



**Committee:** LICENSING COMMITTEE  
**Date:** THURSDAY, 6 JANUARY 2022  
**Venue:** MORECAMBE TOWN HALL  
**Time:** 1.00 P.M.

## A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of meeting held on 18<sup>th</sup> November 2021 (previously circulated).

3. **Items of Urgent Business authorised by the Chair**

4. **Declarations of Interest**

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Exclusion of the Press and Public

5. **Exempt Item**

The Committee is recommended to pass the following recommendation in relation to the following items:

"That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the ground that they could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act."

Councillors are reminded that, whilst the following items have been marked as exempt, it is for the Committee to decide whether or not to consider them in private or in public. In making the decision, Councillors should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the

exemption outweighs the public interest in disclosing the information. In considering their discretion, Councillors should also be mindful of the advice of Council officers.

6. **Existing dual hackney carriage and private hire drivers licence** (Pages 4 - 9)

Report of the Licensing Manager

7. **Existing Dual Drivers Licence Holder** (Pages 10 - 25)

Report of the Licensing Manager

**Note:** Item deferred from meeting of the 18<sup>th</sup> November 2021.

8. **Urgent Business Report - Decision taken in respect of a review of a Dual Drivers Licence** (Pages 26 - 40)

Report of the Licensing Manager

The press and public will be readmitted to the meeting at this point.

9. **Taxi Licensing Policy - Final Draft** (Pages 41 - 226)

Report of the Licensing Manager

10. **Hackney Carriage Fare Review** (Pages 227 - 233)

Report of the Licensing Manager

*This report was marked 'to follow' and was published on 5<sup>th</sup> January 2022.*

## **ADMINISTRATIVE ARRANGEMENTS**

**(i) Membership**

Councillors Colin Hartley (Chair), Mel Guilding (Vice-Chair), Paul Anderton, Mandy Bannon, Gerry Blaikie, Roger Dennison, Merv Evans, Joan Jackson, Abi Mills and Jean Parr

**(ii) Queries regarding this Agenda**

Please contact Sarah Moorghen, Democratic Services - email [smoorghen@lancaster.gov.uk](mailto:smoorghen@lancaster.gov.uk).

**(iii) Changes to Membership, or apologies**

Please contact Democratic Support, telephone 582170, or alternatively email [democracy@lancaster.gov.uk](mailto:democracy@lancaster.gov.uk).

KIERAN KEANE,  
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Published on 23 December 2021.

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**LICENSING COMMITTEE****Hackney Carriage and Private Hire Licensing Policy –  
FINAL DRAFT****6 January 2022****Report of Licensing Manager****PURPOSE OF REPORT**

To provide the Licensing Committee with the final draft of the Hackney Carriage and Private Hire Licensing Policy for approval.

**The report is public**

**RECOMMENDATIONS**

- (1) **That the Committee members consider the contents of the Hackney Carriage and Private Hire Licensing Policy, final draft for approval.**
- (2) **That the Licensing Manager prepares a report for full council, with a suggested implementation date of 1<sup>st</sup> April 2022.**

**1.0 Introduction**

- 1.1 Members will recall that in July 2020, the Department for Transport (DfT) published its “Statutory Taxi and Private Hire Vehicle Standards”. Attached for reference at **Appendix A**. These published standards are statutory standards to which local authorities must have regard. Lancaster City Council already met several requirements of the DfT standards, but other aspects of local licensing standards did require further development.
- 1.2 The need to update and develop some of the Councils licensing standards was identified in the 2020 licensing workplan. In light of the updates required and the published DfT standards it was felt necessary to consolidate existing standards, policies and procedures into one document, suitable for applicants, officers, members and the wider public. This is reflected in the 2021/22 workplan approved by members at November’s meeting of the Licensing Committee.
- 1.3 Attached at **Appendix B** is Lancaster’s final draft hackney carriage and private hire licensing policy. This is the first time that the Council has attempted to provide a single document containing all policies and procedures relevant to the hackney carriage and private hire licensing process.

1.4 The draft policy contains 7 chapters,

- Background
- Introduction
- Administrative and Operational arrangements
- Driver standards
- Vehicle standards
- Operator standards
- Enforcement and compliance

1.5 Most of the chapters are broken down into sub sections. Throughout the draft policy there is reference to a wide range of appendices (Appendices A- Q). The appendices largely reflect individual specific sets of licensing standards for example, conviction and conduct policy, different categories of licensing conditions, vehicle specifications, lists of licensing offences etc, the policy has been drafted in such a way that if the standards need to change for example due to a change in legislation this can be easily accommodated by updating relevant appendices rather than reviewing the whole policy

1.6 The content of the policy is a mixture of existing policies and procedures and new requirements which are motivated by the need to ensure that the primary and overriding objective of the Councils licensing policies is to protect the public.

## **2.0 Report**

2.1 At a meeting of the Licensing Committee on Thursday 18<sup>th</sup> March 2021 members approved a 12-week public consultation on a draft of the policy, by way of online questionnaire; written representatives were also considered. The consultation period ran from Monday 12<sup>th</sup> March 2021 to Sunday 27<sup>th</sup> June 2021. Throughout the 12-week period reminders were sent to consultees encouraging completion of the questionnaire in order for their views to be considered on the draft proposals. Consultation responses were collated by Officers and presented to members at a meeting of the Licensing Committee on 26<sup>th</sup> August 2021.

2.2 There were a number of key decisions taken at the meeting that were required to be reflected in the body of the policy and appendices. Including but not limited to, updated driver, vehicle and operator application procedures and licence conditions. Reviewed hackney carriage and private hire vehicle specifications incl. emission standards and lead time arrangements. Signage and livery details were also strengthened (including roof-signs requirements for hackney carriages).

2.3 Member will recall representations through the consultation and anecdotal complaints received regarding the availability of wheelchair accessible vehicles, as such it was decided that licensing of 2 further Hackney Carriages would be permitted, with the requirement for the vehicle to be fully wheelchair accessible and zero emission. Any further applications would be referred to Licensing Committee for decision. Applications will be on a first come, first served basis and accepted from the implementation date of the taxi policy.

2.4 Also included in the policy is a commitment to provide an annual report to members of the Licensing Committee, including analysis of complaints and investigations,

inspection and compliance matters. Numbers of licences granted, suspended and revoked will also be included in the report. This will assist members with understanding the complexity of matters the Licensing service deals with and highlight some of the action taken by the team to protect public safety.

- 2.5 Members will notice that point 5.12. the licensing of tuk-tuks/pedicabs is void within the policy, a decision is required regarding the licensing of such vehicles in the District and a set of standard conditions required to reflect any decision taken. The Licensing Manager has liaised with Public Realm over proposals to use the pedestrianised area of Morecambe Promenade as a suitable route for such vehicles, at present concerns have been raised over the shared space and the difficulties in policing correct use, with public safety at the forefront of considerations. A further report will be before members at the next Licensing Committee and the section updated in due course.
- 2.5 Members are therefore requested to approve the final draft of the policy with or without modification with a request that it is referred to Full Council for adoption.

### **3.0 Conclusion**

- 3.1 In producing the Hackney Carriage and Private Hire Licensing policy the aim is to provide a focal reference point for, officers, members, those working in the hackney carriage and private hire trades and members of the public.
- 3.2 Following production of a Taxi Licensing Policy, the Council would be expected to review existing licences against the content and standard of the new policy. It is also advocated that the Councils Taxi Licensing Policy should be reviewed every 5 years or sooner if appropriate.
- 3.3 Members are reminded that the content of the draft policy was motivated by the need to ensure that the primary and overriding objective of the Councils licensing policies in protecting the public, is promoted. When reaching decisions on matters to be included in the licensing policy, public safety should be at the forefront of all decision-making and of paramount importance.
- 3.4 It is the intention of the Licensing Manager to provide an update to the Licensing Committee on progress regarding the implementation of standards outlined in the Department for Transport (DfT) "Statutory Taxi and Private Hire Vehicle Standards" at the next Licensing Committee following the policy content approval.

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| <b>CONCLUSION OF IMPACT ASSESSMENT</b><br><b>(including Health &amp; Safety, Equality &amp; Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):</b> |
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|---------------------------|
| <b>LEGAL IMPLICATIONS</b> |
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| The Statutory Taxi and Private Hire Vehicle Standards are not legislation. However para 1.3 of the Standards states- The Department (for Transport) expects these recommendations to |
|--|

be implemented unless there is compelling local reason not to

The document makes it clear that the standards have been developed as a result of past failings of licensing regimes and makes reference to both Jay and Casey reports and lists several local authorities where taxi licensing policy and practice had failed to offer the necessary protection to children.

The duty is a “have regard” duty. This means that the Council must take the standards into account and must give clear reasons for departing from them.

**FINANCIAL IMPLICATIONS**

Proposals within the final policy will result in additional direct costs to the licensed trade, the main cost of which will be the capital cost associated with the purchase of ULEZ and zero emission vehicles. However the running costs associated with these types of vehicles is considerably less than vehicles which use diesel or petrol fuel.

There is also the potential for challenges by the trade to any change in policy that are brought in and if so, this may incur legal costs to defend any such challenge.

Any additional costs associated with the administration and enforcement of the taxi licencing regime can be recovered via taxi licensing fees.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces**

**SECTION 151 OFFICER’S COMMENTS**

[

**MONITORING OFFICER’S COMMENTS**

**BACKGROUND PAPERS**

Reports to licensing Committee 27 August 2020, 8 October 2020, 18 March 2021, 26 August 2021.

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Department  
for Transport

# Statutory Taxi & Private Hire Vehicle Standards

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## 1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
  - (b) is experiencing, or is at risk of, abuse or neglect, and
  - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

### Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

## 2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

### 3. Administering the Licensing Regime

#### Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

*“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”*

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

*“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”*

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**



## Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

## Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

### Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

### Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

## 4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

### The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

## The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

### Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

### Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

### Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

## Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

## Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**



- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

### **Multi-agency Safeguarding Hub (MASH)**

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.



- 4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

### Complaints against licensees

- 4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.
- 4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.
- 4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.
- 4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.
- 4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

### Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

## 5. Decision Making

### Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

### Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
  - any implications of the Human Rights Act should be considered.
  - the rules of natural justice should be observed.
  - decisions must be reasonable and proportionate.
  - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
  - decision makers must avoid bias (or even the appearance of bias) and predetermination.
  - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

### The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

### Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

**Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?**

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

### Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

## 6. Driver Licensing

### Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

### Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.



6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

### **‘County lines’ exploitation**

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;



- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

### Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

## 7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

### Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

### **In-vehicle visual and audio recording – CCTV**

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

### Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

## 8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

### Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

### Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

### Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

### Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**



**as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.**

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.



## 9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

### Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

### Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

### Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

(i) been convicted of an offence involving dishonesty, indecency or violence; or

(ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;

(aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or

(b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

## Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

**Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.** Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

### Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

### Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

### Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

### Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

### Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

### Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

### Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

### Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

### Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

### Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

### Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

| Information included                       | Type of check |                    |                    |  |
|--|---------------|--------------------|--------------------|--|
|  | Basic check   | Standard DBS check | Enhanced DBS check | Enhanced DBS (including barred list) check |
| Unspent convictions                        | Yes           | Yes                | Yes                | Yes  |
| Unspent cautions <sup>1</sup>              | Yes           | Yes                | Yes                | Yes  |
| Spent convictions <sup>2</sup>             | No            | Yes                | Yes                | Yes  |
| Spent cautions <sup>1 &amp; 2</sup>        | No            | Yes                | Yes                | Yes  |
| Additional police Information <sup>3</sup> | No            | No                 | Yes                | Yes  |
| Barred list(s) Information <sup>4</sup>    | No            | No                 | No                 | Yes  |

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

## Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.



## Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.



**Private Hire and Hackney Carriage Licensing Policy**

**Foreword**

A considerable amount of effort has gone into the production of this document, so I start this introduction by offering my thanks to the Licensing Manager and the Licensing Team, members of the local taxi trade who contributed, stakeholders and councillors for all their work.

On 21 July 2020 the Department for Transport published “Statutory Taxi and Private Hire Vehicle Standards”. The Standards are applied to local authorities having regard to the Policing and Crime Act 2017 which enables the Secretary of State for Transport to issue statutory guidance to local authorities as to how taxi (hackney carriage) and private hire licensing should be undertaken.

The standards recommend that local authorities provide a “taxi licensing policy” a single point of reference which includes all information relevant to private hire and taxi licensing. Whilst Lancaster City Council had several taxi licensing policies and procedures these were not contained in a single document.

This Private Hire and Hackney Carriage Licensing Policy document addresses that issue because it combines many existing policies and procedures much of the content of this document will be familiar.

One new aspect is that the Policy recognises the Council’s aspiration that the district becomes carbon neutral as its response to the Climate Emergency. The district’s taxis will play a role to achieve this by transitioning to low and then to zero carbon vehicles. Also, the availability of accessible vehicles will be enhanced by additional Hackney licence plates being made available to accessible/zero carbon vehicles.

Lancaster City Council’s Private Hire and Hackney Carriage Licensing Policy should be seen as a ‘living’ document. It will be amended and updated as legislation and other requirements deem it necessary.

As part of a continued updating of the Policy to ensure it remains fit for purpose the on-going dialogue with the local taxi trade and stakeholders will continue. The meetings between the trade, officers and councillors are essential to a shared understanding of issues affecting the trade. It is hoped that all parties will continue to work together to ensure that a taxi service that the district can be proud of is maintained - under the overarching requirement that the policy protects the safety of the public.

Cllr Colin Hartley  
Chair of the Licensing Committee  
Lancaster City Council

September 2021

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## **1. Background**

### **1.1 Aspirations of Policy**

This policy details the procedures and standards applied by the Council in carrying out its hackney carriage and private hire licensing functions. The policy provides the Council's interpretation of the legal standards facilitated by legislation, statutory standards, good practice and the practical procedures that are in place to implement the licensing requirements. The policy will be published by the Council and all applicants and licence holders will be made aware of the policy when making an application. The Policy will be made freely available on the Council's website.

Licence holders are expected to be familiar with the policy, the standards expected of them as a licence holder and the potential consequences of failure to comply with the Policy and or relevant legislation.

## **2. Introduction**

### **2.1 Status of the Policy**

In carrying out its licensing functions, the Council will have regard to this policy, the legislation and relevant guidance. Each licence application and review of licence will be considered on its own merit, and whilst regard will be had to the policy, the Councils discretion will not be fettered and where appropriate it may depart from the Policy providing reasons for doing so.

### **2.2 How will the Policy be utilised and by who?**

The Policy will be used by officers and Councillors to provide a framework against which decisions are made in respect to licensing matters. It will be used to determine whether applications are valid, and if so, assist in determining whether those applications should be granted or refused and whether existing licences should be reviewed. It will also be used in conjunction with other relevant policies to determine whether any and if so what form of enforcement/ compliance action should be taken against licence holders and none licence holders

The Policy provides detailed guidance to licence applicants and holders as to the standards expected by the Council and the likely consequences of failing to meet and or comply with those standards whether as an applicant or as an existing licence holder.

The Policy provides the public with an overview of the standards they should expect from the licensed hackney carriage and private hire trade and provides information and guidance as to how any complaints/ concerns should be dealt with.

### **2.3 Aims**

This policy seeks to ensure that the following aims are at the forefront of considerations in development and implementation of licensing procedures and standards. There is no overall priority in terms of the list below, however the primary and overriding objective is to protect the public.

- A. Public safety in its widest context
- B. A professional hackney carriage /private hire service
- C. Driver and staff safety
- D. The requirement for vehicles that are safe, comfortable, accessible and will reduce air pollution levels
- E. A hackney carriage /private hire service that meets the needs of the local community
- F. The embracement of technology to support all the above

## **2.4 How will the aims of the policy be implemented?**

The aims of this policy have been identified in the paragraph above. This section provides information as to how the Council expects to deliver on the aims of the Policy.

### **A. Public Safety in its widest context**

- Criminality checks undertaken and reviewed at appropriate times
- Motoring offences checks undertaken and reviewed at appropriate times
- Medical checks and notifications
- Commitment to multi agency working, partnerships and effective data sharing protocols
- Efficient complaints mechanisms in place to ensure appropriate effective action is taken promptly
- Effective enforcement including action by private hire operators where licence holders fail to meet standards
- Public awareness campaigns / information to ensure public are aware of the standards to expect and what to do if these are not achieved
- Effective and appropriate licensed standards/ conditions in place to enhance and protect passengers and the licensed driver
- Vehicle livery for means of identification of types of licensed vehicles

### **B. Professional Hackney Carriage / Private Hire Service**

- Licence holders will have been appropriately trained
- Licence holders will have been equipped with the necessary knowledge / skills
- Licensing conditions and a code of conduct will be in place to ensure licence holders are aware of the behavioural standards expected
- A dress code will be in place to support a professional appearance amongst licence holders
- Safeguarding embedded within the roles of licence holders
- A commitment to work in partnership with the Council, police and other key agencies
- Effective complaints procedures documented and implemented within the Council and licensed trade
- Effective licence conditions attached to the grant of licences
- Documented records to support public safety

### **C. Driver and Staff Safety**

- Driver code of conduct to detail standards expected of a licensed driver
- Public Information Charter to detail standards expected of passengers including reasonable grounds for refusal to carry

- Crime prevention measures, where to sit in a vehicle, cash handling, security screens, self-defence tactics
- Formal Training in place before a drivers' licence is granted
- Operators' responsibilities

**D. The Requirement for Vehicles that are Safe, Comfortable, Accessible and will reduce Air Pollution Levels**

- Specifications/ standards of licensed vehicles
- Vehicle testing
- Enforcement including suspension and revocation of vehicle licences
- Vehicle availability
- Incentives for cleaner vehicles (pollutants)
- Type of vehicles including accessibility
- Rank locations and facilities
- Hackney carriage numbers

**E. A Hackney Carriage / Private Hire Service that meets the needs of the local community**

- Availability of drivers/vehicles
- Suitability of drivers/vehicles
- Drivers having the necessary skills to undertake role to required standard
- Dress code
- Code of conduct to detail standards to be expected of drivers / passengers
- Supports the Councils Climate Emergency resolution

**F. The Embracement of Technology to support all the above**

- Cleaner vehicles
- Use of technology to enhance safety in the booking systems
- Further development of online licensing processes

### **3. Administrative and Operational Arrangements**

#### **3.1 Council Constitution, Decision Making and Scheme of Delegation**

The Local Government Act 2000 provides a framework for decision making in Councils, the Act outlines which functions/ responsibilities can be carried out by which groups/ individuals within the Council. The Act requires the Council to have its own Constitution. The Council's Constitution is devised by the Council and is its own rule book in respect of:

- How the Councils responsibilities have been allocated,
- The procedural framework for undertaking the functions and decision making within the Council
- The codes and protocols that elected members (councillors) and officers i.e. employees of the Council are expected to follow.

The scheme of delegation is contained within the Constitution and details what roles and responsibilities have been given to who. For example, specific responsibilities are delegated to the Council, the Executive of the Council, various Committees and Senior Officers i.e. employees of the Council.

In terms of hackney carriage and private hire licencing the majority of functions can be delegated to a committee, a sub- committee or an officer, the individual delegations are all listed in the Constitution. Details of the specific delegations are not listed in this policy as the constitution is an ever-evolving live document subject to regular updates and changes due to frequent changes in legislation.

A copy of the Council current constitution is available on the Councils website.

#### **3.2 Authorisation of officers**

Where the Councils constitution delegates a role to an officer, the officer can then authorise other officers to carry out that role/ function on his or her behalf. Authorisations are only given to persons who have the appropriate competences to undertake the roles they have been authorised to do.

Licensing officers are individually authorised by the Director of Communities and the Environment to carry out responsibilities under named legislation. These authorisations are usually in written format and are available from officers upon request. In certain circumstances usually emergency situations officers may be given a verbal authorisation from the relevant senior officer.

The Department for Transport's Statutory Guidance advocates that the Council should consider authorising officers from other authorities and vice versa so that compliance and enforcement action can be taken against licensees from outside individual licensing authority areas. This has not been actioned at this stage, the City Council does not appear to have a significant problem with influx of vehicles/ drivers from neighbouring

authority areas but will be considered as part of the ongoing local authority reorganisation considerations.

### **3.3 Training/ Competency of Officers/ Members**

#### **Officers**

Officers will only be authorised to conduct licensing duties when the officer delegated to carry out those duties is satisfied that the licensing officer has received relevant training and is competent to carry out the role.

All licensing officers will keep an individual documented record of their training which will be countersigned by the relevant line manager.

Training will be undertaken by a variety of methods including in house training by experienced competent officers, distance self-learning, formal training seminars and professional qualifications where appropriate.

Any Officer who has responsibility for determining licence applications will attend the Licensing Committee training and will keep a documented record of training carried out.

#### **Members**

The Councils Head of Democratic Services is responsible for ensuring that Councillors involved in decision making in relation to licensing matters have received the relevant training. This includes all members of the Licensing Committee and the Cabinet member with responsibility for Sustainable Neighbourhoods. A record of all training relevant to licensing will be maintained.

Licensing Committee members will have received training in the following areas before being allowed to take part in decision making

- Licensing procedures
- Rules of natural justice
- Safeguarding
- Disability awareness
- Decision making
- Data protection

### **3.4 Guidelines on Relevance of Convictions and Other Conduct**

The Council has specific guidelines in place on the relevance of convictions, and other conduct. A copy of the guidelines can be found at **Appendix A**. The guidelines will be reviewed as part of any overall review of this policy but may also be reviewed independent of the overall policy if deemed necessary. The Guidelines apply to applicants for, and existing licence holders of private hire operators, vehicle proprietors and drivers' licences and have been updated as part of this policy. Within the Guidelines



it clearly states that matters which have not resulted in a criminal conviction (*whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute, or an investigation which is continuing where the individual has been bailed*) can and will be taken into account by the City Council. In addition, any reference to conviction will also include matters that amount to criminal behaviour but which have not resulted in a conviction, as will complaints where there was no police involvement.

The specific time periods detailed in the guidelines on the relevance of convictions and other matters should be regarded as a minimum time period that an applicant is expected to be free from conviction, caution, etc.

### **3.5 Duration of Licences**

Legislation details the time periods for which licences can be granted. In general terms these are as follows:

- Driver licences 3 years
- Private Hire Operator Licences 5 years
- Vehicle licences maximum licence period 1 year

Licences can be issued for a shorter duration where the City Council thinks it appropriate due to the specific circumstances of the application, examples include where a licensee requests a shorter licence, or where a licence holder leave to remain in the UK is time limited.

Licences will not be issued for a shorter time based on a probationary period, a licence holder is either fit and proper/suitable to hold a licence or not.

### **3.6 Licence Fees**

The City Council is responsible for setting fees associated with carrying out the hackney carriage and private hire licensing function. The fees are set in accordance with the legislative requirements, primarily detailed in the Local Government (Miscellaneous Provisions) Act 1976.

There is a growing number of legal cases which seek to clarify which costs are recoverable in respect of which licences. In setting its fees the City Council will have regard to relevant case law and the requirements of relevant legislation.

The City Council will consult on changes to licensing fees including driver licence fees where there is no statutory requirement to do so.

The City Council aims to review licence fees on an annual basis, with the intention that the licensing service is self-financing but not income generating. If at the end of the financial year there is a budget surplus, the surplus will be carried forward and built into the following years budget process. Similarly, if there is a budget deficit that will

normally be taken forward into the following years budget process with the intention of achieving a cost neutral budget.

The responsibility for setting of licence fees is delegated to Licensing Committee details of the delegation can be found in the constitution.

The appropriate fee must be paid when the licence application is submitted. It is acknowledged that the licence fee in respect of an application for the grant of a private hire operator, hackney carriage/ private hire driver, hackney carriage/ private hire vehicle licence is payable for the grant of the licence, therefore in the event of these types of licences being refused a refund can be requested of the appropriate fee (minus any disbursements).

No refunds will be given once a licence has been granted.

The current licence fees are available on the Councils website.

### **3.7 Guidance/ Information for Passengers**

The City Council recognises the importance of the public understanding how to identify licensed vehicles/ drivers and the increased risks associated with the unlicensed trade.

Information will be published by the Council and will be required to be displayed in licensed private hire operator premises/ vehicles regarding standards expected from the licensed trade and from customers. A copy of the proposed information to be displayed in licensed vehicles is attached at **Appendix B**.

Also contained within **Appendix B** is a general guidance for passengers on how to stay safe when using hackney carriage and private hire services.

When making a booking with private hire operator's customers are advised to make the operator aware of any special requirements e.g. a wheelchair accessible vehicle, large amounts of luggage, swivel seats, requests for child car seats etc, this is aimed to assist both passengers and the licensed trade.

### **3.8 Whistle Blowing Policy**

The Councils raising concerns policy often referred to as whistleblowing is in place to encourage employees and others who have serious concerns about any aspect of the Councils work to come forward and voice those concerns.

The law requires the Council to protect employees, councillors and contractors who raise a concern within the Council regarding

- Possible corruption or malpractice taking place
- The law or Councils rules being broken
- The health and safety of any person being endangered

- Damage to the environment taking place

The Council has a documented raising concerns policy which can be accessed via the council website at [Fraud and corruption - Lancaster City Council](#) . The policy includes all information relevant to raising concerns regarding malpractice within the Council associated with any of the 4 areas documented within this section of the policy (3.8).

### **3.9 Safeguarding**

In recent years the national media has reported on numerous towns and cities where local licensing authorities' policies and practices have failed to protect the safety of passengers travelling in licensed vehicles, whether that be in relation to child sexual exploitation, inappropriate treatment of customers and drug/ people trafficking.

Less media attention has been given to physical attacks and abuse suffered by licensed drivers. The taxi trade press regularly details such incidents, which often result in serious injury to licensed drivers.

Safeguarding is at the heart of this hackney carriage and private hire licensing policy. Procedures and practices including licencing conditions and enforcement reflect the importance of safeguarding and will seek to promote the welfare of children, vulnerable people, passengers in general and licensed drivers.

Safeguarding is everyone's responsibility, any licence holder who receives any information or has concerns regarding a safeguarding matter is expected to notify the licencing team. This would include concerns about:

- a licence holders conduct
- the conduct of a passenger towards another person,
- the conduct of a carer / assistant towards another person
- the conduct of an employee or other person involved in the private hire operator business (including a volunteer)
- Any other relevant safeguarding matter

The failure to notify such matters could result in an individual's own licences being reviewed.

Private hire operator licence conditions have been strengthened to require operators to review complaints and to develop and implement their own safeguarding policies.

### **3.10 Application Processes – Detailed in Relevant Sections**

The application processes in respect of the various licence types are detailed in the drivers, vehicles and operators' sections of this policy.

In general terms all documentation submitted in support of licence applications must be original documents that can be verified. Scanned copies may be sent electronically but will only be accepted on the basis that the document is clearly legible once viewed on

Council systems. The Council reserves the right to refuse to accept electronic service of documents where information is unclear or where there may be reason to suspect impropriety. Each document served electronically should include a statement from the sender to the effect that "I certify that this is an identical copy of original documentation. No changes have been made from the original document" (name assigned).

### **3.11 Changes/Review of Policy**

This policy will be reviewed at a minimum frequency of every 5 years but where appropriate it may be reviewed more frequently. The review may be a complete or partial review dependent upon circumstances.

### **3.12 Consultations**

Future consultations on updates and amendments to this policy will be undertaken having regard to Government guidance on how consultation should be carried out. In 2000 the Government published its Code of Practice on consultation, the latest version of this is version 3 published in 2008 by the Department for Business, Enterprise and Regulatory Reform. More recently in 2018 the Cabinet office published the Government Consultation principles.

### **3.13 Reporting on Licensing Authority Performance**

Licensing Officers will provide an annual report to the Licensing Committee outlining the number of private hire/ hackney carriage related applications received, the determination of those applications, and highlighting the number of applications where the decisions were made not in accordance with the Councils policy.

The report will also provide details of the number of complaints received in respect of drivers/ vehicles and operators and an overview of the nature of complaints and how the complaints were dealt with.

The annual report will also include an overview of any legal cases and appeals. **Appendix C** details the information that will be collated in the report.

### **3.14 Right to Work Checks**

All applicants for driver, vehicle and private hire operator licences are required to demonstrate that they have the right to live and work in the United Kingdom. The City Council follow general advice given by the UK Border Agency, available at; Entering and staying in the UK - GOV.UK (www.gov.uk)

A licence will not be granted to an applicant who is not entitled to work in the UK.

It shall be incumbent upon an applicant to produce such official documentation as to demonstrate such an entitlement. This requirement shall apply equally to all applicants.

The UK Border Agency maintains a list of documents that can evidence such an entitlement, which is reproduced in **Appendix D**. Documents in List A of **Appendix D** demonstrate that the person has an on-going entitlement to work in the UK; documents in List B of Appendix D indicate that the person has restrictions on their entitlement to be in the UK. Copies of documents produced will be retained.

In addition to requiring documents as identified above, the Council may also make direct enquiries to the UK Border Agency, to verify the details of an applicant's right to work.

Where an applicant's entitlement to work (or to remain in the UK) is time-limited, the City Council will not grant a licence that is beyond the date of the entitlement to work. Should that entitlement subsequently be extended during the validity of the licence, an application to renew the licence for a longer period may be made, to be accompanied by evidence of the revised entitlement.

## **4. Drivers**

### **4.1 The “Fit and Proper Test”**

Legislation requires that private hire and hackney carriage drivers are “fit and proper” but does not provide a definition as to what constitutes fit and proper.

The DFT Statutory Standards (2020) suggests that the following question may be helpful in the consideration of fit and proper *“without any prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night”*

The Council is not fettered in its discretion as to what can be taken into consideration regarding the “fit and proper test”, but routinely considers a person’s conduct, (this extends beyond criminal and motoring convictions), their driving skills, knowledge and awareness of issues relevant to the role of a licensed driver and medical suitability.

### **4.2 Application Process, New, Renewal and Fast Track**

#### **4.2.1. New Driver Applicants**

The application process for private hire and hackney carriage drivers requires a number of tests be satisfied before the Council can consider an individual “fit and proper” to be a licensed driver (private hire or hackney carriage). In terms of new applicants, they are required to provide:

- Evidence of right to work (as detailed in section 3.14 and Appendix D)
- Fully completed application form
- 2 recent passport size photos
- Satisfactory DVLA Group 2 medical (completed within 1 month by a medical practitioner who has had sight of the applicant’s medical summary - see section 4.5 for further details)
- A full current DVLA driving licence held for a minimum period of 12 months and a time limited DVLA check code
- An appropriate practical driving certification from an approved training provider (see section 4.6 for further details)
- An enhanced DBS certificate for the role of taxi driver and other workforce together with DBS update service details (see section 4.4 for further details)
- An overseas check – certificate on good conduct (required for persons who have spent time away from the UK – see section 4.4.1)
- A BTEC level 2 / City and Guilds level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver issued by Lancaster and Morecambe College – incorporating the Lancaster City Council taxi drivers knowledge test (see section 4.7 for further details)
- The Licence fee

The step by step process to the application is detailed on the Councils website at [Taxi and Private Hire Licence Forms - Lancaster City Council](#)

An application for a driver's licence (hackney carriage or private hire) will only be accepted when all the above documents are provided.

Any person with criminal convictions, cautions, motoring convictions or other conduct matters are strongly advised to familiarise themselves with the Councils Guidelines on relevance of convictions and other conduct before deciding whether to commence the application process, the cost of obtaining all the above documentation and qualifications is significant and in the event of an applicant having convictions that fall within the guidelines detailed in **Appendix A** the application is unlikely to be successful, although each application is considered on its own merit.

As above if an applicant cannot meet the standards required by the DVLA group 2 medical he/she is unlikely to be granted a hackney carriage/private hire drivers' licence.

#### **4.2.2 Driver Renewal Applications**

The following are required in respect of driver renewal applications:

- Completed Application Form
- DVLA Driving Licence Photo Card
- DVLA Check Code
- Satisfactory DVLA Group 2 medical (completed within 1 month by a medical practitioner who has had sight of the applicant's medical summary)
- DBS Update Service Details
- The Licence Fee
- Right to Work Documents

#### **4.2.3 Fast Track Driver Licence Applications**

The fast-track driver application process was originally introduced to facilitate a quicker application process for drivers who had previously been licensed but who may have chosen to take a short break from the trade, the primary reason for this being the COVID-19 pandemic. However, the fast-track driver application may also be available to drivers whose licences have been revoked but due to a change in circumstances wish to reapply for a licence\*.

\*This would normally be where information comes to light after a revocation which may infer that the revocation would not have been made had the new information been available at the time.

A fast-track licence application largely replicates a renewal driver licence application, all checks are conducted as per a renewal application, with the exception that there is no need for a person to re-sit training if this training has previously been satisfactorily

completed as part of a previous licence.

### **4.3 Dual Driver Licences**

Applicants can apply for either a hackney carriage/ private hire or dual drivers' licence. The standards that are applied to hackney carriage and private hire drivers' licences are identical in terms of what is required to meet the "fit and proper test". A hackney carriage or private hire driver who holds either type of licence can make an application for a dual licence during the duration of a current drivers' licence. Subject to there being no change in convictions, medical or other conduct matter and payment of the appropriate fee the dual licence will be granted to the date of the expiry of the original licence issued.

### **4.4 Driver Criminality checks**

#### **4.4.1. On Initial Application**

##### **DBS**

As part of the driver licence new application process an applicant will be required to complete an enhanced Disclosure and Barring Service (DBS) check. The disclosure application will be countersigned by licensing officers and the Job role will be identified as other workforce taxi driver. This ensures that the disclosure will include a check of the "barred lists" as well as spent and unspent convictions.

In addition, all new applicants and existing licensed drivers are required to sign up and maintain subscription to the DBS update service. This can be done at any time from the date of submission of the disclosure application up to and including 30 days from the date when the disclosure certificate is issued.

The Council will not normally accept an enhanced DBS certificate from another registered body. An exception to this may be when the enhanced certificate relates to the role of a taxi driver and other workforce and the update service can be utilised to ascertain that there has been no change since the date of issue of the enhanced certificate.

##### **Overseas Checks- Certificate of Good Character**

Where an applicant has spent 3 continuous months or more outside of the UK then the Council will request evidence of a criminal record check from the country or countries where the applicant has spent at least 3 months. If criminal record checks are not available in individual countries, then a certificate of good character will be required from the relevant embassy. Only approved translations will be considered, and the cost of approved translations will be the applicant's responsibility.

Asylum seekers who hold a Home Office issued application registration document



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

#### **4.4.2 Ongoing Criminality Monitors for Licensed Drivers**

The paragraph above details the enhanced DBS disclosures required in respect of applicants of private hire and hackney carriage driver licences. The enhanced disclosure certificate will then be considered against the Council's Guidelines on convictions and the information together with all other relevant information e.g. medical certificates, training any other relevant information from the applicant and other agencies will be taken into account when the application is determined.

If a private hire/ hackney carriage driver's licence is granted the Council will at 6 monthly intervals conduct an online check utilising the DBS update service to see if there has been any change in status to the DBS disclosure.

If a change in DBS status is disclosed, the licence holder will be contacted, and the matter discussed further. A new enhanced DBS disclosure will be required, and a decision made as to whether any further action is required in respect of the driver's licence at that time.

Where the Council is made aware of a hackney carriage/private hire driver's failure to maintain subscription to the DBS update service it will result in the suspension/revocation of the licence.

The private hire driver's licence conditions and the hackney carriage driver's code of conduct require a licensed driver notifies the Council of any conviction, fixed penalty, binding over, caution, charge or arrest for any matter within 48 hours. The receipt of any such information may result in further enquiries with relevant agencies e.g. police, and action may or may not be taken against the driver's licence.

Any information received from relevant partner agencies including the police or other local authorities regarding criminal or unacceptable conduct will also be considered during the duration of the licence and in future applications.

Criminality, motoring convictions, medical fitness and general conduct are seen as fundamental to the "Fit and proper" test that must be satisfied before a person is licensed to drive hackney carriage or private hire vehicle and maintained during the course of the licence period.

#### **4.5 Driver Medicals.**

As part of the Councils assessment of the “fit and proper test”, licensed drivers are required to be medically fit for the role they are carrying out. Medical fitness is assessed by the Driver and Vehicle Licensing Agency “(DVLA) medical standards of fitness to drive for Group 2 licences “. The medical certificate requires the medical practitioner to state whether, in their opinion, the applicant/licence holder complies with the standards and is medically fit to drive hackney carriages or private hire vehicles.

A summary of the Group 2 standards can be viewed via:  
[MIS828 interactive 020321 Final.pdf \(publishing.service.gov.uk\)](#)

The D4 medical form should be downloaded from the DVLA website at [Medical examination report for a lorry or bus driving licence \(D4\) - GOV.UK \(www.gov.uk\)](#).

In order to ensure that the Council are informed of any significant changes to a driver’s health, which could impact on his / her driving standards, there is a condition attached to the grant of a private hire driver’s licence and stated on the hackney carriage driver code of conduct that licensed drivers must notify the Council of changes in health.

Any licensed driver who fails to produce a satisfactory medical at the appropriate time will be subject to suspension of the licence until the necessary medical certificate is produced.

Similarly, where the Council have any concern regarding a licensed drivers medical status, they will conduct a formal review of the drivers licence to assess whether that person remains “fit and proper” to hold a drivers licence, the sanctions in respect of such a review are detailed in Chapter 7 of this policy.

Where the medical practitioner has stipulated that they do not consider the applicant/licensed driver to be medically fit, in accordance with the Group 2 standards, to drive hackney carriage or private hire vehicles, the Council will refuse the application, and in the case of a licensed driver either suspend or revoke the drivers licence dependent upon the details contained within the medical certification.

Where the medical practitioner has recommended that further monitoring of a particular condition or examinations are undertaken in a certain period, it shall be open to the Council to consider granting a licence for a shorter period commensurate with that recommendation, or to require additional medical certificates to be submitted at more frequent intervals than would otherwise be required.

The cost of the Medical Examination is not included within the licensing fees and is paid directly to the Medical Practice/GP Surgery.

#### **4.6 Practical Driving Assessment Requirements**

For licensed drivers to meet the “fit and proper” test the Council require an applicant to satisfactorily complete a practical driving skills assessment with an approved training

provider. Details of training providers are detailed on the council's website at: [Taxi and private hire - Lancaster City Council](#)

Whilst it is recognised that all driver applicants are required to hold the relevant DVLA driving licence, this is not necessarily a measure of a person's current driving skills. The satisfactory completion of a practical driving assessment is required as evidence that an applicant has good practical driving skills, this is seen as a key requirement for both driver and passenger and public safety.

#### **4.7 Driver Training Requirements**

For licensed drivers to meet the "fit and proper test" The Council regard it essential for drivers (hackney carriage and private hire) to have knowledge awareness and skills in the following subjects.

Prior to submitting an application for a private hire or hackney carriage drivers licence potential applicants are required to attend Lancaster and Morecambe college to take an English and a Maths assessment where they need to achieve Level 2 to be able to progress to the next stage.

Following the English and Maths assessment successful candidates (i.e. those who have reached the level 2 standard) are required to sit Lancaster driver knowledge test, this assesses a candidates knowledge of the routes, localities and points of interest within the City area and beyond and it also assesses a candidate knowledge of licensing laws and local licensing conditions. It is considered that this knowledge requirement is an essential part of the "fit and proper test" that licensed drivers are required to meet. Licensed drivers must be able to effectively communicate with their passengers and other members of the public, they must have good topographical knowledge of the area in which they intend to driver i.e. Lancaster City council area, and they must also have good knowledge of the rules they will be required to follow whilst working as a licensed driver in the City.

Once a candidate has passed the basic skills (Maths and English) and the Lancaster knowledge test they are required to complete the City and Guilds **Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver.**

Once again this is provided by Lancaster and Morecambe College, the course is a 4-day programme. There are 9 units covered over the 4-days:

1. *Health and Safety in the taxi and private hire work environments*
2. *Road safety when driving passengers in a taxi or private hire vehicle*
3. *Professional customer service in the taxi and private hire industry*
4. *Taxi and private hire vehicle maintenance and safety inspections*
5. *The regulatory framework of the taxi and private hire industry*
6. *Taxi and private hire services for passengers who require assistance\**
7. *Routes and fares in the taxi and private hire vehicle industries*

8. *Transporting of parcels, luggage and other items in the taxi and private hire industries*
9. *Transporting of children and young persons by taxi and private hire vehicle*

All the above exams are assessed on-line exams undertaken in the classroom and the candidates have to get over 70% to pass each unit.

\*Unit 6 has the practical assessment which candidates need to successfully pass also.

An applicant for a hackney carriage/ private hire drivers' licence will need to provide the necessary documentation/ certification to show that they have successfully completed the above training, this will form part of the driver application referred to in section 4.2 above.

If an applicant is considered as fit and proper to hold a hackney carriage/ private hire drivers' licence, it may become necessary for them to complete additional training whilst they are a licensed driver. A condition is imposed on a private hire drivers' licence and stipulated in the hackney carriage driver code of conduct that they may be required to complete additional training during the course of their licence.

The cost of any training is not included in the licence fee and is payable by the applicant/ licence holder.

#### **4.8 Private Hire Driver Licence Conditions**

Legislation allows the Council to attach "reasonably necessary" conditions to the grant of a private hire driver's licence.

The Council has a set of standard licence conditions that are attached to the grant of private hire driver licences attached at **Appendix E**.

The Council will include additional specific licence conditions on the grant of a licence where it considers it reasonably necessary to do so.

Where the holder of a private hire driver's licence considers that any licence condition is not reasonably necessary, then the licence holder has a right of appeal against the licence condition being imposed. More information on appeals is available in Chapter 7 of this policy.

#### **4.9 Hackney Carriage Byelaws**

Lancaster City Council byelaws in respect of hackney carriages were approved in March 2014 and came into effect on 23 April 2014. A copy of the Byelaws can be found at **Appendix F**.

The byelaws apply to hackney carriage drivers and hackney carriage vehicle licence holders. It is an offence to fail to comply with the byelaws, Details of the maximum

penalties for failure to comply with bye laws is deal with under the enforcement part of this policy details of the bye law offences are detailed in **Appendix Q**.

#### **4.10 Driver Code of Conduct**

A licensed hackney carriage/private hire driver is expected to remain fit and proper to hold a licence during the duration of their licence. As already highlighted, there is no legal definition as to what constitutes “fit and proper”, but in general terms they are expected to remain medically fit, maintain the standards detailed in the convictions policy and conduct themselves appropriately.

In order to assist licensed hackney carriage drivers, a code of conduct has been developed so that drivers have an awareness of the standards expected whilst they are working as a hackney carriage driver. A copy of the hackney carriage driver code of conduct is attached at **Appendix G**.

The standards detailed within the code of conduct are replicated as appropriate in the private hire driver licence conditions, this ensures that both types of licensed drivers are aware of the standards they are expected to adopt.

Failure to comply with the code of conduct could result in the review of a hackney carriage driver’s licence as the City Council considers whether that person remains fit and proper to hold a hackney carriage drivers licence.

Where a driver is dual licensed failure to comply with either the hackney carriage drivers code of conduct or the conditions attached to the grant of a private hire drivers licence will result in considerations relevant to both licence types.

#### **4.11 Dress Code**

There is no requirement for corporate branding or a uniform to be worn by licensed drivers (there is a uniform requirement associated with executive hire) however the City Council consider it important that licensed drivers wear clean, appropriate clothing and maintain a good standard of personal hygiene whilst working as a licensed driver. A requirement to comply with the dress code is included within the private hire drivers licence conditions and the hackney carriage driver code of conduct. A copy of the dress code is attached at **Appendix H**.

#### **4.12 Carriage of Assistance Dogs**

It is a legal requirement that drivers of hackney carriage and private hire vehicles permit assistance dogs to be carried in the licensed vehicle without any extra charge. Assistance dogs are highly trained and will normally sit in the footwell of the vehicle immediately adjacent to their owner. The failure of a licensed driver to carry a passenger (pre-booked passenger in the case of private hire) because the passenger is accompanied by an assistance dog is an offence.

If a licensed driver has an allergy to dogs then the licensed driver must obtain a certificate from their medical practitioner, a copy of which should be provided to the licensing team. Consideration will then be given to granting a certificate of exemption based on medical grounds.

The Council will regard the failure to carry an assistance dog as a serious matter, all drivers are made aware of this requirement during their driver training. Where sufficient evidence of the offence exists, the council will prosecute the driver and review the drivers licence.

#### **4.13 Surrender of Driver's Licences**

The City Council will not accept the surrender of hackney carriage or private hire drivers' licences. The surrender of such licences negates the notification of any criminal conduct matters and also allows an individual to correctly state that a licence has not been revoked or suspended.

## **5. Licensed Vehicles**

### **5.1 Suitability of Licence Holder**

As with driver and operator licensing requirements, the objective of vehicle licensing is to protect public safety. The legislation does not include a “fit and proper” test for holders of vehicle licences but does require that vehicles are safe. Safety is taken in its widest interpretation and goes beyond the mechanical safety and comfort of the actual vehicle.

The City Council will only issue vehicle licences to persons it considers safe and suitable to hold such licences, as such they will have regard to the conduct of the licence holder, not only does this include criminal or motoring offences but also includes the licence holder’s ability to satisfy the City Council that he/ she can ensure that the vehicle will be properly maintained in good condition at all times. The failure of a licence holder to properly maintain the vehicle in a suitable condition will result in the suspension of the vehicle licence and impact on future licence applications. Similarly, the failure of a vehicle licence holder to comply with the conditions attached to the grant of the licence or insurance requirements will be a relevant consideration in future applications.

### **5.2 Application Process, New Renewal, Vehicle Transfer, Change of Vehicle**

#### **5.2.1 New Vehicle Licence Application**

In the first instance any person wishing to apply for a new private hire vehicle licence should ensure that the vehicle meets the council’s vehicle specification. Section 5.4 below and **Appendix I** provide details regarding private hire vehicle specification.

Any person wishing to apply for a hackney carriage vehicle licence should familiarise themselves with the current policy in relation to the allocation of such licences.

An application for a new vehicle licence shall include the following:

- A completed application form.
- A current certificate of insurance/cover note
- V5 logbook/ green slip (if recently brought, details completed)
- Bill of sale – if owned for less than 12 months
- Meter calibration certificate if the vehicle is fitted with a taxi meter
- Right to work documents in respect of the applicant

Relevant fee – current fees are available on the Councils website at [Taxi and Private Hire Licence Forms - Lancaster City Council](#)

#### **5.2.2. Renewal Vehicle Licence Application**

A completed renewal application must be received prior to the expiry of the vehicle licence, failure to do so will mean that the vehicle cannot be used for licensed purposes

once the previous licence has expired. A completed renewal application will include the following documents:

- A completed application form
- A current certificate of insurance/cover note
- Meter calibration certificate if the vehicle is fitted with a taxi meter
- Right to work documents if the licence holder has only limited leave to remain in the UK or has a spousal visa as the right to work in the UK
- Relevant fee – current fees are available on the Councils website at [Taxi and Private Hire Licence Forms - Lancaster City Council](#)

### **5.2.3. Notification of Transfer of Vehicle Licence**

A proprietor of a hackney carriage/ private hire vehicle licence has a legal obligation to notify the City Council licensing team that he/she has transferred their interest in the licensed vehicle to another person, unless that person is already named on the licence. The notification must be in writing and must detail the name and address of the person to whom the vehicle has been transferred. The notification must be made within 14 days of the transfer taking place. A vehicle transfer notification form is available on the Councils website at [Taxi and Private Hire Licence Forms - Lancaster City Council](#).

A vehicle licence holder who fails to comply with this requirement without reasonable excuse is guilty of an offence. It is important that the Council maintains an accurate and up to date record of vehicle licence holders, the failure to comply with this legal requirement will be regarded as a serious matter and likely subject to formal action.

### **5.2.4 Application to Change a Vehicle on a Vehicle Licence**

The legislation is silent in relation to any legal framework for the change of a vehicle licence to a substitute vehicle.

However due to the Council currently having a limit on hackney carriage numbers it is essential that such a mechanism is in place to allow for replacement vehicles following accidental damage and vehicles to be replaced with more modern, cleaner suitable vehicles. As such applications can be made in respect of the change of a hackney carriage vehicle.

For parity the same mechanism will be available to private hire vehicle licence holders who want to change the vehicle part way through the licence term. The following will be required in terms of any application to change a vehicle on an existing licence:

- Completed Application Form
- Current Certificate of Insurance/Cover Note
- V5 logbook/ green slip (if recently brought, details completed)
- Bill of sale – if owned for less than 12 months



- Meter calibration certificate
- Relevant fee
- Previous plates and door livery to be returned

### **5.3 Criminality Checks for Vehicle Proprietors**

Where an applicant for a hackney carriage or private hire vehicle (proprietors) licence is not the holder of a Lancaster City Council hackney carriage / private hire drivers' licence, or a private hire operator's licence they will be subject to a Basic DBS disclosure and required to complete a statutory declaration.

Where an applicant for a vehicle licence is a company or partnership each director/partner will be required to comply with the requirements of the basic disclosure described in the paragraph above.

### **Overseas Checks - Certificate of Good Character**

Where an applicant has spent 3 continuous months or more outside of the UK then the Council will request evidence of a criminal record check from the country or countries where the applicant has spent at least 3 months. If criminal record checks are not available in individual countries, then a certificate of good character will be required from the relevant embassy. Only approved translations will be considered, and the cost of approved translations will be the applicant's responsibility.

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

Where a vehicle proprietor is already licensed by Lancaster City Council as a hackney carriage/private hire driver no further criminality check will be required as that person has already met the criminality element of the licensed drivers "fit and proper" test.

### **5.4 Vehicle Specifications/Standards**

The legislation requires hackney carriages to be of such design, appearance or have distinguishing marks so that they are clearly identifiable as a hackney carriage.

For private hire vehicles the legislation requires that the vehicle is suitable in type, size, and design, not of such a design that a person could believe it's a hackney carriage, be in suitable mechanical condition, safe, comfortable and that the vehicle is suitably insured.

Any person who wishes to licence a vehicle as a private hire vehicle will be expected to provide a vehicle that complies with the specifications at Appendix I.

Any person who wishes to licence a hackney carriage vehicle should in the first instance familiarise themselves with the current policy in respect to any limits in place regarding the number of licences to be issued. **Appendix J** details the specifications for hackney carriage vehicles.

### **5.5 Emissions Standards**

At a meeting of Full Council on 30 January 2019 the City Council declared a climate emergency and made various commitments including to work towards activities being net zero carbon by 2030.

With effect from January 2030 the Council will only issue a new hackney carriage and private hire vehicle licence in respect of vehicles that are zero emission. Any application to put a replacement vehicle on an existing vehicle licence from this date will also have to be zero emission.

With effect from January 2025 the Council will only issue a new vehicle licence in respect of petrol / hybrid vehicles, diesel vehicles which are Euro 6 compliant or zero emission vehicles. Any application to put a replacement vehicle on an existing vehicle licence from this date will also have to comply with the petrol/ hybrid, diesel Euro 6 compliant or zero emission standard.

It is recognised that this is a significant change to previous policy and hence the prolonged lead in time.

The aspiration of the Council is that licence holders seek to licence cleaner vehicles earlier than the dates above but have allowed the longer lead in period in recognition of the financial issues arising from the pandemic.

### **5.6 Vehicle Testing, Inspection and Maintenance**

It is the responsibility of an applicant to ensure that any vehicle to which an application relates meets the vehicle specification. In the circumstances where a vehicle does not meet the vehicle specification and an application is still submitted the application will be referred to the Licensing Manager / Licensing Committee for consideration. Although each case will be considered on its merit, the vehicle specification is in place to reflect the standards required, the exceptional condition policy detailed in para 5.8 outlines the circumstances where exceptions may be made.

Vehicle testing will be undertaken at frequencies depending upon the age of the vehicle

For vehicles less than 2 years old from the date of first registration to the date of licence application being received will be required to be tested annually.

For vehicles between 2 years old but less than 10 years old from the date of registration to the date the licence application is received will be required to be tested at 6 monthly intervals.

For vehicles over 10 years of age from the date of registration to the date the licence application is received will be tested at 4 monthly intervals.

Vehicle licences are currently issued for the same period as the frequency of testing, i.e. 4 months, 6 months or annually dependent upon the age of the vehicle. The Intention is that the Council move to an annual vehicle licensing system, even though the frequency of testing will remain as current. A move to annual licensing will reduce the administrative burden on applicants but public safety standards will be preserved by the frequency of vehicle testing remaining unchanged.

### **Inspections and Maintenance**

Conditions attached to the relevant licences require that daily inspections are undertaken on vehicles to ensure that the vehicles are safe and roadworthy. Furthermore, Licence conditions require that on a monthly basis a more detailed inspection is undertaken, and the findings recorded in writing.

The daily and monthly inspections will go a long way towards ensuring that the vehicle is maintained in a safe and roadworthy condition and will assist in complying with the requirement for the vehicle to be maintained in such a condition that it is capable of passing the "taxi test" at any time.

Vehicles will be subject to ad hoc on the spot inspections by authorised licensing officers. The daily inspection checks will ensure that officers find little or no problems with vehicles (accepting that an isolated bulb can blow at any time or that a tyre may succumb to picking up a nail etc) where evidence exists of failure to carry out daily vehicle inspections this will give cause to review whether the driver/ vehicle proprietor should be subject to enforcement action, principally a review of the licence.

An example of an inspection sheet that can be used by licenced drivers / vehicle licence holders is attached at **Appendix K**.

### **5.7 Exceptional Condition Policy**

Exceptional conditions policies are well established within local authorities who impose an age limit policy in respect of licensed vehicles. There is no age limit policy in place at the City Council, but an emissions policy will be introduced in line with the dates listed above in section 5.5.

Where a vehicle fails to meet the emission standard required by the policy but can demonstrate that the particular vehicle has unique design features which adds value as a licensed vehicle and whereby an equivalent vehicle is not available on the market with the required emission standard, consideration will be given to licensing any such vehicle

as an “exception”. Any such application would be referred to the Licensing Committee/ Sub Committee (as delegated by the constitution in place at that time) for determination and would be expected to be in exceptional condition.

### **5.8 Vehicle Licence Conditions**

Legislation allows the City Council to attach “reasonably necessary” conditions to the grant of a hackney carriage or private hire vehicle licence.

The City Council has a set of standard licence conditions that are attached to the grant of private hire vehicle licences see **Appendix L** and hackney carriage vehicle licences see **Appendix M**.

The City Council will include additional specific licence conditions on the grant of a licence where it considers it reasonably necessary to do so.

Where the holder of a vehicle licence considers that any licence condition is not reasonably necessary, then the licence holder has a right of appeal against the licence condition being imposed. More information on appeals is available in section 7 of this policy.

### **5.9 Signage**

No markings of any nature, other than standard manufacturer’s markings, or Council approved signs are permitted except in accordance with the criteria set out in **Appendix N**.

Authorised Officers may instruct the vehicle owner to remove any markings deemed inappropriate and/or offensive and failure to do so may result in the vehicle being suspended.

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

The Councils approved tariff card should be visible inside licensed hackney carriages and private hire vehicles (that utilise a metre) displaying the table of fares for passengers.

Licence plates and door-signage should be positioned in accordance with requirements set out in **Appendix N** and as described in the relevant vehicle licence conditions.

### **5.10 Executive Hire**

The Local Government (Miscellaneous Provisions) Act 1976 S75 provides an exemption for licensed private hire vehicles from displaying plates, and signage. The Council will consider requests for this exemption from private hire vehicles used exclusively for the

purposes of executive hire. There is no legal definition of “executive hire” but the Council will general consider the following when determining any requests for exemptions from displaying plates/ signage:

- The majority of the work should be for businesses which maintain an account with the private hire operator
- The vehicle may be used for one or more contracts, but these would be booked on account with payment made by invoice or card payments. No payments are to be made to the driver in the vehicle
- The type of vehicle to which the application relates should reflect the executive hire status, i.e. a high value luxury vehicle
- The driver of an executive hire vehicle should wear a uniform befitting of the executive status
- The vehicle cannot be used for any standard private hire work

If an exemption notice is granted it would apply to the duration of the licence. Failure to comply with the requirements above or the conditions attached to the grant of the private hire licence will result in the exemption being withdrawn and or the licence being revoked.

#### **5.11 Licensing of Stretched Limousines**

Nationally, over recent years there has been some interest in licensing stretch limousines as private hire vehicles.

The Council considers that such vehicles do not undertake standard private hire work and any request to licence a stretch limousine as a private hire vehicle would fall under the consideration of executive hire and would expect to comply with the requirements detailed in section 5.10.

The Council will only consider applications from vehicles which have been examined and granted Individual Vehicle Approval (IVA) certification by the Driver and Vehicle Standards Agency (DVSA). In addition, vehicles will be subject to further taxi test and inspection. Special arrangements will be in place regarding vehicle testing as the size of some vehicles prohibit them being tested at the Council Vehicle Maintenance Unit (VMU). Vehicles over 4.5 meters long weighing over 5.2 tons and being anything other than class 4 or 7 cannot be tested at VMU and will be referred to DVSA for testing at DVSA test stations.

The Council will only consider applications in respect of a vehicle with 8 or less passenger seats and will not consider void/ blocked off seating areas. The majority of “American type” stretch limousine vehicles have more than 8 passenger seats and would therefore not be considered suitable for licensing under the private hire/ executive hire regime. The Council have concerns that if a vehicle was to be licensed for 8 passengers but have seating for a greater number there is potential for misuse.

### **5.12 Licensing of Tuk-Tuks/Pedicabs**

### **5.13 Accident notifications**

The Local Government (Miscellaneous Provisions) Act 1976 S50 (3) requires proprietors of hackney carriage and private hire vehicle licences to report as soon as is practical and in any case within 72 hours any accident involving their hackney carriage/ private hire vehicle which has caused damage that may materially affect the safety, performance or appearance of the licensed vehicle or the comfort or convenience of persons in the vehicle.

To assist proprietors to comply with this requirement the Council provides an accident report form on the taxi licensing pages of the Councils website [Taxi and Private Hire Licence Forms - Lancaster City Council](#)

The provision of false or misleading information on an accident report form will be regarded as very serious.

Failure to comply with this requirement without “reasonable excuse” is an offence for which vehicle licence holder may be prosecuted and action taken against the licence.

In addition to the above provision the Council is keen to be made aware of all road traffic accidents involving licensed drivers. The Council will impose a condition on private hire drivers licences and highlight in the hackney carriage drivers code of conduct that drivers should report all road traffic accidents in which they are involved to the Licensing team so that any trends of poor driving standards can promptly be identified.

### **5.14 CCTV**

CCTV in licensed vehicles is not a mandatory requirement.

The use of CCTV can provide a safer environment for the benefit of hackney carriage / private hire passengers and drivers by:

- deterring and preventing the occurrence of crime
- reducing the fear of crime
- assisting the police in investigating incidents of crime
- assisting insurance companies in investigating motor vehicle accidents

CCTV in licensed vehicles may provide safeguarding measures for both passengers and drivers. To achieve this, it is important that any CCTV systems are compliant with legal standards and provide a quality of recording that provides a good standard of evidence.

A decision was taken to keep the mandatory requirement for CCTV in licensed vehicles under review.

### **5.15 Dual plating/ working for more than 1 operator / vehicle licensed in more than 1 area**

If a vehicle is currently licensed with another authority the City Council will not consider it for licensing by the City Council. Vehicle licence plates and signage are required to be displayed throughout the duration of the licence; the identity of the licensed vehicle becomes confused by being licensed in more than one local authority area. A licence condition will be attached to the grant of vehicle holders licences to prevent them from obtaining a vehicle holders licence on that vehicle during the duration of the Lancaster City Council licence.

A condition will be attached to the grant of private hire vehicle licences preventing them from working for more than 1 private hire operator at any time. Private hire vehicles are required to display company door signs to enable customers to recognise their booked vehicles. This is a safety features which is undermined by the use of multi company door signs or the absence of any door signs.

### **5.16 Livery of vehicles**

Current practice is that the differential between hackney carriage and private hire vehicle is by means of roof signs being present on hackney carriages and differences in door signage. In addition, a standardised Roof-sign for Hackney Carriages has been introduced. Details of which are highlighted in **Appendix N**.

With effect from April 2022 all new and renewal hackney carriage vehicles will be required to utilise a roof sign provided by Lancaster City Council of a standard design and print.

### **5.17 Child seats in licensed vehicles**

It is not always possible for the right child seat or booster to be available in a licensed vehicle (hackney carriage or private hire). In the case of private hire bookings, the hirer is advised to clarify at the time of making the booking whether suitable child seats will be available in the vehicle and if not will be expected to make their own provision regarding child car seats.

The Highway Code, road safety and vehicles rules allow children to travel in hackney carriages or private hire vehicles without using a suitable car seat but the following restrictions apply.

- Under 3's may travel unrestrained but, in the rear only.
- Those 3 years and above must use an adult belt in the rear seat only.
- 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 vehicles with fixed partitions).

- Rear-facing baby seats **MUST NOT** be used in a seat protected by a frontal air bag unless the airbag has been deactivated manually or automatically.
- Drivers are expected to comply with the Highway Code requirements and where passengers refuse to comply with seat belt requirements this is a legitimate reason for the driver to refuse to carry the passenger.

### **5.18 Insurance requirements**

The City Council requires appropriate vehicle insurance documents prior to granting (new or renewal) a hackney carriage/ private hire vehicle (proprietors) licence. The City Council will require a valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specify the use as either public hire (hackney carriage) or private hire vehicle insurance.

Hackney carriage vehicle insurance documentation will need to state that the insurance covers public hire and hire and reward.

Private hire vehicle insurance documents will need to state that the insurance covers hire and reward.

If a valid cover note is provided rather than an insurance certificate the insurance certificate should be provided to the Council at the earliest opportunity, failure to do so may result in the suspension/ revocation of the vehicle proprietor's licence.

Photocopies of insurance documents are not accepted. Original documents should be provided if an application is made in paper format. Scanned copies of original documentation are acceptable on the basis that the documents are clearly legible on the Councils IT systems and a declaration must accompany the scanned document to declare that no alteration has been made to the original documentation.

The Local Government (Miscellaneous Provisions) Act 1976 S50 allows for authorised officers of the Council to require a vehicle licence holder to produce insurance documents on request. Such requests may be made on site or in writing. Officers will normally give a period of several days for the documents to be produced, but any documents produced must cover the period requested by the officer.

Failure to comply with such a request without a reasonable excuse is an offence for which a vehicle licence holder may be prosecuted. In addition, action will be taken to immediately suspend/ revoke the vehicle licence.

As an added public safety measure the Council will impose as a standard licence condition on all vehicle licenced that a valid certificate of insurance remains in place at all times that the vehicle is licensed. This provides added protection through the duration of the licence.



## **5.19 Hackney carriage and private hire fares**

### **Hackney carriage fares**

Local Authorities can choose to set hackney carriage fares. Lancaster City Council like most other local authorities do this using the provisions of the Local Government (Miscellaneous Provisions) Act 1976. The Act details the process which must be followed in terms of consultations and changes to hackney carriage fares. Hackney carriage fares include all charges associated with the hire of the vehicle for example flag fall, (initial start-up fare), rate per distance travelled, soiling charges, waiting charges etc. The fares are published in a table of fares displayed in the hackney carriage vehicle. The table of fares also indicates the different tariffs applicable for, day/ night, some holiday periods.

It should be noted that the table of hackney fares set by the Council are maximum fares that can be charged for local journeys.

For journeys that begin or end outside of the City Council boundaries a fare can be agreed in advance of the journey (this may be higher than the table of fares due to the likelihood of the vehicle having to undertake a return journey without any passengers – commonly known as avoid), if no fare has been agreed in advance then the fare shown on the taximeter must be charged.

Following a review of hackney carriage fares the council issues a hackney carriage tariff card to each proprietor; the tariff card is only issued once the Council has received a calibration certificate from an approved supplier advising that the vehicles taxi meter has been calibrated to the new tariff and the meter has then been subsequently sealed. Each tariff card includes the Councils logo, and the specific licence number of the hackney carriage vehicle.

Hackney Carriage fares will be reviewed on an annual basis via the Council approved method. The method currently utilised by Lancaster City Council and widely used by other Licensing Authorities is to annually apply Retail Price Index (RPI).

**Note:** The Council acknowledges that whilst the capital costs of the business increase with the purchase of more expensive cleaner vehicles, the running costs associated with such vehicles are likely to be less, these changes will need to be reflected in the hackney carriage tariff at the appropriate time.

### **Private hire fees and charges**

Private hire fees and charges are not set by the Council, but by the private hire operators who take the bookings and dispatch the private hire vehicles/drivers. Each private hire operator has their own tariff which may be different or identical to the hackney carriage tariff.

A condition has been introduced on private hire operator licences to require them to produce and provide a private hire tariff card to each private hire driver in respect of

each private hire vehicle they operate and similarly require that each private hire driver ensures that the relevant tariff card is displayed in the vehicle.

Where a hackney carriage vehicle/driver fulfils a private hire booking he cannot charge more than the metered fare unless the out of area provisions referred to above apply.

### **5.20 Surrender of vehicle licences**

Chapter 7 of this policy on compliance and enforcement provides general information on revocation and suspension of the various types of licences.

There may be circumstances where a vehicle licence owner wishes to surrender the vehicle licence for example a change in health status of the licensed driver. The vehicle licence can be surrendered to the Council this requires return of

- Paper licence
- Vehicle licence plates
- Vehicle signage/ Council door stickers
- For Hackney carriages the tariff card.

Once a vehicle licence has been surrendered it cannot be returned other than via a new application process, the reason for this is that whilst the vehicle is unlicensed there is no requirement to comply with licence conditions such as notification of accidents etc. It is therefore essential that following any period of not being a licensed vehicle a vehicle will need to be subject to a vehicle test.

For the purposes of clarity a licensed vehicle which is accident damaged and therefore the licence subjected to a temporary change of vehicle is not regarded as a surrender of the licence, this scenario would be regarded as a change of vehicle

There is no facility for a partial refund on a licence fee. The legislation is clear that the licence fee is charged for the grant of a licence.

### **5.21 Installation of protective screen in licensed vehicles**

In May 2020 the Council considered its position regarding the installation of protective screens in licensed vehicles. The Council adopted a position statement regarding the use of screens and this can be found at [Taxi and private hire - Lancaster City Council](#)

The Government has since published guidance on use of screens in licensed vehicles, the position statement has been assessed against the guidance. Lancaster City Councils position is broadly compliant with Government guidance.

## **5.23 Issues specific to Hackney Carriage Vehicle Licencing**

### **5.23.1 Replacement vehicles following accident damage**

As above in section 5.12 if a hackney carriage vehicle is involved in an accident, the licence holder must report the accident to the Licensing Authority and an accident form completed within 72 hours of the accident occurring. If a licence holder wishes to utilise a replacement hackney carriage vehicle these will have the original licence number changed to the replacement vehicle. When the original vehicle has been repaired and tested an application will be required to transfer the licence back to the original vehicle. Any change of vehicle on a licence in respect of a mandatory wheelchair accessible vehicle can only be changed to another wheelchair accessible vehicle that meets the requirements of this policy.

It is recognised that many replacement vehicles are now provided by accident management companies, it is a contractual matter between the holder of the vehicle licence and the provider of the replacement vehicle as to how the ownership of the licence is secured.

### **5.23.2 HCV policy on limiting/ delimiting no's**

The Transport Act 1985 S16 provides the key legal provision in respect of numbers of hackney carriages to be licensed. A local authority has a choice of whether to limit the number of hackney carriage vehicle licences issued or not, however this is a qualified choice and a local authority can only chose to limit the number of hackney carriage proprietors licences if the local authority is satisfied that there is no significant unmet demand for hackney carriages.

The Department for Transport's Best Practice Guidance 2010 para 45-51 deals with the matter of numbers of hackney carriage vehicle licences (also known as proprietor licences), the Guidance generally questions the benefits of limiting the numbers of licences issues and details that where such limits are imposed regular surveys should be undertaken to assess whether significant unmet demand does exist.

Lancaster City Council currently limits the number of hackney carriage proprietors' licences at 108. Regular unmet demand surveys have identified no significant unmet demand for hackney carriages.

It was identified during the consultation period that there is a wish for greater availability and accessibility for wheelchair accessible licensed vehicles. The Council has considered whether it is appropriate to licence additional specialist vehicles to provide for the needs of people travelling in wheelchairs.

From implementation of the taxi policy two Hackney carriage proprietor licence applications will be accepted. Vehicles intending to be licensed as a Hackney Carriage must meet the 2030 vehicle specification in terms of being zero emission as well as being

fully wheelchair accessible. Further applications meeting the criteria above and beyond the two approved will be considered by Licensing Committee.

Whilst there has been much case law published on the matter of numbers of hackney carriage licences issues, there does not appear to be any legislative provision including case law that prevents the allocation of additional hackney carriage proprietor licences even when no significant unmet demand has been identified, the test that the council must satisfy is that any such decision must not be “Wednesbury unreasonable”. The term Wednesbury unreasonable comes from a case law which defines Wednesbury unreasonable as being so unreasonable or irrational that no reasonable person acting reasonably could have made it.

### **5.23.3 Hackney carriage vehicles special requirements**

The hackney carriage vehicle specification at **Appendix J** details the requirements in respect of all hackney carriage vehicles. There is a historic requirement that any additional vehicle licences granted i.e. new licences as opposed to transfer of licences the vehicles must be wheelchair accessible.

### **5.23.4 Hackney Carriage byelaws**

This paragraph repeats the information detailed at section 4.9 of the policy this is repeated because the byelaws apply to both hackney carriage drivers and the holders of hackney carriage vehicle licences.

Lancaster City Council byelaws in respect of taxis were approved in March 2014 and came into effect on 23 April 2014. A copy of the Byelaws can be found at Appendix F.

It is an offence to fail to comply with the byelaws, Details of the maximum penalties for failure to comply with bye laws is deal with under the enforcement part of this policy details of the bye law offences are detailed in **Appendix Q**.

### **5.23.5 Hackney Carriage ranks**

There are two separate legal provisions which allow for the creation of “hackney carriage ranks/ stands” commonly referred to as taxi ranks.

Hackney carriage stands were originally created by the Town Police Clauses Act 1847, now replaced by Local Government (Miscellaneous Provisions) Act 1976. Where a hackney carriage stand has been designated by this legislation, authorised local authority officers, namely licensing officers can undertake enforcement action in respect of the provisions of section 64 of the 1976 Act, i.e. prohibition of other vehicles on a hackney carriage stand- accepting the defence of reasonable excuse.

In recent years, many local authorities including the City Council have utilised traffic regulation orders (TROs) to create hackney carriage ranks, which imposes parking

restrictions applied in such a way that they only permit hackney carriages to utilise the facility. The advantage of a TRO rank is that it can be enforced by civil enforcement officers who can issued fixed penalty notices.

Where taxi ranks have been designated using the TRO process, licensing officers do not have authority to issue fixed penalty notices nor can they take action against private vehicles parking on the "rank" or for a hackney carriage driver leaving his / her vehicle unattended on a "rank". However, licensing officers can consider this as a conduct issue as part of the requirement for a licensed driver to be "fit and proper".

**Appendix O** provides details of the "taxi ranks" in the City area and the type of legislation used to provide the "rank".

## **6. Private Hire Operators**

### **6.1 The “Fit and Proper” test**

Legislation requires that private hire operators are “Fit and proper” but does not provide a definition as to what constitutes fit and proper. However, the Institute of Licensing suggest the following

*“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”*

The Councils Guidelines on the relevance of convictions and other conduct at **Appendix A** outlines the matters that will be considered together with relevant conduct issues that will be considered when determining whether a person is “fit and proper” but again does not provide a definitive definition of the term.

There is no medical assessment required as part of private hire operator fit and proper considerations.

Relevant financial conduct and previous business status may be a relevant consideration.

### **6.2 Private Hire Operator application process new and renewal**

#### **6.2.1 Application for a new private hire operator licence**

An applicant for a new private hire operator’s licence is required to provide:

- A fully completed application form
- A copy of the proposed private hire fare card
- A copy of proposed company door signage
- A copy of Public & Employers Liability insurance
- OFCOM Licence (if you use radio systems)

A basic DBS certificate for each person named on the application (if a partnership or limited company it is for each partner/director) (existing licensed drivers are exempt from this requirement as they already hold an enhanced DBS)

The Relevant licence fee (please see Council website at [Taxi and Private Hire Licence Forms - Lancaster City Council](#) for current fee table)

Right to work documents for each applicant (please see section 3.14 and **Appendix D** for further details)

### **6.2.2. Application to renew a private hire operator's licence**

A completed renewal application must be received prior to the expiry of the operator's licence, failure to do so will mean that the private hire operator must cease trading upon expiry of the previous licence. A completed renewal application will include the following documents.

- Copy of current private hire fare card
- Copy of Current Public & Employers Liability insurance certificate
- Basic DBS certificate for each person named on the application (if a partnership or limited company it is for each partner/ director) (existing licensed drivers are exempt from this requirement as they already hold an enhanced DBS )
- Relevant fee ( please see Council website at [Taxi and Private Hire Licence Forms - Lancaster City Council](#) for current fee table )

If any of the applicants have limited leave to remain in the UK or have right to remain via a spousal visa a copy of the current right to work documents must be provided (please see section 3.14 and **Appendix D** for further details).

Copy of written policies as required by the conditions attached to the grant of a private hire operator licence, e.g. data protection policy, equalities policy, customer services and complaints policy, complaints record and safeguarding policy should also be provided as part of the renewal licence application.

### **6.3 Criminality checks for private hire operators**

Where an applicant for a Private Hire Operators Licence is not the holder of a Lancaster City Council hackney carriage / private hire drivers' licence, they will be subject to a Basic DBS disclosure and required to complete a statutory declaration.

Once a private hire operator licence has been issued then an operator will be required to provide the Licensing authority with an annual DBS basic disclosure, this requirement will be enforced via a condition placed upon the grant of the private hire operator licence.

Where the applicant / private hire operator is a company or partnership each director/partner will be required to comply with the requirements of the basic disclosure described in the paragraphs above.

### **Overseas checks- Certificate of good character**

Where an applicant has spent 3 continuous months or more outside of the UK, the Council will request evidence of a criminal record check from the country or countries where the applicant has spent at least 3 months. If criminal record checks are not available in individual countries, then a certificate of good character will be required

from the relevant embassy. Only approved translations will be considered, and the cost of approved translations will be the applicant's responsibility.

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

The above requirement will not be enforced in respect of any operator who currently holds a Lancaster hackney carriage/ private hire drivers' licence. The reason for this is that all Lancaster hackney carriage/ private hire drivers are subject to 6 monthly DBS checks via the DBS update service, these are undertaken at an enhanced level.

#### **6.4 Record keeping and documentation**

The Local Government (Miscellaneous Provisions) Act 1976 section 56 requires private hire operators keep details of private hire bookings. It is for City Council to determine exactly what details should be recorded and how long these should be kept for. Licence conditions attached to the grant of Private Hire operator licences, detail the booking records requirements.

More recently it has been recognised how safeguarding measures can assist in the protection of public safety, as such the City Council considers it reasonably necessary for documentation and other records to be kept to enhance public safety measures.

The requirement for such checks, documentation and record keeping will be administered and enforced by licence conditions attached to the grant of the private hire operator licence.

#### **6.5 Private Hire Operator Licencing conditions**

Legislation allows the Council to attach "reasonably necessary" conditions to the grant of a private hire operator's licence.

The Council has a set of standard licence conditions that are attached to the grant of private hire operator licences see Appendix P.

The Council will include additional specific licence conditions on the grant of a licence where it considers it reasonably necessary to do so.

Where the holder of a private hire operator licence considers that any licence condition is not reasonably necessary, then the licence holder has a right of appeal against the licence condition being imposed. More information on appeals is available in Chapter 7.

The Council recognises that in some cases private hire operator licences have been granted for periods of 5 years in accordance with Deregulation Act 2015 provisions.



Having regard to this a number of private hire operators will not be required to apply for the grant of a private hire operator's licence for several years and therefore any new licence conditions cannot be applied in the short term.

On implementation of this policy, the Licensing team will write to all private hire operators to make them aware of the new private hire operator licence conditions that will be attached to the grant of future licences. In the interests of promoting passenger and driver safety the licensing authority encourages responsible private hire operators to implement the requirements of the new licensing conditions without delay or waiting for the conditions to be imposed on the renewed operator licence.

#### **6.6 Approval of Private Hire Company name**

It is important that the name of the private hire operator is easily identifiable to the customer. Operator names which are similar may cause confusion to customers, and as such operator names similar to names already in use will not be granted.

With effect from the implementation date of this policy, no new private hire operator will be allowed to use the word taxi in the company name or any other marketing material. It is acknowledged that licensed private hire operators who currently use the word taxi in their company name will be allowed to continue to do so, however this exemption does not apply to company door signage as detailed below.

Where a private hire operator licence has been revoked, the name (or similar) of that private hire operator associated with the revoked licence cannot be used by another operator until 5 years have elapsed since the date of revocation or in the event of any appeals 5 years from the conclusion of the appeal process. The reason for this is to prevent any perception of association.

#### **6.7 Approval Private hire vehicle door signage**

As part of the initial application private hire operators will be required to provide a copy of proposed door signage to be used on private hire vehicles dispatched by the operator. The door signage is required to be of a size 490mm x 305mm, and livered as landscape. The top 2/3 of the door sign can display the company details but is not permitted to display the word taxi/ cab or any other wording that a customer may consider the private hire vehicle to be a hackney carriage. The bottom third of the door sign has to be a solid-coloured background in yellow pantone and display the following wording in black font, Arial, size 114 (Capped Height 40mm) "**Pre-booked Fares Only**".

Any hackney carriage vehicle dispatched by a private hire operator has the option to display private hire operator signage on the rear passenger door, the format of the signage should be the same as for private hire with the exceptions that the bottom third of the door sign can display the word "**Taxi**" instead of the prebooking wording associated with private hire.

**6.7 Planning permission requirements**

As part of an application for the grant of a new private hire operator licence. A private hire operator will need to provide written proof of planning permission in relation to the operator premises or written proof from the Councils planning officers that planning permission is not required. This information will then be checked with the Councils planning officers to ensure that the information is current and valid. A private hire operator's licence would not normally be issued in a way that it would conflict with planning restrictions/ permissions.

**6.8 Location of private hire operator**

Lancaster City Council will only licence Operator's offices that are within the City Council's local authority area.

## **7. Compliance and Enforcement**

### **7.1 Enforcement policy/ Regulators code / statutory framework**

#### **7.1.1 Enforcement Policy**

The Licensing service administers a wide range of licences and permits which may be mandatory, where the local authority must license particular activities, or adoptive where the Council has elected to control certain businesses, activities or individuals through the issue of licences and the imposition of licence conditions.

The main purpose of licensing enforcement is to:

- Secure the health, safety and welfare of members of the public who either make use of the licensed activity or who are affected by it in some way.
- Deal immediately with serious risks.
- Promote and achieve sustained compliance with the law.

The Licensing Enforcement Policy is available to view on the Council's website. The purpose of the document is to set out the general principles that the Council's Licensing Service will apply when undertaking licensing enforcement work.

#### **7.1.2 Regulators code**

The Regulators code came into effect in April 2014 published by the Better Regulation Delivery Office based within the Government's Dept for Business Innovation and Skills.

The code details 6 principles that regulators including the City Council must have regard to when undertaking their duties, including developing policies and procedures that provide guidance on regulatory activity.

The 6 principles within the code are as follows

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
- Regulators should base their regulatory activities on risk
- Regulators should share information about compliance and risk
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- Regulators should ensure that their approach to their regulatory activities is transparent

The development of this policy and the information, standards and guidance contained within has been drafted having regard to those principles whilst also having regard to

information within the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards which states at para 3.2.

***"When formulating a taxi and private hire vehicle policy the primary and overriding objective must be to protect the public"***

### **7.1.3. Statutory Framework**

The main legislative requirements dealing with specific hackney carriage and private hire licensing standards can be found in the following legislation:

Local Government (Miscellaneous Provisions) Act 1976

Town and Police Clauses Act 1847 and 1889

Deregulation Act 2015

Transport Act 1985 & 2000

Other legislation provides a general framework of standards which cover many areas of life but impact on hackney carriage and private hire licensing examples include:

Health Act 2006

Equality Act 2010

Human Rights Act 1998

Rehabilitation of Offenders Act 1974

### **7.2 Complaints about hackney carriage and private hire**

The Council investigate complaints relating to the conduct of a licence holder and none licence holder (for example allegations of unlicensed drivers). It is standard practice for officers to request complaints are received in writing (email will suffice), this ensures that officers know the exact details of the complaint.

It is acknowledged that in certain circumstances complainants may not be able to provide details of the complaint in writing, this does not mean the complaint will not be regarded as valid, and in the case of vulnerable people officers may offer to meet them at a convenient location to take full details of the complaint.

Where the complaint relates to a serious public safety matter this will be treated as an urgent matter and forwarded to a competent officer for immediate investigation.

Similarly requests for information from partner agencies including the police and other authorities will be dealt with as a priority having regard to relevant data protection requirements.

Complainants are asked to provide their contact details so that they can be given relevant information following the investigation of a complaint.

Anonymous complaints will generally not be treated as seriously as other complaints. It is recognised that complaints can be malicious, however it is also recognised that complainants can be genuinely frightened and vulnerable. Anonymous complaints in respect of serious public safety allegations will be thoroughly investigated. Anonymous complaints about less serious matters such as minor overcharging, inconsiderate parking, use of a radio in a vehicle etc are likely to be dealt with by noting the allegation.

The City Council does not have a target resolution time for complaints, this is in recognition of the wide variety of investigations that may be necessary. However, the City Council does have a target response time of confirming receipt of a complaint and providing a contact officers details to the complainant within 5 days of receipt of the complaint.

Complaints will be recorded on the City Councils data base and will be subject to trends analysis on an ongoing basis in respect of individual licence holders and as part of performance monitoring reporting in terms of general analysis of complaint types.

There are a wide variety of actions that can arise from the investigation of complaints this include:

- No action
- Verbal advice given
- Written advice/ warning issued
- Suspension/ revocation of licences
- Simple cautions
- Prosecutions
- Formal review of a licence which could result in any of the above

Where there are a number of complaints against a licence holder this is likely to compound concerns regarding the licence holder's suitability to maintain the licence.

As part of the inspection of private hire operator premises, authorised officers will inspect the complaints record log to identify and pattern of complaints and action accordingly.

Where appropriate information concerning the investigation and outcome of investigation of complaints may be shared with other agencies including the police and the National Refusals register of taxi drivers (NR3).

### **7.3 Complaints about the Licensing service**

Anyone who wishes to complain about the service they have received from the Licensing service can do so as part of the City Councils formal complaints procedure. This is detailed on the Councils website at [www.lancaster.gov.uk/information/complaints-comments-and-questions](http://www.lancaster.gov.uk/information/complaints-comments-and-questions).

Alternatively you can contact customer services by telephoning 01524 582000 or email [complaints@lancaster.gov.uk](mailto:complaints@lancaster.gov.uk)

#### **7.4 Service Requests**

This is a request for information as opposed to receipt of a complaint. Service requests can be received from applicants, licence holders, partner agencies, councillors, or any other individual / organisation. Where the information requested is available on the Councils website, the enquirer will be directed to the webpage.

The most efficient way to make a service request is by emailing [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk). This email address is monitored throughout the working day, and whilst you may not receive an immediate response, emails are promptly forwarded to the appropriate officer.

Administrative charges may be levied for some service requests.

#### **7.5 Refusal to grant a licence**

The legislative framework for refusal of drivers, vehicles and operators' licences is contained within the Local Government (Miscellaneous Provisions) Act 1976. Applicants will always be informed in writing of the reasons why an application has been refused and their right of appeal against the decision.

Where an applicant is refused a licence, he/she does have a right of appeal, generally this is to the Magistrates Court, the only exception being the refusal to grant a hackney carriage vehicle licence is an appeal direct to Crown Court.

The City Council will keep a record of all licence applications refused and the reasons for the refusal, this information will be shared if requested in accordance with relevant data protection requirements.

#### **7.6 Suspension/ revocation of licences**

The Local Government (Miscellaneous Provisions) Act 1976 provides provisions for suspending and revoking driver, vehicle and operator licences where it is appropriate to do so.

The difference between the suspension and revocation of a licence is that in general terms a suspension of a licence is for a finite period for example;

- suspend a driver's licence until a satisfactory medical certificate has been produced
- suspend a driver's licence until a particular training course has been completed
- suspend a vehicle licence until a satisfactory certificate of insurance has been produced etc

A revocation however is a total loss of a licence, once revoked a licence cannot be reinstated, other than via an appeal process. A person can make a new application for a licence.

Case law has defined that suspension /revocation cannot be a two-stage process, if action is required to take away a licence it must be a suspension or a revocation of a licence it cannot be one followed by the other (for reference the relevant case law is Cardiff v Singh 2012).

The City Council will keep a record of all suspended and revoked licences and the reasons for the actions taken, this information will be shared if requested in accordance with relevant data protection requirements.

### **7.7 Prosecutions licence holders/ none licence holders**

Where a licence holder has committed an offence listed in Appendix Q, the City Council must make a decision in respect of what action should be taken against the licence holder. The City Council will have regard to the Council's Enforcement policy detailed above, the Regulators code and the Code for Crown Prosecutors.

There are a number of factors that will be taken into consideration before any decision is made. These factors include:

- Is there enough evidence to prosecute?
- Is it in the public interest to prosecute?
- How serious/ potentially serious is the offence?
- Has the person benefitted from the offence?
- Is there any relevant previous history?
- Is the offence likely to be repeated?
- Was the person coerced in any way?
- Has there been any harm caused?
- Is there a potential for impact on the wider community?
- Is prosecution a proportionate response?

There are a limited number of circumstances where prosecutions will be instigated against none licence holders, primarily these will relate to persons working within the licensed trade but without having the relevant licence in place, and include, persons working on expired licences, unlicensed drivers purporting to be licensed drivers etc

### **7.8 Appeals**

The principles of the rules of natural justice, lead to the position that someone has the right to challenge decisions. In terms of hackney and private hire licencing there is a right of appeal to the Magistrates' court against decisions to revoke, refuse, suspension of a licence and against any decisions imposed upon the grant of a licence. Appeals to Magistrates' court must be made within 21 days of receipt of the decision.

In most circumstances once an appeal has been lodged a person may continue to utilise the licence until the appeal process has been finalised or withdrawn, although clearly this does not apply to new applicants.

There are some exceptions to the above

- There is no immediate right of appeal against a Council's decision to immediately suspend a vehicle licence issued under section 68 of the Local Government (Miscellaneous Provisions) Act 1976. The action takes immediate effect, however if the suspension has not been lifted within a 2-month period a right of appeal is then applied
- In relation to a decision to refuse to grant a hackney carriage vehicle licence the appeal is direct to the Crown Court
- A hackney carriage/ private hire drivers licence revoked or suspended with immediate effect on the grounds of public safety, prevents the licence holder from continuing to utilise the licence, even when an appeal has been lodged.
- In most cases there is a further right of appeal from the Magistrates Court to the Crown Court

#### **7.9. Data sharing / partnership working including National Refusals Register.**

The City Council will share with other enforcement bodies and relevant agencies including DBS and National Anti-Fraud Network (NAFN) who operate the NR3 national refusal register, information supplied by applicants/ licence holders or acquired in the course of exercising the licensing functions, where it is lawful to do so. Personal information will only be disclosed in accordance with the Data Protection Act 2018 and General Data Protection Regulations. This may include requests from other agencies where this is necessary for the detection or prevention of crime or required by law in connection with legal proceedings. Where applicable, it will be in accordance with the relevant data information sharing protocol.

The Common Law Police disclosure requires that where there is a risk to public protection the police will pass the information to the City Council to allow them to act swiftly to protect the public. Examples of this include informing the City Council of relevant matters at the appropriate time which may be included upon a person's arrest, charge or investigation. An information sharing protocol is in place with Lancashire Constabulary

#### **7.10 Referrals to the DBS and the police**

Where the City Council make a decision to refuse or revoke a licence as the applicant/ licence holder is thought to present a risk to harm to a child or vulnerable adult, the City Council will refer this decision to the Disclosure and Barring Service in addition to the NR3 register detailed above.



The circumstances that will warrant such a referral are as follows

- Where an applicant/ licence holder has harmed or poses a risk of harm to a child or vulnerable adult
- An applicant/ licence holder has satisfied the harm test \*:or
- Received a caution or conviction for a relevant offence
- The applicant/ licence holder being referred is / has or might in the future be working in a regulated activity

If the above conditions are satisfied the DBS may consider it appropriate to add the applicant/ licence holder to the barred list.

\* harm test = (a person satisfies the harm test if they may harm a child or vulnerable adult or put them at risk of harm. It is something a person may do to cause harm or pose a risk of harm to a child or vulnerable adult).

Where the City Council make a decision to refuse or revoke a licence on the grounds of public safety, the City Council will inform the police of the decision.



**Guidelines on the Relevance of  
Convictions, Cautions, and Conduct**

**1. Drivers**

When applying for a licence to drive a hackney carriage or a private hire vehicle, or to renew such a licence, applicants are required to declare on the application form ALL previous convictions, cautions, penalties and motoring endorsements they may have received, with the exception of protected cautions and convictions which are detailed below. Applicants are also required to declare any on-going criminal investigations, prosecutions, or similar legal proceedings of which they are the subject.

Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974, therefore convictions which would ordinarily be considered 'spent' must be declared and may be considered in the determination of the application.

The Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) (2013) Order introduced new categories of 'protected cautions' and 'protected convictions', which mean that after the stated period of time an applicant must be treated as not having been charged with, convicted of or sentenced for any of those offences that would fall within the categories of protected cautions / convictions, as such protected cautions and protected convictions do not need to be disclosed

**Protected Cautions**

A caution is only a "protected caution" if:

- It does not relate to a listed offence.
- It was given to a person aged under 18 at the time of the caution and two years or more have elapsed.
- It was given to a person aged 18 or over at the time of the caution and six years or more have elapsed.

**Protected Convictions**

A conviction is only a protected conviction if:

- It does not relate to a "listed offence" such as violence and sexual offences.
- No custodial sentence was imposed.
- It is the only conviction that the individual has received.
- It was received by a person aged under 18 at the time of the conviction and five and a half years or more have elapsed; and
- It was received by a person aged 18 or over at the time of the conviction and 11 years or more have elapsed.

NB the reference to “listed offence” is as per list detailed in the current Rehabilitation of offenders Act 1974 (Exceptions Order 1975) (2013 and 2020). At the time of drafting this policy this was the 2020 order, the “listed offences” for the purposes of protected cautions and convictions is subject to change and is therefore not detailed in this policy, the “listed offences” should be taken from the Exceptions order 1975 (2013 and 2020).

There have been recent changes to legislation introduced on 28 November 2020 which means that:

- Warnings, reprimands, and youth cautions will no longer be automatically disclosed on a DBS certificate.
- The multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed.

Upon initial application, all driver applicants will be required to obtain an enhanced level disclosure from the Disclosure and Barring Service (DBS). This level of disclosure includes details of spent convictions and police cautions, (with the exceptions as detailed above) as well as any non-conviction information deemed relevant to the application. This level of check is considered appropriate as a licensed driver may be left in sole charge of passengers under 18 years of age or other vulnerable adults, at any time and without prior knowledge. The Council shall facilitate these applications upon payment of the required fee.

As well as applying for an enhanced DBS disclosure, a driver applicant is required to sign up and maintain subscription to the to the DBS update service he/she will not be required to obtain a further enhanced DBS disclosure unless a check on the online update service reveals a change in status to the disclosure.

Please note there is a time limit applied by the DBS in respect of sign up to the online system. The limit is 30 days from the date stated on the DBS certificate. Failure to maintain subscription to the online update service may result in the suspension / revocation of a licence.

The Council will undertake 6 monthly online checks on the status of all licensed drivers DBS disclosures/ certificates.

Where a change in status of a disclosure is indicated a licensed driver will be required to submit a further enhanced disclosure, this may be at renewal or during the duration of a current licence.

## 2. Vehicle Licence Holders

There is no explicit requirement within legislation for vehicle licence holders (proprietors) to be fit and proper, the City Council has absolute discretion over granting a vehicle licence (hackney and private hire) and will therefore undertake a variety of checks before issuing a vehicle licence. There needs to be public trust and confidence in the standards applied by the City Council as part of this process applicants for vehicle licences will be required to complete a basic disclosure and complete a statutory declaration at each application. The exception to this is there is no such requirement for licensed drivers to undertake such checks in respect of vehicle licences as licensed drivers have already been subject to enhanced DBS disclosures and 6 monthly checks on the online DBS update service.

Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities:

- 1) They must ensure that the vehicle is maintained to an acceptable standard at all times, and;
- 2) They must ensure the vehicle is not used for illegal or illicit purposes

It is recognised that some vehicle licence holders rent or track their vehicle to a licensed driver, in such circumstances the vehicle licence holder must ensure that they have adequate management control systems in place to ensure that the vehicle is properly maintained, they cannot pass all responsibility to the licensed driver.

Vehicle licence holders that fail to maintain their vehicle in a satisfactory condition are likely to be give rise to considerations in respect of whether the licence holder is suitable to hold a vehicle licence.

In addition to vehicle maintenance standards, the disclosure of any convictions, cautions, reprimands, investigations etc will be taken into account in determining an application and the relevant considerations are listed in the relevance of convictions, cautions, reprimands and conduct listed below

Where vehicle licence applicant(s) have more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person to hold a licence. Similarly a single serious conviction which could undermine public safety will be sufficient cause to refuse a vehicle licence application and revoke or suspend an existing vehicle licence holder.

### 3. Private Hire Operators

In performing their duties private hire operators obtain and hold considerable amounts of personal and private information about their passengers, which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or unacceptable purposes.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, private hire operators, including directors and shareholders are required to submit upon application, a basic level DBS certificate, private hire operator licence conditions require a new certificate is provided every 12 months. The Council will have regard to the standards applied to licensed drivers with the following exceptions:

- Information disclosed on an enhanced DBS (as part of a PH/ HC driver application/ licence) will not be considered in respect of the private hire operator licence unless such information would also be revealed on a basic disclosure i.e., unspent convictions
- Where applicant(s) have more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person to hold a licence. However, in respect of applicants for or holders of a private hire operator's licence regard will also be had to the criteria list in section 5 below and how any conviction or other conduct matter could be considered relevant to the role of private hire operator. Isolated motoring offences may have less relevance to public safety in respect of a private hire operator role, however an applicant for or holder of a private hire operator's licence with a pattern of motoring offences may still give rise to concern as it would demonstrate a general lack of regard for public safety, a consideration which may reflect into other elements of their role as a private hire operator.

The previous business conduct of a private hire operator may also be considered when determining whether a person is fit and proper to be a private hire operator, a person who has been bankrupt, investigated for financial irregularities or other similar conduct will have such conduct considered as part of the fit and proper test. The considerations given to such matters will depend on the factors listed in the relevance of convictions, cautions, and conduct below.

#### 4. General Policy

As a general rule, the Council will expect applicants (drivers, vehicle, and operators) for licences and licence holders to be free from previous convictions, cautions and be of good conduct. However, a person with convictions or cautions will not be excluded from holding a licence but should be expected to have:

- remained free of conviction for an appropriate period and
- shown adequate evidence of good character from the time of conviction.

Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.

Particular regard will be had to any failure to accurately complete an application (whether that be new application or renewal) this may give rise to serious concerns regarding an applicant's honesty for example failure to disclose a relevant matter regarding conduct or the previous suspension / revocation of licences will likely result in the refusal to grant a licence. The application forms also make it clear that providing a false statement or omitting information may be a criminal offence.

Each case will be decided on its own merits. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, multiple offences or a series of offences over a period are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.

On application to renew a licence, if no further convictions have been received since the previous application was considered, the Council will not consider it necessary to review convictions considered on the previous application. However, in cases where new convictions, or other relevant information has been received, all convictions may be taken into consideration, even if they have been previously considered.

## 5. Relevance of Convictions, Cautions, and Conduct

In determining the relevance of a conviction, offences or cautions, relevant to applicants for and holders of driver, vehicle and operator licences consideration will be given to the nature and seriousness of the offence involved, the period of time elapsed since the event and the applicant's/ licensees conduct subsequent to that.

In circumstances where previous convictions, cautions or other information relating to criminal matters is disclosed, the Council, will have regard to the following:

- The relevance of the offence(s) or other matters revealed in the application.
- The seriousness of any offence(s) or any other matter revealed.
- The class / nature of the offences(s).
- The age of the offences(s).
- The age of the person at the time of the offence(s).
- Whether the disclosure reveals a pattern of behaviour.
- Whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters; and
- Any other information that is deemed appropriate for consideration in determining whether the person is a 'fit' and 'proper' person.

In addition to the above, the Council is also entitled to use all other records and information available to it in determining applications or entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities and information held by the police.

The overall offending history will be considered when assessing a person's suitability to be licensed or to continue holding a licence.

Where the applicant has been convicted of a criminal offence the Council cannot and will not review the merits of the conviction. It is noted that cautions are not convictions, but rather are an admission of guilt to a criminal matter. The Council may have regard to cautions when considering an application, and will take the following matters into consideration:

- The nature of the offence
- Any history of related cautions or convictions
- The guidelines applying to convictions of that category.

The issue of summons or the arrest and release on bail with or without charge can indicate that there has been an event, which may cause the Council to review the suitability of an applicant or a licensed holder to hold a licence.

Although some specific guidelines on the relevance of convictions are contained in the following sections for examples of offences to which the Council will pay particular regard, the Council will give equal consideration to offences falling outside of these categories and the examples given. Offences of a similar nature or differently entitled in any statutory provision, modification or re-enactment will be considered in accordance with the guidelines.



The specific time periods detailed below should be regarded as a minimum period that an applicant is expected to be free from conviction, caution, reprimand etc.

### **Crimes resulting in death**

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

### **Exploitation**

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse, this is not an exhaustive list.

### **Offences involving violence**

Where an applicant/ licensee has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

### **Possession of a weapon**

Where an applicant/ licensee has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Sexual and Indecency offences**

Where an applicant/ licensee has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

### **Dishonesty**

Where an applicant/ licensee has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Drugs**

Where an applicant/ licensee has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant/ licensee has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant/ licensee will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

### **Discrimination**

Where an applicant/ licensee has a conviction involving or connected with discrimination in any form a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Motoring Convictions**

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction, fixed penalty notice or requirement to attend driver training course, demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

### **Drink driving/driving under the influence of drugs/using a hand-held telephone or handheld device whilst driving**

Where an applicant /licensee has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant/ licensee has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

### **Other motoring offences**

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance, or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

**Hackney carriage and private hire offences**

Where an applicant / licensee has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

**Vehicle use offences**

Where an applicant has a conviction or caution for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.



### Staying Safe: Guidance for Passengers

This guidance is provided to assist passengers in identifying hackney carriage and private hire vehicles and the increased risks of using unlicensed vehicles.

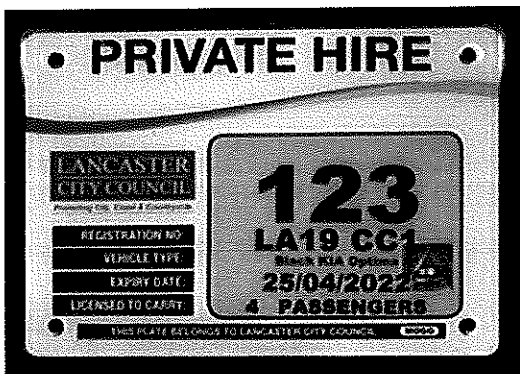
The licensing of hackney carriage and private hire vehicles is undertaken by local councils, who in turn set local criteria around the licensing of the trade (commonly referred to as taxis). This is why hackney carriages and private hire vehicles look different in different parts of the Country. In the large city areas, a lot of the hackney carriage vehicles tend to be London style taxis – often commonly referred to as “black cabs”, in smaller cities, towns, and rural areas including Lancaster City Council area there is no requirements for all hackney carriages to be London style cabs, in Lancaster they are a mix of saloon cars, multipurpose vehicles and wheelchair accessible vehicles.

The private hire trade is also licensed by the Lancaster City Council, these vehicles have to be prebooked through a private hire operator.

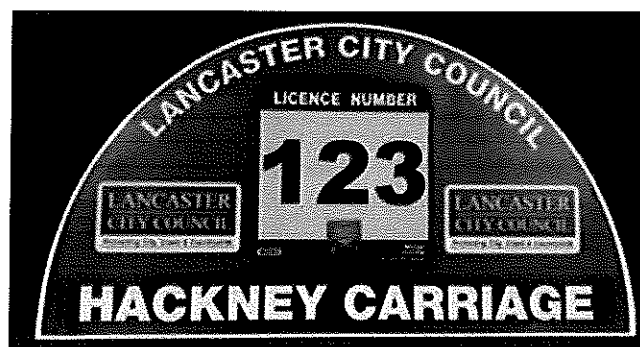
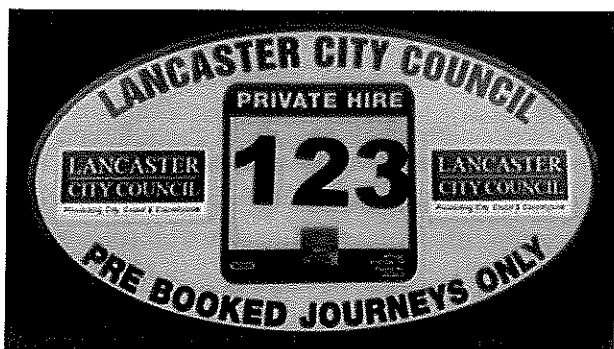
Listed below is information on what the different types of licensed vehicles look like in Lancaster and how you can tell a vehicle is licensed in the first instance.

All licensed vehicles have the following information displayed:

- A rear licensed plate that provides a licence number, an expiry date, the vehicle registration number, and Lancaster City Council Logo. Hackney carriage plates are blue and white in colour and private hire are green, examples are shown below.



- All licensed vehicles will also have door signage on the vehicles, showing the licence number.

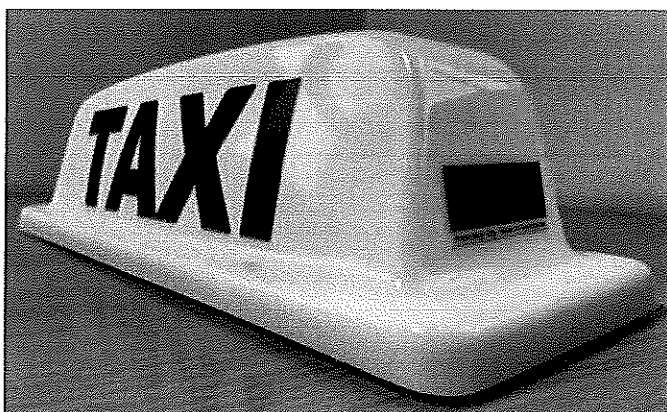


- All licensed vehicles will have no smoking signage on the passenger door windows.
- All licensed vehicles fitted with a meter will have a tariff card displayed inside the vehicle in such a position that it can be seen by passengers.
- All licensed vehicles will have the public information charter displayed in the vehicle in such a position that it can be seen by passengers.

#### How do Hackney Carriage vehicles look different to Private Hire vehicles

All Lancaster Licensed hackney carriages have to have a roof sign on the top of the vehicle. This can be one of two types, if the vehicle is a purpose-built hackney carriage, i.e., London taxi/ "black cab" type vehicle it will have a roof sign built into the front of the vehicle with the words for hire printed on it.

If the vehicle is a saloon or none purpose built hackney it will have the following style roof sign on the vehicle.



The door signage is blue and white in colour.

#### How do Private Hire vehicles look different to Hackney Carriages?

Private hire vehicles do not have any roof signs and the door signage is yellow and black in colour.

**Apart from looking different what is the difference between the two types of licensed vehicles often commonly known as taxis?**

- A customer can pre book a hackney carriage vehicle, flag it down in the street or pick it up from a hackney carriage rank.
- Only Lancaster licensed hackney carriage vehicles can ply for hire in the streets or at a rank, vehicles licensed in other areas cannot ply for hire or wait at ranks within the Lancaster area.
- Private hire vehicles must be prebooked through a licensed private hire operator. The bookings must be made in advance of customers getting into the vehicle.
- If a customer uses a private hire vehicle without prebooking the vehicle is in effect uninsured as the insurance in place cannot cover this type of use of the vehicle
- Hackney carriages can be prebooked either through a private hire operator or direct with the driver.

**Safety issues to consider**

- Only get into a vehicle if you satisfied that it is appropriately licensed.
- Only use a private hire vehicle if it has been pre-booked.
- Take note of the vehicle details and pick-up point. Some people chose to take a quick photo of the vehicle licence plate.
- If possible prebook your return journey before going out
- When prebooking a journey, make sure the collection point and drop off point is in a safe place i.e., well lit, busy area, if possible covered by CCTV
- Make sure you have adequate funds to pay for your journey – it may be an offence to take a journey without have the means to pay.
- Check if the company/ vehicle you are using accepts card payments.
- If travelling alone, consider letting someone know of your journey plans and when your journey has been completed.
- Use the rear seats of the vehicle in preference to the front seats.
- When prebooking make sure the company/ person you are booking with is licensed by Lancaster City Council
- Do not fall asleep in the vehicle the driver may not know your exact end location and may feel uncomfortable in having to try to wake you up.
- When prebooking a private hire vehicle you may be able to agree a fare in advance.







Licence Number:

**Hackney Carriage (Taxi)**  
**Public Information Charter**

This information is produced by Lancaster City Council who have licensed this vehicle and its driver, the following information is for the benefit of passengers and the driver.

**Passengers and drivers should show mutual respect and be polite to each other.**

**Passengers please:**

- Let the driver know of any specific requirements before you commence your journey.
- Make sure you have adequate funds to pay for your journey.
- For the comfort of future passengers do not eat, smoke, or drink inside this vehicle.
- Do not ask the driver to speed or to take unnecessary risks on the road.
- Make sure you do not leave any property in the vehicle.
- Ask the driver if you would like any assistance.
- Ask the driver if you would like a receipt, one should be provided on request.
- Ensure the taxi meter is engaged at the start of the journey and not before.

**Passengers if you have concerns about your journey:**

- Take note of the vehicle licence number at the top of this information sheet.
- If you feel unsafe tell the driver and use your mobile phone to contact a responsible person.

**Complaints**

- If you are unhappy about the service provided and your journey was one that was pre-booked via a private hire operator, please contact the private hire operator and provide details of your complaint. The operator will investigate your complaint and advise you of the outcome.
- If you picked up the taxi at a taxi rank or flagged down the vehicle in the street, please contact [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk) providing as much detail of the complaint as possible. The Council's licensing team will investigate your complaint and advise you of the outcome.

**Compliments**

- Hackney carriage drivers often face lots of challenges when undertaking their work, if you think that your driver has provided an excellent service, please take the time to say thank you. You may even wish to contact the Council to let them know about the excellent service you received.

**In any event, for advice, information or concerns about the licensed trade you can contact Lancaster City Councils Licensing team at: [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)**





Licence Number:

**Private Hire**  
**Public Information Charter**

This information is produced by Lancaster City Council who have licensed this vehicle and its driver, the following information is for the benefit of passengers and the driver.

**Passengers and drivers should show mutual respect and be polite to each other.**

**Passengers please:**

- Let the driver know of any specific requirements before you commence your journey.
- Make sure you have adequate funds to pay for your journey.
- For the comfort of future passengers do not eat, smoke, or drink inside this vehicle.
- Do not ask the driver to speed or to take unnecessary risks on the road.
- Make sure you do not leave any property in the vehicle.
- Ask the driver if you would like any assistance.
- Ask the driver if you would like a receipt, one should be provided on request.

**Passengers if you have concerns about your journey:**

- Take note of the vehicle licence number at the top of this information sheet.
- If you feel unsafe tell the driver and use your mobile phone to contact a responsible person.

**Complaints**

- If you are unhappy about the service provided, please contact the private hire operator and provide details of your complaint. The operator will investigate your complaint and advise you of the outcome.

**Compliments**

- Private hire drivers often face lots of challenges when undertaking their work, if you think that your driver has provided an excellent service, please take the time to say thank you. You may even wish to contact the private hire operator or Lancaster City Council to them know about the excellent service you received.

**In any event, for advice, information or concerns about the licensed trade you can contact Lancaster City Councils Licensing team at: [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)**



Annual Report**Number of Licensing Applications Determined**

| Type of Application   | Licence Granted           |                               | Licence Refused           |                               |
|-----------------------|---------------------------|-------------------------------|---------------------------|-------------------------------|
|                       | Application within policy | Application outside of policy | Application within policy | Application outside of policy |
| PH Driver - New       |                           |                               |                           |                               |
| PH Driver - Renewal   |                           |                               |                           |                               |
| HC Driver - New       |                           |                               |                           |                               |
| HC Driver - Renewal   |                           |                               |                           |                               |
| Dual Driver - New     |                           |                               |                           |                               |
| Dual Driver - Renewal |                           |                               |                           |                               |
|                       |                           |                               |                           |                               |
| PH Vehicle new        |                           |                               |                           |                               |
| PH Vehicle renewal    |                           |                               |                           |                               |
| HC Vehicle new        |                           |                               |                           |                               |
| HC Vehicle renewal    |                           |                               |                           |                               |
|                       |                           |                               |                           |                               |
| PH Operator new       |                           |                               |                           |                               |
| PH Operator renewal   |                           |                               |                           |                               |

**Number of Compliance Visits/Inspections**

| Type of Licence           | Numbers Undertaken |                        |               |
|---------------------------|--------------------|------------------------|---------------|
|                           | Satisfactory       | Verbal/Written Warning | Formal Action |
| PH Driver                 |                    |                        |               |
| HC Driver                 |                    |                        |               |
| Dual Driver               |                    |                        |               |
|                           |                    |                        |               |
| PH Vehicle (Test*)        |                    |                        |               |
| HC Vehicle (Test*)        |                    |                        |               |
| PH Vehicle (Inspection**) |                    |                        |               |
| HC Vehicle (Inspection**) |                    |                        |               |
|                           |                    |                        |               |
| PH Operator               |                    |                        |               |

**Key:**

PH/HC Vehicle Test\* denotes vehicle test as part of licence application process at Vehicle Maintenance Unit (VMU).

PH/HC Vehicle Inspection\*\* denotes reactive inspection undertaken by licensing officers during the course of the licence.

Use of Suspension and Revocation Provisions

| Type of Licence | Suspension |         | Revocation |         |
|-----------------|------------|---------|------------|---------|
|                 | Immediate  | Delayed | Immediate  | Delayed |
| PH Driver       |            |         |            |         |
| HC Driver       |            |         |            |         |
| Dual Driver     |            |         |            |         |
| PH Vehicle      |            |         |            |         |
| HC Vehicle      |            |         |            |         |
| PH Operator     |            |         |            |         |

Complaints

(Data relates to complaints closed out during the particular period – otherwise action numbers never align)

| Type of Licence | Complaints                                |                   |                               |             |
|-----------------|---|-------------------|-------------------------------|-------------|
|                 | Driver or Operator Conduct/Vehicle Safety | Driving Standards | Overcharging/Long Routes etc. | Cleanliness |
| PH Driver       |   |                   |                               |             |
| HC Driver       |   |                   |                               |             |
| Dual Driver     |   |                   |                               |             |
| PH Vehicle      |   |                   |                               |             |
| HC Vehicle      |   |                   |                               |             |
| PH Operator     |   |                   |                               |             |

Key:

Not Applicable

| <b>List A</b><br><b>Documents showing an on-going right to work in the UK</b>   |  |
|---|--|
| 1. A passport (current or expired) showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.  | 6. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.  |
| 2. A passport or passport card (current or expired) showing that the holder is a national of the Republic of Ireland.   | 7. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer. |
| 3. A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom indefinitely.   | 8. A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.   |
| 4. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules. | 9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.  |
| 5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.   | 10. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.  |

| <b>List B</b>   |  |
|---|--|
| <b>Documents showing a time-limited right to work in the UK</b>   |  |
| 1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.  | 5. A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008, on or before 30 June 2021. Entry to be removed - refer to List B, Group 2, no. 2 |
| 2. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.  | 6. A frontier worker permit issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.   |
| 3. A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom for a time limited period and to do the type of work in question.   | 7. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.  |
| 4. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules. |  |



| <b>List B Group 2</b>   |  |
|---|--|
| <b>Documents showing a time-limited right to work in the UK for 6 months</b>  |  |
| 1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.  | 4. A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.   |
| 2. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 together with a Positive Verification Notice from the Home Office Employer Checking Service. Entry amended. |  |
| 3. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.   | 5. A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service. Additional document entered on list. |



**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**  
**PRIVATE HIRE DRIVER LICENCES**

**CONDITIONS OF LICENCE**

**A Licensing Administration**

**A1 Deposit of Licence**

A private hire driver shall:

- Provide the holder of the private hire vehicle licence with a copy of his private hire drivers licence prior to driving a licensed vehicle and shall provide copies of future licences upon grant.
- before commencing work with a private hire operator provide the private hire operator with a copy of his private hire driver's licence and shall provide copies of future licences upon grant.

**A2 Change of Address**

A private hire driver shall:

- Within 7 days of a change of address notify the Council in writing of the change of address.

**A3 Production of Driving Licence and Insurance**

A private hire driver shall:

- Within 2 working days of a request being made, provide the Licensing Office with a DVLA check code to enable a check of his/ her DVLA licence to be undertaken.

**A4**

A private hire driver shall:

- Report to the licensing office any form of road traffic accident/ collision/ incident in which the license holder was the driver of a vehicle involved in the incident This is regardless of whether the incident was in a licensed vehicle or not. The incident should be reported as soon as possible and in any event within 72 hours. The incident should be reported on the driver notification of accident form available online at the Councils website.

**A5**

A private hire driver shall:

- Undertake any reasonable training appropriate to the role of a licensed driver as required by the City Council. Any costs associated with the provision of the training will be borne by the licence holder.

**A6**

A private hire driver shall:

- ensure that relevant documentation (including DBS update status, Medical Certificate, and right to work documentation is maintained throughout the duration of the licence

**A7**

A private hire driver shall:

- notify the licensing office in writing or by email of the name of his/ her private hire operator company within 7 days of commencing taking bookings from the operator

**B Convictions and Suitability****B1 Convictions and Cautions**

A private hire driver shall:

- within 48 hours notify the council in writing (email will suffice) providing full details of any conviction, fixed penalty, binding over, caution, charge or arrest for any matter (whether or not charged) imposed on him/ her during the period of the licence.

**C Medicals****C1**

A private hire driver shall:

- Notify the Council of any newly diagnosed or change to a current medical condition which may restrict their entitlement to a driver's licence requiring a DVSA Group 2 medical standard (the same standard as applied by the DVSA to the licensing of lorry and bus drivers). Notification must be sent to the Licensing Office email address immediately (or in any case within 48 hours) of the relevant diagnosis or change to medical condition.
- The licensee shall at any time (or at such intervals as the City Council may reasonably require) produce a current certificate in the form prescribed by the City Council signed by an appropriate Doctor/Consultant who has access to the driver's full medical records to the effect that he/she is or continues to be fit to be a driver of a private hire vehicle.

**D Driver Conduct****D1**

A private hire driver shall:

- Be polite to passengers and communicate clearly

- Whilst working as a private hire driver be compliant with the dress code for licensed drivers
- Provide reasonable assistance to passengers (getting in and out of the vehicle and unloading luggage to the outer door of the premises/ building)
- Not eat or drink in the vehicle whilst passengers are in the vehicle except with their permission
- Ensure luggage is stored safely and properly secured in the vehicle
- Not play the radio, utilise phone or internet whilst passengers are in the vehicle except with their permission. An exemption is the use for sending or receiving messages in connection with the operation of the vehicle
- Not conduct themselves or utilise the vehicle in any way so as to be a nuisance to passengers, or the public
- Comply with any reasonable request made by an Authorised Officer, Testing Mechanic or Police Officer. The licensed driver will also comply with any reasonable request of the passenger regarding their comfort during the journey (e.g. heating/ventilation).

#### **D2 Seatbelts/Child Seats**

A private hire driver shall:

- know and comply with the highway rules around children travelling in private hire vehicles, in particular regarding the provisions of car seats and where in the vehicle children are permitted to sit (see taxi policy for details).
- The licensed driver shall ensure that all passengers must have access to a designated seat and appropriate seat belt. For passengers travelling in a wheelchair, the wheelchair can be regarded as a designated seat provided the wheelchair is adequately secured using proper restraints and the passenger travelling in the wheelchair has access to an appropriate seat belt. (Compliance with this licence condition may mean that the vehicle cannot carry the maximum number of passengers that it is licensed to carry)

#### **D3**

A private hire driver shall:

- Keep relationships with passengers on an appropriate professional basis
- Not keep or utilise customer telephone number or other contact details other than for purposes associated with the booking

#### **D4**

A private hire driver shall:

- Drive with due care and courtesy towards the passengers and other road users
- Ensure that the passenger has pre-booked before commencing the journey

- Take the most time efficient route bearing in mind likely traffic problems and known diversion's and agree with the passenger any diversion from the most direct route.

**D5**

A private hire driver shall:

- Ensure that the vehicle is kept clean (inside and out) and free of rubbish

**D6**

A private hire driver shall undertake a daily vehicle check at the beginning of each shift.

The checks to be carried out are as follows:

- lights and indicators
- tyre condition, pressures and tread/ wheelnuts
- Wipers, washers and washer fluid levels
- Cleanliness inside and out
- Bodywork – no dents or sharp edges
- Licence plates present and fixed in accordance with licensing requirements
- Signage present as required
- brakes
- Horn in working order
- Oil/ water levels
- Drivers mirrors
- Seats/ seat belts
- Sundry equipment
- Suspension/ steering appear to be working ok

The private hire driver shall

- ensure a record is immediately made once the checks have been carried out and note any defects and corrective action undertaken. The record of the check is to be kept in the vehicle at all times and will ensure the information is available to an Authorised Officer upon request.
- In the case of vehicles licensed by a person other than the driver, the vehicle licence holder must be informed of any defects identified and corrective action undertaken/ required

**D7**

A private hire driver shall

- stop or park the private hire vehicle considerately and legally (not in contravention of any road traffic orders) and shall switch off the engine if required to wait

- Wherever possible ensure that children and vulnerable adults leave the vehicle directly onto the kerb and outside their destination (if it is safe and legal to do so).

**D8 Written Receipts**

A private hire driver shall

- Provide written receipts on request

**D9**

A private hire driver shall:

- Not convey in a Private Hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.
- Ensure that their private hire operator is aware of any exemption certificate they have from the City Council in relation to the requirement to carry assistance dogs.

**D10**

A private hire driver shall

- Report immediately to the operator any incident of concern including accidents where hurt or distress has been caused, customer disputes or passenger conduct concerns.
- Be vigilant regarding vulnerable passengers and safeguarding concerns when working and shall report any concerns immediately to the private hire operator.
- Report any safeguarding concerns regarding the private hire operator to the Licensing office.

**D11 Prompt Attendance**

A private hire driver shall

- If aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator 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.

**D12**

A private hire driver shall

- Not engage in any sexual or illicit related activity in a licensed vehicle, even if consensual and the vehicle is not being used for private hire purposes.

**E Assistance Dogs****E1**

A private hire driver shall

- Keep a copy in the licensed vehicle of any exemption certificate issued by the City Council, relating to the medical condition that prevents the licensed driver from carrying assistance dogs in the licensed vehicle

FOR INFORMATION IT IS A LEGAL REQUIREMENT TO CARRY AN ASSISTNCE DOG UNLESS AN EXEMPTION CERTIFICATE HAS BEEN ISSUED BY THE CITY COUNCIL TO THE NAMED DRIVER

**F Fares and Meters****F1**

A private hire driver shall:

- ensure the meter is set to display any fare table adopted by the private hire operator
- ensure any meter is set to the tariff displayed and sealed appropriately

**F2**

A private hire driver shall:

Not operate the meter until the journey commences (this does not apply where no meter is fitted in the private hire vehicle)

**G Illegal ply for hire/standing for hire****G1**

A private hire driver shall

- not behave in a way that may be deemed to be standing or plying for hire, by not plotting or waiting without a booking:
  - a) in high footfall /high visible locations
  - b) outside busy venues/ businesses or in close proximity to events
  - c) at the front or back of designated hackney rank
  - d) in groups or lines that present as a “rank
  - e) in contravention of road traffic orders
- Ensure that the passenger has pre-booked before commencing the journey
- Not while driving or in charge of a private hire vehicle: Accept, or consider accepting, an offer for the immediate hire of that vehicle, including any such hire that is then communicated to the Operator to be recorded on the Operator’s booking system.



For the avoidance of doubt, bookings can only be undertaken when first communicated to the licensed driver by the operator.

## **H Lost Property**

### **H1**

A private hire driver shall

- Immediately after the hiring or as soon as practicable thereafter check the vehicle for lost property.
- Notify the owner of the lost property found in the vehicle (if this is possible by either booking records or personal details found in the lost property)
- Make arrangements with the property owner regarding its return

Where the owner of the property cannot be ascertained the lost property must be handed back to the private hire operator who will hold the property for a period not exceeding 6 months, before disposing of unclaimed items.



**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.

***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 time as well as for distance in pursuance of the tariff fixed by the Council;
  - 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 Council (excepting between the hours of 7.00 pm and 7.00 am when the driver may ply for hire whilst driving, free from such requirement);
    - 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 make use of the services of any other person for the purpose of importuning any person to hire such carriage.
  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.

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

14. 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 the Council. The rate of fare being calculated by distance and time 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:

- 15.
- a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by the Council 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:***

16. 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.
17. 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 (a) above. In these instances, the property should be delivered to the office of the Council on the next working day after the closure.

### **Penalties**

18. 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 therefore.

### **Repeal of Byelaws**

19. The Byelaws relating to Hackney Carriages that were made by the Council on the 8<sup>th</sup> day of February 2000 and which were confirmed by the Secretary of State for Transport on the 20<sup>th</sup> day of March 2000 are hereby repealed.

The Common Seal of the Council of the City of Lancaster was here unto affixed this seventh day of LS February 2014 in the presence of:

SARAH TAYLOR

Chief Officer (Governance)

The Secretary of State confirmed the foregoing Byelaws on the Twenty Sixth day of March 2014 and fixed the date on which the Byelaws are to come into operation as the Twenty Third day of April 2014

ANTHONY FERGUSON

Signed by authority of the Secretary of State.





### Code of Conduct Hackney Carriage Drivers

The Local Government (Miscellaneous Provisions) Act 1976 S59 requires that the Local Authority only licences persons it deems “fit and proper” to be hackney carriage drivers. The Council has specific requirements which a person must satisfy in order to meet the “fit and proper” test, these include driving standards, training, medical fitness, criminality checks, language assessments etc.

The Council has a code of conduct in place for hackney carriage drivers to provide guidance on the standards that hackney carriage drivers are expected to maintain as part of continuing to meet the “fit and proper” test throughout the duration of their licence.

Failure to comply with the code of conduct or any other conduct that could jeopardise the “fit and proper” standard could result in a formal review of a hackney carriage driver’s licence, the outcome of which could include suspension or revocation of the licence.

#### Conduct of Driver

This is separated into 5 distinct areas of conduct:

##### 1. Administrative Conduct

A hackney carriage driver shall:

- Within 48 hours notify the council in writing (email will suffice) providing full details of any conviction, fixed penalty, binding over, caution, charge or arrest for any matter (whether or not charged) imposed on him/ her during the period of the licence
- Within 7 days notify the Council in writing of any change of address.
- Within 2 working days of a request being made, provide the Licensing Office with a DVLA check code to enable a check of his/her DVLA licence to be undertaken
- Ensure that relevant documentation (including DBS update status, Medical Certificate, and right to work documentation is maintained throughout the duration of the licence Notify the Council of any newly diagnosed or change to a current medical condition which may restrict their entitlement to a driver’s licence requiring a DVSA Group 2 medical standard (the same standard as applied by the DVSA to the licensing of lorry and bus drivers). Notification must be sent to the Licensing office email address immediately (or in any case within 48 hours) of the relevant diagnosis or change to medical condition.
- At any time (or at such intervals as the City Council may reasonably require) produce a certificate in the form prescribed by the City Council signed by an appropriate Doctor/Consultant who has access to the driver’s full medical records to the effect that he/she is or continues to be fit to be a driver of a hackney carriage vehicle.
- Undertake any reasonable training appropriate to the role of a licensed driver as required by the City Council. Any costs associated with the provision of the training will be borne by the licence holder.

- Report to the licensing office any form of road traffic accident/ collision/ incident in which the license holder was the driver of a vehicle involved in the incident This is regardless of whether the incident was in a licensed vehicle or not. The incident should be reported as soon as possible and in any event within 72 hours. The incident should be reported on the driver notification of accident form available online at the Councils website.
- Keep a copy in the licensed vehicle of any exemption certificate issued by the City Council, relating to the medical condition that prevents the licensed driver from carrying assistance dogs in the licensed vehicle, (without an exemption certificate a hackney carriage driver is legally obliged to carry an assistance dog)

## **2. Conduct whilst working as a Licensed Driver**

A hackney carriage driver shall:

- Whilst working as a hackney carriage driver be compliant with the dress code for licensed drivers
- Shall be polite to passengers and communicate clearly
- Keep the vehicle clean and free of rubbish
- Provide reasonable assistance to passengers (getting in and out of the vehicle and unloading luggage to the outer door of the premises/ building)
- Ensure luggage is stored safely and properly secured in the vehicle
- Provide written receipts on request
- Keep relationships with passengers on an appropriate professional basis
- Not eat or drink in the vehicle whilst passengers are in the vehicle except with their permission
- Not play the radio, utilise phone or internet whilst passengers are in the vehicle except with their permission. An exemption is the use for sending or receiving messages in connection with the operation of the vehicle
- Not conduct themselves or utilise the vehicle in any way so as to be a nuisance to passengers, or the public
- \*Drive with due care and courtesy towards the passengers and other road users
- Know and comply with the highway code rules around children travelling in hackney carriage vehicles, in particular regarding the provisions of car seats and where in the vehicle children are permitted to sit (see taxi policy for details)
- Not carry any animal belonging to himself in the vehicle
- Carry out and keep a record of a daily inspection of the vehicle. The checks shall include the following items, lights and indicators, tyre condition, pressures and tread/ wheel nuts, Wipers, washers and washer fluid levels, cleanliness inside and out, Bodywork – no dents or sharp edges, all signage and plates present and fixed in accordance with licensing requirements, brakes, horn in working order, oil/ water levels, drivers' mirrors, seats/ seat belts, sundry equipment and any obvious defects to suspension/ steering
- The licensed driver shall ensure that all passengers must have access to a designated seat and appropriate seat belt. For passengers travelling in a wheelchair, the wheelchair can be regarded as a designated seat provided the wheelchair is adequately secured using proper restraints and the passenger travelling in the wheelchair has access to an appropriate seat

belt. (this may mean that the vehicle cannot carry the maximum number of passengers that it is licensed to carry)

### **3. Conduct in respect of Fares Levied and Use of Meters**

A hackney carriage driver shall:

- \*Use the meter within the licensed area, unless the passenger has agreed to hire by time
- \*Take the most time efficient route bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route
- Where a Hackney Carriage vehicle is hired via a telephone call to a private hire 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, the meter shall not be set into operation until the hirer has commenced his journey. (The meter cannot be switched on until the journey has commenced – unless the fare has been agreed in advance for an out of area booking)
- Ensure the current hackney carriage tariff is displayed in the vehicle in such a location that it can be seen and read by passengers

### **4. Conduct in respect of Lost Property**

A hackney carriage driver shall:

- Immediately after the hiring or as soon as practicable thereafter check the vehicle for lost property.
- Notify the owner of the lost property found in the vehicle (if this is possible by either known address or contact details or personal details found in the lost property)
- Make arrangements with the property owner regarding its return
- Where the owner of the property cannot be ascertained the lost property must be handed to the Lancaster City council Licensing office

### **5. Conduct in respect of Hackney Carriage Byelaws**

A hackney carriage driver shall:

- Familiarise him/ herself with the requirements of the Lancaster city council hackney carriage byelaws
- Comply with the requirements of the byelaws

IT IS AN OFFENCE TO FAIL TO COMPLY WITH THE REQUIREMENTS OF THE RELEVANT BYELAWS FOR WHICH A LICENSED DRIVER CAN BE PROSECUTED AS WELL AS BEING SUBJECT TO A REVIEW OF HIS/ HER HACKNEY CARRIAGE DRIVERS LICENCE TO ASSESS WHETHER A PERSON REMAINS FIT AND PROPER TO HOLD THE SAID LICENCE.

**Key:** \* Denotes taken from DfT best practice guidance 2010.



### Hackney Carriage and Private Hire Drivers Dress Code.

The drivers' dress code forms part of the hackney carriage drivers code of conduct and the private hire drivers licence conditions.

The purpose of the dress code is to set a standard that provides a positive image of Lancaster's licensed hackney carriage and private hire trade, and that the standard adopted seeks to promote public and driver safety.

#### Dress Code

- All clothing worn by driver whilst working as private hire/hackney carriage driver must be in good condition and the driver must have good standards of personal hygiene.
- As a minimum standard whilst working as a licensed driver, males should wear trousers and a shirt which has a full body and short/ long sleeves. Knee length tailored shorts are also acceptable.
- As a minimum standard whilst working as a licensed driver, female should wear trousers. Knee length skirt or dress and a shirt/ blouse which has a full body and short/long sleeves. Knee length tailored shorts are also.
- Footwear whilst working as a licensed driver shall fit i.e., be secure around the heel of both feet.

#### Examples of Unacceptable Standard of Dress

- Clothing that is not kept in clean condition, free from holes, rips, or other damage.
- Words or graphics on any clothing that is of an offensive nature or suggestive nature which might offend.
- Sportswear e.g., football/rugby kits including shirts, track suits in whole or part, beachwear.
- Sandals with no heel straps, flip flops or any other footwear not secure around the heel.
- The wearing of any hood or any other type of clothing that may obscure the drivers' vision or their identity.

#### Uniforms

The Council recognises the positive image that uniforms can create. This dress code does not require a licensed driver to wear a distinct uniform, except for licensed drivers of Executive Hire vehicles. The Council acknowledges that nationally some operators and hackney carriage associations do require licensed drivers to wear appropriate corporate branded uniform and this is a practice that the Council would encourage Lancaster companies to consider and adopt. Such branding may assist with the identification of the licensed trade as distinct from any unlicensed driver who may be trading illegally.



## Private Hire Vehicle specification

|    | Specification Standards   |
|----|---|
| 1  | <p>Vehicles must conform to M1 vehicle standard</p> <p>Converted vehicles must have either European whole vehicle type approval/ individual type approval (IVA) or European low volume type approval</p>  |
| 2  | Vehicles cannot be retrofitted with engines of a poorer emission standard than that of the vehicle at manufacture   |
| 3  | No new vehicle licence will be granted to any vehicle which has been subject to any category of vehicle write off   |
| 4  | No renewal licence will be granted to any vehicle which has been subject to any category of write off   |
| 5  | <p>No roof signs are permitted</p> <p>(Please see note below in respect of integral roof signs on wheelchair accessible vehicles)</p>   |
| 6  | <p>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.</p> <p>That the licensing committee may make exceptions for specific models of vehicle, made to the manufacturer's specification, on an individual basis, with vehicles approved in this way added to an approved list of vehicles in order that any future requests to license an identical vehicle could be dealt with automatically.</p> <p><b>NOTE</b> - Two door saloon cars with tilted seats are not considered suitable for licensing as the majority of customers would have to access the vehicle via a tilted seat and such vehicles do not add any additional passenger benefits when compared to a 4-door saloon</p> |
| 7  | <p>Only seats fitted with a three-point safety belt fitted as standard by the vehicle manufacturer will be classed as usable by passengers</p> <p>Side facing seats are not permitted</p>   |
| 8  | <p>The vehicle glass is to be kept clear of all obstructions.</p> <p>The minimum permitted light transmissions are as follows:</p> <ul style="list-style-type: none"> <li>• Front windscreen transmission – minimum 75% light</li> <li>• Front side glass transmission – minimum 70% light</li> <li>• No restrictions to rear passenger side windows or rear windscreen.</li> </ul>   |
| 9  | No vehicle currently licensed as a hackney carriage / private hire vehicle in another authority will be licensed by Lancaster City Council  |
| 10 | The vehicle will have space for a reasonable amount of luggage associated with the maximum passenger numbers  |
| 11 | The vehicle shall be right hand drive only  |
| 12 | The vehicle shall have a solid roof / sunroofs are permitted  |
| 13 | The vehicle shall have a minimum of 4 opening doors. All doors must be fitted with reflectors/ reflective strips or lights which are clearly visible from the rear of the vehicle when the door is open   |

|    |  |
|----|--|
| 14 | All doors should be capable of being opened from the inside and outside and the interior door handle must be clearly visible and accessible to passengers  |
| 15 | Opening windows should be provided in the rear of the vehicle and must be capable of being opened by passengers.<br>Where this is not possible the vehicle should have an adequate air conditioning system which can be operated by passengers seated in the rear of the vehicle |
| 16 | All vehicles must have adequate leg and foot room, shoulder width and head height to accommodate a passengers of 6 ft. height and average build.<br>(For guidance purposes rear seat width should be 129 cm per licensed seat )  |
| 17 | With effect from 1 January 2030 private hire vehicle licences will only be granted to vehicles which are zero emission   |
| 18 | With effect from 1 January 2025 private hire vehicle licences will only be granted to petrol, diesel or hybrid vehicles or vehicles which are Euro 6 compliant.  |
| 19 | The vehicle must not have more than 8 passenger seats or capacity for more than 8 passenger seats  |
| 20 | The vehicle must not have any sign, feature notice or illumination which consists of the word " taxi" or leads any person to believe the vehicle is a hackney carriage   |
| 21 | The vehicle must be capable of passing the taxi test   |
| 22 | Where retrofit emission technology is installed in a vehicle it must be of a type approved by the City Council   |

| <b>Specific requirements for private hire wheelchair accessible vehicles</b> |   |
|--|---|
| 23   | The vehicle must be purpose built by the manufacturer or adapted prior to registration in a manner approved by the manufacturer, for the conveyance of wheelchair bound passengers (where vehicles have been adapted prior to registration certification will be available) |
| 24   | 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.  |
| 25   | 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 at all times            |
| 27   | A wheelchair accessible private hire vehicle cannot be fitted with an operable roof sign. If the vehicle is fitted with an integral roof sign it must be made inoperable and the roof sign painted the same colour as the body of the vehicle                               |
| 28   | The Council will not licence as a private hire vehicle a London style taxi/ metro cab type vehicle or any other vehicle that appears to have the design of the " ionic London cab"  |



Hackney Carriage Vehicle Specification

| <b>Specification Standards</b> |  |
|--------------------------------|--|
| 1                              | <p>Vehicles must conform to M1 vehicle standard.</p> <p>Converted vehicles must have either European whole vehicle type approval/ individual type approval (IVA) or European low volume type approval.</p>   |
| 2                              | Vehicles cannot be retrofitted with engines of a poorer emission standard than that of the vehicle at manufacture.   |
| 3                              | No new vehicle licence will be granted to any vehicle which has been subject to any category of vehicle write off.   |
| 4                              | No renewal licence will be granted to any vehicle which has been subject to any category of write off  |
| 5                              | Unless the vehicle is fitted with an integral taxi roof sign, it must be fitted with the Lancaster City Council approved taxi roof sign.   |
| 6                              | <p>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.</p> <p>The licensing committee may make exceptions for specific models of vehicle, made to the manufacturer's specification, on an individual basis, with vehicles approved in this way added to an approved list of vehicles in order that any future requests to license an identical vehicle could be dealt with automatically.</p> <p><b>NOTE:</b> Two door saloon cars with tilted seats are not considered suitable for licensing as the majority of customers would have to access the vehicle via a tilted seat and such vehicles do not add any additional passenger benefits when compared to a 4-door saloon.</p> |
| 7                              | <p>Only seats fitted with a three-point safety belt fitted as standard by the vehicle manufacturer will be classed as usable by passengers</p> <p>Side facing seats are not permitted</p>  |
| 8                              | <p>The vehicle glass is to be kept clear of all obstructions.</p> <p>The minimum permitted light transmissions are as follows:</p> <ul style="list-style-type: none"> <li>• Front windscreen transmission – minimum 75% light</li> <li>• Front side glass transmission – minimum 70% light</li> </ul> <p>No restrictions to rear passenger side windows or rear windscreen.</p>  |

|    |   |
|----|---|
| 9  | No vehicle currently licensed as a hackney carriage / private hire vehicle in another authority will be licensed by Lancaster City Council.   |
| 10 | The vehicle will have space for a reasonable amount of luggage associated with the maximum passenger numbers.   |
| 11 | The vehicle shall be right hand drive only.   |
| 12 | The vehicle shall have a solid roof/sunroofs are permitted.   |
| 13 | The vehicle shall have a minimum of 4 opening doors. All doors must be fitted with reflectors/ reflective strips or lights which are clearly visible from the rear of the vehicle when the door is open.  |
| 14 | All doors should be capable of being opened from the inside and outside and the interior door handle must be clearly visible and accessible to passengers.  |
| 15 | Opening windows should be provided in the rear of the vehicle and must be capable of being opened by passengers.<br>Where this is not possible the vehicle should have an adequate air conditioning system which can be operated by passengers seated in the rear of the vehicle. |
| 16 | All vehicles must have adequate leg and foot room, shoulder width and head height to accommodate a person of 6ft height and average build.  |
| 17 | With effect from 1 January 2030 hackney carriage vehicle licences will only be granted to vehicles which are zero emission.   |
| 18 | With effect from 1 January 2025 private hire vehicle licences will only be granted to petrol, diesel or hybrid vehicles or vehicles which are Euro 6 compliant.   |
| 19 | The vehicle must not have more than 8 passenger seats or capacity for more than 8 passenger seats.  |
| 20 | The vehicle must be capable of passing the taxi test.   |

| <b>Specific requirements for wheelchair accessible vehicles</b> |   |
|---|---|
| 23  | The vehicle must be purpose built by the manufacturer or adapted prior to registration in a manner approved by the manufacturer, for the conveyance of wheelchair bound passengers (such adaption will have appropriate certification). |
| 24  | 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.                    |

|    |   |
|----|---|
| 25 | 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 at all times. |
| 26 | If the vehicle was not purpose built for the carriage of wheelchairs the applicant will be required to produce documentary evidence that it was adapted prior to registration, and that the adaption was approved by the manufacturer.                            |



### Driver/Proprietor Vehicle Inspections

Public safety is at the core of hackney carriage and private hire licensing, the safety of a licensed vehicle is an integral part of that. As part of the conditions attached to driver and vehicle licences and the hackney carriage drivers code of conduct both drivers and vehicle licence owners have responsibility in terms of the safety of the vehicle.

#### Drivers

A licensed driver shall undertake a daily vehicle check at the beginning of each shift. The checks to be carried out are as follows:

- Lights and indicators.
- Tyre condition, pressures and tread/wheelnuts.
- Wipers, washers, and washer fluid levels.
- Cleanliness inside and out.
- Bodywork – no dents or sharp edges.
- Licence plates present and fixed in accordance with licensing requirements.
- Signage present as required.
- Brakes.
- Horn in working order.
- Oil/Water levels.
- Drivers mirrors.
- Seats/seat belts.
- Suspension/steering appear to be working ok.
- Sundry equipment.

The licensed driver shall ensure a record is immediately made once the checks have been carried out and note any defects and corrective action undertaken. The record of the check is to be kept in the vehicle at all times and will ensure the information is available to an Authorised Officer upon request. In the case of vehicles licensed by a person other than the driver, the vehicle licence holder must be informed of any defects identified and corrective action undertaken/required.

#### Proprietor (Vehicle Licence Holder)

A vehicle licence holder shall on a monthly basis undertake and keep a written record of the vehicle inspection detailing the outcome of all the checks carried out. The documented information must as a minimum contained the information detailed in Table 1 (below).

#### Vehicle Testing

When a licensed vehicle is submitted for a vehicle licence test, the vehicle testers or authorised officers may ask to see the vehicle inspection records. Where there are anomalies between the condition of the vehicle as presented for test and the vehicle inspection records these will be reported to the licensing office and consideration given as to any action required in terms of the vehicle licence holder or the licensed driver

**What if the licensed driver and or vehicle holder fail to undertake the checks and record the required information?**

The failure to complete the relevant vehicle checks as required by the licence conditions represents a breach of those conditions, this may then give rise to the Council formally considering whether an individual remains suitable to continue to hold the licence in effect whether the driver remains fit and proper to hold a drivers licence if he/ she is not capable of carrying out safety checks on the vehicle. Similarly, is a vehicle licence holder an appropriate person to hold a vehicle licence if he/ she is not capable of demonstrating that the vehicle is properly maintained. Such failures may also impact on a person's suitability to hold future licences.

**Notes:**

The vehicle must be in a roadworthy condition before it is available for hire. Defects should be reported to the vehicle proprietor and repaired/rectified before starting work. Documents may be checked at the vehicle test. The form below can be replaced with similar paperwork of your choice but must contain all the information as detailed on the form below.

**CHECKLIST FORM PROVIDED ON PAGE BELOW**

**Table 1**

**Driver and Proprietor**  
**Vehicle Inspection Record and Checklist**

|                                |  |                          |  |
|--------------------------------|--|--------------------------|--|
| <b>Date Checks Completed:</b>  |  | <b>Licence Plate No:</b> |  |
| <b>Vehicle Make and Model:</b> |  | <b>Registration No:</b>  |  |

| <b>Item Checked:</b>   | <b>Satisfactory (please ✓ as appropriate)</b> |           |
|--|---|-----------|
|  | <b>Yes</b>                                    | <b>No</b> |
| Fuel, Oil, and Water   |   |           |
| Handbrake/Footbrake  |   |           |
| Wheel Security (No nuts/Studs missing or loose)  |   |           |
| Tyres (Tread/Pressure)   |   |           |
| Lights, Reflectors, Horn (including Activated Warning Lights)  |   |           |
| Driver's Mirrors (intact and adjusted)   |   |           |
| Windscreen/Wipers/Washer   |   |           |
| All Seats and Seat Belts   |   |           |
| First Aid Box/Fire Extinguisher  |   |           |
| All Signage Internal/External and Plates (present and in good condition, including Roof Lights on Hackney Carriages)                 |   |           |
| Body Panels/Paintwork  |   |           |
| Sundry Equipment i.e., Steps, Ramps, Wheelchair Anchor Straps, Swivel Seats  |   |           |
| Suspension/Steering i.e., any knocking or rattling? (Problems should be investigated immediately and necessary repairs carried out). |   |           |

I certify that the above checks have been completed. Any corrective action has been completed. The vehicle is/is not in a roadworthy condition.

|                              |  |                  |  |
|------------------------------|--|------------------|--|
| <b>Checks carried out by</b> |  |                  |  |
| <b>Name (please print):</b>  |  | <b>Badge No:</b> |  |
| <b>Signature:</b>            |  | <b>Date:</b>     |  |

|                              |  |                    |  |
|------------------------------|--|--------------------|--|
| <b>Proprietor of Vehicle</b> |  |                    |  |
| <b>Name (please print):</b>  |  | <b>Contact No:</b> |  |
| <b>Signature:</b>            |  | <b>Date:</b>       |  |





LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

HACKNEY CARRIAGE VEHICLE LICENCES

CONDITIONS OF LICENCE

A Licensing Administration

**A1**

The vehicle licence holder shall:

- Within 7 days notify the Council in writing (an email will suffice) of any change of address.

**A2**

The vehicle licence holder shall:

- In the event of the hackney carriage vehicle licence being held in the name of a company or partnership, the licensing authority shall be notified in writing (email will suffice) of any change in directors or partners within 14 days of any such change taking place.

**A3**

The vehicle licence holder shall:

- Ensure that whilst a hackney carriage vehicle is licensed by Lancaster City Council the vehicle is not to be licensed by another local authority

**A4**

The vehicle licence holder shall:

- Upon request from an authorised officer provide details as to who had permission to drive the vehicle at a date and time specified by the officer

**A5**

The vehicle licence holder shall:

- Throughout the currency of the licence, keep in force in relation to the user of the hackney carriage vehicle, a suitable policy of insurance which covers, public hire use, third party liability both in respect of physical injury or death and in respect of damage to personal belongings.

**A6**

The vehicle licence holder shall:

- Before permitting a licensed hackney carriage driver to drive the vehicle require the driver to deliver to him/her a copy of their 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.

- keep a complete and accurate record of the name of the person driving the vehicle at any time and the expiry date of the licence.
- not allow any person to drive the licensed vehicle without a valid hackney carriage drivers licence being in place.
- Keep information relating to drivers licences for six months following expiry of the licence and produce upon request to an authorised officer or constable.

**A7**

The vehicle licence holder shall:

- pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.
- 

**B Condition of the Vehicle**

**B1**

The vehicle licence holder shall:

- Ensure no alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior approval of the Council at any time while the licence is in force.

**B2**

The vehicle licence holder shall:

- Ensure the boot / luggage compartment should be available for passenger luggage and otherwise kept empty except for spare wheel, fire extinguisher, essential tools and first aid kit. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.

**B3**

The vehicle licence holder shall:

- Ensure that the hackney carriage vehicle is maintained in good order and should be capable of passing the Councils vehicle test/ inspection at any stage during the licence period
- A vehicle licence holder shall on a monthly basis undertake and keep a written record of the vehicle inspection detailing the outcome of all the checks carried out. The documented information must as a minimum contained the following checks:
  - Lights and Indicators
  - Tyre condition, pressures and tread/wheel nuts

- Wipers, washers and washer fluid levels
- Cleanliness inside and out
- Bodywork – no dents or sharp edges
- Licence plates present and fixed in accordance with licensing requirements
- Signage present as required
- Brakes
- Horn in working order
- Oil/ Water levels
- Drivers mirrors
- Seats/seat belts
- Sundry equipment
- Suspension/steering appear to be working ok

**B4**

The vehicle licence holder shall:

- Ensure there is provided and maintained in the vehicle at all times a suitable and efficient fire extinguisher, which must also be in-date and a first aid kit containing appropriate first aid dressings and equipment (to comply with British Standard BS 8599-2), 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).
- Ensure the first aid kit is indelibly marked with the vehicle registration number of vehicle licence number

**B5**

The vehicle licence holder shall:

- ensure the Hackney carriage vehicle is capable of safely carrying a medium sized suitcase per person (guide airplane cabin size)

**B6**

The vehicle licence holder shall:

- Ensure The vehicle glass is to be kept clear of all obstructions

The minimum permitted light transmissions are as follows:

- Front windscreen transmission – minimum 75% light
- Front side glass transmission – minimum 70% light

**C Convictions and Suitability**

**C1**

The vehicle licence holder shall:

- Within 48 hours notify the council in writing (email will suffice) providing full details of any arrest or criminal investigation, summons, charge conviction, formal or simple caution, fixed penalty or alternative driving related course , binding over, criminal court order, criminal behaviour order or anti-social behaviour injunction, domestic violence related order against them during the period of the licence and or during the period since receipt of the application up to grant of the licence

**D Signage**

**D1**

The vehicle licence holder shall:

- Ensure that the rear plate is firmly affixed to the nearside of the rear bumper, all information on the plate should be visible from the rear of the vehicle and the plate must not in any way obscure the vehicle registration plates or lights on the vehicle

**D2**

The vehicle licence holder shall:

- In respect of hackney carriage vehicles not fitted with an integral roof sign ensure a roof sign in the style and format and containing the wording as prescribed by Lancaster City Council is affixed to the vehicle roof. The roof sign must be capable of illumination and be illuminated at all times when (and only when) the vehicle is available for hire
- In respect of vehicles fitted with integral roof signs ensure roof signs are capable of illumination and be illuminated at all times when (and only when) the vehicle is available for hire.
- Display door signs supplied by Lancaster City Council and affix these to the front doors of the vehicle. These cannot be magnitised.
- Ensure that the Council issued "passenger information signage" is displayed in the vehicle in such a way that it can be seen by all passengers when seated. If required multiple signs must be displayed
- No smoking signs must be displayed in such a manner that they can be seen by passengers inside and outside of the vehicle

**D3**

The vehicle licence holder shall:

- Provide signage displayed in the vehicle in such a position that it can be seen by all passengers when seated stating the Licence number of the vehicle and the maximum number of passengers to be carried in the vehicle.

#### **D4**

The vehicle licence holder shall:

- Ensure no sign, notice, flag, emblem or advertisement shall be displayed in or on a hackney carriage vehicle without the express permission of the Council.

#### **D5**

The vehicle licence holder shall:

- Ensure any hackney carriage vehicle with the capacity to carry more than four passengers must display a sign provided by the Council in the nearside rear passenger window which states that the fare is the same as in a 4-seater Hackney Carriage.

### **E Assistance Dogs**

#### **E1**

The vehicle licence holder shall:

- Not prevent a licensed driver from carrying assistance dogs in the vehicle.

(The only exemption to this is where a licensed driver who drives the vehicle has been issued with an exemption certificate by the City Council)

### **F Meters**

#### **F1**

The vehicle licence holder shall:

- Ensure 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.

### **G Additional Conditions applicable to Wheelchair Accessible Vehicles**

#### **G1**

The vehicle licence holder shall:

- Ensure any person permitted to drive the vehicle is fully trained and can safely use all the specialist equipment in the vehicle, in particular the licence holder must satisfy himself that the driver can safely load/ unload and secure any passenger travelling in a wheelchair.

- Ensure where there is a change of vehicle to hackney carriage licence mandated to be wheelchair accessible the new vehicle must be a wheelchair accessible vehicle that conforms to the hackney carriage wheelchair accessible vehicle specification.

**G2**

The vehicle licence holder shall:

- in respect of a wheelchair accessible licensed vehicle ensure the hackney carriage vehicle displays the nationally recognised wheelchair accessible sign immediately above the Council issued door signs.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**  
**PRIVATE HIRE VEHICLE LICENCES**

**CONDITIONS OF LICENCE**

**A Licensing Administration**

**A1**

The vehicle licence holder shall:

- Within 7 days notify the Council in writing (an email will suffice) of any change of address.

**A2**

The vehicle licence holder shall:

- In the event of the private hire vehicle licence being held in the name of a company or partnership, the licensing authority shall be notified in writing (email will suffice) of any change in directors or partners within 14 days of any such change taking place.

**A3**

The vehicle licence holder shall:

- Ensure that whilst a private hire vehicle is licensed by Lancaster City Council the vehicle is not to be licensed by another local authority.

**A4**

The vehicle licence holder shall:

- Upon request from an authorised officer provide details as to who had permission to drive the vehicle at a date and time specified by the officer

**A5**

The vehicle licence holder shall:

- Throughout the currency of the licence, keep in force in relation to the user of the private hire vehicle, a suitable policy of insurance which cover, private hire use, third party liability both in respect of physical injury or death and in respect of damage to personal belongings.

**A6**

The vehicle licence holder shall:

- Before permitting a licensed private hire driver to drive the licensed vehicle require the driver to deliver to him/her a copy of their private hire driver's licence for retention, until such time as the driver ceases to be permitted or employed to drive the private hire vehicle.

The vehicle licence holder shall:

- Keep a complete and accurate record of the name of the person driving the vehicle at any time and the expiry date of the drivers licence.
- Not allow any person to drive the licensed vehicle without a valid private hire driver's licence being in place.
- Keep information re driver's licences for six months after expiry and produce upon request to an authorised officer or constable.

#### **A7**

The private hire vehicle licence holder shall:

- Pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.

### **B Condition of the Vehicle**

#### **B1**

The vehicle licence holder shall:

- Ensure no alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior approval of the Council at any time while the licence is in force.

#### **B2**

The vehicle licence holder shall:

- Ensure the boot / luggage compartment should be available for passenger luggage and otherwise kept empty except for spare wheel, fire extinguisher, essential tools and first aid kit. The compartment should be clean and any covering free from major cuts, tears or other damage or staining

#### **B3**

The vehicle licence holder shall:

- Ensure that the private hire vehicle is maintained in good order and should be capable of passing the Councils vehicle test/ inspection at any stage during the licence period



- On a monthly basis undertake and keep a written record of the vehicle inspection detailing the outcome of all the checks carried out. The documented information must as a minimum contained the following:
- Lights and indicators
- Tyre condition, pressures and tread/wheel nuts
- Wipers, washers and washer fluid levels
- Cleanliness inside and out
- Bodywork – no dents or sharp edges
- Licence plates present and fixed in accordance with licensing requirements
- Signage present as required
- Brakes
- Horn in working order
- Oil/ water levels
- Drivers mirrors
- Seats/ seat belts
- Sundry equipment
- Suspension/steering appear to be working ok.

**B4**

The vehicle licence holder shall:

- Ensure there is provided and maintained in the vehicle at all times a suitable and efficient fire extinguisher, which must also be in-date and a first aid kit containing appropriate first aid dressings and equipment (to comply with British Standard BS 8599-2), 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.

**B5**

The vehicle licence holder shall:

- Ensure the vehicle glass is to be kept clear of all obstructions

The minimum permitted light transmissions are as follows:

- Front windscreen transmission – minimum 75% light
- Front side glass transmission – minimum 70% light

No restrictions to rear passenger side windows or rear windscreen.

### **C Convictions and Suitability**

#### **C1**

The vehicle licence holder shall:

- within 48 hours notify the council in writing (email will suffice) providing full details of any arrest or criminal investigation, summons, charge conviction, formal or simple caution, fixed penalty or alternative driving related course, binding over, criminal court order, criminal behaviour order or anti-social behaviour injunction, domestic violence related order against them during the period of the licence and or during the period since receipt of the application up to grant of the licence.

### **D Signage**

#### **D1**

The vehicle licence holder shall:

- Ensure that the rear plate is firmly affixed to the nearside of the rear bumper, all information on the plate should be visible from the rear of the vehicle and the plate must not in any way obscure the vehicle registration plates or lights on the vehicle
- Ensure the front plate is firmly affixed to the offside area of the front bumper in such a way that all information on the plate is visible when stood looking at the front of the vehicle. The plate must not obscure the registration plate or lights on the vehicle

#### **D2**

The vehicle licence holder shall:

- Ensure that before driving a licensed vehicle or renting/ tracking a vehicle to a licensed driver the following signage is in place in accordance with the requirements of these conditions
- Door signs supplied by Lancaster City Council must be affixed to the front doors of the vehicle. These cannot be magnitised.
- No smoking signs must be displayed in such a manner that they can be seen by passengers inside and outside of the vehicle
- Ensure that the Council issued “passenger information signage” is displayed in the vehicle in such a way that it can be seen by all passengers when seated. If required multiple signs must be displayed
- Ensure the licensed driver is made aware of the requirement to display the operators approved door sign in the middle of the rear doors of the vehicle in a 4-door saloon and in an equivalent position where they can be seen by all

passengers approaching the vehicle in a vehicle which does not have 4 passenger doors. These signs cannot be magnetised.

**D3**

The vehicle licence holder shall:

- Ensure no roof sign of any type including advertisements are utilised on a private hire vehicle.

**D4**

The vehicle licence holder shall:

- Provide signage displayed in the vehicle in such a position that it can be seen by all passengers when seated stating the Licence number of the vehicle and the maximum number of passengers to be carried in the vehicle.

**D5**

The vehicle licence holder shall:

- Ensure no sign, notice, flag, emblem, or advertisement shall be displayed in or on a Private Hire Vehicle without the express permission of the Council.

**E Assistance Dogs**

**E1**

The vehicle licence holder shall:

- Not prevent a licensed driver from carrying assistance dogs in the vehicle,

(The only exemption to this is where a licensed driver who drives the vehicle has been issued with an exemption certificate by the City Council).

**F Meters**

**F1**

The vehicle licence holder shall ensure if the vehicle is fitted with a meter:

- It is always of a type approved by the Council and maintained in a sound mechanical condition
- It is illuminated and is located in a position where any hirer can see the fare easily

The licensee shall ensure:

- the words 'FARE' shall be printed on the face of the meter in clear letters so as to apply to the fare recorded there on
- The meter and any connected equipment is fitted securely without the risk of impairing the driver's ability to control the vehicle or be a risk to any person in the vehicle.

**G Additional Conditions applicable to Wheelchair Accessible Vehicles**

**G1**

The vehicle licence holder shall:

- Ensure any person permitted to drive the vehicle is fully trained and can safely use all the specialist equipment in the vehicle , in particular the licence holder must satisfy himself that the driver can safely load/ unload and secure any passenger travelling in a wheelchair.

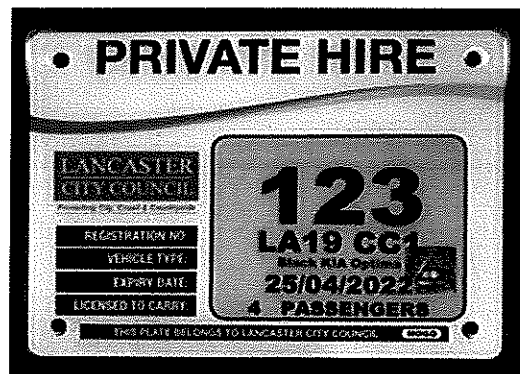
**G2**

The vehicle licence holder shall in respect of a wheelchair accessible licensed vehicle:

- Ensure the private hire vehicle displays the nationally recognised wheelchair accessible sign immediately above the Council issued door signs.

Approved SignagePrivate Hire Vehicle - Licence PlatesFront Licence Plate

Licence holders must ensure that the front plate is firmly affixed to the offside area of the front bumper in such a way that all information on the plate is visible when stood looking at the front of the vehicle. The plate must not obscure the registration plate of any lights on the vehicle.

Real Licence Plate

Licence holders must ensure that the rear plate is firmly affixed to the nearside of the rear bumper, all information on the plate should be visible from the rear of the vehicle and the plate must not in any way obscure the vehicle registration plates or lights on the vehicle

### Private Hire Vehicle Door-sign



Door signs supplied by Lancaster City Council must be affixed to the front doors of the vehicle. These cannot be magnetised.

### No Smoking Sign



No smoking signs must be displayed in such a manner that they can be seen by passengers inside and outside of the vehicle.

### Soiling Charge



Soiling charge signs must be displayed in such a manner that they can be seen by passengers inside and outside of the vehicle.

## Hackney Carriage

### Roof-sign

In respect of hackney carriage vehicles not fitted with an integral roof sign

- Ensure a roof sign in the style and format and containing the wording as prescribed by Lancaster City Council is affixed to the vehicle roof. The roof sign must be capable of illumination and be illuminated at all times when (and only when) the vehicle is available for hire

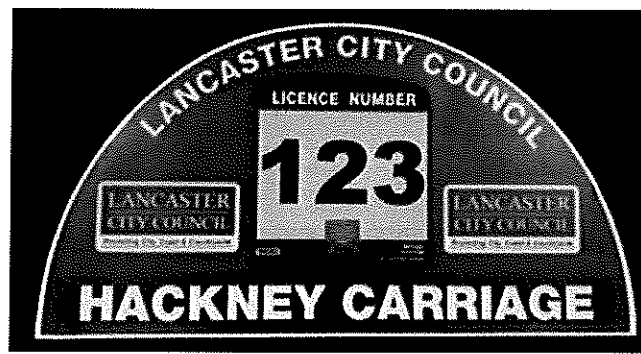
In respect of vehicles fitted with integral roof signs

- Ensure roof signs are capable of illumination and be illuminated at all times when (and only when) the vehicle is available for hire.



Rear Licence Plate

Ensure that the rear plate is firmly affixed to the nearside of the rear bumper, all information on the plate should be visible from the rear of the vehicle and the plate must not in any way obscure the vehicle registration plates or lights on the vehicle

Door-sign

Display door signs supplied by Lancaster City Council and affix these to the front doors of the vehicle. These cannot be magnetised.

No Smoking Sign

No smoking signs must be displayed in such a manner that they can be seen by passengers inside and outside of the vehicle.



### Soiling Charge



Soiling charge signs must be displayed in such a manner that they can be seen by passengers inside and outside of the vehicle.

Ensure any hackney carriage vehicle with the capacity to carry more than four passengers must display a sign provided by the Council in the nearside rear passenger window which states that the fare is the same as in a 4-seater Hackney Carriage.

### General Information

A licence holder must:

Ensure that the Council issued "passenger information signage" is displayed in the vehicle in such a way that it can be seen by all passengers when seated. If required multiple signs must be displayed.

Provide signage displayed in the vehicle in such a position that it can be seen by all passengers when seated stating the Licence number of the vehicle and the maximum number of passengers to be carried in the vehicle.

Ensure no sign, notice, flag, emblem or advertisement shall be displayed in or on a hackney carriage vehicle without the express permission of the Council.



## Lancaster City Council Hackney Carriage Ranks

| ORDER TYPE | STREET NAME                       | SIDE OF ROAD | START   | FINISH   | DATE FROM  | SCHEDULE | TSRGD | DISTRICT  | RESTRICTION | ORDER TITLE  |
|------------|-----------------------------------|--------------|---|--|------------|----------|-------|-----------|-------------|--|
| Taxi Stand | Access Road to Lancaster Cemetery | North West   | From a point 25 metres North East of its junction with Quernmore Road   | For a distance of 11 metres in a North-easterly direction  | 02/03/2009 | 3.06     | 650.1 | Lancaster | Taxi Stand  | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009 |
| Taxi Stand | Ash Grove                         | East         | From a point 59 metres North of its junction with Bridge Road   | For a distance of 5.5 metres in a Northerly direction      | 02/03/2009 | 3.06     | 650.1 | Lancaster | Taxi Stand  | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009 |
| Taxi Stand | Coulston Road                     | South East   | From a point 14 metres North East of its junction with the access road situated between 146 and 148 Coulston Road | For a distance of 5.5 metres in a North-easterly direction | 02/03/2009 | 3.06     | 650.1 | Lancaster | Taxi Stand  | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009 |

## Appendix O

| ORDER TYPE | STREET NAME                    | SIDE OF ROAD | START  | FINISH  | DATE FROM  | SCHEDULE | TSRGD | DISTRICT  | RESTRICTION | ORDER TITLE   |
|------------|--------------------------------|--------------|--|---|------------|----------|-------|-----------|-------------|---|
| Taxi Stand | Green Lane                     | North        | From a point 30 metres West of its junction with Halton Road     | For a distance of 5.5 metres in a Westerly direction  | 02/03/2009 | 3.06     | 650.1 | Lancaster | Taxi Stand  | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting)<br>Consolidation Order 2009 |
| Taxi Stand | Hala Square<br>[Northerly Leg] | South        | From a point 37 metres East of its junction with Lentworth Drive | For a distance of 5.5 metres in an Easterly direction | 02/03/2009 | 3.06     | 650.1 | Lancaster | Taxi Stand  | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting)<br>Consolidation Order 2009 |
| Taxi Stand | St Martins Road                | East         | From a point opposite the Northerly kerb line of Westham Street  | For a distance of 5.5 metres in a Southerly direction | 02/03/2009 | 3.06     | 650.1 | Lancaster | Taxi Stand  | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting)<br>Consolidation Order 2009 |

## Appendix O

| ORDER TYPE | STREET NAME          | SIDE OF ROAD | START   | FINISH  | DATE FROM  | SCHEDULE | TSRGD | DISTRICT  | RESTRICTION | ORDER TITLE  |
|------------|----------------------|--------------|---|---|------------|----------|-------|-----------|-------------|--|
| Taxi Stand | Marine Road East     | South East   | From a point 37 metres North East of its junction with Lord Street    | For a distance of 19 metres in a North-easterly direction | 02/03/2009 | 3.06     | 650.1 | Morecambe | Taxi Stand  | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009 |
| Taxi Stand | Torrisholme Road     | North        | From a point 30 metres East of the Easterly boundary of Ryelands Road | For a distance of 5.5 metres in an Easterly direction     | 02/03/2009 | 3.06     | 650.1 | Lancaster | Taxi Stand  | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009 |
| Taxi Stand | Common Garden Street | South        | From the Westerly junction of Russell Street                          | For a distance of 13 metres in an Easterly direction      | 02/03/2009 | 3.06     | 650.1 | Lancaster | Taxi Stand  | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009 |

## Appendix O

| ORDER TYPE | STREET NAME         | SIDE OF ROAD | START   | FINISH  | DATE FROM  | SCHEDULE | TSRGRD | DISTRICT  | RESTRICTION | ORDER TITLE  |
|------------|---------------------|--------------|---|---|------------|----------|--------|-----------|-------------|--|
| Taxi Stand | Marine Road East    | North West   | From a point 22 metres South West of its junction with the access road to the Morecambe Golf Club | For a distance of 10 metres in a South-westerly direction   | 02/03/2009 | 3.06     | 650.1  | Morecambe | Taxi Stand  | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009 |
| Taxi Stand | Marine Road Central | South East   | From a point 302 metres West of the Westerly boundary of Northumberland Street                    | For a distance of 12 metres in a South-westerly direction   | 02/03/2009 | 3.06     | 650.1  | Morecambe | Taxi Stand  | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009 |
| Taxi Stand | Marine Road West    | North West   | From a point 9 metres North East of the Easterly boundary of Lancashire Street                    | For a distance of 16.5 metres in a North-easterly direction | 02/03/2009 | 3.06     | 650.1  | Morecambe | Taxi Stand  | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009 |

## Appendix O

| ORDER TYPE | STREET NAME  | SIDE OF ROAD | START   | FINISH   | DATE FROM  | SCHEDULE | TSRGD | DISTRICT  | RESTRICTION | ORDER TITLE   |
|------------|--------------|--------------|---|--|------------|----------|-------|-----------|-------------|---|
| Taxi Stand | Broadway     | West         | From a point 8.5 metres North of the Northerly boundary of Dallam Avenue  | For a distance of 20 metres in a Northerly direction | 02/03/2009 | 3.06     | 650.1 | Morecambe | Taxi Stand  | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009  |
| Taxi Stand | Penny Street | All          | The triangular area of land at its junction with King Street from a point 3 metres South of the kerb line joining Penny Street with King Street | For a distance of 5 metres in a Southerly direction  | 02/03/2009 | 3.06     | 650.1 | Lancaster | Taxi Stand  | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009  |
| Taxi Stand | North Road   | West         | From a point 14 metres North of the centre-line of Church Street  | For a distance of 5 metres in a Northerly direction  | 06/12/2010 | 3.06     | 650.1 | Lancaster | Taxi Stand  | Lancashire County Council (Church Street and North Road, Lancaster) (Part Revocation, Prohibition of Waiting, Loading/Unloading, Goods Vehicles Only Loading/Unloading Bay, Authorised Taxi Rank and Disabled Place) Order 2010 |

## Appendix O

| ORDER TYPE             | STREET NAME   | SIDE OF ROAD | START  | FINISH   | DATE FROM  | SCHEDULE | TSRGRD | DISTRICT  | RESTRICTION | ORDER TITLE   |
|------------------------|---------------|--------------|--|--|------------|----------|--------|-----------|-------------|---|
| No Waiting At Any Time | Market Street | East         | From a point 104 metres North of its junction with Central Drive                     | For a distance of 20 metres in a Northerly direction | 15/07/2016 | 3.06     | 650.1  | Morecambe | Taxi Stand  | Lancashire County Council (Derby St, Marine Rd Central, Market St, Tunstall St and Victoria St, Morecambe, Lancaster City) (Revocation And Various Parking Restrictions) Order 2016 |
| No Waiting At Any Time | Market Street | East         | From a point 55 metres North of its junction with Central Drive                      | For a distance of 26 metres in a Northerly direction | 15/07/2016 | 3.06     | 650.1  | Morecambe | Taxi Stand  | Lancashire County Council (Derby St, Marine Rd Central, Market St, Tunstall St and Victoria St, Morecambe, Lancaster City) (Revocation And Various Parking Restrictions) Order 2016 |
| No Waiting At Any Time | Market Street | West         | From a point 89 metres from its junction with Central Drive in a Northerly direction | For a distance of 34 metres in a Northerly direction | 15/07/2016 | 3.06     | 650.1  | Morecambe | Taxi Stand  | Lancashire County Council (Derby St, Marine Rd Central, Market St, Tunstall St and Victoria St, Morecambe, Lancaster City) (Revocation And Various Parking Restrictions) Order 2016 |



## Appendix O

| ORDER TYPE             | STREET NAME     | SIDE OF ROAD | START  | FINISH  | DATE FROM  | SCHEDULE | TSRGD | DISTRICT  | RESTRICTION                               | ORDER TITLE   |
|------------------------|-----------------|--------------|--|---|------------|----------|-------|-----------|---|---|
| No Waiting At Any Time | Tunstall Street | South        | From a point 10 metres South East of its junction with the Westerly kerb line of Anderton Street | For a distance of 12 metres in a South-easterly direction | 15/07/2016 | 3.06     | 650.1 | Morecambe | Taxi Stand                                | Lancashire County Council (Derby St, Marine Rd Central, Market St, Tunstall St and Victoria St, Morecambe, Lancaster City) (Revocation And Various Parking Restrictions) Order 2016 |
| Taxi Stand             | Victoria Street | North        | From a point 7.62 metres North East of its junction with Skipton Street                          | For a distance of 12 metres in a North-easterly direction | 02/03/2009 | 3.08     | 650.1 | Morecambe | Taxi Stand 10am-4pm                       | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009  |
| Taxi Stand             | North Road      | South East   | From its junction with Parliament Street   | For a distance of 55 metres in a south-westerly direction | 02/03/2009 | 3.13     | 650.1 | Lancaster | Taxi Stand 10pm-midnight and midnight-4am | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009  |

## Appendix O

| ORDER TYPE | STREET NAME      | SIDE OF ROAD | START   | FINISH   | DATE FROM  | SCHEDULE | TSRGRD | DISTRICT  | RESTRICTION        | ORDER TITLE  |
|------------|------------------|--------------|---|--|------------|----------|--------|-----------|--------------------|--|
| Taxi Stand | Gage Street      | North        | From a point 5 metres East of the Westerly boundary of Mary Street          | For a distance of 10 metres in an Easterly direction | 02/03/2009 | 3.07     | 650.1  | Lancaster | Taxi Stand 8am-6pm | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009 |
| Taxi Stand | Gage Street      | North        | From a point 24 metres east of the Westerly boundary of Mary Street         | For a distance of 13 metres in an Easterly direction | 02/03/2009 | 3.07     | 650.1  | Lancaster | Taxi Stand 8am-6pm | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009 |
| Taxi Stand | Marine Road West | North West   | From a point 25.5m North East of the easterly boundary of Lancashire Street | For a distance of 11m in a North-easterly direction  | 02/03/2009 | 3.07     | 650.1  | Morecambe | Taxi Stand 8am-6pm | Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009 |

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
PRIVATE HIRE OPERATOR LICENCES

CONDITIONS OF LICENCE

A Licensing Administration

A1

The private hire 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:
- 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

A2

The private hire operator shall:

- If sub-contracting work to a private hire operator not licensed with Lancaster City Council, must have regard to the standards in place by both licensing authorities and take steps to ensure Lancaster's licensing standards are not undermined by the subcontracting (Example, has the driver got good topographical knowledge of the Lancaster area)

A3

The private hire operator shall:

- Notify the Licensing office in writing (email will suffice) of any change of address within seven days of such change taking place.

A4

The private hire operator shall:

- For the duration of the licence, the Licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.

A5

The private hire operator shall:

- Ensure that adequate training is provided to staff (paid or unpaid) on:

1. Licensing Law,
2. Complaints,
3. Safeguarding Policies
4. How and when to accept bookings.

This training must be undertaken within one month of the commencement of these conditions or employment and thereafter, at least every two years. The Operator must keep a documented record of the aforementioned training which has been signed by the operator and the member of staff.

A6

The private hire operator shall:

- Co-operate fully with any authorised officers in respect of any enquiries or investigations carried out relating to drivers or vehicles connected to the business or formerly connected to the business.
- Co-operate fully with authorised officers in the business of the private hire operator respect of any investigations or inspections regarding.

A7

(a) The private hire operator shall:

Not allocate any bookings to any driver or vehicle without having a copy of the current driver/ vehicle licence on file. (i.e. they shall not allocate any bookings to a driver/ vehicle licence holder whose licence has expired).

(b) The private hire operator shall:

Inform the Licensing office in writing (email will suffice) if they are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this the operator must give the name of the person that will be responsible for running of the business on their behalf.

A8

The private hire operator shall:

Adopt, implement, review and update a data protection policy and in doing so must ensure that any personal information obtained during the course of the business is stored securely. Access to the information must be restricted to persons who will use it for the purpose for which it has been collected.

A9

The private hire operator shall:

- Submit to the Licensing Office for approval company door signs compliant with the signage requirements detailed in the taxi policy.
- The door signs shall provide details of the private hire name and contact telephone number, and display information as required by the council's taxi licensing policy in respect of pre-booking requirements.
- Only door signs approved by the City Council can be displayed on licensed vehicles.

A10

The private hire operator shall:

- Adopt, implement, review and update its documented equality policy which details how the operator will comply with its requirements under the Equality Act 2010 including disability awareness and the carrying of assistance animals.

### **B Taking and Recording of Bookings**

B1

The private hire operator shall record the following information in respect of each booking:

- Time and date booking received
- Name and contact details (phone number or address) of person making the booking
- How the booking was made e.g. Telephone/Online etc.
- Time of pick up
- Location of pick up
- Specific destination
- ID of dispatched driver (i.e. name /call sign)
- ID of dispatched vehicle (Licence/fleet number)
- ID of person taking booking (excludes electronic bookings)
- Any special requirements e.g. wheelchair accessible/child seats/ luggage
- Details of any subcontracting to or from another PHO
- Any fare quoted at time of booking, if requested by the person making the booking.
- Detail any subcontracting arrangements to or from another private hire operator.

B2

A private hire operator shall:

Advise a customer if the booking is being subcontracted to another operator and if so will provide the name of the sub contracted operator who will be undertaking the booking.

B3

A private hire operator shall:

- ensure that booking records are:
  - a) Available for immediate inspection by an authorised officer
  - b) Able to be printed onto paper or downloaded in an electronic format
  - c) Continuous and chronological
  - d) Not capable of retrospective alteration or amendment
  - e) Kept as one set of records. Cash and credit account bookings can be separately identified but must not be in separate sets of records.
  - f) Are clear, intelligible, and retained for a minimum of 12 months from the date of the last entry

B4

The private hire operator shall ensure:

- the use of a driver who holds a PCV licence and the use of a public service vehicle such as a minibus to undertake a private hire vehicle booking will not be permitted without the informed consent of the person making the booking
- Where a PSV is to be utilised for a booking the person making the booking should be advised that the driver has not been subject to an enhanced DBS check. No such notification is required if the PSV driver is also a Lancaster licensed private hire/hackney carriage driver

### **C Records Required (Other than Booking Information)**

C1

The private hire operator shall:

- keep detailed, up to date, records of every vehicle operated by him (whether licensed as private hire or hackney carriage) The records must include:
  - a) Name and home address of the vehicle licence holder
  - b) A copy of the current vehicle licence including expiry date
  - c) The date the vehicle was first used by the PHO to fulfil bookings and the date the PHO ceased using the vehicle to fulfil bookings (where applicable)
  - d) The vehicle registration number
  - e) A list of unique radio/call sign allocated to the driver and vehicle have a system in place to ensure that no vehicle is operated when the licence or insurance has expired
    - have a system in place to ensure that no vehicle is operated when the licence or insurance has expired

C2

The private hire operator shall:

- keep detailed, up to date, records of every driver operated by him (whether licensed as private hire or hackney carriage) The records must include:
  - a) Name and home address of the driver
  - b) The dates the driver commenced fulfilling bookings from the PHO and the date the driver ceased taking bookings from the PHO (where applicable).

c) A copy of the driver's current private hire or hackney carriage driver licence including the expiry date of that licence.

- have a system in place to ensure that driver is allocated any work once the driver's licence has expired

C3

The private hire operator shall:

- Adopt, implement review and update a Customer Service and Complaints Policy which includes conduct of drivers and the timeframe for responding to complaints, the following are specific requirements in relation to the handling of complaints.

The private hire operator shall:

1. Record in writing or digitally every complaint received against its service (including any driver/vehicle complaints) and details of the outcome of the complaint/ action taken including details of the licence holder(s) identified as the subject of the complaint.
2. Investigate the complaints and provide a response to the complainant outlining the findings of the investigation and any action taken.
3. Where the operator has concerns regarding the conduct of a licence holder or a pattern of complaints, this should be notified to the licensing office by email and a copy of the email kept in the complaints record.
4. Where a complaint has not been resolved 14 days after receipt. The operator shall within the next 7 days (following the 14 days) notify the Licensing office in writing (email will suffice) of the complaint and the findings outcome of the investigation.
5. Take additional action as required by licence condition c4 in respect of complaints that fall within the category listed in respect of C4.

C4

The private hire operator shall:

- notify the Council immediately by email (or in any case within 24 hours) of any complaints, police enquiries or notification of convictions involving any driver that is registered to carry out bookings for the operator which relates to matters of a sexual nature, dishonesty, indecency, violence or threats of violence, equality or drugs, serious motoring offences.
- In accordance with the above requirement provide at the time of any such notification to the council the identity of the driver involved and the nature of the complaint/enquiry including the complainant's details. This notification to the Council must take place regardless of whether the operator ceases any contractual arrangement with the driver.

C5

The private hire operator shall:

Provide a copy of the complaints record every six months to the Licensing Office. This shall be in the form of a copy of the complaint log required as per licence condition C3 detailing all complaints received, licence holders identified as the subject of the complaint and action taken. The report should be provided no later than one month after the end of the reporting period.

C6

The private hire operator shall:

- Keep a written record (manual or digital) of lost property that is handed to him by drivers or passengers. The record must include the date the item is handed to the Operator, details of where it was found and a description of the property, and if it was claimed claimant contact details. The log must always be available for inspection by an Authorised Officer and any information entered onto the record must be kept for a period of 12 months from the date of entry.
- Securely store lost property for a period of 6 months, after which time it should be disposed of in a secure manner, or if appropriate donated to charitable purposes.

C7

A private hire operator shall:

- Keep all records and make them immediately available to authorised officers on request for a period of not less than 12 months following the date of last entry.

### D Convictions

D1

A private hire operator shall:

- Provide a DBS basic disclosure to the Licensing office on an annual basis.

Where the applicant / private hire operator is a company or partnership each director/partner will be required to comply with the requirements of the basic disclosure described in the paragraph above.

The above requirement will not be enforced in respect of any operator who currently holds a Lancaster hackney carriage/ private hire drivers' licence.

D2

A private hire operator shall:

- Within 48 hours notify the council in writing (email will suffice) providing full details of any conviction, fixed penalty, binding over, caution, charge or arrest for any matter (whether or not charged) imposed on him/ her during the period of the licence.



### E Safeguarding

E1

The private hire operator shall:

- require all individuals working/ involved in bookings and or dispatching vehicles or having contact with private hire users ( paid/ unpaid) for the business to provide the operator with a basic DBS disclosure dated within 1 month of the start date of employment/ placement in the operator premises.
- require existing individuals working/ involved in bookings and or dispatching vehicle or having contact with private hire users ( paid or unpaid) for the business to provide the operator with a basic DBS disclosure without delay and in any event within 1 month of the date of grant of this licence.

E2

The private hire operator shall:

- training provided in respect of safeguarding
- have a documented safeguarding policy in place that details
- how to report matters of concern regarding safeguarding
- recruitment and suitability policy on employing/ volunteers who are ex-offenders and consideration of matters detailed in a DBS
- whistleblowing policy

The policy shall be implemented, reviewed and updated as necessary.

E3

The private hire operator shall:

- keep up to date records of all individuals working/ involved in any capacity (paid or unpaid) for the business as follows:
- Full Name
- Address
- Date of Birth
- Contact Details (Phone and Email)
- DBS issue date and certificate number (in respect of persons falling within the definition of condition E1 above)
- Start and finish dates of employment
- Job Title

**F Premises and Equipment**

F1

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

F2

The private hire operator shall:

Ensure all reasonable precautions are to be taken to ensure that activities within the Operator's office and from licensed vehicles do not create a nuisance to others.

F3

The private hire operator shall:

Shall obtain and maintain in force at all times a public liability insurance policy in respect of his/her premises to which the public have access and produce the same to an authorised officer on request.

F4

Where the private hire operator has premises to which the public have access, they shall display the following at their premises at all times:

- a) A copy of the current Operator Licence.
- b) A schedule of fares.
- c) Information provided by the Licensing office in respect of passenger information
- d) A copy of the public liability insurance policy certificate.

The above shall be displayed in a prominent position, where the public have access and, where it can be easily read.

- If the Operator has a website and/or uses Application based technology to attract bookings, the notices listed above must also be available to view on the relevant website.

**Details of Hackney Carriage and Private Hire related Offences  
and Maximum Penalties**

**Table 1**

Details the current fines (as at February 2021) for each level of the standard fine scale.

| Level | Maximum Fine |
|-------|--------------|
| 1     | £200         |
| 2     | £500         |
| 3     | £1,000       |
| 4     | £2,500       |
| 5     | Unlimited    |

**Table 2**

Offences under the Town Police Clauses Act 1847 – these offences relate to hackney carriage drivers/ vehicles, but do not include private hire.

| Section of the TPCA 1847 | Offence   | Maximum Penalty   |
|--------------------------|---|---|
| 40                       | Giving false information on application for HC proprietor's licence | Level 1   |
| 44                       | Failure to notify change of address of HC proprietor                | Level 1   |
| 45                       | Plying for hire without a HC proprietor licence                     | Level 4   |
| 47                       | Driving a HC without a HC driver's licence                          | Level 3   |
| 47                       | Lending or parting with a HC driver's licence                       | Level 3   |
| 47                       | HC proprietor employing unlicensed driver                           | Level 3   |
| 48                       | Failure by HC proprietor to hold HC driver's licence                | Level 1   |
| 48                       | Failure by HC proprietor to produce HC driver's licence             | Level 1   |
| 52                       | Failure to display HC plate   | Level 1   |
| 53                       | Refusal to take a fare  | Level 2   |
| 54                       | Charging more than the agreed fare                                  | Level 1   |
| 55                       | Obtaining more than the legal fare                                  | Level 3 and 1 month imprisonment until the excess is refunded |
| 56                       | Travelling less than the lawful distance for an agreed fare         | Level 1   |
| 57                       | Failing to wait after a deposit to wait has been paid               | Level 1   |
| 58                       | Charging more than the legal fare                                   | Level 3   |

|    |  |         |
|----|--|---------|
| 59 | Carrying other person than the hirer without consent               | Level 1 |
| 60 | Driving a HC without proprietor's consent                          | Level 1 |
| 60 | Person allowing another to drive a HC without proprietor's consent | Level 1 |
| 61 | Drunken driving of hackney carriage                                | Level 1 |
| 61 | Furious driving or wilful misconduct leading to injury or danger   | Level 1 |
| 62 | Driver leaving hackney carriage unattended                         | Level 1 |
| 64 | HC driver obstructing other HCs                                    | Level 1 |

**Table 3****Offences under Local Government (Miscellaneous Provisions) Act 1976 – hackney carriage provisions**

| <b>Section</b> | <b>Offence</b>  | <b>Maximum Penalty</b>   |
|----------------|---|--|
| 49             | Failure to notify transfer of HC proprietor's licence   | Level 3 (by virtue of s 76)  |
| 50(1)          | Failure to present HC for inspection as required  | Level 3 (by virtue of s76)   |
| 50(2)          | Failure to inform LA where HC is stored if requested  | Level 3 (by virtue of s76)   |
| 50(3)          | Failure of proprietor to report an accident to LA   | Level 3 (by virtue of s76)   |
| 50(4)          | Failure to produce HC proprietor's licence and insurance certificate  | Level 3 (by virtue of s76)   |
| 53(3)          | Failure to produce HC driver's licence  | Level 3 (by virtue of s76)   |
| 53A(9)         | Failure to return driver's licence and badge after ceasing to be in force for immigration reasons             | Level 3 and daily penalty of £10 for each day of non-compliance after conviction |
| 57             | Making false statement of withholding information to obtain HC driver's licence                               | Level 3 (by virtue of s 76)  |
| 58(2)          | Failure to return plate after notice given after expiry, revocation or suspension of HC proprietor's licence. | Level 3 plus daily fine £10  |
| 61(2)          | Failure to surrender driver's licence after suspension, revocation or refusal to renew.                       | Level 3 (by virtue of s 76)  |
| 64             | Permitting any vehicle other than HC to wait on a HC stand  | Level 3 (by virtue of s 76)  |
| 66             | Charging more than the meter fare when HC used as a private hire vehicle                                      | Level 3 (by virtue of s 76)  |
| 67             | Charging more than the metre fare when HC used as a private hire vehicle                                      | Level 3 (by virtue of s 76)  |
| 71             | Interfering with a taximeter  | Level 3 (by virtue of s 76)  |
| 73 (1)(a)      | Obstruction of authorised officer or constable  | Level 3 (by virtue of s76)   |
| 73(1)(b)       | Failure to comply with requirement of authorised officer or constable   | Level 3 (by virtue of s 76)  |

|          |  |                               |
|----------|--|-------------------------------|
| 73(1)(c) | Failure to give information or assistance to authorised officer or constable | Level 3 (by virtue of a s 76) |
|----------|--|-------------------------------|

**Table 4****Offences Local Government (Miscellaneous Provisions) Act 1976- private hire provisions**

| <b>Section</b> | <b>Offence</b>  | <b>Maximum Penalty</b>   |
|----------------|---|--|
| 46(1)(a)       | Using an unlicensed PH vehicle  | Level 3 (by virtue of s 76)  |
| 46(1)(b)       | Driving a PH vehicle without a PH driver's licence  | Level 3 (by virtue of a 76)  |
| 46(1)(c)       | Proprietor of a PH vehicle using an unlicensed driver   | Level 3 (by virtue of s 76)  |
| 46(1)(d)       | Operating a PH vehicle without a PH operator's licence  | Level 3 (by virtue of s 76)  |
| 46(1)(e)       | Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle                | Level 3 (by virtue of s 76)  |
| 46(1)(e)       | Operating a PH vehicle when the driver is not licensed as a PH driver                               | Level 3 (by virtue of s 76)  |
| 48(6)          | Failure to display PH vehicle plate   | Level 3 (by virtue of s 76)  |
| 49             | Failure to notify transfer of PH vehicle licence  | Level 3 (by virtue of s 76)  |
| 50(1)          | Failure to present PH vehicle for inspection as required  | Level 3 (by virtue of s 76)  |
| 50(2)          | Failure to inform LA where PH vehicle is stored if requested  | Level 3 (by virtue of s 76)  |
| 50(3)          | Failure to report an accident to LA   | Level 3 (by virtue of s 76)  |
| 50(4)          | Failure to produce PH vehicle licence and insurance certificate                                     | Level 3 (by virtue of s 76)  |
| 53(3)          | Failure to produce PH driver's licence  | Level 3 (by virtue of s 76)  |
| 53(A)9         | Failure to return driver's licence and badge after ceasing to be in force for immigration reasons   | Level 3 and daily penalty of £10 for each day of non-compliance after conviction |
| 54(2)          | Failure to wear PH driver's badge   | Level 3 (by virtue of s 76)  |
| 55ZA(8)        | Failure to return operator's licence after ceasing to be in force for immigration reasons           | Level 3 and daily penalty of £10 for each day of non-compliance after conviction |
| 55(B)          | Subcontracting PH Operator knowing that the subcontractor will use and unlicensed vehicle or driver | Level 3 (by virtue of s 76)  |
| 56(2)          | Failure by PH operator to keep records of bookings  | Level 3 (by virtue of s 76)  |
| 56(3)          | Failure by PH operator to keep records of PH vehicles operated by him                               | Level 3 (by virtue of s 76)  |
| 56(4)          | Failure to produce PH Operator's licence on request   | Level 3 (by virtue of s 76)  |
| 57             | Making false statement or withholding information to obtain PH driver's or operator's licence       | Level 3 (by virtue of s 76)  |

|                |   |                                |
|----------------|---|--------------------------------|
| 58(2)          | Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence | Level 3 plus daily fine of £10 |
| 61(2)          | Failure to surrender driver's licence after suspension, revocation or refusal to renew                  | Level 3 (by virtue of s 76)    |
| <b>Section</b> | <b>Offence</b>  | <b>Maximum Penalty</b>         |
| 67             | Charging more than the meter fare when HC used as private hire vehicle                                  | Level 3 (by virtue of s 76)    |
| 69             | Unnecessarily prolonging a journey  | Level 3 (by virtue of s 76)    |
| 71             | Interfering with a taximeter  | Level 3 (by virtue of s 76)    |
| 73(1)(a)       | Obstruction of authorised officer or constable  | Level 3 (by virtue of s 76)    |
| 73(1)(b)       | Failure to comply with requirement of authorised officer or constable                                   | Level 3 (by virtue of s 76)    |
| 73(1)(c)       | Failure to give information or assistance to authorised officer or constable                            | Level 3 (by virtue of s 76)    |

**Table 5****Offences Transport Act 1980 - private hire provisions**

| <b>Section</b>   | <b>Offence</b>   | <b>Maximum Penalty</b> |
|------------------|--|------------------------|
| Section 64(2)(a) | Driving a PH vehicle with a roof sign which contravenes section 64(1)                            | Level 3                |
| Section (2)(b)   | Causing or permitting a PH vehicle to be driven with a roof sign which contravenes section 64(1) | Level 3                |

**Table 6****Offences - Hackney Carriage Byelaws**

| <b>Byelaw</b>          | <b>Offence</b>                  | <b>Maximum Penalty</b> |
|------------------------|---------------------------------|------------------------|
| Each individual byelaw | Failure to comply with a byelaw | Level 2                |

The above tables have been reproduced from Chapter 6 Button on Taxis Licensing Law and Practice, Fourth Edition.

**Licensing Committee****Hackney Carriage Fare Review 2022****6 January 2022****Report of Licensing Manager****PURPOSE OF REPORT**

This report is to update members on the proposal to introduce a new fare tariff in relation to licensed hackney carriages operating in the Lancaster district.

Members of the Licensing Committee are required to refer their findings for decision to the next Cabinet meeting.

**This report is public**

**RECOMMENDATIONS**

- (1) **It is recommended that members consider the proposal in relation to a new fare tariff for hackney carriages operating in the Lancaster district, and;**
- (2) **Refer their findings to the next Cabinet meeting for approval.**

**1.0 Introduction**

- 1.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 makes provision for the Council to fix the rates of fares within the district for time, distance and all other charges in connection with the hire of a hackney carriage. The table of fares is attached to the inside of a hackney carriage; this allows members of the public to view all charges when hiring a vehicle
- 1.2 The current table of fares is attached at **Appendix 1**.
- 1.3 The setting of fares is an Executive function as it is not one that is listed in the Local Authorities (Function and Responsibilities) (England) Regulations 2000 and therefore falls to the Cabinet to make the decision. In its capacity as an advisory Committee to Cabinet, the Licensing Committee are required to refer any decision to Cabinet for approval.

**2.0 Background**

- 2.1 The current method of setting hackney carriage fares is to annually apply retail price index (RPI) and ballot drivers of hackney carriages on a potential increase, asking for

a Yes/No response to the proposed tariff change. Assuming that a positive response is received from the ballot to adopt the revised fare charges, the statutory requirement for advertisement and consultation is then followed before an updated table of fares is published, coming into effect on a specified date.

- 2.2 This method of reviewing fares was first adopted by this Council in February 2014 when the proposal to use the RPI model was reported to Licensing Regulatory Committee. The main reason for proposing this model for reviewing fares was that no other suitable mechanism could be found that all parties could agree on.
- 2.3 At a meeting of the Licensing Regulatory Committee on 1st June 2017, it was resolved that a review be undertaken of the mechanism for applying annual fare increases, comparing the approaches taken elsewhere at similar authorities, and the outcome be reported to the appropriate Committee. Initial results from the research were reported to a meeting of the Committee on 3rd August 2017.
- 2.4 Agreement to set up a Taxi working group comprising of Elected Members, Licensing Officers and taxi trade representatives was made at a meeting of Licensing Regulatory Committee on the 22<sup>nd</sup> March 2018. One of the priorities for the group was to consider the matter of finding an appropriate mechanism for annually reviewing fare tariffs.
- 2.5 The Licensing Manager consulted the trade through the taxi working group and more widely, through the trade newsletter to establish if an alternative methodology for setting fares is available; as well as researching other Licensing Authorities and observing their methodology. No standard methods have been identified across Authorities, either regionally or nationally.
- 2.6 Feedback from the trade received through the taxi working group was that applying RPI (RPI) was not a true reflection of the costs associated with setting up and maintaining a business as a hackney carriage proprietor.
- 2.7 At a meeting of the taxi working group on the 5<sup>th</sup> March 2019 the Licensing Manager highlighted the need for a fare review and asked representatives for suggestions, it was suggested by a member of the trade that a 20p increase on the initial “flag fall” would be most appropriate. The passenger fees associated with the carriage of luggage, soiling charge and additional passenger charges were also considered by members of the taxi working party. It was agreed such charges were reasonable and proportionate and no amendments were required.
- 2.8 It was agreed at a further meeting of the Licensing Committee on August 29<sup>th</sup> 2019 and subsequently approved by Cabinet to apply 20p increase to flag fall. This increase came into effect on 1<sup>st</sup> November 2019.

### **3.0 Current Position**

- 3.1 There has been no fare review or uplift in hackney carriages fares since 2019. It would be fair at this time, to review all fares associated with the tariff, including flag fall, waiting times, soiling charge and booking fees.
- 3.2 No appropriate methodology has been identified, yet feedback has been received from the trade highlighting frustrations at current fees and charges associated with being a licensed driver. It was suggested that applying RPI is not representative of the cost of running a licensed vehicle, rising fuel and insurance costs are also a relevant factor for consideration.



3.3 The pandemic has brought about many challenges for the licensed trade, with many choosing not to renew licences and seek alternative employment. The licensing service are working with internal and external partners to support the trade and encourage new applicants into the profession through funding. It is therefore important the fares represent the living wage locally. In addition, any uplift would need to be balanced in terms of public expectation, anything too great would face criticism and potentially result in less work for the hackney carriage trade.

#### 4.0 Options and Options Analysis (including risk assessment)

4.1 Officers have calculated average 1-, 5- and 10-mile journeys using a variety of uplift options, including increasing rolling charges. By increasing the rolling charges by a marginal amount (10p) over these distances creates a significant raise in fare costs between 20-30% for the travelling public.

4.2 It is thought more appropriate to increase waiting times, by increasing this to 20p per 40 seconds or uncompleted part thereof. There is no suggestion that the maximum soiling charge (£75.00) need adjustment, as it is comparable with neighbouring authorities and would reflect the cost of a valet/time spent off the road through a soiling incident. The additional passenger and luggage costs should remain at 20p, respectfully.

|               | <b>Option 1:</b><br>Maintain current table of fares approved in 2019.          | <b>Option 2:</b> Apply retail price index (RPI) to current flag fall.                                 | <b>Option 3:</b> Apply uplift to flagfall across 3 tariffs. Suggested 50p and apply 10p uplift to waiting charges                                   | <b>Option 4:</b><br>Deregulate fare setting   |
|---------------|--|---|---|---|
| Advantages    | Public are aware of expected fares when hiring a hackney carriage.             | This seems to be a general approach across County and Country, although not a common approach to all. | Trade receives an uplift, proportionate to current climate.   | Allows licensed trade to calculate their own fares, they may be best placed to calculate costs.                                       |
| Disadvantages | The current table of fares does not represent rising fuel and insurance costs. | Allows for a minimal increase.  | The increase is not supported by an agreed or common methodology that reflects the cost of owning and operating a hackney carriage in the district. | Licensing Authority has no control on charges passed to the public.<br><br>May create confusion as fares could vary across the trade. |

|       |  |  |   |   |
|-------|--|--|---|---|
| Risks | Drivers may decide to leave the trade, if they decide that the profit is marginal. | Drivers may decide to leave the trade, if they decide that the profit is marginal. | Decrease in business for hackney carriages due to fare adjustments. | Lack of public confidence in use of Hackney Carriages due to unknown charges.<br><br>Varying charges between proprietors creating confusion |
|-------|--|--|---|---|

## 5.0 Officer preferred option

### 5.1 Option 3

1. Apply uplift to flagfall across 3 tariffs, suggested 50p and apply 10p uplift to waiting charges.

5.2 Applying the tariff increase as proposed in option 3, would seem appropriate so as to help ensure that hackney carriage proprietors receive a reasonable increase in fare income. The increase reflects necessary and proportionate adjustments, given that there has been no increases in fares since 2019 and the increase was marginal, based on the annual RPI.

5.3 Any concerns from members of the public would be addressed through the consultation process by placing a notice in the local press proposing the revised tariff.

5.4 An amended table of fares that reflects option 3 is attached at **Appendix 3**.

## 6.0 Conclusion

6.1 There has been no fare increase to the tariff used to calculate hackney carriage fares since 2019, when 20p was added to the flag fall. In the absence of any alternative mechanism, it is most appropriate to apply a similar process by way of uplift to flag fall and waiting time.

6.2 Should the tariff be approved, It is intended that RPI will be used as the default method to calculate increases annually and every 3 years a full review of the tariff be undertaken by the taxi working party. The adjusted tariff will be reported to Licensing Committee before making final recommendations to Cabinet.

6.2 As this is an Executive decision the Licensing Committee is not the decision-making body so must refer this to Cabinet for their approval.

**CONCLUSION OF IMPACT ASSESSMENT**

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

[Click here and type conclusion of impact assesment]

**FINANCIAL IMPLICATIONS**

There are no direct financial implications to the Council as a result of this report.

**SECTION 151 OFFICER'S COMMENTS**

Not applicable

**LEGAL IMPLICATIONS**

Pursuant to Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the advertising requirements are as follows:-

1. Putting a notice in the local paper
2. Notice must specify a date, not less than 14 days from the date that the notice is published to allow for objections and is the date, if no objections are made, that the revised fare will come into force.
3. If objections are made, and not withdrawn the Council must consider those objections and the fares then will come into effect (modified or unmodified) within 2 months of the original date.

**MONITORING OFFICER'S COMMENTS**

Not applicable

**BACKGROUND PAPERS**

None.

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**E-mail:** jcurtis@lancaster.gov.uk

**Ref:** JC/Fares2022/23



Hackney carriage number -



## **HACKNEY CARRIAGE TABLE OF FARES**

(with effect from 01/11/2019)

### **Tariff 1**

|   |              |
|---|--------------|
| <b>For hirings commenced between 07:01hrs and 23:59hrs</b>                            |              |
| If the distance does not exceed 660 yards for the whole distance:                     | <b>£2.80</b> |
| For each of the subsequent 310 yards or uncompleted part thereof:                     | <b>30p</b>   |
| <b>Waiting Time:</b> For each period of <b>40 seconds</b> or uncompleted part thereof | <b>10p</b>   |

### **Tariff 2**

|  |              |
|--|--------------|
| <b>For hirings commenced between: midnight and 07:00hrs</b><br><b>For hirings commenced between: 19:00hrs and midnight on the 24<sup>th</sup> December</b><br><b>For hirings commenced between: 19:00hrs and midnight on the 31<sup>st</sup> December</b><br><b>For hirings commencing on any Bank Holiday or Public Holiday</b> |              |
| If the distance does not exceed 660 yards for the whole distance:  | <b>£4.00</b> |
| For each subsequent 220 yards or uncompleted part thereof:   | <b>30p</b>   |
| <b>Waiting time:</b> For each period of <b>40 seconds</b> or uncompleted part thereof  | <b>10p</b>   |

### **Tariff 3**

|  |              |
|--|--------------|
| <b>For hirings commenced between: 00:01hrs 25<sup>th</sup> December and 07:00 27<sup>th</sup> December</b><br><b>For hirings commenced between 00.01 1<sup>st</sup> January and 07.00 2<sup>nd</sup> January</b> |              |
| If the distance does not exceed 880 yards for the whole distance:  | <b>£5.20</b> |
| For each subsequent 220 yards or uncompleted part thereof:   | <b>40p</b>   |
| <b>Waiting time:</b> For each period of 40 seconds or uncompleted part thereof   | <b>10p</b>   |

### **Additional Charges**

|   |                               |
|---|-------------------------------|
| For each passenger in excess of one<br>(for the purpose two children aged 11 or under to count as one passenger for the whole distance) | <b>20p</b>                    |
| For each perambulator or article of luggage carried outside the passenger compartment of the vehicle                                    | <b>20p</b>                    |
| <b>SOILING CHARGE:</b><br>A charge may be requested if the passenger(s) soils the vehicle.  | <b>Maximum Charge: £75.00</b> |

The driver may ask **if agreed by the customer**, an agreed amount in advance of the journey.

The driver if paid, must give a receipt for this. The amount must be proportionate to the metered fare.

### **A booking fee up to a maximum of £4.00 maybe charged where:**

- a) The Hackney carriage is booked in advance; and
- b)
  - I. The Customer shall be told the cost of the booking fee at the time that the booking is taken and the amount recorded in the booking log; and
  - II. The customer shall be told that the booking fee is in addition to the fare for the journey; and
- c) The hiring involves a separate journey of at least one mile, starting from the taxi rank or the operator's premises, to the pick-up point.

#### **Any complaints regarding the vehicle and / or driver must be made in writing to:**

Lancaster City Council - Licensing Section  
 Morecambe Town Hall, Marine Road East, LA4 5AF  
 E-mail: [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)  
 Telephone: 01524 582033

**Please try to note; the vehicle registration, plate number, driver name and number in all communications with**

## HACKNEY CARRIAGE TABLE OF FARES

Applicable from 12 noon 1<sup>st</sup> XXXX 2022

**Tariff 1**

|  |              |
|--|--------------|
| For hirings commenced between 07.01 and 23.59                                  |              |
| If the distance does not exceed 660 yards for the whole distance:              | <b>£3.30</b> |
| For each of the subsequent 310 yards or uncompleted part thereof:              | <b>30p</b>   |
| <b>Waiting Time:</b> For each period of 40 seconds or uncompleted part thereof | <b>20p</b>   |

**Tariff 2**

|   |              |
|---|--------------|
| For hirings commenced between midnight and 07.00                                  |              |
| For hirings commenced between 19.00 and midnight on the 24 <sup>th</sup> December |              |
| For hirings commenced between 19.00 and midnight on the 31 <sup>st</sup> December |              |
| For hirings commencing on any Bank Holiday or Public Holiday                      |              |
| If the distance does not exceed 660 yards for the whole distance:                 | <b>£4.50</b> |
| For each subsequent 220 yards or uncompleted part thereof:                        | <b>30p</b>   |
| <b>Waiting time:</b> For each period of 40 seconds or uncompleted part thereof    | <b>20p</b>   |

**Tariff 3**

|   |              |
|---|--------------|
| For hirings commenced between 00.01 25 <sup>th</sup> December and 07.00 27 <sup>th</sup> December |              |
| For hirings commenced between 00.01 1 <sup>st</sup> January and 07.00 2 <sup>nd</sup> January     |              |
| If the distance does not exceed 880 yards for the whole distance:                                 | <b>£5.70</b> |
| For each subsequent 220 yards or uncompleted part thereof:  | <b>40p</b>   |
| <b>Waiting time:</b> For each period of 40 seconds or uncompleted part thereof                    | <b>20p</b>   |

|   |                                    |
|---|------------------------------------|
| For each passenger in excess of one<br>[for the purpose two children aged 11 or under to count as one passenger for the whole distance] | <b>20p</b>                         |
| For each perambulator or article of luggage carried outside the passenger compartment of the vehicle                                    | <b>20p</b>                         |
| <b>Soiling Charge:</b> A charge may be requested if the passenger[s] soils the vehicle.   | <b>This will not exceed £75.00</b> |

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

A booking fee up to a maximum of £4.00 may be charged where:

- (a) The Hackney carriage is booked in advance; and
- (b) (i) The Customer shall be told the cost of the booking fee at the time that the booking is taken and the amount recorded in the booking log; and  
(ii) The customer shall be told that the booking fee is in addition to the fare for the journey; and
- (c) The hiring involves a separate journey of at least one mile, starting from the taxi rank or the operator's premises, to the pick up point.

Any complaints regarding the vehicle and/or driver should be addressed to the Licensing, Public Protection, Morecambe Town Hall, Marine Road, Morecambe, LA4 5AF. Telephone [01524] 582033. Email [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)