

Policy for the Licensing of: Hackney Carriage Drivers and Vehicles Private Hire Operators, Drivers and Vehicles

Date of Issue: Draft January 2016

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1. Introduction

This Policy draws together and reviews the current working practices, conditions, procedures, Licensing Committee determinations and policies.

The purpose of this policy is to set out the objectives Rossendale Borough Council (the Council) will promote through the hackney carriage and private hire licensing regimes.

The power to amend this policy was delegated on 23rd February 2011 from Full Council to the Licensing Committee.

1.1 Objectives

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 the Council 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 other forms of 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;
- A professional and respected hackney carriage and private hire profession;
- Increased access to an efficient and effective public transport; and
- The protection of the environment.

This document contains the policies adopted by the 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 Monitoring Officer or Licensing and Enforcement Manager in consultation with the Chairperson of the Licensing Committee.

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

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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.

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

The Council currently licences approximately:

4,022 hackney carriage drivers
2,528 hackney carriage vehicles
2 private hire operators
8 private hire drivers
2 private hire vehicles

(figures correct at 14/01/16)

1.5 Changes to Policies, Procedures and other matters

Significant changes to this Policy, internal procedures and other matters will be reasonably consulted upon and communicated via the Council's website, Social Media pages and the Council's official One Stop Shop.

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 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 Council does not restrict the number of hackney carriage vehicles licensed.

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2.3 Age restrictions on drivers.

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

This Council does not impose a minimum age for the issue of licences to hackney carriage or private hire drivers, however, applicants must have held a UK driving licence, a driving licence issued by a member state of the European Union or other “exchangeable licence” as defined in the Road Traffic Act 1988 for at least one year prior to the date of application.

2.4 Disclosure and Barring Service (DBS) Certificates

As part of the application process for a driver’s licence, an applicant will be required to complete and submit, through the Council’s preferred provider, a Disclosure and Barring Service Certificate (DBS). Applicants are also required to disclose on their application form all convictions.

For a hackney carriage or a private hire driver’s licence an enhanced DBS check will be required whereas for a private hire operator’s licence and a vehicle licence, a basic criminal record check will be required, the basic criminal record check can be obtained from Disclosure Scotland. Applicants for a Private Hire Operator’s Licence, who hold an existing hackney carriage or private hire driver’s licence at the time of application will be exempt from the requirement for a DBS certificate.

Disclosure and Barring Service certificates will only be accepted if the disclosure is dated within one calendar month prior to the application, unless the applicant has signed up to the ‘Update’ service. In these cases, the DBS certificate position applied for must be recorded as “other workforce taxi driver” and the applicant must provide the original DBS certificate and the unique ID number given in respect of the update service registration so that the Council can undertake the required checks to ensure that the information contained on the DBS certificate is up to date and that there have been no changes since its issue.

Drivers, vehicle licence holders and operators shall be required to submit new DBS checks every three years, although this period may be reduced at the discretion of the Monitoring Officer or Licensing and Enforcement Manager where such checks reveal evidence of previous criminal activity. Interim checks may be required where there is an indication of previous criminal activity. Alternatively, licence holders can register to the DBS update service which would allow the Council (with the drivers permission) to carry out a Status check more frequently.

If you have convictions, your application may be determined by the Licensing Sub-Committee. Rossendale Borough Council has a policy Statement on Guidelines to Convictions which sets out how the Council will normally deal with convictions, cautions, complaints and other relevant matters. You must declare any convictions, cautions or reprimands, including fixed penalty notices for traffic offences on your application form and on the Statutory Declaration (as applicable to your application).

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You must also declare if you are currently being investigated by any authority, enforcement agency or the Police.

2.5 Overseas Criminal History Checks

Where the applicant has lived in a country other than the UK for a continuous period of six months or more at any time since their tenth birthday, then in addition to the DBS certificate, the applicant will be required to produce a Certificate of Good Conduct issued by each relevant non-UK country in which they have resided. 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". The applicant should contact their relevant Consulate for this. Overseas criminal history checks must have been obtained within the 6 month period preceding the application.

Asylum seekers who hold a Home Office issued application registration document together with a positive verification letter from the Home Office's Employer Checking Service stating that the named individual is permitted to work in the UK will be exempt from the requirement to submit a recent Certificate of Good Conduct. The Council will require any Certificate of Good Conduct that the applicant may have regardless of the age of the document.

Applicants with Certificates of Good Conduct which are in a language other than English will be required to have them translated into English at their own expense by an independent translation service and the translation must be verified.

Certifying a Translation

If you need to certify a translation of a document that's not written in English, ask the translation company to confirm in writing on the translation:

- that it's a 'true and accurate translation of the original document'
- the date of the translation
- the full name and contact details of the translator or a representative of the translation company

2.6 Policy Relating to the Relevance of Convictions

The Council must not grant a licence to a hackney carriage or private hire driver unless it is satisfied that the applicant is a fit and proper person. The Council may refuse an application, refuse to renew an application, suspend or revoke a hackney carriage or private hire driver licence if:

- The applicant / driver has been convicted of an offence involving dishonesty, indecency or violence;
- The applicant / driver has been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976; or
- There is any other reasonable cause.

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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, cautions and intelligence revealed by DBS 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 hackney carriage or private hire driver licensing, these occupations being added to the exemptions list from that time. DBS 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;
- periods of good behaviour;
- overall conviction history;
- sentence imposed by the court;
- applicants history as an existing licensee (if relevant); and
- 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 Council's Policy Statement on Guidelines to Convictions including Statement of Policy about relevant convictions, cautions, complaints and other relevant matters of the time being.

2.7 Photographs

One photograph needs to be submitted to the Council every 3 years 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;
- 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;
- must be endorsed with "I certify that this is a true likeness of [the applicant's name] and it should be signed and dated by someone in accordance with the following requirements.

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Who can sign your photograph

Personal relationship

The countersignatory must:

- know the person applying; and
- be able to identify the person applying, e.g. they are a friend, neighbour or colleague or someone who knows them professionally.

The countersignatory must not:

- be closely related or involved with the person applying, e.g.: related by birth or marriage;
- be in a relationship with the person applying;
- live at the same address as the person applying.

Occupations

Countersignatories must work in (or be retired from) a recognised profession or be 'a person of good standing in their community', e.g.:

- accountant;
- assurance agent of recognised company;
- bank/building society official;
- barrister;
- chairman/director of limited company;
- commissioner of oaths;
- councillor, eg local or county;
- civil servant (permanent);
- director/manager/personnel officer of a VAT-registered company;
- doctor;
- engineer - with professional qualifications;
- financial services intermediary, e.g. a stockbroker or insurance broker;
- fire service official;
- Justice of the Peace;
- legal secretary - fellow or associate member of the Institute of Legal Secretaries and PAs;
- manager/personnel officer of a limited company;
- member, associate or fellow of a professional body;
- Member of Parliament;
- nurse;
- officer of the armed services;
- paralegal - certified paralegal, qualified paralegal or associate member of the Institute of Paralegals;
- person with honours, e.g. an OBE or MBE;
- police officer;
- Post Office official;
- president/secretary of a recognised organisation;
- social worker;

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- solicitor;
- surveyor;
- teacher, lecturer;
- trade union officer;
- travel agent – qualified; or
- Warrant Officers and Chief Petty Officers.

People who work for the Council cannot be countersignatories. You will be asked to find someone else if the countersignatory does not meet the above requirements.

2.8 Driving Licences

Applicants for new hackney carriage or private hire driver's licences shall have held a UK driving licence, a driving licence issued by a member state of the European Union or other exchangeable licence as defined in the Road Traffic Act 1988 for at least one year prior to the date of application. This period shall not include any periods when the driving licence has been suspended or revoked. The licence must reflect the applicant's current name and address.

2.9 Driver and Vehicle Standards Agency (DVSA) Tests

As part of a new application for a hackney carriage or private hire drivers licence the applicant will be required to pass a DVSA Private hire/hackney carriage driving 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.

2.10 Right to Work

Applicants for a vehicle, driver or operator licence will, as part of their application, submit evidence, to the satisfaction of the Council, of their right to work in the UK. Where the applicant's right to work will expire during the life of the licence, the hackney carriage or private hire driver licence will be issued to the expiry of the right to work. Should an extended right to work in the UK be granted to the satisfaction of the Council, the hackney carriage or private hire driver licence will be extended without charge to a date not exceeding three years from the original issue date.

Where the licence has been issued for the shorter period, renewal applications will be accepted only if the applicant submit full and complete applications prior to the expiry of the licence and provided the application shows, to the satisfaction of the Council, a right to work in the UK. If this cannot be demonstrated prior to the expiry of the licence, applicants will be required to apply for a new licence as if they were a first time applicant. In such circumstances, a licence will not be granted until such time as all the necessary licensing requirements have been fulfilled.

Applicants for hackney carriage or private hire vehicle licences that do not hold a hackney carriage or private hire driver's licence issued by the Council, will, as part of their application, submit evidence, to the satisfaction of the Council, of their right

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to work in the UK. Where the applicant's right to work will expire during the life of the licence, the hackney carriage or private hire driver licence will be issued to the expiry of the right to work. Should an extended right to work in the UK be granted to the satisfaction of the Council, the hackney carriage or private hire vehicle licence will be extended without charge to a date not exceeding three years from the original issue date.

Before applying for a licence, applicants will need to consider whether it is viable to apply for the hackney carriage or private hire driver's licence if they cannot demonstrate a lengthy period of their right to work.

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 or a doctor who has had full access to all the medical records within the six months preceding their application.

The GP or doctor must have had full access to their medical records and must verify to the satisfaction of the Council in writing that he has had such access.

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 until the age of 65 and annually thereafter.

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.

Licence holders will have their documentation inspected and must produce to the Council, any document which has been requested for production, even if the document has previously been produced.

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

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2.13 Lifting of Vehicle Suspensions

Where the licensed vehicle has been suspended under the Local Government (Miscellaneous Provisions) Act 1976 section 60 for failure to produce documents required by the Council, the suspension will only be lifted once the required documents are produced and are to the satisfaction of the Council. Where relevant, the Council reserves the right to conduct a vehicle inspection before lifting the suspension.

Where the licensed vehicle has been suspended under the Local Government (Miscellaneous Provisions) Act 1976 section 68 following an inspection, the suspension will only be lifted once any required documents have been produced, the defects identified in the suspension notice rectified and the vehicle passes a Rossendale Test inspection undertaken by an Authorised Officer.

If the vehicle suspended under the Local Government (Miscellaneous Provisions) Act 1976 section 68 has been subject to an MOT and Rossendale Test undertaken by an authorised garage, the lifting of the suspension will become an administrative process. Where relevant, the Council reserves the right to conduct a vehicle inspection before lifting the suspension.

2.14 Authorised Officers

The Council may authorise other Licensing Authorities to regulate hackney carriage and private hire drivers and vehicles in accordance with the Council's policy, conditions of the licence, byelaws and relevant law.

The Council will publish via its website, the names of Councils that have been authorised by this Council.

2.15 Re-Booking Fees

The Council operates a re-booking fee policy which applies to non-attendance or late attendance of appointments, late cancellations and vehicles which fail the Rossendale Test.

Appointments can be cancelled or re-scheduled without charge no later than 24 hours before the appointment time. The re-booking fee will be charged if a person fails to cancel or re-schedule their appointment within this time frame. Having incurred a re-booking fee, a person must pay the fee before an Authorised Officer will inspect the relevant vehicle.

A person who attends more than 30 minutes after their appointment time may not be seen and will have to pay the re-booking fee before they will be permitted to book another appointment.

Presenting a vehicle that is unfit for licensing or which fails the Rossendale Test will incur the re-booking fee and this fee will have to be paid before another appointment is made and offered.

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The Council's taxi licensing office is available for telephone enquiries on 01706 217 777 (Option 7), our opening times are published on our website at: www.rossendale.gov.uk/taxi. If a licence holder needs to cancel their appointment they must either:

- Telephone the department with their appointment details and their instruction to reschedule the appointment. A new appointment date and time will then be given to them over the phone;
- Email the department with their appointment details and their instruction to reschedule the appointment. A new appointment date and time will then be given to them via return email. Emails should be sent to licensing@rossendalebc.gov.uk;
- Write to the Licensing and Enforcement Unit with their appointment details and their instruction to reschedule the appointment at Rossendale Borough Council, The Business Centre (Room 118), Futures Park, Bacup, Rossendale. OL13 0BB. A new appointment date and time will then be given to them via return mail; or
- The licence holder can call into the Council's One Stop Shop in person.

2.16 Renewals

A renewal application will not be accepted more than one calendar month before the expiry of the current licence as a premature application increases the likelihood of the Council determining whether a person remains a "fit and proper" person based on information that is not up to date at the time of renewal.

If the applicant fails to submit a renewal application two weeks before the expiry of the current licence, the Council cannot guarantee the licence will be renewed on time. 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 their 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. The Licensing and Enforcement Manager will consider exceptional reasons for failing to renew on time.

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.

Legal responsibility rests with drivers, vehicle proprietors and operators to ensure that their licence is current. Any person who drives a hackney carriage or private hire vehicle without a valid and appropriate licence or permits someone to use their vehicle as if it were a licensed vehicle commits a criminal offence.

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2.17 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 three years;
- a private hire vehicle operator's licence shall last for a period not exceeding five years;
- a private hire vehicle licence shall last for a period not exceeding one year; and
- a private hire driver's licence shall last for a period not exceeding three years.

2.18 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.

2.19 Collections Policy

Applicants and existing licence holders will be required to collect badges and plates from the Council's offices once they have been notified that they are ready for collection. Any items which have not been collected within one calendar month of the day upon which the items were deposited in the Council's reception area will be destroyed as the Council does not have unlimited storage facilities. Applicants will be required to pay for replacement items.

2.20 Vehicle Standards

Vehicles will not be considered suitable for licensing as hackney carriages or private hire vehicles unless they comply with 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;
- solid roofs incorporating a sunroof shall be permitted if the openable area is not in excess of 50% of the roof area;
- convertibles or soft tops will not generally be allowed;
- 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;

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- 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, Individual Vehicle Approval, Low Volume Vehicle Type Approval, Voluntary Certificate of Conformity or other legally accepted approvals as a minimum standard; and
- Licensed vehicles are not required to be fitted with closed circuit television (CCTV), where a licensed vehicle is equipped with CCTV, this must meet all legislative requirements and European Union directives and it must be specific for purpose i.e., to provide a safer environment for the benefit of the driver and passengers.

2.21 Age of Vehicles

When licensing a vehicle it must be less than 7 years of age from the date of first registration. Once licensed, vehicles will be allowed to be licensed up to the 10th anniversary of the date of first registration. 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 12th anniversary of the date of first registration.

2.22 Category C and D vehicles

Vehicles of Category C or D status can be licensed by this Council. The Council will, in addition to the application requirements, require a letter from the applicant's insurance company to confirm that they are aware of the Category status and are prepared to insure the vehicle.

2.23 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.

2.24 Advertising on vehicles

No markings of any nature, other than standard manufacturer's markings, are permitted, except in accordance with the criteria set out below:

Markings may be placed only on the rear passenger doors (total area for markings may not exceed A3 (297mm x 420mm) in size) on each rear door. Markings may

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also be placed on the rear boot lid. Any typeface is permitted provided that the total area of each marking does not exceed A3 (297mm x 420mm) in size.

The Monitoring Officer, Licensing and Enforcement Manager or Authorised Officer may instruct the vehicle owner to remove any markings deemed inappropriate and/or offensive and failure to do so may result in the vehicle being suspended.

2.25 Licence fees

The legislation provides that fees charged to applicants should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands (taxi ranks) and administering the regulation of the hackney carriage and private hire trades.

The appropriate fee must be paid when the application for a hackney carriage or private hire driver's and/or vehicle licence is submitted.

Current fees are advertised on the Council's website and are detailed on the relevant application form guidance notes.

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 hackney carriage and private hire 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.

2.26 Vehicle transfers (Change of Vehicle)

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

2.27 Change of Ownership

The holder of a hackney carriage or private hire vehicle licence is required by law to notify the Council, in writing, of the name and address of a person to whom he/she has transferred their interest of the licensed vehicle to. Such notification must take place within 14 days of the transfer of interest.

The new proprietor of the vehicle must within 14 days of acquiring the vehicle, submit to the Council an application for a change of ownership and such application must be accompanied by the relevant insurance and the V5 registration document showing the new keeper's name and address or the new keeper supplement thereof. If a new keeper supplement is produced, the full log book must be submitted to the Council within 6 weeks.

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If the change of ownership is not notified in accordance with the above, the Council may refuse to register the new proprietor.

2.28 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.

The Council will accept emailed copies of insurances documents to the Licensing department's official email address (licensing@rossendalebc.gov.uk).

V5 vehicle registration documents and driving licences submitted by email when requested to do so or which are submitted as part of notifications regarding a change of address will be accepted by email provided that the document is clearly legible once viewed on Council systems. The Council reserves the right to refuse service by email where further enquiries or inspection of the original document is required.

V5 registration documents must be in an individual's name, partnership, sole trader or limited company registered with Companies' House.

2.29 Vehicle Windows

All vehicle windows shall be transparent or if tinted, the front windscreen, front passenger window and drivers window must let at least 75% of light through and all other windows must let at least 70% of light through to the satisfaction of the Authorised Officer. The Council will not licence a vehicle to which a laminating film has been applied.

2.30 Dual Plating

The Council does not allow a licensed vehicle to be licensed as a hackney carriage or private hire vehicle with any other licensing authority whilst the licence with this Council is in force.

2.31 No Smoking Signage

The display of no smoking signage is a legal requirement for a licensed hackney carriage or private hire vehicle. No smoking signage shall be clearly placed on every passenger window and shall face inwards and outwards and must not be displayed in a manner that obscures the driver's visibility.

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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 Basic Skills and Policy Test Certificate showing your successful completion within the six-month period preceding the application (once introduced);
- a certificate for the mandatory training showing your successful completion within the six-month period preceding the application (once introduced);
- a Driving Standards Agency (DVSA) test certificate showing your successful completion within the six-month period preceding the application;
- 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;
- one photograph of the applicant which complies with the Council's requirements;
- an enhanced DBS disclosure not more than one calendar month old or original DBS with update service ID number if the 'position applied for' is 'other workforce taxi driver';
- a Group 2 medical assessment not more than 6 months old;
- A valid full EU, UK or other exchangeable driving licence which must have been held for a minimum period of one year;
- a properly completed, legible driver mandate form; and
- the correct fee.

All documents provided shall meet the requirements as set out in part 2 this policy document. Any application not accompanied by the appropriate documentation shall be rejected as invalid and returned to the applicant together with the fee. Rejected applications are sent by normal Royal Mail 2nd class delivery service and the Council accepts no responsibility or liability for applications lost in the mail service.

Rejected applications containing original documentation will under no circumstances be posted back and they must be collected from the Council offices. The application will remain rejected and will not be considered for licensing until such time as the application has been collected, issues rectified and a full and complete resubmission made.

3.2 Renewal Applications

In the case of a renewal of a driver's licence, the applicant must produce the following documents:

- A valid full EU, UK or other exchangeable driver's licence which show the correct name and address of the applicant;
- A Group 2 standard medical report, if required;
- one photograph of the applicant which must be endorsed;

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- a properly completed, legible driver mandate form; and
- An enhanced DBS disclosure which is not more than one calendar month old or original DBS with update service ID number if the 'position applied for' is 'other workforce taxi driver'.

All documents provided shall meet the requirements as set out in part 2 this policy document. Any application not accompanied by the appropriate documentation shall be rejected as invalid and returned to the applicant together with the fee. Rejected applications are sent by normal Royal Mail 2nd class delivery service and the Council accepts no responsibility or liability for applications lost in the mail service.

Rejected applications containing original documentation will under no circumstances be posted back and they must be collected from the Council offices. The application will remain rejected and will not be considered for licensing until such time as the application has been collected, issues rectified and a full and complete resubmission made.

The Council will not accept an application for the renewal of a driver's licence more than one calendar month before the date on which the current licence is to expire as a premature application increases the likelihood of the Council determining whether a person remains a "fit and proper" person based on information that is not up to date at the time of renewal.

Legal responsibility rests with the driver to ensure that their licence is current. Any person who drives a hackney carriage or private hire vehicle without a valid and appropriate licence commits a criminal offence. The Council does not issue reminder letters that licences are due to expire.

If a complete application for renewal is not received by the Council, together with the relevant documentation and fee(s) two weeks prior expiry of an existing licence, the driver MUST NOT continue to drive after the expiry of their licence. Any licence holder that drives after the expiry of their licence and before a new licence is granted is committing a criminal offence. The Licensing and Enforcement Manager will consider extraordinary reasons for failing to renew on time.

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. Where there is a conflict between the byelaws and the conditions of the licence or legislation, legislation will take precedence and in all other cases, the conditions of the licence will take precedence.

3.4 Driver licence and badge

A driver shall be issued with a hackney carriage driver's 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

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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 notify the Council within fourteen days of his arrest, charge, receipt of a summons or fixed penalty notice, ASBO, conviction or Caution for any offence. If you have convictions, your licence may be determined by the Licensing Committee.

3.6 Change of address

The holder of a hackney carriage or private hire driver's licence and/or vehicle licence 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. Within 6 weeks of such a change, the holder of a hackney carriage or private hire driver's licence shall produce to the Council, the updated driving licence showing the new address. The holder of a hackney carriage or private hire vehicle licence shall within 6 weeks produce the V5 registration document showing the new address and the amended driving licence.

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 Carrying of assistance dogs and wheelchairs

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 an 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, wheelchair or any other mobility aid.

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. Such notification must be made in writing to the Council's office address or to the licensing department's email (licensing@rossendalebc.gov.uk).

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.

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4. Hackney Carriage Vehicles

4.1 Licensing of hackney carriages

(Local Government (Miscellaneous Provisions) Act 1976 section 47):

- 1) A district council may attach to the grant of a licence of a hackney carriage under the Town Police Clauses 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. The vehicle shall be issued with identification plates and door livery which remain the property of the Council. A vehicle licence holder shall upon the expiry (without immediate renewal), revocation or suspension of the licence return the identification plates to the Council, subject to the relevant timescales.

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 the licence is collected, insuring it for the purpose of its use as a hackney carriage vehicle; certificates of insurance emailed direct from the insurance company will be accepted;
- the original Vehicle Registration Document showing the current owners name and address or the new keeper supplement; (document must be in person name, sole trader, partnership or limited company);
- an MOT certificate issued during a mechanical vehicle inspection at a Council nominated testing station dated within the month preceding the application;
 - on renewal applications, this certificate shall be no older than two months prior to the expiry of the vehicle licence;
- 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 the Council dated within the month preceding the application;

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- on renewal applications, this certificate shall be no older than two months prior to the expiry of the vehicle licence; 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. Rejected applications are sent by normal Royal Mail 2nd class delivery service and The Council accepts no responsibility or liability for applications lost in the mail service.

Rejected applications containing original documentation will under no circumstances be posted back without the consent of the applicant and they must be collected from the Council offices. The application will remain rejected and will not be considered for licensing until such time as the application has been collected, issues rectified and a full and complete resubmission made.

Rejected applications are sent by normal Royal Mail 2nd class delivery service and The Council accepts no responsibility or liability for applications lost in the mail service.

The Council will not accept an application for the renewal of a vehicle licence more than one calendar month before the date on which the current licence is to expire as a premature application increases the likelihood of the Council determining whether a the vehicle remains fit for licensing based on information that is not up to date at the time of renewal.

Legal responsibility rests with the driver to ensure that their licence is current. Any person who drives a hackney carriage or private hire vehicle without a valid and appropriate licence commits a criminal offence. The Council does not issue reminder letters that licences are due to expire.

If a complete application for renewal is not received by the Council, together with the relevant documentation and fee(s) two weeks prior expiry of an existing licence, the driver MUST NOT continue to drive after the expiry of their licence. Any licence holder that drives after the expiry of their licence and before a new licence is granted may be committing a criminal offence.

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 calendar month preceding the licensing application and at the 6-month or 4-month test.

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4.6 Intended Use Policy (proposed for adoption at Council)

The purpose of this policy is to set out how the Council will deal with the licensing and renewal of hackney carriage vehicle licences and other related matters following the High Court Judgment - Newcastle City Council v Berwick-upon-Tweed [2008] EWHC 2369 (Admin).

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;
- basic DBS certificate;
- overseas criminal history check where applicable;
- The above two items are exempt if the applicant is an existing licensed driver or vehicle holder with this Council;
- Public Liability Insurance if the premises are open to the public; and
- Planning permission / certificate of lawfulness if applicable (contact the Planning Department for advice);

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.

Rejected applications are sent by normal Royal Mail 2nd class delivery service and the Council accepts no responsibility or liability for applications lost in the mail service. Rejected applications containing original documentation will under no circumstances be posted back and they must be collected from the Council's offices. The application will remain rejected and will not be considered for licensing until such time as the application has been collected, issues rectified and a full and complete resubmission made.

5.3 Private Hire Operator Conditions.

The conditions appended at [Appendix B](#) are attached to a private hire operator licence.

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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 Basic Skills and Policy Test Certificate showing your successful completion within the six-month period preceding the application (once introduced);
- a certificate for the mandatory training showing your successful completion within the six-month period preceding the application (once introduced);
- a Driving Standards Agency (DVSA) test certificate showing your successful completion within the six-month period preceding the application;
- 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;
- one photograph of the applicant which complies with the Council's requirements;
- an enhanced DBS disclosure not more than one calendar month old;
- a Group 2 medical assessment not more than 6 months old;
- A valid full EU, UK or other exchangeable driving licence which must have been held for a minimum period of one year;
- a properly completed, legible driver mandate form; 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.

Rejected applications are sent by normal Royal Mail 2nd class delivery service and the Council accepts no responsibility or liability for applications lost in the mail service. Rejected applications containing original documentation will under no circumstances be posted back without the consent of the applicant and they must be collected from the Council's offices. The application will remain rejected and will not be considered for licensing until such time as the application has been collected, issues rectified and a full and complete resubmission made.

6.2 Renewal Applications

In the case of a renewal of a driver's licence, the applicant must produce the following documents:

- A valid full EU, UK or other exchangeable driver's licence which show the correct name and address of the applicant;
- A Group 2 standard medical report, if required;
- One photograph of the applicant which must be endorsed;
- A properly completed, legible driver mandate form; and

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- An enhanced DBS certificate which is not more than one calendar month old or original DBS with update service ID number if the 'position applied for' is 'other workforce taxi driver'.

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.

Rejected applications are sent by normal Royal Mail 2nd class delivery service and the Council accepts no responsibility or liability for applications lost in the mail service. Rejected applications containing original documentation will under no circumstances be posted back without the consent of the applicant and they must be collected from the Council's offices. The application will remain rejected and will not be considered for licensing until such time as the application has been collected, issues rectified and a full and complete resubmission made.

The Council will not accept an application for the renewal of a driver's licence more than one calendar month before the date on which the current licence is to expire as a premature application increases the likelihood of the Council determining whether a person remains a "fit and proper" person based on information that is not up to date at the time of renewal.

Legal responsibility rests with the driver to ensure that their licence is current. Any person who drives a hackney carriage or private hire vehicle without a valid and appropriate licence commits a criminal offence. The Council does not issue reminder letters that licences are due to expire.

If a complete application for renewal is not received by the Council, together with the relevant documentation and fee(s) one calendar month prior expiry of an existing licence, the driver MUST NOT continue to drive after the expiry of their licence. Any licence holder that drives after the expiry of their licence and before a new licence is granted may be committing a criminal offence.

6.3 Private Hire Driver Conditions.

The conditions appended at [Appendix C](#) are attached to a private hire driver licence.

7. Private Hire Vehicles

7.1 Applications

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

- the correct fee;

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- an original certificate of insurance for the vehicle, valid on the day the licence is collected, insuring it for the purpose of its use as a private hire vehicle; certificates of insurance emailed direct from the insurance company will be accepted;
- the original Vehicle Registration Document showing the current owners name and address or the new keeper supplement; (document must be in person name, sole trader, partnership or limited company);
- an MOT certificate issued during a mechanical vehicle inspection at a Council nominated testing station dated within the month preceding the application;
 - on renewal applications, this certificate shall be no older than two months prior to the expiry of the vehicle licence;
- 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 the Council dated within the month preceding the application;
 - on renewal applications, this certificate shall be no older than two months prior to the expiry of the vehicle licence; 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.

Rejected applications are sent by normal Royal Mail 2nd class delivery service and the Council accepts no responsibility or liability for applications lost in the mail service. Rejected applications containing original documentation will under no circumstances be posted back and they must be collected from the Council's offices. The application will remain rejected and will not be considered for licensing until such time as the application has been collected, issues rectified and a full and complete resubmission made.

The Council will not accept an application for the renewal of a vehicle licence more than one calendar month before the date on which the current licence is to expire.

Legal responsibility rests with the driver to ensure that their licence is current. Any person who drives a hackney carriage or private hire vehicle without a valid and appropriate licence commits a criminal offence. The Council does not issue reminder letters that licences are due to expire.

If a complete application for renewal is not received by the Council, together with the relevant documentation and fee(s) one calendar month prior expiry of an existing licence, the driver MUST NOT continue to drive after the expiry of their licence. Any licence holder that drives after the expiry of their licence and before a new licence is granted is committing a criminal offence.

7.2 Private Hire Vehicle Conditions

The conditions appended at [Appendix D](#) are attached to a private hire vehicle licence.

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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 calendar month preceding the licensing application and at the 6-month or 4-month test.

7.4 Executive Vehicle Requirements

Private Hire vehicles used solely for executive hire can be exempted under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display a licence plate and the driver from wearing a driver's badge. Applications for an exemption from this requirement must be made in writing.

(The Local Government (Miscellaneous Provisions) Act 1976 provides a further exemption when a vehicle is under a contract for the hire of the vehicle for a period of not less than 24 hours.)

The matters that will be taken into account when considering such applications will include the following:

- 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(s). This should be demonstrated by reference to records of at least three months existing work;
- The vehicle should generally be used exclusively for account work and not used for any other booked work;
- The type of vehicle to which the application relates on the basis that executive status should relate only to luxury type vehicles;
- The compliance record of the operator concerned including details of any complaints lodged against drivers employed by the operator.
- An interview with an officer from the Council's Licensing and Enforcement Unit.

7.4.1 An Executive Vehicle shall be subject to the standard conditions attached to an exemption granted to the holder of a private hire vehicle licence.

If granted, the exemption notice will be issued to the holder of the private hire vehicle licence and shall be granted for a period not exceeding one year and shall expire upon the expiry of the private hire vehicle licence.

7.4.2 Standard Conditions of an 'Exemption Notice' issued in respect of an Executive Private Hire Vehicle

The conditions appended at Appendix F are attached to an Executive Private Hire Vehicle licence.

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7.5 Stretched Limousines

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

- A certificate is produced to show that the vehicle has been examined under the Individual Vehicle Approval inspection regime by VOSA;
- The vehicle is not capable of carrying more than 8 passengers;
- 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:

- Policy Statement on Guidelines to Convictions including Statement of Policy about Relevant Convictions, Cautions, Complaints and other relevant matters
- Byelaws relating to hackney carriages
- The Rossendale Test Standards
- Enforcement Policy relating to the Hackney Carriage and Private Hire trade
- Intended Use Policy

9. Statutory Requirements – Hackney Carriage Vehicles

Below are some of the statutory requirements for hackney carriage vehicles. The list is not exhaustive and readers are recommended to consult the relevant legislation for further detail:

9.1 Accidents to Vehicles

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.

9.2 Insurance

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.

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10. Statutory Requirements – Private Hire Operators

Below are some of the statutory requirements for private hire operators. The list is not exhaustive and readers are recommended to consult the relevant legislation for further detail:

10.1 Term of Licence

A Private Hire Operator's Licence will normally be granted for a period of 5 years. A renewal application must be received and processed before the expiry of the current licence. Applications should be made at least one calendar month and no more less than two 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 on time. The Licensing and Enforcement Manager will consider extraordinary reasons for failing to renew on time.

10.2 Drivers and Vehicles

Only properly licensed drivers and vehicles are used to fulfil any booking.

11. Statutory Requirements – Private Hire Drivers

Below are some of the statutory requirements for private hire drivers. The list is not exhaustive and readers are recommended to consult the relevant legislation for further detail:

11.1 Identification of Driver

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.

12. Statutory Requirements – Private Hire Vehicles

Below are some of the statutory requirements for private hire vehicles. The list is not exhaustive and readers are recommended to consult the relevant legislation for further detail:

12.1 Location of Vehicle

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.

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12.2 Transfer of Ownership

The proprietor shall notify the Council in writing of any changes in vehicle ownership within 14 days of such change taking place.

12.3 Alteration of Vehicle

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.

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Appendix A

Hackney Carriage Vehicle Licence Conditions

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 these conditions, 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 also 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 required by law;
- 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 in accordance with the criteria set out below. The Monitoring Officer or Licensing and Enforcement Manager may instruct the vehicle owner to remove any markings deemed inappropriate and/or offensive.
- **Permitted Markings:**
- Only the company/organisation name and one contact telephone number may be displayed.
- **Permitted Location and size of markings:**
- Rear passenger doors (total area for markings may not exceed A3 (297mm x 420mm) in size) on each door and/or the rear boot lid.
- **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. No additional markings will be permitted.

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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 when operating within the Borough of Rossendale:
 - 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 which shall be no more than the maximum fare as set out in 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 with either:
- a) a spare wheel of full or space saver design above the legal tread requirement and the tools required to change a wheel, or
 - b) an emergency puncture repair kit (with compressor / inflation pack), or
 - c) run flat tyres, or
 - d) provide evidence of a contract with a 24 hour mobile tyre replacement specialist.

In the event of a space saver tyre, run flat tyres (when punctured) or puncture repair kit being used, it is only to complete a fare and must comply and be maintained in accordance with the manufacturer's recommendations. Any such defective wheel should be replaced before taking another fare to ensure passenger safety.

- 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 Council forthwith.

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6 Alteration of vehicle

- 6.1 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.

7 Term of licence and renewals

- 7.1 Applications for renewal should be submitted no earlier than one calendar month and no later than two weeks before the expiry date of the licence. If an application is received less than two weeks before the expiry of the licence, the Council cannot guarantee the renewal application will be processed before the licence expires. The Licensing and Enforcement Manager will consider exceptional reasons for failing to renew on time.

8 Location vehicle is kept

- 8.1 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.

9 Transfer of ownership

- 9.1 The proprietor shall notify the Council in writing of any changes in vehicle ownership within 14 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 Convictions

- 11.1 The proprietor shall notify the Council within seven days of his (or, if the proprietor is a company or partnership, any director or partner) arrest, charge, receipt of a summons or fixed penalty notice, ASBO or being convicted or cautioned for any offence.

12 No Smoking Signage

The display of no smoking signage is a legal requirement for a licensed hackney carriage. No smoking signage shall be clearly placed on every passenger window and shall face inwards and outwards and must not be displayed in a manner that obscures the driver's visibility.

13 Vehicle Windows

All vehicle windows shall be transparent or if tinted, the front windscreen, front passenger window and drivers window must let at least 75% of light through and

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all other windows must let at least 70% of light through to the satisfaction of the Authorised Officer. The Council will not licence a vehicle to which a laminating film has been applied.

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Appendix B

Private Hire Operators Licence Conditions

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

1 Business Premises and Planning Requirements

- 1.1 The operator shall not make provision for the invitation or acceptance of bookings for a private hire vehicle at any premises that is not specified on the licence. The operator shall not make provision for the invitation or acceptance of bookings for a private hire vehicle at premises for which there is not appropriate planning permission, a certificate of lawful use or written confirmation from the planning authority that planning permission is not required.

2 Records

- 2.1 The operator shall maintain at his premises particulars of:
- The call sign, or other identifying mark used on booking records to identify vehicles and drivers;
 - Each vehicle licence plate number;
 - Each vehicle registration number;
 - The date the vehicle came into use on the licence;
 - The date the vehicle ceased to be operated on the licence;
 - The name and address of the owner of the business if that is not the operator;
 - The date of any transfer of ownership of the business;
 - The name and address of each driver;
 - The badge number of each driver;
 - The date the driver commenced working for the operator;
 - The date the driver ceased working for the operator; and
 - The expiry date of each driver's badge.
- 2.2 The operator shall maintain a suitable bound book, the pages of which are numbered consecutively, in which the following particulars shall be recorded:
- The time and date of each booking;
 - The method the booking was received, i.e. telephone, Internet or in person;
 - The time and date the journey is to commence;
 - The place the journey is to commence;
 - The destination of the journey;

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- The number of passengers;
- The name and if given, the address of the hirer;
- The name of the driver or identifiable call sign by which the driver is identifiable;
- The plate number of the vehicle or call sign by which the vehicle is identifiable; and
- The record must be made at the time of booking in ink. Pencil is not acceptable.

2.3 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:

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

2.4 Required records:

- All records required under 2.1 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.
- All records required under 2.2 above must be kept for a period of not less than six months from the date of the last entry contained therein.
- The records required under 2.1 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 Council.
- The records required under 2.2 above shall be produced at the operator's premises immediately upon request from a Police Constable or authorised officer of the Council.

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.

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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 Standards of Service

- 5.1 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:
- 5.1.1 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;
 - 5.1.2 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;
 - 5.1.3 Any public waiting area provided by the operator has adequate seating facilities; and
 - 5.1.4 No person who is drunk or behaving in a disorderly manner is to remain upon the premises in respect of which the licence is in force.

6 Change of Address

- 6.1 The operator shall notify the Council in writing within seven days of any change of home address of his, any partner or director as the case may be.

7 Criminal Offences, Disqualification as a Company Director of Insolvency

- 7.1 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:
- Be a director of a company;
 - Be a liquidator or administrator of a company;
 - Be a receiver or manager of a company's property; and
 - Be concerned or take part, whether directly or indirectly, in the promotion, formation or management of a company.
- 7.1.1 The operator shall notify the Council in writing of any bankruptcy order made against them within 7 days of such an order being made.
- 7.1.2 The expression "operator" in the case of a Limited Company or partnership means any director or partner of the business.

8 Public Liability Insurance

- 8.1 If the operator has the facility for the public to enter their premises, the operator must ensure that there is a policy of public liability insurance in place and

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produce a copy of it to the Council within one month of the issue or renewal of the policy.

9 Lost Property

- 9.1 The Operator must record details of all lost or found property and retain those records for examination for a period of 6 months.

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Appendix C

Private Hire Drivers Licence Conditions

1 Identification of Driver

- 1.1 If requested, the driver of a private hire vehicle shall show their driver's badge to the hirer, a passenger, authorised officer or constable.

2 Driver's Badge

- 2.1 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.

3 Use of Taximeter

- 3.1 The driver of a private hire vehicle provided with a taximeter shall:-
- 3.1.1 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;
 - 3.1.2 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
 - 3.1.3 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).

4 Interference with Equipment

- 4.1 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.

5 Advertisements etc.

- 5.1 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.

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6 Shortest Route

- 6.1 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.

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:-

- 7.1.1 convey a reasonable quantity of luggage;
 7.1.2 afford reasonable assistance in loading and unloading; and
 7.1.3 afford reasonable assistance in removing luggage 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.

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 notify the Council within fourteen days of his arrest, charge, receipt of a summons or fixed penalty notice, ASBO, conviction or Caution for any offence. If you have convictions, your licence may be determined by the Licensing Committee.

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 of the vehicle to be in attendance at an appointed time and place unless delayed or prevented by sufficient cause.

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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:-
- 16.1.1 at all times be clean and respectable in his dress and person and behave in a civil and orderly manner;
 - 16.1.2 take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
 - 16.1.3 not without the express consent of the hirer drink or eat in the vehicle;
 - 16.1.4 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
 - 16.1.5 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 Carrying of animals and disabled passengers

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

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

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

19.2 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 has applied for, and been granted a certificate of exemption.

19.3 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 other animal belonging to or in the custody of any passenger which in the driver's discretion may be conveyed in the vehicle.

20 Health of Driver

20.1 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.

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

21 Renewal of Licences

21.1 Applications for renewal should be submitted no earlier than one calendar month and no later than two weeks before the expiry date of the licence. If an application is received less than two weeks before the expiry of the licence, the Council cannot guarantee the renewal application will be processed before the licence expires. The Licensing and Enforcement Manager will consider exceptional reasons for failing to renew on time.

22 Drivers of Private Hire Vehicles - Signs, notices etc.

22.1.1 The vehicle must not be equipped with roof fittings including advertisements and a roof sign. If a wireless aerial is fitted, it must be fitted in such a manner to satisfy the Council;

22.1.2 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

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- by the Council or displayed to comply with requirements under the current lighting and licensing regulations approved by the Secretary of State;
- 22.1.3 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
- 22.1.4 No markings of any nature, other than standard manufacturer's markings, are permitted, except in accordance with the criteria set out below. The Monitoring Officer or Licensing and Enforcement Manager may instruct the vehicle owner to remove any markings deemed inappropriate and/or offensive.

➤ **Permitted Markings:**

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

➤ **Permitted Location and size of markings:**

Rear passenger doors (total area for markings may not exceed A3 (297mm x 420mm) in size) on each door and/or the rear boot lid

➤ **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. 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. No additional markings will be permitted.

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Appendix D

Private Hire Vehicle Licence Conditions

1 Signs, notices etc.

- 1.1.1 The vehicle must not be equipped with roof fittings including advertisements and a roof sign. If a wireless aerial is fitted, it must be fitted in such a manner to satisfy the Council;
- 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 in accordance with the criteria set out below. The Monitoring Officer or Licensing and Enforcement Manager may instruct the vehicle owner to remove any markings deemed inappropriate and/or offensive.

➤ **Permitted Markings:**

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

➤ **Permitted Location and size of markings:**

Rear passenger doors (total area for markings may not exceed A3 (297mm x 420mm) in size) on each door and/or the rear boot lid

➤ **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. 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. No additional markings will be permitted.

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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:
- 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;
 - 3.1.2 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;
 - 3.1.3 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;
 - 3.1.4 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;
 - 3.1.5 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:
- 4.1.1 be of such design to enable any person in the carriage to communicate with the driver;
 - 4.1.2 be fitted with a roof or covering which can be kept watertight;
 - 4.1.3 each passenger door shall contain a window and a means of opening and closing that window excluding the tailgate;
 - 4.1.4 contain seats which must be properly cushioned or covered, all seats must be forward or rear facing;
 - 4.1.5 subject to current statutory legislation have one seat belt for every licensed passenger;
 - 4.1.6 be provided with a proper carpet, mat or other suitable covering for the floor;
 - 4.1.7 contain fittings and furniture kept in a clean condition, safe and well-maintained and in every way fit for public service;
 - 4.1.8 be fitted in such a way to enable luggage to be secured if the vehicle is so constructed to carry luggage;

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- 4.1.9 be a right hand drive vehicle;
- 4.1.10 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:

- 4.2.1 Keep the licensed vehicle in a mechanical condition suitable for its use as a hackney carriage vehicle;
- 4.2.2 Keep the exterior of the licensed vehicle, including the windows clean and in good condition;
- 4.2.3 All panels on the vehicle shall be painted in the same colour (must not have panels with unmatched colours or in primer);
- 4.2.4 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');
- 4.2.5 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.
- 4.2.6 Upon expiry of the licence, the proprietor shall return to the Council the identification plates supplied by the Council;
- 4.2.7 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 Term of licence

- 5.1 Private hire vehicle licences shall be granted for a period not exceeding 12 months. Applications for renewal should be submitted no earlier than one calendar month and no later than two weeks before the expiry date of the licence. If an application is received less than two weeks before the expiry of the licence, the Council cannot guarantee the renewal application will be processed before the licence expires. The Licensing and Enforcement Manager will consider exceptional reasons for failing to renew on time.

6 Accidents to vehicle

- 6.1 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

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condition does not exempt the proprietor from his statutory liability to report accidents to the police.

7 Change of address

- 7.1 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.

8 Insurance

- 8.1 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.

9 Convictions

- 9.1 The proprietor shall notify the Council within seven days of his (or, if the proprietor is a company or partnership, any director or partner) arrest, charge, receipt of a summons or fixed penalty notice, ASBO or being convicted or cautioned for any offence.

10 No Smoking Signage

The display of no smoking signage is a legal requirement for a licensed hackney carriage or private hire vehicle. No smoking signage shall be clearly placed on every passenger window and shall face inwards and outwards and must not be displayed in a manner that obscures the driver's visibility.

12 Vehicle Windows

All vehicle windows shall be transparent or if tinted, the front windscreen, front passenger window and drivers window must let at least 75% of light through and all other windows must let at least 70% of light through to the satisfaction of the Authorised Officer. The Council will not licence a vehicle to which a laminating film has been applied.

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Appendix E

Byelaws Relating to Hackney Carriages

There may subsequently have been legislative changes, e.g. The Road Traffic Act 1972 has been repealed and replaced by the Road Traffic Act 1988. If there is conflict between any byelaw and conditions attached to a hackney carriage proprietor's licence, the conditions of licence shall prevail. If there is conflict between the byelaws and the law, e.g. Byelaw 9(b) that permits smoking in limited circumstances, but prohibited by the Health Act 2006, the current statutory provisions shall prevail.

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.

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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.

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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:-
 - a. Any child below the age of ten years, or
 - b. More than one person above that age.

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13. Driver's Badge

The driver's badge provided by the Council shall be worn by the driver of a hackney carriage in such 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 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

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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 playing or being used for hire.

21. Penalties, etc.

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.

THE COMMON SEAL of the Rossendale Borough Council was hereunto affixed this 24th day of January, 1981 in the presence of **JOHN EDGE (MAYOR)** and **W. B. WOLFE (CHIEF EXECUTIVE OFFICER)**

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 3rd day of April, 1981.

Signed by authority of the Secretary of State 2nd April, 1981 **G. I. de DENEY** (*An assistant Under Secretary of State*)

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Appendix F

Standard Conditions of an 'Exemption Notice' issued in respect of an Executive Private Hire Vehicle

Guidance Notes

An 'Exemption Notice' exempting a private hire vehicle proprietor from the requirement to display the exterior licence plate and door decals upon the vehicle, and the driver of that vehicle from the requirement to wear/display a private hire driver's identification badge, is granted subject to the licensed private hire vehicle being operated in accordance with the conditions set out below.

The vehicle must be an "executive" style car. The service offered must be contract or account type work with private companies who require a chauffeur type executive level of service. Such determination to be made by the Licensing and Enforcement Manager whose decision is final.

Failure to comply with these conditions may result in the withdrawal of the exemption notice at the discretion of the Licensing and Enforcement Manager.

Should it be the case that the Council's standard private hire operator, proprietor or drivers conditions conflict with the Council's standard 'Exemption Notice' conditions, then for the period that the said notice remains in force, the standard 'Exemption Notice' conditions shall be deemed to apply.

Standard Conditions

1. The Proprietor shall notify the Council immediately in writing if there is any material change in the nature of the use of the vehicle.
2. The 'Exemption Notice' shall be carried within the vehicle at all times, and presented for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
3. The Proprietor shall not display in, on or from the vehicle any advertisement, sign, logo or insignia advertising the operating company or promoting the vehicle's status as a licensed private hire vehicle, without the prior written approval of the Council.
4. The Private Hire Vehicle proprietors licence identification plate issued by the Council shall be carried in the luggage compartment of the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.

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5. A disc, which may be issued by the Council, shall be displayed on the inside of the front windscreen.
6. No taximeter shall be displayed within the vehicle at any time.
7. No table of fares/tariff card shall be displayed in the vehicle at any time.
8. The Proprietor shall ensure that the private hire vehicle driver carries his/her identification badge issued by the Council within the vehicle at all times and produced for inspection at the request of an Authorised officer of the Council, a Police Constable or the hirer.
9. The Proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a chauffeur's uniform or business suit when the vehicle is hired.
10. The proprietor shall ensure that the hirer shall be afforded the facility to settle accounts and/or tender direct payment by credit card, debit card, cheque or cash.

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