

**Subject:** Taxi Licensing Policy

**Status:** For Publication

**Report to:** Council

**Date:** 23<sup>rd</sup> February 2011

**Report of:** Director of Business

**Portfolio**

**Holder:** Environmental Services

**Key Decision:** Yes

Forward Plan  General Exception  Special Urgency

**1. PURPOSE OF REPORT**

1.1 To introduce a policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles for the Borough of Rossendale.

**2. CORPORATE PRIORITIES**

2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective/s.

- Delivering Quality Services to Customers (Customers, Improvement)
- Keeping Our Borough Clean and Green (Environment)
- Promoting Rossendale as a cracking place to live and visit (Economy)
- Well Managed Council (Improvement, Community Network)

**3. RISK ASSESSMENT IMPLICATIONS**

3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

3.2 Without a written policy there is a danger of inconsistent decisions which could be the subject of legal challenge. In addition, it is important that customers are aware of the procedures and their responsibilities when licensing vehicles or themselves.

**4. BACKGROUND AND OPTIONS**

4.1 Rossendale Borough Council is responsible for the licensing of hackney carriage vehicles and drivers and private hire vehicles, drivers and operators. They are also responsible for the provision of hackney carriage stands, setting hackney carriage fares and for enforcement activities under various

enactments. The underpinning requirement is to ensure that vehicles are clean and safe and are driven by persons who are fit and proper to undertake this activity.

- 4.2 Rossendale Borough Council does not have a written taxi licensing policy nor any published procedures outlining how it deals with various aspects of vehicle, driver and operator licensing. There are, of course, procedures in place but these have developed through custom and practice and it is good practice to have a written policy in order that the Council and its customers have a clear understanding of what is required to be produced, in what time frame and how the Council will deal with applications.
- 4.3 The proposed policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles is appended at Appendix A. This document has been formatted for administration ease and it should be noted that the content remains the same with the exception of those changes recommended by the Licensing Committee and detailed at 10.3 of this report. The formatted version appends the conditions to the policy.
- 4.4 Paragraph 2.16 of the policy has also been amended to reflect the recommendation of the Licensing Committee with regards to the Enforcement Policy listed as item E1e for Council.
- 4.5 The majority of the proposed policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles has been drawn from current conditions, byelaws and procedures already in force within the Borough of Rossendale.
- 4.6 Appendix B is a Schedule of the changes that are proposed and included in the policy, which vary from current practice.
- 4.7 Currently, when an application is made to the Council for a vehicle to be licensed or renewed for a hackney carriage or private hire vehicle, the vehicle is brought to the Public Protection Unit by appointment, together with a new MOT test certificate, current insurance and the vehicle V5 registration document. This part of the process is essentially an administrative function.
- 4.8 However, at the same time, authorised officers also conduct the 'Rossendale Test'. The 'Rossendale Test' is a check on the condition of the bodywork and the interior of the vehicle and a check of the accuracy of the taximeter over a measured mile is also conducted.
- 4.9 This is time consuming and ties public protection officers to the office when there are appointments for vehicles to be licensed. It is proposed that the new arrangements will make more effective use of officer time and ensure that enforcement activity is prioritised.
- 4.10 Currently, hackney carriage and private hire vehicles undergo an MOT test twice per year and MOT's are only accepted from three authorised garages. It is proposed that in future, any authorised garages will also conduct the Rossendale Test and certify that the vehicle has reached the required standard.

They will not be able to suspend the vehicle should it fail the Rossendale Test but they will pass the result of the test to the Public Protection Unit forthwith for them to take the necessary action.

4.11 Appended at Appendix C are details of the current 'Rossendale Test' and at Appendix D are details of the new proposed test.

4.12 There has been a period of consultation for this Policy and comments received have been considered. When appropriate, the original draft document has been amended. The consultation process produced one comment from a member of the public, none from organisations and a letter from the trade representatives indicating that they will make any comments directly to the Licensing Committee. The consultation responses are appended at Appendix E.

4.13 Following a Taxi Liaison meeting on 25<sup>th</sup> November 2010, the Rossendale Taxi Association has now submitted a written response to the proposals. The written response is appended at Appendix F.

4.14 A response to the comments of the Rossendale Taxi Association has been prepared by the Public Protection Unit and is appended at Appendix G. The Byelaws relating to hackney carriages are appended at Appendix G1.

4.15 **COMMENTS FROM STATUTORY OFFICERS:**

## **5. SECTION 151 OFFICER**

5.1 There are no material financial implications.

## **6. MONITORING OFFICER**

6.1 The Council must make a decision based on all relevant information and following consideration of all relevant Council policies.

## **7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)**

7.1 There are no specific human resources implications.

## **8. CONCLUSION**

8.1 A written policy will benefit the Council, the hackney carriage and private hire trade and its customers. It details the procedures that the Council will follow and implement and the expectations and standards placed upon the trade. The Policy is designed to ensure that members of the public will be transported safely and comfortably and only those matters which are necessary and proportionate are included.

8.2 The movement of the Rossendale Test from its current 'in-house' procedure to independent garages will free up officer time and make the licensing regime a purely administrative process. With changes to the structure of the Licensing Unit, the present structure is not tenable.

## **9. RECOMMENDATION(S)**

- 9.1 That Council resolve to adopt the policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles and the Rossendale Test proposals.
- 9.2 That Council delegate any future changes to the policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles and the Rossendale Test to the Licensing Committee.

## **10. CONSULTATION CARRIED OUT**

10.1 The consultation period for the draft policy ran from Monday 20<sup>th</sup> September until Monday 1<sup>st</sup> November 2010. The draft policy was published on the website of Rossendale Borough Council and copies were sent to all Rossendale Councillors. In addition every licensed vehicle proprietor, driver and operator was informed by letter of the draft policy and various local organisations were sent copies.

10.2 On 18<sup>th</sup> January 2011, the Policy Overview and Scrutiny Committee resolved:

- That the Committee recommend to Council the adoption of the Policy for the Licensing of hackney carriage drivers and vehicles and private hire operator drivers and vehicles and the Rossendale Test proposal

10.3 On 24<sup>th</sup> January 2011, the Licensing Committee recommended to Council the following amendments be made to the policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles.

- That with regards to page 9 (page 11 on the formatted policy) paragraph 2.10 of the Taxi Licensing Policy, the points would be increased from 6 to 9 before a driver would have to retake the DSA Test. The formatted draft policy has been amended to reflect this recommendation.
- If the driver accumulates 6 or more points in 1 year depending on the severity, the driver could be referred to committee.
- In relation to Convictions, the time limit in which a driver would have to disclose details of a conviction, police caution or fixed penalty notice would be increased from 7 to 14 days. The formatted draft policy has been amended to reflect this recommendation.

Resolved:

- That the Committee recommend to Council the adoption of the policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles and the Rossendale Test proposals.

10.4 The extract of the minute from the Licensing Committee on 24<sup>th</sup> January 2011 is at [Appendix H](#).

**11. COMMUNITY IMPACT ASSESSMENT**

Is a Community Impact Assessment required Yes

Is a Community Impact Assessment attached No

**12. BIODIVERSITY IMPACT ASSESSMENT**

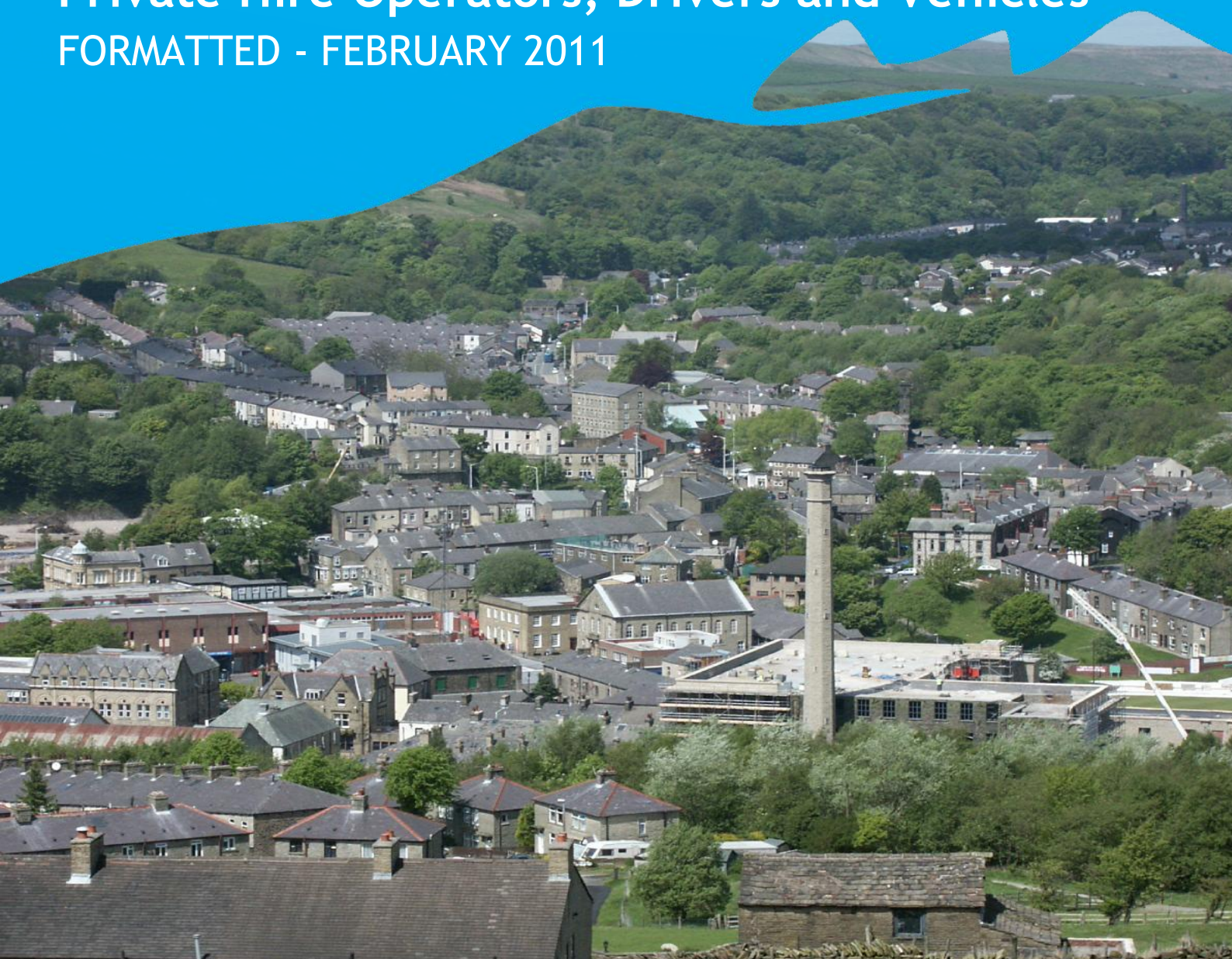
Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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Appendices	
Document	Appendix Number
Policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles	Appendix A
Schedule of changes	Appendix B
Current Rossendale Test	Appendix C
Proposed Rossendale Test	Appendix D
Details of Consultation responses	Appendix E
Written response from the Rossendale Taxi Association	Appendix F
Response from the Public Protection Unit	Appendix G
Bylaws relating to hackney carriages	Appendix G1
Licensing Committee 24 <sup>th</sup> January 2011 extract	Appendix H

# Policy for the Licensing of: Hackney Carriage Drivers and Vehicles Private Hire Operators, Drivers and Vehicles FORMATTED - FEBRUARY 2011



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## 1. Introduction

The purpose of this Policy is to draw together and review the current working practices, conditions, procedures, Licensing Committee determinations and policies and re-introduce some previous practices such as the return of the Rossendale Test to nominated authorised garages.

### 1.1 Objectives

Anyone wishing to act as a hackney carriage (taxi) driver or to use a vehicle as a hackney carriage (taxi) must be licensed by the Council as a driver and must also have the vehicle licensed.

Anyone wishing to act as a private hire driver or to use a vehicle as a private hire vehicle must be licensed by the Council as a driver and must also have the vehicle licensed. In addition to these licences, anyone controlling/operating such vehicles and accepting bookings for them must also be licensed.

The aim of the licensing process is to regulate the hackney carriage and private hire trade in order to promote the objectives listed below. When considering each policy and procedure that makes up this document we have endeavoured to ensure that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.

Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They are an important part of the public transport infrastructure of the country, and the purpose of a licensing regime is to ensure that the service to the public is accessible and safe, and seen to be so. Hackney carriage and private hire drivers are persons of trust who maintain contact with the public. They are able to provide services in situations where public transport is either not available or for those with specific mobility requirements.

In setting out this policy, the Council seeks to promote the following objectives:

- The protection of public safety
- Professional and respected hackney carriage and private hire profession
- Increased access to an efficient and effective public transport
- The protection of the environment

This document contains the policies adopted by Rossendale Borough Council for such licences. These policies will normally be applied in every case but where there are exceptional or unusual circumstances then these policies and conditions may be departed from. In particular, where appropriate circumstance require it, additional conditions to those detailed in this document may be applied

to licences. Any such departure from this policy will only be as approved by the Director of Business, Monitoring Officer or Unit Manager.

In adopting these policies regard has been given to all current Government advice contained in circulars or suggested good practice. It is the Council's desire to facilitate well-run and responsible businesses who display sensitivity to the desires and needs of the general public.

## 1.2 Powers and Duties

There is legislation which the Council must either have a regard to or places a duty on the Council to carry out its licensing functions in respect of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles. Some of this is listed below:

- Criminal Justice and Public Order Act 1994
- Criminal Procedures and Investigations Act 1996
- Data Protection Acts 1984 and 1998
- Deregulation (Taxis and Private Hire Vehicles) Order 1998, SI 1998/1946
- Disability at Work Act 1994
- Disability Discrimination Act 1995
- Equalities Act 2010
- Freedom of Information Act 2000
- Health and Safety at Work etc. Act 1974
- Highways Act 1980 (as amended)
- Human Rights Act 1998
- Licensed Taxis (Hiring at Separate Fares) Order 1986, SI 1986/1386
- Local Government Act 1972
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- LOLER Regulations 1998
- New Roads and Street Works Act 1991
- Police and Criminal Evidence Act 1984
- Private Hire Vehicles (Carriage of Guide Dogs etc) Act 2002
- Protection from Harassment Act 1997
- Public Passenger Vehicle Act 1981
- Regulation of Investigatory Powers Act 2000
- Regulatory Enforcement and Sanctions Act 2008
- Rehabilitation of Offenders Act 1974

- Road Traffic Act 1972 & 1988
- Road Traffic Regulation Act 1984
- Road Traffic Regulation (Special Events) Act 1994
- Smoke-free (Premises and Enforcement) Regulations 2006
- Smoke-free (Signs) Regulations 2006
- Taximeters (EEC Requirements) Regulations 1979
- The Measuring Instruments (Taximeters) Regulations 2006
- Town Police Clauses Act 1847
- Town Police Clauses Act 1889
- Transport Acts 1968 and 1985
- Transport Act 1980, 1981 & 1985
- Workplace (Health Safety and Welfare) Regulations 1992

### **1.3 Status**

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives listed above.

### **1.4 Licensing Profile**

Rossendale Borough Council currently licences approximately:

- 162 hackney carriages
- 9 private hire vehicles
- 250 hackney carriage drivers
- 19 private hire drivers, and
- 11 private hire operators

*(figures correct at 16/12/2010)*

## **2. General Policy Matters**

### **2.1 Sharing of Information**

The Council will share with other enforcement bodies, information supplied by applicants, or acquired in the course of exercising licensing functions, where it is lawful to do so. In particular, personal information will only be disclosed in accordance with the Data Protection Act 1998. This may include requests from the Audit Commission or other regulatory agencies where this is necessary for the detection or prevention of crime or required by law or in connection with legal proceedings. Where applicable, it will be under the relevant Information Sharing Protocol.

## **2.2 Quantity Restrictions on the issue of Hackney Carriage Licences**

This Authority does not restrict the number of hackney carriage vehicles licensed.

## **2.3 Age restrictions on drivers.**

This Authority does not set a maximum age for the issue of licences to hackney carriage or private hire drivers and applicants will be assessed on their merits.

## **2.4 Criminal Records Bureau Checks**

As part of an application process an applicant will be required to complete and submit, through the Council, a Criminal Records Bureau (CRB) disclosure application and also to disclose on their application form any convictions. For a hackney carriage or a private hire driver's licence an enhanced CRB check will be required whereas for a private hire operator a standard CRB check will be required. Disclosures will only be accepted if the disclosure of information from the CRB has been made in the one month period prior to the application. CRB disclosures made through other organisations or for other purposes than for driver licensing will not be accepted. Where the disclosure from the CRB discloses evidence of previous criminal activity then the application may be refused.

Drivers and operators shall be required to submit new CRB checks every three years, although this period may be reduced at the discretion of the Director of Business, Monitoring Officer or Unit Manager where such checks reveal evidence of previous criminal activity. Interim checks may be required where there is an indication of previous criminal activity.

## **2.5 Overseas Criminal History Checks**

Where the applicant has lived in a country other than the UK for a continuous period of one year or more in the last ten years, then in addition to the CRB disclosure application the applicant will be required to produce a Certificate of Good Conduct issued by the relevant non-UK country. The certificate must be an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority for the relevant country. The certificate must document any convictions recorded against the individual or confirm their "good conduct". You should contact your relevant Consulate for this.

## **2.6 Statutory Declaration**

Applications for the renewal of a driver licence will require a statutory declaration. The completed declaration must be signed in front of a solicitor or commissioner

for oaths. On request, your photograph will be endorsed at the same time. Statutory declarations must be dated within one week of the application.

## **2.7 Policy Relating to the Relevance of Convictions**

A Local Authority must not grant a licence to a hackney carriage or private hire driver unless they are satisfied that the applicant is a fit and proper person. A Local Authority may refuse an application, refuse to renew an application or suspend a hackney carriage or private hire driver licence if:

- Since the grant of the licence, the applicant has been convicted of an offence involving dishonesty, indecency or violence;
- Since the grant of the licence, the applicant has been convicted of an offence under that Act or failed to comply with the Act or any conditions of the licence or,
- There is any other reasonable cause.

For the purposes of obtaining a hackney carriage or private hire driver licence, the Rehabilitation of Offenders Act does not apply and all previous convictions, adult cautions and intelligence revealed by CRB or overseas criminal history checks or from any other reliable sources must be disclosed and will be considered when assessing the applicant's suitability to be licensed regardless of the date when the matter under consideration occurred.

Since March 2002 all convictions, irrespective of age, remain "live" for the purpose, of a hackney carriage or private hire driver licensing, these occupations being added to the exemptions list from that time. CRB responses or overseas criminal history checks will be assessed against any relevant information and also against the following criteria:

- nature of the offence
- circumstances of offence
- subsequent periods of good behaviour
- overall conviction history
- sentence imposed by the court
- applicants history as an existing licensee (if relevant)
- any other check considered reasonable e.g. personal references

Where an applicant for a licence has a criminal conviction, then this need not permanently disbar them for applying for a licence. Each case will be considered on its merits and due regard will be paid to the Rossendale Borough Council Policy Statement on Guidelines to Convictions including statement of policy about relevant convictions which is appended to this policy document.

## 2.8 Photographs

1 photograph needs to be submitted to the Council every 3 years (in line with the CRB enhanced disclosure) for the purpose of the licensing regime for drivers, these shall be:

- in colour
- passport size which is to say 45 mm high and 36 mm wide
- in clear and sharp focus
- taken against a plain cream or plain light grey background
- not have red eye
- have been taken within the last 30 days
- free from shadows, reflection or glare off glasses
- shall be taken with the subject facing forward with eyes open and clearly visible with a neutral expression
- show the full head, without any head covering, unless worn for religious beliefs or medical reasons
- be a true likeness of the subject
- spectacles must be worn for the photograph provided they are not tinted and are normally worn by the subject for vision correction purposes
- one photograph must be endorsed with “I certify that this is a true likeness of [the applicant’s name] and it should be signed and dated

Any photograph which does not comply with these requirements or is deemed to be unacceptable for any other reason shall be rejected and this may invalidate an application.

## 2.9 Driving Licences

Applicants for new hackney carriage or private hire driver’s licences shall have held a driving licence issued by a member state of the European Union for at least one year prior to the date of application. This requirement shall not apply to licences being renewed. This period shall not include any periods when the driving licence has been suspended or revoked. The licence must reflect your current name and address and both parts of the licence must be produced if the licence is a photocard type.

## 2.10 Driving Standards Agency (DSA) Tests

As part of an application for a hackney carriage or private hire drivers licence the applicant will be required to pass a DSA Private Hire/ Hackney Carriage Assessment Test and submit evidence of that pass with their application. The test must have been passed within the six-month period preceding the application for the licence.



When a licensee accumulates 9 or more points on their DVLA driving licence the licensee shall be required to take, or retake, the DSA test and must pass within 3 months of being notified of the requirement and shall report the results of all such tests to the Council within one month of the test being taken. Failure to achieve a pass as required above will result in their licence being reviewed and shall normally result in revocation of that licence. Where a person has been required to retake their DSA test more than twice as a result of this policy they shall have their licence reviewed and this will normally result in their licence being revoked. An application to be re-licensed following such a revocation shall not normally be considered until a period of twelve months has elapsed from the date of revocation of their licence.

## **2.11 Medical Standards**

Applicants for hackney carriage or private hire driver's licences shall, as part of their application, submit the Group 2 medical form completed by their own GP within the six months preceding their application, the GP must have had full access to their medical records. Applicants must satisfy the Council as to their medical fitness. Such a medical assessment shall usually last up to the age of 45 years and thereafter a medical shall be submitted to the council every five years from the date of issue of their licence until they reach the age of 65 when it shall be resubmitted annually.

In considering an applicant's medical fitness the Council will apply Group 2 DVLA standards. The Council reserves the right to require the submission of a new medical assessment at any time, at the licensee's expense, especially where information becomes available that suggests that a licensee's medical status has changed. Where a specific medical condition causes concern the Council may seek to obtain specialist medical advice solely on that applicant or licence holder's condition.

## **2.12 Inspections**

Inspections will be carried out according to a risk-based and intelligence led system.

Operators will have their records and possibly their premises inspected.

Vehicles will be inspected.

Drivers will have their documentation inspected.

Wherever possible, vehicles and documentation will be inspected at the same time.

## 2.13 Renewals

A renewal application must be received and processed before the expiry of the current licence. If you fail to submit your renewal application at the correct time, we cannot guarantee your licence will be renewed. Only fully completed applications accompanied with the original required supporting documents and correct fee will be accepted, incomplete applications will be returned.

Where a licensed driver fails to apply for a new licence before his existing licence expires, the licensee shall apply for a new licence as if they were a brand new applicant. In such circumstances, a licence will not be granted until such time as all the necessary licensing requirements have been fulfilled.

Where a vehicle proprietor fails to apply for a new licence before the existing vehicle licence expires, the vehicle proprietor shall apply for a new licence as if the vehicle was coming onto the fleet for the first time.

### ➤ Renewals by Appointment

All appointments for renewal applications must be made 4-weeks prior to the expiry of the licence. If you fail to apply to renew your Licence at the correct time, we cannot guarantee your licence will be renewed.

### ➤ Renewals by Post

All renewal applications by post must be received at the Council no later than 10 working days prior to the expiry of the licence. If you fail to submit your renewal application at the correct time, we cannot guarantee your licence will be renewed.

## 2.14 Period of Licences

All licences issued after the adoption of this policy shall last for the following periods.

- a hackney carriage vehicle licence shall last for a period not exceeding one year;
- a hackney carriage driver's licence shall last for a period not exceeding one year;
- a private hire vehicle operator's licence shall last for a period not exceeding one year;
- a private hire vehicle licence shall last for a period not exceeding one year; and
- a private hire vehicle driver's licence shall last for a period not exceeding one year.

All renewal applications must be submitted 4-weeks prior to the expiry of the licence. Where a licensee fails to apply for a new licence before his existing licence expires, the licensee shall apply for a new licence as if they were a brand new applicant. In such circumstances, a licence will not be granted until such time as all the necessary licensing requirements have been fulfilled.

### **2.15 Test Purchasing**

Where appropriate, the Council will carry out test purchasing of hackney carriage and private hire services in order to check that licensing requirements are being complied with.

### **2.16 Appointments System**

Rossendale Borough Council operates an appointments system. Applications for operator, vehicle and driver's licences will be processed at the appointment. A re-booking fee of £35 may be payable for the following circumstances:

- failure to attend the appointment without at least two hours notice,
- failure to attend appointments without reasonable explanation,
- failure to provide the required relevant documents without reasonable explanation ,
- the presentation of unfit vehicles for licensing, and
- any other reasonable cause determined by the Director for Business, Monitoring Officer or Unit Manager

### **2.17 Vehicle Standards**

Vehicles will not be considered suitable for licensing as hackney carriages or private hire vehicles unless they comply with part 4 and part 7 of this policy document and, in addition, the following:

- there shall be a minimum of four doors excluding any tailgate;
- the vehicle shall have a solid roof which may include a solid sunroof;
- convertibles or soft tops will not generally be allowed;
- solid roofs incorporating a sunroof shall be permitted if the open able area is not in excess of 50% of the roof area;
- every vehicle shall have an external driving mirror on each side of the vehicle which may be used by the driver of the vehicle;
- private hire vehicles shall not be required to be fitted with a taximeter but where one is fitted then it shall be tested at intervals not more than every twelve months;
- vehicles shall be right hand drive vehicles only; and

- any alterations or conversion of the vehicle shall only be carried out by an appropriately qualified installer or vehicle manufacturer have a European Whole Body Type (M1) approval, Low Volume Vehicle Type Approval or Single Vehicle Type Approval (including a Certificate of Compliance issued by VOSA) as a minimum standard;

## **2.18 Age of Vehicles**

Vehicles which are older than five years and 364 days shall not be licensable. Licensed vehicles will be allowed to be licensed up to the age of 7 years and 364 days. In the case of vehicles classed as a minibus on their registration document, and any purpose built hackney carriage, they will be licensed up to the age of nine years and 364 days.

## **2.19 Seating Capacity of Vehicles**

In determining the number of passengers that a vehicle may be licensed for, the following guidelines will be applied.

- where separate seats for each person are provided one person shall be counted for each separate seat provided;
- where the vehicle is fitted with continuous seats one person shall be counted for each complete length of 410 mm measured in a straight line lengthwise on the front of each seat, however this number shall be reduced where there are insufficient seatbelts provided to accommodate this number; and
- where any continuous seat is fitted with arms in order to separate the seating spaces and the arms can be folded back or otherwise put out of use, the arms shall be ignored in measuring the seat

## **2.20 Advertising on vehicles**

Advertising material may be placed on vehicles provided that, before it is placed on the vehicle, the licensee has submitted details of the proposed advertising in writing to the Council, together with any necessary illustrations of the proposed advertising, and has obtained from the Council their written consent to that advertising. Details of how to apply to the Council for consent to display an advertisement, and details of the technical requirements for advertisements, are contained in part 4 and part 7 of this policy document.

## **2.21 Licence fees**

Current fees are advertised on the Council's website; alternatively an applicant may contact Licensing personnel.

In respect of hackney carriage and private hire driver and vehicle licences, no refunds will be given after the licence had been issued.

In respect of applications for driver's licences, no refund will be given to applicants who are refused a licence after determination by the Council.

In any other case where an administration cost has been incurred, a fee of 25% of the normal fee would be levied.

## **2.22 Vehicle transfers**

"Transfers" of vehicles on vehicle licences will only be permitted to take place once in the 12 month cycle of the licence and the transfer will incur an additional fee.

## **2.23 Documentation**

All documentation submitted in support of hackney carriage and private hire driver and vehicle licences, or private hire operators must be original documents which can be verified. No photocopies, faxes or emailed documents will be accepted.

## **2.24 Vehicle Windows**

All windows shall be transparent and be of standard manufacturer's specification and to the satisfaction of the authorised officer.

# **3. Hackney Carriage Drivers**

## **3.1 First time applications**

The following documents shall be submitted when making an application for a new driver's licence:

- a Driving Standards Agency (DSA) test certificate showing your successful completion within the six-month period preceding the application (see 2.10);
- valid passport or proof of entitlement to work in the UK;
- overseas criminal history checks where applicable which must have been obtained within the 6 month period preceding the application (see 2.5);
- one photograph of the applicant which complies with the Council's requirements (see 2.8);
- an enhanced CRB disclosure not more than 1 month old (see 2.4);

- a Group 2 medical assessment not more than 6 months old (see 2.12);
- A valid full EU or UK driving licence which must have been held for a minimum period of one year (see 2.9); and
- the correct fee

Any application not accompanied by the appropriate documentation shall be rejected as invalid and returned to the applicant together with the fee. All documents provided shall meet the requirements as set out in part 2 of this policy document.

### **3.2 Renewal Applications**

In the case of a renewal of a driver's licence, see 2.14 of this Policy document. the applicant must produce the following documents:

- A valid full EU or UK driver's licence – in the case of a photocard type licence, both parts of the licence – which show the correct name and address of the applicant (see 2.9);
- A Statutory Declaration dated within one week of the application (see 2.6);
- A Group 2 standard medical report, if required (see 2.12);
- one photograph of the applicant one of which must be endorsed (see 2.8); and
- In addition, every three years, the applicant shall also produce an enhanced CRB disclosure application (see 2.4)

Any application not accompanied by the appropriate documentation shall be rejected as invalid and returned to the applicant together with the fee. All documents provided shall meet the requirements as set out in part 2 of this policy document.

### **3.3 Byelaws**

Hackney carriage drivers and proprietors shall comply with the byelaws adopted by the Council relating to hackney carriages as detailed within the appendices of this policy document.

### **3.4 Driver licence and badge**

A driver shall be issued with a hackney carriage drivers Licence and identification badge. These documents remain the property of the Council. At the request of an authorised officer of the Council, the licence and identification badge must be returned to the issuing office. A driver shall upon the expiry (without immediate renewal), revocation or suspension of the licence forthwith return the drivers badge to the Council.

### **3.5 Convictions**

The driver shall within 14 days of conviction disclose to the Council in writing, details of any conviction, police caution or fixed penalty ticket other than a parking fine, imposed on him during the period of the licence.

### **3.6 Change of address**

The driver shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change taking place.

### **3.7 Conduct of driver**

The driver shall at all times be clean and respectable in their dress and person and behave in a civil and orderly manner.

### **3.8 Animals**

A driver unless in possession of an exemption certificate, must accept bookings made by or on behalf of a disabled person who is accompanied by a guide dog, hearing or prescribed assistance dog. Furthermore, a driver must accept a booking by a person who will be accompanied in the hackney carriage vehicle by such a disabled person and a driver must not make an additional charge for carrying the disabled passenger's assistance dog

### **3.9 Health of driver**

The driver of a hackney carriage must inform the Council without delay about the onset or worsening of any health condition likely to cause them to be a source of danger to the public when driving either now or in the future. Examples are contained in the DVLA medical notification guidance.

Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor and refer to the DVLA medical rules and standards updated every 6 months.

## **4. Hackney Carriage Vehicles**

### **4.1 Licensing of hackney carriages**

(Local Government (Miscellaneous Provisions) Act 1976 S.47):

1. A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.
2. Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
3. Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

## **4.2 General**

Hackney carriage vehicles shall comply with the hackney carriage conditions and byelaws adopted by the Council relating to hackney carriages.

## **4.3 Applications**

The following documents shall be submitted when making an application for a new or renewal licence:

- the correct fee;
- an original certificate of insurance for the vehicle, valid on the day of application, insuring it for the purpose of its use as a hackney carriage vehicle;
- the original Vehicle Registration Document showing the current owners name and address or;
- the original Vehicle Registration Document with the new keeper details completed with the new owners full details (the Council will give you the new keeper supplement and send the rest of the document off to the DVLA on your behalf);
- an MOT certificate issued during a mechanical vehicle inspection at a Council nominated testing station dated within the month preceding the application;
- a 'Rossendale Test' pass certificate from the same MOT testing station the MOT certificate was issued from confirming that the vehicle conforms to the standards set by Rossendale Borough Council dated within the month preceding the application; and
- if applicable, a letter from the registered keeper of the vehicle to the applicant, stating that they have given their permission for the vehicle to be licensed.

Any application not accompanied by the appropriate documentation shall be rejected as invalid and returned to the applicant together with the fee.



A renewal application must be received and processed before the expiry of the current hackney carriage vehicle licence. Applications must be made 4 weeks preceding the expiry of the licence. If you fail to submit your renewal application at the correct time, we cannot guarantee your licence will be renewed. Any application not accompanied by the appropriate documentation shall be rejected as invalid and returned to the applicant together with the fee. All documents provided shall meet the requirements as set out in part 2 of this policy document.

#### **4.4 Hackney Carriage Vehicle Conditions.**

The conditions appended at Appendix A are attached to a hackney carriage vehicle licence.

#### **4.5 Rossendale Test**

The 'Rossendale Test' element of the vehicle check will be conducted at the same time as the MOT at a Council authorised testing centre within the one month preceding the licensing application and at the 6-month test.

### **5. Private Hire Operators**

#### **5.1 General**

This Council will only licence Operator's offices that are within the Council's area.

#### **5.2 Applications**

The following documents shall be submitted when making an application for a new licence or renewal of a vehicle licence:

- the correct fee;
- standard CRB disclosure or the results of a subject access search of the Police National Computer (PNC) – see 2.4;
- overseas criminal history check where applicable (see 2.5);
- Public Liability Insurance if your premises is open to the public;
- Planning permission / certificate of lawfulness if applicable (contact the Planning Department for advise);
- Business radio licence (technically assigned licence) from Ofcom if you are operating through radio transmission

Any application not accompanied by the appropriate documentation, or where the applicant has not attended for an interview, shall be rejected as invalid and

returned to the applicant together with the fee. All documents provided shall meet the requirements as set out in part 2 of this policy document.

## **6. Private Hire Drivers**

### **6.1 First time applications.**

The following documents shall be submitted when making an application for a new driver's licence:

- a) a Driving Standards Agency (DSA) test certificate showing your successful completion within the six-month period preceding the application (see 2.10);
- b) valid passport or proof of entitlement to work in the UK;
- c) overseas criminal history checks where applicable which must have been obtained within the 6 month period preceding the application (see 2.5);
- d) one photograph of the applicant which complies with the Council's requirements (see 2.8);
- e) an enhanced CRB disclosure not more than 1 month old (see 2.4);
- f) a Group 2 medical assessment not more than 6 months old (see 2.12);
- g) A valid full EU or UK driving licence which must have been held for a minimum period of one year (see 2.9); and
- h) the correct fee

Any application not accompanied by the appropriate documentation shall be rejected as invalid and returned to the applicant together with the fee. All documents provided shall meet the requirements as set out in part 2 of this policy document.

### **6.2 Renewal Applications**

In the case of a renewal of a driver's licence, see 2.14 of this Policy document. The applicant must produce the following documents:

- a) A valid full EU or UK driver's licence – in the case of a photocard type licence, both parts of the licence – which show the correct name and address of the applicant (see 2.9);
- b) A Statutory Declaration dated within one week of the application (see 2.6);
- c) A Group 2 standard medical report, if required (see 2.12);

- d) One photograph of the applicant one of which must be endorsed if required (see 2.8); and
- e) In addition, every three years, the applicant shall also produce an enhanced CRB disclosure application which is not more than one month old (see 2.4)

Any application not accompanied by the appropriate documentation shall be rejected as invalid and returned to the applicant together with the fee. All documents provided shall meet the requirements as set out in part 2 of this policy document.

### **6.3 Notes**

The conditions appended at Appendix C are attached to the private hire driver's licence.

## **7. Private Hire Vehicles**

### **7.1 Applications**

The following documents shall be submitted when making an application for a new or renewal licence:

- a) the correct fee;
- b) an original certificate of insurance for the vehicle, valid on the day of application, insuring it for the purpose of its use as a hackney carriage vehicle;
- c) the original Vehicle Registration Document showing the current owners name and address or;
- d) the original Vehicle Registration Document with the new keeper details completed with the new owners full details (the Council will give you the new keeper supplement and send the rest of the document off to the DVLA on your behalf);
- e) an MOT certificate issued during a mechanical vehicle inspection at a Council nominated testing station dated within the month preceding the application;
- f) a 'Rossendale Test' pass certificate from the same MOT testing station the MOT certificate was issued from confirming that the vehicle conforms to the standards set by Rossendale Borough Council dated within the month preceding the application;

- g) if applicable, a letter from the registered keeper of the vehicle to the applicant, stating that they have given their permission for the vehicle to be licensed;
- h) any application not accompanied by the appropriate documentation shall be rejected as invalid and returned to the applicant together with the fee;

A renewal application must be received and processed before the expiry of the current hackney carriage vehicle licence. Applications should be made one month preceding the expiry of the licence. If you fail to submit your renewal application at the correct time, we cannot guarantee your licence will be renewed. Any application not accompanied by the appropriate documentation shall be rejected as invalid and returned to the applicant together with the fee. All documents provided shall meet the requirements as set out in part 2 of this policy document.

## **7.2 Introduction**

The conditions appended at Appendix D are attached to a private hire vehicle licence.

## **7.3 Rossendale Test**

The 'Rossendale Test' element of the vehicle check will be conducted at the same time as the MOT at a Council authorised testing centre within the one month preceding the licensing application and at the 6-month test.

## **7.4 Executive Vehicle Requirements**

Vehicles may, at the discretion of the Council and on application by the operator, be categorised as Executive Private Hire Vehicle. The matters that will be taken into account when considering such applications will include the following:

- a) Most (and in this context this means approximately 90%) or all of the work should be for businesses which maintain an account with the operator. This should be demonstrated by reference to records of at least three months existing work;
- b) The vehicle should generally be used exclusively for account work and not used for any other booked work;
- c) The type of vehicle to which the application relates on the basis that executive status should relate only to larger limousine type vehicles;
- d) The compliance record of the operator concerned including details of any complaints lodged against drivers employed by the operator.

7.4.1 A vehicle classed as an executive vehicle shall, as part of its licence conditions, have the following substituted for Condition 4 of the normal Private Hire Vehicle conditions:

- a) The vehicle shall display an internal executive licence plate on the front windscreen facing outwards and shall also display a second internal licence plate, facing inwards where customers can easily see it but shall not be required to display any other signage on the vehicle.

## **7.5 Stretched Limousines**

Stretched limousines will be considered by the Authority for licensing as a private hire vehicle providing that:

- a) A certificate is produced to show that the vehicle has been examined under the Individual Vehicle Approval inspection regime by VOSA;
- b) The vehicle will not be licensed to carry more than 8 passengers;
- c) All other aspects of licensing a vehicle as a private hire vehicle are complied with.

## **8. List of policies, procedures and schemes relevant to this policy**

Below are the details of policies, procedures and schemes relevant to this policy document as they represent requirements applicable in all cases and are included here for completeness. Failure to comply with these is a criminal offence:

- a) Policy Statement on guidelines to convictions including statement of policy about relevant convictions
- b) Byelaws relating to hackney carriages
- c) The Rossendale Test Standards
- d) Enforcement Policy relating to the Hackney Carriage and Private Hire trade

## Appendix A

### Hackney Carriage Vehicle Licence Conditions

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#### 1 Signs, notices etc.

- 1.1 The vehicle must not be equipped with roof fittings including advertisements, other than a roof sign in accordance with condition 4.5b below, or a wireless aerial which if fitted must be fitted in such a manner to satisfy the Council;
- 1.1.1 The vehicle must be fitted with a roof sign bearing the words, "Taxi" or "Hackney Carriage" or "For Hire" which may display the company name and telephone number;
- 1.1.2 There shall be no lights, plates, signs or other fitting(s) (other than the licence plate) displayed on, in or from the vehicle, except those approved by the Council or displayed to comply with requirements under the current lighting and licensing regulations approved by the Secretary of State;
- 1.1.3 The vehicle shall display on the front nearside and the front offside door the Council approved door stickers identifying the hackney carriage in the design and form supplied by the Council with the licence; and
- 1.1.4 No markings of any nature, other than standard manufacturer's markings, are permitted, except upon the written authorisation of the Director for Business, Monitoring Officer or Unit Manager and in accordance with the criteria set out below:
- i) **Permitted Markings:**
- Only the company/organisation name and one contact telephone number may be displayed.
- ii) **Permitted Location and size of markings:**
- Rear passenger doors (total area for markings may not exceed 20.5cm by 32cm in size) on each door and/or the rear boot lid
- iii) **Permitted Typeface and colour:**
- Any typeface is permitted provided that the total area of each marking does not exceed the limits above. Markings must be in contrast to the main colour of the vehicle. Applications for this purpose must be made in writing to the Unit Manager and be accompanied by a sample of the proposed markings. Submissions must be in colour and full details of the signage must be provided to demonstrate how it complies with the

Council's requirements. No additional markings will be permitted.

## **2 Radio microphone**

- 2.1 Any radio microphone installed in the vehicle shall be fitted in such a position that its use by the driver would not impair his control of the vehicle when it is in motion.

## **3 The taximeter**

- 3.1 The vehicle shall be provided with a taximeter which must be so constructed, securely fitted and maintained as to comply with the following requirements:
  - 3.1.1 the taximeter shall be fitted with a key, flag or other device, the turning of which will bring the machinery of the taximeter into action and cancel the "FOR HIRE" sign and the roof sign;
  - 3.1.2 When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare in accordance with the statement of fares set by the Council;
  - 3.1.3 the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - 3.1.4 The taximeter and all the fittings thereof shall be so affixed to the carriage with appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the appliances

## **4 Statement of fares**

- 4.1 The vehicle shall contain the statement of fares issued by the Council, to be fitted and maintained in such a position so as to be clearly visible at all times to the hirer.

## **5 Maintenance of vehicle**

- 5.1 The vehicle shall:
  - 5.1.1 be of such design to enable any person in the carriage to communicate with the driver;
  - 5.1.2 be fitted with a roof or covering which can be kept watertight;
  - 5.1.3 each passenger door shall contain a window and a means of opening and closing that window excluding the tailgate;

- 5.1.4 contain seats which must be properly cushioned or covered, all seats must be forward or rear facing;
- 5.1.5 subject to current statutory legislation have one seat belt for every licensed passenger;
- 5.1.6 be provided with a proper carpet, mat or other suitable covering for the floor;
- 5.1.7 contain fittings and furniture kept in a clean condition, safe and well-maintained and in every way fit for public service;
- 5.1.8 be fitted in such a way to enable luggage to be secured if the vehicle is so constructed to carry luggage;
- 5.1.9 be a right hand drive vehicle;
- 5.1.10 be equipped at all times with an appropriate spare wheel or other similar device and a suitable jack and wheel brace.

5.2 The proprietor of the licensed vehicle shall:

- 5.2.1 Keep the licensed vehicle in a mechanical condition suitable for its use as a hackney carriage vehicle.
- 5.2.2 Keep the exterior of the licensed vehicle, including the windows clean and in good condition.
- 5.2.3 All panels on the vehicle shall be painted in the same colour (must not have panels with unmatched colours or in primer).
- 5.2.4 All panels of the vehicle should be free of body damage, rust or unsatisfactory repairs which adversely affect the appearance of the vehicle (see the 'Rossendale Test').

5.3 Plates provided by the Council identifying the vehicle as a Hackney Carriage vehicle shall be affixed to the exterior of the vehicle at the front and rear of the vehicle and displayed at all times throughout the period that the vehicle is licensed as a hackney carriage. The plate shall be capable of being easily removed by a Constable or duly authorised officer of the Council, should the licence be revoked or suspended.

5.4 Upon expiry of the licence, the proprietor shall return to the Council the identification plates supplied by the Council.

5.5 Before the expiry of the sixth month after the issue of the licence, but after the expiry of the fifth month after the issue of the licence, the vehicle shall undertake an MOT inspection and the 'Rossendale Test' at a Council approved MOT testing station. It shall be the responsibility of the proprietor of the vehicle to produce these documents to the Authority forthwith.



## **6 Safety equipment**

- 6.1 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily available for immediate use in an emergency.

## **7 Term of licence**

- 7.1 Hackney carriage licences shall be granted for a period of 12 months. Applications for renewal should be submitted one month before the expiry date of the licence.

## **8 Accidents to vehicle**

- 8.1 The proprietor of a hackney carriage shall report to the Council in writing as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to such hackney carriage causing damage materially affecting the safety, performance or appearance of the hackney carriage or the comfort or convenience of persons carried therein. Compliance with this condition does not exempt the proprietor from his statutory liability to report accidents to the police.

## **9 Location vehicle is kept**

- 9.1 The proprietor of a hackney carriage licensed by the Council shall, within such period as the Council may by notice reasonably require, state in writing, the address of every place where such hackney carriage is kept when not in use, and shall if the Council so require, afford to them such facilities as may be reasonably necessary to enable them to cause such hackney carriage to be inspected or tested there.

## **10 Transfer of ownership**

- 10.1 The proprietor shall notify the Council in writing of any changes in vehicle ownership within 7 days of such change taking place.

## **11 Change of address**

- 11.1 The proprietor shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change taking place.

## **12 Insurance**

- 12.1 The proprietor of any hackney carriage licensed by the Council shall at the request of any authorised officer of the Council produce for inspection the

vehicle licence for such hackney carriage and the certificate of the policy of insurance or security required by Section 143(2) Road Traffic Act 1988.

### **13 Alteration of vehicle**

- 13.1 No material alterations or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

### **14 Convictions**

- 14.1 The proprietor shall within 7 days of conviction, caution or fixed penalty disclose to the Council in writing, details of any personal conviction imposed on him/her (or, if the proprietor is a company or partnership, or any of the directors or partners) during the period of the licence.

### **15 Alteration of conditions**

- 15.1 The Council may, by notice in writing to the proprietor of the vehicle alter any of the conditions attached to the vehicle licence.

## Appendix B

### Private Hire Operators Licence Conditions

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#### 1 Business Premises and Planning Requirements

- 1.1 All licensed operators must operate from business premises specified in the licence. Any telephone number provided in relation to a booking must not be diverted to any other premises without the consent of the Licensing Authority. The operating centre must have the necessary planning permission or certificate of lawful use for a private hire operating centre.

#### 2 Records

- 2.1 The following conditions are attached to the private hire operator's licence. Failure to comply with any conditions is a criminal offence and may lead to prosecution, revocation or suspension of the operator licence.
- 2.2 The operator shall maintain at his premises particulars of:
- a) The call sign, or other identifying mark used on booking records to identify vehicles and drivers;
  - b) Each vehicle licence plate number;
  - c) Each vehicle registration number;
  - d) The date the vehicle came into use on the licence;
  - e) The date the vehicle ceased to be operated on the licence;
  - f) The name and address of the owner of the business if that is not the operator;
  - g) The date of any transfer of ownership of the business;
  - h) The name and address of each driver;
  - i) The badge number of each driver;
  - j) The date the driver commenced working for the operator;
  - k) The date the driver ceased working for the operator; and
  - l) The expiry date of each driver's badge.
- 2.3 The operator shall maintain a suitable bound book, the pages of which are numbered consecutively, in which the following particulars shall be recorded:
- a) The time and date of each booking;
  - b) The method the booking was received, i.e. telephone, Internet or in person;

- c) The time and date the journey is to commence;
- d) The place the journey is to commence;
- e) The destination of the journey;
- f) The number of passengers;
- g) The name and if given, the address of the hirer;
- h) The name of the driver or identifiable call sign by which the driver is identifiable;
- i) The plate number of the vehicle or call sign by which the vehicle is identifiable; and
- j) The record must be made at the time of booking in ink. Pencil is not acceptable.

2.4 The Operator may use computerised records in addition to a bound book. The bound book will be the primary record of bookings unless a bound book is completely replaced by computerised records. If computerised records replace a bound book, they must:

- a) Be made at the time of booking directly onto the computer programme;
- b) Be capable of instantly being printed upon demand of a Police Constable or authorised officer of the Licensing Authority; and
- c) Include an audit trail within the programme to show the time and dates of deletion, insertion or amendment to entries.

2.5 Required records:

- a) All records required under 5.4.1 above shall be kept for a period of not less than six months from the date of disposal of any vehicle or termination of any driver employment.
- b) All records required under 5.4.2 above must be kept for a period of not less than six months from the date of the last entry contained therein.
- c) The records required under 5.4.1 above shall be produced at the operators premises as soon as practicable or in any case within 24 hours of the request from a Police Constable or authorised officer of the Licensing Authority.
- d) The records required under 5.4.2 above shall be produced at the operator's premises immediately upon request from a Police Constable or authorised officer of the Licensing Authority.

### **3 Information as to Charges**

3.1 Any person seeking to make a booking from the operator shall be informed of the basis of the charge for the hire of the vehicle and be given a quotation or

estimate of that charge before the booking is taken. If the operator uses a Hackney Carriage to fulfil a private hire booking, the Hackney Carriage fare meter must be fitted and used the customer shall have the option of using the metered fare or being carried for a fee agreed prior to the commencement of the journey, whichever is lesser.

#### **4 Interference with Equipment**

- 4.1 The operator shall not interfere with any equipment, including a taxi-meter if fitted, attached to or forming part of his licensed private hire vehicles.

#### **5 Term of Licence**

- 5.1 A Private Hire Operator's Licence will normally be granted for a period of 12 months. A renewal application must be received and processed before the expiry of the current licence. Applications should be made one month preceding the expiry of the licence. If you fail to submit your renewal application at the correct time, we cannot guarantee your licence will be renewed.

#### **6 Standards of Service**

- 6.1 The operator shall provide a safe, prompt, efficient and reliable service to members of the public at all times and for this purpose shall ensure that:
- a) Only properly licensed drivers and vehicles are used to fulfil any booking;
  - b) When a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
  - c) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;
  - d) Any public waiting area provided by the operator has adequate seating facilities;
  - e) All telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly; an
  - f) No person who is drunk, behaving in a disorderly manner or, to remain upon the premises in respect of which the licence is in force.

#### **7 Change of Address**

- 7.1 The operator shall notify the Council in writing of any change of home address within seven days of such change taking place. The operator shall not operate a private hire business from premises other than that shown on the Operator's Licence.

## **8 Criminal Offences, Disqualification as a Company Director of Insolvency**

8.1 The operator shall notify the Council in writing of any conviction, caution or fixed penalty ticket imposed upon them during the period of the licence within 7 days of the date of conviction, caution or issue of a fixed penalty notice. Furthermore, the operator shall notify the Council in writing of any disqualification under the Company Directors Disqualification Act 1988 to:

- a) Be a director of a company;
- b) Be a liquidator or administrator of a company;
- c) Be a receiver or manager of a company's property; and
- d) Be concerned or take part, whether directly or indirectly, in the promotion, formation or management of a company.

8.1.1 The operator shall notify the Council in writing of any bankruptcy order made against them within 7 days of such an order being made.

8.1.2 The expression "operator" in the case of a Limited Company or partnership means any director or partner of the business.

## **9 Public Liability Insurance**

9.1 If the operator has the facility for the public to enter the operator's premises, a certificate of public liability insurance must be produced to the Council on each occasion the licence is granted or renewed.

## **10 Guide Dogs**

10.1 The operator shall not refuse to carry a guide, hearing or other assistance dog whilst accompanying a disabled person in a private hire vehicle or hackney carriage. No extra fare shall be charged. Where a disabled person has such a dog which they have not disclosed at the time of booking, and the driver sent is exempt from the obligation to carry such a dog, a further vehicle shall be sent to fulfil the contract as soon as possible.

## **Appendix C**

### **Private Hire Drivers Licence Conditions**

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#### **1 Identification of Driver**

- 1.1 The driver of a private hire vehicle shall at all times whilst in the course of his duty wear his private hire driver's badge in such a position and manner as to be plainly visible and this badge must be shown, if requested to the hirer of the vehicle and to any "authorised officer" or police officer for the purposes of the Local Government (Miscellaneous Provisions) Act, 1976.

#### **2 Use of Taximeter**

- 2.1 The driver of a private hire vehicle provided with a taximeter shall:-
- a) as soon as the hirer commences his journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - b) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between sunset and sunrise and also at any other time at the request of the hirer; and
  - c) If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity to examine it and has paid the fare (unless credit is to be given).

#### **3 Interference with Equipment**

- 3.1 The driver of a private hire vehicle shall not tamper with or permit any person to tamper with, any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto, nor with any other equipment attached to or forming part of the vehicle.

#### **4 Advertisements etc.**

- 4.1 The driver of a private hire vehicle shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the vehicle except with the written consent of the Council.

## **5 Shortest Route**

- 5.1 The driver of a private hire vehicle 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.

## **6 Driver's Badge**

- 6.1 The driver of a private hire vehicle shall, when required to do so by an authorised officer of the Council, return the driver's badge and licence to the Council and obtain a receipt for it. The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence, forthwith return the driver's badge to the Council.

## **7 Assistance with Luggage**

- 7.1 The driver of a private hire vehicle so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the vehicle:-
- a) convey a reasonable quantity of luggage;
  - b) afford reasonable assistance in loading and unloading; and
  - c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such a person.

## **8 Lost Property**

- 8.1 The driver of a private hire vehicle shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein. Furthermore, the driver of a private hire vehicle shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle be found by or handed to him, carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station within the district. The driver should report it to the officer in charge of the station. The Operator must record details of all lost or found property and retain those records for examination for a period of 6 months.

## **9 Carriage of Other Persons**

- 9.1 The driver of a private hire vehicle shall not permit any person to be conveyed in the vehicle without the consent of the hirer.



## **10 Concealment of Licence Plate**

10.1 The driver of a private hire vehicle shall not wilfully or negligently cause or suffer any licence plate to be concealed from public view.

## **11 Convictions**

11.1 The driver shall within seven days of conviction, disclose to the Council in writing, details of any conviction, caution of fixed penalty notice imposed on him during the period of the licence

## **12 Prompt Attendance**

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

## **13 Copy of Conditions**

13.1 The driver shall at all times when driving a private hire vehicle carry with him a copy of these conditions and shall make it available for inspection by the hirer or any other passenger on request.

## **14 Fare to be demanded**

14.1 The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any fare 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 face of the taximeter.

## **15 Change of Address**

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

## **16 Conduct of driver**

16.1 The driver shall:-

- a) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner;
- b) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;

- c) not without the express consent of the hirer smoke, drink or eat in the vehicle;
- d) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle; and
- e) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving, to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

## **17 Passengers**

17.1 The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.

## **18 Written Receipts**

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

## **19 Animals**

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

## **20 Disabled Passengers**

20.1 The driver of a private hire vehicle which has been hired:

- a) by or for a disabled person with their guide, hearing or prescribed assistance dog; or
- b) by such a person who will be accompanied in the taxi by such a person;

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- a) carry the disabled passenger's dog and allow it to remain with the passenger; and
- b) not make any additional charge for doing so.

20.2 An “assistance dog” is defined by Regulations made under the Disability Discrimination Act 1995 as a dog which is trained by specified charities, i.e., “Dogs for the Disabled”, “Support Dogs” or “Canine Partners for Independence”, to assist a disabled person with a physical impairment and which at the time that its owner hires a private hire vehicle is wearing a jacket inscribed with the name of one of those charities. This condition shall not apply to a driver who as applied for, and been granted a certificate of exemption.

## **21 Health of Driver**

21.1 The driver of a private hire vehicle must inform the Council without delay about the onset or worsening of any health condition likely to cause him to be a source of danger to the public when driving either now or in the future.

21.2 Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

## **22 Renewal of Licences**

22.1 Applications to renew a licence must be submitted at least four weeks prior to the expiry of the licence on the appropriate form.

## Appendix D

### Private Hire Vehicle Licence Conditions

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#### 1 Signs, notices etc.

- a) The vehicle must not be equipped with roof fittings including advertisements, a roof sign or a wireless aerial which if fitted must be fitted in such a manner to satisfy the Council;
- b) There shall be no lights, plates, signs or other fitting(s) (other than the licence plate) displayed on, in or from the vehicle, except those approved by the Council or displayed to comply with requirements under the current lighting and licensing regulations approved by the Secretary of State;
- c) The vehicle shall display on the front nearside and the front offside door the Council approved door stickers identifying the hackney carriage in the design and form supplied by the Council with the licence; and
- d) No markings of any nature, other than standard manufacturer's markings, are permitted, except upon the written authorisation of the Director for Business, Monitoring Officer or Unit Manager and in accordance with the criteria set out below:

i) **Permitted Markings:**

Only the company/organisation name and one contact telephone number may be displayed.

ii) **Permitted Location and size of markings:**

Rear passenger doors (total area for markings may not exceed 20.5cm by 32cm in size) on each door and/or the rear boot lid

iii) **Permitted Typeface and colour**

Any typeface is permitted provided that the total area of each marking does not exceed the limits above. Markings must be in contrast to the main colour of the vehicle. Applications for this purpose must be made in writing to the Unit Manager and be accompanied by a sample of the proposed markings. Submissions must be in colour and full details of the signage must be provided to demonstrate how it complies with the Council's requirements. No additional markings will be permitted.

## **2 Radio microphone**

- 2.1 Any radio microphone installed in the vehicle shall be fitted in such a position that its use by the driver would not impair his control of the vehicle when it is in motion.

## **3 The taximeter**

- 3.1 If the vehicle is fitted with a taximeter, that taximeter must be so constructed, securely fitted and maintained as to comply with the following requirements:
- a) the taximeter shall be fitted with a key, flag or other device, the turning of which will bring the machinery of the taximeter into action;
  - b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle distance;
  - d) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle and for that purpose, the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - e) the taximeter and all the fittings thereof shall be so affixed to the vehicle 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.

## **4 Maintenance of the vehicle**

- 4.1 The vehicle shall:
- a) be of such design to enable any person in the carriage to communicate with the driver;
  - b) be fitted with a roof or covering which can be kept watertight;
  - c) each passenger door shall contain a window and a means of opening and closing that window excluding the tailgate;
  - d) contain seats which must be properly cushioned or covered, all seats must be forward or rear facing;
  - e) subject to current statutory legislation have one seat belt for every licensed passenger;
  - f) be provided with a proper carpet, mat or other suitable covering for the floor;

- g) contain fittings and furniture kept in a clean condition, safe and well-maintained and in every way fit for public service;
- h) be fitted in such a way to enable luggage to be secured if the vehicle is so constructed to carry luggage;
- i) be a right hand drive vehicle;
- j) be equipped at all times with an appropriate spare wheel or other similar device and a suitable jack and wheel brace;

#### 4.2 The proprietor of the licensed vehicle shall:

- a) Keep the licensed vehicle in a mechanical condition suitable for its use as a hackney carriage vehicle;
- b) Keep the exterior of the licensed vehicle, including the windows clean and in good condition;
- c) All panels on the vehicle shall be painted in the same colour (must not have panels with unmatched colours or in primer);
- d) All panels of the vehicle should be free of body damage, rust or unsatisfactory repairs which adversely affect the appearance of the vehicle (see the 'Rossendale Test');
- e) Plates provided by the Council identifying the vehicle as a private hire vehicle shall be affixed to the exterior of the vehicle at the front and rear of the vehicle and displayed at all times throughout the period that the vehicle is licensed as a private hire vehicle. The plate shall be capable of being easily removed by a Constable or duly authorised officer of the Council, should the licence be revoked or suspended.
- f) Upon expiry of the licence, the proprietor shall return to the Council the identification plates supplied by the Council;
- g) Before the expiry of the sixth month after the issue of the licence, but after the expiry of the fifth month after the issue of the licence, the vehicle shall undertake an MOT inspection and the 'Rossendale Test' at a Council approved MOT testing station. It shall be the responsibility of the proprietor of the vehicle to produce these documents to the Authority forthwith.

## 5 Safety equipment

- 5.1 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily available for immediate use in an emergency.

## **6 Term of licence**

- 6.1 Private hire vehicle licences shall be granted for a period of 12 months. Applications for renewal should be submitted one month preceding the expiry date of the licence.

## **7 Accidents to vehicle**

- 7.1 The proprietor of a hackney carriage shall report to the Council in writing as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to such private hire vehicle causing damage materially affecting the safety, performance or appearance of the private hire vehicle or the comfort or convenience of persons carried therein. Compliance with this condition does not exempt the proprietor from his statutory liability to report accidents to the police.

## **8 Location of vehicle**

- 8.1 The proprietor of a private hire vehicle licensed by the Council shall, within such period as the Council may by notice reasonably require, state in writing the address of every place where such private hire vehicle is kept when not in use, and shall, if the Council so requires, afford to them such facilities as may be reasonably necessary to enable them to cause such private hire vehicle to be inspected or tested there.

## **9 Transfer of ownership**

- 9.1 The proprietor shall notify the Council in writing of any changes in vehicle ownership within 7 days of such change taking place

## **10 Change of address**

- 10.1 The proprietor shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change taking place.

## **11 Insurance**

- 11.1 The proprietor of any private hire vehicle licensed by the Council shall at the request of any authorised officer of the Council produce for inspection the vehicle licence for such private hire vehicle and the certificate of policy of insurance or security required by Section 143(2) Road Traffic Act 1988.

## **12 Alteration of vehicle**

- 12.1 No material alterations or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

## **13 Convictions**

- 13.1 The proprietor shall within 7 days of conviction, caution or fixed penalty, disclose to the Council in writing, details of any personal conviction imposed on him/her (or, if the proprietor is a company or partnership, or any of the directors or partners) during the period of the licence.

## **14 Alteration of conditions**

- 14.1 The Council may, by notice in writing to the proprietor of the vehicle alter any of the conditions attached to the vehicle licence.



## **F1a-Appendix B**

Schedule of the changes that are proposed and included in the policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles, which vary from current practice:

Please note: all conditions relating to the hackney carriage trade and duplicated from the Byelaws have been removed as the Byelaws are sufficient.

- 2.4 This paragraph gives the Director of Business, the Monitoring Officer or the Unit Manager the discretion to request more frequent Criminal Records Bureau checks where there is a significant history of criminal activity.
- 2.5 The issue of those applying to be licensed as a hackney or private hire driver and who have spent a significant period in the past ten years resident in another country has not been addressed to date. A Criminal Records Bureau Disclosure will only reveal criminal convictions and intelligence from this country. This paragraph seeks to close the loophole and require some confirmation that an applicant is fit and proper to transport members of the public.
- 2.8 Current practice is to submit photographs annually with each application for a driver's licence. This is considered to be an unnecessary expense as the likeness of an applicant will not normally significantly alter over a twelve month period. Therefore the period has been increased to three years in line with the requirement to obtain a Criminal record Bureau Disclosure.
- 2.9 This paragraph stipulates that the driving licence must show the current name and address of the applicant.
- 2.10 This paragraph reduces the time limit between passing the DSA driving test and applying for a licence from twelve months to six months. It also introduces a system where an accumulation of 6 points or more on the DVLA driving licence will trigger a further DSA test within 3 months to establish that the driver's skills are adequate to drive members of the public. The rationale is that a driver who accumulates, say, two speeding offences is bringing into question the manner of his driving.
- 2.11 This paragraph increases the time limit of obtaining a Group 2 medical from one month to six months preceding their application.
- 2.13 Appointments to renew licences should be made four weeks in advance of the expiry date. This will give administrative staff the ability to guarantee appointments. There is also clarity in respect of postal applications which will require 10 working days before expiry if they are to be guaranteed. Applicants will, of course, be able to seek appointments up to the day of expiry but need to be aware that if there is no availability and their licence expires, they will be treated as a new applicant.

## **F1a-Appendix B**

- 2.14 Repeats the need to arrange for appointments at least four weeks prior to expiry.
- 2.16 Non attendance at appointments affects other members of the trade. This paragraph outlines the reasons a re-booking fee will be payable and adds the additional matters of failure to submit the correct documents. Practical examples would be when the insurance does not cover the use of the vehicle.
- 2.17 The addition of external mirrors on each side of the vehicle.
- 2.19 This paragraph seeks to standardise the minimum size of the seating area in a licensed vehicle.
- 2.22 There is currently no limit to the number of times a change of vehicle may be made on a vehicle licence. The charge is £42.50 but there is essentially the same amount of work involved as licensing a new vehicle. This paragraph introduces a limit to the number of transfers on any annual licence.
- 4.3 & 7.1  
This paragraph adds a stipulation that on licensing a new vehicle, the applicant must produce either the V5 registration document in his name or the document in the previous keeper's name, which will then be forwarded to DVLC by the licensing Unit. If the vehicle keeper is not the applicant, written permission is required that he consents to the vehicle being licensed as a hackney carriage. Furthermore, this will unburden the administration team who are responsible for chasing up these documents.
- 4.5 & 7.3  
This paragraph seeks to remove the limit on the number of colours which can be used on permitted signage.
- 4.10 & 7.7  
Safety equipment at present consists of a first aid kit and a fire extinguisher. The need to carry a fire extinguisher has been removed. The rationale is that enquiries with the trade have failed to find anyone who has ever used one and the general advice for a vehicle fire from the Fire and Rescue Service is to exit the vehicle and dial 999. It would therefore seem to be an unnecessary item and expense. Those that wish to do so are, of course, at liberty to carry an extinguisher.
- 4.20 & 7.17  
This paragraph introduces the Rossendale Test to the garages as oppose to its current 'in-house' application and also introduces the concept of two such tests as oppose to the current annual one.
- 7.18 Introduces executive vehicle requirements
- 7.19 Introduces stretched limousines



**HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CHECK LIST**

**(The following checks should be carried out before the licence is issued)**

<b>APPLICANT</b>	
<b>ADDRESS</b>	

.....

**VEH REG NO..... Hackney Carriage**

**DATE OF INSPECTION..... Private Hire Vehicle**

**NUMBER OF PASSENGER SEATS..... Mini Bus**

**SEAT BELTS..... Licence no. renewal**

<b>1. Has the vehicle been provided with an efficient fire extinguisher?</b>	<b>YES</b>	<b>NO</b>
<b>2. Has the vehicle been provided with a first aid kit?</b>	<b>YES</b>	<b>NO</b>
<b>3. The vehicle should not have any roof fittings including advertisements except in the case of Hackney Carriages which must have a sign bearing the words “TAXI” or “HACKNEY CARRIAGE” or “FOR HIRE”</b>	<b>YES</b>	<b>NO</b>
<b>4. The vehicle should not be equipped with any lights, plates, signs or advertisements or other fittings on or in the vehicle except those approved by the council (other than the licence plates issued by the council)</b>	<b>YES</b>	<b>NO</b>

<p><b>5. Private Hire Vehicles</b>  <b>Are Private hire door stickers affixed to the vehicle?</b>  <b>(renewals only) – issue new ones if in poor condition.</b></p>	<p><b>YES</b></p>	<p><b>NO</b></p>
<p><b>6. Does the vehicle comply with the following:-</b></p> <p><b>a. Of such design to enable any person to communicate with the driver.</b></p> <p><b>b. Fitted with a roof covering which is water tight.</b></p> <p><b>c. Fitted with windows – all to open – all windows to be transparent.</b></p> <p><b>d. Properly cushioned or covered seats.</b></p> <p><b>e. Proper carpet, mat or suitable floor covering.</b></p> <p><b>f. Contains fittings and furniture in clean and safe condition.</b></p> <p><b>g. Can luggage be carried safely and securely?</b></p> <p><b>h. Contains at least 2 doors for passengers and separate Means of access/egress for driver?</b></p> <p><b>i. Right hand drive</b></p> <p><b>j. Displaying current excise licence?</b></p>	<p><b>YES</b></p> <p><b>YES</b></p> <p><b>YES</b></p> <p><b>YES</b></p> <p><b>YES</b></p> <p><b>YES</b></p> <p><b>YES</b></p> <p><b>YES</b></p> <p><b>YES</b></p> <p><b>YES</b></p> <p><b>YES</b></p>	<p><b>NO</b></p> <p><b>NO</b></p> <p><b>NO</b></p> <p><b>NO</b></p> <p><b>NO</b></p> <p><b>NO</b></p> <p><b>NO</b></p> <p><b>NO</b></p> <p><b>NO</b></p> <p><b>NO</b></p> <p><b>NO</b></p>
<p><b>6b Bodywork: That there is no bodywork damage which materially effects the appearance of the vehicle, if so fail vehicle and advise the owner/driver.</b></p>	<p><b>YES</b></p>	<p><b>NO</b></p>
<p><b>6c Are no smoking stickers displayed</b></p>	<p><b>YES</b></p>	<p><b>NO</b></p>
<p><b>COMMENTS</b></p>		

<b>HACKNEY CARRIAGES ONLY</b>		
<b>7. Has the Taxi meter been installed, if so does it comply with conditions a – e as detailed below?</b>	<b>YES</b>	<b>NO</b>
<b>a. The taxi meter shall be fitted with a key, flag or other devise, the turning of which wick bring the machinery of the taxi-meter into action and cancel any external illuminated ‘For Hire’ sign or roof sign.</b>	<b>YES</b>	<b>NO</b>
<b>b. Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taxi-meter is not in action and that no fare is recorded on the face of the taxi-meter.</b>	<b>YES</b>	<b>NO</b>
<b>c. When the machinery of the taxi-meter is in action there shall be recorded on the face of the taxi-meter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance.</b>	<b>YES</b>	<b>NO</b>
<b>d. The taxi-meter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.</b>	<b>YES</b>	<b>NO</b>
<b>e. The taxi-meter 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.</b>		

**If the vehicle satisfies all the above check:-**

- 1. Issue the vehicle plates – to be affixed to the front and rear of the vehicle externally.**
- 2. Issue the Statement of fares (Hackney Carriage only) to be fitted in clear vision of hirer.**
- 3. Issue door stickers to be affixed to the front nearside and front offside doors (new licensed vehicles only or replacement if in poor condition).**

**Signed Authorised Officer.....Date.....**

# The Rossendale Test:

## Hackney Carriage & Private Hire Vehicles

Other formats available on request. Please contact 01706 217777 or visit our One Stop Shop at Lord St, Rawtenstall.

اردو বাংলা

A

Large Print



Tape



CD



Braille

<b>1.0 Exterior of Vehicle</b>		
	<b>Method of Inspection</b>	<b>Reason for Failure</b>
1.1	The exterior of the vehicle bodywork must be in a suitable clean condition to allow for proper inspection of these areas	Contamination preventing proper inspection
1.2	Check all wind-checks to ensure that doors are held in place when fully opened	Failure to hold door in place when fully opened
1.3	Examine external body panels and structure for evidence of body damage, rust or unsatisfactory repairs	Visibly poor or shoddy repairs. A dent on a panel over 2mm deep and over 100mm in diameter at its widest point
1.4	Examine the external paintwork for damage which adversely affects the appearance of the vehicle	Mismatched paint on panels, doors and bumpers. Dull paintwork. Any scratch over 300mm long. More than 3 rust scabs under 10mm in diameter on any single panel or door. A single rust scab or blemish over 10mm wide.
1.5	Ensure that the front and rear bumpers are in good order, securely fixed and without damage	Damaged or inadequately secured front or rear bumpers
1.6	Examine the rubber seals to every door for serious damage, looseness or absence	Doors seals damaged or worn to the extent that air/water penetration may occur
1.7	Check compliance with window tint policy	to be written
1.8	Check vehicle for condition of door stickers, unapproved advertisements	Door stickers damaged, obscured, defaced, unapproved advertising

<b>2.0 Interior of Vehicle</b>		
	<b>Method of Inspection</b>	<b>Reason for Failure</b>
2.1	Examine the floor, upholstery and headlining inside the vehicle for accumulation of dust, dirt, litter, general debris, cigarette ash, staining, damage or excessive wear	A vehicle in a dirty condition with dirt or staining to carpets, upholstery or heading. Carpets, upholstery or headlining which is excessively worn, holed or torn
2.2	Remove all mats from the floor and examine the carpeting for signs of leakage of water into the vehicle	Evidence of leakage of water into the vehicle from rain water penetration or leaking heating system
2.3	Examine any mats provided to ensure they are not worn or damaged	Damaged, holed mats
2.4	Check the operation of interior lights, both manual and door operation	Faulty interior lighting, door switches and light switch
2.5	Check operation of heater/windscreen demister to ensure satisfactory working order	Defective heater/demister
2.6	Check operation of all window winders to ensure they allow windows to be fully lowered and raised easily	Window winders/ electric windows that are defective. Sliding windows that do not easily open or close.
2.7	Check child proof locks, if fitted, are in working order	Defective child proof locks
2.8	Check that there are no unpleasant or excessive odours inside the vehicle	Unacceptable smells of food, vomit or other contaminants



<b>3.0 Boot of Vehicle</b>		
	<b>Method of Inspection</b>	<b>Reason for Failure</b>
3.1	Examine the boot interior for evidence of damage or water penetration	Evidence of leakage of water into the vehicle from rain water penetration or leaking heating system
3.2	Examine the boot interior for accumulation of dirt, dust, grease, litter or staining on any surface with which luggage may come into contact with	Contamination which could soil or damage luggage
3.3	Examine the boot floor covering to ensure in good condition and offers adequate protection for luggage stored in the boot	Damaged or holed floor covering
3.4	Check the boot for the presence of containers of any flammable or corrosive liquids	Containers for the storage of oil, petrol or corrosive or flammable liquids shall not be carried in the boot
3.5	Check boot for loose tools or other items, spare wheel not secured	Any articles that would hinder the storage or damage luggage

#### 4.0 Hackney Carriage Meters (Private Hire if fitted)

	Method of Inspection	Reason for Failure
4.1	Check the siting of the meter - it must be reasonably visible to the hirer throughout the journey	Passengers unable to clearly view the meter
4.2	When switched on, the meter should be suitably illuminated	Defective meter
4.3	The meter tariffs should show the current rates (hackney carriage vehicles only) The meter tariffs should show the current advertised rates as submitted to the Council (private hire vehicles only)	Tariffs not those set by the Council (hackney carriage vehicles only) Tariffs not those submitted to the Council (private hire vehicles only)
4.4	The taxi must have a properly connected roof sign which is illuminated when the vehicle is available for hire (hackney carriage vehicles only)	Light not connected/fails to illuminate (hackney carriage vehicles only)
4.5	Meter checked over distance of two miles to ensure properly calibrated	Defective meter

<b>5.0 First Aid Kit</b>		
	<b>Method of Inspection</b>	<b>Reason for Failure</b>
5.1	Ensure that a first aid kit is provided within the vehicle and examine contents to ensure it conforms to the requirements of the Council	Failure to provide a first aid kit or one that does not conform to the specification
5.2	Ensure the kit is permanently marked with the vehicle registration number	Kit is not permanently marked to that vehicle

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Following a joint association meeting held 27<sup>th</sup> October 2010, it has been voted and carried that the current two associations merge into one; this now consists of two joint chair persons, David Pawlaszek-Lawrie and Glen Bulcock, a secretary, Lia Back and four committee members, one from each area of the valley.

Following to the reading of the remaining three consultation documents and following the advice of the nominated representatives, the following response has been agreed upon.

**Taxi trades response to three current consultation documents,**

It would appear that these documents have been poorly written, poorly presented, and hastily released.

The opinions and suggestions raised by the trade at liaison, on the two parts which the group have seen, have been completely ignored, as there is no reference to them what-so-ever, including the suggested that the many items contained within, be presented to the committee in sections, in an effort to make the whole document more presentable, therefore these documents include decisions on the assumption that the committee will agree to all parts prior to consultation.

As a result of which, the trade will now have to make these observations to committee directly, this will make the committee meeting much lengthier than it would otherwise have had to be.

We clearly see many references to how the licensing unit intends to punish and penalise the trade, but no reference anywhere as to how the licensing unit are going to assist and defend the trade.

It would appear that the licensing unit has not yet learnt that there are no members of the trade that work FOR the licensing unit or for the council, we merely pay for the licenses to be issued and the relevant checks to be carried out.

As for the time-keeping, cleanliness, pricing and dress code of the trade, we feel that this is none of the licensing units concern, we are answerable to our customers, their repeated use of our service or lack of interest, is our praise or punishment.

Any further representations of the trade in relation to these documents will now be made directly to the licensing committee as it has been made clear by their release, that liaison on these matters has been completed.

We expect this to be taken as 250 responses to the consultation documents as representing a response from each member of the newly amalgamated association.

Yours sincerely

D.Pawlaszek-lawrie  
Glen Bulcock

Joint chairmen. RTA

**From:** Doug Spencer

**Subject:** Draft Taxi Policy

One or two comments.

Penalty Points.

Excellent idea however:

Blowing exhausts and defective washers/ wipers are serious vehicle defects and should attract at least 8 points.

Failure to produce documents, should attract 20 points

Failure to carry an approved fire extinguisher (1kg ABC powder or 2 litre AFFF) - 8 points

Failure to maintain the fire extinguisher in accordance with BS and failure to have it indelibly marked with the vehicle registration number - 5 points

Obstructing or causing obstruction to the free flow of traffic – 8 points

NOTE 12 within the proposal. In the interest of fairness and equality of justice, licensees SHOULD have the option to ask the licensing sub-committee about whether a license should be revoked or not. Remember you are talking about someone's income.

The Rossendale Test / General Vehicle Requirements:

All doors able to be opened from both inside and outside of the vehicle unless carrying unaccompanied children

No flammable liquids to be carried anywhere within the vehicle. Unless the property of a passenger and then only to be carried in the boot space.

A set of replacement bulbs and the tools required to change any defective bulb(s) should be carried within the vehicle

Nothing that could cause injury to a passenger or other person (e.g. baseball bats, spanners, hammers, knives etc.) to be carried within the vehicle except in the boot.

Driver requirements:

No license issued to any person under the age of 25yrs at time the license is issued.

No license issued to any person who has not held a full UK driving license for a period of at least three years.  
Within 3 months of a taxi driver's license being issued, a driver should undertake a Advanced Driver course and test  
(test retaken every 6 years or on re-issue of a revoked license.  
Smoking in a taxi is ILLEGAL

General Notes:

Taxi drivers' should be allowed to demand payment before taking a fare IF they feel it necessary (e.g. Drunks picked up from a night club)  
Drivers' must NOT tout or ask for tips.

Regards,

Doug Spencer

## Rossendale taxi association

In relation to the licensing policy review for taxis, this document is vast and contains many items of significance, all of which **MUST** be fully understood before any decision can be made in relation to the policy as a whole.

At liaison meetings on this issue, the trade recommended that the policy be split into many parts and brought in those modules to committee in order to make the whole process much easier and digestible. This recommendation has however been ignored, which means we now must break it down at this meeting and discuss it in detail, therefore we would recommend that this meeting and review is taken as a question and answer meeting, members asking the questions of both the licensing manager and the trade representatives, this will allow the licensing unit **AND** the trade representatives equal opportunity to make the facts known in a fair and equal manner.

Having gone through the 32 pages of this document in detail, we have found 45 points of concern. Some are contradictions to regulations, some are contradictions to the English language, some are written without the committee approval of such changes to policy and some are things which have been changed, tried and failed due to a failure on the part of the licensing unit.

This whole review was supposed to be in order to bring Rossendale licensing policy in line with the governments best practice guide, but in fact much of it contradicts this very guide.

The main areas of concern are:

2.11 Reference: to penalty points scheme.....many references to this although the scheme was part of this (originally) 4 part document, this means that the policy review has been written on the assumption that all policy changes were going to be approved by committee and full council. In actual fact it clearly stated in the document that it had been approved by the

members next month, very presumptuous and we are sure that the members would prefer to at least see these items before they vote in favour of them.

1.4 CAN BE REVISED AT WILL.....changed at any time, without any approval or members input, very dangerous and highly recommended that this particular one is voted against before we continue.

2.4 CRB CHECKS... this should be discussed in more detail for the recommendation or request.

2.6 ANNUAL LICENSES....this contradicts the best practice guide, we have tried it but the licensing unit has failed to be able to provide enough appointments to be able to accommodate this, so we recommend that we revert back to the 3 year badges as was, also at the original price of £150 per badge, the photographs should only ever need to be endorsed once, on first application, after which we are on the licensing unit system and are known to the licensing unit staff, every year is pointless, unnecessary and a waste of our time, effort and money.

2.7 ANY OTHER REASONABLE CAUSE....is far too vague and allows for personal opinion to be used rather than clear legislation, this is a clear contradiction of the whole purpose of the policy review.

2.8 see 2.6

2.10 DSA DRIVING TESTS.....this should be taken on first application ONLY, the requirement to re-take this test, as a threat or as a punishment for not renewing a badge on time is completely unnecessary and a waste of time and money, and the idea of YOU MUST PASS IN 3 MONTHS is draconian, given the fact that it can take more than 3 months to book an appointment, also we have received numerous complaints from the trade, that they have been sent away for silly reasons, only to be told when they come back that they are too late and must now re-sit the DSA test, this is abuse by the licensing unit, therefore we recommend that the reference to this is removed immediately and it is written in that the test is for first time applicant ONLY.



- 2.13 VEHICLE INSPECTIONS.....again due to abusive and draconian actions of the licensing unit, we require that there is a trade representative present at vehicle inspections, this is due to the fact that the trade are painted in a very dim light in enforcement reviews, but the FACT is that many times the licenses are suspended for no reason, VOSA inspectors say it is a simple defect notice, but the licenses are suspended with NO justification, so we wish to be there to make sure that this does not happen in future, and to explain to the driver/operator why they have been suspended, knowing that the trade know they have representation in this matter.
- 2.14 RENEWAL OF LICENSE (see 2.10) a renewal is just that, not a first application, again, FAR TOO MANY TIMES, drivers are sent away to get a new log book for a 6 year old car for example, but when they come back with the log book, they are told the car is NOW too old and cannot be licensed, this is unacceptable.
- 2.15 ANNUAL BADGES... see 2.6 a contradiction of the best practice guide
- 2.17 35 RE-BOOKING FEE this was supposed to be for repeat offenders only and used at discretion, but has again been abused and used for many things including the licensing unit making a booking without request, therefore we request that this fee is abolished.
- 2.19 AGE LIMITS OF VEHICLES, this is yet another contradiction to the best practice guide and should therefore be scrapped with immediate effect.
- 2.21 ADVERTISING ON VEHICLES .... again the best practice guide clearly states that it is common practice and a good idea for hackney carriages to advertise in order to make themselves more easily identifiable and to subsidise their income.

- 4.3 MOTs have been discussed many times through liaison and not resolved or brought to committee therefore should not be written into this policy.
- 4.9 there are too many errors in this part to explain on paper, this will be explained at the meeting.
- 4.12 tolerance of timescale MUST be granted where there is personal injury involved.
- 4.19 ALTERATIONS OF CONDITIONS .... Again far too vague and puts far too much power in the hands of one individual,, committee must be involved in ANY alterations, therefore we recommend that this item be removed from the policy.
- 4.20 ROSSENDALE TEST is a completely different document which has not yet been approved, is again assuming that this item will be approved and should not yet be in this policy document, there is a cost aspect which MUST be resolved, and a frequency of testing issue (the Rossendale test is annually NOT every 6 months) which has not yet been resolved.
- 5.2 PRIVATE HIRE OPERATORS LICENSE.....firstly, far too many of the trade have been lied to by the licensing unit, as a result of which, it MUST be written in this part that an operators license IS ONLY REQUIRED FOR OPERATORS OF PRIVATE HIRE VEHICLES, and the business radio license IS NOT REQUIRED radio transmission is far too vague. This has been discussed and agreed at liaison.
- 5.3 KEEPING OF RECORDS .... This needs a complete overhaul and should have been discussed at liaison..
- 5.4.3 PLEASE READ THIS ONE VERY CAREFULLY ....and repeatedly, and if you can make any sense of this paragraph within the document please let me know, it defies the English language.
- 5.5 AGREED PRICES....are exactly that, if a price has been agreed then the meter is redundant and does not need to be used. It would be nice if the licensing unit started working with the trade and not constantly finding ways

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to charge more but find ways to reduce their income. How would they like a pay cut at our discretion?

5.6 USING HACKNEY CARRIAGES....these two sections have been challenged at high court, at huge cost to the licensing boroughs, won at court, and have now been abolished. Maybe this should have been written into this policy, or at least removed from it.

5.8 AGAIN WITH THE THREATS.....A RENEWAL IS A RENEWAL

6.2 SEE 2.14

7.16 ALTERATIONS OF CONDITIONS.....see 4.19

7.17 ROSSENDALE TEST.....again should not be in this policy document as it has not been agreed.

**Response from Rossendale Borough Council to an undated letter from Rossendale taxi association.**

This response has been prepared to a letter from Rossendale taxi association to the proposals for a Policy for the licensing of hackney carriage and private hire drivers, vehicles and operators.

The purpose of the policy is to avoid uncertainty and incorporate many existing procedures, custom and practice. The policy is proportionate in the risks it is seeking to address, in terms of the costs and benefits.

I have addressed the points raised by the association in the same order as their letter but, where the paragraph numbers have changed from the draft document that they are commenting upon, I have attempted to clarify the correct paragraph. There are certain matters raised in the document that I have been unable to comment upon.

**2.11.**

The Penalty points Scheme is not currently being implemented.

**1.4.**

I think this refers to the sixth paragraph of 1.1, where, when there is an exceptional or unusual circumstance, it enables a departure from the approved Policy only with the approval of the Director of Business, the Monitoring Officer or the Unit Manager. This would give an element of discretion to senior management to depart from the policy in rare, appropriate, circumstances via a clear line of authority and procedure. Reasons for departure from policy would be recorded.

Policy should usually be followed (unlike legislation which must be adhered to) and provides assistance in the decision making process. It is utilised as additional guidance to promote fair outcomes. Policy is not however, 'set in stone' and may be departed from in occasional circumstances that can be justified.

**2.4. CRB checks.**

This is the current procedure.

**2.6 Annual Licences**

Annual licensing was introduced at the Licensing Committee on the 8<sup>th</sup> October 2007 to ensure that there was a more regular check on criminal convictions and driving offences than every three years.

The current price of a new badge is £120 plus the CRB fee. A renewal is £85 plus the statutory declaration.

The current procedure is that a Criminal Record Bureau Disclosure is required every three years and each year, a Statutory Declaration is submitted saying that the applicant has no convictions or, if they have, detailing those convictions. The Statutory Declaration is signed by the applicant in front of a Solicitor, the cost is £5, and it is a criminal offence not to disclose the convictions.

Photographs are required to be produced every three years, there are a wide range of people who can endorse the photographs, and the procedure is not onerous or costly. Appearances can change over a 3 year period. It is important public confidence is maintained in every aspect of our taxi service. Identification of drives should be clear to promote the public feeling safe.

It is alleged by the association that the Council has failed to provide appointments. Para.2.14 of the policy ('Renewals') gives time frames for applications and 2.17 sets out charges for missed appointments. This promotes efficiency of the licensing service and an organised timetable for appointments. Furthermore, the policy sets out the documents required for all applications so there can be less margin for error/wasted appointments etc

### **.2.7. Any other reasonable Cause.**

The reasons that a local authority may refuse, suspend or revoke a licence is contained in Section 61 of the Local Government (Miscellaneous Provisions) Act, 1976 which includes commission of offences. Section 61(1)(b) provides that suspension or revocation can also be for '**any other reasonable cause**'.

### **2.8. Photographs.**

A photograph of the applicant is part of his identification badge that the driver wears and is necessary that it is a good likeness.

### **2.10. DSA Driving Test.**

The current procedure is that when a driver fails to renew his licence before the expiry of his current licence, he is treated as a new driver, which entails the submission of a DSA test. It is reasonable to place some time limit on how long a DSA test will be valid for otherwise eg. driver could apply to renew his/her licence 2 years later without being tested.

The Policy seeks to extend that only insofar as, if a driver accumulates six penalty points on his DVLC driving licence, he will have to retake the DSA test within a certain time. Drivers receiving penalty points for offences such as speeding or using a mobile

telephone call in question the manner and safety of their driving. Those receiving penalty points for offences such as defective tyres demonstrate potential disregard for the safety of passengers. Such conduct poses a risk to public safety.

### **2.13 Vehicle Inspections.**

We currently carry out inspections of hackney carriages, sometimes with police officers only stopping licensed vehicles and checking them and sometimes with VOSA situated at a local garage checking the mechanical condition of the vehicle more thoroughly. Recent examples when vehicle licences have been suspended in these operations are for defective tyres and steering faults. Safety issues cannot be negotiated. ..The Council has to be satisfied the vehicle is to standard before it is utilised. Vehicle licences can only be suspended or revoked or renewal refused with good reason and notice of the ground for suspension/ revocation/ failure to renew has to be provided by the Council. An appeal may be made to the Magistrates Court if a taxi driver wishes to challenge the validity of the decision. This is provided for in section 60 Local Government (Miscellaneous Provisions) Act 1976.

### **2.14 Renewal of licence.**

This comment requires clarification, in order for the local authority to respond.

### **2.15 Annual badges. (Now 2.14).**

Annual badges and the reasons for them have already been explained.

### **2.17 Re booking fee. (Now 2.16)**

In the interests of customer service and efficiency, an appointments system is currently operated for vehicle, driver and operator licence applications and renewals, which take time to complete. Non attendance means that someone else could have taken that appointment and late attendance encroaches into the next appointment. For matters such as showing a new insurance certificate or a 6 monthly test certificate there is a walk in policy. The re-booking fee was introduced on the 6<sup>th</sup> August 2007 to curtail the increasing number of 'no shows' that were happening when they were able to book a speculative appointment for an application.

At point 2.6 of the Taxi Association response, there is reference to the Licensing Unit failing to provide a sufficient number of appointments therefore a specific booking system would address any such concerns.

### **2.19 Age limits (Now 2.18)**

This is a current age limit on vehicles, which has been in force for some years. There is a direct correlation between the age of the vehicle and the MOT failures. It is rare

that licensed vehicles are subject to any form of service schedule – the MOT that is required every six months is used to ensure a mechanical standard. Some other authorities do not have an age policy and the standard of their vehicles is much lower, and noticeably so, than those of Rossendale insofar as interior and body condition.

Paragraph 32 of the Department of Transport Guidance ('the guidance') provides

'Age limits.

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

The guidance states the setting of an age limit *may* be inappropriate. There is some discretion.

## **2.21 Advertising on vehicles (Now 2.20)**

Hackney carriages are readily recognisable by the public who may flag them down, by the door stickers, licence plates and roof sign. Advertising on the outside of vehicles detracts from them being easily recognised.

I cannot locate where the guidance states its good practice to advertise.

## **4.3 MOT's**

No specific issue appears to be raised by the association. Clarification is sought if any further comment is to be made.

## **4.9**

These are the same conditions as already appertain.

## **4.12.**

I would not expect a proprietor who has been hospitalised to be able, necessarily, to conform to this paragraph and discretion would be used where appropriate.

## **4.19**

This is a direct lift from the current hackney carriage and private hire vehicle conditions.

The Council may attach any conditions to a hackney carriage as they consider reasonably necessary (section 47(1)) of the Local Government (Miscellaneous

Provisions) Act 1976. If conditions are changed, reasons should be recorded, as good practice.

There is also a right of appeal to the Magistrates Court under section 47 (3) Local Government (Miscellaneous Provisions) Act 1976, if a person is aggrieved by any conditions attached to a licence.

#### **4.20 Rossendale test.**

The 'Rossendale Test' being conducted by garages in future is a new procedure and can hardly be omitted from the Policy. There should not be additional cost to the proprietors. It is not unreasonable to check that vehicles conform to the standards set by the Council twice per year.

#### **5.2. Private Hire operators.**

There is no dispute that the Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle and provides that a person shall hold an operators licence if they operate a private hire vehicle. Should any taxi driver or other person have cause for concern regarding the behaviour of any Council officer, there is a complaints procedure that can be followed.

Advice and enquiries regarding the requirement for a business radio licence can be made with Ofcom. Anyone utilising a taxi radio requires cover of a licence. This may be in the name of a sole trader etc.

#### **5.3**

This is a direct lift from the current conditions

There is a right of appeal to the Magistrates Court if a licence is not renewed suspended or revoked.

#### **5.4.3**

In plain English it says that a bound book should be used to keep records. If the Operator wishes to go fully computerised and not use a book, the computer record should be made contemporaneously, be capable of printing the record and should be capable of showing when the record was inputted into the computer.

#### **5.5.**

Section 58 of the Town Police Clauses Act, 1847 makes it an offence within the District to charge more than the metered fare, except a lower fare may be charged if an agreement in advance has been made. The meter must always be set at the



commencement of each journey. This is provided for in our byelaw for hackney carriages. A copy extract of the bye law regarding use of a taxi meter and fares is attached at Appendix 1. Please see paragraphs 4 and 19.

### **5.6 Using hackney carriages**

I am not sure what this refers to.

### **5.8. Again with threats**

This matter has already been addressed. There are clear time frames in the policy to arrange renewals.

### **6.2**

This is current procedure

### **7.16**

This is a direct lift from the current conditions and there is a right of appeal to the Magistrates Court under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

### **7.17**

It cannot be omitted from the policy – it is an integral part of it.

Daniel Dobson  
Principal Enforcement Officer

# BOROUGH OF ROSSENDALE

## BYELAWS RELATING TO HACKNEY CARRIAGES

**BYELAWS** made under Section 68 of the Town Police Clauses Act, 1847, and Section 171 of the Public Health Act, 1875, by the Council of the Borough of Rossendale with respect to hackney carriages in the Borough of Rossendale.

### 1. INTERPRETATION

Throughout these byelaws 'the Council' means the Council of the Borough of Rossendale and 'the district' means the Borough of Rossendale.

### 2. LICENCE PLATE

The proprietor or driver of a hackney carriage shall:-

a) not wilfully or negligently cause or suffer any licence plate issued by the Council to be concealed from public view while the carriage is standing or plying for hire;

b) not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

### 3. CONDITION AND FURNISHINGS OF HACKNEY CARRIAGES

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.

### 4. USE OF TAXIMETER

a) The driver of a hackney carriage shall make use of the taximeter as follows:-

i) as soon as the hirer commences his journey the driver shall bring the machinery of the taximeter into action by moving the key, flag or other device, so that the word '**HIRED**' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;

ii) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act, 1972, and also at any other time at the request of the hirer.

b) The driver shall not cause the fare recorded on the taximeter to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

### 5. INTERFERENCE WITH EQUIPMENT

The proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with, any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto, nor with any other equipment attached to or forming part of the vehicle.

### 6. ADVERTISEMENTS, ETC.

The proprietor or driver of a hackney carriage shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the vehicle except with the consent of the Council.

### 7. USE OF STANDS

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 Council 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.

## **8. IMPORTUNING**

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.

## **9. CONDUCT OF DRIVER**

The driver shall:-

a) at all times behave in a civil and orderly manner and take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;

b) not without the express consent of the hirer, smoke, drink or eat in the vehicle;

c) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;

d) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

## **10. PROMPT ATTENDANCE**

The driver of a hackney carriage shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place or he has otherwise been instructed by the

operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that time and place, unless delayed or prevented by sufficient cause.

## **11. SHORTEST ROUTE**

The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

## **12. PASSENGERS**

a) The driver shall not convey or permit to be conveyed in a hackney carriage a greater number of persons than that prescribed in the licence for the vehicle, provided however that for this purpose two children below the age of ten years may be counted as one person insofar as the rear seating only is concerned;

b) The driver shall not allow there to be conveyed in the front of a hackney carriage:-  
i) any child below the age of ten years, or  
ii) more than one person above that age.

## **13. DRIVER'S BADGE**

The driver's badge provided by the Council shall be worn by the driver of a hackney carriage in such a position and manner as to be plainly visible.

## **14. ASSISTANCE WITH LUGGAGE**

The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the vehicle:-

a) convey a reasonable quantity of luggage;

b) afford reasonable assistance in loading and unloading;

c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such a person.

## **15. LOST PROPERTY**

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

b) The driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle be found by or handed to him carry it as soon as possible and in any event within forty eight hours, if not sooner claimed by or on behalf of its owner, to a police station within the district where he should report it to the officer in charge of the station.

**16. COPY OF THE BYELAWS**

The driver shall at all times when driving a hackney carriage carry with him a copy of these byelaws and shall make them available for inspection by the hirer or any other passenger on request.

**17. WRITTEN RECEIPTS**

The driver shall, if requested by the hirer of a hackney carriage, provide him with a written receipt for the fare paid.

**18. ANIMALS**

The driver shall not convey in a hackney carriage any animal 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 which is conveyed in the vehicle shall only be conveyed in the rear of the vehicle.

**19. RATES OR FARES**

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

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter (save for any extra charges detailed in the fares table which it may not be possible to record on the face of the taximeter) unless a hiring is undertaken for a journey ending outside the district for which a rate or fare was agreed before the hiring was effected.

**20. STATEMENT OF FARES**

a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council in the form issued by the Council to be exhibited inside the carriage;

b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**21.** 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.

## Appendix H

### TAXI LICENSING POLICY MINUTE EXTRACT FROM LICENSING COMMITTEE MINUTES OF 24<sup>TH</sup> JANUARY 2011

The Public Protection Manager outlined to the Committee that the Taxi Licensing Policy and the Taxi Enforcement Policy had already been considered by the Policy Overview & Scrutiny Committee who had recommended both policies be approved at full Council.

The Public Protection Manager presented the report to the Committee. The purpose of the report was to introduce a policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles for the Borough of Rossendale. It was outlined that Rossendale Borough Council did not currently have a policy in place or any published procedures in relation to dealing with various aspects of vehicle, driver and operating licensing.

The Policy which is appended at Appendix A had been written using current conditions, byelaws and procedures already in force within Rossendale.

The Public Protection Manager highlighted that the proposed changes to the current conditions and procedures were appended at Appendix B.

In relation to the Rossendale Test, this was currently being conducted by officers of the Council; however, it has been proposed that garages which carry out MOT tests would now also conduct the Rossendale Test. This change would give better use of officer time. 5

A consultation process had been conducted for the Taxi Licensing Policy and comments received had been considered. One comment had been made from a member of public and a letter had been received from trade representatives.

Rossendale Taxi Association had submitted a written response to the proposals and the Public Protection Unit had submitted a response to the Taxi Association, both of these have been appended with the report.

The Public Protection Manager stated that consultation would take place in relation to the First Aid Kits; however the items below would be something that could be considered:

- Advice Leaflet
- 20 individually wrapped sterile dressings
- 2 sterile eye pads
- 4 individually wrapped triangular bandages
- 6 safety pins

Mr. David Lawrie spoke on the item to represent the Taxi Trade and brought the Committees attention to the following:

## Appendix H

- Amount of time given to represent
- Changes requested by trade
- Annual badges
- Annual renewal
- Driver and Vehicle renewals
- Appointments system
- External driving mirrors
- Age of vehicles
- Seating capacity in vehicles
- License fees
- Rossendale Test

Following this information the Committee clarified the following points with the Public Protection Manager:

- Costs in relation to cost for Rossendale Test
- Consultation regarding the policy
- Driving Licences

The committee recommended the following amendments to the report:

That with regards to page 9 paragraph 2.10 of the Taxi Licensing Policy, the points would be increased from 6 to 9 before a driver would have to retake the DSA Test. If the driver accumulates 6 or more points in 1 year depending on the severity, the driver could be referred to committee.

In relation to Convictions, the time limit in which a driver would have to disclose details of a conviction, police caution or fixed penalty notice would be increased from 7 to 14 days.

### **Resolved:**

That the Committee recommend to Council the adoption of the policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles and the Rossendale Test proposals including the amendments stated above.