

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

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This policy should be read in conjunction with the relevant appendices to the document.

1. Introduction

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

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

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

1.1 Aims and Objectives

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

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

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

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

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

licences. Any such departure from this policy will only be as approved by an Authorised Officer in consultation with the Chairperson of the Licensing Committee.

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

1.2 Powers and Duties

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

In carrying out its licensing functions, the Council will comply with legal requirements including requirements of the following statutes

Town Police Clauses Act 1847 and 1889

Local Government (Miscellaneous Provisions) Act 1976

Transport Act 1985

Crime and Disorder Act 1998

Data Protection Act 1998

Equality Act 2010

Immigration Act 2016

Health Act 2006

Human Rights Act 1998

1.3 Status

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy and the objectives listed above. Each licence application / review of licence will be considered on its own merit. Regard must be had to this policy including appendices; however the Council reserve the right to depart from the policy where it is considered appropriate to do so

1.4 Changes to Policies, Procedures and other matters

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

1.5 List of policies, procedures and schemes relevant to this policy

Below are the details of policies, procedures and schemes relevant to this policy document as they represent requirements applicable in all cases and are included here for completeness:

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

The policy has been developed by Rossendale Borough Council after consulting with both the trade and wider interested parties. In developing this policy we have also taken into consideration:

- The Council's licensing objectives
- Current Legislation
- The Office of Fair Trading "The Regulation of Licensed Taxi and PHV Services in the UK" 2003
- Taxi and PHV Licensing Criminal Conviction' Policy, LGA
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders - 2013
- Regulators' Code 2014
- The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" March 2010

2. General Policy Matters

2.1 Sharing of Information

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

Where a document has been translated into English, it must be certified by the translation company. The translation company needs to confirm in writing on the translation:

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

2.2 Licence fees

The legislation dealing with taxi related fees is detailed within Section 53 and Section 70 of the Local Government (Miscellaneous Provisions) Act 1976

The appropriate fee must be paid when the application for a private hire operator, hackney carriage or private hire driver's and/or vehicle licence is submitted. However the fees are applied to the grant of a licence, any applicant refused a licence application can request a refund of the appropriate licence fee (minus any disbursements)

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

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

2.3 Vehicle inspections Re-Booking Fees

There is no fee applied for inspection of a vehicle by Authorised Officers .The Council does operate a re-booking fee policy which applies to non-attendance or late attendance of appointments, late cancellations and vehicles which fail the Rossendale Test. (A copy of the Rossendale test inspection criteria is attached at **Appendix A**)

Appointments can be cancelled or re-scheduled without charge no later than 1 working day before the appointment time. The re-booking fee will be charged if a person fails to cancel or re-schedule their appointment within this time frame. Having incurred a re-booking fee, a person must pay the fee before an Authorised Officer will inspect the relevant vehicle.

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

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

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

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

2.4 Documentation provided as part of Licensing Applications

All documentation submitted in support of hackney carriage and private hire driver and vehicle licences, or private hire operators must be original documents which can be verified.

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

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

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

2.5 Hackney Carriage Byelaws

Hackney carriage drivers and proprietors shall comply with the byelaws adopted by the Council relating to hackney carriages as detailed at **Appendix B** of this policy. Where there is a conflict between the byelaws and the conditions of the licence or legislation, legislation will take precedence and in all other cases, the conditions of the licence will take precedence.

3. DRIVERS

3.1 Age restrictions on drivers.

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

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

3.2 Disclosure and Barring Service (DBS) Certificates

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

Disclosure and Barring Service certificates will only be accepted if the disclosure is dated within one calendar month prior to the application, and the requesting authority is Rossendale Council or an agent acting on behalf of Rossendale Council.

With effect from 20 February 2017 all new and renewal driver applicants MUST subscribe to the Disclosure and Barring Service, online update service. Following the grant or renewal of a drivers licence it will be a requirement of the licence holder to maintain the online subscription, the costs of this to be met by the licence holder (currently £13 per annum).

The licensed driver will be required to give permission to the council to undertake checks of the DBS certificate should the Council consider it necessary to do so , for example following receipt of intelligence information or as part of an annual check process .

The Council will use the update service to monitor the criminal records of licence holders. The update service will routinely be used by the Council when a driver’s licence is renewed; where no changes are recorded on the online check, no full Enhanced DBS will be required.

In all other cases a full Enhanced DBS certificate will be required before a licence is renewed. The new certificate must be submitted no more than one month prior to expiry of the current licence. Any enhanced DBS certificate will only be regarded as valid where the requesting authority is Rossendale Council or any agent acting on behalf of Rossendale Council

Applicants, who have relevant convictions, may have their application determined by the Licensing Sub-Committee.

Rossendale Borough Council has a policy Statement on Guidelines to Convictions which sets out how the Council will normally deal with convictions, cautions, complaints and other relevant matters. Applicants must declare any convictions, cautions or reprimands, including fixed penalty notices for traffic offences on application forms and on the Statutory Declaration (as applicable to some applications).

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

3.3 Overseas Criminal History Checks

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

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

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

In accordance with the requirement of the Immigration Act 2016, the Council will conduct "right to work checks where appropriate

3.4 Policy Relating to the Relevance of Convictions

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

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

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

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

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

Where an applicant for a licence has a criminal conviction, then this need not permanently disbar them for applying for a licence. Each case will be considered on its merits and due regard will be paid to the Council's Policy Statement on Guidelines to Convictions including Statement of Policy about relevant convictions, cautions, complaints and other relevant matters . A copy of the Guidelines to conviction policy is attached at **Appendix C**

3.5 Photographs

One photograph of the applicant for a drivers licence needs to be submitted to the Council every 3 years as part of the renewal application process. This shall be:

- in colour;
- passport size 45 mm high and 36 mm wide;
- in clear and sharp focus;
- taken against a plain cream or plain light grey background;
- not have red eye;
- have been taken within the last 30 days;
- free from shadows, reflection;
- shall be taken with the subject facing forward with eyes open and clearly visible with a neutral expression;
- show the full head, without any head covering, unless worn for religious beliefs or medical reasons;
- be a true likeness of the subject;

3.6 Driving Licences

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

3.7 Practical Driving Assessments

As part of a new application for a hackney carriage or private hire drivers licence the applicant will be required to pass a practical private hire/ hackney carriage driving assessment test and submit evidence of that pass with their

application. The test must have been passed within the twelve -month period preceding the application for the licence. The assessment must be undertaken with a Rossendale Council approved tester/ supplier. Details of approved testers/suppliers are provided on the Councils website

3.8 Right to Work

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

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

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

Right to work checks will be conducted in accordance with requirements of the Immigration Act 2016

3.9 Medical Standards

Applicants for hackney carriage or private hire driver's licences shall, as part of their application, submit the Group 2 medical form completed by their own GP or a doctor who has had full access to all the medical records within the six months preceding their application.

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

Applicants must satisfy the Council as to their medical fitness. Such a medical assessment shall usually last up to the age of 45 years and thereafter a medical shall be submitted to the council every five years until the age of 65 and annually thereafter.

In considering an applicant's medical fitness the Council will apply Group 2 DVLA standards. The Council reserves the right to require the submission of a new medical assessment at any time, at the licensees expense, especially where information becomes available that suggests that a licensee's medical

status has changed. Where a specific medical condition causes concern the Council may seek to obtain specialist medical advice solely on that applicant or licence holder's condition.

3.10 First time applications Hackney and Private Hire Driver

The documents to be submitted when making an application for a new driver's licence are detailed at **Appendix D**

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

The application will remain rejected and will not be considered for licensing until such time as a full and complete resubmission made.

3.11 Renewal Applications. Hackney and Private Hire drivers

In the case of a renewal of a driver's licence, the applicant must produce the documents detailed at **Appendix E**

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

The application will remain rejected and will not be considered for licensing until such time as a full and complete resubmission made.

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

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

If a complete application for renewal is not received by the Council, together with the relevant documentation and fee(s) two weeks prior expiry of an existing licence, the driver **MUST NOT** continue to drive after the expiry of their licence.

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

In accordance with relevant case law the Council will consider exceptional reasons for failing to renew on time

Licences issued after the adoption of this policy shall normally be granted for the following periods

- a hackney carriage driver's licence shall last for a period not exceeding three years;
- a private hire driver's licence shall last for a period not exceeding three years

During any period when the policy is under review, or when relevant legislative changes are pending licences may be issued for different time periods. In such cases full reasons will be given for departing from policy, and standard rights of appeal will still apply.

3.12 Rossendale Licensed Hackney Carriage Drivers applying for a Rossendale Private Hire Drivers licence (and vice versa)

A licensed hackney carriage driver who wishes to become licensed as a private hire driver or vice versa will be required to follow an application process as detailed below

- Satisfactory completion of the basic skills/ policy knowledge test as required for all new driver applicants (if the basic skills/ policy knowledge test has previously been passed by the applicant there will be no need to retake/ re-sit the test)
- Completion of the private hire driver application form and payment of the appropriate licence fee
- Submission of the practical driving test assessment (if this has already been provided as part of the hackney carriage driver licence there will be no reason to resubmit). Details of suppliers/ testers approved to undertake the practical driving assessment are detailed on the Councils website
- Submission of a DVSA group 2 medical if one would be routinely be required in accordance with the policy (e.g. the driver has reached 45,50, 55, 60 or 65 or older since the grant of the hackney carriage drivers licence)
- Completion of an enhanced DBS disclosure undertaken by Rossendale Council or an approved agent of the Council for the role of Taxi driver/ other work force. To be provided within 1 month of the date of issue or

alternatively to be accessed via the DBS on line update service with a copy of the original enhanced DBS provided

- Applicants will be required to satisfactorily pass all training/ knowledge tests associated with new driver applications unless they have already completed all current training requirements as part of their original application.

3.13 Driver licence and badge

A licensed driver shall be issued with a hackney carriage driver's licence/ private hire driver's licence and identification badge. These documents remain the property of the Council. At the request of an Authorised Officer of the Council, the licence and identification badge must be returned to the issuing office.

3.14 Convictions

A licensed private hire driver shall notify the Council within fourteen days of his arrest, charge, receipt of a summons or fixed penalty notice, ASBO, conviction or Caution for any offence. A hackney carriage driver, shall in accordance with the code of conduct, notify the council within 14 days of any arrest, charge, receipt of a summons or fixed penalty notice, ASBO, conviction or caution for any offence. If an applicant/ licensed driver has convictions, the licence may be determined/ reviewed by the Licensing Sub Committee or Authorised Officer. A copy of the Councils Policy in respect of convictions and other relevant matters can be found at **Appendix C**

3.15 Change of address

The holder of a driver's licence and/or vehicle licence shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change taking place. Within 6 weeks of such a change, the holder of a driver's licence shall produce to the Council, the updated driving licence showing the new address.

3.16 Conduct of driver

A licensed hackney carriage/private hire driver is expected to remain fit and proper to hold a licence during the duration of their licence. 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 drivers, a code of conduct has been developed so that drivers have a general awareness of the standards expected whilst they are working as a licensed driver. A copy of the driver code of conduct is attached at **Appendix F**

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

3.17 Private Hire Driver Licence conditions

Licence conditions will be applied to the grant of a private hire driver's licence. A copy of the standard Private Hire Drivers Licence conditions is attached at **Appendix G**. The Council may attach conditions to the grant of the licence as they consider reasonably necessary.

3.18 Hackney Carriage Byelaws

Hackney carriage byelaws have already been referenced at para 2.5 of this document, however for the purposes of clarity a further reference is included within this section as the byelaws are relevant to hackney carriage drivers. They apply to each licensed hackney carriage driver and licence holders are responsible for familiarising themselves with the requirements of the byelaws. A copy of the byelaws is attached at Appendix B

3.19 Driver Assessments and Knowledge test

New applicants for hackney carriage and private hire drivers licences are required to satisfactorily complete the basics skills assessment in English and Maths prior to submitting a driver's licence application

With effect from 1 June 2017 all licensed drivers whose hackney carriage or private hire drivers licences expire after 31 May 2017 and who intend to renew their licences will be required to satisfactorily complete the basic skills assessment in English and maths prior to the licence being renewed.

At a date to be determined but no sooner than 1 March all new driver applicants will be required to satisfactorily completed the revised driver training programme. This will incorporate a driver geographical knowledge test, a policy knowledge test, basic skills, assessment, safeguarding and disability awareness training and assessment. The date of implementation to be determined by the procurement process.

The same driver training and assessment process will apply to existing drivers with effect from 1 June 2016. Any licensed driver whose hackney carriage or private hire driver's licence expires after 31 may 2017 will be required to satisfactorily complete the required driver training prior to the renewal of the drivers licence. The driver

assessment being part of the fit and proper test applied to licensed drivers

4. VEHICLES

Hackney Carriage and Private Hire

4.1 General

The holder of a Hackney Carriage or private hire vehicle licence shall comply with the hackney carriage conditions and byelaws or the private hire vehicle conditions adopted by the Council relating to hackney carriages and private hire vehicles. The vehicle shall be issued with identification plates and door livery which remain the property of the Council. A vehicle licence holder shall upon the expiry (without immediate renewal), revocation or suspension of the licence return the identification plates to the Council, subject to the relevant timescales.

4.2 Hackney Carriage Vehicle Conditions.

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

4.3 Private Hire Vehicle Conditions

The conditions appended at **Appendix J** are attached to a private hire vehicle licence

.4.4 Vehicle Standards

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

- there shall be a minimum of four doors excluding any tailgate;
- the vehicle shall have a solid roof which may include a solid sunroof;
- solid roofs incorporating a sunroof shall be permitted if the openable area is not in excess of 50% of the roof area;
- convertibles or soft tops will not generally be allowed;
- every vehicle shall have an external driving mirror on each side of the vehicle which may be used by the driver of the vehicle;

- private hire vehicles shall not be required to be fitted with a taximeter but where one is fitted then it shall be tested at intervals not more than every twelve months;
- vehicles shall be right hand drive vehicles only;
- any alterations or conversion of the vehicle shall only be carried out by an appropriately qualified installer or vehicle manufacturer have a European Whole Body Type (M1) approval, Individual Vehicle Approval, Low Volume Vehicle Type Approval, Voluntary Certificate of Conformity or other legally accepted approvals as a minimum standard; and
- With effect from 20th February 2017, all new applications for hackney carriage vehicle licences (this does not include renewal applications) need to be XXXXX. in colour.
- With effect from 20th February 2017 all new applications for private hire vehicle licences (this does not include renewal applications) will need to be any colour other than XXXXXXXX
- With effect from 15 May 2017 all new applications for licensed vehicles will need to be fitted with Council approved CCTV systems. Details of the relevant specification for such systems are attached at Appendix R Details of approved supplier are listed on the Councils website
- With effect from 15 May 2017 all renewal applications for licensed vehicles will need to be fitted with Council approved CCTV systems. See paragraph above
- Between 15 May 2017 and 15 May 2018, in respect of vehicle renewal applications that are made in respect of the final year of licensing due to age limit requirements will be exempt from the requirement to install CCTV within the vehicle. This exemption will not apply to vehicles licensed under the exceptional condition policy
- With effect from April 2017 all new and renewal hackney carriage vehicles will be required to utilise a roof sign provided by Rossendale Council of a standard design and print

4.5 Age of Vehicles

With effect from 20 February 2017, completed applications for a new vehicle licence will only normally be accepted in respect of vehicles that are less than 5 years of age from the date of first registration. Once licensed, vehicles will be allowed to be licensed up to the 10th anniversary of the date of first registration. In the case of vehicles classed as a minibus on their registration document, and any purpose built hackney carriage, they will be licensed up to the 12th anniversary of the date of first registration.

4.6 Vehicles in Exceptional Condition

A vehicle in exceptional condition may be considered for licensing outside of the age limits detailed in the paragraph above. **Appendix K** details the criteria that must be met in order to meet the “exceptional condition” requirements

4.7 Maintenance of Vehicles

Licensed vehicles are expected to be tested in accordance with this policy, namely 6 monthly for vehicles less than 10 years of age and 4 monthly for vehicles between 10 and 12 years of age. **When renewing vehicle licences the Council will check vehicle test records on the DVSA website. Any vehicle found not to have been tested in accordance with licensing requirements may have the application refused**

The Council will also review vehicle histories, a vehicle which has been subject to vehicle suspensions, and or considerable/ serious fail items at vehicle testing/ MOT may be considered as unsuitable to be relicensed.

Any vehicle proprietors whose new/ renewal vehicle licence application is refused will be notified of the reasons for the refusal and the appropriate grounds of appeal

Category C and D vehicles

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

4.8 Seating Capacity of Vehicles

In determining the number of passengers that a vehicle will be licensed to carry, the Council will count one passenger for each three-point safety belt fitted as standard by the vehicle manufacturer.

4.9 Advertising on vehicles

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 below:

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

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.

4.10 Change of Ownership

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

4.11 Dual Plating

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

4.12 No Smoking Signage

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

4.13 Vehicle Suspensions

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

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

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

4.14 Applications

The documents to be submitted when making an application for a new or renewal vehicle licence are detailed in Appendix L

Any application not accompanied by the appropriate documentation shall be rejected as invalid. Rejected applications containing original documentation will under no circumstances be posted back without the consent of the applicant and they must be collected from the Council offices. The application

will remain rejected and will not be considered for licensing until such time as a full and complete resubmission made.

With effect from 20 February 2017, applicants for a vehicle proprietor's licence who do not currently hold a drivers or operator's licence will be required to submit a basic disclosure and statutory declaration as part of the application process. Details can be found in **Appendix L. The Guidelines on the relevance of convictions policy Appendix C details how convictions declared on a statutory declaration and a basic disclosure will be dealt with. (See statement of Policy about relevant convictions, cautions, complaint's and other relevant matters paragraph 3)**

4.15 Rossendale Vehicle Test

The 'Rossendale Test' element of the vehicle check will be conducted at the same time as the MOT at a Council authorised testing centre within the one calendar month preceding the licensing application and at the 6-month or 4-month test.

The vehicle may be subject to further inspection(s) by Authorised Officers during the duration of the licence

4.16 Vehicle Renewals

A completed renewal application will not be accepted more than one calendar month before the expiry of the current licence as a premature application increases the likelihood of the vehicle being in a different condition to that when presented for inspection/ test

Where a vehicle proprietor fails to apply for a renewal licence before the existing vehicle licence expires, the vehicle proprietor may (subject to compliance with policy requirements e.g. age limits) apply for a new licence as if the vehicle being licensed by Rossendale or the first time,

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

4.17 Intended Use Policy (Hackney Carriages)

The Intended use policy was approved by the Councils Licensing Committee at its meeting on 24th February 2016. The policy was implemented with effect from 25th February 2016. A copy of the policy is attached at **Appendix M**

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

Where the Council has information that indicates a breach of the Councils Intended use policy in respect of hackney carriage vehicle licenses, the Council will conduct investigations which may involve obtaining copies of private hire operator booking records, other evidence and statements from appropriate persons.

Where the Council has evidence of a breach of the intended use policy a formal review of the hackney carriage vehicle licence will be undertaken, the first consideration will normally be the revocation of the licence

4.18 Executive Vehicle Requirements (Private Hire Vehicle)

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

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

- Most (and in this context this means approximately 90%) or all of the work should be for businesses which maintain an account with the operator(s).
- The vehicle should generally be used exclusively for account work and not used for any other booked work;
- The type of vehicle to which the application relates on the basis that executive status should relate only to luxury type vehicles;
- The compliance record of the operator concerned including details of any complaints lodged against drivers employed by the operator.
- The driver should wear a uniform befitting of executive status
- An Executive Vehicle shall be subject to the standard conditions attached to an exemption granted to the holder of a private hire vehicle licence.
- If granted, the exemption notice will be issued to the holder of the private hire vehicle licence and shall be granted for a period not exceeding one year and shall expire upon the expiry of the private hire vehicle licence.

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

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

4.20 Stretched Limousines

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

- A certificate is produced to show that the vehicle has been examined under the Individual Vehicle Approval inspection regime by DVSA;
- The vehicle is not capable of carrying more than 8 passengers;
- All other aspects of licensing a vehicle as a private hire vehicle are complied with.

5. Private Hire Operators

5.1 General

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

5.2 Requirement for a licence

A Private Hire Operators licence is required in order to dispatch private hire vehicles to prebooked work

Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a licensed hire vehicle. A Private Hire Operator must ensure that every licensed hire vehicle is driven by a person who holds a licence issued by the same Authority that issued the vehicle licence.

This authority must be the same authority that issued the Operator's licence.

The objective in licensing Private Hire Operators is the safety of the public, who will be using operators' premises, and vehicles and drivers, arranged through them.

Applications for Operator licences shall be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an Operator licence.

5.3 Fitness and propriety

The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:

- Criminal record (including convictions, cautions, warnings and reprimands),
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity,
- Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Rossendale Council),

- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)

In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.

If an application is received from a person that is not a driver licensed by Rossendale Council then the applicant will be required to provide a Basic Disclosure and statutory declaration

5.4 Insurance

Before an application for a Private Hire Operator's licence is issued, the applicant shall produce evidence that they have taken out appropriate Public Liability insurance for the premises to be licensed. Where necessary, operators must also hold employers liability insurance.

5.5 Conditions attached to Private Hire Operator Licences

The Council has power to impose such conditions on an operator's licence, as it considers reasonably necessary and these are set out at **Appendix P**. However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will take into account the objectives of this policy. Operators must only use vehicles and drivers licensed by Rossendale Council. Failure of the operator to adhere to the conditions of licence will lead to appropriate enforcement action.

5.6 Operator responsibility in relation to vehicles/drivers that are operated

The operator must undertake sufficient checks to satisfy themselves that only suitable drivers and vehicles are used (and continue to be used) in the course of their business.

The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. The following are examples of circumstances that may affect the fitness and propriety of a Private Hire operator:

- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator.
- Vehicles being operated that are in an unsuitable condition.
- Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors

5.7 Applications

The documents to be submitted when making an application for a new licence or renewal of a private hire operator's licence are attached at **Appendix S**

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

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

5.8 Term of Licence

A Private Hire Operator's Licence will normally be granted for a period of 5 years, but may be issued for a lesser period. In such cases full reasons will be given for departing from the policy and standard rights of appeal will apply

A renewal application must be received and processed before the expiry of the current licence.

6. General Compliance and Enforcement

Any action taken following an inspection will be undertaken having regard to the Council's Enforcement Policy (**Appendix Q**)

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

Joint operations will be undertaken with partner agencies where appropriate, this may include working with Police, HMRC, Immigration Authorities, Benefits agencies and other local authorities.

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

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

There are a number of different actions that can potentially result from taxi related inspections (driver/vehicle and operator). These can include

- No further action,
- Verbal advice
- Written warning
- Formal suspension of licences
- Review of licences
- Revocations of licences
- Prosecution

Appendices

Appendix A – Rossendale Vehicle test Inspection Criteria

Appendix B – Hackney Carriage byelaws

Appendix C- Guidelines to convictions

Appendix D – Documents required for first time driver applications

Appendix E – Documents required for renewal driver applications

Appendix F- Code of Conduct

Appendix G- Private Hire Driver Licence conditions

Appendix H- Hackney Carriage Vehicle licence conditions

Appendix J- Private Hire Vehicle licence conditions

Appendix K- Exceptional Condition Policy (vehicles)

Appendix L- Documents required vehicle licence applications

Appendix M- Hackney Carriage Intended Use Policy

Appendix N- Standard Conditions for Executive Hire

Appendix P- Private Hire Operator Licence conditions

Appendix Q – Council Enforcement Policy

Appendix R CCTV specification

Appendix S Documents required for Private Hire Operator applications

