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|---------------------------------------|--|--------------------------|--|
| <b>Subject:</b>                       | Review of Private Hire Conditions and Enforcement Policy.      | <b>Status:</b>           | For Publication  |
| <b>Report to:</b>                     | Licensing Committee  | <b>Date:</b>             | 16 <sup>th</sup> March 2017  |
| <b>Report of:</b>                     | Licensing Manager  | <b>Portfolio Holder:</b> | Legal and Democratic Services  |
| <b>Key Decision:</b>                  | <input type="checkbox"/> Forward Plan <input type="checkbox"/> | <b>General Exception</b> | <input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/> |
| <b>Equality Impact Assessment:</b>    | Required:  | Yes                      | Attached: No   |
| <b>Biodiversity Impact Assessment</b> | Required:  | No                       | Attached: N/A  |
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|           |  |
|-----------|--|
| <b>1.</b> | <b>RECOMMENDATION(S)</b>   |
| 1.1       | That the Licensing Committee request officers to review the current taxi licensing enforcement policy attached at <b>Appendix 1</b> . The review to include legal updates including recent case law. The revised draft document to be subject to a 6 week consultation with taxi trade representatives.  |
| 1.2       | That the Licensing Committee consider the proposals regarding revised private hire licensing conditions and agree a 6 week consultation exercise be conducted with representatives of the private hire trade, local authorities and other interested parties in respect of the Licensing Conditions proposed at <b>Appendices 2,3, and 4</b> . |

## 2. PURPOSE OF REPORT

2.1 To provide the Committee with a set of draft licence conditions relating to private hire for consideration.

To request the Committee to consider whether a review of the taxi licensing enforcement policy is appropriate.

The Committee to consider and determine the recommendations.

## 3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
- **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
- **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

## 4. RISK ASSESSMENT IMPLICATIONS

4.1 The recommendation(s) in this report involve risk considerations as set out below:

- The review and development of taxi licensing policies is essential, to ensure that robust policies are in place. The Taxi Licensing Policy will provide transparent guidance to applicants, existing licence holders, officers, members, taxi users and other stakeholders as to the standards expected of Rossendale taxi licence holders
- The Council's Taxi Licensing policy ensures that the relevant safeguards are in place to enable Rossendale Council to fulfil its licensing function having regard to public safety in its widest sense.
- The report includes proposals for revised licence conditions in respect of the Councils growing private hire trade. The proposed licence conditions represent a considerable change in standards and therefore should be subject to a formal consultation period with relevant interested parties

## 5. BACKGROUND

5.1 On 15 November 2016 The Licensing Committee considered a report in respect of Proposed Changes to the Policy for the Licensing of Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles, the minutes of those considerations are recorded as follows

*1. That the Licensing Committee considered the report and associated appendices and approved the recommendations at Appendix C, along with the rectification of typographical errors and the amendment to recommendation 27*

*2. That officers be requested to incorporate the changes into the Councils Policy for the Licensing of Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles*

*3. That the amended policy incorporating the revised conviction policy, exceptional condition policy and CCTV specification be brought back to the Licensing Committee for approval*

*4. That officers would undertake a further review of the private hire licensing requirements*

### 5.2 Taxi Licensing Enforcement Policy

The draft taxi licensing policy includes the current Enforcement Policy at Appendix Q. The current Enforcement Policy has been in place for a number of years and would benefit from a review to reflect legislative and other changes for example reference to case law regarding drivers suspension/ revocations, changes to practical driving assessments now that they are no longer delivered by the DSA. Recommendation 1.1 of this report addresses this issue and Officers seek Members approval to review the appendix and bring the same back to Committee for approval.

### 5.3 Private Hire Conditions

The growth of the boroughs Private Hire fleet has highlighted the need for the Council's Policies in relation to drivers, vehicles and operators to be reviewed and revised where necessary. The conditions need to reflect current best practice and be robust enough to ensure that public safety is paramount in the Council's licensing regime.

An initial review has been carried out by Officers taking into account best practice and the draft conditions attached have been prepared for consideration by Members. If Members are minded to approve the recommendation at 1.2 the draft conditions will be subject to a six week consultation process with members of the trade and relevant stakeholders where responses will be considered and further amendments if appropriate may be made to the draft and brought back to Members for approval. If adopted, this will form part of the Council's Taxi Licensing Policy.

**COMMENTS FROM STATUTORY OFFICERS:**

**6. SECTION 151 OFFICER**

6.1 Financial implications were previously noted in the 15 November report to the Licensing Committee.

6.2 The Council will continue to ensure that income and expenditure are matched.

**7. MONITORING OFFICER**

7.1 The Council must make a decision based on all relevant information and following consideration of all relevant Council policies, consultation, legislations and case law. The Council must ensure it has an up to date, robust policy that reflects the service it delivers and regulates.

**8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT**

8.1 As per the recommendations, consultation is advised in respect of proposed private hire licensing conditions (i.e. Operator Vehicle and Driver conditions).

8.2 There are no specific human resources implications.

8.3 An EIA initial assessment has been undertaken and it has been identified there are no disproportional impact and a full EIA is not required.

**9. CONCLUSION**

9.1 The report provides revised draft licence conditions in respect of the private hire trade and seeks the Committee's approval to consult on the draft licence conditions and asks members to consider whether a review should be undertaken to update the taxi licensing Enforcement Policy.

**Appendices**

| Document  | Place of Inspection |
|---|---------------------|
| Taxi Licensing Enforcement Policy                   | Appendix 1          |
| Draft licence conditions for Private Hire Drivers   | Appendix 2          |
| Draft licence conditions for Private Hire Vehicles  | Appendix 3          |
| Draft licence conditions for private Hire Operators | Appendix 4          |

## **Appendix Q**

### **ENFORCEMENT POLICY**

#### **HACKNEY CARRIAGE DRIVERS AND VEHICLES PRIVATE HIRE DRIVERS, OPERATORS AND VEHICLES**

##### **Contents**

##### **1.0 Introduction**

- 1.1 Purpose and policy statement
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- 1.3 Inspections and other visits
- 1.4 General policy

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- 2.3 Informal Action
- 2.4 Statutory notices
- 2.5 Practical Driving Test
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- 2.7 Immediate suspension of driver licence
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- 2.9 Suspension of vehicle licence
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##### **3.0 Interviews under Caution**

- 3.1 Introduction
- 3.2 What happens at the interview?
- 3.3 What happens after the Interview?
- 3.4 No further action / written advice
- 3.5 Written warning
- 4.0 List of policies, procedures and schemes relevant to this policy

## **1.0 Introduction**

Rossendale Borough Council has a statutory duty to ensure that licensed vehicles, drivers and operators are properly licensed and that they carry out their business in accordance with the law, byelaws and conditions attached to their licences.

The Council must ensure that all enforcement action occurs in strict accordance with the Police and Criminal Evidence Act 1984 (as amended), Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000, Criminal Procedure and Investigations Act 1996, Criminal Justice Act 1982 and other relevant legislation and guidance.

### **1.1 Purpose and Policy Statement**

Any enforcement action taken by the Council will be risk-based, proportionate, targeted and flexible making sure the Council is efficient and effective in carrying out its duties, without imposing any unnecessary burdens on those it regulates. Whether it is advice, oral or written warnings, licence determinations, simple cautions or prosecutions, the action taken will be the most appropriate disposal of the breach or offence and it will take into account any possible consequences arising out of it. It will not represent a punitive response to minor technical contraventions of legislation.

Enforcement activities will be targeted at the most effective areas. Effective assessment of the risks to their regulatory outcomes will be made and a risk assessment will precede and inform all aspects of our approaches to regulatory activity.

When considering enforcement action we will only adopt a particular approach if the benefits of this justify the costs.

Authorised Officers will be authorised by the Council's Director of Business to take suitably appropriate enforcement action. Officers will exercise the principles of openness, helpfulness, proportionality and consistency when deciding on the correct enforcement approach.

In all circumstances enforcement officers shall be fair, independent and objective. They will not let any personal views about ethnic or national origin, sex, religious beliefs, political views or sexual orientation influence their judgement or approach.

### **1.2 Powers and Duties**

There is legislation which the Council must either have a regard to or places a duty on the Council to carry out its licensing functions in respect of hackney carriage

drivers and vehicles and private hire operators, drivers and vehicles. Some of this is listed below:

- Criminal Justice and Public Order Act 1994
- Criminal Procedures and Investigations Act 1996
- Data Protection Acts 1984 and 1998
- Deregulation (Taxis and Private Hire Vehicles) Order 1998, SI 1998/1946
- Disability at Work Act 1994
- Disability Discrimination Act 1995
- Freedom of Information Act 2000
- Health and Safety at Work etc. Act 1974
- Highways Act 1980 (as amended)
- Human Rights Act 1998
- Licensed Taxis (Hiring at Separate Fares) Order 1986, SI 1986/1386
- Local Government Act 1972
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- LOLER Regulations 1998
- New Roads and Street Works Act 1991
- Police and Criminal Evidence Act 1984
- Private Hire Vehicles (Carriage of Guide Dogs etc) Act 2002
- Protection from Harassment Act 1997
- Public Passenger Vehicle Act 1981
- Regulation of Investigatory Powers Act 2000
- Regulatory Enforcement and Sanctions Act 2008
- Rehabilitation of Offenders Act 1974
- Road Traffic Act 1972 & 1988
- Road Traffic Regulation Act 1984
- Road Traffic Regulation (Special Events) Act 1994
- Smoke-free (Premises and Enforcement) Regulations 2006
- Smoke-free (Signs) Regulations 2006
- Taximeters (EEC Requirements) Regulations 1979
- The Measuring Instruments (Taximeters) Regulations 2006
- Town Police Clauses Act 1847
- Town Police Clauses Act 1889
- Transport Acts 1968 and 1985
- Transport Act 1980, 1981 & 1985
- Workplace (Health Safety and Welfare) Regulations 1992

### **1.3 Inspection and other visits:-**

All inspections and other visits, such as compliance or advice visits, will only occur in accordance with a risk assessment methodology, except where visits are requested or where we act on relevant intelligence. Where two or more inspectors, whether

from the same or different regulators, undertake planned inspections of the same business, arrangements will be made to reduce burdens on the regulated business through joint or coordinated inspections, and through data sharing.

## **1.4 General Policy**

We will aim to:

- change the behaviour of the offender
  - eliminate any financial gain or benefit from non-compliance
  - be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction
  - be proportionate to the nature of the offence and the harm caused
  - restore the harm caused by regulatory non-compliance, where appropriate
- and;
- deter future non-compliance

We will ensure that clear reasons for any formal enforcement action are given to the person or business against whom any enforcement action is being taken at the time the action is taken.

Licence holders must immediately report, in writing, all criminal convictions, police cautions and major motoring offences, which occur during the term of their licence to this Authority. In addition, breaches of the relevant legislation or conditions attached to driver, operator and vehicle licences may come to light following complaints and enforcement action or investigations. The action to be followed in response to such matters will be determined on its own merits.

Achieving and maintaining a consistency of approach to making all decisions that concern hackney carriage and private hire licensing and enforcement action, including prosecution, is of paramount importance. To achieve and maintain consistency, it is vital that the policy guidelines are always considered and followed where appropriate.

Licence application and enforcement decisions must always be consistent, balanced, and fair and relate to common standards, which ensure that the public is adequately protected. In reaching any decision many criteria must be considered including the:

- seriousness of offences;
- history of the licence holder;
- consequence of non-compliance;
- effectiveness of options; and
- danger to the public

## **2.0 Enforcement Options**

Having considered all relevant information and evidence, the options for action are:-

### **2.1 Licence Applications:**

- grant licences
- refer the licence for a determination; and
- refuse to grant a licence

### **2.2 Enforcement Action:**

- take no action;
- take informal action;
- issue statutory notices;
- re-sit of DSA test;
- review a licence;
- suspend a licence;
- revoke a licence;
- simple caution; and
- prosecution

### **2.3 Informal Action:**

Informal action such as offering advice (which can be written) or issuing oral and written warnings is generally used by authorised officers to secure good conduct by licence holders following:-

- complaints made by the general public;
- convictions for minor traffic offences; and
- contraventions of the dress code

Such informal enforcement action taken by authorised officers shall be appropriate in any of the following circumstances:-

- if the behaviour or offence does not warrant more formal action;
- consideration of the history of the licence holder results in a reasonable expectation that informal action will achieve compliance;
- confidence in the licensed Operator is high; and
- consequences of non-compliance will not pose a significant risk to public safety

Even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a more formal approach.

## **2.4 Statutory Notices:**

Serious offences in respect of the condition and safety of licensed vehicles shall be dealt with by the issue of statutory notices by authorised officers and include:-

- vehicle defect notices; and
- vehicle suspension notices

## **2.5 Practical Driving Test**

When a licensee accumulates 6 or more points on their DVLA driving licence the licensee may be required to take, or retake, the Practical Driving test and must pass within 3 months of being notified of the requirement and shall report the results of all such tests to the Council within one month of the test being taken. Failure to achieve a pass as required above will result in their licence being reviewed and may result in revocation of that licence. Where a person has been required to retake their Practical Driving test more than twice as a result of the policy they may have their licence reviewed and this may result in their licence being revoked. An application to be re-licensed following such a revocation shall not normally be considered until a period of twelve months has elapsed from the date of revocation of their licence.

## **2.6 Licence Review:**

Licence holders can also find their licences are subject to review, usually so it can be considered whether an appropriate disciplinary measure should be imposed on an individual basis. This may arise in several ways but is usually because the Council has received some relevant information, for example:-

- the receipt of a conviction or police caution;
- the history;
- complaints or offences;
- penalty points; and
- DVLA driving licence acquiring 12 or more points.

If a licence is reviewed one or more of the following actions may be taken:-

- no action;
- issue an oral or written warning;
- undertake the Practical Driving test;
- suspend a licence; or
- revoke a licence;

## **2.7 Immediate Suspension of Driver Licence**

The Council has the power to suspend a driver's licence with immediate effect if we are of the opinion that the interests of public safety require such a course of action.

Examples of why we may decide to take such action include:

- a driver who is being investigated for a sexual offence;
- a driver who is being investigated for an offence of dishonesty;
- a driver who is being investigated for a violent offence; or
- a driver who is being investigated for any offence whereby the Council reasonably believes he is a risk to public safety

## **2.8 Immediate Revocation of Driver Licence**

The Council has the power to revoke a driver's licence with immediate effect if we are of the opinion that the interests of public safety require such a course of action.

Examples of why we may decide to take such action include:

- a driver who has been convicted of a sexual offence;
- a driver who has been convicted of an offence of dishonesty;
- a driver who has been convicted of a violent offence; or
- a driver who is convicted of any offence whereby the Council reasonably believes he is a risk to public safety

## **2.9 Suspension of Vehicle Licence**

The Council may suspend a vehicle licence for failing to comply with licence conditions. This is usually if the proprietor has failed to provide documented evidence such as evidence that the vehicle is currently insured or they have failed to produce the 6 monthly MOT certificate in accordance with the vehicle licence conditions.

If, following an inspection, an authorised officer is not satisfied as to the fitness of a vehicle; and / or the accuracy of the taximeter, the authorised officer will suspend the vehicle with immediate effect until such time as an authorised officer is satisfied as to the fitness of the vehicle; and / or the accuracy of the taximeter

## **2.10 Revocation of Vehicle Licence**

If after 2 months, an authorised officer is not satisfied that the reasons the vehicle has been suspended have been satisfactorily rectified, the licence will be deemed to have been revoked and subsections (2) and (3) of S.60 of the Local Government (Miscellaneous Provisions) Act 1976 will apply.

## **2.11 Simple Cautions**

A simple caution may be used as an alternative to a prosecution in order to:-

- deal quickly and simply with less serious offences;
- divert less serious offenders away from the Courts; and
- reduce the likelihood of re-offending

To safeguard the suspected offender's interests, the following conditions should be fulfilled before a simple caution is administered:-

- there must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction;
- the suspected offender must admit the offence; and
- the suspected offender must understand the significance of a simple caution and give informed consent to being cautioned

If there is insufficient evidence to consider taking a prosecution, then by implication, the criteria is not satisfied for the use of a simple caution. A simple caution should also not be used where the suspected offender does not make a clear and reliable admission of the offence. It should be noted that there is no legal obligation for any person to accept the offer of a simple caution and no pressure should be applied to the person to accept a simple caution.

Where a person declines the offer of a simple caution, it shall be necessary to consider taking alternative enforcement action.

## **2.12 Prosecution:**

In circumstances where justified within this policy, authority may institute proceedings to prosecute offenders.

Licence holders shall be prosecuted for serious breaches of legislation such as:-

- illegally plying for hire;
- driving a motor vehicle without valid insurance;
- refusing to carry a guide, hearing or other assistance dog (if not exempted);
- unauthorised alteration of a taximeter;
- exceeding the number of passengers permitted; and
- refusal to carry a passenger without reasonable cause

The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Authority are not followed and /or the public is put at serious risk. Such circumstances are, however are in a minority. The criteria on which a decision to prosecute is made provides common standards, which ensures a consistent approach.

The circumstances which are likely to warrant prosecution may be characterised by one or more of the following:-

- where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law abiding are placed at a disadvantage to those who disregard it;

- when there appears to have been reckless disregard for the safety of passengers or other road users;
- where there have been repeated breaches of legal requirements;
- where a particular type of offence is prevalent; and
- where a particular contravention has caused serious public alarm

When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a consistent, fair and objective decision to be made. In addition to being satisfied that there is sufficient evidence to provide a realistic prospect of conviction, there must be a positive decision, based on the relevant criteria that it is in the public's interest to prosecute.

When a decision is being taken on whether to prosecute, the factors to be considered may include:-

- the seriousness of the alleged offence;
- the risk of harm to the public;
- identifiable victims;
- failure to comply with a statutory notice served for a significant breach of legislation;
- disregard of safety for financial reward;
- the previous history of the party concerned;
- offences following a history of similar offences;
- failure to respond positively to past warnings;
- the ability of any important witnesses and their willingness to cooperate;
- the willingness of the party to prevent a recurrence of the problem;
- the probable public benefit of a prosecution and the importance of the case e.g. whether it might establish a legal precedent
- whether other action, such as issuing a formal caution would be more appropriate or effective

### **2.13 Appeals**

Appeals against decisions of the Council may be made to the Magistrates' Court. Any notifications of enforcement actions will include written information on how to appeal. This will explain how, where and within what period an appeal may be brought and on what grounds and will confirm that the enforcement action is suspended pending the outcome of the appeal. In cases of danger to the travelling public, suspension can be immediate whether or not an Appeal is either lodged or contemplated.

### **2.14 Complaints:**

The general public are able to make complaints to the Council about the conduct

and/or service received from licensed drivers and operators and the Authority shall adhere to the following procedure;

- ascertain facts regarding complaint and decide if actionable;
- register the complaint and refer to investigating officer;
- complainant contacted within 5 working days;
- complaint investigated;
- decision made; and
- all parties informed of that decision

Licensed drivers and operators subject of a written complaint shall be informed of the nature of the complaint, including date, time and location of the incident and if necessary given sufficient notice to attend an interview. Interviews with licence holders shall not be carried out under the Police and Criminal Evidence Act 1984 (P.A.C.E) code of practice, unless the licence holder is suspected of an offence. Licence holders can attend an informal interview with a support person who shall not be permitted to speak at the interview but merely to support by physical presence. If the complaint is unsubstantiated then it is likely that no further action will be taken against the licence holder. It may be necessary to issue written advice to a licence holder but this does not infer that the licence holder was found to have acted wrongly.

Substantiated complaints that breach byelaws or conditions of licence can result in the offender being issued with penalty points. Substantiated complaints of a serious nature relating to public safety, dishonesty or violence shall result in the matter being referred for a licence review.

Complaints received containing allegations of serious criminal offences shall be referred directly to Lancashire Constabulary.

Disputes between licensed drivers should be resolved between themselves and not through this procedure. If there is evidence relating to an alleged serious criminal offence, such as threats of violence, assault etc, then this should be submitted to Lancashire Constabulary. Alleged breaches of byelaws and licence conditions should be submitted to the Authority.

A licensed driver or operator that has been the subject of a high number of complaints, whether substantiated or not, may be required to have their licence reviewed.

### **3.0 Interviews under Caution:**

#### **3.1 Introduction**

If the Council has asked you to attend an Interview under Caution because it believes that there are grounds to suspect that you may have committed an offence. This does not mean that the Council believes that you are guilty.

The interview is held in order to give you the opportunity to provide an explanation of the events that have occurred, although should evidence emerge during the

interview that you have committed an offence, you may be faced with criminal proceedings or alternative action may be taken against you.

### **3.2 What happens at the Interview?**

The purpose of the interview is to establish the facts relating to the suspected offence. An Interview under Caution is part of the investigation process. We will normally record the interview and it will be conducted in accordance with the Police and Criminal Evidence Act 1984 Code of Practice. The Code of Practice will be available at the interview should you wish to refer to it.

Interviews under Caution conducted by Council Officers are:

- conducted in accordance with the Police and Criminal Evidence Act 1984
- to enable you to offer an explanation of the facts, though should evidence of an offence emerge, you may be prosecuted

### **3.3 What happens after the Interview?**

We will use the facts gained from the interview, and other associated evidence, to decide what further action the Council will take.

### **3.4 No further action / written advice**

If, following the interview we are satisfied that no offence has been committed then we will notify you that the investigation has ended. We may also issue written advice at this time

### **3.5 Written Warning**

If, following the interview we are satisfied that the matter is either relatively minor, or simply a mistake, then we will likely notify you that the investigation has ended and issue a written warning

### **4.0 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. Failure to comply with these is a criminal offence:

- Policy Statement on guidelines to convictions including statement of policy about relevant convictions
- Byelaws relating to hackney carriages
- The Rossendale Test Standards
- Policy for the Licensing of Hackney Carriage Drivers and Vehicles and Private Hire Operators, Drivers and Vehicles



## Appendix 2

### DRAFT

#### Private Hire Driver Conditions of Licence

#### CONDITIONS ATTACHED TO PRIVATE HIRE DRIVERS LICENCES

#### SECTION 51 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)

#### ACT 1976

Each application for a private hire drivers licence will be considered on its merit The following are Rossendales Councils standard conditions that are normally attached to the grant of a private hire drivers licence. However additional conditions or amendment to the standard conditions may be made as deemed appropriate in respect of each application granted.

Failure to comply with any condition attached to the grant of the licence may lead to a review of the private hire driver's licence which could result in revocation or suspension of the licence

- 1 Drivers must comply with the Rossendale Council Licensed Driver Code of Conduct including the dress code
- 2 Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).
- 4 Drivers must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability
- 5 Drivers must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle.
- 6 Drivers must at all times when driving a licensed private hire vehicle ensure that such vehicle is maintained in a roadworthy and both the inside and outside of the vehicle is in a clean condition.
- 7 Drivers must ensure that none of the markings / signs / notices that are required to be displayed on the private hire vehicle become concealed from public view or be so damaged or defaced that any information is rendered illegible.

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It will be an attractive place to live where tourists visit and employers invest."*

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8. Drivers shall ensure that his/her driver's licence is worn in a conspicuous position and that if it becomes damaged / defaced or illegible in any way, the licensed driver shall obtain a replacement and surrender the original
- 9 Drivers of a private hire vehicle must if he/she is 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 or proprietor of the vehicle to be in attendance at an appointed time and place punctually attend at the appointed time and place unless delayed or prevented by sufficient cause.
10. Drivers of wheelchair accessible vehicles are required to complete training on safe access/ egress and travel of passengers travelling in wheelchairs prior to driving a wheelchair accessible vehicle.
- 11 Drivers must undertake a daily inspection of the vehicle before the first fare paying passengers are in the vehicle whilst it is being used by the licenced driver. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be completed by the driver undertaking the safety checks.
12. Drivers must check to ensure that all signage and notices that are required by Rossendale Councils' licensing conditions are appropriately fixed / attached to the licensed vehicle. A record must be made by the driver to confirm that the checks have been undertaken; this record must be available for inspection by an authorised officer of the council.
13. Drivers must ensure that where the vehicle is fitted with CCTV, the system is operational in accordance with the Councils CCTV policy requirements i.e. at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers).
- 14 Drivers must not tamper or otherwise interfere with the CCTV system or the footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the council's express authority to do so), except as would be expected in order to operate the system in accordance with the manufacturer's directions.
15. Drivers must not carry any pets/ animals owned by the driver/ vehicle licence holder in the vehicle. (Assistance dogs belonging to the passenger must be carried – unless the driver holds a exemption certificate issued on medical grounds)

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16 The driver of a private hire vehicle must ensure the private hire tariff card is displayed in the vehicle in a manner that customers can see/read the tariff. The tariff card will be in respect of the private hire operator with whom the booking has been made

*How do we deal with fares set separate to the tariff card, i.e. agree they can be below the tariff card but can they also be greater than the tariff card,*

17 Drivers must not, if driving a licensed vehicle fitted with a taximeter, cause the fare recorded on the meter to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.

18 Drivers must not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

19 Drivers must, if requested by the hirer, provide a written receipt for the fare paid, such receipt to include the name and badge number of the driver and the vehicle licence number.

20 Drivers must not allow a greater number of people to be carried in a licensed vehicle than that indicated on the vehicle licence/ plate. In addition drivers must ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.

21 Drivers must not allow to be conveyed in the front of a licensed vehicle:-

- more than one person unless the vehicle is manufactured to carry two front seat passengers and seat belts are fitted for both passengers, or
- any child under the age of 10 years old,
- any person between the ages of 10 and 18 years old, unless the passenger is part of a group that includes at least one person over the age of 18, or all other passenger seats in the vehicle are occupied by persons under the age of 18.

22. Drivers must not, without the consent of the hirer of the vehicle, allow any other person to be conveyed in the vehicle at that time.

23 Drivers shall drive to the destination by the shortest route unless an alternative route has been agreed with the hirer

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24 Drivers must, search the private hire vehicle after each hiring for any property which may have been accidentally left in the vehicle. Any lost property should be .....

25 Drivers must notify the Council **in writing without undue delay** of any change in medical condition.

26 Drivers must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council signed by a registered medical practitioner to the effect that he/she is or continues to meet the medical standard required by the Council and remains physically fit to be a driver of a private hire vehicle.

27 Drivers must notify the Council in writing within 14 days providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence.

What should be reported:-

- Any conviction (criminal or driving matter);
- Any caution (issued by the Police or any other agency);
- Issue of any Magistrate’s Court summonses against you;
- Issue/ imposition of any fixed penalty notice for any matter;
- Any harassment or other form of warning or order within the criminal law including anti- social behaviour orders or similar;
- Arrest for any offence (whether or not charged).
- Any acquittal following a criminal case heard by a court.

28 Fixed Penalty Notices

This includes all motoring offences – whether endorsable or not and requirements to attend a Speed Awareness Course. This means that licence holders are required to notify the council if they opt to attend a speed awareness course rather than have their licence endorsed with penalty points

29 Drivers must subscribe and maintain subscription to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.

30 Drivers must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

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- 31 Drivers must notify the Council in writing within 7 days of any change of operator through whom he/she works.
- 32 The licence holder must notify the Council in writing within 7 days of any change of his/her address taking place during the period of the licence, whether permanent or temporary.
- 33 Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.
- 34 Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.  
For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).
- 35 Drivers whose appearance alters significantly (for example by growing / removing a beard or moustache, changing hair colour etc), must request a replacement ID badge from the council at the earliest opportunity and supply them with a up to date photograph that is an accurate portrayal of their current appearance.

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## NOTES

**(i)** These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

**(ii)** Any person who commits an offence against any of the provisions of the Act of 1976 pursuant to Section 76 may be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to such other penalty as expressly provided in the Act. The licence holder should ensure compliance at all times.

**(iii)** The use of a vehicle not licensed as a private hire vehicle to fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.

**(iv)** A child can travel in a licensed vehicle without a child car seat, however the following must be observed: a. children under 3 years of age can travel without a child's car seat or seat belt, but only on the back seat

b. children aged 3 years or older can travel without a child's car seat if they wear an adult seat belt

**(v)** If at any time the conduct of the driver leads to concerns by the Council as to whether they remain a fit and proper person to hold a licence, the Council will investigate the conduct and if satisfied that the driver is no longer fit and proper person the driver licence may be suspended or revoked.

**(vi)** Failure to declare any conviction within the required timescale together with the nature of the conviction will be taken into account in deciding whether a licence holder is a fit and proper person to hold a hackney carriage/private hire driver licence. This may result in the suspension, revocation or refusal to renew the hackney carriage/private hire driver licence.

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**DRAFT**

**Private Hire Vehicle Conditions**

**SECTION 48 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

Each application for a private hire vehicle licence will be considered on its merit. The following are Rossendale Councils standard conditions that are normally attached to the grant of a private hire vehicle licence. However additional conditions or amendment to the standard conditions may be made as deemed appropriate in respect of each application granted.

Failure to comply with any condition attached to the grant of the licence may lead to a review of the private hire vehicle licence which could result in revocation or suspension of the licence

**1 VEHICLE TYPE AND DESIGN**

- 1.1 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed private hire vehicle.
- 1.2 All vehicle windows shall be transparent or if tinted, the front windscreen, front passenger window and driver's window must let at least 75% of light through and all other windows must let at least 70% of light through to the satisfaction of the Authorised Officer. The Council will not licence a vehicle to which a laminating film has been applied.
- 1.3 The colour of the vehicle must not be altered to XXXXXX during the period that the vehicle is licensed.

**2 LIQUEFIED PETROLEUM GAS (LPG)**

- 2.1 Vehicles must not be fitted with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems unless they have been tested and certified by a recognised Liquid Petroleum Gas Association accredited installer. This certification must be produced at the time of application.
- 2.2 The proprietor must notify the Licensing Office in writing if their vehicle has a LPG system fitted during the currency of a licence. The notification must be

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made within 5 working days, and include the provision of the certification referred to above.

### **3 GENERAL CONDITION, CLEANLINESS AND APPEARANCE OF VEHICLE**

- 3.1 Every vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council. The standard of maintenance and cleanliness required is that which would constitute a pass of both the MOT and Rossendale vehicle test
- 3.2 Luggage and storage areas must be kept as free space for passengers luggage.
- 3.3 The proprietor is responsible for ensuring that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.
- 3.4 On being required by a Police Officer or Authorised Officer, the proprietor shall arrange for the recorded daily checks kept in the vehicle to be provided as requested.
- 3.5 With effect from 20<sup>th</sup> February 2017 all new grant for private hire vehicle licences (this does not apply to vehicles licensed before 20 February 2017 and which maintain continual renewal applications) will need to be and maintained any colour other than XXXXXXXX

### **4 IDENTIFICATION PLATE, SIGNS, NOTICES ETC.**

- 4.1 The vehicle roof must not be equipped with any roof signs/ of any description
- 4.2 No lights (other than those in place at the time of manufacture), plates, signs, or other fittings shall be displayed in or on the vehicle except those approved by the Council (please see 8.4)
- 4.3 The vehicle shall display on the front nearside and front offside door the Rossendale Borough Council issued Private Hire vehicle door sign
- 4.4 Council approved private hire operator door signs shall be displayed on the rear offside and nearside doors, the private hire operator door signs must be

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the operator door signs from the operator allocating pre booked worked to the driver/vehicle and shall be no greater than A3 size

- 4.5 A Rossendale private hire vehicle plate shall be securely fixed to the rear and front of the vehicle using the appropriate backing plate. The plate shall be fixed in such a manner that it does not interfere or obscure any or part of the vehicle registration plate
- 4.6 Once the vehicle has been fitted with CCTV, Council issued signage shall be displayed in the vehicle in accordance with instructions issued by the Council at the time of issue
- 4.7 The private hire tariff card shall be displayed in the vehicle in a manner that customers can see/read the tariff. The tariff card will be in respect of the private hire operator with whom the booking has been made
- 4.8 A council issued notice must be displayed inside the vehicle in such a position that it can be easily read by passengers, advising passengers of how to make a complaint if they are dissatisfied with the service provided
- 4.9 No smoking sign(s) to be displayed in the passenger area of the vehicle in such a location that it can be seen by passengers
- 4.10 No other signs, notices, advertisements, plates, marks or similar shall be displayed on in or from the vehicle except as may be required by any statutory provision or required by these conditions, this will not apply to any indication displayed on a taxi meter fitted to the vehicle
- 4.11 No sign or notice which consists of or includes the word taxi or cab can be displayed on or in a private hire vehicle

## **5 EQUIPMENT AND FITTINGS**

- 5.1. The vehicle and all its fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.
- 5.2 There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and comprehensive first aid kit of a type that meets the requirements of British Standard BS8599-2 (medium sized kit). Such kit must be kept in such a position so as to be readily available for immediate use by a passenger in an emergency.

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5.3 If a Driver Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:-

- i It will be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
- ii it must not be changed in any way from its original design and must remain free of damage;
- iii it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passengers visibility;
- iv it must not impede entry and egress or present a trip hazard to passengers using the vehicle; and
- v the Installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.

5.4. All private hire vehicles issued with a new/ renewal licence with effect from 15 May will be required to have CCTV fitted that meets or exceeds the Council's specification for CCTV. The system must operate in accordance with the specification

The CCTV system must meet or exceed the Council's specification for taxi camera systems and must be operational at all times that the vehicle is being used as a licensed vehicle. (I.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times. Audio recording must be active whenever an unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle.

In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.

In addition, the following provisions apply to the taxi camera system:-

- i It must be of a make, type and design previously approved by the Council;
- ii it must not be changed in any way from its original design, be free of damage and maintained in working condition;
- iii The vehicle must display appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle.
- iv The recording system and memory card (or other image memory recording system) must be securely stored within the vehicle and away from public access.
- v Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
- vi The images contained in the recording device can only be downloaded by an Authorised Officer of the Council or Police Officer.

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- 5.5 All audio equipment must be factory fitted as original standard equipment, or a factory fitted optional upgrade. No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and connected to the vehicle.
- 5.6 All private hire vehicles issued with a new or renewal licence will not be permitted to retro fit an alternative engine into the licensed private hire vehicle unless the engine is of the same or higher Euro standard

## **6 METERS, FARES AND FARECARDS**

- 6.1 Any meter fitted to the vehicle must be installed in accordance with the manufacturer's instructions, tested and verified by the Council. The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter including a statement that the Council has no control over the table of fares.
- 6.2 A notice must be displayed within the vehicle in such a position as to be visible to passengers stating that if the meter is not used, the fare should be agreed between the passenger(s) and driver before commencement of the journey. Any fare agreed in this way must be the fare that is charged at the end of the journey, unless the customer agrees to it being varied.
- 6.3 If a fare has not been agreed between the driver (or operator) and the customer then the fare charged must be that which is shown on the meter (if fitted). A statement to this effect must be made on the notice referred to in b. above.

## **7 SEATS AND PASSENGERS**

- 7.1 The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.
- 7.2 Where the seating in the licensed vehicle can be rearranged, the proprietor must ensure that no more seats than are stated on the licence, including wheelchair(s), are fitted in the vehicle whether occupied or not. Once the vehicle has been tested and approved by the Council the seating layout must not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.
- 7.3 Seats can be mounted on tracking fastened to the floor of the vehicle using seat fixings approved to the satisfaction of the Council. These seats can then be removed or reinstalled as necessary to allow space for one or more wheelchairs. Any tracking system utilised must be correctly aligned and

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spaced to allow easy removal of the seat. Fastenings for the tracking must in accordance with the manufacturer's specification and approved for use by the Council.

## **8 VEHICLES WITH THIRD ROW OF SEATS**

- 8.1 All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
- 8.2 In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.
- 8.3 The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both of the exit points.
- 8.4 All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low level lighting that illuminates when the side lights of the vehicle are activated.

## **9 WHEELCHAIR PASSENGERS**

- 9.1 Passengers travelling in wheelchairs must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Passengers travelling in wheelchairs must be restrained by a suitable method.
- 9.2 A full static harness or a lap and diagonal inertia-reel belt must be available for each passenger travelling in a wheelchair. Whichever type of restraint is used it must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment must be fully adjustable for the safety and comfort of the passenger travelling in the wheelchair and capable of quick release in an emergency situation.

## **10. COMMUNICATION EQUIPMENT**

- 10.1 Radio communication equipment licensed by the appropriate Government department may be fitted for use in connection with the Private Hire Operator's base station. Where fitted it must be in a manner approved by the Council. No Citizen Band Radio, or similar non-commercial radio capable of both sending and receiving messages not being appropriately licensed must not be installed in the licensed vehicle. The use of scanner equipment is prohibited.
- 10.2 Equipment fitted in the licensed vehicles for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner

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which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

## **11 DRIVER RECORDS TO BE KEPT BY PROPRIETORS**

11.1 Each proprietor must, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid private hire drivers licence. In order to comply with this requirement a proprietor must examine each driver's licence.

11.2 The proprietor must ensure that any driver of a wheelchair accessible vehicle has completed training on safe access/egress and transportation of passengers traveling in wheelchairs.

11.3 The proprietor must keep a written record showing the following particulars in respect of every driver (for private hire purposes) of the private hire vehicle detailed in this licence:-

- i the name and address and date of birth of the driver of the vehicle;
- ii the number and date of expiry of every licence issued in respect of the driver under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and in force during such time as the driver is driving the vehicle.
- iii the date on which the driver commenced driving the vehicle;
- iv the date on which the driver ceased driving the vehicle.

11.4 The proprietor must keep the records prescribed in (d) above for a period of two years from the date on which the driver first commenced driving the vehicle. These records must be made available upon request to any Police Officer and/or Authorised Officer of the Council.

## **12 INSURANCE AND INSURANCE COVER**

12.1 Private Hire Insurance which complies with Part VI of the Road Traffic Act 1988 must be in force at all times for the duration of the licence. Public Liability Insurance (minimum cover £2m) is also required in respect of those vehicles licensed to carry passengers in wheelchairs.

12.2 The licence holder, if not the policy holder in respect of the insurance effected for the vehicle, must notify the Council if the situation including any change of policyholder(s). The Council will require production of satisfactory documentation from the insurance company/broker confirming that although the vehicle is owned by the proprietor the insurance effected by the policyholder is nevertheless fully effective for private hire purposes.

## **13 CONVICTIONS**

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The proprietor of a private hire vehicle must notify the Council **in writing within 14 days** and provide full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or, if the proprietor be a company or partnership, on any of the directors, partners or secretary) during the period of the licence.

#### **14 CHANGE OF ADDRESS**

The proprietor must notify the Council in writing of any change of address within 7 days of such change, whether permanent or temporary.

#### **15 CHANGE OF OPERATOR**

The licence holder must notify the Council in writing within 7 days of any change of operator through whom the vehicle is to be operated.

#### **NOT COVERED BUT VIEWS SOUGHT ON**

- Fire extinguishers should these be required, if so should also be part of Rossendale vehicle test inspection
- Trailers should these be permitted for use and if so need conditions around usage. If not need to specify as a condition that they cannot be used
- Current draft conditions prevent any commercial advertising – are we happy with this approach
- Suggest debate/ discussion required regarding the use of Cat C and Ds currently allowed under policy
- Requirement for LOLER certs for any vehicle with a tail lift ?

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## NOTES

- i These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- ii Any person who commits an offence against any of the provisions of the Act pursuant to Section 76 may be liable on summary conviction to a fine not exceeding Level 3 on the standard scale. The licence holder(s) should ensure compliance at all times as the proprietor(s) stated on the vehicle licence will be the person(s) against whom the Council will ordinarily proceed for any offence or misdemeanour.

### iii Health and Safety of Passengers (Duty of Care)

Most people will be aware that employers have a duty of care to their employees, but the Health and Safety at Work Act 1974, goes further, Part 1, Section 3 (2) states "it shall be the duty of every self employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not exposed to risks to their health and safety". Operators, drivers and proprietors are advised that a failure to safeguard passengers could have serious implications for the licence holder, and the licence.

### iv Cautionary Advice

You are strongly advised not to purchase a vehicle or any equipment or fittings, without first reading the Council's policy and preconditions to the grant of a licence and also these conditions. If in doubt about any aspect you should make an appointment with the Vehicle Examiner at the councils appointed testing centre. Licensing administration staff are not qualified to make technical assessments and are under instruction not to offer such advice. If a vehicle does not meet the conditions it is unlikely that a licence will be granted.

v

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## **Appendix 4**

### **DRAFT**

#### **Private Hire Operator Licence Conditions**

#### **CONDITIONS ATTACHED TO PRIVATE HIRE OPERATORS LICENCES**

#### **SECTION 55 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

Each application for a private hire operator licence will be considered on its merit. The following are Rossendales Council's standard conditions that are normally attached to the grant of a private hire operator's licence. However, additional conditions or amendment to the standard conditions may be made as deemed appropriate in respect of each application granted.

Failure to comply with any condition attached to the grant of the licence may lead to a review of the private hire operator's licence which could result in revocation or suspension of the licence.

#### **1. OPERATOR LICENCE**

- 1.1 A licensed 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 undertake and document regular audit and compliance checks of all driver/ vehicle licences and to check that vehicles are displaying the correct signage may call into question the operator's fitness and propriety.
- 1.2 A licensed operator licence is not transferable and the person to whom it is issued must display it in a prominent position at the business premises recorded on the licence at all times during the currency of the licence, so as to be on view to members of the public, except on such occasions as the licence is presented to Rossendale Council for amendment or if it is required to be produced for inspection by an Authorised Officer of the Council or a Police Officer.
- 1.3 Any Application must be made in writing in relation to any intended change of business premises and approval obtained before being so used.
- 1.4 A licensed operator shall take an active part in the daily running and management of the business.
- 1.5 A licensed operator must inform the council if they are going to be absent from the day to day running of the business for a period of 1 month or longer. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf.

- 1.6 A licensed operator must notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business within 5 working days.
- 1.7 A licensed operator must notify the Council in writing within 5 working days of any other material change affecting the licence during its validity.
- 1.8 A licensed operator must notify the Council in writing of any personal
- Conviction
  - Caution ( issued by the police or other agency)
  - Magistrates Court summons
  - Fixed penalty notice
  - Harrassment or other form of warning or order including anti- social behaviour orders or similar
  - Arrest for any offence (whether or not charged)
  - Any bankruptcy order or similar
  - Disqualification under the Company Directors Disqualification Act 1988

The notification must be in writing to the Council within 14 days . For clarification email notification will be accepted as written notification

## **2. BUSINESS PREMISES**

- 2.1 A licensed operator must only conduct business from the Office at the address specified on the Licence. Any operator wishing to conduct business from any additional address(es) (e.g. secondary booking offices) must make application in writing to the Council's Licensing Office, and await approval from the Licensing Office before making use of any additional premises, in addition to any other consents required. The Council reserves the right for an Authorised Officer to inspect all such premises for suitability and compliance with the requirements of these Conditions.
- 2.2 A licensed operator must not cause or permit the business premises to be used by any other person(s) for any other purpose than that connected with the conduct or operation of the private hire business. This condition will not apply if the business premises is the residential address of the licensed operator.
- 2.3 A licensed operator must not conduct his business, nor employ or utilise any person to conduct his business in any premises, the use of which have not been approved by the Council.
- 2.4 A licensed operator must provide at the business premises an area to which the public have access for the purpose of making a booking for the services of a licensed private hire vehicle, and for the purpose of awaiting the arrival of such vehicle subsequent to any booking. This condition will not apply if the business premises is the residential address of the licensed operator.

2.5 The business premises including the public waiting area must be kept clean, adequately lit, heated and ventilated and must conform to all other legal requirements including the legal requirement that no smoking be allowed on the premises under the requirements of the Health Act 2006;

### **3 RECORD OF BOOKINGS**

3.1 A licensed operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of records by theft or otherwise must be reported to the Council in writing within 24 hours, and also immediately to the police in the event of theft being suspected. Separate records must be kept at each premises from which the Operator conducts business. The records must be kept at all times at the business premises and not removed unless with the consent of Rossendale Council.

All such records must be in English, permanent, legible and preserved for a period of not less than 12 months following the date of the last entry.

Records must be kept in one of the following forms:-

- i. a bound book with consecutively numbered pages (loose leaf registers are not acceptable) or
- ii. on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system. The Operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that the printer is appropriately replenished to ensure that at all times full and legible booking details are printed, or
- iii. a computerised recording system which automatically generates a permanent entry onto a recordable CD or DVD at the same time the booking is entered onto the system.

Satisfactory certification from the program supplier/installers must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must confirm that the system stored or recorded is tamperproof; and once, inputted cannot be altered, amended, deleted or added to in any way. Any change to the recording system must only be by way of prior written agreement from the Council.

The removable CD/DVD must be changed on the first day of every month and kept in a secure place at the premises for production on demand by the Police or an Authorised Officer

- iv. In the event of a fail of computerised/electronic systems suitable manual records shall be maintained in accordance with the requirements of these conditions in respect of manual paper records

3.2 In respect of whichever system is used the Operator must, at the time the booking is taken, enter:-

- i. the date and time the booking was received, any subsequent cancellation, and the signature (or in the case of a computer system, the identity) of the person taking the booking;
  - ii. the name and address of the hirer;
  - iii. the time of the journey, together with the journey date if different from the booking date;
  - iv. the address or name of the premises from which it is to commence (i.e. the point of pickup of the passenger(s))
  - v. the address or place of destination;
  - vi. the private hire/hackney carriage plate number of the vehicle to be used for the journey (personal code systems are not acceptable); (It is accepted that this information may not be known at the time the booking is made but the record must be updated as soon as a vehicle is allocated and in any event prior to the journey commencing )
  - vii. the badge number or call sign of the driver of the vehicle used;
  - viii. The method the booking was received i.e. phone/ electronic/ in person.
- 3.3 Where any bookings are sub contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking (in line with 3b above) and notes must be included; including the name of the sub-contractor and contact information)
- 3.4 No alterations to records may be made – any amendment must be made to the original record by way of an addition.
- 3.5 Entries in the bound book, or on the digital copy generated by a computerised system, must cover a 24 hour period and must contain information in relation to only one private hire operator and no details in connection with the bookings of other private hire operators
- 3.6 A licensed operator must ensure that any booking clerk involved is competent in the recording of bookings and operating the system used.
- 3.7 The records of bookings must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers must be permitted to photograph and / or remove such records howsoever kept from the premises is so required.
- 3.8 A licensed operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an ‘assistance dog’ when the reason for failure or refusal is that the disabled person will be accompanied by the ‘assistance dog’.
- 3.9 A licensed operator must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely

necessary. Access to this information must be restricted to only those persons who will use it for the purpose for which it has been collected.

3.10 Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates. For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the Operator after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

#### **4. ADMINISTRATIVE RECORDS**

4.1 A licensed operator must keep records at his private hire operator premises of

- The name and address of each driver
- A copy of the drivers current PH/ HC drivers licence including expiry date
- The date the driver began taking bookings from the private hire operator
- The date the driver ceased taking booking from the private hire operator
- The name and address of each vehicle proprietor
- A copy of the vehicles current PH/HC licence including expiry date
- The date the vehicle was first used to fulfill bookings allocated by the private hire operator
- The date the vehicle ceased taking bookings from the private hire operator
- The call sign or other identifying mark/ feature used to identify individual drivers and vehicles.
- The name and address of the current owner of the private hire company. Including the date of transfer to the current owner.

The licensed operator must keep these records for a period of three years from the date on which the information was recorded. Three years being the standard period for which a drivers licence is issued

The administrative records must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. In general terms reasonable times means open for business open for inspection. Such Officers must be permitted to photograph and/or remove such records from the premises if so required.

#### **5. GENERAL**

- 5.1 A licensed operator must not operate a private hire vehicle unless the vehicle and driver are licensed by Rossendale Council. The licensed operator must personally examine licences and insurance certificates to satisfy himself / herself as to their validity.
- 5.2 A licensed operator must not accept any booking for a particular private hire/ hackney carriage vehicle which would require that vehicle to carry more passengers that is licensed to carry.
- 5.3 A licensed operator must bring to the attention of all drivers their legal obligations regarding the use of seat belts by both adults and children under 14 years of age.
- 5.4 A licensed operator must bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006.
- 5.5 A licensed operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times and, for this purpose, must in particular:-
  - a. Ensure that when a licensed vehicle has been hired to be in attendance at an appointed time and place, the vehicle must, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
  - b. The licensed operator shall behave in orderly and civil manner and must take all reasonable precautions to ensure the safety of all persons conveyed in licensed vehicles operating from his/her office premises.
- 5.6 Only equipment licensed by the Department for Business Innovation and Skills (BIS)) must be used for the purpose of conducting the business authorised by this licence. The BIS licence must be produced on request to the Police or an Authorised Officer.

CB apparatus must not be used in connection with any private hire booking at any operating address or in any private hire vehicle/hackney carriage available from such operating base.
- 5.7 The use of scanner equipment is prohibited.
- 5.8 Any advertising of the Operator's business, no matter in what form, must be approved by the Council in accordance with the name entered on the Operator's Licence issued by the Council. Advertising of a private hire company should not include the word TAXI
- 5.9 A licensed operator must not trade under any name for private hire purposes unless such trade name has been approved by the Council and has accordingly been entered on the Private Hire Operator's Licence issued by the Council.
- 5.10 A licensed operator must supply a copy of advertising materials to the Council for recording on file.
- 5.11 A licensed operator must only utilise company door signs which have been approved by Rossendale Council

- 5.12 A licensed operator must ensure that all advertising materials comply with Advertising Standards Authority requirements and do not contain offensive, misleading or potentially inflammatory wording which could be seen as defamatory.
- 5.13 A licensed operator must ensure that Public Liability Insurance is in force throughout the validity of the licence for each and every operating base open to the public to a minimum cover of £2 million. Certification must be produced upon request to the Licensing Office or any Authorised Officer.
- 5.14 A licensed operator must affix a properly printed notice in a prominent position inside the business premises, so as to be easily read by any person seeking to hire a private hire vehicle/hackney carriage, stating that any complaints not resolved by the private hire operator regarding a hiring relating to his/her business should be addressed to: Rossendale Council, Licensing and Enforcement team, Room 118, Futures Park, Bacup OL13 OWU. Such notice must also state that the Council does not control the fares for private hire vehicles and that, in the absence of any fare scale published by the Operator, the fare should be agreed before the journey commences.
- 5.15 Any fare scale in operation must be on prominent public display and be an accurate reflection of the charge, including any specific additions i.e. Bank Holidays and after midnight loading (including any waiting times) which the customer may be expected to pay. A copy of any fare scale must also be provided to the vehicle proprietor for display in the private hire vehicle
- 5.16 Where any property is left by a customer in the business premises, or in any vehicle used for any hiring and placed in the Operator's safekeeping by the driver thereof. The licensed operator must endeavour to arrange to return such property to its rightful owner, failing which it must be dealt with in accordance with legal requirements and handed in as found property to the Police within 24 hours.
- 5.17 A licensed operator must not, by him/herself, his agents, or any other person importune, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of private hire licensed vehicles under his control.
- 5.18 A licensed operator must not cause or permit the licensed vehicle plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:-
- Concealed from public view
  - Defaced
  - Disfigured