, the travelling public and the trade.</p> |
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| | | <p>to wait on any stand for hackney carriages during any period for which that stand has been appointed, or is deemed to have been appointed, by a district council under the provisions of section 63 of this Act.</p> <p>(2) Notice of the prohibition in this section shall be indicated by such traffic signs as may be prescribed or authorised for the purpose by the Secretary of State in pursuance of his powers under [F20section 64 of the M3Road Traffic Regulation Act 1984].</p> <p>Parking prohibitions of some ranks are a big problem. Mainly because of insufficient signage and the public being unaware of or ignoring the situation. We sometimes wonder that having some stands is just a waste of time when it is filled with private cars. The police do not want to know and civil 'traffic wardens', do not always know the laws and as taxis operate 24 hours are not always available to witness illegally parked cars. On occasions when we have contacted the GYBC on this, the situation has been mainly ignored.</p> <p><i>e) remain in his carriage if it occupies the first or second position on the stand, ready to be hired at once.</i></p> <p>This has been an ongoing problem for years and needs to be further clarified. It begs the statement that, the driver of a hackney carriage shall when plying for hire in any street and not actually hired and occupies a rank in the third, fourth etc, position does not need to occupy his carriage.</p> <p>We feel that drivers on the first and second position should be occupying a situation where they are ready to be hired at once. But there are incidents when a driver when say fifth or sixth in line needs to go to the toilet or grab a drink.</p> <p>On busy ranks this is policed well by drivers but we would wish to have the freedom that if a driver is not in first or second place he could go off for a few minutes to facilitate this without fear of penalty.</p> <p>Furthermore, on less busy ranks would it be permitted for taxis to leave their vehicles on the back of the rank for say 30 minutes to go for a break?</p> <p>The alternative is using and taking up public parking spaces that would better serve shoppers and the like, with proper consultation and agreement we see that situation would not be abused.</p> | | |
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| | | <p>Page 58 TAXI RANKS IN GY. This list illustrates totally the GYBC's total disregard in appointing Taxi Ranks for the benefit of drivers wishing to make a living and the convenience of the Public. Moreover, its total disregard to the evolution of the town, past planning and its management. <i>Alexander Rd south of its junction with Regent Road, southwards for a distance of 25 metres</i> No. 1 This is we believe the KFC rank / lay-by, which can be used by taxis from 21.00 to 06.00 only. This rank cannot generally be used, but is mainly occupied by private cars parking to use KFC, McDonalds etc. 4 Places NOT USED.</p> <p><i>Lay-by in Coach Station</i> No 2. This is the BEACH STATION RANK. And it was appointed maybe 40 to 50 years too late and as soon as it was commissioned and built things evolved and it was of no further use. In GY's heyday on a Saturday this was the main rank in town. This rank is now only used sparingly for about six weeks of the year and then by no means to any great use, as coaches etc no longer stops there. 20 places of no real use. <i>East side, outside Nat West Bank Hall Quay.</i> No. 3. This we presume is the STAR RANK. This was once the most used and most important rank in town, 45 years ago, it was then called the YARE RANK, and then was NOT official / appointed, drivers had to attempt to park in between private cars. It is now used sparingly as the public do not use it as much as they used to, especially since the decline in the Oil Trade. Some work does still come off this rank. 5 places of no real use. <i>Market Gates Road, South side</i> No. 4. This was the Millets Rank now YARMOUTH FEATHERS RANK. An</p> | | |
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| | | <p>important rank 5-6 days a week between 07.00 to about 16.30. 4 places active.</p> <p><i>South side, from a point 46 metres north-east of its junction with Howard Street</i></p> <p>No. 5. The Regent Street Rank. One not used as it should but an important one when taxis cannot get onto the ABC RANK. 6 places. Only room for maybe 4.</p> <p><i>Theatre Plain</i></p> <p>No. 6. The ABC RANK situated where the old ABC cinema used to be, now starting at COSTAS COFFEE SHOP, and going back to the end of the building and the feeder on the West side of Theatre Plain. This is perhaps now the most important rank in town, closely followed by the Trollcart and then Yarmouth Feathers. 8 places active.</p> <p><i>Opposite Holkham Hotel (clarification sought from County)</i></p> <p>No. 7. We are a little confused about this rank and it raises a bit of amusement when we discuss ranks. Originally on the North side of the Eastern end of Trafalgar Road.</p> <p>Called the HOLKHAM RANK, although the Holkham Hotel has been closed for many years. Maybe 25 -55 years ago, in the summer it was a very important rank as it was quite big and in a Central seaside area. It is now on the South side and has been for some time but when it might be of any use in the summer it is filled with private / disabled cars.</p> <p>If GY has any future in the holiday trade we would perhaps like to see this put back where it was originally and might only be used for around six weeks of the year. Though we understand for several years now it is officially on the North side of the road but because the signage has not been changed, it is not worth getting a parking ticket. 8 places unused</p> <p><i>Britannia Pier entrance bus stop Northwards</i></p> <p>No. 8 BRITANNIA PIER RANK, an important rank used by day and evenings during summer and Friday and Saturday nights all year round. Has some private / coach parking issues. We thank the police for allowing us to double</p> | | |
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| | <p>park up into North Drive when busy. 4 places active. <i>Marine Parade West side from a point 61 metres south of the centre line of Trafalgar Road southwards for 42 metres Continuing</i></p> <p>No. 9 This is the Arena Rank. There seems no clear mention of the Arena Rank, in your list, which is an official appointed rank situated outside of Caesars Bar and the Arena complex, formerly known as the Tower Complex. This rank is a very important rank especially in summer and on Friday & Saturday nights. But it can be plagued with private cars ignoring what signage there might be. The use of the bus-stop is important. We would thank the police for allowing us to double park on busy Saturday nights up past Mission Bar. We might comment that if the King St. rank was better assessable more Taxis would go there. <i>From entrance to Sea Life Centre extending northwards (clarification sought from County)</i></p> <p>No10 This is the old Wellington Pier rank and in better days one that was used, but because of changes hardly ever used, as it is no longer signed. No spaces <i>East of the main entrance to the Ocean Rooms, vehicles parking parallel to the Kerb</i></p> <p>No 11. This is the Ocean Rooms rank or “The Rooms”. A rank hardly ever used, but very important Friday evenings and some Saturday evenings when the Rooms have a function. 3 places <i>The use of the following bus stops between 11.45pm and 6.30am West side near Bourbon Street</i></p> <p>No. 12(a) (See 21) This is / was the Bourbon St Rank, Bourbon St. was a club. But the club has been closed for several years and “The Empire” is unused. <i>West side near Tower (clarification sought from County)</i></p> <p>No. 12(b). Rank on Marine Parade, KFC, as above. Part of Arena? <i>King ST. 27 metres south-east of the centre line of its junction with the C610 King Street, south-eastwards for a distance of 50 metres (6pm-8am)</i></p> <p>No. 13. This is the King St. rank and has had several positions on the North</p> | | |
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| | | <p>end of King St. over the years as clubs and planning have come and gone. It is Disabled Parking by day and Taxi by night. It is an important rank, especially on busy Friday & Saturday nights, serving the EVO Night club, restaurants and Peggottys Public House, but is plagued terribly by parking by private cars, and the Police.</p> <p>We have made numerous complaints to the Police and GYBC. On two occasions, I witnessed, two private car owners asking the police for clarification on parking here and police told them it was nothing to do with them, though some signage is there. The cars did not move. We wonder how many years a situation has to go on before something is done. 10 spaces when no private cars on it.</p> <p><i>North side of St Peters Road from a point 15 metres, due east of junction of St Peters Rd and Standard Place, extending 32 metres in an easterly direction</i></p> <p>No. 14. This is the old Red Bus Station rank and as the Bus Station has been gone for many years it is not used as a rank anymore and markings are not clear. Might be used by taxi drivers taking a break in one of the cafes nearby.</p> <p><i>East Side, outside Tattersalls Gate at Racecourse</i></p> <p>No. 15 This is the Racecourse Rank, a very important rank during a Race Meeting. Could be bigger.</p> <p><i>Outside 59 Marine Parade</i></p> <p>No. 16. This is the old Othello's Rank. Long gone, removed by new planning some years ago.</p> <p><i>East side of public conveniences (Feathers Plain) North Side</i></p> <p>No. 17. This is the Feathers Rank (Gorleston). The main rank in Gorleston and very important and used maybe 15 hours a day seven days a week, but its design has always been a bone of contention and accommodates only 5 spaces for the main shopping area for the biggest local population in GY. No regard has been given for a feeder rank.</p> <p><i>School Lane, Gorleston</i></p> | | |
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| | | <p>No. 18 This is the School Lane Rank, used when times are busy and Feathers rank full, and generally for Hackneys waiting for a job from their office. <i>To the north of the entrance to Tesco's supermarket (now palatial bingo/casino)</i></p> <p>No. 19. This is the old Tesco's Rank. Because of new planning and changes to the area, no longer used except by the Palace Bingo bus. <i>On the east side of the Parade extending northward from the opening leading to the Pleasure Beach (11pm – 6am) Also Landau rank in the daytime</i></p> <p>No. 20. This is the Pleasure Beach Rank used almost solely by Landaus. Hackneys can use it at night but as the Pleasure is either closed or shuts much earlier than before, of no real use. <i>Marine Pde. To run Southwards from the southern end of the bus stop outside Bourbon Street, for the hours 11pm to 6.30am (this is to supplement the existing rank for two taxis) (clarification sought from County)</i></p> <p>No. 21..Please No. 12 above.</p> <p><i>Temple Road. From a point 33 metres south of its junction with South Market Rd, southwards for a distance of 19 metres</i></p> <p>No. 22. This is the Trollcart Rank, Iceland Rank end. We have a rank here but it is split in two by spaces for buses and coaches. For such a busy rank, (See 23.) day and night, it is impossible to manage in the present position. <i>From a point 71 metres south of its junction with South Market Rd, southwards for a distance of 38 metres</i></p> <p>No. 23. We presume this is THE TROLLCART RANK. It would seem historically that the Taxi Trades views have always come second to that of all others concerned when it came to appointing Ranks. The Trollcart Rank is an important rank to the taxi trade for about 18 hours each day 7 days a week. It is an important hub for the transportation of the public by taxis, and we require use of the whole lay-by here. It would seem that the buses and coaches have much more room available to them without encroaching the Trollcart Rank by using and managing lanes already there in the Regent</p> | | |
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| | | <p>Boulevard area AND the West end of Regent Road. Please feel free to ask the Taxi trades advise on this. 4 places active.</p> <p><i>Theatre Plain From a point 29 metres north-west of the centreline of its junction with the C610 King Street northwards for a distance of 14 metres (6am-6pm)</i></p> <p>No. 24. Please see No. 6.</p> <p>In conclusion might we please ask you to look at our comments and allow us to set up a meeting with all concerned to discuss the new handbook? We would also wish to discuss the problem with the ranks in GY; there are probably 200 Taxis in town but we can only consider around 50 spaces on all our ranks that are used at all, and perhaps only half of those spaces are used on a daily basis.</p> | | |
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Legal action fear sparks action by Southampton taxi drivers



Taxi drivers no longer have to carry first aid kits or fire extinguishers

Saturday 21 September 2013 / News

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THEY are potential lifesavers and a familiar sight in workplaces across the country.

But Southampton's taxi drivers now no longer have to carry first aid kits and fire extinguishers.

They are set to ditch the equipment because they are scared of being sued – even if they just put a plaster on a passenger.

Concerned cabbies say using first aid kits to try and help injured customers could land them in court and lead to hefty payouts.

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The claim they have also been advised that using fire extinguishers could invalidate insurance claims.

Today one city councillor labelled the culture of fear of legal action that taxi drivers are operating under "ridiculous" and "health and safety gone mad".

Private hire and hackney drivers have been obliged to carry both items for decades as part of city council policy.



But at a meeting between members of the trade and council officers earlier this year, drivers brought up concerns about the policy.

With taxi drivers not obliged to undertake first aid training said they were concerned that drivers may administer treatment incorrectly and face legal action.

Some within the trade say the fear of committing crucial mistakes having assumed a duty of care to the person needing treatment and the fear of litigation puts an "extra pressure" on drivers.

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They also said that insurance firms had indicated to them that they would invalidate claims if they used fire extinguishers because they have not had any training.

Now the city council's licensing committee has removed the conditions forcing drivers to carry fire extinguishers and first aid kits.

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Taxi driver and Unite union chairman Perry McMillan said: "If you apply first aid to someone incorrectly and they have an even worse injury, or if you don't put a bandage on correctly you might be likely to be sued.

"The lack of training for taxi drivers is very important here, and I would also refer to the culture of litigation in the United States, where you can get sued for anything, which is becoming more relevant here.



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"You have people putting spurious claims in against taxi drivers for various things, and we are not putting ourselves up to that? That was the question before the condition was removed."

Page 113 of 117

Ian Hall, chairman of the Southampton

Hackney Association, said: "I think common sense has prevailed – it should be the driver's decision as to whether they have a first aid kit or fire extinguisher."

Clive Johnson, below, chairman of the Southampton Trade Association, said: "If we're not allowed to do first aid [because we haven't got training], we're definitely not allowed to put a plaster on someone because you could be sued."



"And the fire service has always advised us to get as far away from the fire as we can and to call them."

Licensing panel member Cllr Don Thomas, pictured below, said: "The words that spring to mind are that it's health and safety gone mad."

"The drivers' hands are tied and nowadays they've got to think twice before trying to help someone and that's just a ridiculous situation."

"It's not down to the drivers, it's down to the regulations forced on them and the fear of legal action."



Matt Howard, a spokesman for insurance firm A Plan, said: "I have never heard of the use of a fire extinguisher leading to the invalidation of insurance claims.

"Of course in the event of a fire, taxi drivers should not take any risk to life by trying to tackle a fire, but insurance companies will expect taxi drivers to take some action to attempt to lessen losses on their vehicles.

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"You are only supposed to use fire extinguishers if you know how to use them, but to say they would invalidate insurance claims sounds like lunacy."

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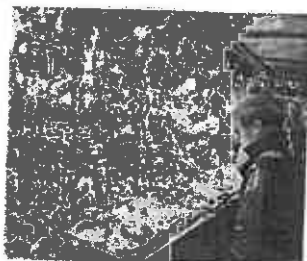
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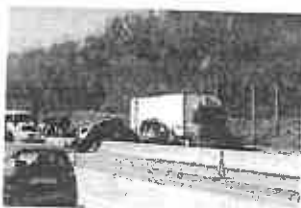
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Subject: Taxi Fees -

Report to: Licensing Committee
EMT
Cabinet
Council

Date: 22 December 2015
Date: 4 February 2016
Date: 10 February 2016
Date: 16 February 2016

Report by: Licensing and Elections Manager

SUBJECT MATTER AND DECISIONS REQUIRED:

This report informs Members of the changes to taxi legislation following the Deregulation Act 2015. This act introduces changes to taxi legislation which include the requirement that driver's licences should last for three years and operator's licences for five years. In light of these changes a review of the taxi licensing policy and licence fees has been undertaken.

1. Background

- 1.1. The Deregulation Act 2015 amends the Local Government (Miscellaneous Provisions) Act 1976 to extend the length of time a Combined Hackney Carriage/Private Hire Driver and Private Hire Operator licence remains valid for. The change aims to reduce the administrative burden placed upon the taxi trade, by reducing the amount of time spent on completing applications.

2 Taxi Licence Fees

- 2.1 Table 1, below, highlights Great Yarmouth's licence durations pre and post Deregulation Act 2015.

Table 1

| Licence Type | Prior Deregulation Act 2015 | Post Deregulation Act 2015 |
|--|------------------------------------|-----------------------------------|
| Combined Hackney Carriage/Private Hire Drivers | Annual licence | 3 year licence |
| Private Hire Operators | 2 year licence | 5 year licence |

- 2.2 The Deregulation Act 2015, states that the Council may grant a licence for a lesser period depending upon the circumstances of the case.

- 2.3 As a result of the change, it was agreed that a review of the licensing fees for the above two licence types would be undertaken to ensure that the cost of administration is reflective of the service provided. Table 2 shows the current and proposed fee.

Table 2

| Licence Type | Current Fee | Proposed Fee |
|--|-----------------------|----------------------------|
| Combined Hackney Carriage/Private Hire Drivers | £60 - annual fee | £150 – 3 year licence |
| Private Hire Operators | £230 – 2 year licence | £300 - 5 year licence - |

- 2.4 The Local Government (Miscellaneous Provisions) Act 1976 requires Local Authorities to consult upon amendments to fees for 28 days. The above proposed charges are subject to a consultation period and this will be carried out in January.

3. RECOMMENDATIONS

- 3.1 That the proposed fee be approved in principle subject to a 28 day consultation period in January

LEGAL IMPLICATIONS:

Statutory requirements

FINANCIAL IMPLICATIONS:

Fees have been reviewed to cover council costs

EXECUTIVE BOARD OR DIRECTOR CONSULTATION:

Director of Customer Services

| | | |
|---|---------------------|-----|
| Does this report raise any legal, financial, sustainability, equality, crime and disorder or human rights issues and, if so, have they been considered? | Issues | |
| | Legal | Yes |
| | Financial | Yes |
| | Sustainability | |
| | Equality | |
| | Crime and Disorder | |
| | Human Rights | |
| | Risk Considerations | Yes |