



Committee: LICENSING REGULATORY COMMITTEE

Date: THURSDAY, 2 SEPTEMBER 2010

Venue: LANCASTER TOWN HALL

Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**
2. **Minutes of the meeting held on 22 July 2010 (previously circulated)**
3. **Items of urgent business authorised by the Chairman**
4. **Declarations of Interest**
5. **Review of Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing (Pages 1 - 87)**
6. **Introduction of Livery for Hackney Carriage Vehicles (Pages 88 - 100)**
7. **Adoption of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 (Pages 101 - 104)**

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Tony Wade (Chairman), Mike Greenall (Vice-Chairman), Ken Brown, Chris Coates, John Day, Sheila Denwood, Melanie Forrest, Tony Johnson and Robert Redfern

(ii) Substitute Membership

Councillors Eileen Blamire, Shirley Burns, Roger Dennison, Jane Fletcher, Janie Kirkman, Roger Sherlock and Malcolm Thomas

(iii) Queries regarding this Agenda

Please contact Tom Silvani, Democratic Services - telephone (01524) 582132 or email tsilvani@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 24 August 2010.

LICENSING REGULATORY COMMITTEE**Review of Rules, Regulations & Procedures for Hackney
Carriage & Private Hire Licensing****2 September 2010****Report of Licensing Manager****PURPOSE OF REPORT**

To seek Members' approval of the proposed changes to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing

This report is public.

RECOMMENDATIONS

Members are requested to consider the results of the consultation exercise into the review of the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing that has taken place with members of the taxi trade and to approve the proposed document.

1.0 Report

- 1.1 Members will recall that at the Licensing Regulatory Committee meeting on 10th June 2010 the Licensing Manager produced a draft document that was intended to update the Rules, Regulations and Procedures for Hackney Carriage and Private hire Licensing. The purpose of this update was to consolidate all information into one document which could then be issued to all licensed drivers, proprietors and operators. The document clarifies the rules and regulations for the benefit of drivers, operators and proprietors as well as licensing officers.
- 1.2 Following that meeting, and as a result of consultation with all members of the trade, representations were received and are attached at Appendix 1
- 1.3 Members will note that not all points covered in the attached representations are relevant to this consultation or the Committee's consideration of the proposed document.
- 1.4 Officers are of the opinion that within the representations there are 4 main relevant points which are addressed within this report together with the officers preferred options.

- 1.5** Members of the trade raised concerns about changing the current system for vehicle testing, in particular that standards would vary between testing stations, and subsequently this would have a detrimental effect on vehicle and therefore public safety. Officers have taken these representations into consideration, and members will note on the attached summary of amendments, officers preferred option would be to continue with the current system of vehicle testing, as requested by the trade.
- 1.6** Members of the trade were also concerned about the requirement that vehicles should have unimpeded access and egress to all passenger seats. Their concern was based on cost. Officers' preferred option would be for this condition to remain on the grounds of public safety and comfort, which officers' feel should be the main concern when licensing vehicles to carry members of the public. For instance, if the vehicle was involved in an accident, and the person sitting in the seat that had to be tilted in order for other passengers to get out, had a back or neck injury, tilting the seat, or moving that person could result in very serious injury. In addition it has become common practice in Lancaster to purchase a 4 seater vehicle and put extra seats in the back of that vehicle, which is effectively the luggage compartment. This condition would bring this council in line with many other authorities. Further and coincidentally an enquiry was received from a member of the trade regarding the requirement for hackney carriage vehicles to carry luggage. As the licensing manager felt that the enquiry highlighted one of the problems that this section is aimed at correcting, she asked permission of the driver to include his email in this report. His enquiry along with her response is attached at appendix 3 to this report and the Licensing Manager would like to request that members' take time to consider that enquiry.
- 1.7** Members of the trade were concerned about the minimum engine size being 1600 cc. Officers' preferred option would be to remove the minimum engine size, as new vehicles with small engines often have quite an high bhp, and therefore can perform as well as an older car with a larger engine. Members of the trade enquired as to whether the vehicle specification could be based on CO2 emissions, however officers would not recommend this as all vehicles must pass a carbon emission test and therefore must be efficient. Basing the minimum specification on CO2 emissions could potentially preclude the licensing of mini buses etc. This District benefits from having many different vehicles licensed. The vehicles must be capable of carrying between 4 and 8 passengers in comfort.
- 1.8** Members of the trade requested that their driver's licence be issued for 3 years instead of annually as is the current situation. Officers would not support this change, as they do not think that this would be in the interest of public safety. Currently drivers sign a medical declaration annually, stating that there has been no deterioration in their medical condition that could affect their driving. They also sign a convictions declaration annually. If a licence were only renewed every three years, it is possible that the Council would not made be aware of any medical condition or conviction within that period which might affect its view of whether the driver is a fit and proper person to hold a licence. Many drivers would not want to pay for a 3 year licence, as it would be costly, and some drivers may move on before the end of the 3 year period, and therefore would be losing out financially. Some drivers are under the misapprehension that the cost of the 3 year licence could be the same as a 1 year licence, as they think it is purely administrative, however licensing fees must cover all of the costs involved in the licensing function, including enforcement, staff training, public notices in newspapers etc. Drivers should be aware that even if they have a licence for 3 years they would still be using all the services of the licensing department throughout that 3 year period and therefore the cost of the licence could not be reduced.

- 1.9 The Licensing Manager has drafted a revised version of the document following consideration of the representations, and has attached this, together with the original document and a summary of the proposed amendments at Appendix 2 to this report.

2.0 Conclusion

If members are minded to approve the proposed changes the licensing officers would wish the policy to take effect immediately. It is acknowledged however, that some proprietors may have ordered new vehicles that would not comply with the proposed minimum specification, therefore, exceptions would be permitted where a proprietor is able to demonstrate that a vehicle was ordered before the 6th September 2010. Clearly there will be a transitional period where some vehicles already licensed with us would not meet the new minimum specification.

- 2.1 If the proposed recommendations are approved, they would improve public safety, would provide clearer guidance for the taxi trade and assist enforcement officers in carrying out their duties.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The Rules, Regulations and Procedures contribute to – developing and strengthening Lancaster’s economy and promoting the well being of Lancaster’s Communities.

The additional recommendations will improve public safety, failure to continually improve safety could leave the Council open to criticism.

The proposed policy does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

LEGAL IMPLICATIONS

Pursuant to section 47 of the Local Government (Miscellaneous Provisions) Act 1976 any person who is aggrieved by any conditions attached to a hackney carriage vehicle licence may appeal to the magistrates’ court.

Pursuant to section 48 of the Local Government (Miscellaneous Provisions) Act 1976 any person aggrieved by any condition attached to a private hire vehicle licence may appeal to a magistrates’ court.

BACKGROUND PAPERS

None.

Contact Officer: Wendy Peck

Telephone: 01524 582317

E-mail: wpeck@lancaster.gov.uk

Ref: WP

From: Tony Booth [REDACTED]
Sent: 16 July 2010 16:30
To: Peck, Wendy
Subject: RE: Draft Rules and Regulations

Dear Wendy,

I have a few points which I would like to raise as follows:

Vehicle Testing – Page 18

I am led to believe that what you are suggesting on here is that you are going to reduce the test fee off the annual Licensing fees, so i.e. the test at the moment £215 average M.O.T fee £65 leaves a balance of £150 Payable to Lancaster City Council. Am I correct in this? I am a bit concerned that we then have to take it to the V.M.U of Lancaster city council and then have the vehicle "mechanically tested and inspected by the council" like you quote in the Rules. Please can you tell me who will be paying for the test, as I would have already had it tested at my own garage. If you are saying that the "mechanically tested and inspected test and licence fee are going to be as I have said above i.e. £150 please can you tell me why I have been paying the extra amount totalling £65 a year on the annual test. Furthermore why can we not keep it as it is as I feel that there may be taxi that could have dodgy M.O.T and feel that it would be a backward step on the council's behalf. At the moment I feel the testing procedures in this area are one of the best and feel problems will start to arise through one garage saying it has passed the test and then the Council maybe saying that it is not up to their standard and then we would all end up in disputes. As I have already tested a private car with the Council, they issued me with their correct M.O.T certificate, can we if we would prefer, still use the City Council and roll them both into one as we are doing at present.

Furthermore I also think the six monthly licences on cars over two years old is a very good move.

Vehicles – Page -20

I would like to object to Access to all passengers seats must be unimpeded. As I understand from that a Ford Transit Torneo factory built eight seater mini bus would no longer be suitable. This has never been a problem before and I actually believe after many years of experience that these type of Minis buses should be like a role model, and there are a lot of mini buses in this category that would be unsuitable for an eight seater which I need to ply my trade. I have looked into the other mini buses and you cannot seem to get a factory fitted eight seater mini-bus.

I have looked at some other conversions of mini-buses and in my opinion they are not as good as the factory built mini buses. As you can imagine i.e. Ford, Fiat, Mercedes, Renaults etc go to a lot of research and crash testing these vehicles to make sure they can withstand an accident etc also health and safety as you suggest. In my opinion these factory built eight seater mini buses are safer for the public who are the most important people at the end of the day then a conversion mini-bus.

Furthermore I would like to add I fully understand and appreciate what you are trying to achieve in the industry like the two comments above, but it seems that you are trying to make too many changes, when things seem to have been running fine .

Thank you very much
Tony Booth

P.S. As regards to multi-seater vehicles I own two six-seater doblo's and personally I think they should be down scalled to four seaters because I do not think they are suitable for more than four passengers. I would not have a problem in taking the seats out of my vehicles. The only reason I bought the vehicles

04/08/2010

was because they were cheap. Once again if you told me to take the back seats out I would not have a problem because they are not suitable vehicles for a multi-seater.

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Subject:

Draft Rules and Regulations <<Hackney Carriage and Private Hire Rules and RegulationsDRAFT2010.doc>>

Wendy Peck MLoL Licensing Manager, Lancaster City Council, Town Hall, Dalton Square, Lancaster, LA1 1PJ, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 16 July 2010 16:40
To: Peck, Wendy
Subject: Draft Rules and Regulations

Dear Wendy,

I have a few points which I would like to raise as follows:

Vehicle Testing â€“ Page 18

I am led to believe that what you are suggesting on here is that you are going to reduce the test fee off the annual Licensing fees, so i.e. the test at the moment Â£215 average M.O.T fee Â£65 leaves a balance of Â£150 Payable to Lancaster City Council. Am I correct in this? I am a bit concerned that we then have to take it to the V.M.U of Lancaster city council and then have the vehicle â€œmechanically tested and inspected by the councilâ€ like you quote in the Rules. Please can you tell me who will be paying for the test, as I would have already had it tested at my own garage. If you are saying that the â€œmechanically tested and inspected test and licence fee are going to be as I have said above i.e. Â£150 please can you tell me why I have been paying the extra amount totalling Â£65 a year on the annual test. Furthermore why can we not keep it as it is as I feel that there may be taxi that could have dodgy M.O.T and feel that it would be a backward step on the councilâ€™s behalf. At the moment I feel the testing procedures in this area are one of the best and feel problems will start to arise through one garage saying it has passed the test and then the Council maybe saying that it is not up to their standard and then we would all end up in disputes. As I have already tested a private car with the Council, they issued me with their correct M.O.T certificate, can we if we would prefer, still use the City Council and roll them both into one as we are doing at present. Furthermore I also think the six monthly licences on cars over two years old is a very good move.

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Fare Increase

I would like to object against the fare increase that has been imposed as I feel due to the current climate I feel nobody has had a pay rise this year and I think a fare increase would actually damage the Taxi industry at this moment in time. I feel the fares are too expensive at the

moment. I do think we could do with a decrease not an increase until the economy picks back up again.

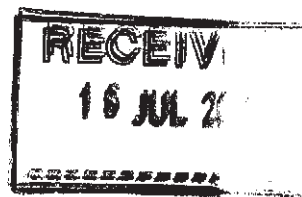
Kind Regards

Ian Dixon



Eglin, David

From: Pauline Gardner [REDACTED]
Sent: 16 July 2010 16:25
To: licensing
Subject: Re: Draft Rules and Regulations Consultation

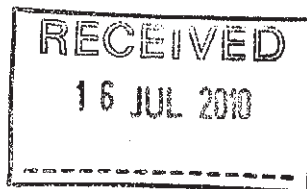


After reading and digesting the above I feel there is one area which needs looking at further. This is the item relating to MOT Certificates. As the alteration to the scale of fees to accommodate this is not shown within the Draft it is difficult for the owners to ascertain whether it will be an additional financial burden on an already struggling industry. We are already saturated with Rules and Regulations all of which seem to place an extra financial load on us. You have to remember this is a public service we provide, however, we cannot continue in the current economic climate with the imposition of further additional costs to the running of our businesses.

Surely, as the Councils' garage where mechanical checks etc. will be carried out is a designated MOT Testing Station, could not the issue of a standard MOT Certificate be incorporated within the paperwork that is already issued. This would simplify the system be more cost effective both from a financial and time angle for the garage. I would have also thought that it would be more cost effective administratively for yourselves. It would certainly be more cost effective from the industry's point of view time wise. After all; time is money!

I would request that you publish the scale of fees prior to passing the Draft, in order that the industry can examine the financial costs. I would also request that you consider all suggestions made on this particular point prior to passing the Draft.

Ron & Pauline Gardner



 [Redacted]

 Mobile [Redacted]

E-mail: [Redacted]

RECEIVED
16 JUL 2010

[Redacted]
[Redacted]
[Redacted]
[Redacted]
14th July, 2010

Our Ref.:
Your Ref.:

Mrs Sarah Taylor,
Head of Legal and Human Resources,
Town Hall,
Dalton Square,
Lancaster.
LA1 1PJ

Dear Madam,

Re: The consultation on the new Rules, Regulations and Procedures for
Hackney Carriage & Private Hire Licensing.

Having read the above document several times I can only conclude it is designed to create the maximum earnings for the legal profession. There is no exactitude in many of its pronouncements that require such to avoid legal challenge and in some instances completely ignores Government guidelines issued by various departments, again leaving the Council open to expensive and lengthy legal challenge.

I have appended a list of objections, suggestions and queries which I wish to be brought to the attention of the Licensing Regulatory Committee.

Yours faithfully,

[Redacted Signature]
David Hodgson

Please find below a list of suggestions, objections and observations on the draft consultation on the new rules, regulations and procedures for Hackney Carriage & Private Hire Licenses.

1. Page 2 – para. 2 Does the requirement for *EU drivers to possess a GB counterpart to their driving license* comply with EU employment law? It does not comply with DfT requirements.
2. Page 3 – para. 1b *Medicals issued by your own doctor*. My doctors' surgery discourage appointments for medicals and I therefore need to see another doctor privately. Surely the requirement should be for any qualified doctor to complete the medical form. *-this would still*
3. Page 3 – para. 1b *On reaching 65 a full medical will be required every year*. It is the government's intention to phase out ageism in employment and increase the retirement age to 70 over time. Unless you can demonstrate good medical evidence that people suddenly deteriorate at a fixed age then you are leaving the Council wide open to legal challenge for introducing an arbitrary bar to employment, without extra expense, to one group over other workers as well as the expense of having to redraft this document at some stage because it conflicts with future statute law.
4. Page 3 – para. 3 *required to complete a BTEC course*. This does not state whether this applies to all drivers or only new entrants. Please clarify.
5. Page 5 – para. 2b(i) Does this sub-paragraph entitle the owner or driver to remove the license number when the vehicle is not working?
6. Page 5 – para. 3(h) also page 19 – para. 1 – line 21, page 21. – para. 5, page 24 – para. 1 – line 24 & page 25 – para. 5 *All refer to fire extinguishers and their placement*. Whilst the first reference is to the extinguisher being readily available for use, all other references are to the extinguisher being in the boot. Does this mean two extinguishers are to be carried?
7. Page 5 – para. 3(i) also page 9 – para. 1 – line 2 & page 24 – para. 1 – line 6. *All refer to minimum number of doors*. The first reference requires two doors for passengers and one for the driver – total 3 doors minimum but future references require 4 doors. Which is it?
8. Page 6 – para. 4 *any taximeter with which the carriage is fitted*. The effect of this ambiguous line is to imply taximeters are optional. Should it not be stated all hackney carriages **WILL** be fitted with taximeters?
9. Page 6 – para. 4(f) also page 20 – para. 3 *seals on meters*. Since digital meters first appeared I have never known any meter checked or sealed by the Council.
10. Page 7 – para. 7(b) *Stand is occupied by the full number of carriages*. All stands used to have a plate stating the number of hackneys allowed on the stand, now there is no indication of the numbers allowed. Is every driver to be issued with a current list of stands and how many vehicles are allowed on them? (Also, when are sufficient stands going to be provided, in the places the public want them, for the number of vehicles working)
11. Page 7 – para. 13 also page 20 – line 5. *Reasonable amount of luggage, reasonable assistance, one piece of luggage per passenger*. All suitably vague to convey nothing at all. A reasonable man was defined in court as the man on the Clapham omnibus but as he has failed to give his definition on the subject of luggage the definition is worthless. Please define reasonable and also state what constitutes a piece of luggage as at present foreign students arriving at the railway station often have cases up to 3ft 6ins by 2ft or more and very few vehicles can accommodate four such cases.
12. Page 8 – para. 15 *rate of fare being calculated by distance*. The meters fitted to hackneys actually calculate the fare by distance and time, should not an allowance therefore be permissible for time to be included.
13. Page 8 – para. 15 *a fare greater than that recorded on the face of the taximeter*. This can only be enforced for hirings wholly within the Council area. This should be reflected in the wording.
14. Page 8 / 9 – para. 18(a) *found items handed in within 48 hours; offices of the Council; not more than £5*. Property left in a taxi cannot always be handed in within 48 hours at the offices of the Council as often they are closed for longer periods, e.g. bank holidays. What constitutes offices of the Council? Should not the property be handed into a police station, the place a reasonable person would enquire. Also the maximum reward of £5 is totally unrealistic as they figure has not risen in the thirty years I have driven taxis and fares often exceed this amount travelling within the Council area.

15. Page 10 – para. 1(b) *consent of the hirer*. Should not this state – whilst the carriage is hired?
16. Page 10 – para. 2 *shall not be set into operation until the hirer has commenced his journey*. Contradicts page 6 – para. 5(b) *Before beginning a journey ... bring the machinery of the taximeter into action*. Which is it?
17. Page 12 – para. 7 *carry a copy of the byelaws and code of conduct*. Will these be freely available at the offices of the Council and if so why cannot the public inspect them there. No other organisation provides this, and indeed all other forms of public transport refer you to their booking offices, head offices, etc. to inspect their terms and conditions of carriage. Also are we to give them away or can we leave the meter running if someone chooses to read them whilst sat in the taxi?
18. Page 13 – para. 13 *The council... vary in its discretion any provision of this code*. Should not this be predicated by *after consultation*?
19. Page 13 – para. 14 *within 48 hours*. As with page 8 / 9 – para. 18(a) not always possible. Also why are private hires allowed seven days?
20. Page 15 – para. 7 *deposit his license* Which license?
21. Page 17 - *Age of vehicles*. Ages are laid down for the licensing of vehicles but these are unenforceable as (a) the condition of a vehicle is the only grounds for refusal to plate a vehicle (as stated by the Dept for Transport, Bus and taxi section) (b) artificial restrictions on what vehicles can be plated have been ruled illegal under EU law as restraint of trade (some vehicles are exempt from the ten year rule whilst others are not) (case of Cabs Direct and Peugeot v Transport for London – this case cost TfL thousands of pounds; are you prepared to expose the local taxpayers to a possible costly court case brought by a major motor manufacturer?)
22. Page 18 – *Mot Certificates* Why is testing done by the Council? Should it not be put out to tender? Why do the Council wish to mechanically test a vehicle if it already has an Mot certificate? This whole section should be scrapped and redrafted to allow for competitive tendering for testing whilst the Council's nominee checks only those items required for hackney and private hire vehicle compliance.
23. *London type cabs*. Where is the definition of this term? Why can they be first plated up to six years of age when other vehicles must be under five? The inference must be that they are better built. Could you defend that in court against another car manufacture?
24. Page 18 – *Insurance Policies* Minimum cover on new policies is rarely six months, often only one month. How then can a new vehicle be licensed?
25. *Certificate of insurance to be carried in vehicle at all times*, also page 20 – para. 2 & page 26 – para. 10. This is not required by law and is discouraged by the Police as it makes life easier for a vehicle thief.
26. Page 19 – para. 1 *engine capacity shall be not less than 1600cc*. This again is a purely arbitrary judgement that ignores current technological progress. It would preclude the latest 1450cc engine producing 105bhp that is far greener and cheaper to run than current engines. Also precluded would be future hybrid vehicles, electric vehicles and who knows what else.
27. *Adequate leg and foot-room etc*. Define; for a six foot six inch person or a four foot two inch person?
28. *Vehicle glass to be kept clear*. The law requires only the sweep area of the windscreen to be kept clear. Where would the vehicle excise license go, the advertisement for drivers allowed in these regulation, the sat nav which helps improve efficiency, especially finding the shortest route on out of town work?
29. Page 22 – para. 10(a) *nearside rear door*. If you intend to specify which doors can be used to load wheelchairs are you also going to alter the ranks such as Market Street in Morecambe to comply with this requirement?
30. Page 23 - para. 13 *no DVD*. Does this include DVD based sat nav systems as fitted to many cars by the manufacturer when new? (CCTV is not covered by these rules and regulations. Is this an omission or are you just ignoring this safety item)

31. Page 25 – para. 2 *further plate should be fixed at the front of the vehicle*. Why only on private hire vehicles and not hackneys? (Is there any definitive proof that plastering signs all over private hire vehicles actually works when it has been proven on a BBC documentary that people late at night will get into any vehicle displaying signage on the side. Should we not be going back to anonymous private hire vehicles carrying just a small plate on the rear and / or front. This would also help the police, who admit they do not know the difference, to differentiate between licensing classes)
32. Page 28 – para. 1 *kept in a suitable book*. Does this preclude any other form of record keeping, such as on computer hard drives? Is the list of details, shown as required to be kept, compliant with the provisions of the Data Protection Act? Also why are these records never checked if they are required as I have never worked on any firm where this list was complied with.
33. Page 30 – Trailers *have sufficient luggage capacity*. Sufficient capacity for what? Too vague yet again.
34. Nowhere in this document is the duration of drivers' licenses mentioned. I raise this point as that is another area where the officers have chosen to ignore the guidelines (Please ask the officers to show you Department for Transport Taxi and Private Hire Licensing: Best Practice Guidance – Drivers – Duration of Licenses) by issuing one year licenses when the guidelines state this is not best practice.

In fact I would seriously suggest that you asked for copies of the entire document if not already sent to you before you consider any attempt to approve the present document.

Also I would ask for a redraft of the separate rules appertaining to Hackneys and Private Hire Vehicles so that there are no contradictions. This would be best achieved if the common rules are written in the same order and with the same paragraph headings / numbers first followed by any rules not common to both types of vehicle.



A M Kellett

7/7/2010

Licensing manager
Wendy Peck
Lancaster city council
Palatine House
Lancaster

With reference to your draft document Rules regulations and procedures for Hackney carriages and private hire licensing please could clarified several points and consider some of my suggestions.

Section on driver's licences

Will the requirement to complete a BTEC course in transporting passengers by hackney carriage and private hire become compulsory to existing drivers or will they be exempt through their past experience?

The driving of a licensed Hackney carriage/private hire vehicle can these be driven on a road test by motor mechanic's for fault diagnoses and or to confirm repairs have been carried out satisfactory.

Section 7

Will the council allocate more rank space to working ranks ie Morecambe Arndale during day shifts this is the only operating rank within Morecambe and also in Lancaster since the railway station rank was allowed to be moved its own width to put it onto railway property making this a pay to use rank again taking working rank space of the trade this then leaves only Lancaster bus station as a working day time rank again with only limited spaces available so most Morecambe based Hackney carriages instead of being able to ply for trade in Lancaster find themselves coming back to Morecambe to look for a rank space and work

Section 12

Would it not be better for all drivers? Hackney and private hire to display their badges facing the passenger on the dashboard instead of the wind screen but when worn on their chest 90% of passengers never see the driver's front and only ever see their back and possible their side.

Section 18

part A left articles in vehicles

This can't be complied with due to council office opening times as at some Christmas periods and Easter the office is shut for 96 hours and every bank holiday is shut for 72 hours.

Part B

In realistic terms £5.00 will not get much further than Lancaster city centre and any item which requires delivering further than this will encounter financial penalty's to the driver/owner due to the distance required to travel to Lancaster town hall and back in some cases the item could cost the driver/owner £20.00 within the district not to mention outside the district.

Code of conduct for guidance of licensed hackney drivers

Section 1

part B

Some drivers who have medical conditions may at times need to drink or eat as per their condition disability could not this be seen to discriminate against them.

Supply of byelaws and code of conduct

Section 7

In 20 years of driving both private hire and hackney vehicles as both a driver and proprietor I have never even when asked been supplied with a copy from the licensing department

Production of driving licence

Section 14

Again this can't be complied with due to council office opening times Christmas, Easter and bank holidays also why is there a difference between a private hire driver and a hackney driver when a hackney driver has only 48 hours to produce his DVLA licence against a private hire driver who has 7 days.

Guidance for private hire drivers

Section 7

Deposit of licence

Is this to mean their DVLA driving licence or council issued private hire licence? if it's the latter would this also be a good idea for hackney drivers to deposit theirs either a copy or original with their vehicle owner? Preferably a copy so in the owner absence the driver could produce his original for any authorised request to do so.

Vehicle testing

Re the MOT required as well as a council inspection (engineers report or certificate of compliance) this would be a duplication of the MOT as these would be the same except for council required items fire extinguisher, door signage, fare charts, and first aid equipment could these not be carried out as one by the council vehicle maintenance unit (which at present is a MOT testing centre) this would ensure the standards required are met and maintained to the professional standards as now to have two examinations would also incur more expense and down time and loss of income to the operator/driver

To move the twice yearly inspections from vehicles over 2 years to 4 in my opinion is dangerous as some vehicles at this point could have cover for over 500000 miles and wear and tear over this period should be inspected more frequently not saying that they would have done but could have possible done so. Also to only issue a 6 month plate will incur more expense to the operator and more administration to the council in making and issuing them could not this be done with the vehicles inside badge which the could be posted out to the proprietor and not require to take the vehicle off the road whilst a new plate is assigned to the vehicle

Part A

If a vehicle has just been purchased to be used as a Hackney/ private hire its not possible for up to a month and longer in some cases to produce a registration document in the owners name due to DVLA turn around times this would then mean owners either having to purchase a second car well before they need to ensure the registration document is in their name in some cases this is not possible as most cars are traded in for the deposit on newer cars or a uneconomical brake down/accident occurs this would then leave the owner and driver without any income until they can secure a registration document in their name.

Insurance cover

Some major insurance company's who insure taxis only issue quarterly policy Westminster being one. Also when a vehicle is changed and a new certificate is issued like myself on our cars our policy anniversary is April so would this be acceptable also on renewals its not unusual to be issued with 30 day cover notes whilst awaiting new certificates to be issued.

Condition of license

Section 1

Engine capacity shall not be less than 1600cc

As most vehicle manufactures' are bring smaller cc engines to market but are more power full and economical E5 for latest European spec I believe a example of this is skoda/vw/audi group they are producing a 1596cc engine which produces 105 BHP and greatly reduced co2 emissions and around £35.00 a year road tax against their 1900cc engine which again produced 105BHP but with more co2 emissions making it dearer to tax £110 per year in the past the skoda/vw/audi group fitted 1900cc engine which only produced 68BHP skoda Octavia classic which was used in Lancaster would it be better to ensure each vehicle had a minimum BHP instead of cubic capacity as more manufactures are following this example so this new policy would not let the trade use the most efficient engines available and in so keeping co2 emissions down and economy up. If this policy is adopted the trade would not be able to use offerings from ford,vw/audi group,skoda Peugeot/citroen,Flat,and Kia so as making them keep with the older more polluting engines.

The minimum door to door measurement would leave the trade unable to use some of the more economical vehicles which are already in use in the district skoda roomster and ford focus to name a few. I believe this to be a increase on the old minimum width from approx 48 inches.

Glass areas

To comply with this requirement where would the vehicles tax, permits, no smoking signs and vehicles inside licence card, as most driver use sat navs which require to be placed on the windscreen to operate, to not be able to use these would hinder the drivers as to know every street and major place in the district would be impossible and also when a vehicle leaves the district to take or pick up a fare these devises are a great help in reducing journey times and costs also in a later policy recruitment of drivers its says owners can advertise for drivers in the rear side windows

Section 11

Reporting accidents

Again due to council opening hours the reporting and filling in the accident form can't be met for 72 hours also for accidents can the excising policy of having the vehicle inspected by the council before or to carry on using until a repair can be obtained be kept again this will maintain the standards required.

Section 13

Some sat navs in cars are DVD based would these be exempt from this ruling?

Private hire

Conditions of licence

With the adopting new signage to private hire vehicles stating that the vehicle must be pre booked and that any journey taken without there being a booking before hand would render the insurance void and to be displayed in a conspicuous position. With front signage from the council and rear owners signage would this be better being on the council issued signage so guaranteeing signage and not over crowding the vehicle in signs also is the new signage required too wordy and will finish up still being ignored by the public when they require a cab.

Conditions of licences

With modern day equipment is computer records acceptable as due to the amount of bookings being handled.

Part B

To take a hirers address could leave any operator open to allegations of supplying information to criminals if any illegal activities take place at their property when its vacant. Also would this then be against the data protection act if when this information was stored on computer a enforcement officer required it?

The second part of your Proposal to have Hackneys all one colour and private hire another

This will mean owners are limited as to what type of vehicle they can run on replacement as to what is available in the chosen colour. Or go to more expenses and have it re sprayed as most manufactures colours differ in shade this would mean the ranks would be full of cars in different shades of the same colour also in some case the public when requiring a taxi would still try to flag a private hire down by the cars colour also irrespectively if it was a taxi or not.

Yours faithfully



A M Kellett

Tony Mawson

1. Badges every 3 years to run alongside medical CBR.
2. P.H vehicles to have same access to bus lanes as hackneys making it fair for the customer and the drivers.
3. If all hackney carriages are to be the same I suggest the Euro Cab or the London style taxi cab.
4. Hackney ranks to be numbered so drivers know how many cars are to be parked there
5. Capping of P.H vehicles as there are too many. If this isn't possible isn't it time to look at deregulation? To stop influx of hackneys you must have held a P.H plate for a period of so many years.



**RULES REGULATIONS
AND
PROCEDURES
FOR**

**HACKNEY CARRIAGE
&
PRIVATE HIRE**

LICENSING

OPENING HOURS OF LICENSING OFFICE

Monday-Friday

0900 – 1700

Notes for the Guidance of Applicants For Hackney Carriage and Private Hire Drivers Licences

Applicants for Hackney Carriage or Private Hire Drivers licences are required to have held for a minimum of three years a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA).

In addition to the above the licensing authority will require all taxi and PHV drivers who hold an EC/EEA driving licence to have a GB counterpart document.

Any individual making an application for a taxi or PHV driver's licence will be required to obtain a GB counterpart prior to the issue of a licence.

When licence holders apply for a counterpart they will be registered with the DVLA and allocated a GB driver number. Any driving convictions and endorsements subsequently incurred by the licence holder in the UK will be recorded by the DVLA

Having a GB counterpart benefits drivers by allowing them to take part in the fixed penalty system for road traffic offences rather than having to attend court and incur greater penalties as well as costs. In addition if a driver loses or has his or her national driving licence stolen, they would probably not be able to get a duplicate from the country it was issued in. However, once registered with the DVLA they will be able to apply for a GB licence.

Currently licensed drivers who hold a EC/EEA licence will be required to obtain a GB counterpart when they apply to be re-licensed.

All non-UK licence holders will still be required to provide a copy of their EC/EEA driving licence with their application.

GB counterparts can be obtained free of charge from the DVLA on submission of form D9 which can be downloaded at <http://www.dvla.gov.uk/media/pdf/forms/d9.pdf>. The DVLA advises that it takes approximately 3 weeks from receipt of application to issue a GB counterpart.

Application forms for hackney carriage and private hire drivers licences can be obtained from the Town Hall, Dalton Square, Lancaster or can be downloaded at

www.lancaster.gov.uk, or collected from customer services at the Town Hall in either Morcambe or Lancaster

The completed application forms should be returned to the Town Hall address, an appointment will be made for you at which time you will be required to complete an enhanced criminal record check, and produce the following documents:-

- (a) Current Full European Driving Licence,
- (b) A full medical certificate in the prescribed form, issued by your own doctor (this will be required again on the 3rd annual renewal of your licence and every subsequent 3rd annual renewal, should the application be successful). Once a driver reaches the age of 65 he/she will be required to provide a full medical certificate annually.
- (c) Appropriate fee.
- (d) Proofs of identity for CRB check (further details will be given when appointment is made)

No licence will be granted until **all** required documents have been received and satisfactory CRB results have come back to us.

Applicants will then be required to complete a BTEC course 'Transporting Passengers by Taxi and Private Hire' or hold an equivalent qualification.

On completion of the application process, the applicant will be informed of the result by letter together with any rights of appeal, should the application fail.

DETAILS OF CONVICTIONS OR CAUTIONS FOR ANY OFFENCE WHETHER DRIVING OFFENCES (INCLUDING FIXED PENALTY NOTICES) OR ANY OTHER OFFENCE MUST BE DECLARED. Applicants with convictions may have their applications referred to the Licensing Regulatory Committee for a final decision.

Criminal Records Bureau

The applicant will be asked to detail, on the application form, any convictions, cautions or fixed penalties which have been recorded against them. By the provision of the Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment)Order 2002, applications by prospective Hackney Carriage and Private Hire Drivers must detail all convictions, as the 'spent' convictions provisions do not apply to these occupations. The subsequent checks to the CRB will serve to confirm the information provided. You must not rely on that check to provide the correct information, as any application which does not supply the complete information at the outset may be considered to be incomplete and a view may be taken that a deliberate attempt has been made to conceal convictions which have not been declared. It is a criminal offence to make a false declaration to obtain a Licence.

Convictions will not necessarily debar an applicant although, if a conviction is revealed which takes the matter outside the Council's Policy on the Relevance of Convictions, the applicant will be able to make representations to the Licensing Regulatory Committee, who will determine whether a licence is issued. The convictions will be taken into account and details provided to the Licensing

Regulatory Committee to enable them to consider the matter. All information received will remain confidential and be securely stored only as long as necessary.

Statement of Policy Regarding Relevant Convictions

When submitting an application for a licence to drive a Hackney Carriage or drive or operate a Private Hire Vehicle, individuals are requested to declare any convictions or cautions they may have. The information given will be treated in confidence and will only be taken into account in relation to the application in question. Lancaster City Council, as a Licensing Authority, is empowered in law to check with the Criminal Records Bureau for the existence and content of any criminal record held in the name of an applicant. Information received will be kept in strict confidence while the application process takes its course and will be retained for no longer than is necessary. The disclosure of a criminal record or other information will not debar any applicant from obtaining a licence unless the Council considers that the conviction renders him or her unsuitable. In making this decision, the Council will consider the nature of the offence, how long ago and at what age it was committed and any other factors which may be relevant.

Any applicant refused a Licence on the grounds that he/she is not a fit and proper person to hold such a licence has the right of appeal to a Magistrates' Court.

The effect of any particular conviction on a proposed application may be discussed in confidence with the Licensing Team.

Each case will be determined on its own merits, however the overriding consideration will be the protection of the public.

IT IS AN OFFENCE FOR A PERSON TO DRIVE A LICENSED HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE UNLESS AND UNTIL A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE IS GRANTED. IT IS AN OFFENCE FOR THE PROPRIETOR OF A LICENSED HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE TO EMPLOY ANY PERSON TO DRIVE SUCH A VEHICLE WHO IS NOT THE HOLDER OF A CURRENT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE.

BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Lancaster City with respect to hackney carriages in the City of Lancaster. Any breach of a Byelaw could potentially lead to prosecution.

Interpretation

1. Throughout these byelaws “the Council” means the Lancaster City Council and “the district” means the City of Lancaster.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed:

2. a) the proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto;
- b) A proprietor or driver of a hackney carriage shall:
 - i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided:

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

4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say:-
- a) the taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - e) the taximeter shall be so placed that all letters and figures on the face thereof 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;
 - f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges:

5. The driver of a hackney carriage provided with a taximeter shall:-
- a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - b) before beginning a journey for which a fare is charged for distance and time, 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;
 - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness; this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.

6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. 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 byelaw in that behalf;
 - b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. 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. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
 - a) convey a reasonable quantity of luggage;
 - b) afford reasonable assistance in loading and unloading;

- c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.
14. The driver of a hackney carriage shall not at any time when conveying a person hiring that carriage, smoke or burn tobacco or any other material

N.B. By virtue of the Health Act 2006 it is now an offence to smoke in any public place or vehicle. Smoking is prohibited in a taxi at all times

Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares:

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

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

16. a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof:

17. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
18. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
- a) carry it as soon as possible and in any event, within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the

Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it;

- b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

19. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction thereafter.

Repeal of Byelaws

20. The byelaws relating to hackney carriages that were made by the Council on the 12th day of September 1985 and which were confirmed by the Secretary of State for transport on the 18th of December 1985 are hereby repealed.

The Common Seal of the Council
of THE CITY OF LANCASTER

was hereunto affixed this

day of

2000 in the presence of:-

M DUDFIELD

Director of Legal and Administration Services

THE SECRETARY OF STATE confirmed the foregoing Byelaws on the 20th day of March 2000, and fixed the date on which the Byelaws are to come into operation as the 17th day of April 2000

EC NEVE

Signed by authority of the Secretary of State.

CODE OF CONDUCT FOR GUIDANCE OF LICENSED HACKNEY CARRIAGE DRIVERS

- NOTE:**
- (1) Failure to adhere to this Code may result in suspension or revocation of the licence pursuant to Section 61(1)(b) of the Local government (Miscellaneous Provisions) Act, 1976.
 - (2) This Code is equally applicable when the hackney carriage is being used for private hire purposes.
-

1. Conduct of Driver

The licensee shall:

- (a) at all times be clean and respectable in his dress and person;
- (b) not without the express consent of the hirer 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.

2. Contracts for Private Hire

Where a Hackney Carriage vehicle is hired pursuant to a telephone call to a booking office linked by radio to the vehicle, the contract of hire shall be deemed to be made with the person or body operating the booking office, and shall not be set into operation until the hirer has commenced his journey.

3. Use of Taximeter/Table of Fares

The licensee shall ensure the taximeter is reset at the commencement of each fare and displays the correct tariff as set by the Council and shall not wilfully or negligently cause or suffer any taximeter to be concealed from public view while a vehicle is being used for the purpose of public hire.

It is an offence for any hackney carriage driver to charge more than the metered rate for journeys within the District. Any driver found doing this could risk revocation of his/her drivers licence or prosecution. Sections 55, 56 and 58 of the Town Police Clauses Act 1847 and section 67 of the Local Government

(Miscellaneous Provisions) Act 1976. The meter must be set at the point of pick up.

A current table of fares shall be exhibited inside the vehicle in a position which is clearly visible to passengers.

4. Written Receipts

The licensee shall if requested by the hirer provide him with a written receipt for the fare paid.

5. Child Seats

Rear facing baby seats **MUST NOT** be used in a seat protected by a frontal air-bag unless the air-bag has been deactivated manually or automatically.

It is impracticable to expect the right child seat or booster to be available in a taxi unless carers have brought one with them. Therefore, there is a qualified exception so that if child restraints are not available in a licensed taxi or licensed private hire vehicle.

- under 3s may travel unrestrained but in the rear only;
- those 3 years and above must use an adult belt in the rear seat only.

Remember that a child up to 135cms in a front seat of **ANY** vehicle must use the correct child seat or booster

The driver of the vehicle is responsible for seat belt wearing by children under 14 years (except in taxis with fixed partitions)

6. Animals

- (1) The Licensee 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.
- (2) The Licensee shall at all times carry guide/hearing/assistance dogs, free of charge, unless he has a proven medical condition that would preclude such action and is in receipt of a Notice of Exemption issued by the authority, in accordance with Section 37 of the Disability Discrimination Act 1995.
- (3) The Licensee has a responsibility to ensure that their company/employer is aware of such a condition when they are first employed.

7. Copy of Byelaws and Code of Conduct

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

8. Change of Address

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

9. Convictions or Cautions

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

10. Health

The licensee shall inform the Licensing Manager 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. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, heart disease, angina, 'coronaries', high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug-taking, and loss of a limb or use of a limb. THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED. THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF DISABILITIES.

Temporary conditions, other than recurrent ones, not expected to last more than three months need not be reported. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

11. Suspension or Revocation of Licence

a) The breach by the licensee of any provision of this code or the byelaws may be treated by the Council as reasonable cause for the suspension or revocation of the licence under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act, 1976.

Section 52 of the Road Safety Act 2006 has introduced 2 new sections into Section 61.

Sub-section 2A provides that a suspension or revocation will take effect 21 days after the driver has received notification of the decision to suspend or revoke his licence. The day on which he receives notification will be day one.

Sub-section 2B provides that if the Council believe that it would be in the interest of public safety to suspend or revoke the licence with immediate effect it may do so provided that the usual decision notice given to the driver states that the licence is suspended or revoked immediately and explains why.

12. Return of Licence

In the event of the suspension or revocation of a licence the licensee shall forthwith upon receiving written notice, return the licence, the Driver's Identity badge which may have been issued to him to the Licensing office and such badge shall likewise be returned on the expiry of the licence without immediate renewal.

13. Variation of Code

The Council may at any time during the period of the licence or upon renewal thereof vary in its discretion any provision of this code of conduct.

14. Production of Driving Licence

The licensee shall, within forty eight hours of receiving written notice requiring him to do so, produce to the Licensing office his current DVLA Driving Licence for inspection.

GUIDANCE FOR PRIVATE HIRE DRIVERS

1. Conduct of Driver

The driver shall:

- (a) afford all reasonable assistance with passengers' luggage.
- (b) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner.
- (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him.
- (d) not without the express consent of the hirer drink or eat in the vehicle.
- (e) 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.
- (f) 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.

Any gathering of 2 or more private hire vehicles could be seen as forming a rank and lead to prosecution for plying for hire.

2. Seatbelts/Child Seats

Rear facing baby seats **MUST NOT** be used in a seat protected by a frontal air-bag unless the air-bag has been deactivated manually or automatically.

It is impracticable to expect the right child seat or booster to be available in a taxi unless carers have brought one with them. Therefore, there is a qualified exception so that if child restraints are not available in a licensed taxi or licensed private hire vehicle.

- under 3s may travel unrestrained but in the rear only;
- those 3 years and above must use an adult belt in the rear seat only.

Remember that a child up to 135cms in a front seat of **ANY** vehicle must use the correct child seat or booster

The driver of the vehicle is responsible for seat belt wearing by children under 14 years (except in taxis with fixed partitions)

2. Written Receipts

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

4. Animals

- (1) The Licensee 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.
- (2) The Licensee shall at all times carry guide/hearing/assistance dogs, free of charge, unless he has a proven medical condition that would preclude such action and is in receipt of a Notice of Exemption issued by the authority, in accordance with Section 37 of the Disability Discrimination Act 1995.
- (3) The Licensee has a responsibility to ensure that their company/employer is aware of such a condition when they are first employed.

6. Prompt Attendance

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

7. Deposit of Licence

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

8. Change of Address

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

9. Convictions and Cautions

The driver shall within seven days disclose to the Licensing Office in writing details of any conviction, caution or fixed penalty imposed on him during the period of the licence.

9. Suspension/Revocation

- (a) The breach by the licensee of any provision of this code or the byelaws may be treated by the Council as reasonable cause for the suspension or revocation of the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act, 1976. Section 52 of the Road Safety Act 2006 has introduced 2 new sections into Section 61.

Sub-section 2A provides that a suspension or revocation will take effect 21 days after the driver has received notification of the decision to suspend or revoke his licence. The day on which he receives notification will be day one.

Sub-section 2B provides that if the Council believe that it would be in the interest of public safety to suspend or revoke the licence with immediate effect it may do so provided that the usual decision notice given to the driver states that the licence is suspended or revoked immediately and explains why.

10. Return of Badge

The driver shall upon the expiry (without immediate renewal), revocation or suspension of a licence forthwith return to the Licensing Office the driver's badge issued to him by the Licensing Office when granting the licence.

11. Health

The licensee shall inform the Licensing Manager 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. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, heart disease, angina, 'coronaries', high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug-taking, and loss of a limb or use of a limb. THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED. THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF DISABILITIES.

Temporary conditions, other than recurrent ones, not expected to last more than three months need not be reported. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

12. Production of Driving Licence & Insurance

The licensee shall, within 7 days of receiving written notice requiring him to do so, produce to the Licensing office his current Driving Licence & insurance for inspection

Notes for the Guidance of Applicants For Hackney Carriage & Private Hire Vehicle Licences

Applicants for Hackney Carriage and Private Hire Vehicles Licenses. Application forms for licences can be obtained from the Town Hall, Dalton square, Lancaster or can be downloaded at www.lancaster.gov.uk, or can be collected at customer services in the Town Hall at either Morcambe and Lancaster.

An applicant who is not already a licensed driver with this authority will be subject to a Criminal Records Bureau Disclosure.

Spent Convictions:

Under the provisions of the Rehabilitation of Offenders Act 1974 you are not obliged to disclose any offences resulting in one of the sentences shown in the left-hand column below if the corresponding period in the right-hand column has elapsed. **(It should be noted however that spent convictions may be taken into account if they are considered relevant in determining whether an applicant is a fit and proper person to hold a private hire or hackney carriage vehicle licence.)**

REHABILITATION PERIODS

Sentence	Rehabilitation period	Rehabilitation period
	Age 18 or over when convicted	Age 17 or under when convicted
Prison sentences of 6 months or less, including suspended sentences, youth custody (abolished in 1988)	7 years	3 and half years

and detention in a young offender institution		
Prison sentences of more than 6 months to 2 and half years, including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution	10 years	5 years
Borstal (abolished in 1983)	7 years	7 years
Detention Centres (abolished in 1988)	3 years	3 years
Fines (even if subsequently imprisoned for fine default), compensation, probation (for convictions on or after 3 February 1995), community service, combination, action plan, curfew, drug treatment and testing and reparation orders	5 years	2 and half years
Absolute discharge	6 months	6 months

With some sentences, the rehabilitation period varies:

Sentence	Rehabilitation Period
Conditional discharge or bind-over, probation (for convictions before 3 February 1995), supervision, care-orders	1 year or until the order expires (whichever is longer)
Attendance centre orders	1 year after the order expires
Hospital orders (with or without a restriction order)	5 years or 2 years after the order expires (whichever is longer)
Referral Order	Once the order expires

Sentences Excluded from Rehabilitation

Life imprisonment

Prevention Detention

Sentence of imprisonment or corrective training exceeding 30 months

Please note that if the application is successful all convictions not considered spent by virtue of the Rehabilitation of Offenders Act 1974 are required by section 42 of the Town Police Clauses Act 1847 to be recorded on a public register. This would also apply to any additional drivers of the vehicle

Vehicles for which Hackney Carriage/Private Hire licences are applied for must be under 5 years of age from date of first registration and on attaining 10 years of age from date of first registration, will cease to be licensed by this authority and will no longer be able to function as licensed Hackney Carriages/Private Hire vehicles within the Lancaster City.

Exceptions to the 10 years age limit may be made in the case of certain vehicles, i.e. limousines, such as Rolls Royce, Bentley etc. Applications for such exceptions must be made in writing to the Licensing Manager.

Vehicle Testing

An MOT pass certificate must be produced for all vehicles that are over one year old.

Subsequent MOT pass certificates must be produced annually. In addition to the MOT testing, the vehicle must also be mechanically tested and inspected by the Council's nominated garage. This process is referred to as "the Engineer's Report" or "Certificate of Compliance".

When required to produce an MOT pass certificate, an Engineer's Report pass certificate must also be produced.

The licence of any vehicle which fails its inspection requirements will be automatically suspended until such time as the vehicle has been re-examined and the necessary pass certificates obtained.

When a car already licensed by this authority reaches **4 years of age** it will be required to pass an authority vehicle examination test **twice yearly** until it reaches the 10 year age limit. Any vehicle over the age of 4 years will only be issued with a 6 month plate. A vehicle licence will not be issued beyond the date at which the vehicle becomes 10 years old. In the case of London type cabs, the upper age limit shall be 15 years old with replacement vehicles being less than 6 years old

Vehicles cannot be licensed for both public hire (hackney) and private hire.

Vehicles which are licensed by another local authority will not be licensed by this (Lancaster City Council) authority.

Applicants for private hire vehicle licences, who intend to operate independently, must obtain a private hire operator's licence, and any necessary planning permission from the authority's Regeneration and Policy Service, before such vehicle licence can be issued.

When submitting applications for Hackney Carriage/Private Hire vehicle licences, the application should be accompanied by the following documentation: -

- (a) Registration document in name of applicant.
- (b) Current certificate of insurance. (Photocopies not acceptable)
- (c) Authority test certificate
- (d) Appropriate fee

Insurance policies – the minimum accepted cover is for six months if it is a new certificate. If insurance is not produced at the time of licence renewal or when requested by the Licensing Section, the vehicle licence will be immediately suspended to ensure public safety. A copy of the certificate of motor insurance should be carried in the vehicle at all times that the vehicle is available for hire or hired.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**HACKNEY CARRIAGE VEHICLE LICENCES****CONDITIONS OF LICENCE****1. Specification and Maintenance of Vehicle**

The vehicle engine capacity shall be not less than 1600cc

The vehicle must have at least four doors, all of which are capable of being opened from the inside.

The vehicle must be capable of carrying not less than four passengers but not more than eight.

The vehicle shall be of right-hand drive manufacture and not converted as so.

Any vehicle that is to be converted to Liquid Petroleum Gas (LPG) must be with the express permission of the licensing department. Only a garage authorised to do so may carry out the conversion. A Certificate of Compliance is to be obtained immediately after any such conversion and presented to the licensing department for inspection.

The width of the rear seat shall be of no less than **51** inches unobstructed width, excluding armrests, window winders, etc.

All vehicles must have adequate leg and foot-room, shoulder-width and head-height.

All passenger seats shall be provided with a lap and diagonal 3 point seat belt which comply with the strength requirements specified in European Directive 76/115 EC (as amended by Directive 96/38 EC) and Regulations 46 and 47 of the Road Vehicle (Construction and Use) Regulations 1986, whether or not those Directives or Regulations apply to that particular seat or the vehicle.

The boot/luggage compartment should be empty except for spare wheel, fire extinguisher, essential tools and first aid kit, (to comply with Health and Safety (First Aid) Regs 1981). The compartment should be clean and any covering free from major cuts, tears or other damage or staining.

The vehicle glass is to be kept clear of all obstructions.

Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats. This will apply to all new and replacement vehicles licensed after this policy comes into force.

Vehicles should be capable of carrying one piece of luggage per passenger

Any vehicle that has been modified or converted following manufacture must have a VCA or SV certificate before it will be issued with a licence.

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with.

The Proprietor shall permit an authorised officer of the Council or a Police Officer to inspect and test the vehicle or any taximeter affixed to such vehicle at all reasonable times. If the officer is not satisfied as to the fitness of the Hackney Carriage or as to the accuracy of the taximeter, he shall be able to direct the vehicle to the Council's nominated inspection/testing centre immediately for further examination. If further inspection and testing is required, the licence shall then be suspended until such time as the officer is satisfied with the vehicle. The plate shall, on suspension of the licence, be handed to the officer but will be returned upon reinstatement of the licence. However, if the officer is not so satisfied as to the fitness or condition of the vehicle within a period of two months, the licence shall be revoked.

2. Insurance

At all times, the Proprietor shall, during the currency of the licence, keep in force in relation to the user of the Hackney Carriage, a policy of insurance which cover third party liability both in respect of physical injury or death and in respect of damage to personal belongings. A copy of the appropriate insurance certificate should be carried in the vehicle at all times that the vehicle is available for hire or hired, and made available for inspection by an authorised officer on request.

3 Taximeter

The taximeter provided in the vehicle must be tested, approved and sealed by the Council and must display only the tariff or tariffs to be charged at the relevant time as contained in the table of fares fixed by the Lancaster City Council.

4 Alteration of Vehicle

No material alteration 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.

5 Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, (to comply with Health and Safety (First Aid) Regs 1981), such equipment to be carried in such a position in the vehicle as to be readily accessible for immediate use in an emergency and a notice shall be displayed in the vehicle as to where they are kept.

Your attention is drawn to your liability if rendering first aid, the kit carried is to enable ONLY those trained in its use to render assistance to third parties. If the need for its use should arise it should only be used by a person who holds a current recognised first aid certificate. If a passenger requested the equipment then it may be provided for self administration by the customer in the interest of customer care.

6 Interior Markings

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the licence number and/or the number of passengers prescribed in the licence.

7 Signs, Notices etc

The display of signs on Hackney Carriages shall be restricted to the roof and sides of the vehicle, door signs supplied by Lancaster City Council must be affixed to the front doors of the vehicle, in addition to this requirement the proprietor is permitted to display not more than one sign on each side of the vehicle. Any roof signs shall be capable of illumination and be illuminated at all times when (and only when) the vehicle is available for hire. The proprietor shall not display a telephone number in the rear window of the vehicle without the prior approval of the council.

- (a) The Lancaster City Council licence plate must be permanently displayed on the outside rear of the vehicle, either immediately above or below the bumper without obstructing the registration plate.
- (b) The licence plate is the property of the Council, to whom it must be returned within seven days if the licence is ever suspended, revoked or not renewed for any reason.

The Proprietor may display signs advertising the recruitment of drivers subject to the following conditions:-

- (a) maximum number of one advertisement in the vehicle at any one time.
- (b) advertisement to be placed in rear side windows only.
- (c) advertisement to be no larger than a normal postcard.

8 Convictions and Cautions

The proprietor shall within seven days disclose to the Licensing Office in writing details of any conviction or caution imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

9 Change of Vehicle Owner.

If a proprietor transfers his/her interest in a vehicle to somebody else he/she must immediately give notice of the transfer in writing on the prescribed form to the licensing section, giving the name and address of the transferee. In no circumstances may the vehicle be used by the new owner until a new licence has been issued to that person and all documentation completed and any necessary fee paid. (Local Government (Miscellaneous Provisions) Act 1976, s 49)

10. Disabled access Vehicle

Any licence issued in respect of a vehicle which is required to be wheelchair accessible, and this is defined as "a vehicle purpose built by the manufacturer or adapted prior to registration in a manner approved by the manufacturer, for the conveyance of wheelchair bound passengers will have these additional conditions attached:-

- a). The vehicle must provide access for a wheelchair either through the nearside rear door or a door at the rear of the vehicle. Any door used for wheelchair access must be capable of opening as wide as the aperture.
- b) A means to secure both the wheelchair and the wheelchair occupant must be provided; additional handholds and an additional step must be provided for the assistance of elderly and ambulant disabled people; ramps must be carried with the vehicle.
- c). Any replacement vehicle must also be wheelchair accessible, if the plate was issued following an unmet demand survey. The vehicle must also comply with the councils age limits for hackney carriages.
- d). In presenting a vehicle for licensing, if the vehicle was not purpose built for the carriage of wheelchairs you will be required to produce documentary evidence that it was adapted prior to registration, and that the adaptation was approved by the manufacturer.

11. Accidents

If the vehicle is involved in an accident it must be reported to the licensing authority and an accident form completed within 72 hours. Replacement vehicles will have the original plate transferred to them. When the original vehicle has been repaired and tested the plate will be transferred back to it.

12. Tinted glass

Tinted Glass is not permitted except light tints and sun strips to help ensure public safety.

13. Video/DVD

There should be no DVD or Video systems operated in the vehicle for the entertainment of passengers or the driver. If these are fitted as standard they must be disconnected. (This is to ensure there is no distraction for the driver and to avoid the risk of unsuitable DVDs or videos being shown)

Without prejudice to the above mentioned provisions, the Proprietor on receipt of any notice in writing from the Head of Legal and Human Resources, shall present the Hackney Carriage for inspection and testing by or on behalf of the Council within such period and at such a place as specified by the Council. The separate occasions of inspection and testing shall not exceed three in number in any one period of twelve months.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE VEHICLE LICENCES

CONDITIONS OF LICENCE

1. Specification and Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with.

The vehicle engine capacity shall be not less than 1600cc

The vehicle must have at least four doors, all of which are capable of being opened from the inside.

The vehicle must be capable of carrying not less than four passengers but not more than eight.

The vehicle shall be of right-hand drive manufacture and not converted as so.

Any vehicle that is to be converted to Liquid Petroleum Gas (LPG) must be with the express permission of the licensing department. Only a garage authorised to do so may carry out the conversion. A Certificate of Compliance is to be obtained immediately after any such conversion and presented to the licensing department for inspection.

The width of the rear seat shall be of no less than **51** inches unobstructed width, excluding armrests, window winders, etc.

All passenger seats shall be provided with a lap and diagonal 3 point seat belt which comply with the strength requirements specified in European Directive 76/115 EC (as amended by Directive 96/38 EC) and Regulations 46 and 47 of the Road Vehicle (Construction and Use) Regulations 1986, whether or not those Directives or Regulations apply to that particular seat or the vehicle.

The boot/luggage compartment should be empty except for spare wheel, fire extinguisher, essential tools and first aid kit, (to comply with Health and Safety (First Aid) Regs 1981). The compartment should be clean and any covering free from major cuts, tears or other damage or staining.

All vehicles must have adequate leg and foot-room, shoulder-width and head-height.

The vehicle glass is to be kept clear of all obstructions

Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats. This will apply to all new and replacement vehicles licensed after this policy comes into force.

2. Alteration of Vehicle

No material alteration 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.

3. Identification Plate/Signs

The plates identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to section 48(6) of the Local Government

(Miscellaneous Provisions) Act 1976 one shall be securely fixed to the rear of the vehicle in a conspicuous position and in such manner as to be easily removable by an authorised officer of the Council or a constable, and a further plate should be fixed at the front of the vehicle in a conspicuous position.

In addition private hire vehicles shall display a sticker in a conspicuous position as approved by an authorised officer, stating that the vehicle must be pre booked and that any journey taken without there being a booking beforehand would render the insurance void, as the driver would not be complying with current legislation.

The proprietor may display signs advertising for the recruitment of drivers subject to the following conditions:-

- (a) maximum number of one advertisement in the vehicle at any one time
- (b) advertisement to be placed in rear side windows only
- (c) advertisement to be no larger than a normal postcard
- (c) advertisement to be of a standard acceptable to the Council.

Door signs supplied by Lncaster City Council must be affixed to the front doors of the vehicle. The proprietors own sign, notice or advertisement may be displayed on the top section of the rear doors of the vehicle only and shall not exceed 20 inches by 12 inches.

4. Interior Markings

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the licence number and the number of passengers prescribed in the licence.

5. Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, (to comply with Health and Safety(First Aid) Regs 1981), such equipment to be carried in such a position in the vehicle as to be readily accessible for immediate use in an emergency and a notice shall be displayed in the vehicle as to where they are kept.

Your attention is drawn to your liability if rendering first aid, the kit carried is to enable ONLY those trained in its use to render assistance to third parties. If the need for its use should arise it should only be used by a person who holds a current recognised first aid certificate. If a passenger requested the equipment then it may be provided for self administration by the customer in the interest of customer care.

7. Change of Address

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

8. Convictions

The proprietor shall within seven days disclose to the Council in writing details of any conviction imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

9. Deposit of Drivers' Licences

If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle, he shall before that person commences to drive the vehicle cause the driver to deliver to him his private hire driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

10. Tinted Glass

Tinted glass is not permitted except light tints and sun strips to help ensure public safety.

10. Insurance

At all times, the Proprietor shall, during the currency of the licence, keep in force in relation to the user of the private hire vehicle a policy of insurance which cover third party liability both in respect of physical injury or death and in respect of damage to personal belongings. A copy of this certificate should be carried in the vehicle and made available for inspection by an authorised officer on request.

Notes for the Guidance of Applicants For Private Hire Operators Licences

Application forms for operators' licences can be obtained from the Town Hall, Dalton square, Lancaster or can be downloaded at www.lancaster.gov.uk.

An applicant who intends to operate private hire vehicles from premises must obtain any necessary planning permission before any licence can be issued.

An applicant wishing to operate a private hire vehicle from domestic premises will require planning permission from the authority's Regeneration and Policy Service before undertaking such an activity and before any licence can be issued.

Applicants for private hire operators' licences cannot use the same (or similar) name as any private hire firm currently operating within the district or any name previously used within the district and registered by the operator at Companies House.

An applicant who is not already a licensed driver with this authority will be subject to a Criminal Records Bureau Disclosure..

Spent Convictions:

Under the provisions of the Rehabilitation of Offenders Act 1974 you are not obliged to disclose any offences resulting in one of the sentences shown in the left-hand column below if the corresponding period in the right-hand column has elapsed. **(It should be noted however that spent convictions may be taken into account if they are considered relevant in determining whether an applicant is a fit and proper person to hold a private hire operators licence.)**

REHABILITATION PERIODS

Sentence	Rehabilitation period	Rehabilitation period
	Age 18 or over when convicted	Age 17 or under when convicted
Prison sentences of 6 months or less, including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution	7 years	3 and half years
Prison sentences of more than 6 months to 2 and half years, including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution	10 years	5 years
Borstal (abolished in 1983)	7 years	7 years
Detention Centres (abolished in 1988)	3 years	3 years
Fines (even if subsequently imprisoned for fine default), compensation, probation (for convictions on or after 3 February 1995), community service, combination, action plan, curfew, drug treatment and testing and reparation orders	5 years	2 and half years
Absolute discharge	6 months	6 months

With some sentences, the rehabilitation period varies:

Sentence	Rehabilitation Period
Conditional discharge or bind-over, probation (for convictions before 3 February 1995), supervision, care-orders	1 year or until the order expires (whichever is longer)
Attendance centre orders	1 year after the order expires
Hospital orders (with or without a restriction order)	5 years or 2 years after the order expires (whichever is longer)
Referral Order	Once the order expires

Sentences Excluded from Rehabilitation

Life imprisonment

Prevention Detention

Sentence of imprisonment or corrective training exceeding 30 months

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE OPERATORS' LICENCES

CONDITIONS OF LICENCE**1. Records**

- (1) The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, the pages of which are numbered consecutively and the operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:-
 - (a) The time and date of the booking.
 - (b) The name and address of the hirer.
 - (c) How the booking was made (i.e. by telephone, personal call etc.).
 - (d) The time of pick-up.
 - (e) The point of pick-up.
 - (f) The destination.
 - (g) The time at which a driver was allocated to the booking.
 - (h) The registration number of the vehicle allocated for the booking.
 - (i) Remarks (including details of any sub-contract).
- (2) The operator shall also keep records of the particulars of all private hire vehicles operated by him. These particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.
- (3) All records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry.

2. Standard of Service

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

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.

- (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

3. Change of Address

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

4. Convictions

The operator shall within seven days disclose to the Council in writing details of any conviction imposed on him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

5. Drivers

An operator must only use drivers and vehicles that hold the relevant licences issued by Lancaster City Council. Operators must keep a copy of all private hire drivers licences that are used by them. Operators must not sub contract work to drivers or use vehicles that are licensed outside of this district.

General Licence Conditions Applying To All Drivers, Proprietors and Operators

All drivers/operators/proprietors shall operate strictly within the terms of any licence issued, all relevant legislation and other conditions within this handbook, but these may not necessarily be exhaustive.

Any lapse in any licence will result in any application being treated as a new application and **not** renewal and full application requirements will have to be satisfied.

TRAILERS

No hackney carriage or private hire Vehicle may tow any trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to the Head of Legal and Human Resources.

The trailer must be securely attached to the vehicle by means of a tow-bar.

The trailer must be marked with the name and address of the manufacturer along with its gross weight. If the gross weight of the trailer exceeds 750kgs, it must be fitted with a braking system.

The trailer must be covered and have sufficient luggage capacity. No luggage should be carried on the cover of the trailer either by the fitting of a roof rack or similar.

Any luggage carried in the trailer must be protected against wind and rain penetration and be properly secured.

The trailer must be subject to an annual inspection carried out at the Vehicle Maintenance Unit, Morecambe

DRAFT



**RULES REGULATIONS
AND
PROCEDURES
FOR**

**HACKNEY CARRIAGE
&
PRIVATE HIRE**

LICENSING

OPENING HOURS OF LICENSING OFFICE

Monday-Friday

0900 – 1700

Notes for the Guidance of Applicants For Hackney Carriage and Private Hire Drivers Licences

Applicants for Hackney Carriage or Private Hire Drivers licences are required to have held for a minimum of three years a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA).

In addition to the above the licensing authority will require all taxi and PHV drivers who hold an EC/EEA driving licence to have a GB counterpart document.

Any individual making an application for a taxi or PHV driver's licence will be required to obtain a GB counterpart prior to the issue of a licence.

When licence holders apply for a counterpart they will be registered with the DVLA and allocated a GB driver number. Any driving convictions and endorsements subsequently incurred by the licence holder in the UK will be recorded by the DVLA

Having a GB counterpart benefits drivers by allowing them to take part in the fixed penalty system for road traffic offences rather than having to attend court and incur greater penalties as well as costs. In addition if a driver loses or has his or her national driving licence stolen, they would probably not be able to get a duplicate from the country it was issued in. However, once registered with the DVLA they will be able to apply for a GB licence.

Currently licensed drivers who hold a EC/EEA licence will be required to obtain a GB counterpart when they apply to be re-licensed.

All non-UK licence holders will still be required to provide a copy of their EC/EEA driving licence with their application.

GB counterparts can be obtained free of charge from the DVLA on submission of form D9 which can be downloaded at <http://www.dvla.gov.uk/media/pdf/forms/d9.pdf>. The DVLA advises that it takes approximately 3 weeks from receipt of application to issue a GB counterpart.

Application forms for hackney carriage and private hire drivers licences can be obtained from the Town Hall, Dalton Square, Lancaster or can be downloaded at

www.lancaster.gov.uk, or collected from customer services at the Town Hall in either Morecambe or Lancaster

The completed application forms should be returned to the Town Hall address, an appointment will be made for you at which time you will be required to complete an enhanced criminal record check, and produce the following documents:-

- (a) Current Full European Driving Licence,
- (b) A full medical certificate in the prescribed form, issued by **a general practitioner on first application and every 3 years thereafter** (dated within 2 months of application) Once a driver reaches the age of 65 he/she will be required to provide a full medical certificate annually.
- (c) Appropriate fee.
- (d) Proofs of identity for CRB check (further details will be given when appointment is made)

No licence will be granted until **all** required documents have been received and satisfactory CRB results have come back to us.

Applicants will then be required to complete a BTEC course 'Transporting Passengers by Taxi and Private Hire' or hold an equivalent qualification.

On completion of the application process, the applicant will be informed of the result by letter together with any rights of appeal, should the application fail.

DETAILS OF CONVICTIONS OR CAUTIONS FOR ANY OFFENCE WHETHER DRIVING OFFENCES (INCLUDING FIXED PENALTY NOTICES) OR ANY OTHER OFFENCE MUST BE DECLARED. Applicants with convictions may have their applications referred to the Licensing Regulatory Committee for a final decision.

Criminal Records Bureau

The applicant will be asked to detail, on the application form, any convictions, cautions or fixed penalties which have been recorded against them. By the provision of the Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment)Order 2002, applications by prospective Hackney Carriage and Private Hire Drivers must detail all convictions, as the 'spent' convictions provisions do not apply to these occupations. The subsequent checks to the CRB will serve to confirm the information provided. You must not rely on that check to provide the correct information, as any application which does not supply the complete information at the outset may be considered to be incomplete and a view may be taken that a deliberate attempt has been made to conceal convictions which have not been declared. It is a criminal offence to make a false declaration to obtain a Licence.

Convictions will not necessarily debar an applicant although, if a conviction is revealed which takes the matter outside the Council's Policy on the Relevance of Convictions, the applicant will be able to make representations to the Licensing Regulatory Committee, who will determine whether a licence is issued. The convictions will be taken into account and details provided to the Licensing

Regulatory Committee to enable them to consider the matter. All information received will remain confidential and be securely stored only as long as necessary.

Statement of Policy Regarding Relevant Convictions

When submitting an application for a licence to drive a Hackney Carriage or drive or operate a Private Hire Vehicle, individuals are requested to declare any convictions or cautions they may have. The information given will be treated in confidence and will only be taken into account in relation to the application in question. Lancaster City Council, as a Licensing Authority, is empowered in law to check with the Criminal Records Bureau for the existence and content of any criminal record held in the name of an applicant. Information received will be kept in strict confidence while the application process takes its course and will be retained for no longer than is necessary. The disclosure of a criminal record or other information will not debar any applicant from obtaining a licence unless the Council considers that the conviction renders him or her unsuitable. In making this decision, the Council will consider the nature of the offence, how long ago and at what age it was committed and any other factors which may be relevant.

Any applicant refused a Licence on the grounds that he/she is not a fit and proper person to hold such a licence has the right of appeal to a Magistrates' Court.

The effect of any particular conviction on a proposed application may be discussed in confidence with the Licensing Team.

Each case will be determined on its own merits, however the overriding consideration will be the protection of the public.

IT IS AN OFFENCE FOR A PERSON TO DRIVE A LICENSED HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE UNLESS AND UNTIL A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE IS GRANTED. IT IS AN OFFENCE FOR THE PROPRIETOR OF A LICENSED HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE TO EMPLOY ANY PERSON TO DRIVE SUCH A VEHICLE WHO IS NOT THE HOLDER OF A CURRENT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE.

BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Lancaster City with respect to hackney carriages in the City of Lancaster. Any breach of a Byelaw could potentially lead to prosecution.

Interpretation

1. Throughout these byelaws “the Council” means the Lancaster City Council and “the district” means the City of Lancaster.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed:

2. a) the proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto;
- b) A proprietor or driver of a hackney carriage shall:
 - i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided:

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

4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say:-
- a) the taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - e) the taximeter shall be so placed that all letters and figures on the face thereof 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;
 - f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges:

5. The driver of a hackney carriage provided with a taximeter shall:-
- a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - b) before beginning a journey for which a fare is charged for distance and time, 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;
 - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness; this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.

6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. 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 byelaw in that behalf;
 - b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. 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. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
 - a) convey a reasonable quantity of luggage;
 - b) afford reasonable assistance in loading and unloading;

- c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.
14. The driver of a hackney carriage shall not at any time when conveying a person hiring that carriage, smoke or burn tobacco or any other material

N.B. By virtue of the Health Act 2006 it is now an offence to smoke in any public place or vehicle. Smoking is prohibited in a taxi at all times

Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares:

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

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

16. a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof:

17. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
18. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
- a) carry it as soon as possible and in any event, within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the

Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it;

- b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

The Council acknowledges that at certain times during weekends and bank holidays whilst the office is closed it will not be possible to comply with b above. In these instances the property should be delivered to the office of the Council on the next working day after the closure.

Penalties

19. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction thereafter.

Repeal of Byelaws

20. The byelaws relating to hackney carriages that were made by the Council on the 12th day of September 1985 and which were confirmed by the Secretary of State for transport on the 18th of December 1985 are hereby repealed.

The Common Seal of the Council
of THE CITY OF LANCASTER

was hereunto affixed this

day of

2000 in the presence of:-

M DUDFIELD

Director of Legal and Administration Services

THE SECRETARY OF STATE confirmed the foregoing Byelaws on the 20th day of March 2000, and fixed the date on which the Byelaws are to come into operation as the 17th day of April 2000

EC NEVE

Signed by authority of the Secretary of State.

CODE OF CONDUCT FOR GUIDANCE OF LICENSED HACKNEY CARRIAGE DRIVERS

- NOTE:**
- (1) Failure to adhere to this Code may result in suspension or revocation of the licence pursuant to Section 61(1)(b) of the Local government (Miscellaneous Provisions) Act, 1976.
 - (2) This Code is equally applicable when the hackney carriage is being used for private hire purposes.
-

1. Conduct of Driver

The licensee shall:

- (a) at all times be clean and respectable in his dress and person;
- (b) not without the express consent of the hirer 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.

2. Contracts for Private Hire

Where a Hackney Carriage vehicle is hired pursuant to a telephone call to a booking office linked by radio to the vehicle, the contract of hire shall be deemed to be made with the person or body operating the booking office, and shall not be set into operation until the hirer has commenced his journey.

3. Use of Taximeter/Table of Fares

The licensee shall ensure the taximeter is reset at the commencement of each fare and displays the correct tariff as set by the Council and shall not wilfully or negligently cause or suffer any taximeter to be concealed from public view while a vehicle is being used for the purpose of public hire.

It is an offence for any hackney carriage driver to charge more than the metered rate for journeys within the District. Any driver found doing this could risk revocation of his/her drivers licence or prosecution. Sections 55, 56 and 58 of the

Town Police Clauses Act 1847 and section 67 of the Local Government (Miscellaneous Provisions) Act 1976. The meter must be set at the point of pick up.

A current table of fares shall be exhibited inside the vehicle in a position which is clearly visible to passengers.

The driver may at his/her discretion require the payment of an agreed sum in advance of the journey. A receipt will be given and the amount will be set against the metred fare.

4. Written Receipts

The licensee shall if requested by the hirer provide him with a written receipt for the fare paid.

5. Child Seats

Rear facing baby seats **MUST NOT** be used in a seat protected by a frontal air-bag unless the air-bag has been deactivated manually or automatically.

It is impracticable to expect the right child seat or booster to be available in a taxi unless carers have brought one with them. Therefore, there is a qualified exception so that if child restraints are not available in a licensed taxi or licensed private hire vehicle.

- under 3s may travel unrestrained but in the rear only;
- those 3 years and above must use an adult belt in the rear seat only.

Remember that a child up to 135cms in a front seat of **ANY** vehicle must use the correct child seat or booster

The driver of the vehicle is responsible for seat belt wearing by children under 14 years (except in taxis with fixed partitions)

6. Animals

- (1) The Licensee 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.
- (2) The Licensee shall at all times carry guide/hearing/assistance dogs, free of charge, unless he has a proven medical condition that would preclude such action and is in receipt of a Notice of Exemption issued by the authority, in accordance with Section 37 of the Disability Discrimination Act 1995.
- (3) The Licensee has a responsibility to ensure that their company/employer is aware of such a condition when they are first employed.

7. Copy of Byelaws and Code of Conduct

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

8. Change of Address

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

9. Convictions or Cautions

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

10. Health

The licensee shall inform the Licensing Manager 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. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, heart disease, angina, 'coronaries', high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug-taking, and loss of a limb or use of a limb. THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED. THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF DISABILITIES.

Temporary conditions, other than recurrent ones, not expected to last more than three months need not be reported. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

11. Suspension or Revocation of Licence

a) The breach by the licensee of any provision of this code or the byelaws may be treated by the Council as reasonable cause for the suspension or revocation of the licence under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act, 1976.

Section 52 of the Road Safety Act 2006 has introduced 2 new sections into Section 61.

Sub-section 2A provides that a suspension or revocation will take effect 21 days after the driver has received notification of the decision to suspend or revoke his licence. The day on which he receives notification will be day one.

Sub-section 2B provides that if the Council believe that it would be in the interest of public safety to suspend or revoke the licence with immediate effect it may do so provided that the usual decision notice given to the driver states that the licence is suspended or revoked immediately and explains why.

12. Return of Licence

In the event of the suspension or revocation of a licence the licensee shall forthwith upon receiving written notice, return the licence, the Driver's Identity badge which may have been issued to him to the Licensing office and such badge shall likewise be returned on the expiry of the licence without immediate renewal.

13. Variation of Code

The Council may at any time during the period of the licence or upon renewal thereof vary in its discretion any provision of this code of conduct.

14. Production of Driving Licence

The licensee shall, within **7 days** of receiving written notice requiring him to do so, produce to the Licensing office his current DVLA Driving Licence for inspection.

GUIDANCE FOR PRIVATE HIRE DRIVERS

1. Conduct of Driver

The driver shall:

- (a) afford all reasonable assistance with passengers' luggage.
- (b) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner.
- (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him.
- (d) not without the express consent of the hirer drink or eat in the vehicle.
- (e) 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.
- (f) 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.

Any gathering of 2 or more private hire vehicles could be seen as forming a rank and lead to prosecution for plying for hire.

2. Seatbelts/Child Seats

Rear facing baby seats **MUST NOT** be used in a seat protected by a frontal air-bag unless the air-bag has been deactivated manually or automatically.

It is impracticable to expect the right child seat or booster to be available in a taxi unless carers have brought one with them. Therefore, there is a qualified exception so that if child restraints are not available in a licensed taxi or licensed private hire vehicle.

- under 3s may travel unrestrained but in the rear only;
- those 3 years and above must use an adult belt in the rear seat only.

Remember that a child up to 135cms in a front seat of **ANY** vehicle must use the correct child seat or booster

The driver of the vehicle is responsible for seat belt wearing by children under 14 years (except in taxis with fixed partitions)

2. Written Receipts

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

4. Animals

- (1) The Licensee 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.
- (2) The Licensee shall at all times carry guide/hearing/assistance dogs, free of charge, unless he has a proven medical condition that would preclude such action and is in receipt of a Notice of Exemption issued by the authority, in accordance with Section 37 of the Disability Discrimination Act 1995.
- (3) The Licensee has a responsibility to ensure that their company/employer is aware of such a condition when they are first employed.

6. Prompt Attendance

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

7. Deposit of Licence

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

8. Change of Address

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

9. Convictions and Cautions

The driver shall within seven days disclose to the Licensing Office in writing details of any conviction, caution or fixed penalty imposed on him during the period of the licence.

9. Suspension/Revocation

(a) The breach by the licensee of any provision of this code or the byelaws may be treated by the Council as reasonable cause for the suspension or revocation of the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act, 1976. Section 52 of the Road Safety Act 2006 has introduced 2 new sections into Section 61.

Sub-section 2A provides that a suspension or revocation will take effect 21 days after the driver has received notification of the decision to suspend or revoke his licence. The day on which he receives notification will be day one.

Sub-section 2B provides that if the Council believe that it would be in the interest of public safety to suspend or revoke the licence with immediate effect it may do so provided that the usual decision notice given to the driver states that the licence is suspended or revoked immediately and explains why.

10. Return of Badge

The driver shall upon the expiry (without immediate renewal), revocation or suspension of a licence forthwith return to the Licensing Office the driver's badge issued to him by the Licensing Office when granting the licence.

11. Health

The licensee shall inform the Licensing Manager 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. Examples are giddiness,

fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, heart disease, angina, 'coronaries', high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug-taking, and loss of a limb or use of a limb. THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED. THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF DISABILITIES.

Temporary conditions, other than recurrent ones, not expected to last more than three months need not be reported. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

12. Production of Driving Licence & Insurance

The licensee shall, within 7 days of receiving written notice requiring him to do so, produce to the Licensing office his current Driving Licence & insurance for inspection

Notes for the Guidance of Applicants For Hackney Carriage & Private Hire Vehicle Licences

Applicants for Hackney Carriage and Private Hire Vehicles Licences. Application forms for licences can be obtained from the Town Hall, Dalton square, Lancaster or can be downloaded at www.lancaster.gov.uk, or can be collected at customer services in the Town Hall at either Morecambe and Lancaster.

An applicant who is not already a licensed driver with this authority will be subject to a Criminal Records Bureau Disclosure.

Spent Convictions:

Under the provisions of the Rehabilitation of Offenders Act 1974 you are not obliged to disclose any offences resulting in one of the sentences shown in the left-hand column below if the corresponding period in the right-hand column has elapsed. **(It should be noted however that spent convictions may be taken into account if they are considered relevant in determining whether an applicant is a fit and proper person to hold a private hire or hackney carriage vehicle licence.)**

REHABILITATION PERIODS

Sentence	Rehabilitation period	Rehabilitation period
	Age 18 or over when convicted	Age 17 or under when convicted
Prison sentences of 6 months or less, including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution	7 years	3 and half years
Prison sentences of more than 6 months to 2 and half years, including suspended sentences, youth custody	10 years	5 years

(abolished in 1988) and detention in a young offender institution		
Borstal (abolished in 1983)	7 years	7 years
Detention Centres (abolished in 1988)	3 years	3 years
Fines (even if subsequently imprisoned for fine default), compensation, probation (for convictions on or after 3 February 1995), community service, combination, action plan, curfew, drug treatment and testing and reparation orders	5 years	2 and half years
Absolute discharge	6 months	6 months

With some sentences, the rehabilitation period varies:

Sentence	Rehabilitation Period
Conditional discharge or bind-over, probation (for convictions before 3 February 1995), supervision, care-orders	1 year or until the order expires (whichever is longer)
Attendance centre orders	1 year after the order expires
Hospital orders (with or without a restriction order)	5 years or 2 years after the order expires (whichever is longer)
Referral Order	Once the order expires

Sentences Excluded from Rehabilitation

Life imprisonment

Prevention Detention

Sentence of imprisonment or corrective training exceeding 30 months

Please note that if the application is successful all convictions not considered spent by virtue of the Rehabilitation of Offenders Act 1974 are required by section 42 of the Town Police Clauses Act 1847 to be recorded on a public register. This would also apply to any additional drivers of the vehicle

Vehicle Testing

Before a licence can be issued the vehicle must be mechanically tested and inspected by the Council's nominated garage. This process is referred to as "the Engineer's Report" or "Certificate of Compliance".

The licence of any vehicle which fails its inspection requirements will be automatically suspended until such time as the vehicle has been re-examined and the necessary pass certificates obtained.

When a car already licensed by this authority reaches 2 years of age it will be required to pass an authority vehicle examination test twice yearly. Any vehicle over the age of 2 years will only be issued with a 6 month plate.

Vehicles cannot be licensed for both public hire (hackney) and private hire.

Vehicles which are licensed by another local authority will not be licensed by this (Lancaster City Council) authority.

Applicants for private hire vehicle licences, who intend to operate independently, must obtain a private hire operator's licence, and any necessary planning permission from the authority's Regeneration and Policy Service, before such vehicle licence can be issued.

All vehicles shall have an appropriate "Type Approval" which is either a European Community Whole Vehicle type approval (ECWVTA) or UK Low Volume Type Approval (UKLVTA). Vehicles shall not have been altered since that approval was granted. A Single Vehicle Type approval (SVA) may be accepted for wheelchair accessible vehicles. On 29th April 2009 the SVA was replaced by Individual Vehicle Approval (IVA). Vehicles presented for licensing, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

When submitting applications for Hackney Carriage/Private Hire vehicle licences, the application should be accompanied by the following documentation: -

- (a) Registration document in name of applicant.
- (b) Current certificate of insurance. (Photocopies not acceptable)
- (c) Authority test certificate
- (d) Appropriate fee
- (e) Appropriate type approval

Insurance policies – If insurance is not produced at the time of licence renewal or when requested by the Licensing Section, the vehicle licence will be immediately suspended to ensure public safety. A copy of the certificate of motor insurance should be carried in the vehicle at all times that the vehicle is available for hire or hired.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

HACKNEY CARRIAGE VEHICLE LICENCES

CONDITIONS OF LICENCE

1. Specification and Maintenance of Vehicle

The vehicle must have at least four doors, all of which are capable of being opened from the inside.

The vehicle must be capable of carrying not less than four passengers but not more than eight.

The vehicle shall be of right-hand drive manufacture and not converted as so.

Any vehicle that is to be converted to Liquid Petroleum Gas (LPG) must be with the express permission of the licensing department. Only a garage authorised to do so may carry out the conversion. A Certificate of Compliance is to be obtained immediately after any such conversion and presented to the licensing department for inspection.

The width of the rear seat shall be of no less than **51** inches unobstructed width, excluding armrests, window winders, etc.

All vehicles must have adequate leg and foot-room, shoulder-width and head-height. **The minimum leg room available to any passenger shall be 200mm. The measurement will be taken from the base of the seat to the rear of the seat in front when the front seat is at its full, rearwards extension. If this measurement cannot be achieved then 1500mm shall be allowed from the base of the rear seat to the front well. Where there is no seat in front the measurement shall be taken from the base of the seat to the nearest obstruction in front. The internal headroom from the seat cushions to the lowest part of the roof in a vertical line shall be a minimum of 920mm.**

All passenger seats shall be provided with a lap and diagonal 3 point seat belt which comply with the strength requirements specified in European Directive 76/115 EC (as amended by Directive 96/38 EC) and Regulations 46 and 47 of the Road Vehicle (Construction and Use) Regulations 1986, whether or not those Directives or Regulations apply to that particular seat or the vehicle.

The boot/luggage compartment should be empty except for spare wheel, fire extinguisher, essential tools and first aid kit, (to comply with Health and Safety (First Aid) Regs 1981). The compartment should be clean and any covering free from major cuts, tears or other damage or staining.

The vehicle glass is to be kept clear of all obstructions.

Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats. This will apply to all new and replacement vehicles licensed after this policy comes into force. **If a seat has to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.**

Hackney carriage vehicles should be capable of carrying one average size piece of luggage per passenger. **For the purpose of these conditions, average size luggage is deemed to be H48cm, W71cm, D19cm.**

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition

and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with.

The Proprietor shall permit an authorised officer of the Council or a Police Officer to inspect and test the vehicle or any taximeter affixed to such vehicle at all reasonable times. If the officer is not satisfied as to the fitness of the Hackney Carriage or as to the accuracy of the taximeter, he shall be able to direct the vehicle to the Council's nominated inspection/testing centre immediately for further examination. If further inspection and testing is required, the licence shall then be suspended until such time as the officer is satisfied with the vehicle. The plate shall, on suspension of the licence, be handed to the officer but will be returned upon reinstatement of the licence. However, if the officer is not so satisfied as to the fitness or condition of the vehicle within a period of two months, the licence shall be revoked.

2. Insurance

At all times, the Proprietor shall, during the currency of the licence, keep in force in relation to the user of the Hackney Carriage, a policy of insurance which cover third party liability both in respect of physical injury or death and in respect of damage to personal belongings. A copy of the appropriate insurance certificate should be carried in the vehicle at all times that the vehicle is available for hire or hired, and made available for inspection by an authorised officer on request.

3 Taximeter

The taximeter provided in the vehicle must be tested, approved and sealed by the Council and must display only the tariff or tariffs to be charged at the relevant time as contained in the table of fares fixed by the Lancaster City Council.

4 Alteration of Vehicle

No material alteration 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.

5 Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, (to comply with Health and Safety (First Aid) Regs 1981), such equipment to be carried in such a position in the vehicle as to be readily accessible for immediate use in an emergency and a notice shall be displayed in the vehicle as to where they are kept.

Your attention is drawn to your liability if rendering first aid, the kit carried is to enable ONLY those trained in its use to render assistance to third parties. If the need for its use should arise it should only be used by a

person who holds a current recognised first aid certificate. If a passenger requested the equipment then it may be provided for self administration by the customer in the interest of customer care.

CCTV surveillance systems to assist driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored/recorded. Any such equipment shall be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver/proprietors responsibility to comply with all aspects of the law regarding such surveillance equipment.

6 Interior Markings

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the licence number and/or the number of passengers prescribed in the licence.

7 Signs, Notices etc

The display of signs on Hackney Carriages shall be restricted to the roof and sides of the vehicle, door signs supplied by Lancaster City Council must be affixed to the front doors of the vehicle, in addition to this requirement the proprietor is permitted to display not more than one sign on each side of the vehicle. Any roof signs shall be capable of illumination and be illuminated at all times when (and only when) the vehicle is available for hire. The proprietor shall not display a telephone number in the rear window of the vehicle without the prior approval of the council.

- (a) The Lancaster City Council licence plate must be permanently displayed on the outside rear of the vehicle, either immediately above or below the bumper without obstructing the registration plate.
- (b) The licence plate is the property of the Council, to whom it must be returned within seven days if the licence is ever suspended, revoked or not renewed for any reason.

The Proprietor may display signs advertising the recruitment of drivers subject to the following conditions:-

- (a) maximum number of one advertisement in the vehicle at any one time.
- (b) advertisement to be placed in rear side windows only.
- (c) advertisement to be no larger than a normal postcard.

8 Convictions and Cautions

The proprietor shall within seven days disclose to the Licensing Office in writing details of any conviction or caution imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

9. Deposit of Drivers' Licences

If the proprietor permits or employs any other person to drive the vehicle, he shall before that person commences to drive the vehicle cause the driver to deliver to him a copy of his hackney carriage driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

10. Change of Vehicle Owner.

If a proprietor transfers his/her interest in a vehicle to somebody else he/she must immediately give notice of the transfer in writing on the prescribed form to the licensing section, giving the name and address of the transferee. In no circumstances may the vehicle be used by the new owner until a new licence has been issued to that person and all documentation completed and any necessary fee paid. (Local Government (Miscellaneous Provisions) Act 1976, s 49)

11. Disabled access Vehicle

Any licence issued in respect of a vehicle which is required to be wheelchair accessible, and this is defined as "a vehicle purpose built by the manufacturer or adapted prior to registration in a manner approved by the manufacturer, for the conveyance of wheelchair bound passengers will have these additional conditions attached:-

- a). The vehicle must provide access for a wheelchair either through the nearside rear door or a door at the rear of the vehicle. Any door used for wheelchair access must be capable of opening as wide as the aperture.
- b) A means to secure both the wheelchair and the wheelchair occupant must be provided; additional handholds and an additional step must be provided for the assistance of elderly and ambulant disabled people; ramps must be carried with the vehicle.
- c). Any replacement vehicle must also be wheelchair accessible, if the plate was issued following an unmet demand survey. The vehicle must also comply with the councils age limits for hackney carriages.
- d). In presenting a vehicle for licensing, if the vehicle was not purpose built for the carriage of wheelchairs you will be required to produce documentary evidence that it was adapted prior to registration, and that the adaptation was approved by the manufacturer.

12. Accidents

If the vehicle is involved in an accident it must be reported to the licensing authority and an accident form completed within 72 hours. Replacement vehicles will have the original plate transferred to them. When the original vehicle has been repaired and tested the plate will be transferred back to it.

13. Video/DVD

There should be no DVD or Video systems operated in the vehicle for the entertainment of passengers or the driver. If these are fitted as standard they must be disconnected. (This is to ensure there is no distraction for the driver and to avoid the risk of unsuitable DVDs or videos being shown)

Without prejudice to the above mentioned provisions, the Proprietor on receipt of any notice in writing from the Head of Legal and Human Resources, shall present the Hackney Carriage for inspection and testing by or on behalf of the Council within such period and at such a place as specified by the Council. The separate occasions of inspection and testing shall not exceed three in number in any one period of twelve months.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE VEHICLE LICENCES

CONDITIONS OF LICENCE

1. Specification and Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with.

The vehicle must have at least four doors, all of which are capable of being opened from the inside.

The vehicle must be capable of carrying not less than four passengers but not more than eight.

The vehicle shall be of right-hand drive manufacture and not converted as so.

Any vehicle that is to be converted to Liquid Petroleum Gas (LPG) must be with the express permission of the licensing department. Only a garage authorised to do so may carry out the conversion. A Certificate of Compliance is to be obtained immediately after any such conversion and presented to the licensing department for inspection.

The width of the rear seat shall be of no less than **51** inches unobstructed width, excluding armrests, window winders, etc.

All passenger seats shall be provided with a lap and diagonal 3 point seat belt which comply with the strength requirements specified in European Directive 76/115 EC (as amended by Directive 96/38 EC) and Regulations 46 and 47 of the Road Vehicle (Construction and Use) Regulations 1986, whether or not those Directives or Regulations apply to that particular seat or the vehicle.

The boot/luggage compartment should be empty except for spare wheel, fire extinguisher, essential tools and first aid kit, (to comply with Health and Safety (First Aid) Regs 1981). The compartment should be clean and any covering free from major cuts, tears or other damage or staining.

All vehicles must have adequate leg and foot-room, shoulder-width and head-height. **The minimum leg room available to any passenger shall be 200mm. The measurement will be taken from the base of the seat to the rear of the seat in front when the front seat is at its full, rearwards extension. If this measurement cannot be achieved then 1500mm shall be allowed from the base of the rear seat to the front well. Where there is no seat in front the measurement shall be taken from the base of the seat to the nearest obstruction in front. The internal headroom from the seat cushions to the lowest part of the roof in a vertical line shall be a minimum of 920mm.**

The vehicle glass is to be kept clear of all obstructions

Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats. **If a seat has to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats , which are situated behind the front passenger seat.**

This will apply to all new and replacement vehicles licensed after this policy comes into force.

2. Alteration of Vehicle

No material alteration 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.

3. Identification Plate/Signs

The plates identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 one shall be securely fixed to the rear of the vehicle in a conspicuous position and in such manner as to be easily removable by an authorised officer of the Council or a constable, and a further plate should be fixed at the front of the vehicle in a conspicuous position.

In addition private hire vehicles shall display a sticker in a conspicuous position as approved by an authorised officer, stating that the vehicle must be pre booked and that any journey taken without there being a booking beforehand would render the insurance void, as the driver would not be complying with current legislation.

The proprietor may display signs advertising for the recruitment of drivers subject to the following conditions:-

- (a) maximum number of one advertisement in the vehicle at any one time
- (b) advertisement to be placed in rear side windows only
- (c) advertisement to be no larger than a normal postcard
- (c) advertisement to be of a standard acceptable to the Council.

Door signs supplied by Lancaster City Council must be affixed to the front doors of the vehicle. The proprietors own sign, notice or advertisement may be displayed on the top section of the rear doors of the vehicle only and shall not exceed 20 inches by 12 inches.

4. Interior Markings

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the licence number and the number of passengers prescribed in the licence.

5. Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, (to comply with Health and Safety(First Aid) Regs 1981), such equipment to be carried in such a position in the vehicle as to be readily accessible for immediate use in an emergency and a notice shall be displayed in the vehicle as to where they are kept.

Your attention is drawn to your liability if rendering first aid, the kit carried is to enable ONLY those trained in its use to render assistance to third parties. If the need for its use should arise it should only be used by a person who holds a current recognised first aid certificate. If a passenger

requested the equipment then it may be provided for self administration by the customer in the interest of customer care.

CCTVsurveillance systems to assist driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored/recorded. Any such equipment shall be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver/proprietors responsibility to comply with all aspects of the law regarding such surveillance equipment.

7. Change of Address

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

8. Convictions

The proprietor shall within seven days disclose to the Council in writing details of any conviction imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

10. Deposit of Drivers' Licences

If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle, he shall before that person commences to drive the vehicle cause the driver to deliver to him a copy of his/her private hire driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

11. Insurance

At all times, the Proprietor shall, during the currency of the licence, keep in force in relation to the user of the private hire vehicle a policy of insurance which cover third party liability both in respect of physical injury or death and in respect of damage to personal belongings. A copy of this certificate should be carried in the vehicle and made available for inspection by an authorised officer on request.

Notes for the Guidance of Applicants For Private Hire Operators Licences

Application forms for operators' licences can be obtained from the Town Hall, Dalton square, Lancaster or can be downloaded at www.lancaster.gov.uk.

An applicant who intends to operate private hire vehicles from premises must obtain any necessary planning permission before any licence can be issued.

An applicant wishing to operate a private hire vehicle from domestic premises will require planning permission from the authority's Regeneration and Policy Service before undertaking such an activity and before any licence can be issued.

Applicants for private hire operators' licences cannot use the same (or similar) name as any private hire firm currently operating within the district or any name previously used within the district and registered by the operator at Companies House.

An applicant who is not already a licensed driver with this authority will be subject to a Criminal Records Bureau Disclosure..

Spent Convictions:

Under the provisions of the Rehabilitation of Offenders Act 1974 you are not obliged to disclose any offences resulting in one of the sentences shown in the left-hand column below if the corresponding period in the right-hand column has elapsed. **(It should be noted however that spent convictions may be taken into account if they are considered relevant in determining whether an applicant is a fit and proper person to hold a private hire operators licence.)**

REHABILITATION PERIODS

Sentence	Rehabilitation period	Rehabilitation period
	Age 18 or over when convicted	Age 17 or under when convicted
Prison sentences of 6 months or less, including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution	7 years	3 and half years
Prison sentences of more than 6 months to 2 and half years, including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution	10 years	5 years
Borstal (abolished in 1983)	7 years	7 years
Detention Centres (abolished in 1988)	3 years	3 years
Fines (even if subsequently imprisoned for fine default), compensation, probation (for convictions on or after 3 February 1995), community service, combination, action plan, curfew, drug treatment and testing and reparation orders	5 years	2 and half years
Absolute discharge	6 months	6 months

With some sentences, the rehabilitation period varies:

Sentence	Rehabilitation Period
Conditional discharge or bind-over, probation (for convictions before 3 February 1995), supervision, care-orders	1 year or until the order expires (whichever is longer)

Attendance centre orders	1 year after the order expires
Hospital orders (with or without a restriction order)	5 years or 2 years after the order expires (whichever is longer)
Referral Order	Once the order expires

Sentences Excluded from Rehabilitation

Life imprisonment

Prevention Detention

Sentence of imprisonment or corrective training exceeding 30 months

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE OPERATORS' LICENCES

CONDITIONS OF LICENCE

1. Records

- (1) The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, the pages of which are numbered consecutively, **(an electronic version is acceptable)**, and the operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:-
 - (a) The time and date of the booking.
 - (b) The name and address of the hirer.
 - (c) How the booking was made (i.e. by telephone, personal call etc.).
 - (d) The time of pick-up.
 - (e) The point of pick-up.
 - (f) The destination.
 - (g) The time at which a driver was allocated to the booking.
 - (h) The registration number of the vehicle allocated for the booking.
 - (i) Remarks (including details of any sub-contract).

- (2) The operator shall also keep records of the particulars of all private hire vehicles operated by him. These particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.

- (3) All records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry.

2. Standard of Service

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

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

3. Change of Address

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

4. Convictions

The operator shall within seven days disclose to the Council in writing details of any conviction imposed on him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

5. Drivers

An operator must only use drivers and vehicles that hold the relevant licences issued by Lancaster City Council. Operators must keep a copy of all private hire drivers licences that are used by them. Operators must not sub contract work to drivers or use vehicles that are licensed outside of this district.

General Licence Conditions Applying To All Drivers, Proprietors and Operators

All drivers/operators/proprietors shall operate strictly within the terms of any licence issued, all relevant legislation and other conditions within this handbook, but these may not necessarily be exhaustive.

Any lapse in any licence will result in any application being treated as a new application and **not** renewal and full application requirements will have to be satisfied.

TRAILERS

No hackney carriage or private hire Vehicle may tow any trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to the Head of Legal and Human Resources.

The trailer must be securely attached to the vehicle by means of a tow-bar.

The trailer must be marked with the name and address of the manufacturer along with its gross weight. If the gross weight of the trailer exceeds 750kgs, it must be fitted with a braking system.

The trailer must be covered and have sufficient luggage capacity **to carry one piece of average sizes luggage (as defined above) for each passenger that the vehicle is licenced to carry**. No luggage should be carried on the cover of the trailer either by the fitting of a roof rack or similar.

Any luggage carried in the trailer must be protected against wind and rain penetration and be properly secured.

The trailer must be subject to an annual inspection carried out at the Vehicle Maintenance Unit, Morecambe

Rules Regulations and Procedures for Hackney Carriage and Private Hire Licensing

Summary of proposed changes following consultation with the trade

September 2010

Page number	Title/description	Proposed amendment	Reason
3	Notes for The Guidance of Applicants for Hackney Carriage and Private Hire Licences.	<p>Taken out the words :-</p> <p>(b) A full medical certificate in the prescribed form, issued by your own doctor (this will be required again on the 3rd annual renewal of your licence and every subsequent 3rd annual renewal, should the application be successful). Once a driver reaches the age of 65 he/she will be required to provide a full medical certificate annually.</p> <p>Inserted:-</p> <p>(b) A full medical certificate in the prescribed form, issued by a general practitioner on first application and every 3 years thereafter. Once a driver reaches the age of 65 he/she will be required to provide a full medical certificate annually.</p>	<p>Representation received that some driver's own doctors don't do medical certificates.</p>
9	Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages.	<p>Inserted the wording:-</p> <p>"The Council acknowledges that at certain times during weekends and bank holidays whilst the office is closed it will not be possible to comply with b above. In these instances the property should be delivered to the office of the Council on the next working day after the closure."</p>	<p>Representation received that drivers cannot always comply with the Byelaw during office closures.</p>
11	Use of taxi metres and table of fares	<p>Inserted:-</p> <p>The driver may at his/her discretion require the payment of an agreed sum in advance of the journey. A receipt will be given and the amount will be</p>	<p>Representation received as part of fare change proposal. Fares remained the same, so carried this forward to this document.</p>

		set against the metered fare.			To make it compatible with the same section for private hire drivers.
13	Production of Driving Licence	Removed:- “The licensee shall, within forty eight hours of receiving written notice requiring him to do so, produce to the Licensing office his current DVLA Driving Licence for inspection.” Inserted:- “The licensee shall, within 7 days of receiving written notice requiring him to do so, produce to the Licensing office his current DVLA Driving Licence for inspection”			
15	Deposit of Licence	Inserted the words :- “a copy of his private hire drivers”			Clarity
17	Notes for the Guidance of Applicants For Hackney Carriage & Private Hire Vehicle Licences	Removed:- “Vehicles for which Hackney Carriage/Private Hire licences are applied for must be under 5 years of age from date of first registration and on attaining 10 years of age from date of first registration, will cease to be licensed by this authority and will no longer be able to function as licensed Hackney Carriages/Private Hire vehicles within the Lancaster City. Exceptions to the 10 years age limit may be made in the case of certain vehicles, i.e. limousines, such as Rolls Royce, Bentley etc. Applications for such exceptions must be made in writing to the Licensing Manager.”			Representation received regarding age limits. DFT Best Practice Guidance states :- “Age Limits. It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.” Whilst this is purely Guidance, the legislation states that a vehicle licence

			<p>must be granted if the vehicle is suitable mechanically. Age is not always an indicator of fitness.</p>
18	Specification and Maintenance of Vehicle	<p>Deleted:- “The vehicle engine capacity shall be not less than 1600cc”</p>	<p>Representation received that modern vehicles with small engines can perform as well as some older vehicles with larger engines.</p>
17/18	Vehicle Testing	<p>Removed:- Vehicle Testing An MOT pass certificate must be produced for all vehicles that are over one year old. Subsequent MOT pass certificates must be produced annually. In addition to the MOT testing, the vehicle must also be mechanically tested and inspected by the Council's nominated garage. This process is referred to as “the Engineer’s Report” or “Certificate of Compliance”. When required to produce an MOT pass certificate, an Engineer’s Report pass certificate must also be produced. The licence of any vehicle which fails its inspection requirements will be automatically suspended until such time as the vehicle has been re-examined and the necessary pass certificates obtained. When a car already licensed by this authority reaches 4 years of age it will be required to pass an authority vehicle examination twice yearly until it reaches the 10 year age limit. Any vehicle over the age of 4 years will only be issued with a 6 month plate. A vehicle licence will not be issued beyond the date at which the vehicle becomes 10 years old. In the case of London type cabs, the upper age limit shall be 15 years old with replacement vehicles being less than 6 years old Inserted:- Vehicle Testing Before a licence can be issued the vehicle must be mechanically tested and inspected by the Council's nominated garage. This process is referred to as “the Engineer’s Report” or “Certificate of Compliance”.</p>	<p>Representations were received about the proposed changes to the vehicle testing procedure. Having taken them all into account the licensing manager has decided to propose that the vehicle testing remains as it is now. A section has been inserted requiring type approval for all vehicles that have been modified since manufacture, this is on the grounds of public safety.</p>

		<p>The licence of any vehicle which fails its inspection requirements will be automatically suspended until such time as the vehicle has been re-examined and the necessary pass certificates obtained.</p> <p>When a car already licensed by this authority reaches 2 years of age it will be required to pass an authority vehicle examination test twice yearly. Any vehicle over the age of 2 years will only be issued with a 6 month plate.</p> <p>Vehicles cannot be licensed for both public hire (hackney) and private hire.</p> <p>Vehicles which are licensed by another local authority will not be licensed by this (Lancaster City Council) authority.</p> <p>Applicants for private hire vehicle licences, who intend to operate independently, must obtain a private hire operator's licence, and any necessary planning permission from the authority's Regeneration and Policy Service, before such vehicle licence can be issued.</p> <p>All vehicles shall have an appropriate "Type Approval" which is either a European Community Whole Vehicle type approval (ECWVTA) or UK Low Volume Type Approval (UKLVTA) Vehicles shall not have been altered since that approval was granted. A Single Vehicle Type approval (SVA) may be accepted for wheelchair accessible vehicles. On 29th April 2009 the SVA was replaced by Individual Vehicle Approval (IVA). Vehicles presented for licensing, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof</p>	<p>A representation was received from a member of the trade requiring clarification of the term 'adequate leg room'</p>
<p>19</p>	<p>Specification and Maintenance of Vehicle</p>	<p>More information has been added to the paragraph on minimum leg room as follows:-</p> <p>" The minimum leg room available to any passenger shall be 200mm. The measurement will be taken from the base of the seat to the rear of the seat in front when the front seat is at its full, rearwards extension. If this measurement cannot be achieved then 1500mm shall be allowed from the base of the rear seat to the front well. Where there is no seat in front the measurement shall be taken from the base of the seat to the nearest obstruction in front. The internal headroom from the seat cushions to the lowest part of the roof in a vertical line shall be a minimum of 920mm."</p>	

19	Specification and Maintenance of Vehicle	Added:- “ . If a seat has to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats which are situated behind the front passenger seat.”	clarification
19	Specification and Maintenance of Vehicle	Deleted:- “Vehicles should be capable of carrying one piece of luggage per passenger” Inserted:- “Hackney carriage vehicles should be capable of carrying one average size piece of luggage per passenger. For the purpose of these conditions, average size luggage is deemed to be H48cm, W71cm,D19cm.”	Representation from a member of the trade stating that the wording should be more prescriptive. This is only required in hackney carriage vehicles, as they should be able to pick up from a rank or station etc. whereas a private hire vehicle is pre booked, and the operator would be able to state whether or not a suitable vehicle is available.
20/21	Safety Equipment	Inserted:- "CCTV surveillance systems to assist driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored/recorded. Any such equipment shall be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver/proprietors responsibility to comply with all aspects of the law regarding such surveillance equipment."	Representation received from a member of the trade. Public and driver safety. The onus would be on the driver/proprietor to comply with all legislation in relation to CCTV.
22	Deposit of Drivers Licence	Inserted:- 9. Deposit of Drivers' Licences “If the proprietor permits or employs any other person to drive the vehicle, he/she shall before that person commences to drive the vehicle cause the driver to deliver to him a copy of his/her hackney carriage driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.”	To protect the proprietor from liability for allowing an unlicensed person to drive his/her hackney carriage vehicle. Protection of the public.

22	Tinted Glass	Removed the paragraph:- Tinted Glass is not permitted except light tints and sun strips to help ensure public safety.	Taken into consideration the DFT Best Practice Guidance.
23	Specification and Maintenance of Vehicle	Deleted:- "The vehicle engine capacity shall be not less than 1600cc"	Representation received that modern vehicles with small engines can perform as well as some older vehicles with larger engines.
24	Local Government (Miscellaneous Provisions) Act 1976 Private Hire Vehicle Licences – Conditions of Licence- Specification and Maintenance of Vehicle.	Added:- "The minimum leg room available to any passenger shall be 200mm. The measurement will be taken from the base of the seat to the rear of the seat in front when the front seat is at its full, rearwards extension. If this measurement cannot be achieved then 1500mm shall be allowed from the base of the rear seat to the front well. Where there is no seat in front the measurement shall be taken from the base of the seat to the nearest obstruction in front. The internal headroom from the seat cushions to the lowest part of the roof in a vertical line shall be a minimum of 920mm"	Representation received from the trade who wanted this section to be more prescriptive.
24	As above	Added:- "If a seat has to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats , which are situated behind the front passenger seat."	Clarification
26	Safety Equipment - CCTV	Inserted section:- "CCTV surveillance systems to assist driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored/recorded. Any such equipment shall be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver/proprietors responsibility to comply with all aspects of the law regarding such surveillance equipment."	Representation received from a member of the trade. Public and driver safety. The onus would be on the driver/proprietor to comply with all legislation in relation to CCTV.
28	Local Government (Miscellaneous	Inserted the words:-	Representations from members of the trade who

30	Provisions) Act 1976 Private Hire Operators Licence – Conditions on Licence Trailers	“an electronic version is acceptable”	needed clarification on the term ‘suitable book’
	Inserted:-	“to carry one piece of average sizes luggage (as defined above) for each passenger that the vehicle is licensed to carry.”	Representation from a member of the trade requiring clarification of the term ‘sufficient luggage capacity’

From: Michael Waring [REDACTED]
Sent: 20 July 2010 12:30
To: licensing
Subject: Taxi Enquiry-Luggage space. FROM MICHAEL WARING H.V.270

Dear Sir/Madam,

Please could you clarify whether a Hackney carriage needs to provide adequate luggage space for the number of passengers it is licensed to carry as I understand that it does? If so please could you tell me what loopholes owners are using to get away with not providing adequate luggage space?

I ask this question following an embarrassing incident that has just happened on the railway station.

20/07/10.
10.00 AM.

I have just dropped a passenger off at county side when as the passenger was paying me a man asked me if I could do six up to the uni. I noticed they all had suit cases or rucksacks, I looked over to the line of waiting taxis and none of them were multi-seaters, so I invited the party to get in the taxi. As I got out to open the tailgate to put the luggage in, a taxi driver from a blue Doblo shouted over that he was a 6 and he could take them as he was in line proper on the rank. I apologised for my error and then had to ask the passengers to get out of my taxi and direct them to the blue Doblo. I was asked by one of the men whether they would all fit in there as they had a lot of luggage, to which I replied that he was the next multi-seater in line for a job.

I then left the station feeling rather embarrassed for the passengers squeezing themselves into a nothing more than a sardine can, luggage on their knees, as there's no boot space as it's taken up by seats to make it a six-seater.

Lancaster railway station is the first experience that many travellers have of the city of Lancaster and to be squeezed into a taxi with no luggage space in my opinion does not do the city proud at all. **I would also like to state that there was no malice from the other driver and he understood my mistake in thinking he was not a multi-seater.**

_THANK YOU VERY MUCH AND I AWAIT YOUR RESPONSE.

M.WARING.

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UK businesses use up 2 million tonnes of paper each year. Think before you print this email - do you really need to? Thank you.

An Investor in People/Positive about Disabled People.

DISCLAIMER:

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Peck, Wendy

From: Michael Waring [REDACTED]
Sent: 20 July 2010 14:43
To: Peck, Wendy
Subject: RE: Taxi Enquiry-Lugage space. FROM MICHAEL WARING H.V.270

Dear Wendy, thank you for responding so quickly to my enquiry. I am more than happy for you to present today's incident to the LRC, when you next meet. Glad to have been of assistance.

Regards
Michael Waring.

Subject: RE: Taxi Enquiry-Lugage space. FROM MICHAEL WARING H.V.270
Date: Tue, 20 Jul 2010 13:55:56 +0100
From: wpeck@lancaster.gov.uk
To: [REDACTED]

Thanks for this enquiry, as it is very relevant. I have included in the new Rules and Regs document, that has just been out for consultation, that vehicles must be able to carry one piece of luggage per passenger it is plated for. This is to overcome this ridiculous problem in Lancaster, whereby extra seats are being crammed into what should be luggage space. This proposal of mine has met with some opposition from certain members of the trade and a certain vehicle supplier. The document will be going back before the committee in September for finalisation. There is a Byelaw that states a hackney carriage should be able to carry a reasonable amount of luggage, however it doesn't specify what is reasonable. Most reasonably minded people would not need to be given exact figures and measurements, however it appears that many in the trade do require us to be more prescriptive. I am not happy with the situation as it stands at the moment and I am doing everything that I can to rectify it. I would be grateful if you would permit me to use your correspondence, when presenting this back to the LRC, as you are quite right when you say that a lot of visitors first impression of Lancaster could be a very negative one of being squeezed into a 4 seater taxi with 2 extra seats crammed into the 'boot'. I think we can both agree that it would be good to present our Taxis and our drivers as a professional service, and something that we can be proud of and not embarrassed by.

Kind Regards

Wendy

LICENSING REGULATORY COMMITTEE**Introduction of Livery for Hackney Carriage Vehicles
2nd September 2010****Report of Licensing Manager****PURPOSE OF REPORT**

To seek Members' approval for the introduction of a livery for Hackney Carriage vehicles.

This report is public.

RECOMMENDATIONS

Members are requested to consider the results of the consultation exercise into the introduction of livery for Hackney Carriage vehicles that has taken place with members of the taxi trade and are recommended to approve the introduction of a licence condition that all new and replacement hackney carriages be a specified colour, and a consequential licence condition that no new or replacement private hire vehicle shall be that colour, with immediate effect, save that an exception be permitted where a proprietor demonstrates that the vehicle was ordered before the 6th September 2010.

1.0 Report

1.1 Members will recall that at the Licensing Regulatory Committee meeting on 10th June 2010 the Licensing Manager asked for their approval to carry out a consultation with members of the trade about the introduction of a livery for hackney carriage vehicles.

2.0 Consultation Responses

2.1 As a result of consultation with all members of the trade, 5 representations were received, 3 of which are objecting to the introduction of livery, and 2 have made recommendations should livery be introduced. Representations are attached at Appendix 1. The main points of the representations are as set out below.

2.2 One member of the trade has suggested that if livery is introduced, all hackney carriages should be Euro Cabs or the purpose built London Type Cabs. Whilst this is an option that could be considered by members, consideration should be taken with regards to the cost of these vehicles, approximately £25,000, as this would place a considerable financial burden on proprietors.

2.3 Another member of the trade has suggested that the colour silver should be used for livery. However as silver is such a common colour for vehicles, officers do not think

that this would be easily distinguished from many other private vehicles. Additionally an objection was received from a private hire proprietor, whose company name is Silver Taxis, and for obvious reasons would not be happy for the colour silver to be used as a livery for hackney carriage vehicles.

2.4 One member of the trade has expressed concerns that if all hackney carriages were the same colour, any member of the public who had the need to make a complaint about a particular vehicle would have difficulty in identifying the vehicle for the purpose of the complaint. The proprietor has suggested that members of the public only remember which vehicle they have travelled in based on colour. In the experience of the licensing department this is not the case, as it would be extremely difficult for any authority to resolve a complaint based on such a small amount of information. This theory would, however, in the licensing officers' opinion, require each vehicle in our current fleet of hackney carriages (109) to be a different colour. For members' information, this representation was received after the close of the consultation period, however officers would request that it is considered by the committee.

2.5 Members of the trade expressed concern that specifying a colour for hackney carriages would result in a premium having to be paid for that particular colour, which could mean proprietors sourcing vehicles from outside of the district. They state that this could have a detrimental effect on local suppliers. There is no evidence to back up this theory from other areas that do have livery. Further if local dealers decide to charge a premium for any colour selected for hackney carriage livery, which then results in a loss of trade for themselves, it would be a bad business decision on their part and any subsequent loss of sales would be caused by their own actions. Public safety is the main consideration of the licensing authority.

3.0 Proposal

3.1 Members are asked to consider the proposal for a livery in the light of the consultation responses received.

3.2 Over recent months there have been several complaints from hackney carriage proprietors that private hire vehicles currently licensed by this authority can not be distinguished from hackney carriage vehicles. Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 (The Act) states that :-

“a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle a licence to use the vehicle as a private hire vehicle grant in respect thereof a vehicle licence: Provided that a district council shall not grant such a licence unless they are satisfied – that the vehicle is not of any such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;”

3.3 Private hire vehicles licensed by this authority have door signs which state that the vehicle must be pre- booked and do not have a roof sign, as hackney carriage vehicles do. However, livery would help to distinguish hackney carriage vehicles from private hire vehicles further, and improve safety for members of the public using taxis as well as assisting with enforcement issues. For these reasons, officers would recommend the introduction of livery.

3.4 In areas where livery has been introduced the industry has been enhanced, as the chosen colour becomes synonymous with the word 'Taxi' within that area. Members of the public, will quite clearly see any 'Taxi' approaching, and will therefore become

aware of who can and who cannot be ‘flagged down’ safely. The aim of this authority when carrying out its private hire and hackney carriage licensing functions is to protect the public.

- 3.5 Section 47 of the Act provides that “...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”
- 3.6 The proposal therefore would be to use Section 47 to require that any new or replacement hackney carriage must comply with the approved livery, and to use Section 48 to require that any new or replacement private hire vehicle must not be the same colour as the chosen hackney carriage livery. Whilst this would take immediate effect, exceptions would be permitted where a proprietor is able to demonstrate that a vehicle was ordered before the 6th September 2010. Clearly there will be a transitional period during which some existing private hire vehicles will be the same colour as the hackney carriage livery, but this is inevitable.
- 3.7 If members are minded to approve the introduction of livery, officers would like to recommend that the chosen colour be white, as it is widely available, does not come in as many variety of shades as many other colours do, and should not place any additional financial burden on proprietors.

4.0 Conclusion

Officers believe that if the proposed recommendations are approved, they would improve public safety, and assist with enforcement.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) The introduction of livery would contribute to – developing and strengthening Lancaster’s economy and promoting the well being of Lancaster’s Communities. The additional recommendations will improve public safety, failure to continually improve safety could leave the Council open to criticism. The proposed policy does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation.	
FINANCIAL IMPLICATIONS There are no financial implications arising from this report.	
LEGAL IMPLICATIONS The legal implications are set out in the report. There is a right of appeal to the Magistrates’ Court against a condition imposed in a hackney carriage or private hire vehicle licence.	
BACKGROUND PAPERS None.	Contact Officer: Wendy Peck Telephone: 01524 582317

	<p>E-mail: wpeck@lancaster.gov.uk Ref: WP</p>
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From: Andy Kay [REDACTED]
Sent: 17 July 2010 12:10
To: licensing
Cc: Johnson, Anthony; Whitelegg, John; Cullinan, Mark; Wade, Anthony; Greenall, Michael; Brown, Kenneth; Coates, Christopher; Day, John; Denwood, Sheila; Forrest, Melanie; Redfern, Robert
Subject: Taxi Newsletter

Hi All

Firstly could I raise the issue of livery. I strongly object to any change from the current position. I believe that any specific colour will result in a premium having to be paid for vehicles that colour and will therefore mean drivers sourcing vehicles from garages outside the licensing area. This will have a detrimental effect on local vehicle suppliers and is not in the local interest. The standardised front door stickers (The current ones are a different shape as well as a different colour were presented to the trade as a standardised livery that would lead to permission to use bus lanes. This did not happen) are perfectly fine and I see no need to heap further expense on a trade that is already suffering from the economic downturn. This proposal is clearly made by somebody that has no understanding of the financial impact it will have not only to the trade but to other local businesses.

Regards the claim that 6 month licenses have been well received I have to say I have not encountered such a reception. Indeed it seems to the members of the trade I have spoken to and myself yet another case of meaningless and unnecessary administration. Much as the 12 month badges which seems completely redundant and ridiculous when CRB checks and medicals are only needed every 3 years. Why make change for the sake of change?

The current door stickers are fine and clearly distinguishable from each other by both colour and shape. Having seen the new ones the same cannot be said and they would seem to be a backwards step. Having also seen the new plates with an expiry date I do not see the need for the additional work and expense. If the department didn't overburden itself with unnecessary administration surely managing a database would not present a problem thus making the changes futile!

04/08/2010

The reporting of the issue raised with regard to the Kentucky rank has as I expected it to be selective to show that the Licensing manager has got her way without providing full and accurate reporting of what was actually said!

The Lancaster and Morecambe Taxi Safety leaflets need withdrawing immediately as they are inaccurately written. They refer to Private Hire booking offices as Taxi Ranks. This is misleading to the public. If any clarification is needed as to what the difference is between a "Taxi Rank" and a booking office I will be more than happy to help. I would however like to insist that the misleading document is withdrawn with immediate effect.

Regards the frequently asked questions section. It would seem the trade is better informed than the licensing manager who recently told a member of the trade it was okay to carry 5 passengers in a vehicle plated for 4. Who is informing who?

Kind Regards



Andy Kay



Peck, Wendy

From: Andy Kay [REDACTED]
Sent: 19 July 2010 14:13
To: 'Andy Kay'; licensing
Cc: Johnson, Anthony; Whitelegg, John; Cullinan, Mark; Wade, Anthony; Greenall, Michael; Brown, Kenneth; Coates, Christopher; Day, John; Denwood, Sheila; Forrest, Melanie; Redfern, Robert
Subject: Taxi Newsletter

Hi All

Sorry if you are fed up with my feedback but this weekend has revealed yet another perspective of the "livery" issue. Whilst taking time to discuss the issue with colleagues there was a very valid point made to me which would give cause for concern. I have listened to the licensing managers thoughts regards livery and the initial idea seemed quite plausible even though I have my concerns but in light of this weekend I would strongly urge that the matter is forgotten without further consideration. One of my colleagues approached me this weekend and said he was worried drivers would no longer be as accountable as they are currently. He said that unlike people within the trade member of the public don't recognise or remember plate numbers or even vehicle manufacturers if they have problems with a taxi. The first thing they remember, and I have also confirmed this with the office staff at 848848 taxis, is the colour of the vehicle. Particularly with regards to hackney carriages as they pick up jobs from ranks so there are no records of these journeys. If anybody has a complaint or has left something in the taxi they will say what they have left and when and when asked to provide a description of the vehicle they will invariably say something of the order of "It was a blue one" or "It was a red one". If we restrict the hackney carriages to one or two colours it would seem inevitable that we are reducing the likelihood of ever ascertaining which vehicle the problem was with thus reducing the effectiveness with which any complaints may be dealt with. In fact I would have thought it more safety conscious to allow advertising over the full vehicles as occurs in other towns. I have seen professionally branded taxis that are clearly identifiable as taxis and also identifiable individually whilst also providing the proprietors with and additional income!

Kind Regards

[REDACTED]

Andy Kay
[REDACTED]
[REDACTED]

19/07/2010

The second part of your Proposal to have Hackneys all one colour and private hire another

This will mean owners are limited as to what type of vehicle they can run on replacement as to what is available in the chosen colour. Or go to more expenses and have it re sprayed as most manufactures colours differ in shade this would mean the ranks would be full of cars in different shades of the same colour also in some case the public when requiring a taxi would still try to flag a private hire down by the cars colour also irrespectively if it was a taxi or not.

Yours faithfully

A large black rectangular redaction box covering the signature of A M Kellett.

A M Kellett

Tony Mawson

1. Badges every 3 years to run alongside medical CBR.
2. P.H vehicles to have same access to bus lanes as hackneys making it fair for the customer and the drivers.
3. If all hackney carriages are to be the same I suggest the Euro Cab or the London style taxi cab.
4. Hackney ranks to be numbered so drivers know how many cars are to be parked there
5. Capping of P.H vehicles as there are too many. If this isn't possible isn't it time to look at deregulation? To stop influx of hackneys you must have held a P.H plate for a period of so many years.

Peck, Wendy

From: WILLIAM RILEY [REDACTED]

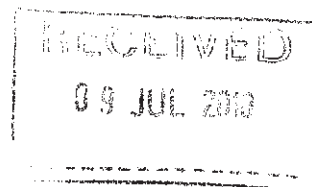
Sent: 05 July 2010 21:07

To: Peck, Wendy

Cc: licensing; keith raby

Subject: consultation

regarding the second part of letter; I propose the colour to be bright silver in a narrow range of shades. The colour would be shown as silver on a range of manufacturers cars. The colour has a number as the colour shade goes from light to dark. If a narrow range of shades were allowed it would avoid respraying. There was a council which had pillar box red. The sample was sprayed on to a metal sheet; over time the effect of sunshine altered the sample and vehicles were failed. Additional markings, such as a canary yellow stripe could be added by the sign companies which do the taxi signage.



SILVER TAXIS

[REDACTED]

2 July 2010.

Wendy Peck
Licensing Manager
Lancaster City Council
Dalton Square
Lancaster
LA1 1PJ

Consultation: Livery for hackney carriage vehicles.

Dear Ms Peck

Thank you for your letter concerning the consultation about the proposed introduction of a defined livery for hackney carriage vehicles in this area.

May I object to the proposal as follows:

- It is difficult to imagine how customer safety would be enhanced.
- To further differentiate between two almost identical services that charge the same rates seems perverse.

Main objection.

My taxi company is called 'Silver Taxis'. If the silver colour of my vehicles in the future was no longer allowed due to the proposed rule change, this would put me at a serious commercial disadvantage as this is an obvious part of my branding.

This restraint of my trade would be viewed as controversial and protectionist. I expect that the Competition Act of 1998 is applicable.

Page 2

I hope that if silver colour is not allowed to be used by 'Private Hire' vehicles in this area an exception can be made for my company operating in the Silverdale area.

May I ask that these concerns are put before the Licensing Regulatory Committee for their consideration.

Regards

A large black rectangular redaction box covering the signature of Peter Vreede.

Peter Vreede.
Proprietor.

Two horizontal black redaction bars covering contact information, likely a phone number and an email address.

Subject

"introduction of livery for hackney carriage vehicles, and allow this to be included in any consultation process. Livery helps to distinguish hackney carriage vehicles, and improve safety for members of the public using taxis as well as assisting with enforcement issues. If approved livery would be phased in over a rolling period and would only apply to new and replacement vehicles. Private hire vehicles would not be permitted to be licensed if they were the same colour as any chosen colour for hackney carriage vehicles.

Contact:
Telephone: (01524) 582317
Fax: (01524) 582030
Minicom: (01524) 582175
E-mail: wpeck@lancaster.gov.uk
Website: www.lancaster.gov.uk
Our Ref: WP
Your Ref:

Mr P Vreede


Legal & Human Resources

Town Hall
Dalton Square
LANCASTER LA1 1PJ

DX63531 Lancaster

04th August 2010

Dear Mr Vreede

Re- Consultation on Livery for hackney carriage vehicles

Thank you for taking time to respond to the above consultation. I will be taking your comments, along with a report to a meeting of the Licensing Regulatory Committee on the 2nd September 2010.

I am writing to you at this time, however to address the concerns that you have raised in your letter. The colour silver has not been chosen as the preferred colour for hackney carriage livery, and taking into account the fact that it would have an adverse effect on your business, that colour will obviously be ruled out. You have an established business that uses the colour silver both in your company name, and I presume as a colour for your vehicles, and this authority would not wish to put you at any commercial disadvantage at all.

In your letter you state that you object as "to further differentiate between two almost identical services that charge the same rates seems perverse.", however the legislation states that a private hire vehicle must not resemble a hackney carriage vehicle, at the moment that clearly is the case.

Customer safety would be enhanced as members of the public would be less likely to flag down a private hire vehicle, when they become aware that Taxi's are blue, yellow or whatever colour may be adopted should the proposal be accepted. As you will be aware if a private hire driver accepts a fare that has not been pre booked he will not only be committing an offence under the licensing legislation, but his insurance will also be invalid. In addition hackney carriages that have a clear distinguishable livery, will aid in preventing bogus vehicles coming in from other districts, and unlicensed vehicles. Livery also acts as an aid for enforcement officers and the police.

I hope that I have gone some way to address any concerns that you may have, however if you want clarification on the contents of this letter, or you feel that you wish to discuss this matter further, please do not hesitate to contact me.

Yours faithfully

Wendy Peck, Cert HELL, MlOl
Licensing Manager

Mrs. Sarah Taylor
Head of Legal & Human Resources

LICENSING REGULATORY COMMITTEE**Adoption of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009****2nd September 2010****Report of the Licensing Manager****PURPOSE OF REPORT**

To inform Members of amendments to the Local Government (Miscellaneous Provisions) Act 1982 with regard to the licensing of sex establishments, introduced by the Policing and Crime Act 2009, and to enable the Committee to make recommendations to Council to make the appropriate resolution to apply the new provisions in the district.

This report is public

RECOMMENDATION

- (1) That Council be recommended to resolve under Section 2(1) of the Local Government (Miscellaneous Provisions) Act 1982 that Schedule 3 to that Act as amended by Section 27 of the Policing and Crime Act 2009 is to apply to the area of the Council from the 1st November 2010, and that the Head of Legal and Human Resources be authorised to arrange for the publication of notices as required by Section 2(2) of the 1982 Act.

1.0 Background

- 1.1 Members may be aware that in September 2008 the then Home Secretary announced the Government's intention to give local people greater say over the number and location of lap dancing clubs in their area. This followed consultation with Local Authorities which highlighted concerns that existing legislation did not give communities sufficient powers to control where lap dancing clubs were established.
- 1.2 In an attempt to address these concerns, Section 27 of the Policing and Crime Act 2009 (the 2009 Act) reclassifies lap dancing clubs and similar establishments into a new category of Sex Establishment called a 'Sexual Entertainment Venue' (SEV) and gives Local Authorities in England and Wales the power to regulate such venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act). For Members' information, Schedule 3 of the 1982 Act refers to the licensing of 'Sex Establishments', i.e. sex shops and sex cinemas, and has been amended to include paragraph 2A which defines a SEV and 'relevant entertainment'.
- 1.3 A SEV is defined as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer." Whereas the meaning of 'relevant entertainment' is given as "any live performance or

live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).”

1.4 Both definitions aim to provide a pragmatic interpretation and therefore an audience can consist of just one person. Whilst the determination of each case will be judged on its merits, it is expected that the definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows

1.5 As this list is only indicative, ultimately, decisions as to whether to license premises as SEVs shall depend on the content of the entertainment provided and not the name it is given. Furthermore, a ‘premises’ will include any vessel, vehicle or stall but does not include a private dwelling to which the public are not admitted.

1.6 Paragraph 2A also defines those premises that would not be classed as SEVs, namely:

sex shops and sex cinemas (which are separately defined in Schedule 3 to the 1982 Act);

- premises which provide relevant entertainment on an infrequent basis. These are defined as premises where:
 - a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) no such occasion has lasted longer than 24 hours.
- other premises or types of performances or displays exempted by an order of the Secretary of State.

1.7 The new powers also amend the Licensing Act 2003 (the 2003 Act) to ensure that premises for which an SEV licence is required, or held, do not also require a Premises Licence, Club Premises Certificate or Temporary Events Notice in order to provide relevant entertainment. This is because such entertainment is expressly excluded from the definition of ‘regulated entertainment’ found in the 2003 Act. However, if the premises also provide other licensable activities (e.g. the sale/supply of alcohol or the provision of regulated entertainment that is not relevant entertainment), they will nevertheless continue to require the relevant authorisation under the 2003 Act.

1.8 Because the new licensing arrangements are to be dealt with under the Local Government (Miscellaneous Provisions) Act 1982 rather than the Licensing Act 2003, they would fall within the remit of this Committee rather than the Licensing Act Committee.

2.0 Current Position

- 2.1 As with the powers to license sex cinemas and sex shops under the original provisions of Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, these powers are not mandatory and will only apply where they are adopted. This Council resolved on the 3rd November 1982 that the provisions of the original Schedule 3 should apply with effect from the 1st January 1983. In order to apply the new provisions introduced by Section 27 of the 2009, as set out above, it is necessary for the Council to make a further resolution under Section 2 of the 1982 Act.
- 2.2 This new legislation took effect on 6th April 2010 in England and can be adopted from that time. The adoption of these new measures does not give such premises an automatic entitlement to operate within the area; rather it provides the Council with the means by which applications for such premises can be properly determined. Furthermore, it would provide the Council with the means to refuse an application on potentially wider grounds than is permitted under the 2003 Act and will give local people a greater say over the regulation of lap dancing clubs and similar venues in the Lancaster City Council district.
- 2.3 Conversely, if the Council decides not to adopt the new powers to regulate SEVs, such premises can operate without licence and without appropriate controls.
- 2.4 It should be noted that if the Council has not adopted the new legislation by the 6th April 2011, Section 27 of the 2009 Act places an obligation on the Council to undertake a public consultation exercise to ascertain whether it should do so.

3.0 Procedure

- 3.1 The procedure to adopt the new provisions is set out in Section 2 of the 1982 Act. Firstly, the Council must pass a resolution that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the 2009 Act, is to apply its area. The resolution must specify the day on which it shall come into force. The specified day must be more than one month after the day on which the resolution was passed.
- 3.2 The Council must then publish a Notice that it has passed the resolution for two consecutive weeks in a local newspaper. The first publication must not be later than 28 days before the day specified in the resolution for the provisions to come into force. The Notice should state the general effect of the resolution. On the basis that the Committee recommends Council to make the appropriate resolution, this could be considered by Council at its meeting on the 15th September 2010, and the resolution could be effective from the 1st November 2010.

4.0 Fees

Schedule 3 to the 1982 Act states that an applicant for the grant, renewal, variation or transfer of a Sex Establishment licence shall pay a reasonable fee determined by the appropriate authorities. The fee for the grant of a Sex Establishment licence is currently £5125.00 for an initial grant and then £2500 for renewal. If the appropriate resolution is passed by Council, recommendations will be brought to this Committee for an appropriate licence fee for an SEV licence.

5.0 Overview of the licensing process

The process by which Sex Establishments are licensed remains unchanged, as Section 27 of the 2009 Act only amends the definition of a Sex Establishment to include SEV's rather than to create a new licensing regime. Accordingly, an applicant for a Sex Establishment licence must submit the

application to the Council, including the prescribed fee, and advertise the application in the local press and on the premises. After the statutory 28 days whether objections are received or not the application would be determined by a hearing of the Licensing Regulatory Committee, which would resolve either to grant the licence (with additional conditions if necessary) or refuse the application on one or more of the grounds contained in the 1982 Act.

6.0 Conclusion

- 6.1 As detailed above, the Council must pass a resolution if it wishes to adopt these new provisions. The resolution must be made under Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 stating that Schedule 3 as amended by Section 27 of the Policing and Crime Act 2009 has been adopted and shall apply to the Council's area.
- 6.2 The resolution must be made by full Council, and the Committee is therefore asked to recommend Council to make such a resolution and authorise the Head of Legal Services and Human Resources to publish the appropriate statutory Notice.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>None.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>The cost of the statutory notices can be met from the corporate advertising budget</p> <p>Any costs associated with Licensing Enforcement officers' work involved in monitoring licensed premises will be met from within existing resources.</p>	
<p>LEGAL IMPLICATIONS</p> <p>The report has been prepared on behalf of the Head of Legal and Human Resources.</p>	
<p>BACKGROUND PAPERS</p> <p>None</p>	<p>Contact Officer: Ms W Peck Telephone: 01524 582317 E-mail: wpeck@lancaster.gov.uk Ref: WP</p>