

Subject:	Draft revised policy in relation to Hackney Vehicles and Drivers and Private Hire Vehicles, Drivers and Operators.	Status:	For Publication
Report to:	Licensing Committee	Date:	16 th March 2017
Report of:	Licensing Manager	Portfolio Holder:	Legal and Democratic Services
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	Yes	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: N/A
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1.	RECOMMENDATION(S)
1.1	That the Licensing Committee considers the report and associated appendices and approves the revised Taxi Licencing Policy with or without amendment. (Those sections subject to Judicial Review to be held in abeyance pending the outcome of proceedings).

2. PURPOSE OF REPORT

2.1 To provide the Licensing Committee with an updated draft Taxi Licensing Policy that reflects the evidence based decisions made by the Committee at its meeting on 15 November 2016, and ratified on 7th February 2017.

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 report is primarily concerned with the implementation of the recommendations approved by the Committee at its meeting on 15 November 2016.

- 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.

5. BACKGROUND

5.1 On 15th 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 Council's 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 In addition to the above, a number of recommendations contained within the report which were approved in principal required a further submission to the Licensing Committee for approval of detailed documents and specifications, and these have been outlined in a separate report.

A further report has been produced in relation to proposed revised private hire licensing conditions and a review of the taxi licensing Enforcement Policy, which will be presented separately for the Licensing Committee's information and approval.

5.3 Attached at **Appendix 1** is a document that details all the recommendations approved by the Licensing Committee at its meeting on the 15th of November 2016 and a progress report in respect of each recommendation where appropriate.

Attached at **Appendix 2** is a revised draft Taxi Licensing Policy and appendices that reflects the changes approved by Licensing Committee on 15 November 2016, and additional information that reflects current working practice within the Licensing team. The key changes in the Policy are shown in red type. For persons using black and white print these will show as lighter coloured print.

Section 5.4 below provides some background information in respect of the development of revised standards applied to the revised draft taxi licensing policy and other standards proposed in respect of taxi licensing.

5.4 Documented process for applications from existing hackney carriage drivers to be licensed as private hire drivers and vice versa

The process as documented in the revised draft taxi licensing policy reflects current practice in place since August 2016. This practice sought a balance between ensuring the necessary practices are in place to provide equivalent safeguards for a new applicant without causing unnecessary financial cost to the applicant, for example previous medical and practical driving test assessments will be accepted but a new enhanced DBS or access to an online update to an original enhanced DBS is required to cover the standard 3 year period for which the licence is normally issued.

Private Hire Operators

Historically there has been little or no private hire licensing in Rossendale. Changes implemented by the Deregulation Act 2015 and technological advances have resulted in a significant growth of Rossendale's private hire trade. It is recognised that the majority of the journeys booked by the Rossendale licensed Private Hire Operators are undertaken outside of the Borough. The draft taxi licensing policy includes additional information on Private Hire Operator regime which reflect current practices in place within Licensing.

Status

The status section of the draft taxi licensing policy has been extended to include a statement to the effect that although regard has to be had to the policy the Council reserve the right to depart from the policy where it is considered appropriate to do so. Taxi trade representatives suggested wording to this effect should be added to the Exceptional Condition Policy. It is, however, considered that it is good practice to allow such discretion in respect of the whole of the taxi licensing policy and ensure that decisions are not bound by the Policy.

Skills assessment and knowledge test

In order to satisfactorily complete the basic skills assessment and knowledge test, applicants and licence holders will need to have a level of English language and mathematical skills and geographical knowledge. Where necessary, the Council will work in partnership with local colleges and the taxi trade to identify the provision of training to persons who do not currently have the required skill level.

Consultation with the taxi trade

Officers met with representatives of the taxi trade on 18 January 2017 and the 27th February 2017. Taxi trade representatives had previously been provided with a draft code of conduct and a draft exceptional condition policy for comment. Minor amends have been made to these documents following the trade meeting. The amends were predominately in respect of clarification and the addition of information in the status section of this policy.

Taxi trade representatives expressed their concerns about some elements of the Policy. They were invited to provide comments in writing and that the comments would be included within the report for Members' considerations. The comments received can be found at **Appendix 3** of this report.

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 The majority of the recommendations in this report relate to outline proposals approved by the Licensing Committee at its meeting on 15 November 2016. No formal consultations have been carried out since the last Committee meeting although meetings have taken place with taxi trade representatives on 18 January and 27th February 2017.

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 builds on the outline proposals agreed by the committee at the meeting on 15th November 2016 and provides details of those proposals contained within a revised Taxi Licensing Policy.

Appendices

Document	Place of Inspection
Update on implementation of recommendations approved by the Licensing Committee on 15 November 2016	Appendix 1
Draft Policy for the Licensing of Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and vehicles including Appendix A Rossendale test criteria (unchanged from previous) Appendix B Hackney carriage Byelaw (unchanged from previous) Appendix C Guidelines to convictions (amended from previous) Appendix D Docs required for 1 st time driver application (info not previously provided in an appendix) Appendix E Docs required for renewal driver applicants (info not previously provided in an appendix) Appendix F Code of conduct (new provision) Appendix G Current Private hire driver licence conditions (unchanged from previous) Appendix H Hackney Carriage licence conditions (amended from previous) Appendix J Current Private Hire Vehicle licence conditions (unchanged from previous) Appendix K Exceptional condition policy (new provision)	Appendix 2

<p>Appendix L Docs required for vehicle licence (info not previously provided in an appendix)</p> <p>Appendix M Intended use policy (info not previously provided as an appendix)</p> <p>Appendix N Standard conditions for Executive Hire (unchanged from previous)</p> <p>Appendix P Current conditions attached to Private Hire Operator licences</p> <p>Appendix Q Councils Enforcement Policy</p> <p>Appendix R CCTV specification (new provision)</p> <p>Appendix S Docs required for applications for Private Hire Operators licences</p>	
<p>Comments received from taxi trade reps following taxi trade meeting 18 January 2017</p> <p>Appendix 6.1 Comments from Charles Oakes re dress code</p> <p>Appendix 6.2 Comments from Robert Back re roof signs</p>	<p>Appendix 3</p>

Appendix 1

Update on implementation of recommendations approved by the Licensing Committee on 15 November 2016

Nos	Recommendation	Impact of recommendation/ date of implementation	Update on progress as at 19 January 2017
1	That the entry age limit for licensed vehicles be reduced from 7 to 5 years	To be implemented wef Monday 20 February 2017 in respect of new vehicle applications	Licensing and One Stop Shop officers advised of new age limit requirements. Web site info also updated. The requirement has been incorporated into Appendix 5 ie the new draft taxi licensing policy at para 4.5
2	That the hackney fare tariff be reviewed so as to enable additional costs to be recovered by the licensed trade	Formal consultation with the trade	Taxi trade meeting on 18 January but his item was not included as an agenda item
3	That an exceptional condition policy be introduced to be implemented at the same time as any age limit requirement. The wording of any such policy to be approved by committee prior to introduction	Policy document to be submitted for approval at this meeting of the Licensing Committee To be implemented wef	An exceptional condition policy for licensed vehicles is incorporated in Appendix 5 ie the new draft taxi licensing policy referenced at para 4.6 and attached at Appendix k within the Policy

		Monday 20 February 2017		
4	That Euro emission standard are not used as a primary determinant for Rossendales vehicle age policy.	No change	No action required	
5	A licence condition be introduced in respect of vehicle licences to the effect that a licensed vehicle cannot be retrofitted with an engine of a lower euro emission standard than that which was in place at the time of manufacture	To be implemented wef 20 February 2017 on the grant/ renewal of vehicle licences	A condition has been incorporated into the existing private hire vehicle licence conditions Appendix J 13 and into the proposed private hire vehicle licence conditions Appendix 3 5.6 and hackney carriage vehicle licence conditions Appendix H 16	
6.	That consideration be given to incorporating emission standard requirements within a review of the overarching licensing policy	No change to current policy proposed at this time	No action required	
7.	That the maximum age limit at which vehicles can be licensed remains as per current policy ie 10 years for saloon cars and 12 years for wheelchair accessible vehicles	No change to current policy	No action required	
8	That the maximum age limit for vehicles is further reviewed 12 months after any	Review February 2018	No action required at the moment	

	change in the general age limit policy			
9	That licensed vehicles over 10 years of age remain subject to 4 monthly testing per annum ie 3 vehicle tests per year	No Change to current policy	No action required	
10	That the Council adopts a standard block colour livery for hackney carriage vehicles. The taxi trade be offered a further opportunity to express a colour preference.	Colour to be determined at this meeting of the Licensing committee. Colour requirements to take effect 20 February 2017	Taxi trade reps meeting held on 18 January vehicle colour policy included on agenda Rossendale Council website updated to advised that colour policy would be coming into effect on 20 February 2017 Colour to be determined by Licensing Committee on 7 February 2017	
11	That any approved livery be introduced to all new vehicles applications. Existing licensed vehicles to remain as per current requirement whilst the vehicle remains licensed.	20 February 2017	No action required	
12	That the size of the door signs be increased by 100% to assist in identification of the vehicle	New design door signs to be issued to all vehicles in parallel with the new/ renewal/ replacement plates wef 20 February 2017	Draft door signs now available for consideration re colour background	

13	That the roof signs to be affixed to hackney carriages be provided by Rossendale BC and be of a standard design and printed with Rossendale Licensed taxi.	April 2017	Information and images of roof sign designs will be available to members at the meeting on 7 February. Please see comments received from taxi trade representatives at Appendix 6.2
14	That private hire vehicles granted a new licence as opposed to a renewal cannot be livered in the same colour as the colour adopted for hackney carriage vehicles,	1 month after any colour policy for hackney vehicles has been determined	Appendix 5 The new draft taxi licensing policy has been amended at para 4.4 to reflect this. The current private hire vehicle licence conditions have been amended at Appendix J 14 to reflect this . This has been incorporated into the proposed private hire vehicle licence conditions at Appendix 3 3.5
15	That a licence condition be introduced That approved company door signs be affixed to the rear passenger doors of licensed vehicles. The company/operator door signs to be of a minimum size XX by XX and a maximum size of XX by XX .	To be implemented wef 20 February 2017 on the grant/renewal of vehicle licences	Appendix 5 The new draft taxi licensing policy stipulates at para 4.9 that advertising signage for rear passenger doors shall not exceed A3 size. This to be taken as applicable to company/operator door signs This requirement has been added to the Hackney Carriage Vehicle licence conditions at Appendix H nos 1.1.5, existing private hire licence conditions Appendix J nos 1.1.4 and proposed private hire vehicle licensing Appendix 3 nos 4.4

16	That the Council does not pursue a policy in respect of a mandatory requirement for hackney carriages to be WAV	No change to current policy	No action required	
17	That the Council incorporates disability awareness training and assessment into the driver policy knowledge test	Date to be determined by the procurement process but to be no earlier than 1 March 2017	Tender prepared for preferred contractor for taxi driver training packages. Trade reps received demonstration of an online training package available from personnel checks on 18 January 2017	
18	That the Council works with trade representatives to explore further initiatives for improving availability of WAV within the licensed fleet (HC and PH)	Ongoing	Meeting held with taxi trade reps on 18 January 2017 item included on the agenda but no initiatives brought forward at this time	1
19	That the Council introduces a requirement for mandatory CCTV in licensed vehicles	Approval in principle by Committee 15 November 2016		
20	Any specification for CCTV in licensed vehicles is subject to approval by the Committee	Approval of CCTV specification to be considered by Licensing Committee 7 February	Appendix 5 The new draft taxi licensing policy has been amended at para 4.4. to reflect the requirement and Appendix R within the new draft policy provides the suggested CCTV specification	

21 , 22	That the implementation date for CCTV in licensed vehicles allows sufficient time for an approved specification, approved installers and ICO considerations to be facilitated.	Implementation date for new vehicles 15 May 2017. For existing licensed vehicles at first renewal following this date	Appendix 5 The new draft taxi licensing policy has been amended at para 4.4 to reflect this. As have vehicle licence conditions Appendix 5 H, J and proposed PHV licence conditions Appendix 3
23	That if requirements for CCTV in licensed vehicles are approved consideration be given to an exemption in respect of vehicles that will not be eligible for relicensing due to age limit requirements	In parallel to 21 and 22 above	Appendix 5 The new draft taxi licensing policy has been amended at para 4.4 to reflect this. As have vehicle licence conditions Appendix 5 H, J and proposed PHV licence conditions Appendix 3
24	The Council introduces a mandatory requirement for an enhanced DBS together with online DBS subscription for all new and renewal driver applicants	To be implemented wef Monday 20 February 2017 in respect of all enhanced DBS disclosures received by the Council from that date	Appendix 5 The new draft taxi licensing policy has been amended at para 3.2 to reflect this Internal admin procedures to be amended accordingly. (Web site to be amended to reflect the change
25	The Council will require DBS online subscription is maintained for licensed drivers failure to maintain subscription may result in action being taken against the licence holder	To be implemented wef Monday 20 February 2017 in respect of all enhanced DBS disclosures received by the Council from that date	Appendix 5 The new draft taxi licensing policy has been amended at para 3.2 to reflect this Communications have been undertaken with personnel checks, advice amended on 18 January 2017 to ensure all applicants are aware of need to sign up to online

			updates in accordance with DBS procedures
26	That existing licensed drivers be required to satisfactorily complete the basic skills assessment prior to the renewal of their hackney carriage/private hire drivers licence.	To be implemented in respect of all renewal applications due from 1 June 2017. Please note this will apply to all drivers licences due to expire after 31 May 2017 regardless of how far in advance the renewal application is submitted	Appendix 5 The new draft taxi licensing policy has been amended at para 3.19 to reflect this.
27	A licence condition be imposed on hackney carriage proprietors licences to the effect that a record of all journeys be recorded	To be implemented wef 20 February 2017 on the grant/renewal of hackney carriage vehicle licences	Appendix 5 The new draft taxi licensing policy has been amended to reflect this. Appendix H nos 14
28	That initially compliance with intended use policy on licensed vehicles be intelligence led and partnership working with other Local Authorities including inspection of operator records	No change	Work ongoing within licensing enforcement and relevant matters referred to sub committee
29	That vehicle proprietors who are not currently licensed drivers are subject to a basic disclosure and a statutory declaration,	Vehicles applications received by the Council on or after 20 February 2017 where the proprietor is not a licensed driver will be subject	Appendix 5 The new draft taxi licensing policy has been amended to reflect this within para 4.14 and Appendix L . A one month validity has been written into the policy, as this is the statutory standard

		to this requirement	applied to basic disclosures for personal licence applications and is the policy standard required by Rossendale Council for enhanced DBS disclosures. The convictions policy has also been amended to detail how convictions will be dealt with in respect of applications from vehicle proprietors (see statement of policy para 3 and 19)
30	That the taxi licensing policy is amended to be clear on the action that will normally be taken where defects are found on a licensed vehicle or where application forms have provided inaccurate information for example on intended use	Policy document to be submitted for approval at the next meeting of the Licensing Committee	Appendix 5 The new draft taxi licensing policy has been amended to reflect this, para 4.7 deals with vehicle standards and para 4.17 deals with intended use
31	There is no proposal to change current policy on tinted windows	No change	See separate agenda item regarding letter before action received from a2z licensing
32 and 33	That a local geographical knowledge test be introduced in respect of new applicant drivers and at renewal for existing licence holders (requirement to pass the knowledge test at next renewal no requirement to resit the	Date to be determined by the procurement process but to be no earlier than 1 March 2017 for applications received by the Council for new drivers and to apply to all driver renewal applications	Appendix 5 The new draft taxi licensing policy has been amended to reflect this at para 3.19 NOTE As per recommendation of this report

	knowledge test at subsequent renewal)	where the current drivers licence expires on or after 15 May 2017 . This is regardless of how far in advance the renewal application is submitted	It is recommended that the date of implementation for existing licensed drivers be changed from 15 May 2017 to 1 June 2017 this will then mean that implementation date for driver knowledge and basic skills is the same in respect of existing licence drivers . IE existing drivers whose licence expire after 31 May 2017 will be required to complete training and assessment prior to renewal of their licence
34	The Licensing policy be amended to reflect any changes introduced as a result of this review	A revised Licensing Policy has been brought to this meeting of the Licensing Committee reflecting the changes agreed at the meeting on 15 November	Appendix 5 The new draft taxi licensing policy has been referred to throughout this document, changes are as outlined in the report and detailed in this Appendix. The complete new draft Policy can be found at Appendix 5
35	As a matter of urgency to be considered alongside these proposals, the Council will incorporate within the policy, the process to be adopted for dealing with new applications from existing licensed drivers who wish to apply for another type of drivers licence e.g HCD to PHD licence	A revised Licensing Policy has been brought to this meeting of the Licensing Committee reflecting the changes agreed at the meeting on 15 November	Appendix 5 The new draft taxi licensing policy has been amended at para 3.12 to reflect this
36	Any future review of private hire licencing will consider the issue of		It is suggested that any formal review of the intended use policy is considered after

	intended use		March 2018 once the intended use policy and other changes indicated in this report have been fully implemented
37	That the 2015 review of the convictions policy be completed. That the Greater Manchester Councils conviction policy be utilised as a template. The policy to detail how conduct issues from other countries are to be considered	A revised convictions Policy has been brought to this meeting of the Licensing Committee reflecting the changes agreed at the meeting on 15 November	Revisions have been made to the convictions policy and are included within this report, the convictions policy is referenced at para 3.14 of Appendix 5 ie the new draft taxi policy. The convictions policy can be found at Appendix C of the new draft taxi licensing policy
38	That the convictions policy be reviewed annually by officers and any suggested amendments brought back to the committee for consideration	Annual review	As above
39	That a code of conduct be included within the taxi policy identifying the standards expected of a licensed driver whilst undertaking work as a taxi driver	A revised Licensing Policy has been brought to this meeting of the Licensing Committee reflecting the changes agreed at the meeting on 15 November	Appendix 5 The new draft taxi licensing policy has been amended to reflect this at para 3.16 and Appendix F
40	That the Council produces a specification for a practical driving assessment and produces a list of approved suppliers, it will be for applicants to choose which supplier to	Specification produced and approved in December 2016	Completed specification and approved suppliers considered by officers in consultation with the Cllr Hughes. Approved suppliers now detailed on the Councils web site.

	use. The specification and implementation to be introduced without delay ideally before 1 Jan 2017		The specification reflects the standard previously adopted by the DVSA taxi driver assessment	
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Policy for the Licensing of: Hackney Carriage Drivers and Vehicles Private Hire Operators, Drivers and Vehicles

Date of Issue: January 2017

DRAFT

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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 white 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 white
- 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

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The Rossendale Test

Inspection Authority Stamp:	Vehicle Registration:	
	Plate Number:	
	Vehicle Make & Model:	
	Expiry Date of Licence:	
	Date of test:	
	Time tested:	
	Signature of tester:	

	Pass	Fail
1. Exterior of Vehicle		
1.1 Bodywork clean to a satisfactory condition with no significant damage to the external panels, paintwork, front and rear bumpers	<input type="checkbox"/>	<input type="checkbox"/>
1.2 Door wind-checks	<input type="checkbox"/>	<input type="checkbox"/>
1.3 All windows shall be transparent and be of standard manufacturer's specification	<input type="checkbox"/>	<input type="checkbox"/>
1.4 Door stickers / unapproved advertisements	<input type="checkbox"/>	<input type="checkbox"/>
1.5 Clearly visible no smoking stickers	<input type="checkbox"/>	<input type="checkbox"/>
2. Interior of vehicle		
2.1 Interior of vehicle clean and good condition	<input type="checkbox"/>	<input type="checkbox"/>
2.2 Interior lights	<input type="checkbox"/>	<input type="checkbox"/>
2.3 Heater/windscreen demister in good working order	<input type="checkbox"/>	<input type="checkbox"/>
2.4 Windows lowered, raised and in good working order	<input type="checkbox"/>	<input type="checkbox"/>
2.5 Unpleasant/excessive odours in vehicle	<input type="checkbox"/>	<input type="checkbox"/>
2.6 Right hand drive	<input type="checkbox"/>	<input type="checkbox"/>
3. Boot of Vehicle		
3.1 Boot interior free from significant water leakage, cleanliness and floor covering	<input type="checkbox"/>	<input type="checkbox"/>
3.2 Containers flammable/corrosive liquid & loose tools/items, spare wheel not secure	<input type="checkbox"/>	<input type="checkbox"/>
4. Hackney Carriage Meter (private hire – only if fitted)		
4.1 Meter visible to hirer	<input type="checkbox"/>	<input type="checkbox"/>
4.2 Meter illuminated when on	<input type="checkbox"/>	<input type="checkbox"/>
4.3 Meter tariffs show current rates and free from signs of tampering	<input type="checkbox"/>	<input type="checkbox"/>
4.4 Roof sign illuminates when available for hire	<input type="checkbox"/>	<input type="checkbox"/>
4.5 Meter checked over two mile round trip	<input type="checkbox"/>	<input type="checkbox"/>

Comments/Observations

Appendix A

The Rossendale Test

TESTING REQUIREMENTS GUIDANCE

This guidance should be used in conjunction with the Rossendale Test inspection form

<p>1. Exterior of Vehicle</p>	
<p>Method of inspection</p> <p>1.1 Check that all passenger door locks and handles are easily operated from inside and outside the vehicle, as appropriate. Check security and condition of bonnet sound proofing material. Check front and rear bumpers for security, positioning and damage. Examine interior and exterior of body to identify corrosion, cracks or damage and condition of paintwork.</p>	<p>Reason for failure</p> <p>Bonnet does not latch securely in the closed position or cannot be opened by single person operation. Bonnet support struts insecure/unsafe or missing. Bonnet soundproof material insecure or contaminated with fuel or oil (creating potential fire hazard). Exterior/interior release lever missing or broken. Bumpers missing, insecure, incorrectly positioned, corroded or damaged. Protruding or sharp edges. Severe corrosion causing weakening or disfigurement of structure or panels. Cracked panels/sections. Paintwork in poor condition due to accident damage or scrape. Damage which is a potential hazard to the public. Paintwork not a uniform colour match.</p>

<p>1.2 Check door seals, handles, bonnet catches and support struts for security and condition.</p> <p>1.3/1.4/1.5 Check the condition of all internal screens partitions, side, rear, roof and doors windows/glass for cracks, surface damage and discoloration.</p> <p>Check that all windows that are designed to open can do so.</p> <p>Check for security, wind and water tightness. From inside the vehicle, check that all windows and screens are free from any defect or other objects, which may excessively impair vision and conform to manufacturers specification.</p> <p>Check that occupants are clearly visible from exterior of vehicle. Stickers are not permitted on windows unless they have been approved by the licensing authority.</p>	<p>Paintwork blistered or eroded. Poor quality repair or repair not uniform.</p> <p>Doors will not open easily, sticking doors. Doors will not lock internally or difficult to lock. Door check strap missing/broken or incorrectly fitted. Door seals missing/damaged/incorrectly fitted or not creating a proper seal. Door handles or interior panelling insecure/sharp edges/damaged or incorrect type.</p> <p>A crack, significant surface damage or discoloration in glass or other transparent material. Tinted windows – must allow at least 70% visible light transmission in all windows except front windscreen which must be 75%. (Tinted window film is not allowed). Occupants not clearly visible from exterior of vehicle. Window will not open/close or is difficult to open/close. Window will not open completely to manufactures specification. Interior of vehicle not wind and water tight.</p> <p>Stickers attached to windows or screens. Objects attached to front windshield within range of wipers. Any missing or broken glass/scored glass/cracked or holed glass, which may be likely to deteriorate quickly and cause a failure.</p>
---	---

2. Interior of Vehicle	Reason for Failure
<p>2.1/2.2/2.3/2.4/2.5/2.6 Examine all interior panels for security and condition. Examine sun visors for condition and security. Examine vehicle for interior and exterior cleanliness, including seating, carpets or matting and luggage area. Examine the underside of the vehicle and engine compartment for cleanliness. Examine vehicle to determine suitability for Hackney carriage or Private hire use. Check that all windows that are designed to open can do so. Check operation of interior lights with door shut. Open each door individually and check the operation of the interior lights. Operate internal switches to check correct operation of interior light(s). Examine heater for operation, security and condition. Check condition of heater hoses</p>	<p>Insecure panels or sun visors. Damaged panels or sun visors. Sun visors will not remain in closed position. Headlining insecure, dirty, stained or poorly repaired. Any raised item or hole on floor which could be a potential trip hazard Worn carpets/matting, which could be a potential hazard to passengers. Dirty or wet seating/interior trim/carpets/matting/loose objects accumulated on seat/floor/rear parcel shelf/scuttle panel/in luggage boot. External body of vehicle excessively dirty. Foul odour in vehicle. Engine or underside of vehicle in a dirty condition. Window will not open/close or is difficult to open/close. Window will not open completely to manufacturer's specification. Interior of vehicle not wind and water tight. Interior light does not operate when any one door is opened (where fitted). Interior light does not operate when switched on. Interior light not giving off sufficient light so as to cause difficulty in vision to both rear and front seated passengers. Lamp or switches damaged or faulty in operation. Noisy operation. Leaking matrix or hoses. Insecure installation. Heater faulty or inoperative. Controls or switches faulty.</p>
3. Boot	

<p>3.1/3.2 Check for presence/security/ condition and weather tightness of boot lid/tailgate support struts/ mechanism and weather seal.</p> <p>Check that they support the boot lid/tailgate safely in the open position and seal correctly in the closed position. Check condition and presence of weather seals.</p> <p>Check for presence/security/ condition of parcel shelf/luggage cover</p> <p>Check Condition and security of spare wheel</p>	<p>Support struts/mechanism missing/insecure/leaking or damage. Boot lid/tailgate is not self-supporting in the fully open position. Damage or missing boot door/tailgate weather seal.</p> <p>Parcel shelf/luggage cover missing/insecure or damaged.</p> <p>Spare wheel insecure, unsuitable</p>
<p>4.Hackney Carriage Meter (Private hire if fitted)</p> <p>4.1/4.2/4.3/4.4/4.5</p> <p>Switch on vehicle lights and check that all panel lights and meter/taxi lamp operation.</p>	<p>Panel or meter lights inoperative/faulty. Panel or meter light dim.</p> <p>Taxi illumination lamp inoperative or dim.</p> <p>Meter does not show correct fares at 1, 2 and 3</p> <p>Meter not fixed so as to be clearly visible to hirer</p> <p>Roof light not operated by meter</p> <p>Meter does not trip at correct point on 1 measured mile</p>

Appendix B

BOROUGH OF ROSSENDALE



BYELAWS RELATING TO HACKNEY CARRIAGES

BYELAWS made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Council of the Borough of Rossendale with respect to hackney carriages in the Borough of Rossendale.

1. Interpretation

Throughout these byelaws, 'the Council' means the Council of the Borough of Rossendale and 'the district' means the Borough of Rossendale.

2. Licence Plate

The proprietor or driver of a hackney carriage shall:-

- a) not wilfully or negligently cause or suffer any licence plate issued by the Council to be concealed from public view while the carriage is standing or plying for hire;
- b) not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

3. Condition and Furnishings of Hackney Carriages

The proprietor of a hackney carriage shall:-

- a) provide sufficient means by which any person in the carriage may communicate with the driver;
- b) cause the roof or covering to be kept water-tight;
- c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- d) cause the seats to be properly cushioned or covered;
- e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
- f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- g) provide means for securing luggage if the carriage is so constructed as to carry luggage.

4. Use of Taximeter

- a) The driver of a hackney carriage shall make use of the taximeter as follows:
 - i) as soon as the hirer commences his journey the driver shall bring the machinery of the taximeter into action by moving the key, flag or other device, so that the word '**HIRED**' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - ii) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer.

- b) The driver shall not cause the fare recorded on the taximeter to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

5. Interference with equipment

The proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with, any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto, nor with any other equipment attached to or forming part of the vehicle.

6. Advertisements, etc.

The proprietor or driver of a hackney carriage shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the vehicle except with the consent of the Council.

7. Use of stands

The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-

- a) proceed with reasonable speed to one of the stands fixed by the Council in that behalf;
- b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
- c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
- d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

8. Importuning

A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

9. Conduct of driver

The driver shall:-

- a) at all times behave in a civil and orderly manner and take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
- b) not without the express consent of the hirer, drink or eat in the vehicle and shall not smoke in the vehicle at any time;
- c) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- d) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

10. Prompt Attendance

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

11. Shortest Route

The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

12. Passengers

- a) The driver shall not convey or permit to be conveyed in a hackney carriage a greater number of persons than that prescribed in the licence for the vehicle, provided however that for this purpose two children below the age of ten years may be counted as one person insofar as the rear seating only is concerned.
- b) The driver shall not allow there to be conveyed in the front of a hackney carriage:-
 - a. Any child below the age of ten years, or
 - b. More than one person above that age.

13. Driver's Badge

The driver's badge provided by the Council shall be worn by the driver of a hackney carriage in such position and manner as to be plainly visible.

14. Assistance with luggage

The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the vehicle:-

- a) convey a reasonable quantity of luggage;
- b) afford reasonable assistance in loading and unloading;
- c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such a person.

15. Lost Property

- a) The driver of a hackney carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein;
- b) The driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle be found by or handed to him carry it as soon as possible and in any event within forty eight hours, if not sooner claimed by or on behalf of its owner, to a police station within the district where he should report it to the officer in charge of the station.

16. Copy of Byelaws

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

17. Written Receipts

The driver shall, if requested by the hirer of a hackney carriage, provide him with a written receipt for the fare paid.

18. Animals

The driver shall not convey in a hackney carriage any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle. Any animal belonging to or in the custody of any passenger which is conveyed in the vehicle shall only be conveyed in the rear of the vehicle.

19. Rates or Fares

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

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter (save for any extra charges detailed in the fares table which it may not be possible to record on the face of the taximeter) unless a hiring is undertaken for a journey ending outside the district for which a rate or fare was agreed before the hiring was effected.

20. Statement of Fares

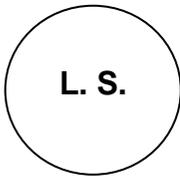
- a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council in the form issued by the Council to be exhibited inside the carriage;
- b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is playing or being used for hire.

21. Penalties, etc.

Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding fifty pounds and in the case of a continuing offence to a

further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

THE COMMON SEAL of the
Rossendale Borough Council
was hereunto affixed this
24th day of January, 1981
in the presence of



JOHN EDGE

MAYOR

W. B. WOLFE

CHIEF EXECUTIVE OFFICER

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 3rd day of April, 1981.

Signed by authority of the
Secretary of State
2nd April, 1981

G. I. de DENEY

*An assistant Under
Secretary of State*

Appendix C

Policy Statement

Guidelines to Convictions

Including Statement of Policy about Relevant Convictions, Cautions, Complaints and other relevant matters

This policy was:-

Revised at Licensing Committee: TBC

Introduction

This policy aims to provide guidance to all parties with an interest in public and private hire licensing thereby providing transparency and consistency in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes. This policy will be of particular interest to, but not exclusively:

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed
- Applicants for operators licences
- Existing licensed operators whose licences are being reviewed
- Applicants for new and renewal vehicle licences
- Licensing officers
- Members of the Licensing Committee/ Sub-Committee (or other relevant decision making body)
- Appeal bodies hearing appeals against Rossendale Borough Council decisions
- Lancashire Constabulary
- Other Police Authorities
- Children, Young Persons and Vulnerable Adults Safeguarding Authorities
- Other Licensing Authorities

This policy deals with individual's including existing licence holders, applicants for a new driver or operator licence, and an applicant for the renewal of an existing licence.

Where Officers have delegated powers to grant or refuse licences, they will utilise these guidelines when making a decision regarding a licence review/ application. In other cases applications for licences will be referred to the Licensing Committee/ Sub-Committee (or other relevant decision-making body). Whilst Officers and the Committee/ Sub-Committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances are appropriate , the Committee/Officer may depart from the guidelines.

Statement of Policy about relevant convictions, cautions, complaints and other relevant matters

1. In this policy the word “individual” includes an existing licence holder, an applicant for a new licence, and an applicant for the renewal of an existing licence.
2. Licences for drivers of hackney carriages, private hire vehicles or a private hire operator may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
3. An applicant for a new or renewal vehicle licence (who does not hold a drivers or operator’s licence) will from 20 February 2017 be required to supply a basic disclosure and completed statutory declaration. Regard will be had to information contained within these documents although no regard will be had to any spent convictions declared.
4. In this policy the word “issue” is used. This includes complaints made to the Council, Police, Operators or any other agency, breaches of licensing conditions and intelligence received from other agencies (including circumstances which have not resulted in a criminal conviction, caution or other disposal). E.g. incidents which have resulted in a police investigation where there has been no further action due to the criminal burden of proof will still be considered if the Council is satisfied that the incident occurred based on the balance of probabilities).
5. The document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has previous convictions and cautions.
6. The Council is concerned to ensure:
 - a. That a person is a fit and proper person.
 - b. The public are not exposed to persons with a history of dishonesty, indecency or violence.
 - c. The safeguarding of children and young persons and vulnerable adults.
 - d. That the person does not pose a threat to the public .
7. The public are not normally permitted to attend committee hearings for private hire, hackney carriage driver applications or private hire operator applications or reviews, however, in determining whether to grant a licence the committee or Officers will take into account the human rights of the wider public and balance these against the human rights of the applicant.

8. When submitting an application for a licence to drive a hackney carriage or private hire vehicle, or for an operator's licence, individuals are required to declare all previous convictions they may have. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice and all fixed penalties and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.

The information given will be treated in confidence and will only be taken into account in relation to its relevancy to assist the Council in determining whether the individual is a fit and proper person to hold a licence for the purposes of sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Council should exercise any of its powers under section 61 and 62 of the Act (i.e. suspension, revocation or refusal to renew a licence).

Applicants for a licence to drive a hackney carriage or private hire vehicle and existing licence holders should be aware that the Council is empowered by law to check with the Disclosure and Barring Service for the existence and content of any criminal record and other intelligence held in their name. Furthermore, Officers will, where appropriate contact other agencies for any other information which they may hold for instance, other Local Authorities, Children's Services and relevant Police authorities. Information received from the Disclosure and Barring Service or any other agency will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 .

9. The disclosure of a criminal conviction/fine or caution or any other relevant information relating to an individual's conduct will not necessarily debar an individual from being granted, retaining or renewing a licence. It will depend on whether or not the individual can satisfy the Council that they are a fit and proper person to hold such a licence.
10. The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence or an operator's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

In considering evidence of an individual's good character and fitness to hold a driver's licence or operator's licence, where previous convictions/cautions or other information relating to criminal matters/character is disclosed, the Council will consider

- the nature of the offence/issue and penalty.
- When it was committed/took place,

- the date of conviction/issue
- and the length of time which has elapsed,
- the individuals age when the offence was committed/issue took place
- whether or not it is part of a pattern of criminal behaviour,
- the intent, the harm which was, or could have been caused
- and any other factors which might be relevant e.g. whether an individual has intentionally misled the council, information provided by other agencies

11. Where an individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq (1998)*].

12. The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining new/renewal applications for drivers' licences and operators licences and when considering whether to take any action against an existing licence holder.

13. The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an individual. If an individual has a conviction for an offence not covered by the guidelines, regard will be had to the factors at paragraph 13 when deciding whether any action should be taken.

14. Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

15. The guidelines are not an attempt to define what a "fit and proper person" is.

16. Any individual who is refused a driver's licence or has such a licence suspended or revoked on the grounds that the Council is not satisfied he/she is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

17. Any individual who is refused an operator's licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

18. Some individuals submit simultaneous applications for hackney carriage and private hire driving licence(s). For applicants of both licence types, the council will apply the fit and proper test to each individual application. Similarly where an existing driver who holds both Private Hire and Hackney Carriage Licences has a review of their licences, the fit and proper test will be applied individually to each Licence.

19. Anyone who is refused a hackney carriage or private hire proprietors licence or has such a licence suspended or revoked in accordance with section 60 of the Local Government (Miscellaneous provisions) Act 1976 has a right of appeal to the relevant court ie Magistrates and or Crown
- 20 In this policy the word conviction is to defined as including convictions, cautions , warnings reprimands and other relevant information. In this policy “from date sentence has ended” is taken as the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the individual. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy

GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS, CAUTIONS, COMPLAINTS AND OTHER RELEVANT MATTERS

General Policy:

1. Each case will be decided on its own merits.
2. The Council has a duty to ensure so far as possible that drivers and operators are fit and proper persons to hold licences. One aspect of that is the extent to which previous convictions, including but not limited to convictions for offences against children and young persons, vulnerable adults, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.
3. The council will also take into account relevant background information in respect of applications for vehicle proprietors licences where the applicant does not hold either drivers or operator licences issued by the Council. In general terms convictions will be considered in line with this policy with the exception that spent convictions will not be considered in respect of vehicle proprietors
4. Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal court system. The Council recognises that restorative justice and other out of court disposals tend to be applied in less serious cases or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.
5. A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
 - a. Remain free of conviction for an appropriate period { which will depend on the nature of the offence) ; and
 - b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). .
 - c. Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
6. Amongst situations where it may be appropriate to depart from the general policy, for example, may be situations where the offence is an isolated one with mitigating circumstances or where a conviction defaults outside of the policy between the application and determination date. **Similarly, multiple offences or a series of**

offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. As well as convictions this policy will take into account other issues or intelligence received from other agencies which are deemed relative to the fit and proper test. In accordance with the Council's constitution any individual can be referred to the licensing committee for their application to be considered / licence to be reviewed where it is considered appropriate to do so, the sub-committee is not in any way restricted to considering matters that fall within this policy.

7. The Council will in accordance with its constitution and scheme of delegation consider any information/ representations received that a person is not/ no longer a "fit and proper" person or a breach of a condition of a licence has been proved and take appropriate action in accordance with the legislative framework (e.g. may refuse/ revoke/ suspend a licence and or condition a licence as appropriate

8. The following examples afford a general guide on the action, which might be taken where convictions are disclosed:

a) **Offence of: - Dishonesty:**

Drivers of a hackney carriage and private hire vehicles are expected to be persons of trust. This is because it is the Council's view that it is relatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may include especially vulnerable people and children.

In certain situations drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station. The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.

For these reasons the Council takes a serious view of any convictions involving dishonesty. In general an individual with convictions for dishonesty, which are less than 5 years old, is unlikely to be considered favourably .

In particular, an application will normally be refused where the individual has a conviction for an offence or similar offences or offences which replace the below offences and the conviction is less than 3-5 years prior to the date of application. Between 3 and 5 years after conviction, or their release from prison (whichever is most recent),

- Burglary
- Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- Blackmail
- Bribery
- Conspiracy to defraud
- Forgery (e.g. producing false insurance policy)
- Fraud
- Handling or receiving stolen goods
- Obtaining money or property by deception
- Theft
- Offence of possession of goods with false trade mark for sale or hire-Trade Marks Act 1994

- Other deception
- Similar offences
- Offences which replace the above offences

b) Offence of: - Violence

Members of the public and in particular, the elderly, infirm, children or vulnerable adults entrust their personal safety to private hire and hackney carriage drivers whenever they take a journey. Passengers often travel alone and are vulnerable to violence etc.

Users of private hire and hackney carriage vehicles have a right to expect that drivers are not individuals with a predisposition towards or a propensity for violent behaviour at any level.

Convictions for violence are amongst the most serious of all criminal offences.

1. Offences of violence against children (under 14 years) and young persons (aged 14 to 17 years)

Drivers of private hire and hackney carriage vehicles are often entrusted with the care and transportation of children and young persons who are particularly vulnerable whilst in the care of the driver. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence involve children or young persons.

An extremely serious view will be taken where an applicant has been convicted of any offence of violence involving a child (under 14 years of age) or a young person (aged 14 to 17 years) and, in order to afford an appropriate degree of protection to children and young people, an applicant will be required to provide substantial evidence of rehabilitation before the Council will be satisfied that the applicant passes the 'fit and proper' test.

Where the commission of an offence involved the loss of life, a licence will normally be refused. In all other cases a period of 5-10 years free of conviction for offences involving violence (dependent upon the nature and seriousness of the offence) will generally be required before an application is likely to be considered favourably.

2. Offences against Other Persons

Private hire and hackney carriage vehicle drivers maintain close contact with the people from all parts of the community and the Council takes the view that law abiding citizens should not be exposed to a risk of violence by placing them in a vehicle driven by a person with a history of criminal violence.

As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused.

In other cases a period of 3-10 years prior to the date of the application, or their release from prison (whichever is most recent), will generally be required before an application is considered favourably. A conviction less than 3 years old will normally result in a refusal

3. Offence types

i. Convictions falling into the most serious group offences of violence involving the loss of life is likely to result in **outright refusal** of an application;

- murder
- manslaughter
- culpable homicide
- Or similar offences
- Or offences which replace the above offences

ii. Individuals with one or more convictions for very serious violence should expect the application to be refused until a period of at least **ten years** has elapsed from the date of conviction or their release from prison (whichever is most recent); e.g.

- Arson
- Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861)
- Which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- Actual bodily harm (s.47 Offences Against the Person Act 1861)
- Which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- Grievous bodily harm with intent (s.18 Offences Against the Person Act 1861)
- Grievous bodily harm with intent (s.20 Offences Against the Person Act 1861)
- Robbery

- Possession of firearm
- Riot
- Kidnap
- Assault Police
- Common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- Violent disorder
- Resisting arrest
- Or similar offences
- Or offences which replace the above offences

iii. Individuals with one or more convictions for serious violence should expect the application to be refused until a period of at least **five years** has elapsed from the date of conviction or their release from prison (whichever is most recent); e.g.

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Fear of provocation of violence which is racially-aggravated (s.4 Public Order Act 1986) or (s.31(1)(a) Crime and Disorder Act 1998)
- Intentional harassment, alarm or distress which is racially-aggravated (s.4A Public Order Act 1986 offence) or (s.31(1)(b) Crime and Disorder Act 1998)
- Harassment which is racially-aggravated (s.2 Protection from Harassment Act 1997) or (s.32(1)(a) Crime and Disorder Act 1998)
- Putting people in fear of violence which is racially-aggravated (s.4 Protection from Harassment Act 1997) or (s.32(1)(b) Crime and Disorder Act 1998)
- Harassment, alarm or distress which is racially-aggravated (s.5 Public Order Act 1986) (s.31(1)(c) Crime and Disorder Act 1998)
- Or similar offences
- Or offences which replace the above offences

iv. Applicants with one or more convictions for other offences of violence should expect the application to be refused until a period of at least **three years** has

elapsed from the date of conviction or their release from prison (whichever is most recent); e.g.

- Common assault
-
- Affray
- Battery
- Harassment, alarm or distress (S5 Public Order Act 1986 offence)
- Harassment- breach of restraining order- on conviction Protection from Harassment Act 1997 s5(5) = s. 5(6)
- Fear of provocation of violence (s.4 Public Order Act 1986 offence)
- Intentional harassment, alarm or distress (s4A Public Order Act 1986 offence)
- Obstruction
- Possession of offensive weapon
- Criminal damage
- Or similar offences
- Or offences which replace the above offences

c) Drugs:

An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and the conviction or their release from prison (whichever is most recent) is less than 5 -10 years prior to the date of application. Between 5 and 10 years, regard will be had to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

An application will normally be refused where the applicant has more than one conviction for offences related to the possession of drugs and the conviction or their release from prison (whichever is most recent) is less than 5 years prior to the date of the application.

An application from a person who has an isolated conviction for an offence related to the possession of drugs within the last 3 to 5 years will require careful consideration

of the facts. If any applicant was an addict then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

d) Offence of: - Sexual and Indecency Offences

Any individual currently on the sex offenders' register would not normally be granted a licence.

I. Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)

Drivers of hackney carriage and private hire vehicle are often entrusted with the care and transportation of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.

II. Intelligence and other information which has not resulted in a criminal conviction

The Council will sometimes be made aware of other intelligence or low level information about an individual which has not resulted in the conviction of that person but is relevant in relation to their character. Officers will give appropriate consideration to this information and will seek to consult with other appropriate agencies in order to ensure that they have a comprehensive understanding. Where appropriate, officers will investigate such information/ intelligence. Any additional information gathered through the investigation process may then be taken into account at any subsequent sub-committee.

III. Offences against persons other than children and young persons

Hackney carriage and private hire vehicle drivers often carry unaccompanied passengers; therefore applicants will normally be refused a licence if they have a conviction for:

- Indecent assault
- Rape
- Other similar offences
- Offences under the Sexual Offences Act 2003

Applicants will normally be refused a licence if they have a conviction relating to

sexual offences until they can show a substantial period (normally 10 years) free from any such conviction or their release from prison (whichever is most recent). Between 5 and 10 years following conviction or their release from prison (whichever is most recent), regard will be had to the circumstances of the offence and any evidence demonstrating that such a person is now a fit and proper person to hold a licence; e.g.

- Importuning
- Indecent exposure
- Soliciting
- Other similar offences or offences under the Sexual Offences Act 2003 when the provisions of that Act come into force

Amongst circumstances which the Council may wish to consider, are circumstances which if they occurred at the time of the consideration of the application would not be a criminal offence.

1. Drunkenness

1.1 Not in a motor vehicle

An isolated conviction for drunkenness need not debar an individual from being licensed. In some instances a warning may be appropriate.

More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

In addition, individuals will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic

1.2 With a motor vehicle (no disqualification)

1.2.1 A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink.

An application will normally be refused where the applicant has a conviction which does not result in a disqualification for an offence within 2 years of the date of the application.

More than one conviction for this type of offence within the last five years from the date of conviction is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

With a Motor vehicle (disqualification)

lii Where a disqualification has occurred as a result of a drink driving offence at least 5 years free from conviction should normally elapse from the date of the restoration of the DVLA licence before an individual is considered for a licence

In addition, individuals will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic

e) Motoring Convictions

1 Disqualification:

Where an applicant has been disqualified from driving because of a major traffic offence, the applicant will generally be refused a drivers licence for a hackney carriage or private hire vehicle unless a period of 3 years free from conviction has passed since the reinstatement of the DVLA licence, and 5 years where the disqualification relates to drink/ drug driving.

Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time, this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 3 years free from conviction must have elapsed from the restoration of the DVLA licence.
--

In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, Rossendale Borough Council is likely to refuse a hackney carriage or private hire
--

driver's licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the Court made its finding of exceptional circumstances justifying the non-qualification.

2. **Major Traffic Offences**

An application will normally be refused where the applicant has a conviction for an offence within 2 years of the date of the application from the date of conviction. More than one conviction for this type of offence within the last 5 years from the date of conviction is likely to merit refusal. A list of offences to which this paragraph applies is attached as **Appendix I**.

3. **Minor Traffic Offences**

Isolated convictions for minor traffic offences should not prevent a person from obtaining a licence. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature, the applicant will normally be expected to show a period free of conviction of at least 6 months from the date of conviction. A list of offences to which this paragraph applies is attached as **Appendix II**.

4. **Hybrid Traffic Offences**

Offences of the type listed in **Appendix II** will be treated as major traffic offences if the Court awarded 4 or more penalty points for the offence and as minor traffic offences if the Court awarded 3 or less penalty points for the offence.

5. **Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws**

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") and Hackney Carriage Byelaws is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire) when deciding whether an individual is to be treated as a fit and proper person to hold a licence. In particular, an applicant will normally be refused a licence. If (s)he has been convicted of an offence under the Acts at any time during the 2 years preceding the application from the date of

conviction or has more than one conviction within the last 5 years preceding the date of the application from the date of conviction.

In the case of a licensed driver found guilty of an offence of plying for hire, the Council would normally order the licence to be revoked or suspended.

Spent Convictions

By virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 taxi drivers are an exempted occupation for the purposes of the 1974 Act and convictions are therefore never spent.

Rossendale Borough Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction.

The council will in its consideration the nature of the offence(s), the history or pattern of offending, the lapse of time and whether all the convictions have previously been considered

f) *Cautions, Reprimands and Fixed Penalties*

For the purpose of these guidelines formal cautions, reprimands and fixed penalties shall be treated as though they were convictions.

g) *Other relevant offences*

The Council takes a serious view of any convictions involving the law and practice concerning bail conditions. In general if an application is received with a conviction which is less than 3-5 years of the conviction date or their release from prison (whichever is most recent), it is unlikely to be considered favourably.

In particular, an application will normally be refused where the applicant has a conviction for offences committed under the:

- Bail Act 1976;
- Bail (Amendment) Act 1993;
- Magistrates' Court Act 1980;
- Magistrates' Court Rules 1981;
- Criminal Justice Act 2003

- Powers of Criminal Courts (sentencing) Act 2000

or similar offences or offences which replace the above offences and the conviction(s) or their release from prison (whichever is most recent) are less than 3 years prior to the date of application. Between 3 and 5 years, regard will be had to the circumstances of the offence and any evidence demonstrating that such a person is now a fit and proper person to hold a licence.

h) **Breach of Conditions, Bye-laws and complaints**

Any breach of licence conditions, breach of bye-laws or complaint relating to a licence holders conduct may be referred to the sub-committee. A licence holder brought before the committee will be dealt with by no further action, a formal warning, period of suspension or revocation or any other penalty the sub-committee are minded to impose. Where the matter relates to an alleged licensing offence the matter may also be dealt with by way of legal proceedings

i) **Reapplication**

Individuals are advised that Council guidelines are that where an individual has had an application refused or a licence revoked, a subsequent application would normally be considered by the sub committee regardless of whether the conviction fell within the policy .The sub-committee would normally refuse any subsequent application made within 12 months of the date of the previous refusal or revocation unless there are substantial material changes in the individual's circumstances.

Appendix I

MAJOR TRAFFIC OFFENCES

AC10:	Failing to stop after an accident
AC20:	Failing to give particulars or to report an accident within 24 hours
AC30:	Undefined accident offences
BA10:	Driving while disqualified by order of Court
BA30:	Attempting to drive while disqualified by order of Court

CD10	Driving without due care and attention
CD20:	Driving without reasonable consideration for other road users
CD30:	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis
CD71	Causing death by careless driving then failing to supply a specimen for drug analysis
CD80	Causing death by careless, or inconsiderate, driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers
DD40:	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
DR10:	Driving or attempting to drive with alcohol level above limit
DR20:	Driving or attempting to drive while unfit through drink
DR30:	Driving or attempting to drive then failing to supply a specimen for analysis
DR31:	Driving or attempting to drive when unfit through drugs
DR40:	In charge of a vehicle while alcohol level above limit
DR50:	In charge of a vehicle while unfit through drink
DR60:	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61:	Failure to provide a specimen for drug analysis in circumstances other than driving or attempting to drive
DR70:	Failing to provide specimen for breath test
DR80:	Driving or attempting to drive when unfit through drugs

DR90:	In charge of a vehicle when unfit through drugs
IN10:	Using a vehicle uninsured against third party risks
LC20:	Driving otherwise than in accordance with a licence
LC30:	Driving after making a false declaration about fitness when applying for a licence
LC40:	Driving a vehicle having failed to notify a disability
LC50:	Driving after a licence has been revoked or refused on medical grounds
MS50:	Motor racing on the highway
MS60:	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)
MS90:	Failure to give information as to identity of driver, etc.
TT99	To signify a disqualification under 'totting-up' procedure. If the total of penalty points reaches 12 or more within three years, the driver is liable to be disqualified
UT50:	Aggravated taking of a vehicle
<i>Aiding, abetting, counselling or procuring</i>	
Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)	
<i>Causing or permitting</i>	
Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)	
<i>Inciting</i>	
Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)	
Or similar offences or offences which replace the above offences	

Appendix II

MINOR TRAFFIC OFFENCES

CU10:	Using vehicle with defective brakes
CU20:	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30:	Using a vehicle with defective tyres
CU40:	Using a vehicle with defective steering
CU50:	Causing or likely to cause danger by reason of load or passengers
CU80:	Using a mobile phone while driving a motor vehicle
MS10:	Leaving a vehicle in a dangerous position
MS20:	Unlawful pillion riding
MS30:	Play street offences
MS40:	Driving with uncorrected defective eyesight or refusing to submit to a test
MS70:	Driving with uncorrected defective eyesight
MS80:	Refusing to submit to an eyesight test
MW10:	Contravention of Special Road Regulations (excluding speed limits)
PC10:	Undefined contravention of Pedestrian Crossing Regulations
PC20:	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30:	Contravention of Pedestrian Crossing Regulations with stationary vehicle
SP10:	Exceeding goods vehicle speed limit
SP20:	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30:	Exceeding statutory speed limit on a public road
SP40:	Exceeding passenger vehicle speed limit
SP50:	Exceeding speed limit on a motorway
SP60:	Exceeding speed limit offence

TS10:	Failing to comply with traffic light signals
TS20:	Failing to comply with double white lines
TS30:	Failing to comply with a “Stop” sign
TS40:	Failing to comply with direction of a constable or traffic warden
TS50:	Failing to comply with traffic sign (excluding “Stop” sign, traffic lights or double white lines)
TS60:	Failing to comply with school crossing patrol sign
TS70:	Undefined failure to comply with a traffic direction sign
<i>Aiding, abetting, counselling or procuring</i>	
Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)	
<i>Causing or permitting</i>	
Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)	
<i>Inciting</i>	
Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)	
Or similar offences or offences which replace the above offences	

Appendix D

Documents required for submission of a new Private Hire Driver or Hackney Carriage Drivers Licence application

- A Basic Skills and Knowledge and Policy Test Certificate showing your successful completion within the six-month period preceding the application certificate for the mandatory training showing your successful completion within the six-month period preceding the application ;
- A practical taxi driving test certificate showing your successful completion within the 12 month period preceding the application;
- A valid passport and proof of entitlement to work in the UK;
- An overseas criminal history checks where applicable which must have been obtained within the 6 month period preceding the application;
- One photograph of the applicant which complies with the Council's requirements;
- An enhanced DBS disclosure not more than one calendar month old or original DBS with update service ID number if the 'application is By Rossendale Council or approved agent
- With effect from 20 February 2017 evidence of sign up to the DBS online update system
- A satisfactory Group 2 medical assessment not more than 6 months old;
- A valid full EU,UK or other exchangeable driving licence which must have been held for a minimum period of one year;
- A fully completed application form
- A properly completed, legible driver mandate form; and
- The correct fee.
- At a date to be determined by the procurement process but no earlier than 1 March 2017 applicants will need to provide certification of proof of successful completion of the driver knowledge/ disability awareness and safeguarding training/ assessment

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.

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Appendix E

Documents required for the submission of a renewal of a Private Hire Driver or Hackney Carriage Drivers licence

- A valid full EU, UK or other exchangeable driver's licence which show the correct name and address of the applicant;
- For renewals that take effect from 1 June 2017 A Basic Skills and Knowledge and Policy Test Certificate showing your successful completion for the mandatory training.
- A Group 2 standard medical report, if required;
- One photograph of the applicant ;
- A properly completed, legible driver mandate form; and
- An enhanced DBS disclosure which is not more than one calendar month old or original DBS with update service ID number if the 'position applied for' is 'other workforce taxi driver'.
- With effect from 20 February 2017 evidence of sign up to the DBS online update system
- The correct fee
- At a date to be determined by the procurement process and a decision of the licensing committee at its meeting on 7 February 2017 applicants will need to provide certification of proof of successful completion of the driver knowledge/ disability awareness and safeguarding raining/ assessment

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.

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Appendix F

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Hackney Carriage and Private Hire Driver Code of Conduct

In order to become a licensed hackney carriage driver/ private hire driver an applicant must satisfy the council that they are “fit and proper” to be a licensed driver. There is no legal definition of what constitutes a “fit and proper” person, but in assessing an application, the Council takes into account various factors including an applicant’s ability to communicate effectively with customers, any criminal history, any motoring convictions and medical fitness.

A licensed driver is expected to remain a fit and proper person during the duration of his/ her licence. This code of conduct outlines the standards of conduct expected of a licensed driver, failure to comply with this code of conduct or licence conditions or other legal requirements may result in the review of the drivers’ hackney carriage or private hire drivers’ licence.

For hackney carriage drivers

- Use the meter within the licensed area, unless the passenger has agreed to hire by time (*DfT best practice guidance*)
- If using the meter, not start the meter until the passenger is seated in the vehicle (*DfT best practice guidance*)
- If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area then the driver must adhere to the meter
- Take the most-time efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route. (*DfT best practice guidance*)
- A licensed hackney carriage driver shall 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.
-

For private hire drivers

- Ensure that the passenger has prebooked and agrees the fare before setting off. (*DfT best practice guidance*)

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- Take the most time efficient route bearing in mind likely traffic problems and known diversion's, and explain any diversion from the most direct route. *(DfT best practice guidance)*

For all licensed drivers

- Drive with due care and courtesy towards the passenger and other road users. *(DfT best practice guidance)*
- Keep relationships with passengers on an appropriate professional basis
- Be polite to passengers, and communicate clearly
- Keep the vehicle clean and free of rubbish
- Provide reasonable assistance to passengers (e.g. getting in and out of the vehicle, and unloading luggage to the outer door of the premises / building)
- Ensure luggage including shopping and other large objects are safely and properly secured in the vehicle
- Comply with reasonable passenger requests regarding comfort of the journey e.g. heating/ air con on/ off radio/ music on/off
- Provide written receipts on request
- Be neat and tidy in appearance, and have a good standard of personal hygiene
- Comply with the dress code attached below.

DRAFT

Rossendale licensed drivers' dress code

The Rossendale licensed drivers dress code forms part of the driver's code of conduct. The purpose of the dress code is to set a standard that provides a positive image of Rossendale's licensed hackney carriage and private hire trade, and that the standard adopted seeks to promote public and driver safety

Rossendale licensed drivers dress standard

- All clothing worn by driver whilst working as private hire/hackney carriage driver must be in good condition and the driver must have good standards of personal hygiene.
- As a minimum standard whilst working as a licensed driver males should wear trousers and a shirt which has a full body and short/ long sleeves. Knee length tailored shorts are also acceptable

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- As a minimum standard whilst working as a licensed driver females should wear trousers. Knee length skirt or dress and a shirt/ blouse which have a full body and short/long sleeves. Knee length tailored shorts are also acceptable.
- Footwear whilst working as a licensed driver shall fit i.e. be secure around the heel of both feet

Examples of unacceptable standard of dress

- Clothing that is not kept in clean condition, free from holes, rips or other damage
- Words or graphics on any clothing that is of an offensive nature or suggestive nature which might offend
- Sportswear e.g. football/ rugby kits including shirts, track suits in whole or part , beachwear
- Sandals with no heel straps, flip flops or any other footwear not secure around the heel
- The wearing of any hood or any other type of clothing that may obscure the drivers vision or their identity

Uniforms

The Council recognises the positive image that uniforms can create. This dress code does not require a licensed driver to wear a distinct uniform. The Council acknowledges that many private hire and hackney carriage companies outside of Rossendale do require licensed drivers to wear appropriate corporate branded uniform and this is a practice that the Council would encourage Rossendale companies to consider and adopt.

Notes

The notes will be removed from the final policy but are provided in terms of clarification only

(adapted from Salford/ Rotherham Policies) differences from Salford and Rotherham include the following

- 1. clarification that the code only applies when working as a licensed driver***
- 2. Inclusion of the provision of knee length shorts for women as well as men***
- 3. Requirements that shorts are tailored shorts clarifying that sport / Bermuda shorts are not acceptable***

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4. Addition of ref to damaged clothing in the first bullet point of unacceptable standard of dress, this is to prevent clothing which has been damaged by permanent staining but is still clean (e.g. prevent wearing of clothes that have been badly stained with paint/ bleach or similar)

5. Insertion of paragraph on uniforms to reflect the growing practice of drivers wearing uniforms.

(Option remains for production of a charter detailing behaviour expected of passengers)

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Appendix G

Current Private Hire Drivers Licence Conditions

1 Identification of Driver

- 1.1 If requested, the driver of a private hire vehicle shall show their driver's badge to the hirer, a passenger, authorised officer or constable.

2 Driver's Badge

- 2.1 The driver of a private hire vehicle shall, when required to do so by an authorised officer of the Council, return the driver's badge and licence to the Council and obtain a receipt for it. The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence, forthwith return the driver's badge to the Council.

3 Use of Taximeter

- 3.1 The driver of a private hire vehicle provided with a taximeter shall:-
- 3.1.1 as soon as the hirer commences his journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - 3.1.2 cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between sunset and sunrise and also at any other time at the request of the hirer; and
 - 3.1.3 If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity to examine it and has paid the fare (unless credit is to be given).

4 Interference with Equipment

- 4.1 The driver of a private hire vehicle shall not tamper with or permit any person to tamper with, any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto, nor with any other equipment attached to or forming part of the vehicle.

5 Advertisements etc.

- 5.1 The driver of a private hire vehicle shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the vehicle except with the written consent of the Council.

6 Shortest Route

- 6.1 The driver of a private hire vehicle when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

7 Assistance with Luggage

7.1 The driver of a private hire vehicle so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the vehicle:-

7.1.1 convey a reasonable quantity of luggage;

7.1.2 afford reasonable assistance in loading and unloading; and

7.1.3 afford reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he may take up or set down such a person.

8 Lost Property

8.1 The driver of a private hire vehicle shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein. Furthermore, the driver of a private hire vehicle shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle be found by or handed to him, carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station within the district. The driver should report it to the officer in charge of the station.

9 Carriage of Other Persons

9.1 The driver of a private hire vehicle shall not permit any person to be conveyed in the vehicle without the consent of the hirer.

10 Concealment of Licence Plate

10.1 The driver of a private hire vehicle shall not wilfully or negligently cause or suffer any licence plate to be concealed from public view.

11 Convictions

11.1 The 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. If you have convictions, your licence may be determined by the Licensing Committee.

12 Prompt Attendance

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

13 Copy of Conditions

13.1 The driver shall at all times when driving a private hire vehicle carry with him a copy of these conditions and shall make it available for inspection by the hirer or any other passenger on request.

14 Fare to be demanded

- 14.1 The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any fare previously agreed for the 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.

15 Change of Address

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

16 Conduct of driver

- 16.1 The driver shall:-

- 16.1.1 at all times be clean and respectable in his dress and person and behave in a civil and orderly manner;
- 16.1.2 take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
- 16.1.3 not without the express consent of the hirer drink or eat in the vehicle;
- 16.1.4 not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle; and
- 16.1.5 at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving, to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

17 Passengers

- 17.1 The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.

18 Written Receipts

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

19 Carrying of animals and disabled passengers

- 19.1 The driver of a private hire vehicle which has been hired:

- by or for a disabled person with their guide, hearing or prescribed assistance dog; or
- by such a person who will be accompanied in the taxi by such a person;

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- carry the disabled passenger's dog and allow it to remain with the passenger; and

- not make any additional charge for doing so.

19.2 An “assistance dog” is defined by Regulations made under the Disability Discrimination Act 1995 as a dog which is trained by specified charities, i.e., “Dogs for the Disabled”, “Support Dogs” or “Canine Partners for Independence”, to assist a disabled person with a physical impairment and which at the time that its owner hires a private hire vehicle is wearing a jacket inscribed with the name of one of those charities. This condition shall not apply to a driver who has applied for, and been granted a certificate of exemption.

19.3 The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle. Any other animal belonging to or in the custody of any passenger which in the driver’s discretion may be conveyed in the vehicle.

20 Health of Driver

20.1 The driver of a private hire vehicle must inform the Council without delay about the onset or worsening of any health condition likely to cause him to be a source of danger to the public when driving either now or in the future.

20.2 Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

21 Renewal of Licences

21.1 Applications for renewal should be submitted no earlier than one calendar month and no later than two weeks before the expiry date of the licence. If an application is received less than two weeks before the expiry of the licence, the Council cannot guarantee the renewal application will be processed before the licence expires. The Licensing and Enforcement Manager will consider exceptional reasons for failing to renew on time.

22 Drivers of Private Hire Vehicles - Signs, notices etc.

22.1.1 The vehicle must not be equipped with roof fittings including advertisements and a roof sign. If a wireless aerial is fitted, it must be fitted in such a manner to satisfy the Council;

22.1.2 There shall be no lights, plates, signs or other fitting(s) (other than the licence plate) displayed on, in or from the vehicle, except those approved by the Council or displayed to comply with requirements under the current lighting and licensing regulations approved by the Secretary of State;

22.1.3 The vehicle shall display on the front nearside and the front offside door the Council approved door stickers identifying the hackney carriage in the design and form supplied by the Council with the licence; and

22.1.4 No markings of any nature, other than standard manufacturer’s markings, are permitted, except in accordance with the criteria set out below. The Monitoring Officer or Licensing and Enforcement Manager may instruct

the vehicle owner to remove any markings deemed inappropriate and/or offensive.

➤ **Permitted Markings:**

Only the company/organisation name and one contact telephone number may be displayed.

➤ **Permitted Location and size of markings:**

Rear passenger doors (total area for markings may not exceed A3 (297mm x 420mm) in size) on each door and/or the rear boot lid

➤ **Permitted Typeface and colour**

Any typeface is permitted provided that the total area of each marking does not exceed the limits above. Markings must be in contrast to the main colour of the vehicle. Any typeface is permitted provided that the total area of each marking does not exceed the limits above. Markings must be in contrast to the main colour of the vehicle. No additional markings will be permitted.

Appendix H

Hackney Carriage Vehicle Licence Conditions

1 Signs, notices etc.

1.1 The vehicle must not be equipped with roof fittings including advertisements, other than a roof sign in accordance with these conditions, or a wireless aerial which if fitted must be fitted in such a manner to satisfy the Council;

1.1.1 The vehicle must be fitted with a *Council approved / supplied* roof sign bearing the words, "Taxi" or "Hackney Carriage" or "For Hire" which may also display the company name and telephone number;

1.1.2 There shall be no lights, plates, signs or other fitting(s) (other than the licence plate) displayed on, in or from the vehicle, except those approved by the Council or required by law;

1.1.3 The vehicle shall display on the front nearside and the front offside door the Council approved door stickers identifying the hackney carriage in the design and form supplied by the Council with the licence; and

1.1.4 No markings of any nature, other than standard manufacturer's markings, are permitted, except in accordance with the criteria set out below. The Monitoring Officer or Licensing and Enforcement Manager may instruct the vehicle owner to remove any markings deemed inappropriate and/or offensive.

1.1.5 *Council approved company/ private hire operator door signs must be affixed to the rear passenger doors of the licensed vehicle in such a position that they can be seen by customers. The signs to be no greater than A3 size*

➤ **Permitted Markings:**

Only the company/organisation name and one contact telephone number may be displayed.

➤ **Permitted Location and size of markings:**

Rear passenger doors (total area for markings may not exceed A3 (297mm x 420mm) in size) on each door and/or the rear boot lid.

➤ **Permitted Typeface and colour:**

Any typeface is permitted provided that the total area of each marking does not exceed the limits above. Markings must be in contrast to the main colour of the vehicle. No additional markings will be permitted.

2 Radio microphone

2.1 Any radio microphone installed in the vehicle shall be fitted in such a position that its use by the driver would not impair his control of the vehicle when it is in motion.

3 The taximeter

- 3.1 The vehicle shall be provided with a taximeter which must be so constructed, securely fitted and maintained as to comply with the following requirements when operating within the Borough of Rossendale:
- 3.1.1 the taximeter shall be fitted with a key, flag or other device, the turning of which will bring the machinery of the taximeter into action and cancel the "FOR HIRE" sign and the roof sign;
 - 3.1.2 When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare which shall be no more than the maximum fare as set out in the statement of fares set by the Council;
 - 3.1.3 the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - 3.1.4 The taximeter and all the fittings thereof shall be so affixed to the carriage with appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the appliances

4 Statement of fares

- 4.1 The vehicle shall contain the statement of fares issued by the Council, to be fitted and maintained in such a position so as to be clearly visible at all times to the hirer.

5 Maintenance of vehicle

- 5.1 The vehicle shall:
- 5.1.1 be of such design to enable any person in the carriage to communicate with the driver;
 - 5.1.2 be fitted with a roof or covering which can be kept watertight;
 - 5.1.3 each passenger door shall contain a window and a means of opening and closing that window excluding the tailgate;
 - 5.1.4 contain seats which must be properly cushioned or covered, all seats must be forward or rear facing;
 - 5.1.5 subject to current statutory legislation have one seat belt for every licensed passenger;
 - 5.1.6 be provided with a proper carpet, mat or other suitable covering for the floor;
 - 5.1.7 contain fittings and furniture kept in a clean condition, safe and well-maintained and in every way fit for public service;
 - 5.1.8 be fitted in such a way to enable luggage to be secured if the vehicle is so constructed to carry luggage;
 - 5.1.9 be a right hand drive vehicle;
 - 5.1.10 be equipped with either:
 - a) a spare wheel of full or space saver design above the legal tread requirement and the tools required to change a wheel, or
 - b) an emergency puncture repair kit (with compressor / inflation pack), or
 - c) run flat tyres, or
 - d) provide evidence of a contract with a 24 hour mobile tyre replacement specialist.

In the event of a space saver tyre, run flat tyres (when punctured) or puncture repair kit being used, it is only to complete a fare and must comply and be maintained in accordance with the manufacturer's recommendations. Any such defective wheel should be replaced before taking another fare to ensure passenger safety.

5.2 The proprietor of the licensed vehicle shall:

5.2.1 Keep the licensed vehicle in a mechanical condition suitable for its use as a hackney carriage vehicle.

5.2.2 Keep the exterior of the licensed vehicle, including the windows clean and in good condition.

5.2.3 All panels on the vehicle shall be painted in the same colour (must not have panels with unmatched colours or in primer).

5.2.4 All panels of the vehicle should be free of body damage, rust or unsatisfactory repairs which adversely affect the appearance of the vehicle (see the 'Rossendale Test').

5.3 Plates provided by the Council identifying the vehicle as a Hackney Carriage vehicle shall be affixed to the exterior of the vehicle at the front and rear of the vehicle and displayed at all times throughout the period that the vehicle is licensed as a hackney carriage. The plate shall be capable of being easily removed by a Constable or duly authorised officer of the Council, should the licence be revoked or suspended.

5.4 Upon expiry of the licence, the proprietor shall return to the Council the identification plates supplied by the Council.

5.5 Before the expiry of the sixth month after the issue of the licence, but after the expiry of the fifth month after the issue of the licence, the vehicle shall undertake an MOT inspection and the 'Rossendale Test' at a Council approved MOT testing station. It shall be the responsibility of the proprietor of the vehicle to produce these documents to the Council forthwith.

6 Alteration of vehicle

No material alterations or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

7 Location vehicle is kept

The proprietor of a hackney carriage licensed by the Council shall, within such period as the Council may by notice reasonably require, state in writing, the address of every place where such hackney carriage is kept when not in use, and shall if the Council so require, afford to them such facilities as may be reasonably necessary to enable them to cause such hackney carriage to be inspected or tested there.

8 Change of address

The proprietor 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.

9 Convictions

The proprietor shall notify the Council within seven days of his (or, if the proprietor is a company or partnership, any director or partner) arrest, charge, receipt of a summons or fixed penalty notice, ASBO or being convicted or cautioned for any offence.

10 No Smoking Signage

The display of no smoking signage is a legal requirement for a licensed hackney carriage. 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.

11 Vehicle Windows

All vehicle windows shall be transparent or if tinted, the front windscreen, front passenger window and drivers 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.

12 Record of Journey

A record of all journeys undertaken shall be recorded. The information to be recorded must include

- *pick up location*
- *drop off location*
- *time and date journey undertaken.*

The information must be kept for a minimum of 3 months and be available for inspection by an authorised office upon request.

13 CCTV

All hackney carriage vehicles issued with a new/ renewal licence with effect from 15 May will be required to have CCTV fitted that meets or exceeds the Councils specification for CCTV. The system must operate in accordance with the specification

The CCTV system must meet or exceed the councils 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.

14 Retro fitting of Engines

All hackney carriages issued with a new or renewal licence with effect from 20 February 2017 will not be permitted to retro fit an alternative engine into the licensed hackney carriage vehicle unless the engine is of the same or higher Euro standard

(conditions shown in italics are new licence conditions required to implement the requirements of the new policy.)

Numbering to be reformatted following any decision by the Committee regarding existing licence conditions)

Appendix J

Current Private Hire Vehicle Licence Conditions

1 Signs, notices etc.

- 1.1.1 The vehicle must not be equipped with roof fittings including advertisements and a roof sign. If a wireless aerial is fitted, it must be fitted in such a manner to satisfy the Council;
- 1.1.2 There shall be no lights, plates, signs or other fitting(s) (other than the licence plate) displayed on, in or from the vehicle, except those approved by the Council or displayed to comply with requirements under the current lighting and licensing regulations approved by the Secretary of State;
- 1.1.3 The vehicle shall display on the front nearside and the front offside door the Council approved door stickers identifying the hackney carriage in the design and form supplied by the Council with the licence; and
- 1.1.4 No markings of any nature, other than standard manufacturer's markings, are permitted, except in accordance with the criteria set out below. The Monitoring Officer or Licensing and Enforcement Manager may instruct the vehicle owner to remove any markings deemed inappropriate and/or offensive.

➤ **Permitted Markings:**

Only the company/organisation name and one contact telephone number may be displayed.

➤ **Permitted Location and size of markings:**

Rear passenger doors (total area for markings may not exceed A3 (297mm x 420mm) in size) on each door and/or the rear boot lid

➤ **Permitted Typeface and colour**

Any typeface is permitted provided that the total area of each marking does not exceed the limits above. Markings must be in contrast to the main colour of the vehicle. Any typeface is permitted provided that the total area of each marking does not exceed the limits above. Markings must be in contrast to the main colour of the vehicle. No additional markings will be permitted.

2 Radio microphone

- 2.1 Any radio microphone installed in the vehicle shall be fitted in such a position that its use by the driver would not impair his control of the vehicle when it is in motion.

3 The taximeter

- 3.1 If the vehicle is fitted with a taximeter, that taximeter must be so constructed, securely fitted and maintained as to comply with the following requirements:

- 3.1.1 the taximeter shall be fitted with a key, flag or other device, the turning of which will bring the machinery of the taximeter into action;
- 3.1.2 such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- 3.1.3 when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle distance;
- 3.1.4 the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle and for that purpose, the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- 3.1.5 the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

4 Maintenance of the vehicle

4.1 The vehicle shall:

- 4.1.1 be of such design to enable any person in the carriage to communicate with the driver;
- 4.1.2 be fitted with a roof or covering which can be kept watertight;
- 4.1.3 each passenger door shall contain a window and a means of opening and closing that window excluding the tailgate;
- 4.1.4 contain seats which must be properly cushioned or covered, all seats must be forward or rear facing;
- 4.1.5 subject to current statutory legislation have one seat belt for every licensed passenger;
- 4.1.6 be provided with a proper carpet, mat or other suitable covering for the floor;
- 4.1.7 contain fittings and furniture kept in a clean condition, safe and well-maintained and in every way fit for public service;
- 4.1.8 be fitted in such a way to enable luggage to be secured if the vehicle is so constructed to carry luggage;
- 4.1.9 be a right hand drive vehicle;
- 4.1.10 be equipped at all times with an appropriate spare wheel or other similar device and a suitable jack and wheel brace;

4.2 The proprietor of the licensed vehicle shall:

- 4.2.1 Keep the licensed vehicle in a mechanical condition suitable for its use as a hackney carriage vehicle;
- 4.2.2 Keep the exterior of the licensed vehicle, including the windows clean and in good condition;
- 4.2.3 All panels on the vehicle shall be painted in the same colour (must not have panels with unmatched colours or in primer);

- 4.2.4 All panels of the vehicle should be free of body damage, rust or unsatisfactory repairs which adversely affect the appearance of the vehicle (see the 'Rossendale Test');
- 4.2.5 Plates provided by the Council identifying the vehicle as a private hire vehicle shall be affixed to the exterior of the vehicle at the front and rear of the vehicle and displayed at all times throughout the period that the vehicle is licensed as a private hire vehicle. The plate shall be capable of being easily removed by a Constable or duly authorised officer of the Council, should the licence be revoked or suspended.
- 4.2.6 Upon expiry of the licence, the proprietor shall return to the Council the identification plates supplied by the Council;
- 4.2.7 Before the expiry of the sixth month after the issue of the licence, but after the expiry of the fifth month after the issue of the licence, the vehicle shall undertake an MOT inspection and the 'Rossendale Test' at a Council approved MOT testing station. It shall be the responsibility of the proprietor of the vehicle to produce these documents to the Authority forthwith.

5 Term of licence

- 5.1 Private hire vehicle licences shall be granted for a period not exceeding 12 months. Applications for renewal should be submitted no earlier than one calendar month and no later than two weeks before the expiry date of the licence. If an application is received less than two weeks before the expiry of the licence, the Council cannot guarantee the renewal application will be processed before the licence expires. The Licensing and Enforcement Manager will consider exceptional reasons for failing to renew on time.

6 Accidents to vehicle

- 6.1 The proprietor of a hackney carriage shall report to the Council in writing as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to such private hire vehicle causing damage materially affecting the safety, performance or appearance of the private hire vehicle or the comfort or convenience of persons carried therein. Compliance with this condition does not exempt the proprietor from his statutory liability to report accidents to the police.

7 Change of address

- 7.1 The proprietor 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.

8 Insurance

- 8.1 The proprietor of any private hire vehicle licensed by the Council shall at the request of any authorised officer of the Council produce for inspection the vehicle licence for such private hire vehicle and the certificate of policy of insurance or security required by Section 143(2) Road Traffic Act 1988.

9 Convictions

- 9.1 The proprietor shall notify the Council within seven days of his (or, if the proprietor is a company or partnership, any director or partner) arrest, charge, receipt of a summons or fixed penalty notice, ASBO or being convicted or cautioned for any offence.

10 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.

12 Vehicle Windows

All vehicle windows shall be transparent or if tinted, the front windscreen, front passenger window and drivers 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.

13 Retro fitting of Engines

All private hire vehicles issued with a new or renewal licence with effect from 20 February 2017 will not be permitted to retro fit an alternative engine into the licensed hackney carriage vehicle unless the engine is of the same or higher Euro standard

14 Colour in respect of new grant private hire vehicles

With effect from 20th 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

15 CCTV

All private hire vehicles issued with a new/ renewal licence with effect from 15 May 2017 will be required to have CCTV fitted that meets or exceeds the Councils specification for CCTV. The system must operate in accordance with the specification

The CCTV system must meet or exceed the councils 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.

(The conditions shown in italics are new licence conditions to reflect implementation of agreed policy)

Appendix K

DRAFT EXCEPTIONAL CONDITION POLICY

Vehicle proprietor's licences will normally be granted in accordance with the Council's vehicle age limit policy. The Council is aware that each application must be considered on its merit. The exceptional condition criteria provides the framework against which applications for a vehicle proprietor's licence, will be considered where the vehicle is none compliant with the age limit requirements

A vehicle will be considered to be in "exceptional condition" if all of the following apply

1. A complete service record must be submitted with the vehicle application showing the vehicle has been properly serviced and maintained in accordance with the manufacturer's service specification for the previous 3 year period.
2. It is not normally expected that vehicles that have accrued significantly higher mileage than the average annual mileage for that type of vehicle (saloon vehicles 12,000 miles per annum) would be able to meet the required standard for "exceptional condition"
3. Where the vehicle has been subject to MOT testing, the historical MOT testing records will be reviewed on the DVSA website. A vehicle in exceptional condition will be expected to have passed all MOTs on first submission during the previous 3 year period without any fail results
4. Where an application is being made under this policy to licence a vehicle that is over 5 years of age and the vehicle has been licensed as a private hire/hackney carriage vehicle by another licensing authority and subject to compliance checks as opposed to MOTs, the applicant will be required to submit records of the last 3 years of vehicle compliance test records. These records may be subject to verification with the issuing Licensing Authority/Council. Where a vehicle has been subject to vehicle compliance tests as opposed to MOTs the Vehicle compliance test results must be submitted as part of the vehicle licence application (exceptional condition). The compliance certificates are required to show test history and it is expected that vehicles will have passed all compliance tests during the previous 3 year period on first submission without any fail results
5. The application must include an MOT test certificate and a Rossendale vehicle test certificate issued within a calendar month of the date of application

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6. The bodywork should be in near perfect condition with no signs of panel age determination, dents, scratches, stone chips or rust or any other abrasions that may detract from the overall appearance of the vehicle *(as per Manchester/ Salford and Rotherham Policy)*
7. The general paint condition should not show signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle *(as per Manchester/ Salford and Rotherham Policy)*
8. The interior trim, panels, seating, carpets and any other upholstery should be in excellent condition , clean and free from damage and discolouration *(as per Manchester/ Salford and Rotherham Policy)*
9. The boot/ luggage compartment must be in good condition, clean and undamaged *(as per Manchester/ Salford and Rotherham Policy)*
10. Passenger areas must be free from damp or any other odours that may cause passenger discomfort *(as per Manchester/ Salford and Rotherham Policy)*
11. The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis,

Following submission of a complete application (including service history records) and assessment of MOT historical test results/ compliance test results, the vehicle may be asked to attend the Councils Operations depot at Henrietta Street for inspection to assess compliance with requirements 6 to 11 above

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Appendix L

Documents to be submitted when making an application for a new or renewal vehicle licence

- the correct fee;
- An original certificate of insurance for the vehicle, valid on the day the licence is collected, insuring it for the purpose of its use as a hackney carriage vehicle or private hire vehicle as appropriate ; certificates of insurance emailed direct from the insurance company will be accepted;
- The original Vehicle Registration Document showing the current owners name and address or the new keeper supplement; (document must be in person name, sole trader, partnership or limited company);
- An MOT certificate issued during a mechanical vehicle inspection at a Council nominated testing station dated within the month preceding the application;
on renewal applications, this certificate shall be no older than two months prior to the expiry of the vehicle licence;
- A 'Rossendale Test' pass certificate from the same MOT testing station the MOT certificate was issued from confirming that the vehicle conforms to the standards set by the Council dated within the month preceding the application;
on renewal applications, this certificate shall be no older than two months prior to the expiry of the vehicle licence; and
- If applicable, a letter from the registered keeper of the vehicle to the applicant, stating that they have given their permission for the vehicle to be licensed.
- If the applicant is not a holder of a current Rossendale drivers licence or a Rossendale Private Hire Operators licence the application must include a valid basic disclosure (issued within 1 month of the application being submitted) and a completed statutory declaration
- 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.

Appendix M

Hackney Carriage

Intended 'Use' Policy

Date of Issue: February 2016

Introduction

1. Any representation as to the law in relation to the licensing and regulation of hackney carriages contained within this policy document is intended to assist in understanding the policy and its application and represents Rossendale Borough Council's ("the Council") understanding of the law as it stands at the time when the policy was adopted. It is not intended that it should be relied upon for any other purpose and, in particular, it should not be relied upon as giving any indication as to how any other prosecuting/ regulatory authority may act or interpret the legislation and the case law.
2. Presumption
Presumption is the act of presuming or an assumption of something as true. When using presumption in applying this Policy, it follows that there will be an evidenced based belief on reasonable grounds or probable evidence. This can be rebutted if the facts are proven to be false or at least thrown into sufficient doubt by the evidence.
3. The Council has a duty to carry out the licensing functions relating to Hackney Carriage Drivers and Vehicles as set out within legislation which includes:
 - Town Police Clauses Act 1847 (TPCA 1847)
 - Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 1976)
 - Transport Act 1985 (TA 1985)
4. The purpose of this policy is to set out how the Council will deal with the licensing and renewal of hackney carriage vehicle licences and other related matters following the effects on Rossendale of the High Court Judgment - Newcastle City Council v Berwick-upon-Tweed [2008] EWHC 2369 (Admin).
5. For clarification, a hackney carriage is what most people would call a 'taxi'. Its main features are: it carries passengers in return for payment; it may advertise itself to be for hire and be hailed in a street in the area of the council with which it is licensed; or it may be hired from a taxi-rank in the area of the council with which it is licensed. It is to be distinguished from a private hire vehicle (often referred to as a 'minicab'), which also carries passengers for reward, but must be pre-booked with a private hire operator – it cannot be hailed in the street, or hired from a rank.
6. A hackney carriage may only ply for hire within the area of the relevant licensing authority. That is, the authority to which the application was made for its licence, and which granted the licence.
7. Once a vehicle has been licensed as a hackney carriage, it is a hackney carriage for the duration of that licence, wherever it is currently located, and can therefore be used for pre-booked purposes in any district in England and Wales. It is not an offence for a licensed private hire operator to take bookings for, and then dispatch a

hackney carriage licensed by a district which is different from that which licenses the operator.

8. Putting a condition on an operator's licence in an attempt to prohibit that operator from using hackney carriages licensed by a different district from that which licenses the operator will be of no effect as the High Court held in *Stockton-on-Tees Borough Council v Fidler* [2010] EWHC 2430 (Admin) that a hackney carriage has an inherent legal right to be used for pre-booked work outside its district.
9. The High Court judgment in *Newcastle v Berwick* has provided some guidance as to an approach to be taken by a licensing authority when considering an application made to it for a hackney carriage licence by someone who does not intend to ply for hire in the area of the authority, but only applies to be granted such a licence in order to take advantage (elsewhere) of the statutory exemption from the requirements of private hire licensing.
10. The following principles appear to be established by the judgment in that case and will inform the approach of the Council when it considers an application for a hackney carriage licence in which the applicant has stated they intend to use the vehicle (either entirely or predominantly) to undertake private hire work outside the borough.
 - a) The aim of the legislation is to provide a local control over hackney carriages and their drivers, for the protection of the public. This implies that in general the licensing system should operate in such a way that the authority licensing hackney carriages is the authority for the area in which those vehicles are principally used
 - b) A licensing authority is obliged to have regard to whether an applicant for a licence intends that the hackney carriage if licensed will be used to ply for hire within the area of that authority. It would be a lawful exercise of the authority's discretion to refuse to grant a licence to an applicant who does not so intend to do so.
 - c) A licensing authority is also obliged to have regard to whether an applicant for a licence intends that the hackney carriage will be used (either entirely or predominantly) for private hire remotely from the area of that authority. It would be a lawful exercise of the authority's discretion to refuse to grant a licence to an applicant who does so intend.
 - d) It is generally desirable therefore that a licensing authority should only licence hackney carriages which it is intended will be used within the area of that authority and should refuse licences to hackney carriages where the proprietor does not intend that it will be used to a quantifiable extent, in the area.

- e) While it is not unlawful to grant a licence to a proprietor who intends that the hackney carriage shall only be used remotely from the area of the licensing authority, it is not practical nor desirable for an authority to do so. It follows that it is only in wholly exceptional circumstances that a licence is likely to be granted where the proprietor intends that the hackney carriage shall only be used remotely from the area of the licensing authority.
- f) The discretion whether to grant or refuse remains with the licensing authority. It should not be exercised to frustrate the intention of the legislation, namely that the licensing authority ought to be the authority for the area in which the vehicle is generally used. However, there may be proprietors who wish to use their vehicles in a number of different authorities' areas and in that case there should be flexibility in the exercising of the discretion.

11. In light of the above, the Council has approved the following policies

- a. Applications for the Grant of a New Hackney Carriage Licence – Policy HC1**
- b. Applications for the renewal of a hackney carriage licence – Policy HC2**
- c. Transfer of ownership – Policy HC3**
- d. Change of vehicle – Policy HC4**

12. For the avoidance of doubt, the individual policies will only apply to those areas where the Council, when carrying out the licensing function, is able to exercise discretion. In all other instances, the requirements of the individual relevant statutory provisions will be applied.

The Policies

Applications for the Grant of a New Hackney Carriage Licence – Policy HC1

The Council when considering new applications for hackney carriage vehicle licences will determine those applications in accordance with the above principles and the overall conclusions contained within the judgment handed down by the High Court in *Newcastle v Berwick*. In summary:

- i. Applicants for new licences will be expected to demonstrate to the satisfaction of the Council a bona fide intention that the vehicle is to be used to a material extent within the Borough of Rossendale under the terms of the licence for which the application is being made.
- ii. There will be a presumption that applicants who do not intend that the vehicle is to be used to a material extent within the Borough of Rossendale will not be granted a hackney carriage licence authorising them to do so.
- iii. Even if the applicant intends to use the vehicle to a material extent within the Borough of Rossendale, there will be a presumption that applicants who also

intend that the hackney carriage is to be used predominantly remotely from the area of the Council will not be granted a hackney carriage licence.

- iv. Every application will be decided on its merits and the above presumptions may be rebutted in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that a licence can be granted without frustrating the purposes of the legislation and / or compromising public safety.
- v. In all cases, when considering applications for hackney carriage proprietors licences, the Council will place public safety above all other considerations
- vi. In relation to licences granted after the adoption of this policy, any information as to the use of the vehicle remotely, including information from other councils, will be considered by the Council in determining whether to exercise powers to suspend or revoke a licence and whether or not to renew a licence under section 60 of the Local Government (Miscellaneous Provisions) Act 1976.

Reasons for Policy HC1

13. The Council believes it has a duty to:

- Balance the human rights of both applicants and the public with the need to protect public safety through a system of local control.
- Balance the rights of individuals to seek licences and employment whether in Rossendale or otherwise.

14. The existing legislative provisions relating to the licensing of private hire vehicles, drivers and operators (Local Government (Miscellaneous Provisions) Act 1976) do not permit a licensing authority to restrict the number of licences that may be granted. It is therefore possible for an applicant seeking a licence who intends to use a vehicle for private hire remotely from the area of the relevant hackney carriage licensing authority area to seek a licence from the relevant licensing authority.

15. The Council will determine each application on its merits, but the Council will place public safety above all other considerations.

Applications for the renewal of a hackney carriage licence – Policy HC2

- i. Section 43 of the Town Police Clauses Act 1847 provides that a hackney carriage licence shall only be in force for one year. Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 introduces the concept of “renewal” and gives the Council the power to refuse to renew a licence on both specific grounds and for any other cause.

- ii. If the Council is satisfied that a licence which expires between the adoption of this policy and 31st March 2017 would not be used to a material extent within the Borough of Rossendale under the terms of the licence for which the application is made, the Council will renew the licence once only.
- iii. Applicants seeking to renew a licence that expires on or after the 1st April 2017 will be expected to demonstrate to the satisfaction of the Council a bona fide intention that the vehicle is to be used to a material extent within the Borough of Rossendale under the terms of the licence for which the application is made.
- iv. There will be a presumption that applicants who do not intend that the vehicle is to be used to a material extent within the Borough of Rossendale on or after the 1st April 2017 will not be granted a hackney carriage licence authorising them to do so.
- v. Even if the applicant intends to use the vehicle to a material extent within the Borough of Rossendale, there will be a presumption that applicants who also intend that the hackney carriage is to be used predominantly remotely from the area of the Council, that licence will not be renewed.
- vi. Every application will be decided on its merits and the above presumptions to refuse to renew a licence may be rebutted in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that a licence can be granted without frustrating the purposes of the legislation and/ or compromising public safety.
- vii. In all cases, when considering applications for hackney carriage proprietors' licences, the Council will place public safety above all other considerations.
- viii. In relation to licences renewed after the adoption of this policy, any information as to the use of the vehicle remotely, including information from other councils, will be considered by the Council in determining whether to exercise powers to suspend or revoke a licence and whether or not to renew a licence under section 60 of the Local Government (Miscellaneous Provisions) Act 1976.

Reasons for Policy HC2

16. There will inevitably be a large number of licensees who have been granted licences prior to the adoption of this policy, and who now earn their livings or have built up businesses in reliance on those licences. The Council recognises that there is potential that those licensees may not have their licences renewed, if the basis on which their licences were originally granted to them were to be changed so as to disentitle them to renewal. Notwithstanding, the Council believes it has a duty to:

- Balance the human rights of both applicants and the public with the need to protect public safety through a system of local control.
- Balance the rights of individuals to seek licences and employment whether in Rossendale or otherwise.

17. This Policy does however include a transitional provision which provides for a hackney carriage vehicle licence that expires between the adoption of this policy and 31st March 2017 to be renewed once only to allow the licensee to become licensed elsewhere in order that they can continue to work in the area that they have built up their business.

18. After the transitional period the Council will only consider the grant of a further renewal of a licence to an applicant not intending to use their vehicle predominantly within the Borough of Rossendale if the Council can be satisfied, and the applicant can demonstrate:-

- a. that they have acted promptly and done everything possible to licence themselves elsewhere,
- b. will suffer extreme financial hardship if the licence is not renewed, and
- c. that the renewal of the licence would not frustrate the legislative purpose or undermine public safety.

19. The existing legislative provisions relating to the licensing of private hire vehicles, drivers and operators (Local Government (Miscellaneous Provisions) Act 1976) do not permit a licensing authority to restrict the number of licences that may be granted. It is therefore possible for an applicant seeking a licence who intends to use a vehicle for private hire remotely from the area of the relevant hackney carriage licensing authority area to seek a licence from the relevant licensing authority.

20. The High Court was not directly concerned with the position on the renewal of a licence already granted but it inevitably follows that the applicant's intentions as to the use of the vehicle are also relevant to applications to renew.

21. The Council recognises that there may be applications for renewal in which it may be appropriate to consider exceptional circumstances when it may not be right, or consistent with an existing licensee's legitimate expectations, to determine the application by reference to criteria that are wholly different from those pertaining at the time of the first application and grant.

22. The Council will determine each application on its merits, but the Council will place public safety above all other considerations.

Note:

The Council recognises that, it may be necessary to take account of the financial impact on an applicant of a refusal to renew. There may be cases in which an

applicant has acted to his or her detriment (particularly financially) in reliance on the grant of a licence prior to the introduction of this policy and following the transitional provisions. In such cases the Council will allow an opportunity for an applicant to provide evidence before a final decision is taken. It will be for the applicant to show genuine hardship/ unfairness and to satisfy the Council that a licence can be granted without frustrating the purposes of the legislation and/ or compromising public safety.

Notification of the 'transfer' of hackney carriage licences

23. No statutory provision is made for the transfer of hackney carriage licences. What are commonly regarded as transfers of licences, however, regularly take place – as when a proprietor replaces a licensed vehicle, or when the “ownership” of a licensed vehicle changes, and the new owner wishes to continue to operate the vehicle as a hackney carriage under the terms of the existing licence. In the latter situation Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of the licensed vehicle who “transfers” his interest to another must, within 14 days of the transfer, give written notice to the Council of the name and address of the transferee of the hackney carriage. The Council has no power to refuse to register the new proprietor: see *R v Weymouth Borough Council, ex p Teletax (Weymouth) Ltd* [1947] KB 583.

24. Policies have been adopted to address each of the above-mentioned situations.

Transfer of ownership – Policy HC3

- i. The transferee of a licensed hackney carriage will be requested to inform the Council whether he or she has a bona fide intention to use the vehicle within the Borough of Rossendale and also whether he or she intends to use the hackney carriage exclusively or predominantly remotely from the area. There is an obligation under Section 73 of the Local Government (Miscellaneous Provisions) Act 1976 to give authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation.
- ii. Where there is a failure to provide the requested information, the Council will give consideration to exercising its powers of suspension of the licence under section 60 of the LGMPA 1976 until such information is forthcoming.
- iii. Transferees will be expected to have a bona fide intention that the vehicle is to be used to a material extent within the Borough of Rossendale under the terms of the licence in respect of the vehicle being transferred.
- iv. Where a transferee does not intend that the vehicle is to be used to a material extent within the Borough of Rossendale there will be a presumption (either at renewal or earlier) that the suspension or revocation of the licence under section 60 of the 1976 Act will follow.

- v. Even if the transferee intends to use the vehicle to a material extent within the Borough of Rossendale, where transferees intend that the hackney carriage is to also be used predominantly remotely from the area of the Council there will be a presumption (either at renewal or earlier) that the suspension or revocation of the licence under section 60 of the 1976 Act will follow.
- vi. Every case will be decided on its merits and the above presumptions may be rebutted in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that a licence can be granted without frustrating the purposes of the legislation and/ or compromising public safety.
- vii. In all cases, when considering reviews of hackney carriage proprietors' licences, the Council will place public safety above all other considerations.

Reasons for Policy HC3

25. The Weymouth decision requires the Council to register the name of the new proprietor of the vehicle. It seems to the Council also to open up an obvious route to circumvent the decision of the High Court in the Newcastle v Berwick judgement, unless precautionary steps are taken. This policy is intended to put the Council in a position to respond responsibly to the transfer of a hackney carriage into the name of someone who operates outside the Borough or (more importantly) remotely from it.
26. The Council has a duty to balance the human rights of both applicants and the public with the need to protect public safety through a system of local control whilst balancing the rights of individuals to seek licences and employment whether in Rossendale or otherwise

Change of vehicle – Policy HC4

- i. Applicants seeking the grant of a hackney carriage licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of any material change to the intended use of the replacement vehicle from that which was expressed to the Council (if any was) when application was made for the licence which is to be replaced.
- ii. There will be a presumption that applicants who do not intend that the replacement vehicle is to be used to a material extent within the Borough of Rossendale will not be granted a hackney carriage licence authorising them to do so.
- iii. Even if the applicant intends to use the vehicle to a material extent within the Borough of Rossendale there will be a presumption that applicants who also

intend that the replacement vehicle is to be used predominantly remotely from the area of the Council will not be granted a hackney carriage licence.

- iv. Every application will be decided on its merits and the above presumptions may be rebutted in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that a licence can be granted without frustrating the purposes of the legislation and/ or compromising public safety.
- v. In all cases, when considering applications for hackney carriage proprietors' licences, the Council will place public safety above all other considerations.

Reasons for Policy HC4

27. It is assumed that if the proprietor has a legal entitlement to hold a licence that, unless there has been a change in his intentions with regard to using the vehicle within the Borough of Rossendale, there should be no reason why he should not be granted a licence for a replacement vehicle.

28. An applicant who obtained his first licence on the expressed intention of using the vehicle within the Borough of Rossendale, and who on application to replace that vehicle with another discloses that he no longer so intends, effectively engages the presumption against grant that is mentioned in the earlier policies. That presumption, however, admits of exceptions in the usual way; and the fundamental principle that each application will be determined on its merits will apply.

Appendix N

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

Guidance Notes

An 'Exemption Notice' exempting a private hire vehicle proprietor from the requirement to display the exterior licence plate and door decals upon the vehicle, and the driver of that vehicle from the requirement to wear/display a private hire driver's identification badge, is granted subject to the licensed private hire vehicle being operated in accordance with the conditions set out below.

The vehicle must be an "executive" style car. The service offered must be contract or account type work with private companies who require a chauffeur type executive level of service. Such determination to be made by the Licensing and Enforcement Manager whose decision is final.

Failure to comply with these conditions may result in the withdrawal of the exemption notice at the discretion of the Licensing and Enforcement Manager.

Should it be the case that the Council's standard private hire operator, proprietor or drivers conditions conflict with the Council's standard 'Exemption Notice' conditions, then for the period that the said notice remains in force, the standard 'Exemption Notice' conditions shall be deemed to apply.

Standard Conditions

1. The Proprietor shall notify the Council immediately in writing if there is any material change in the nature of the use of the vehicle.
2. The 'Exemption Notice' shall be carried within the vehicle at all times, and presented for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
3. The Proprietor shall not display in, on or from the vehicle any advertisement, sign, logo or insignia advertising the operating company or promoting the vehicle's status as a licensed private hire vehicle, without the prior written approval of the Council.
4. The Private Hire Vehicle proprietors licence identification plate issued by the Council shall be carried in the luggage compartment of the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.

5. A disc, which may be issued by the Council, shall be displayed on the inside of the front windscreen.
6. No taximeter shall be displayed within the vehicle at any time.
7. No table of fares/tariff card shall be displayed in the vehicle at any time.
8. The Proprietor shall ensure that the private hire vehicle driver carries his/her identification badge issued by the Council within the vehicle at all times and produced for inspection at the request of an Authorised officer of the Council, a Police Constable or the hirer.
9. The Proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a chauffeur's uniform or business suit when the vehicle is hired.
10. The proprietor shall ensure that the hirer shall be afforded the facility to settle accounts and/or tender direct payment by credit card, debit card, cheque or cash.

Responsible Section/Team	LEU	Version/Status	Draft
Responsible Author	Tracy Brzozowski	Date Agreed / Agreed At	To be agreed
Date last Amended	October 2015	Due for Review	On-going

Appendix P

Current Private Hire Operators Licence Conditions

The following conditions are attached to the private hire operator's licence. Failure to comply with any conditions is a criminal offence and may lead to prosecution, revocation or suspension of the operator licence

1 Business Premises and Planning Requirements

- 1.1 The operator shall not make provision for the invitation or acceptance of bookings for a private hire vehicle at any premises that is not specified on the licence. The operator shall not make provision for the invitation or acceptance of bookings for a private hire vehicle at premises for which there is not appropriate planning permission, a certificate of lawful use or written confirmation from the planning authority that planning permission is not required.

2 Records

- 2.1 The operator shall maintain at his premises particulars of:

- The call sign, or other identifying mark used on booking records to identify vehicles and drivers;
- Each vehicle licence plate number;
- Each vehicle registration number;
- The date the vehicle came into use on the licence;
- The date the vehicle ceased to be operated on the licence;
- The name and address of the owner of the business if that is not the operator;
- The date of any transfer of ownership of the business;
- The name and address of each driver;
- The badge number of each driver;
- The date the driver commenced working for the operator;
- The date the driver ceased working for the operator; and
- The expiry date of each driver's badge.

- 2.2 The operator shall maintain a suitable bound book, the pages of which are numbered consecutively, in which the following particulars shall be recorded:

- The time and date of each booking;
- The method the booking was received, i.e. telephone, Internet or in person;
- The time and date the journey is to commence;
- The place the journey is to commence;
- The destination of the journey;
- The number of passengers;
- The name and if given, the address of the hirer;

- The name of the driver or identifiable call sign by which the driver is identifiable;
- The plate number of the vehicle or call sign by which the vehicle is identifiable; and
- The record must be made at the time of booking in ink. Pencil is not acceptable.

2.3 The Operator may use computerised records in addition to a bound book. The bound book will be the primary record of bookings unless a bound book is completely replaced by computerised records. If computerised records replace a bound book, they must:

- Be made at the time of booking directly onto the computer programme;
- Be capable of instantly being printed upon demand of a Police Constable or authorised officer of the Council; and
- Include an audit trail within the programme to show the time and dates of deletion, insertion or amendment to entries.

2.4 Required records:

- All records required under 2.1 above shall be kept for a period of not less than six months from the date of disposal of any vehicle or termination of any driver employment.
- All records required under 2.2 above must be kept for a period of not less than six months from the date of the last entry contained therein.
- The records required under 2.1 above shall be produced at the operators premises as soon as practicable or in any case within 24 hours of the request from a Police Constable or authorised officer of the Council.
- The records required under 2.2 above shall be produced at the operator's premises immediately upon request from a Police Constable or authorised officer of the Council.

3 Information as to Charges

3.1 Any person seeking to make a booking from the operator shall be informed of the basis of the charge for the hire of the vehicle and be given a quotation or estimate of that charge before the booking is taken. If the operator uses a Hackney Carriage to fulfil a private hire booking, the Hackney Carriage fare meter must be fitted and used, the customer shall have the option of using the metered fare or being carried for a fee agreed prior to the commencement of the journey, whichever is lesser.

4 Interference with Equipment

4.1 The operator shall not interfere with any equipment, including a taxi-meter if fitted, attached to or forming part of his licensed private hire vehicles.

5 Standards of Service

5.1 The operator shall provide a safe, prompt, efficient and reliable service to members of the public at all times and for this purpose shall ensure that:

5.1.1 When a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;

5.1.2 Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;

5.1.3 Any public waiting area provided by the operator has adequate seating facilities; and

5.1.4 No person who is drunk or behaving in a disorderly manner is to remain upon the premises in respect of which the licence is in force.

6 Change of Address

6.1 The operator shall notify the Council in writing within seven days of any change of home address of his, any partner or director as the case may be.

7 Criminal Offences, Disqualification as a Company Director of Insolvency

7.1 The operator shall notify the Council in writing of any conviction, caution or fixed penalty ticket imposed upon them during the period of the licence within 7 days of the date of conviction, caution or issue of a fixed penalty notice. Furthermore, the operator shall notify the Council in writing of any disqualification under the Company Directors Disqualification Act 1988 to:

- Be a director of a company;
- Be a liquidator or administrator of a company;
- Be a receiver or manager of a company's property; and
- Be concerned or take part, whether directly or indirectly, in the promotion, formation or management of a company.

7.1.1 The operator shall notify the Council in writing of any bankruptcy order made against them within 7 days of such an order being made.

7.1.2 The expression "operator" in the case of a Limited Company or partnership means any director or partner of the business.

8 Public Liability Insurance

8.1 If the operator has the facility for the public to enter their premises, the operator must ensure that there is a policy of public liability insurance in place and produce a copy of it to the Council within one month of the issue or renewal of the policy.

9 Lost Property

9.1 The Operator must record details of all lost or found property and retain those records for examination for a period of 6 months.

Appendix Q

ENFORCEMENT POLICY

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

Contents

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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 R

Rossendale Licensed Vehicle CCTV

Technical Specification and System Requirements

In order to be considered suitable for installation in a Rossendale Council Licensed vehicle, a taxi camera system must meet the following requirements:

1.0 Operational Technical Specifications

Ref	Specification	Details
1.1	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan and the recording should be vibration and shock proof, i.e.: - Flash-based SSD (100% industrial grade), - Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system.
1.2	8 to 15 Volts DC	Operational between 8 and 15 volts DC
1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.
1.6	Automotive Electromagnetic Compatibility Requirements	The in-vehicle taxi camera system must be compliant with Council Directives: - 2004/108/EC on Electromagnetic Compatibility (CISPR 22/EN55022), - 2004/104/EC on Radio Interference (sections 6.5, 6.6, 6.8 and 6.9) The taxi camera equipment should therefore be e-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.
1.7	System activation (on / off) switch to be located in a position where it is not accessible from inside the vehicle (i.e. in the boot / engine	The system is required to be active at all times that the vehicle is being used as a licensed vehicle. This will allow the facility for the system to be deactivated during times when the vehicle is being used for private purposes (e.g. domestic use). The switch that deactivates the system must be located within the vehicles boot or engine

	compartment).	compartment (i.e. it must only be possible to deactivate the system from outside of the vehicle).
1.8	First-in/first-out buffer recording principle	
1.9	Built-in, automatic logging of all access actions, including date and personnel names	
1.10	Security, duration and auto-clearing of log files	
1.11	Image export formats and media	Images must be exported in commercially available formats.
1.12	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted
1.13	Unit must operate without the ignition being turned on.	The Unit must have the ability to operate for at least 2 hours without power from the ignition.
1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head.	
1.15	GPS capability	System must be compatible to allow for GPS capability.
1.16	The system must be capable of recording audio time synchronized to the recorded images.	
1.17	The system shall not to record audio except when audio recording is activated by means of an approved trigger.	The system should have the ability to start recording audio data by means of at least two trigger buttons (see also 1.26 below). One trigger button must be capable of being activated by the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The

		<p>second activation of the trigger must result in the cessation of audio recording (e.g. a button could be pressed to begin audio recording, (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>The second trigger button must be capable of being activated by the passengers in the vehicle independently of the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>Both audio activation triggers must be independent of each other – this means that audio recording can only be deactivated by means of the same trigger (driver or passenger) that was used to activate the audio recording.</p>
1.18	The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured.	
1.19	Digital sampling of the audio signal must exceed 8KHz	
1.20	Digital resolution of the audio samples must exceed 10 bits.	
1.21	The audio microphone shall be integrated within the camera head.	
1.22	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised	

	access or tampering.	
1.23	The system must support testing of the audio function for installation set-up and inspection purposes.	
1.24	The system must 'go to sleep' to reduce battery drain during prolonged idle time. It must be capable of immediate reactivation	
1.25	Images recorded by the system shall not be displayed within the vehicle.	
1.26	The system must have at least two emergency activation triggers (audio activate buttons).	One of the triggers / audio activate buttons must be capable of being operated by the driver – this must be independent of the audio recording activation switch. At least one other trigger / audio activate button must be capable of being operated by a passenger from any passenger seat in the vehicle. Once activated, this switch must trigger the recording of video and audio in accordance with section 6.1 below. The passenger must have sight of a notice that advises how to stop the audio recording
1.27	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch, or a remote LED that can clearly be seen by passengers.

2.0 Storage Capacity Technical Specification

Ref	Specification	Details
2.1	Minimum of fourteen days ie (14 x 24 hours) of recording capacity	The camera system must be capable of recording and storing a minimum of fourteen days of images of HD1 (720/288) size or better.
2.2	Images must be clear in all lighting conditions	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present.

3.0 Camera Head Technical Specification

Ref	Specification	Details
3.1	Camera installation non-obstructive	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement by maintenance personnel.
3.3	Special tools for adjustment/removal	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle	The lens of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect.
3.5	Images must be clear	System to provide clear images in all lighting conditions and allow different skin tones to be detected
3.6	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Multiple cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built

		vehicles.
4.0 Storage Device	Technical specification	
4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from view and effectively inaccessible except by authorised personnel.
4.3	Download port provision	The recorder shall be equipped with a communication port for downloading by authorised
4.4	Download port shall be located in an easily accessible location such as a glove compartment.	The recorder download port shall be located in the glove box if practicable, if not then in a location that does not require the removal of panels and is accessible.
4.5	Download port cable length (1 foot minimum)	Download port shall be at least one foot in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle	
4.7	Log to register each user access	
4.8	Log to register camera system parameter modifications	
4.9	Log to register each image download session	
4.10	Log to register modification/manipulation of downloaded images	
4.11	Log to register exporting of downloaded images	
4.12	Log to register exporting of downloaded clips	
4.13	Log file protected against	

	unauthorised access	
4.14	Time/date stamp	All stored images must be time and date stamped.
4.15	Vehicle ID number stamp	All stored images must have two fields for vehicle identification (VIN & number plate).
4.16	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.
4.17	Controller (Storage Recorder)	Manufacturer to supply Rossendale Council with a supply of specialised tools to allow for removal of the controller and download of data when required.
5.	Specifications for video and audio recording rate	
5.1	Video image recording on system activation (when audio is not activated).	The system shall record images at a minimum rate of four images per second.
5.2	Video image recording when audio is activated.	The system shall record images at the rate of twenty five images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch or passenger audio button).
5.3	When activated, audio recording must be in real time and synchronised with the video recording.	When activated, audio recording must be in real time and synchronised with the video recording.
5.4	System to continue to record images (and audio when applicable) when engine is off.	System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition is switched off.
6.	Specification for activation via driver or passenger trigger/ audio button	
6.1	The activation of a trigger button must provide for overwrite-protected	The system must be fitted with at least two trigger buttons that once activated will trigger the protected recording of audio and video

	image storage when activated by driver or passenger.	(see also 1.17 and 1.26 above).
6.2	Emergency image overwrite protection capability	Image sequences resulting from emergency activation shall be recorded in an area of memory which is protected from being overwritten
6.3	Overwrite protection capacity for at least 3 activations	
6.4	Overwrite protection self-clear on 96 hr timer	
7.0	Downloading Technical Specification	
7.1	Time to download complete memory not to exceed 30 minutes	Time to download to be accomplished in 30 minutes or less.
7.2	Provision of necessary software, cables, security keys to Rossendale Council Licensing Team.	
7.3	Windows 8 compatible.	
7.4	Downloaded images stored in non-volatile media	
7.5	Downloaded images stored in secure format	
7.6	Verifiable image authenticity	Each image shall be stamped with controller ID and vehicle ID and be tamperproof.
7.7	Provision of technical support to Rossendale Council Licensing team when necessary.	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within 1 hour during normal working hours and within 8 hours otherwise.
7.8	Wireless Download Prohibited	Unit must not allow for wireless downloads. Wireless diagnostic may be used. All wireless hardware to be disabled.
7.9	Filter the specific images for events and times for	

	the approximate time of the crime committed.	
8	Requirements in relation to System Information	
8.1	Provision of service log sheet with each unit shipped	The unit manufacturer shall have a service log shipped with the unit. The manufacturer shall also enclose detailed instructions for the drivers with each unit shipped. An installation manual shall also be furnished to authorised installers and fleet operators.
8.2	Serial number indication on service log	The unit will be marked with a serial number
8.3	Installation date indication on service log	The provision for the installer to indicate the installation date
8.4	Provision of driver instruction card with each unit shipped	
8.5	Provision of installation manual to installers and fleet operators	
8.6	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written with due consideration to varying levels of literacy.
8.7	Installation by authorised agents	The unit shall be installed by manufacturer's authorised agents, or other installers approved by the council (subject to agreement with the manufacturer).
8.8	Provision of authorised agents list to Rossendale Council Licensing Team	The manufacturer shall provide a list of all authorised agents to Rotherham MBC Licensing Team.
8.9	Documentation	The manufacturer must provide clear and concise operating instructions which are written in layman's terms. (Details on how the system records the images)
8.10	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.

9	System requirements in relation to Vehicle Inspection Facility – Inspections	
9.1	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and when there is a malfunction.
9.2	Mounting location of system status/health indicator to be seen	The indicators shall be mounted/installed for the driver's vision only.
9.3	Additional indicator requirement	Where a system is fitted with an indicator to show that the system is on, this indicator shall be separate to those listed above or of a different colour to avoid any possible confusion on the part of the drivers using the system.
9.4	Design and or installation to be testable as part of the ROSSENDALE TEST (or persons acting on behalf of the council – such as vehicle inspectors)	The system shall be designed and installed such that the system may be easily tested AS PART OF THE Rossendale test to ensure that all features are operating and that images are being recorded as prescribed.
10	General System Requirements	
10.1	Vandal and tamper resistance	
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.
10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components.
10.5	Training and Technical Support and Equipment	Manufacturer must provide Rossendale Council Licensing Team with a Training and

		Technical Manual. Supply a working unit to Rossendale Council Licensing for testing purposes.
10.6	Software and Hardware	Manufacturer to supply Rossendale Council Licensing Team with a supply of cables and software to be installed under the supervision of the council's authorised staff.
10.7	Agreement between the Camera Manufacturer and Rossendale Council	Agreement to allow Rossendale Council access to the relevant software from the manufacturer so that in the event the manufacturer goes out of business, council will be able to support the system.

Appendix S

Documents required for submission of a new or renewal Private Hire Operators Licence

- A fully completed application form
- Evidence of planning permission with appropriate plans provided (only required for new applications)
- If you are a current licensed driver a copy of your enhanced DBS and a statutory declaration or access to the DBS online update system in respect of your enhanced DBS submitted in respect of your taxi drivers licence
- If you are not a current licensed driver a basic disclosure from Disclosure Scotland dated within one calendar month of submission and a completed statutory declaration
- The correct fee

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.

Appendix 6.1

Comments received from taxi trade representatives

From: Chez (email address provided but removed for publication)

Sent: 23 January 2017 10:05

To: Jenette Hicks

Subject: Re: Taxi trade meeting

Dear Ms Hicks

Further to the our trade meeting. We would like to support the objection as set out by the Rossendale trade association, and we feel that the dress code is one which should be withdrawn totally as a step to far really.

Sent from my iPad

Received from Mr Charles Oakes – of The Hackney Drivers Association Ltd

Appendix 6.2

From: Robert Back
Sent: 24 January 2017 12:05
To: Jenette Hicks
Cc: (3rd party recipients names removed- available in original email)
Subject: Re: Todays meeting

Thanks for your reply Jenette

I think the colour comes down to a personal preference but I have always had yellow and my father did before me so it's been nearly 30 years

I don't think it'll be a committee needed conversation

If you see attached (sorry for the dirty sign as been working) are my personal sign wrapped signs with my company logos (at a very expensive cost to be original) which I would be quite happy to make larger with whatever was needed to reference rossendale

Kind Regards

Robert Back

Director
C&M Travel Ltd

Vice Chairman
Rossendale Taxi Association

Mrs Jenette Hicks
Licensing Consultant
Rossendale Borough Council
Room 118
The Business Centre
Futures Park
Bacup
OL13 0BB

Our Ref: DBW / RTA
Your Ref:
Date: 30 January 2017
Please ask for: David Wilson

Sent by email only to:
JenetteHicks@rossendalebc.gov.uk

Dear Mrs Hicks,

Draft Driver Code of Conduct, Draft Exceptional Vehicle Condition Policy et al

As you are aware, I act on behalf of Rossendale Taxi Association.

Thank you for inviting trade representatives, including myself, to a meeting on 18 January 2017 concerning the above.

Your email of 18 January 2017 at 16:49 fairly reflects the concerns raised at that meeting by trade representatives and your responses thereto are broadly accepted.

The following specific comments or responses to your requests are set out under each of the relevant subject headings.

Draft Exceptional Vehicle Condition Policy

Whilst your proposal to include a sentence at the beginning of the revised draft taxi licensing policy to acknowledge and emphasise that each application must be considered on its own merits is welcomed, the applicability of that provision might not be clear to someone reading, what appears to be a separate policy, even if that supplemental policy is appended to the main policy document. In the circumstances, might it be possible to include this sentence at the beginning of the supplemental policy as well as the main one?

Rossendale Taxi Association is concerned that the standard detailed in the draft policy is unlikely ever, let alone exceptionally, to be met and that, in reality every

application that were to be made would have to seek a departure from the Exceptional Vehicle Condition Policy as well as the principal policy.

Perhaps, in those circumstances, consideration could be given to refining the standard so that not every element of the criteria need be met in order to meet the requirements of a Vehicle Condition Policy.

Draft Driver Code of Conduct

Rather than creating possible conflict between private hire driver licence conditions and a Code of Conduct, such matters should be incorporated as conditions of licence.

Although concealed as a subsection of the Driver Code of Conduct, I shall separately address the issues in relation to the proposed draft Driver Dress Code.

In relation to hackney carriage drivers it is accepted that a Code of Conduct, like the Highway Code that is not itself law, will serve a purpose and provide greater clarity to drivers as to what is expected of them.

However, the Code of Conduct should not seek to address matters that are already addressed elsewhere, especially those contained within the hackney carriage byelaws, because otherwise there is great risk that they will contradict each other, as the draft Code of Conduct does in relation to the use of a taximeter.

Draft Driver Dress Code

Not only is Rossendale Taxi Association opposed to a Dress Code, but also every time this has been raised in the past, the Licensing Committee has declined to adopt a Dress Code.

The proposed Driver Dress Code may well unjustifiably discriminate against those who choose to wear religious or cultural dress.

It is accepted that drivers should not wear clothing or, more particularly, footwear that might impede their ability to drive safely, but otherwise this should not go beyond the requirement of Condition 16.1(a) of the private hire driver conditions of licence, namely that drivers should "be clean and respectable in his dress".

Vehicle Colour Policy

As the Council is aware, Rossendale Taxi Association is opposed to a vehicle block colour policy, not only on principle, but because of the other measures the Council is introducing to improve identification of a Rossendale Borough Council licensed hackney carriage, namely enlarged door signs and prescribed roofsign.

Both the proposed door signs and roofsign design are highly distinctive and have good colour contrast, whether the roofsign is black and white or yellow and white,

both being colour combinations used for vehicle registration plates for that very reason.

Councillor Cheetham's concerns about dark colours in relation to dementia sufferers have been noted by and accepted by my client as a further reason as to why Rossendale hackney carriages should not be black or any other potentially dark colours, such as blue and green.

As Rotherham, Leeds, Bradford and Sheffield hackney carriages and Manchester private hire vehicles are prescribed to be white (or in the case of Manchester private hire vehicles may also be silver), there is already enough confusion between those vehicles without adding white or silver Rossendale hackney carriages into the mix. A similar situation arose many years ago when Durham City Council proposed to require hackney carriages to be white, as had also been required by the neighbouring districts, and the crown court overturned that decision as it would create confusion with hackney carriages from the neighbouring districts which regularly travelled into Durham city from the suburbs in the neighbouring districts.

If one excludes black (and blue and green because they are potentially dark in colour), excludes white and silver because of the confusion that will be caused with the licensed vehicles of neighbouring and nearby authorities and excludes the colours that are not widely available as standard colours amongst the majority, if not all vehicle manufacturers, there is no colour left to be prescribed as the colour of a Rossendale hackney carriage.

Whilst your personal concerns about the different shades / tones of a colour (Other than black or white) are noted, with the greatest of respect, a vehicle displaying the Council's enlarged door signs and prescribed roofsign will be easily identifiable as a Rossendale hackney carriage, no matter what colour it is, so there is no need for a colour policy and, even if the Council proceed to adopt one, it really ought not matter which shade / tone of the chosen colour a vehicle is.

Whatever colour might be specified, if the Licensing Committee does not reverse its preliminary decision upon seeing examples of the enlarged door signs and roofsign, all my client asks is that colour should be determined with reference to the colour on the vehicle registration document (log book) and not by anything else or be of a prescribed shade / tone however defined.

If you require further clarification of anything herein, please do not hesitate to contact me.

Yours sincerely,



David B Wilson

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