

LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

**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

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