

# THE DARTFORD BOROUGH COUNCIL STATEMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

**31 October 2022 – 31 October 2027**

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## INTRODUCTION

1.1 The Dartford Borough Council (“the Licensing Authority”) is responsible for exercising the licensing and associated functions relating to hackney carriages (taxis) and private hire vehicle activity in the Borough of Dartford. More specifically, it licenses:

- Hackney Carriages
- Hackney Carriage drivers
- Private Hire Vehicles (including Stretch Limousines)
- Private Hire Vehicle drivers
- Private Hire operators

1.2 This Statement of Hackney Carriage and Private Hire Licensing Policy (“the Policy”) sets out what is considered to be best practice. It does not seek to cover the whole range of possible licensing requirements, but is intended to ensure that the hackney carriage and private hire trades and the public, have a document that fully explains the licensing function in a clear and transparent manner.

1.3 In formulating this Policy, the Licensing Authority has had regard to:

- the legislative basis of the Licensing Authority’s licensing powers, contained in the Town Police Clauses 1847 Act, the Local Government (Miscellaneous) Provisions Act 1976 Act;
- the Human Rights Act 1998;
- the Provision of Services Regulations 2009;
- the Equality Act 2010;
- Department for Transport Guidance;
- the Deregulation Act 2015

to ensure that the requirements referred to in this Policy are:

- non-discriminatory;
- justified by an overriding reason relating to the public interest;
- necessary and proportionate to the public interest;
- clear and unambiguous;
- objective;
- made public in advance; and
- transparent and accessible.

1.4 This Policy is an authoritative statement of the Licensing Authority’s interpretation of the law relating to Hackney Carriage and Private Hire Vehicle licensing and its powers under the Relevant Legislation. In all cases of interpretation of this Policy, proper consideration will be given to the relevant statutory provisions, which will take precedence.

## 2. DEFINITIONS & INTERPRETATION

In this Policy, the following words and expressions have the following meanings

**“1847 Act”** means the Town & Police Clauses Act 1847

**“1976 Act”** means Part II of the Local Government (Miscellaneous Provisions) Act 1976

**“Assistance Dogs”** has the meaning set out in section 173(1) of the Equality Act 2010

**“Authorised Officer”** means an officer of the Licensing Authority authorised to administer the licensing function under the 1847 Act and 1976 Act

**“Badge”** means the badge issued by the Licensing Authority to a Driver under section 54 of the 1976 Act

**“Basic Disclosure”** means the Operator’s unspent convictions to be disclosed in the manner prescribed by Disclosure and Barring Service

**“Certificate of Good Conduct”** means an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority for the relevant country which documents any convictions recorded against an applicant for a Licence or to confirm ‘good conduct

**“Certificate of Insurance”** means an insurance policy to include hire and reward or equivalent, third party risks and where relevant, public liability

**“Complaints Card”** means the card issued by the Licensing Authority detailing the Licence Plate(s) number and the address for complaints

**“Consultees”** means the Trades, public and such other consultees as the Licensing Authority may determine from time to time

**‘Contract for Hire’** means the use of a Vehicle for the purpose of Hire and Reward

**“DBS”** means the Disclosure and Barring Service

**“Defect(s) Notice”** means a notice issued by the Licensing Authority where the Vehicle defect is not considered detrimental to the comfort and/or safety of the travelling public

**“DfT”** means the Department for Transport or any successor to that body with national responsibility for hackney carriage and private hire legislation in England and Wales

**“DfT Guidance”** means guidance issued by the DfT titled ‘Taxi and Private Hire Vehicle Licensing Best Practice Guidance’<sup>1</sup>

**“Driver”** means a person who holds a HC Driver’s Licence or PHV Driver’s Licence

**“Driver’s Licence”** means (in the context in which it is referred to) either in the singular or collectively, a HC Driver’s Licence and/or a PHV Driver’s Licence

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<sup>1</sup>2 March 2010

**“DVSA Taxi Driving Test”** means the Driving and Vehicle Standards Agency’s standard driving assessment

**“DVLA”** means the Driver and Vehicle Licensing Agency or any successor body

**“Enhanced DBS Certificate”** means a certificate issued by the DBS following a DBS Enhanced Check which shall include ‘other workforce’ and specify ‘Taxi Driver’

**“Enhanced DBS Check”** means a DBS check disclosing all spent and unspent convictions, cautions reprimands and final warnings and which may include any other information held in police records that is considered relevant by the police, for example, details of minor offences, non-conviction information on the Police National Computer such as fixed penalty notices and, in some cases, allegations

**“Fare Tariff(s)”** means the *maximum* fare fixed by the Licensing Authority (which may be either the current table of fares or a previously fixed table of fares) in accordance with section 65 of the 1976 Act to be charged in respect of a journey in a Hackney Carriage

**“Hackney Carriage”** has the meaning set out in sections 37 and 38 of the 1847 Act and **“HC Vehicle”** shall be construed accordingly

**“HC Driver”** means a person who has been granted a HC Driver’s Licence

**“HC Driver’s Licence”** means a licence granted by the Licensing Authority under section 46 of the 1847 Act

**“HC Licence”** means a vehicle licence granted by the Licensing Authority under section 37 of the 1847 Act

**“Hire and Reward”** means a Vehicle with a Driver, which is with a view to a profit, available for hire by the public, for personal conveyance

**‘Hirer’** means the passenger(s) who enters into a Contract for Hire

**“Licence”** means (in the context in which it is referred to) either in the singular or collectively, a Driver’s Licence, an Operator’s Licence and/or a Vehicle Licence

**“Licence Holder”** means (in the context in which it is referred to) either in the singular or collectively, a Proprietor, Operator or any person who has been granted and holds a current and valid HC Licence, PHV Licence and/or Driver’s Licence

**“Licence Plate(s)”** means a plate affixed to a Vehicle showing the type of vehicle, the Vehicle Licence number and expiry date and the number of passengers the Vehicle is licensed to carry and **“Plated”** and **“Plating”** shall be construed accordingly

**“Licensing Committee”** means the committee of the Licensing Authority with delegated powers to exercise the Licensing Authority’s licensing functions

**“MOT Certificate”** means a certificate of mechanical fitness issued by the Vehicle and Operator Services Agency (VOSA)

**“Non-substantial Amendment(s)”** means on the evaluation of the Licensing Manager, an amendment to this Policy which has no detrimental impact on and/or other implications for Licence Holders or which does not add or subtract content or change the intended meaning of this Policy

**“Officer Review Board”** means a panel of officers authorised by the Licensing Authority to hear appeals against the imposition of penalty points or where a Licence Holder has been refused a deviation to the requirement(s) of this Policy

**“Operator”** means a person(s) who in the course of business, makes provision for the invitation or acceptance of bookings for a PH Vehicle

**“Operating Premises”** means the premises where bookings for Private Hire Vehicles are taken

**“Operator’s Licence”** means a licence granted by the Licensing Authority under section 55 of the 1976 Act

**“PHV Driver”** means a person who has been granted a PHV Driver’s Licence

**“PHV Driver’s Licence”** means a licence granted to a PHV Driver under section 51 of the 1976 Act

**“PHV Licence”** means a vehicle licence granted by the Licensing Authority under section 48(3) of the 1976 Act

**“Private Hire Vehicle”** has the meaning set out in section 80 of the 1976 Act and **“PH Vehicle”** shall be construed accordingly

**“Proprietor”** has the meaning in section 80 of the 1976 Act

**“Protected Characteristics”<sup>2</sup>** means age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation

**“Relevant Legislation”** means the 1847 Act, Hackney Carriage Byelaws, the 1976 Act and/or the Deregulation Act 2015

**“Relevant Offences”** means the convictions which the Licensing Authority will have due regard to when considering an application for either the grant or renewal of a Licence as detailed in APPENDIX K

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<sup>2</sup>S4 Equality Act 2010



**“Stretch Limousine”** means a motor vehicle:

- that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures;
- that is capable of carrying up to but not exceeding eight (8) passengers;
- that is not a decommissioned military or emergency service vehicle.

**“Substantial Amendment(s)”** means on the evaluation of the Licensing Manager, an amendment to this Policy which:

- will have a financial impact (excluding increases in application fees) on and/or other implications for Licence Holders, or
- may not be perceived by the Trades and/or the public, to be consistent with the published objectives in section 3 of this Policy

**“Suspension Notice”** means a notice issued by the Licensing Authority suspending a Licence, in accordance with APPENDIX L

**“Tariff Card”** means a card in the form approved by the Licensing Authority displaying the Fare Tariff(s) in a Hackney Carriage

**“Taximeter”** has the meaning in section 80 of the 1976 Act

**“Taxi Ranks”** means Hackney Carriage stands appointed by the Licensing Authority under s63 of the 1976 Act, including any stands originally created under the Hackney Carriage Byelaws

**“Trades”** mean the Hackney Carriage and Private Hire trades or representatives thereof

**“Vehicle”** means (in the context in which it is referred to) either singularly or collectively, a Hackney Carriage and/or Private Hire Vehicle

**“Vehicle Licence”** means (in the context in which it is referred to) either singularly or collectively, a HC Licence and/or a PHV Licence

**“WAV Compliant Vehicle”** means Vehicle(s) which are either purpose built or converted for wheelchair use and have as a minimum build standard, the Vehicle Certification Agency, Ministers Approval Certificate for a Low Volume Motor Vehicle or European Small Series Type Approval and “WAV Compliant” shall be construed accordingly. All WAV compliant vehicles will appear on a list maintained under section 167 of the Equality Act 2010.

### **3. LICENSING OBJECTIVES**

3.1 The aim of the licensing process is to regulate the Trades in order to promote well-run and responsible businesses that display sensitivity to the wishes and needs of the general public. The Licensing Authority will promote the following objectives:

1. the safety of the travelling public and of Drivers;

2. the prevention of crime and disorder and protection of customers/passengers and Drivers from being the victims of crime;
3. the provision of professional and respected Trades, by continued partnership working with the Trades and by monitoring the standards of service provided by the Trades;
4. vehicle safety;
5. delivery of an efficient and effective regulatory licensing service proportionate to the risks involved.

#### **4. CONSULTATION**

- 4.1 The Licensing Authority is keen to hear the views of others who may be affected by this Policy and will consult with Consultees, on any Substantial Amendment(s) to this Policy. The Licensing Committee will have due regard to Consultees' comments before any Substantial Amendment(s) are approved and adopted by the Licensing Committee (see section 6 of this Policy).

#### **5. POLICY STATUS**

- 5.1 In carrying out its regulatory licensing functions, the Licensing Authority will have regard to the Relevant Legislation and this Policy. Members and Officers will conduct themselves in accordance with the respective codes of conduct set out in Parts 5 and 6 of the Licensing Authority's Constitution.
- 5.2 This Policy provides the strategic direction and rules under which the Licensing Authority and Authorised Officers discharge the Licensing Authority's regulatory licensing functions. Any ancillary procedures and guidelines in the Appendices to this Policy, provide the Licensing Authority and Authorised Officers with specific or procedural best practice within which to act. The Licensing Authority and Authorised Offices may from time to time have regard to guidelines issued by other bodies such as the Ministry of Justice, VOSA etc.
- 5.3 This Policy promotes efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. Each application or enforcement measure(s) will be considered on its own merit, in accordance with the Relevant Legislation and this Policy.
- 5.4 The Regulators Compliance Code<sup>3</sup> is a central part of the Licensing Authority's better regulation agenda. This Code places a statutory duty on the Licensing Authority to have regard to the Code in developing the principles and policies which guide its regulatory activities. The Licensing Authority embeds a risk-based, proportionate and targeted approach to its regulatory inspection and enforcement functions. Each requirement in this Policy is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.
- 5.5 The following principles will be adhered to by the Licensing Authority when carrying out licensing and enforcement measures:

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<sup>3</sup>Better Regulation Delivery Office (BDRO) – issued July 2013 (in force 6 April 2014)

**Openness:** The Licensing Authority will be open about how it enforces the Relevant Legislation. It will consult with Consultees and ensure that Authorised Officers discuss compliance failures or problems with persons experiencing difficulties.

**Helpfulness:** The Licensing Authority will work with applicants and Licence Holders to advise on and assist with compliance of the Relevant Legislation. It will also strive to provide a courteous and efficient service to its customers.

**Proportionality:** The Licensing Authority will minimise the cost of compliance for businesses and individuals by ensuring that any action taken is proportionate to the risk or wider public benefit. Authorised Officers will have regard to the human rights of all parties involved in the Licensing Authority's enforcement activities.

**Consistency:** The Licensing Authority will carry out its duties in a fair, equitable and consistent manner. Authorised Officers will have regard to national legislation and guidance, byelaws, corporate policies and procedures and this Policy.

**Equality Act 2010:** The Licensing Authority will have full and proper regard to the Equality Act 2010 in determining applications, so as to avoid any possible indirect discriminatory impact on particular groups (the Act places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different Protected Characteristics).

- 5.6 This Policy will take effect on the date it is approved by the Licensing Committee, for a period of five years, during which, it will be kept under review, in accordance with section 6 of this Policy.

## **6. POLICY REVIEW & IN-YEAR AMENDMENTS**

- 6.1 In-year amendments to this Policy may need to be actioned from time to time in the context of legislative, social and economic changes and the continued development of the Borough of Dartford.
- 6.2 Substantial Amendment(s) to this Policy will be subject to consultation with Consultees prior to adoption of the amendment(s) by the Licensing Committee.
- 6.3 Following the adoption of Substantial Amendment(s) by the Licensing Committee, amendment(s) will be published on the Licensing Authority's website [www.dartford.gov.uk](http://www.dartford.gov.uk) and notified to all Licence Holders.
- 6.4 Non-substantial Amendment(s) will be authorised by the Enforcement and Regulatory Services Manager (or nominee) and published on the Licensing Authority's website [www.dartford.gov.uk](http://www.dartford.gov.uk) and notified to all Licence Holders.

## **7. COMPLIANCE WITH AMENDMENTS TO THIS POLICY**

- 7.1 Licence Holders will be required to comply with any amendment(s) to this Policy.

## **8. OFFICER DELEGATED AUTHORITY**

- 8.1 Authority to determine Licence applications is delegated to the following Officers:

- Strategic Director
- Enforcement and Regulatory Services Manager
- Licensing Manager
- Vehicle Licensing Officer

- 8.2 Authority to inspect Vehicles is delegated to the following Officers:

- Strategic Director
- Enforcement and Regulatory Services Manager
- Licensing Manager
- Vehicle Licensing Officer

- 8.3 Authority to immediately suspend Licences is delegated to the following Officers:

- Strategic Director
- Enforcement and Regulatory Services Manager
- Licensing Manager
- Vehicle Licensing Officer

- 8.4 Authority to revoke Licences is delegated to the following Officers:

- Strategic Director
- Enforcement and Regulatory Services Manager
- Licensing Manager

- 8.5 Authority not to renew Licences is delegated to the following Officers:

- Strategic Director
- Enforcement and Regulatory Services Manager
- Licensing Manager
- Vehicle Licensing Officer

- 8.6 Authority to issue a Suspension Notice is delegated to the following Officers:

- Strategic Director
- Enforcement and Regulatory Services Manager
- Licensing Manager
- Vehicle Licensing Officer

8.7 Authority to issue penalty points is delegated to the following Officers:

- Strategic Director
- Enforcement and Regulatory Services Manager
- Licensing Manager
- Vehicle Licensing Officer

8.8 Authority to increase or decrease penalty points or to uphold the Officer decision to impose penalty points is delegated to the Officer Review Board, on appeal.

8.9 Authority to prosecute for offences under the Relevant Legislation is delegated to the Head of Legal Services.

## 9. SUMMARY OF KEY CHARACTERISTICS - HACKNEY CARRIAGES & PRIVATE HIRE VEHICLES WITHIN THE BOROUGH OF DARTFORD

Hackney Carriage	Private Hire
<p>Applicable licences needed:</p> <p>Driver Vehicle</p> <p>(both must be licensed by the same licensing authority and are not interchangeable with private hire licenses)</p>	<p>Applicable licences needed:</p> <p>Operator Driver Vehicle</p> <p>(all must be licensed by the same licensing authority and are not interchangeable with hackney carriage licences)</p>
A hackney carriage is a public transport vehicle with no more than 8 passenger seats, that is licensed to ply for hire in the Borough of Dartford only	A private hire vehicle is a public transport vehicle with no more than 8 passenger seats, that is licensed to operate as a private hire vehicle
<p>Cannot in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle</p> <p>Address can be outside the Borough of Dartford</p> <p>Can stand/wait on ranks</p> <p>Can be hailed on streets</p> <p>(otherwise known as 'ply for hire')</p>	<p>All work must be pre-booked via a licensed operator</p> <p>The operator's address must be in the Borough of Dartford</p> <p>May <b>not</b> ply for hire in streets</p>
The Fare Tariff governs the maximum fare – all fares for journeys within and outside the Borough may be negotiated, but the fare charged cannot be higher than the Fare Tariff	<p>Operator sets fare and other fare related criteria, such as a waiting fee</p> <p>Operators can sub-contract work to other licensed operators within or outside the Borough of Dartford.</p> <p>The operator who accepts the booking (the original operator or the sub-contracted operator) must use vehicles and drivers licensed by the same authority as they are.</p>
Illegal to charge more than one Fare Tariff. Drivers can be prosecuted by the licensing authority/police for overcharging offences	Overcharging is a breach of Condition
Must display the appropriate licence plate at all times	Must display the appropriate licence plate at all times unless an exemption has been given i.e. stretch limo and/or executive vehicles used for chauffeur work
Must wear a badge with the licence number on person so as to be visible to passengers	Must wear a badge with the licence number on person so as to be visible to passengers

## 10. VEHICLES

### 10.1 Limitation of Numbers

10.1.1 The present legal provisions on quantity restrictions for Hackney Carriages are set out in section 16 of the Transport Act 1985. This provides that the grant of

a HC Licence may be refused, for the purpose of limiting the number of licensed Hackney Carriages “if, but only if the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet”.

10.1.2 The Licensing Authority places no limit on the number of Hackney Carriages which it licences within the Borough of Dartford.

10.1.3 No legislative powers exist for the Licensing Authority to limit the number of PH Vehicles it licences.

10.1.4 Under the Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019 all licensing authorities in England and Wales must provide, certain information about the taxis and PHVs that they have licensed. This will include as a minimum, the Vehicle Registration Number, start and expiry date of the vehicle licence, whether the vehicle is a taxi or PHV and the name of the licensing authority.

This database will form part of the infrastructure that government is developing to support the introduction of charging Clean Air Zones by some local authorities from 2020 as part of their local plans to ensure compliance with statutory nitrogen dioxide limits in the shortest possible time.

## 10.2. Taxi Ranks

10.2.1 Taxi Ranks are appointed for the purpose of providing an identifiable place where the public can hire a Hackney Carriage. Taxi Ranks also allow HC Drivers to ply for Hire and Reward without the need to drive around the streets of Dartford. The Licensing Authority has designated the following Taxi Ranks within the Borough of Dartford:

- Hythe Street;
- Station Approach Dartford;
- Kent Road;
- Lowfield Street;
- Spital Street;
- Suffolk Road;
- Station Road, Longfield;
- Bluewater Shopping Centre.

10.2.2 Hackney Carriages are permitted to ply for Hire and Reward at Ebbsfleet International Station at the discretion of Ebbsfleet’s management, as the land is in private ownership. HC Drivers must apply to the Licensing Authority for an ‘Ebbsfleet permit’. However, the decision remains with Ebbsfleet management to issue, revoke or suspend a ‘permit’. There is no right of appeal to the Licensing Authority against Ebbsfleet management’s decision.

10.2.3 The number and positioning of Taxi Ranks in the Borough of Dartford may be reviewed as and when regeneration schemes in the Borough are planned.

10.2.4 Taxi Ranks are provided for the use of Hackney Carriages that are plying for hire. Drivers of unlicensed Hackney Carriages, or Hackney Carriages not

plying for hire or drivers of Private Hire Vehicles found stopped or parked on any Taxi Rank, are committing an offence<sup>4</sup> and risk prosecution by the Licensing Authority.

### **10.3 Vehicle Type & Specifications**

10.3.1 The Licensing Authority has a wide range of discretion over the types of vehicle that it can licence as Hackney Carriages or Private Hire Vehicles. In line with DfT Guidance, the Licensing Authority has adopted the principle of not specifying types of vehicle (emerging new designs for vehicles can then be readily taken into account). Instead, the Licensing Authority has set minimum standards of specification for the external and internal condition of Vehicles, which are reasonable and proportionate and that all Vehicles must meet (APPENDIX A).

### **10.4. Vehicle Age & Other Criteria**

10.4.1 The Licensing Authority has set vehicle age limits as follows:

- a 'lower age limit' for the initial licensing of a Vehicle; and
- an 'upper age limit' beyond which a Vehicle will not be licensed.

The vehicle age limits (APPENDIX A) are considered necessary and proportionate to protect public safety of the travelling population, road users and other objectives of this Policy.

10.4.2 Tackling pollution in Dartford is a public health and council priority. To combat poor air quality, innovative and bold measures are being taken to ensure the health and wellbeing of all road users. Historically, the taxi trade has had a limited choice of diesel vehicles to use. This has led to the fleet becoming a significant contributor to poor air quality.

From June 2020 Dartford Borough Council Licensing Authority has introduced changes to the vehicle specifications based on emission ranges as detailed in Appendix A. These changes only apply to vehicles being licensed for the first time by Dartford. Vehicles that are already licensed in Dartford are not affected.

10.4.3 The vehicle age limit is not the only criteria to be used by the Licensing Authority in assessing whether to licence a Vehicle. The Licensing Authority will also consider the physical condition (internal and external) of the Vehicle. A Vehicle Licence may not be granted or renewed, if the physical condition of the Vehicle is not of a suitable standard specified by the Licensing Authority (APPENDIX A), despite being within the vehicle age limit.

10.4.4 Once a Vehicle is licensed, the Vehicle will continue to be licensed until its 'upper age limit', unless a ULEV, providing:

- the requirements of this Policy are met; and
- an application for renewal of the Vehicle Licence is submitted before the expiry of the Vehicle Licence; and
- the Vehicle is Plated before the expiry of the Vehicle Licence.

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<sup>4</sup>S64 Local Government Miscellaneous Provisions) Act 1976



In exceptional circumstances (relating to Vehicles only), where the Licence Holder has notified the Licensing Authority *before the expiry* of the Vehicle Licence that his/her Vehicle for example has mechanical problems in getting the MOT Certificate passed, the Licensing Authority will grant the Licence Holder an exemption on the requirement to meet the new vehicle criteria for two (2) months to present his/her Vehicle to the Licensing Authority for Plating, after which the new criteria requirement will apply.

## 10.5 Vehicle Testing & Inspections

10.5.1 The Licensing Authority requires all Vehicles to be presented for inspection by an Authorised Officer, prior to the grant of a first Vehicle Licence or on renewal and to undergo a further inspection six (6) months after the grant of the Licence (the '6 month test').

10.5.2 A Vehicle Licence will be suspended on 21 days' notice, if the Vehicle (and its MOT Certificate) is not presented for the '6 month test'. An extension of time may be granted by the Licensing Authority, where a Vehicle is unable to be presented for its '6 month test', due to mechanical problems in getting the MOT Certificate passed.

10.5.3 Except during the testing of Vehicles for statutory purposes (i.e. MOT Certificate testing, fault finding and any necessary associated road testing that is being undertaken by an independent qualified vehicle mechanic utilising a trade plate that clearly indicates the Vehicle is not at that time being used for Hire and Reward), Vehicles must at all times be driven by a person holding a HC Driver's Licence or PHV Driver's Licence as appropriate.

10.5.4 Vehicles may be subject to periodic, random inspections by an Authorised Officer to ensure the Vehicle and/or its Taximeter is fit for purpose<sup>5</sup>. Where there are reasonable grounds to suspect that the condition of a Vehicle poses a danger to either passengers and/or members of the public, a Suspension Notice will be issued by the Licensing Authority, detailing the grounds for suspension and the defect(s) to be remedied. The Vehicle Licence will be immediately suspended, until such time as the defect(s) has been remedied (see section 10.5.6 below and APPENDIX L).

If the Authorised Officer remains dissatisfied with the fitness of the Vehicle, the Vehicle Licence will be deemed to be revoked after the expiry of a two (2) month period (calculated from the date the Suspension Notice comes into effect)<sup>6</sup>. Once the Vehicle Licence is deemed to be revoked, the Licence Holder has a right of appeal against revocation (see section 30 of this Policy).

10.5.5 Where the Licensing Authority has reasonable grounds to suspect that the Vehicle has defects of a minor or cosmetic nature, it may require the Licence Holder to present the Vehicle for inspection to ascertain whether the defect(s) warrants a Defect(s) Notice.

A Defect(s) Notice will specify the remedial works to be undertaken and a period of time to allow for the defect(s) to be remedied to the Authorised Officer's

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<sup>5</sup>S68 Local Government (Miscellaneous) Provisions Act 1976

<sup>6</sup>S68 Local Government (Miscellaneous) Provisions Act 1976

satisfaction (see APPENDIX L). Failure to comply with a Defect(s) Notice within the time period for compliance, may result in the imposition of penalty points in accordance with the Penalty Points Scheme.

10.5.6 Any accident or incident causing damage to a Vehicle which materially affects the safety, performance or appearance of the Vehicle or the comfort or convenience of passengers, must be reported to the Licensing Authority within seventy two (72 hours) of the occurrence. For any damage which affects or is likely to affect the safety and/or performance of the Vehicle, the Licensing Authority may require an inspection certificate issued by an independent qualified vehicle mechanic or equivalent, confirming completion of repairs. Until such certificate is submitted to the Licensing Authority, the Vehicle Licence will remain suspended.

10.5.7 Where an inspection certificate issued by an independent qualified vehicle mechanic or equivalent, confirming completion of repairs cannot be produced to the Licensing Authority, at the discretion of the Licensing Authority, an MOT Certificate (costs to be borne by the Licence Holder) may be required to be presented before the [original] Vehicle Licence is re-instated.

10.5.8 If a Vehicle is off road for repair, the Licence Holder may apply to the Licensing Authority for a temporary transfer of the Vehicle Licence to another vehicle, providing the replacement vehicle meets the lower vehicle age limit (APPENDIX A). A non-refundable administration fee is payable.

## **10.6 Taximeters and Tariff Cards**

10.6.1 Hackney Carriages must be fitted with a Taximeter. On application for a HC Vehicle Licence, Taximeters must be calendar controlled, tested, sealed and calibrated (to the Fare Tariff(s)), by an independent qualified meter installation engineer and thereafter, calibrated annually.

10.6.2 Taximeters must be positioned so that the Fare Tariff(s) is clearly visible to passengers.

10.6.3 For journeys with a destination within the Borough of Dartford, the cost of the journey is calculated by the Taximeter. For journeys within or a destination outside the Borough of Dartford, the Driver may negotiate the fare with the Hirer before the start of the journey (see section 20.1.4 of this Policy).

10.6.4 The Taximeter must be started at the commencement of the Contract for Hire and left running, until the Hirer has paid the fare at the end of the journey.

10.6.5 When the Taximeter is operating, the Hackney Carriage illuminated roof-mounted sign must be extinguished, indicating that the Vehicle is no longer available for Hire and Reward.

10.6.6 Taximeters must be operated in accordance with the Hackney Carriage Byelaws (APPENDIX O) and Conditions (APPENDICES B & C).

10.6.7 If the seal(s) on a Taximeter is broken, the Licence Holder must immediately notify the Licensing Authority. The Taximeter must be retested and resealed by a qualified meter installation engineer, prior to use of the Vehicle.

10.6.8 A Tariff Card must be displayed in a Hackney Carriage, in a prominent position, clearly visible to all passengers.

10.6.9 It is an offence<sup>7</sup> to tamper with a seal on a Taximeter (without lawful excuse) or to alter a Taximeter with the intent to mislead or to knowingly cause or permit a Vehicle to be used, where a Taximeter has been tampered with or altered.

10.6.10 Private Hire Vehicles do not have to be fitted with a Taximeter but if fitted, the Taximeter must be tested and sealed by an independent qualified meter installation engineer.<sup>8</sup>

## **10.7 Licence Plate(s)**

10.7.1 The Licence Plate(s) must be displayed externally, on the rear of the Vehicle, in accordance with APPENDICES B, & C & O.

10.7.2 Vehicles must not be used to convey a greater number of passengers than shown on the Licence Plate(s).

10.7.3 A Licence Plate showing a + after the number of passengers allows for a wheelchair in addition to the displayed number i.e. 4+ allows 4 seated passengers plus a wheelchair.

10.7.3 On the expiry, suspension or revocation of a Vehicle Licence, the Licensing Authority will by notice, require the Licence Holder to return the Licence Plate(s) to it, within seven (7) days of service of the notice.

10.7.4 A Licence Holder who fails without reasonable excuse to return the Licence Plate(s) to the Licensing Authority in accordance with section 10.7.3, will be committing an offence<sup>9</sup>.

## **10.8 Dual Licensing of Vehicles**

10.8.1 The Licensing Authority does not allow the dual licensing of their licenced Hackney or Private Hire Vehicles with any other Council area. If it is established that a vehicle is licenced in multiple districts, it renders the Dartford licence invalid with immediate effect, with no right to a refund.

## **10.9 Signage**

10.9.1 All Hackney Carriages, except those with built-in roof signs must carry illuminated roof-mounted signs in accordance with APPENDIX B. Signage may also incorporate an internal “for hire/hired” illuminated sign that is visible from the nearside of the pavement.

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<sup>7</sup>S71 Local Government (Miscellaneous) Provisions Act 1976

<sup>8</sup>S71 Local Government (Miscellaneous) Provisions Act 1976

<sup>9</sup>S58(2) Local Government (Miscellaneous) Provisions Act 1976

10.9.2 Private Hire Vehicles are not permitted to carry roof-mounted signs of any kind or display any references to the words 'Taxi' 'Cab' or 'Hackney Carriage' but may contain signage, to the fact, that the Private Hire Vehicle can only be pre-booked.

10.9.3 Conditions attached to a Vehicle Licence, regulate external signs on the Vehicle (APPENDICES B & C).

10.9.4 A Complaints Card must be displayed in the Vehicle at all times.

10.9.5 In relation to Stretch Limousines and chauffeur driven Private Hire Vehicles, on the request of a Licence Holder, an exemption may be granted by the Licensing Authority not to display a Licence Plate(s) and/or Complaints Card. However, the Licence Plate(s) and/or Complaints Card and the letter of exemption from the Licensing Authority, must be carried in the Vehicle at all times. In the absence of a letter of exemption, the Licence Plate(s) must be permanently affixed and displayed externally on the rear of the Vehicle and the Complaints Card clearly displayed inside the Vehicle.

## **10.10 Advertising**

10.10.1 External advertising on Vehicles must comply with Licensing Authority's requirements detailed in APPENDICES B & C.

## **10.11 Stretch Limousines**

10.11.1 Stretch Limousines must be licensed as Private Hire Vehicles, booked through an Operator and comply with the minimum standards of specification for the external and internal condition of Vehicles at APPENDICES C & D.

10.11.2 The Licensing Authority strongly recommends that anyone wishing to licence a Stretch Limousine as a Private Hire Vehicle, contacts the Licensing Authority before purchasing the vehicle, to ensure that they are aware of all the criteria the vehicle must meet to be licensed.

## **10.12 Novelty (Speciality) Vehicles**

10.12.1 The Licensing Authority does not currently licence other categories of novelty/specialised vehicles (i.e. fire engines, tanks, classic cars etc.) as Private Hire Vehicles.

## **10.13 Motorbikes**

10.13.1 The Licensing Authority does not currently licence motorbikes as Private Hire Vehicles.

## **10.14 Ambulances**

10.14.1 The Licensing Authority considers that any vehicle (described as an 'ambulance') carrying out predominantly transport work involving medical-related journeys which does not meet the definition of 'ambulance'<sup>10</sup> or

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<sup>10</sup>Schedule 2 - Vehicle Excise and Registration Act 1994

operate under the auspices of a formal patient transport service<sup>11</sup>, is likely to be a vehicle requiring licensing as a Private Hire Vehicle.

## **11. ACCESSIBILITY**

### **11.1 WAV Compliant**

11.1.1 The Licensing Authority is committed to social inclusion and ensuring a wide range of opportunities is available to disabled residents to enjoy a high quality of life. The Licensing Authority considers it important that people with disabilities have access to all forms of public transportation.

11.1.2 Hackney Carriages and Private Hire Vehicles are an essential mode of transport for disabled and older people. The combination of the personal service they offer, their wide availability and door to door operations, enable them to respond particularly well to the travel needs of older people and people with disabilities (including, but not limited to people who need to travel in a wheelchair). Accessibility is therefore an important consideration for the Licensing Authority in respect of its Vehicle licensing functions.

11.1.3 The Licensing Authority requires all Hackney Carriages to be WAV Compliant. HC Licences will not be granted for Hackney Carriages which are not WAV Compliant.

11.1.4 All Private Hire Vehicles that are WAV compliant must comply with the vehicle specifications applying to Hackney Carriages (APPENDIX A). The Private Hire Vehicle will be provided with a unique licence plate identifier to distinguish it from the general private hire fleet.

11.1.5 A taxi or private hire vehicle is "designated" as wheelchair-accessible for the purposes of section 165 of the Equality Act 2010 if it appears on the list maintained under section 167.

### **11.2 Disability Awareness Training**

11.2.1 Differing disabilities may be encountered by the Trades. It is therefore imperative that all Drivers are made aware of the differing disabilities they may encounter and are educated in safe transportation of passengers with disabilities, all training should include a demonstration of how to safely secure a wheelchair for all WAV vehicles.

11.2.2 The Licensing Authority adopted a policy in 2007/08 that all Drivers must undertake disability awareness training. Applicants licensed as Drivers for the first time must undertake the training within twelve (12) months of the grant of the Driver's Licence. All other Drivers must undertake the training on being invited by the Licensing Authority. If there are mitigating factors that prevent attendance at the first invite, a second invite will be issued by the Licensing Authority. Failure to attend the second invite, may lead to the suspension or non - renewal of a Driver's Licence until such time as the training has been

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<sup>11</sup>Usually non-emergency planned transport of patients, where the booking will only be made if the person to be carried has been assessed by a health professional as having a medical need for transport - vehicles contracted to a health care provider, registered with the Care Quality Commission, and as exempt from road tax, cannot be used for "social" hirings

undertaken. Exemptions may be granted for Drivers who have undertaken recognised disability awareness training prior to becoming licensed, provided the training was undertaken no more than two (2) years prior to the date of the application for a Driver's Licence.

### **11.3 Equality Act 2010 Duties – Wheelchairs and Assistance Dogs**

11.3.1 The Equality Act 2010 generally provides that no one should be discriminated against, harassed, victimised or subject to less favourable treatment on the basis any one or more Protected Characteristics. It also ensures rights of access to everyday facilities and services and, in the context of disability, places duties on Drivers of WAV Compliant Vehicles<sup>12</sup>:

- to carry the passenger while in the wheelchair and not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- to give the passenger such mobility assistance as is reasonably required; and
- to carry Assistance Dogs and not to make any additional charge for doing so.

11.3.2 A Driver, who for medical reasons is unable to accept wheelchair passengers, or carry Assistance Dogs, may apply to the Licensing Authority for an exemption certificate. The Licensing Authority will issue an exemption or part exemption if it is satisfied that the Driver has produced relevant medical evidence to support his/her application for an exemption or part exemption e.g. consultant's/hospital's written confirmation that the Driver has allergies to animals or a physical condition which makes it impossible or unreasonably difficult for him/her to assist a passenger in a wheelchair.

11.3.3 Exemption certificates must be displayed in the Vehicle at all times.

11.3.4 A Driver will commit an offence<sup>13</sup> if he/she fails to comply with the duties listed in section 11.3.1 above, unless the Driver can show that at the time of the alleged offence, the Vehicle conformed to the accessibility requirements which applied to it, but it would not have been possible for the wheelchair to be carried safely in the Vehicle or the Driver is exempted by the Licensing Authority from the duty to assist passengers in wheelchairs<sup>14</sup> or carry Assistance Dogs<sup>15</sup>.

11.3.5 The Trades' attention is drawn to the 'Code of Practice - Provision and use of transport vehicles'<sup>16</sup> on the Equality and Human Rights Commission's website.

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<sup>12</sup>Ss165(1), (4) & (5) Equality Act 2010

<sup>13</sup>Ss165(7) & 168(3) Equality Act 2010

<sup>14</sup>Ss165(3) & (4) Equality Act 2010

<sup>15</sup>Ss169(4) & 171(4) Equality Act 2010

<sup>16</sup>Although issued prior to the introduction of the Equality Act 2010, this Code may be of assistance in providing guidance where the law has not changed substantially

11.3.6 As a provider of transport services and where applicable, as an employer of Drivers, an Operator has a legal duty under the Equality Act 2010, not to discriminate against those with Protected Characteristics. The onus is on the Operator to comply with the 2010 Act and any codes of practice issued by the EHRC covering discrimination in employment and work related activities.

11.3.7 An Operator will commit an offence<sup>17</sup>:

- (a) if it fails or refuses to accept a booking requested by a disabled person (or booked by someone who wishes to accompany the disabled person), if the reason for the failure or refusal is that the disabled person will be accompanied by an Assistance Dog; or
- (b) if it makes an additional charge for carrying an Assistance Dog.

11.3.8 Unless Drivers are exempted by the Licensing Authority from the duty to carry Assistance Dogs<sup>18</sup>, a driver of a PH Vehicle commits an offence<sup>19</sup> by failing or refusing to carry out a booking accepted by the Operator:

- (a) if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
- (b) the reason for the failure or refusal is that the disabled person is accompanied by an Assistance Dog.

11.3.9 The Licensing Authority may take action against Drivers and Operators who do not comply with their duties under the Equality Act 2010. Such action may involve for example imposing Conditions, applying penalty points or, ultimately, the suspension, revocation of, or refusal by the Licensing Authority, to renew a Driver or Operator's Licence.

## **12. BYELAWS & CONDITIONS OF LICENCE**

12.1 On 30 March 1977, the Licensing Authority adopted local Byelaws in respect of Hackney Carriages.

12.2 The Byelaws have been reviewed in accordance with DfT guidelines and confirmed by the Secretary of State on the 12<sup>th</sup> June 2017 (Appendix O).

12.3 The Licensing Authority may attach to the grant of a Licence, such standards and/or Conditions (Hackney Carriages, Private Hire Vehicles, PHV Drivers & Operators)<sup>20</sup> as it considers reasonably necessary. Conditions have been imposed as follows:

- Hackney Carriages - APPENDIX B;
- Private Hire Vehicle – APPENDIX C
- Stretch Limousine – APPENDIX D;
- Proprietor/Driver (Hackney Carriages) - APPENDIX E (Standards of Service) and APPENDIX O (Hackney Carriage Byelaws);
- Driver (Private Hire Vehicle) – APPENDIX F;
- Stretch Limousine – APPENDIX G
- Operator - APPENDIX H

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<sup>17</sup>S170(1) & (2) Equality Act 2010

<sup>18</sup>S171(4) Equality Act 2010

<sup>19</sup> S170(3) Equality Act 2010

<sup>20</sup>Ss47(1), 48(7), 51(2) & 55(3) Local Government (Miscellaneous) Provisions) Act 1976

12.4 There is a right of appeal to the Magistrates' Court against the imposition of Conditions by the Licensing Authority (see section 30 of this Policy and APPENDIX N.

12.5 Failure to comply with Conditions and/or Byelaws may result in the Licence Holder being prosecuted by the Licensing Authority and may call into question the Licence Holder's fitness to hold a Licence.

### **13. LICENCE DURATION**

13.1 Hackney Carriages and Private Hire Vehicles are licensed for a period of one (1) year, or for a shorter period, should this be appropriate.

13.2 A Driver is licensed for a period of three (3) years. In exceptional circumstances, a Driver can request, in writing, to be licensed for a period of one (1) year.

13.3 An Operator is licensed for a period of five (5) years. In exceptional circumstances, an Operator can request, in writing, to be licensed for a period of one (1) year.

13.4 The Licensing Authority will issue Licence renewal reminders to Licence Holders.

### **14. APPLICATION PROCESS & DECLARATIONS**

#### **14.1 Application Process**

14.1.1 Applications for Licences must be presented in the manner prescribed by the Licensing Authority and accompanied by the appropriate non-refundable application fee, signed personal declaration(s) and any other documents required by the Licensing Authority.

14.1.2 Application forms must be signed by the applicant and cannot be by proxy:

14.1.3 The application procedure and the documents required to support an application, are detailed in APPENDIX I and on the Licensing Authority's website [www.dartford.gov.uk](http://www.dartford.gov.uk). Application forms must be completed on-line. Failure to provide the appropriate documentation and fee, may result in delays in the application being processed.

14.1.4 On a first application for a Licence, applicants will be required to provide written references of suitability from two (2) people that have known them for a period of two (2) years and who are not family members.

#### **14.1.5 Use of Proxies**

Other than on first application for a Vehicle Licence, a Proprietor may on subsequent applications and subject to the following rules, appoint a proxy to present the Vehicle for inspection by the Licensing Authority. The Proprietor:



- (a) in advance of any inspection, must submit a signed letter to the Licensing Authority appointing/authorising a named proxy, together with proof of ID which can be either a copy of the proxy's driving licence or passport;
- (b) must renew the appointment annually;
- (c) must immediately notify the Licensing Authority in writing of any change to the proxy arrangements.

## **14.2 Declarations**

14.2.1 Taking into account the need to have available safe and suitable Hackney Carriages and having proper regard to the safety of the public, a HC Driver's application form requires a declaration of intent to mainly work in the Borough of Dartford<sup>21</sup>.

14.2.2 Applicants for a Licence are required to declare that the information they provide to the Licensing Authority is true and correct to the best of their knowledge. If it subsequently comes to light that the information provided was false or misleading, the Licensing Authority may instigate legal proceedings against the Licence Holder under the Relevant Legislation. Licences may also be suspended, revoked or not renewed. Future applications for a Licence may be refused on the grounds that the applicant is not a 'fit and proper person'.

14.2.3 Declarations must be signed by the applicant and cannot be by proxy.

## **15. ASSESSING AN APPLICATION FOR A LICENCE**

15.1 The overriding aim of the Licensing Authority is to protect the safety of the travelling public and road users.

### **15.2 Fit and Proper Person (Drivers and Operators)**

15.2.1 There is no absolute definition as to what constitutes a 'fit and proper person'. However, considering the range of passengers that a Driver or Operator may deal with (for example, elderly people, unaccompanied children, the disabled, vulnerable people, those who have had too much to drink, lone women and foreign visitors), the Licensing Authority relies on a common sense approach.

15.2.2 In order for an individual applicant to be granted an Operator's Licence or to have a Licence renewed, the Licensing Authority must be satisfied that he/she is a 'fit and proper person'. In order for a company or a firm or partnership applicant to be considered 'fit and proper', the Licensing Authority has to be satisfied that the individuals who make up that company or partnership, are themselves 'fit and proper'.

15.2.3 The Licensing Authority will apply a set of criteria to assess whether an applicant for a Driver or Operator's Licence is a 'fit and proper person.' Relevant Offences will be considered by the Licensing Authority (APPENDIX K).

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<sup>21</sup>Newcastle City Council, Regina (on the Application of) -v- Berwick-Upon-Tweed Borough Council and others; Admn 5-Nov-2008

15.2.4 The Licensing Authority will consider each application for a Driver or Operator's Licence on its merits, once the appropriate checks have been undertaken and the application form has been completed to the satisfaction of the Licensing Authority and the relevant supporting documents submitted. If the Licensing Authority is not satisfied that an applicant meets its 'fit and proper person' criteria, it will refuse the grant or renewal of the Driver's or Operator's Licence. The applicant has a right of appeal to the Magistrates' Court (see section 30 of this Policy).

15.2.5 Once licensed, Licence Holders will be expected to ensure that they remain 'fit and proper' to hold a Driver or Operator's Licence.

### 15.3 Fitness of Hackney Carriages and Private Hire Vehicles

15.3.1 The Licensing Authority will consider an application for the grant or renewal of a Vehicle Licence on its merits, once the appropriate inspection and/or testing of the Vehicle and/or the Taximeter have been undertaken and the application form and supporting documents are complete and to the satisfaction of the Licensing Authority.

15.3.2 The Licensing Authority may exercise its discretion and either:

- (a) suspend, revoke or refuse to renew<sup>22</sup> the Vehicle Licence on the ground that the Vehicle is *unfit for use* as a hackney carriage or private hire vehicle; or
- (b) if the Licensing Authority is not satisfied *as to the fitness* of the Vehicle or as to the accuracy of the Taximeter:
  - (i) it may require further inspection and/or testing for the purpose of ascertaining the Vehicle's/Taximeter's fitness; and/or
  - (ii) it may suspend the Vehicle Licence with immediate effect<sup>23</sup>, until such time as the Authorised Officer is satisfied as to the fitness of the Vehicle/Taximeter (see APPENDIX L).

15.3.3 The applicant has a right of appeal to the Magistrates' Court against suspension, revocation of or refusal to renew a Vehicle Licence on the ground that the Vehicle is unfit for use as a hackney carriage or private hire vehicle (see section 30 of this Policy).

15.3.4 An Authorised Officer may suspend a Vehicle Licence (under Section 68 of the 1976 Act), if they are not satisfied with the fitness of the vehicle or accuracy of the taximeter. The Suspension Notice will be given in writing detailing the faults with the vehicle. The Vehicle Licence will remain suspended until the Authorised Officer is satisfied that the faults have been rectified. There is no right of appeal against a suspension made under Section 68 of the 1976 Act.

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<sup>22</sup>S60 Local Government (Miscellaneous) Provisions Act 1976

<sup>23</sup>S68 Local Government (Miscellaneous) Provisions Act 1976

15.3.5 If the Authorised Officer remains dissatisfied with the fitness of the Vehicle, the Vehicle Licence will be deemed to be revoked after the expiry of a two (2) month period (calculated from the date the Suspension Notice comes into effect).

15.3.6 There is no right of appeal against a suspension (under Section 68 of the 1976 Act). Once the Vehicle Licence is deemed to be revoked, the Licence Holder has a right of appeal against revocation (see section 30 of this Policy).

#### 15.4 **36 Month (3 years) Driving Qualification Period**

15.4.1 **United Kingdom/Great Britain** - a UK applicant for a Driver's Licence must have held a full ordinary GB driving licence (issued by the DVLA) for *at least* 36 months preceding the date of the application<sup>24</sup>.

15.4.2 **European Economic Area (EEA)** - full and valid 'Community driving licences', count towards the 36 month qualification period referred to in section 15.4.1.

15.4.3 **Northern Ireland** - full and valid driving licences count towards the 36 month qualification period referred to in section 15.4.1.

15.4.4 **Gibraltar, British Forces Germany and a 'designated country'**<sup>25</sup> – full and valid driving licences count towards the 36 month qualification period referred to in section 15.4.1. However, the Licensing Authority will not consider an application for a Driver's Licence, unless the applicant has exchanged their issuing country's driving licence for a full ordinary GB driving licence (issued by the DVLA).

15.4.5 **Jersey, Guernsey, Isle of Man** - full and valid driving licences count towards the 36 month qualification period referred to in section 15.4.1. However, the Licensing Authority will not consider an application for a Driver's Licence, unless the applicant has exchanged their issuing country's driving licence for a full ordinary GB driving licence (issued by the DVLA).

15.4.6 **Other Countries** – applicants must have held a full ordinary GB driving licence (issued by the DVLA) for at least 36 months preceding the date of the application for a Driver's Licence.

15.4.7 The onus is on applicants to make enquires through the GOV.UK website or DVLA, about their right to drive in Great Britain and/or whether they qualify for an exchange of their licence, for a GB driving licence.

#### 15.5 **Driving Proficiency**

15.5.1 The DVSA Taxi Driving Test provides assurance to the Licensing Authority, of a common standard of driving for all Drivers, regardless of where and when their full driving licences were obtained.

15.5.2 Prior to the submission of an application for a Driver's Licence, 'first time' applicants will be required to have undertaken (at their own expense) and

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<sup>24</sup>Ss51 &59 Local Government (Miscellaneous Provisions) Act 1976

<sup>25</sup>Andorra, Australia, Barbados, British Virgin Islands, Canada, Faroe Islands, Falkland Islands, Gibraltar, Hong Kong, Japan, Monaco, New Zealand, Republic of Korea, Singapore, South Africa, Switzerland, Zimbabwe

passed, the DVSA or other Approved Provider Taxi Test (see Information Pack).

- 15.5.3 Where complaints are received by the Licensing Authority relating to bad driving, the Licensing Authority may as a form of enforcement action, require the Driver to undertake a DVSA or other Approved Provider Taxi Test as an alternative to the issue of penalty points.

## **15.6 Language Proficiency**

- 15.6.1 Any person applying for the first time to the Licensing Authority for a Driver's Licence, must provide (at their own expense), proof of their oral competency in the English language, by means of a recognised certificate or by undertaking the Licensing Authority's approved English Test (see Information Pack under services "Taxi licensing" at [www.dartford.gov.uk](http://www.dartford.gov.uk)).

## **15.7 Safeguarding and Prevent (Counter Terrorism) Training**

### **15.7.1 Safeguarding (APPENDIX P)**

The Licensing Authority is committed towards meeting its statutory and moral duties to safeguard and promote the welfare of children, young persons and adults at risk who come into contact with its services and activities.

The Licensing Authority has a duty to co-operate to improve the wellbeing of children, young persons and adults at risk. This requires the Licensing Authority to make arrangements to promote co-operation between it, each of its relevant partners and such other persons or bodies working with children in its area, as the Licensing Authority considers appropriate. Arrangements include improving the wellbeing of children in the Licensing Authority's area, encompassing the protection from harm or neglect.

### **15.7.2 Extremism and radicalisation (APPENDIX P)**

The Counter Terrorism and Security Act 2015 places a duty on specified authorities to have due regard to the need to prevent people (children and adults) from being drawn into terrorism (the 'Prevent duty'). This statutory duty applies to the Council as a local authority.

The Prevent duty is addressed through a multi-agency approach to identify and provide support to individuals who are at risk of being drawn into committing acts of terrorism, through a process known as 'Channel'. A 'Channel Panel' comprising of agencies who have a role in the Prevent process look at putting into place interventions and a tailored support package to safeguard those at risk based on an assessment of their vulnerabilities.

- 15.7.3 All Drivers are required to undertake bespoke training designed to help them as a licence holder to be aware of those who may be vulnerable or being exploited. The training will be conducted as part of a Driver Training Day held quarterly at Kent Fire and Rescue training Centre.

## **15.8. Driver Knowledge Tests**

- 15.8.1 Drivers are expected to know their way around the Borough of Dartford with a degree of competence. The travelling public have a right to expect this. The Licensing Authority will test topographical, Highway Code and numeracy as a condition of first grant of a Driver's Licence.
- 15.8.2 Private Hire Vehicles are not available for immediate hiring in the same way as Hackney Carriages and must be pre-booked. Consequently, a PHV Driver has an opportunity to check the details of a route before starting a journey. Therefore, the Licensing Authority considers it would be unnecessarily onerous to require prospective PHV Drivers to pass the same 'knowledge test' as HC Drivers.
- 15.8.3 The Licensing Authority requires HC Drivers to pass two local topographical knowledge tests.
- 15.8.4 The Licensing Authority requires PHV Drivers to pass one local topographical knowledge test.
- 15.8.5 If a candidate fails the examination, a non-refundable re-test fee will be incurred each time the candidate resits the 'knowledge test' and he/she will have to re-apply as a new applicant.
- 15.8.6 There is no limit to the number of times a candidate can take the 'knowledge test'. However, repeated failure of the 'knowledge test' particularly the Highway Code section will result in a review of the suitability of the applicant which will include [licensed] Drivers undertaking a different category of test.

## **16. APPLICATION & ADMINISTRATION FEES**

- 16.1 Licensing fees<sup>26</sup> are subject to periodic review by the Licensing Authority. Notification of variation to the fees will be published in a local newspaper [and on the Licensing Authority's website [www.dartford.gov.uk](http://www.dartford.gov.uk)] to provide the opportunity for objections to be submitted to the Licensing Authority, within a period of at least twenty eight (28) days from the date of publication.
- 16.2 In respect of Vehicle and Operator Licences, the Licensing Authority may charge such fees to cover in whole or in part:
- the reasonable cost of inspecting Vehicles to ascertain whether a licence should be granted or renewed;
  - the reasonable cost of providing Taxi Ranks;
  - any reasonable administrative or other costs in connection with the above and with the control and supervision of Vehicles.
- 16.3 Administration fees in accordance with APPENDIX I, will be charged by the Licensing Authority.

## **17. INSURANCE & ROAD TAX**

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<sup>26</sup>S39 Town Police Clauses Act 1847 & S70 Local Government (Miscellaneous) Provisions Act 1976

- 17.1 The onus is on Licence Holders to check with their insurance provider that the services they are providing are adequately covered by the relevant policy of insurance.
- 17.2 Vehicles must be insured and have a third party risks' insurance policy which complies with the requirements of Part VI of the Road Traffic Act 1988.
- 17.3 If a Vehicle is found to be uninsured, the Vehicle Licence will be suspended until the presentation of the relevant Certificate and following an investigation by the Licensing Authority. .
- 17.4 The relevant Certificates of Insurance must be presented:
- with the Licence application and at the six (6) month inspection;
  - within seven (7) days of the Certificate of Insurance's expiry date;
- 17.5 Failure to comply with the requirements in this section 17 may result in suspension of the Vehicle Licence.
- 17.6 It is an offence for a Licence Holder to use or keep a Vehicle on a public road without holding the appropriate road tax for the vehicle class<sup>27</sup>. Unless the Vehicle Licence is surrendered, failure to have road tax may result in suspension of the Vehicle Licence.

## **18. CRIME & DISORDER ADVICE (Driver, Passenger & Operating Premises' Staff Safety)**

### **18.1 CCTV Cameras**

18.1.1 The Crime and Disorder Act 1998 requires the Licensing Authority to consider crime and disorder reduction while exercising its duties. Research has shown that anti-social behaviour and crime affects Drivers and Operating Premises' staff. It is therefore important that the personal security of these persons is considered.

18.1.2 The installation of CCTV cameras in Vehicles and/or Operating Premises may prevent:

- threats and assaults/violence on Drivers;
- allegations of Drivers assaulting passengers;
- passengers leaving Vehicles without paying;
- allegations of theft associated with licensed Vehicles;

and

- help to prevent crime;
- identify the perpetrators of crime;
- reduce the fear of crime.

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<sup>27</sup>S29 Vehicle Excise & Registration Act 1994

18.1.3 The installation of security measures is left to the judgement of Licence Holders themselves.

18.1.4 The onus is placed on Licence Holders to comply with the Data Protection Act 2018, General Data Protection Regulation and any guidance issued by the Information Commissioner and to register as a Data Controller, with the Information Commissioner [www.ico.org.uk](http://www.ico.org.uk)

## **18.2 Clear Plastic Protective Screen**

18.2.1 The installation of a clear plastic protective screen around the Vehicle's driving seat, is left to the judgement of Licence Holders themselves.

## **19. ENVIRONMENTAL CONSIDERATIONS**

19.1 As well as the Vehicle Specification Emissions policy (Appendix A) for new vehicles, Drivers are encouraged:

- the use of environmentally friendly Vehicles e.g. hybrid/electric/hydrogen to reduce levels of fuel consumption and thus emissions;
- better maintenance of Vehicles;
- switching off engines when stationary or idling, particularly at Taxi Ranks;
- the use of alternative/cleaner fuels;
- LPG conversions to Vehicles (carried out by a LPGA-approved garage).

## **20. FARES**

### **20.1 Hackney Carriages**

20.1.1 The Licensing Authority sets the Fare Tariff(s) (for Hackney Carriages)<sup>28</sup>. The Fare Tariff(s) is the maximum fare that can be charged for any journey whether inside the Borough or to a destination outside the Borough.

20.1.2 Fares may be negotiated prior to the commencement of the journey. However, the Driver must set the Taximeter to run, even though a fare has been negotiated down. A Hackney Carriage fare can never be higher than the metered fare<sup>29</sup>.

20.1.3 Licence Holders may advertise that they charge less than the Fare Tariff(s).

20.1.4 Fare Tariff(s) are reviewed at regular intervals by the Licensing Authority. Changes to the tariff are based on the Consumer Price Index as published annually in October and if appropriate take effect in the following April and published in a local newspaper [and on the Licensing Authority's website [www.dartford.gov.uk](http://www.dartford.gov.uk)] to provide the opportunity for objections to be submitted to the Licensing Authority, within a period of at least 14 (fourteen) days from the date of publication.

### **20.2 Private Hire Vehicles**

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<sup>28</sup>S65 Local Government (Miscellaneous) Provisions Act 1976

<sup>29</sup>S66 Local Government (Miscellaneous Provisions) Act 1976

20.2.1 Private Hire Vehicle fares are not regulated by the Licensing Authority and may be negotiated prior to the commencement of the journey.

## **21. IMMIGRATION (Right to Work in the UK)**

21.1 The Licensing Authority is responsible for ensuring that it only issues Licences to persons who have a legal entitlement to work in the UK<sup>30</sup>.

21.2 Any one of the documents listed on the Gov.Uk website will provide proof of the right to work in the UK. The *original* document must be submitted at the time of application.

### **21.3 Asylum Seekers**

21.3.1 An applicant for a Driver or Operator's Licence who has been granted or is awaiting a decision to be granted asylum/refugee status, must produce to the Licensing Authority:

- (a) a Certificate of Good Conduct from any other country<sup>31</sup> he/she has resided within the three (3) years prior to the date of the Licence application, in accordance with the guidelines at section 25.2 of this Policy;
- (b) [for a Driver's Licence] an Enhanced DBS Certificate in accordance with section 25.1 of this Policy;
- (c) [for an Operator's Licence] a Basic Disclosure in accordance with section 25.4.1 of this Policy;
- (d) references in accordance with section 25.2.2 of this Policy

21.3.2 An applicant for a Driver's Licence may need to undergo an independent third party 'identity verification check' or 'ID check' by a pre-approved identity checking supplier, who will compare the data provided by the applicant, against a range of independent, external data sources. Please refer to the DBS's website for further details.

21.3.3 If documentation to support an Enhanced DBS Check cannot be produced by an applicant, or where an applicant's details are similar to another person e.g. name and date of birth, DBS may require the applicant to be fingerprinted by the police.

## **22. TOUTING & PLYING**

22.1 Hackney Carriages and Private Hire Vehicles can be legally hired to carry passengers. It is a criminal offence<sup>32</sup> for Private Hire Vehicles to display the word "taxi", "cab" or "hire" or for drivers of Private Hire Vehicles, to solicit people in a public place with a view to hiring a PH Vehicle to carry them as passengers and committing such an act, usually not only carries the financial penalty directly associated with it, but may invalidate insurance policies.

22.2 The offence of unlawful plying or standing for hire in section 45 of the 1847 Act is not made out by the mere presence of a parked vehicle. It is the intentions

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<sup>30</sup>Ss 15 to 25 of the Immigration, Asylum and Nationality Act 2006

<sup>31</sup>An applicant will not be required to produce a Certificate of Good Conduct from the country he/she is claiming asylum from

<sup>32</sup>S167 Criminal Justice and Public Order Act 1994



of the driver, evidenced when approached by a prospective passenger, that determine if the vehicle was standing or plying for hire.

- 22.3 The Licensing Authority takes a serious view of any Licence Holder who has been convicted of touting, or uses touts or encourages the practice of touting. Licences may be revoked and the fitness of the Licence Holder to remain licensed, may also come under scrutiny.
- 22.4 Any person who takes bookings, supplies drivers and/or vehicles for private hire without an Operator's Licence, will be in breach of the Relevant Legislation and may be prosecuted<sup>33</sup>. The Licensing Authority may also take enforcement measures in accordance with section 29 of this Policy.

### **23. HEALTH & SAFETY (of Employees and Passengers)**

- 23.1 The Health and Safety at Work etc. Act 1974 (the 1974 Act) applies to on-the-road work activities as to all work activities.
- 23.2 The 1974 Act requires employers to ensure, so far as is reasonably practicable, the health and safety of all employees while at work. Employers also have a responsibility to ensure that others e.g. passengers, are not put at risk by their work-related driving activities.
- 23.3 Self-employed persons have similar responsibilities, under the 1974 Act, to that of employers.
- 23.4 Under the Management of Health and Safety at Work Regulations 1999, employers have a responsibility to manage health and safety effectively by carrying out an assessment of the risks to the health and safety of their employees, while they are at work, and to other people who may be affected by their work activities.
- 23.5 Responsibility for the health and safety of employees and the travelling public, the provision of preventive and protective measures in Vehicles e.g. fire extinguishers, first aid kits<sup>34</sup> and health and safety training, is that of a Licence Holder, where that Licence Holder is an employer or self-employed. The Licensing Authority has its own duties relating to ensuring public safety.

Licence conditions and Hackney Carriage Byelaws (Appendices B, C, D & O) require an efficient fire extinguisher to be carried in Vehicles and available for use.

In the event of fire, Drivers should:

- switch off the engine
- release the bonnet – do not open
- get everyone out of the vehicle
- get far away from the vehicle and stay away, keeping onlookers and others away
- dial 999 and call the fire and rescue service
- warn oncoming traffic, if safe to do so.

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<sup>33</sup>S72 Local Government (Miscellaneous) Provisions Act 1976

<sup>34</sup>Health & Safety (First Aid) Regulations 1981 & the First Aid at Work (Approved Code of Practice) Guidance 1997

If and only if a Driver believes it is safe to do so, attempt to put out the fire with a dry powder or foam extinguisher. If the fire is in the engine compartment, the bonnet must NOT be opened - the extinguisher should be aimed through the radiator grille or under the edge of the bonnet.

Fire extinguishers must be used with caution and if in doubt, Drivers should not attempt to tackle the fire.

Drivers should never use water on an engine fire – it can short out wiring and spread burning petrol with disastrous effect.

## **24. DRIVERS**

### **24.1 Upper Age Limit**

24.1.2 The Licensing Authority has set no upper age limit. However, if a Driver wishes to continue to be licensed beyond the age of seventy (70), he/she will have to demonstrate that he/she is medically fit, by obtaining a medical certificate at yearly intervals.

### **24.2 Medical Examination**

24.2.1 The DfT Guidance explains *'it is clearly good practice for medical checks be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:*

- *they carry members of the general public who have expectations of a safe journey;*
- *they are on the road for longer hours than most car drivers; and*
- *they may have to assist disabled passengers and handle luggage'.*

24.2.2 The Licensing Authority applies DVLA's "Group 2" medical standards for a Driver's Licence and the C1 standards for Drivers with insulin treated diabetes, who can meet a series of medical criteria. Further information may be obtained from the DVLA's website.

24.2.3 Medical checks (at the applicant's/Driver's expense), will need to be undertaken as follows:

- on initial application; then
- every three (3) years up to the age of seventy (70), unless restricted to a shorter period for medical reasons;
- at the age of seventy (70), annually, without an upper age limit.

24.2.4 Drivers must immediately advise the Licensing Authority of any deterioration in their health that may affect their driving capabilities<sup>35</sup>.

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<sup>35</sup> S57 Local government (Miscellaneous) Provisions Act 1976

24.2.5 The Licensing Authority may require more frequent medical checks and/or supporting evidence from medical specialists or consultants, where a Driver's medical condition or pre-existing illness deteriorates to the extent, that it may affect his/her driving ability at any time.

24.2.6 Where there is any doubt as to the medical fitness of a Driver, the Licensing Authority may require a medical examination (at the Driver's expense) by a medical specialist, appointed by the Licensing Authority. A Suspension Notice may be issued in accordance with the Licensing Authority's Taxi Licensing and Enforcement Policy (APPENDIX L) until such time as the Driver meets the medical criteria referred to in section 24.3.2 of this Policy.

## **25. CRIMINAL RECORD CHECKS**

### **25.1 Disclosure and Barring Services (DBS)**

25.1.1 A criminal record check of current and spent convictions and police cautions, is seen as an essential safety measure in assessing whether or not an applicant is suitable to hold a Driver's Licence.

25.1.2 HC Drivers and PHV Drivers are an 'excepted profession' under the Rehabilitation of Offenders Act 1974<sup>36</sup>.

25.1.3 All new applicants to provide a current (less than 3 months old at the date of application) Enhanced DBS Disclosure Certificate at the point of their initial application, register for the DBS Update Service and give the Council ongoing permission to check the status of their certificate as considered necessary.

25.1.4 All existing drivers who are not already registered with the DBS Update Service to provide a current (less than 3 months old at the date of application) Enhanced DBS Disclosure Certificate at the point of their next renewal application, register for the DBS Update Service and give the Council ongoing permission to check the status of their certificate as considered necessary.

25.1.5 Once a driver has registered for the Update Service, including all drivers already registered, they must remain registered, and give the Council permission to check the status of their certificate as considered necessary, for the duration of their time as a licenced driver with the Council.

25.1.6 Anyone who fails to register for the Update Service will be required to apply for a further Enhanced DBS check through the Council at their expense in order that they can apply/reapply to join the Update Service within the required timescales as set out by the DBS.

25.1.7 The Council will check the status of a drivers DBS certificate via the Update Service as part of the renewal application process, and at any other time considered necessary during the validity of that persons licence.

25.1.8 Where a status check reveals that the individual's certificate remains current, that person's criminal record check will ordinarily be deemed as satisfactory.

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<sup>36</sup>Police Act 1997 (Criminal Records) Regulations 2002 (as amended) & Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended)

25.1.9 Where a status check reveals that the individual's certificate is no longer current, that person's criminal record check will be deemed as unsatisfactory and they will need to apply for a new Enhanced DBS check through the Council and provide their certificate to the Council.

## **25.2 Certificate of Good Conduct and References**

25.2.1 An applicant for a Driver's licence who has lived in a country other than the UK (for the purposes of this section, referred to as 'the Country of Domicile') for one or more continuous periods of between three (3) and twelve (12) months within five (5) years of the date of the application, will be required to produce (at their expense), a Certificate of Good Conduct (translated into English). The responsibility for obtaining such a Certificate falls to the applicant and not the Licensing Authority. Further information is obtainable from the DBS's website.

25.2.2 The requirement to produce a Certificate of Good Conduct is in addition to:

- the Enhanced DBS Check which is required for all applicants applying for a Driver's Licence;
- the Basic Disclosure which is required for all applicants applying for an Operator's Licence;
- two (2) references from individuals or organisations who can confirm the applicant's conduct for their time in the Country of Domicile (referees must not be family members).

25.2.3 Certificates of Good Conduct and references will be retained by the Licensing Authority for as long as is considered necessary.

## **25.3 Common Law Police Disclosures (CLPD)<sup>37</sup>**

Licence Holders need to note the following:

25.3.1 The CLPD relates to professions or occupations which carry special trust or responsibility, in which the public interest in the disclosure of convictions and other information held by the police, generally outweighs the normal duty of confidentiality owed to the individual.

25.3.2 Under the CLPD, when an individual comes to the notice of the police and identifies their occupation as a Driver, the police may notify the Licensing Authority of convictions and any other relevant information that indicates that the person poses a risk to public safety. Most notifications will be made once an individual is convicted however, if there is a sufficient risk, the police will notify the Licensing Authority immediately.

25.3.3 The police may occasionally notify the Licensing Authority of offences committed abroad by an individual.

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<sup>37</sup>CLPD replaced the Notifiable Occupation Scheme (NOS) in March 2015

## 25.4 Operators & Rehabilitation of Offenders Act 1974

25.4.1 As Operators are not an 'excepted profession' under the Rehabilitation of Offenders Act 1974, the Licensing Authority cannot require an Enhanced DBS Check (or standard DBS check) as a condition of grant of an Operator's Licence. However, the Licensing Authority will require a Basic Disclosure.

25.4.2 Each applicant for an Operator's Licence, must submit a current (no less than three (3) months old) Basic Disclosure with his/her application. Basic Disclosure checks are undertaken by the applicant at his/her expense. Further information may be obtained from the Disclosure Scotland website.

## 25.5 DVLA Driver's Licence Authenticity Checks

25.5.1 The Licensing Authority requires Drivers at three (3) yearly intervals to verify (at their expense), the authenticity of their driving licences against the DVLA database<sup>38</sup>.

25.5.2 The Licensing Authority reserves the right to request (at the Driver's expense), the verification of his/her driving licence at any time during the currency of the Licence, should the Licensing Authority have grounds to suspect that the Driver does not meet its 'fit and proper person' criteria (see section 15.2 of this Policy).

## 26. RELEVANCE OF CONVICTIONS & CAUTIONS

26.1 The overriding consideration for the Licensing Authority in reaching a decision on whether to grant or renew a Driver's Licence, will be the general safety of the travelling public and whether the Enhanced DBS Certificate, Certificate of Good Conduct and/or references, disclose information that would render the applicant not 'fit and proper' (see section 15.2 of this Policy).

26.2 The Licensing Authority will take a particularly cautious view of any Relevant Offences in accordance with its guidelines at APPENDIX K. These guidelines also detail the number of years the Licensing Authority will require to have elapsed, since the commission of particular kinds of offences, before it will grant or renew a Driver's Licence.

26.3 In assessing whether an applicant for a Driver's Licence is a 'fit and proper person' to hold the Licence, the Licensing Authority will consider each application on its merits. It will take account of cautions, convictions, and fixed penalty notices whether spent or unspent, but only in so far as they are relevant to the application as follows:

26.3.1 In relation to **caution(s)**, the Licensing Authority will have regard to the class and age of the offence and the age of the applicant when the offence occurred.

26.3.2 In relation to **convictions**, the Licensing Authority will have regard to:

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<sup>38</sup>The European Car and Driver Licence Information System (EUCARIS) facilitates the exchange of driver and vehicle information between participating countries and enables EU registration authorities to check that a vehicle presented for registration has not been scrapped or stolen in another Member State. It is also used by DVLA to check the validity and authenticity of non-UK driver licences presented for exchange and vice versa and/or the authenticity of vehicles imported into the UK

- whether the convictions are spent or unspent;
  - the class of the offences;
  - the age of the offences;
  - the apparent seriousness, as gauged by the penalty imposed by the courts.
- 26.4 In general terms, the more recent, serious and relevant to public safety the offence is, the less likely an application will be granted. In particular, applications will generally be rejected where the applicant's record includes one or more of the following:
- any term of imprisonment or custody for violent behaviour (dependent on class of the offence);
  - any conviction for a violent offence, or dishonesty, which is of a serious nature;
  - a conviction for a sexual offence including those which results in the offender being listed in the Sex Offenders Register;
  - any serious motoring offence, such as dangerous driving, driving whilst disqualified, or drink driving.

## **27. STANDARDS EXPECTED OF DRIVERS**

- 27.1 The general standards expected of Drivers are set out in the Relevant Legislation, Conditions and Byelaws (the 'Standards') in accordance with Appendices B, E, F, G and O.
- 27.2 Failure to comply with any aspect of the Standards may be taken into consideration by the Licensing Authority when deciding whether enforcement measures should be taken against a Licence Holder.
- 27.3 Breach of the Standards may result in advice or warnings and/or penalty points being issued by an Authorised Officer. Repeated breaches may lead to more serious consequences including, if necessary, suspension, revocation of, or refusal by the Licensing Authority, to renew Licences and call into question the fitness of the Licence Holder to hold a Licence.

## **28. OPERATORS**

### **28.1 Operator's Licence**

- 28.1.1 The Licensing Authority may grant an Operator's Licence<sup>39</sup> to any individual, registered company or any unregistered business/firm or partnership considered 'fit and proper' to hold the Operator's Licence:
- where the applicant is an individual the Operator's Licence, if granted, will be issued in the name of that individual;
  - where the applicant is a registered company (or other body corporate), the Operator's Licence, if granted, will be issued in the name of the applicant(s) trading as the registered Company;

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<sup>39</sup> S55 Local Government (Miscellaneous) Provisions Act 1976

- where the applicant is an unregistered firm (two or more people trading in partnership) the Operator's Licence, if granted, will be issued in the name(s) of the applicant(s) trading as the Company name.

28.1.2 An Operator's Licence entitles the Operator to make provision for the invitation or acceptance of private hire bookings from the Operating Premises referred to in the Operator's Licence.

28.1.3 An Operator's Licence does not entitle an individual (e.g. sole person Operator) to drive a Private Hire Vehicle. To act as a PHV Driver, the individual must obtain a PHV Driver's Licence. The law governing suitability to be a PHV Driver is quite distinct from that governing suitability to be an Operator. It is quite feasible for an applicant to be granted an Operator's Licence, but to be refused a PHV Driver's Licence.

## 28.2 Transfer of Operator's Licence

28.2.1 An Operator's Licence is not transferable. If the licence has been issued in the name of two or more applicants, then either party can request to be removed from the licence by notifying the Licensing Authority in writing.

28.2.2 The only exception to this is where the Licensing Authority has issued a direction that permits another individual to be named on the Operator's Licence where an Operator, during the term of the Licence dies, becomes insolvent or is deemed to lack the capacity (within the meaning of the Mental Capacity Act 2005 (as amended)) to carry on the activities covered by the Operator's Licence.

28.2.3 Subject to the production of the relevant document (e.g. certified death certificate<sup>40</sup> or certificate as to capacity<sup>41</sup>), within twenty eight (28) days of the occurrence and the completion of a personal declaration by the new individual and the Licensing Authority being satisfied that this individual is a 'fit and proper person' to hold an Operator's Licence, the direction will permit the new individual to be named on the Operator's Licence.

## 28.3 Operator's Duties

28.3.1 An Operator provides for the taking of a booking for a PH Vehicle and dispatching the PH Vehicle and PHV Driver to fulfil that booking.

28.3.2 Relevant Legislation places duties on an Operator to ensure that its PH Vehicles, PHV Drivers are licensed by the same licensing authority in accordance with Appendix H.

28.3.3 Bookings can be sub-contracted only to licensed private hire operators or private hire drivers, anywhere in the country. Operators are not permitted to pass bookings directly to private hire drivers/vehicles from other areas. If a booking is sub-contracted, Operators **must** still make sure the three licences (operator, private hire driver & private hire vehicle) are issued by the same

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<sup>40</sup> See GOV.UK website

<sup>41</sup> See Office of the Public Guardian website

licensing authority i.e. a Gravesend licensed operator must use a Gravesend vehicle and driver.

#### **28.4 Operator's Records<sup>42</sup>**

28.4.1 Records maintained by Operators will enable passengers to be traced if this becomes necessary and will improve PHV Driver security and facilitate enforcement measures.

28.4.2 Conditions (Appendix H) require Operators to keep at their Operating Premises, records (paper or electronic) relating to all PHV Drivers, PH Vehicles and Contracts for Hire. Records must be kept for the period of time specified in Conditions and be produced on request, to the Authorised Officer for inspection, within a period specified by the Authorised Officer.

28.4.3 Where a booking has been sub-contracted, or a sub-contracted booking has been received from another Operator, details of the sub - contracted work must be completed in accordance with 28.4.2 above including details of the Operator who has taken or passed on the booking.

28.4.4 Records kept electronically must be able to be reproduced in a legible format in the form requested by the Authorised Officer.

28.4.5 A schedule of all PHV /HC Drivers and PH /HC Vehicles used in the preceding month must be sent to the Licensing Authority on a monthly basis within the time specified on the return.

28.4.6 It is an offence for an Operator not to maintain records in the form prescribed by the Licensing Authority and to fail to produce records for inspection, when requested by the Licensing Authority<sup>43</sup>.

#### **28.5 Address from which an Operator may operate**

28.5.1 All PH Vehicle bookings must be made through an Operator with a fixed base in the Borough of Dartford. The Operating Premises may be an office, a unit in the town centre or a home address.

28.5.2 The Operating Premises address will be noted on the Operator's Licence. Bookings cannot be taken from premises other than the Operating Premises.

28.5.3 Change of Operating Premises address within the Borough of Dartford must be notified to the Licensing Authority, in writing, *before* the change takes place. A new Operator's Licence will be issued by the Licensing Authority on completion of the notification form and payment of administration fee.

28.5.4 So as to ensure that proper regulation and enforcement measures may be taken by the Licensing Authority, an Operator's Licence will not be granted for an operating premises outside the Borough of Dartford.

#### **28.6 Planning Laws/Regulations and Other Legal Requirements**

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<sup>42</sup>S56 Local Government (Miscellaneous) Provisions Act 1976

<sup>43</sup>S55(5) Local Government (Miscellaneous) Provisions Act 1976



28.6.1 The existence or otherwise of planning permission, is not relevant to the grant of an Operator's Licence. No considerations apart from the fitness and propriety of an applicant can be taken into account by the Licensing Authority<sup>44</sup>.

28.6.2 The onus is on the Operator to ensure that the Operating Premises meets other legal requirements connected with running the business, including compliance with the necessary planning laws/regulations.

28.6.2 If land is used without or in contravention of planning permission, the Local Planning Authority has discretion as to whether or not to take enforcement action under the relevant planning legislation. Failure to comply with necessary planning laws/regulations may result in closure of the Operating Premises by the Local Planning Authority, through the planning enforcement process.

28.6.3 Where an Operating Premises is accessible to the public, the Operator should have public liability insurance.

## **29. ENFORCEMENT MEASURES**

### **29.1 Taxi Licensing and Enforcement Policy**

29.1.1 In pursuance of its objective to encourage responsible Trades, the Licensing Authority operates a firm but fair enforcement regime, with a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference. The Licensing Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in section 3 of this Policy.

29.1.2 The Taxi Licensing and Enforcement Policy at APPENDIX L, will be applied to ensure that the Licensing Authority's enforcement measures are reasonable, necessary, proportionate, transparent and well directed.

### **29.2 Penalty Points Scheme**

29.2.1 The Licensing Authority has adopted a Penalty Points Scheme (APPENDIX M). Adoption of the Penalty Points Scheme does not however compromise the Licensing Authority's ability to instigate legal proceedings in the courts, should an offence under the Relevant Legislation warrant such action.

29.2.2 The Penalty Points Scheme acts as a first step in ensuring compliance with the Relevant Legislation, Conditions and this Policy and serves as an 'early warning' system to Licence Holders who see fit to ignore their responsibilities or fail to meet the requirements of Relevant Legislation, Conditions and/or this Policy.

29.2.3 Penalty points will be issued by an Officer under delegated authority or by the Officer Review Board (see section 8 of this Policy).

29.2.4 Penalty points will remain on a Driver or Operator's Licence for a rolling thirty six (36) month period from the date on which the points are imposed. If a Licence Holder accumulates twenty five (25) or more penalty points within this

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<sup>44</sup>S57(2)(b) Local Government (Miscellaneous Provisions) Act 1976

period, commencing from the date of imposition of the earliest 'live' penalty points, he/she will be invited to a meeting before the Officer Review Board (APPENDIX M).

29.2.5 Investigations will be undertaken into complaints against Licence Holders in accordance with APPENDIX L. Where penalty points are to be issued, the Licence Holder will be given the option of either:

- accepting the points; or
- appealing within twenty (21) days of the date of the decision, to the Officer Review Board. The Board may on the evidence available to it, uphold the decision, or increase or decrease the penalty points (APPENDIX M).

### 29.3 Range of Enforcement Measures & Powers

29.3.1 The Licensing Authority has a range of powers available to it for dealing with breaches or contraventions of the Relevant Legislation, Conditions and this Policy. One or more of the following steps may be taken by the Licensing Authority:

- suspension of a Licence;
- revocation of a Licence;
- refusal to renew a Licence;
- issuing of warnings or cautions;
- prosecution.

#### 29.3.2 Suspension

29.3.2.1 Vehicles must be kept at all times in an efficient, safe, tidy and clean condition. Compliance with the vehicle specifications and Conditions (APPENDICES A - C) is essential and will be enforced by periodic, random vehicle inspections and testing by the Licensing Authority (see section 10.5 of this Policy).

29.3.2.2 Where public safety is likely to be compromised by the condition of a Vehicle, a Suspension Notice may be issued by the Licensing Authority and the **Vehicle Licence** suspended *immediately*, until the defect(s) have been remedied (see APPENDIX L). Where the Vehicle is unfit for use, the Licensing Authority may suspend, revoke or refuse to renew the Vehicle Licence (see section 15.3.2(a) above).

29.3.2.3 The Licensing Authority may suspend a **Driver or Operator's Licence** immediately, or for a specified/predetermined period (see APPENDIX L).

29.3.2.4 If a Driver or Operator's Licence has previously been suspended, a further, longer period of suspension may be considered as an alternative to revocation. The length of any suspension will be determined on an individual basis. The decision to suspend may be taken by an Officer under delegated authority (see section 8 of this Policy).

29.3.2.5 If a Driver has been arrested, charged or cautioned or subject to bail conditions for a serious offence (e.g. includes serious assaults; rape, paedophilia and other serious sexual and indecency offences and use of illicit drugs or excess

alcohol whilst at work) which suggests he/she would be a danger to the public, or an Operator's conduct appears to render it unfit to hold an Operator's Licence, the Licensing Authority may, in the interests of public safety, consider **immediate suspension** of the Driver or Operator's Licence. In assessing the action to take, the safety of the travelling public will be the paramount concern and where the risk justifies such an approach.

- 29.3.2.6 Any decision by the Licensing Authority to immediately suspend a **Licence** until the outcome of criminal proceedings are known, will be conveyed to the Licence Holder as soon as possible following the decision being made. The Licence Holder has a right of appeal against the decision (see section 30 of this Policy).
- 29.3.2.7 A suspension will remain in place, until withdrawn by the Licensing Authority in writing.

## 29.4 **Revocation**

- 29.4.1. Revocation will never be considered lightly by the Licensing Authority. In assessing whether revocation is appropriate, the safety of the travelling public and road users will be the paramount concern and where the risk justifies such an approach.
- 29.4.2 A **Driver or Operator's Licence** may be revoked with **immediate effect** where a Driver or Operator has accumulated twenty five (25) penalty points or more under the Licensing Authority's Penalty Points Scheme (APPENDIX M), or where the Licensing Authority considers that it is in the interests of public safety e.g. where an Operator is employing un-licensed drivers or using uninsured vehicles, or where a Driver has been convicted of a serious criminal offence.
- 29.4.3 The decision to revoke a Driver or Operator's Licence will be taken by an Officer under delegated authority (see section 8 of this Policy).
- 29.4.4 A **Vehicle Licence** will be deemed to be revoked after the expiry of a two (2) month period (calculated from the date the Suspension Notice comes into effect) where the Licensing Authority is not satisfied as to the fitness of the Vehicle or as to the accuracy of the Taximeter.
- 29.4.5 Where a Licence is revoked, all rights to the Licence are lost. Any further application for a Licence will be treated as a new application and considered on its merits.
- 29.4.6 The Licence Holder has a right of appeal against the decision to revoke a Vehicle Licence (see section 30 of this Policy).

## 29.5 **Warnings & Cautions**

- 29.5.1 As a method of dealing with less serious matters or isolated occurrences, the Licensing Authority may issue warnings and cautions as are appropriate to the circumstances, in accordance with guidance issued by the Home Office 'Simple Cautioning of Adult Offenders'<sup>45</sup> and in accordance with APPENDIX L. Minor

or first-time transgressions are likely to attract either an oral or written warning. Repeated or more serious conduct is likely to lead to the issuing of a caution, provided:

- there is sufficient evidence to justify a prosecution;
- the Licence Holder admits his/her guilt;
- the Licence Holder agrees to be cautioned.

## **29.6 Offences - Prosecutions**

29.6.1 The Licensing Authority may prosecute Licence Holders in the following circumstances and in accordance with APPENDIX L:

- where the allegation is of a serious or repeated offence;
- where the Licensing Authority proposes to caution the Licence Holder, but the offence is not admitted.

## **29.7 Found Property**

29.7.1 After the termination of any hiring or as soon as practicable thereafter, the Driver will carefully search the vehicle for any property which may have been accidentally left therein and deal with the property in accordance with APPENDIX Q.

## **29.8 Breach of Conditions & Policy Requirements**

29.8.1 The Licensing Authority will use the range of enforcement measures and powers available to it (see above) to ensure that Licence Holders comply with the Relevant Legislation, Conditions and this Policy.

## **30. Rights of Appeal**

30.1 There is a right of appeal to the Magistrate's Court against the suspension, revocation of, or refusal by the Licensing Authority, to renew a Licence, or against the imposition of Conditions. The grounds for appeal are detailed in APPENDIX N.

30.2 Appeals must be lodged with the Magistrates' Court within twenty-one (21) days of the date of the Licensing Authority's decision. The appeal must state the grounds upon which it is based.

30.3 There is a right of appeal to the Officer Review Board where a Licence Holder has requested and been refused a deviation to the requirement(s) in this Policy or against the imposition of penalty points, under the Penalty Points Scheme (APPENDIX M).

## Appendix A

### VEHICLE AGE & OTHER SPECIFICATIONS

**Do not purchase a vehicle unless you are sure it meets the appropriate criteria. If in doubt, contact the Licensing Officer (Vehicles).**

**All Hackney Carriages *must be wheelchair accessible*. Wheelchair accessible means the vehicle must be able to transport a passenger in a standard sized wheelchair in safety and secured by the appropriate harnesses.**

#### HACKNEY CARRIAGE VEHICLES

Maximum age on initial licensing	Less than 9 years
Maximum age to which a vehicle will be allowed operate	15 years

*Note that the year is always calculated on the basis of day/month/year.*

#### HACKNEY CARRIAGE: SUITABILITY OF VEHICLE

- HC1. It is a right hand drive vehicle.
- HC2. Has a separate luggage compartment.
- HC3. Is capable of seating in comfort at least four passengers in addition to the driver.
- HC4. All seats are fitted with seat belts conforming to current British Standards Institute standards or equivalent.
- HC5. Provide sufficient means by which any person in the vehicle may communicate with the driver.
- HC6. Cause the roof or cover of the hackney carriage to be watertight.
- HC7. Provide adequate windows and means of opening and closing them.
- HC8. Cause the seats to be properly cushioned and covered.
- HC9. Cause the floor to be covered with a proper carpet, mat or other suitable covering.
- HC10. It carries within the vehicle a first aid kit for personal use.
- HC11. Fitted with a serviceable spare wheel or manufacturer alternative.
- HC12. The vehicle has a M1 or M1 low volume certificate or a Basic IVA Certificate<sup>46</sup>.
- HC13. It has at least two passenger doors in the case of London type vehicles and three passenger doors in the case of rear access /people carrier type of vehicles.
- HC14. Fitted with wheelchair ramps and wheelchair restraining straps.
- HC15. Any vehicle with a mechanical winch must have an annual inspection by a qualified engineer.
- HC16. It has at least two passenger doors in the case of London type vehicles and three passenger doors in the case of rear access/people carrier type of vehicles.
- HC17. Are compliant with the Council Emissions policy detailed below.

#### PRIVATE HIRE WHEELCHAIR ACCESSIBLE VEHICLES AGE CRITERIA

Private Hire Wheelchair Accessible Vehicles have the same age criteria as Hackney Carriages.

#### PRIVATE HIRE WHEELCHAIR ACCESSIBLE VEHICLES

- PHWAV1. Fitted with wheelchair ramps and wheelchair restraining straps.
- PHWAV2. Any vehicle with a mechanical winch must have an annual inspection by a qualified engineer.
- PHWAV3. If the vehicle is wheelchair accessible either an M1 or M1 low volume certificate or a Basic IVA Certificate.

Plus the non-wheelchair accessible vehicle specification referred to below.

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<sup>46</sup>A certificate issued under the national Individual Vehicle Approval Scheme which is designed to certify a vehicle's compliance with UK law

## PRIVATE HIRE VEHICLES - NON WHEELCHAIR ACCESSIBLE

### PRIVATE HIRE – SALOON/ESTATE VEHICLES

Maximum age on initial licensing	Less than 4 years
Maximum age to which a vehicle will be allowed to operate	10 years

### PRIVATE HIRE – PURPOSE BUILT/MPV NON WHEELCHAIR/ 6 SEATER+

Maximum age on initial licensing	Less than 9 years
Maximum age to which a vehicle will be allowed to operate	15 years

### PRIVATE HIRE VEHICLE SUITABILITY

- PH1. It is a right hand drive vehicle.
- PH2. Has a separate luggage compartment.
- PH3. Is capable of seating in comfort at least four passengers in addition to the driver.
- PH4. All seats are fitted with seat belts to the British Standards Institute standards or equivalent.
- PH5. Provides sufficient means by which any person in the vehicle may communicate with the driver.
- PH6. Cause the roof or cover of the vehicle to be watertight.
- PH7. Provides adequate windows and means of opening and closing them.
- PH8. Cause the seats to be properly cushioned and covered.
- PH9. Cause the floor to be covered with a proper carpet, mat or other suitable covering.
- PH10. It carries within the vehicle a first aid kit for personal use.
- PH11. Fitted with a serviceable spare wheel or manufacturer alternative.
- PH12. Are compliant with the Council Emissions policy detailed below.

### INFORMATIVE - All Seating – Both Hackney Carriage and Private Hire Vehicles

The size requirement for all seating is 16" (41cms) per person. The distance for 3 persons of 48" (92cms) should be taken between the arm rests as these can in some cases significantly reduce the width. Further, a height of 34" (87cms) between seat and roof and 7" (18cms) from back of front seat to front of rear seat, (when front seat is fully pushed back), is to be recommended as a minimum for passenger comfort.

### Definition: Type Approval for WAV Compliant Vehicles

All wheelchair accessible vehicles must meet the following Type Approval. Any vehicle that has been converted after type approval registration, will require a voluntary Class D Basic IVA Certificate. Please also refer to HC12. and PHWAV3. above and SL5. below, for M1 category requirements.

Directive 70/156/EEC	Directive 2007/46/EC
European Whole Vehicle Type Approval (ECWVTA)	European Whole Vehicle Type Approval (ECWVTA)
National scheme: Small series type approval (SSTA) (500 per type per year) – also known as Low Volume Type Approval – (certificate required)	EU Small series type approval (SSTA) limit of 1000 - (certificate required)
	National scheme: Small series type approval (NSSTA) (75 per type per year) - (certificate required)

## STRETCH LIMOUSINE - VEHICLE SPECIFICATION CRITERIA

- |       |   |                   |
|-------|---|-------------------|
| SL1.  | Maximum age on initial licensing  | Less than 7 years |
|       | Maximum age to which a vehicle will be allowed operate  | 14 years          |
|       | Maximum age of replacement vehicle  | 7 years           |
| SL2.  | Vehicles may be either left or right hand drive providing that they have full Vehicle Type Approval (unless built before 29 July 2011, when a Certificate of Fitness should be sufficient).   |                   |
| SL3.  | Maximum length of the vehicle "stretch" not to exceed 3048 millimetres (120 inches), with the exception of a Cadillac, which must not exceed 3302 millimetres (130 inches). For Ford and Cadillac based vehicles, conversion has to be undertaken by an authorised coachbuilder. Ford and Cadillac stretched limousines must have been modified under the Ford Quality Vehicle Modifier programme (VIN plate number will start 1L1 for Millennium and later models) or the Cadillac Master Coachbuilder qualification respectively. |                   |
| SL4.  | Vehicles should be equipped with a minimum of four road wheels and one serviceable full size spare wheel. The tyres to be of an approved rating as specified by the tyre manufacturer for weight, size and speed of the vehicle e.g. 235/75R 15 108S (BF Goodrich Extra Load or equivalent). Tyres fitted to vehicles of US origin must be either 235/75R-15 108S (BF Load) OR 225/70R-16 107T Town Car Limo Tyre (Reinforced) or other such tyres as deemed suitable by an independent engineer for this application.              |                   |
| SL5.  | Vehicles manufactured in the EU and modified in the EU - must be either M1 Whole Vehicle Type Approved or converted under an M1 EC Small Series or National Low Volume Type Approval Scheme or hold a valid Individual Vehicle Approval (IVA) Certificate.  |                   |
| SL6.  | Must have a minimum of 3 doors, which must be of sufficient size to allow easy access and egress to seats for passengers. Passengers should not be required to use a static tip up seat mechanism.  |                   |
| SL7.  | Where the vehicle is fitted with continuous seats, a minimum width of 41 centimetres (16 inches) un-intruded space must be available per person.  |                   |
| SL8.  | The driver's seat and all forward and rear facing seats must be fitted with a 3 point all age inertia reel, lap and diagonal seat belts or restraint for each passenger <sup>47</sup> .   |                   |
| SL9.  | An Intercom system must to be provided, where a partition is installed between the passenger compartment and driver compartment.  |                   |
| SL10. | Any tinted glass in the driver compartment to conform to the Road Vehicles (Construction and Use Regulations) 1986 (as amended) <sup>48</sup> .   |                   |
| SL11. | Are compliant with the Council Emissions policy detailed below.   |                   |

<sup>47</sup>Road Vehicles (Construction and Use) Regulations 1986 (as amended) - There is no legal requirement to fit seat belts in sideways-facing seats and there are no seat belts or child restraints approved for sideways facing seats. Therefore, a child who is required to use a child restraint (i.e. all those under 135 cm tall who are also under 12 years old) cannot travel in a sideways-facing seat. Instead, they must use a forward or rear-facing seat.

<sup>48</sup>See VOSA 'Tinted Windows - Your Questions Answered'.

## Emissions standards for all licensed vehicles

Tackling pollution in Dartford is a public health and council priority. To combat poor air quality, innovative and bold measures are being taken to ensure the health and wellbeing of all road users. Historically, the taxi trade has had a limited choice of diesel vehicles to use. This has led to the fleet becoming a significant contributor to poor air quality.

From June 2020 Dartford Borough Council Licensing Authority has introduced changes to the vehicle specifications based on emission ranges. These changes only apply to vehicles being licensed for the first time by Dartford. Vehicles that are already licensed in Dartford are not affected.

	A. Taxi licensing type and compliance dates	B. Emission standard
1	<b>All new registrations (i.e. vehicles which have not previously been licensed by the Council)</b>  <b>From: 1 May 2022</b>	ULEV Petrol Hybrid Euro 5+ Petrol Euro 5 + Diesel Euro 6 +  (including vehicles adapted with a retrofit to an agreed approved standard & hackneys only may apply for departure from policy)
2	<b>All new registrations (i.e. vehicles which have not previously been licensed by the Council)</b>  <b>From: 1 May 2026</b>	ULEV Petrol Hybrid Euro 5+ Petrol Euro 6 + Diesel Euro 7 +
3	<b>All new registrations (i.e. vehicles which have not previously been licensed by the Council)</b>  <b>From: 1 June 2029</b>	ULEV Petrol Hybrid Euro 7+
<b>+ Includes all vehicles that will meet a higher standard than the euro emission standard specified</b> <b>ULEV</b> = Ultra Low Emission Vehicle (<75g/km and 10km zero emission capability) <b>ULEV</b> Vehicles will be exempt from the upper age limit for vehicles.		

## Go Ultra Low website

Before purchasing a vehicle you may also wish to consult the Go Ultra website, which provides details of a wide range of vehicles, including price, their CO2 emissions and zero emission range.

The Go Ultra Low website details many of the major vehicle manufacturers' vehicle specifications, including electric vehicle range and CO2 emissions, to aid you in identifying the correct vehicle for you. It also provides links to manufacturers' website for you to carry out a more detailed assessment of vehicles.

The Go Ultra Low website also includes information about grants available for chargers at home, plus information for fleets and businesses.



## **APPENDIX B**

### **HACKNEY CARRIAGES - VEHICLE LICENCE CONDITIONS**

#### **TOWN & POLICE CLAUSES ACT 1947 & LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – SECTION 47**

Without prejudice to the Hackney Carriage Byelaws made by The Dartford Borough Council, the following conditions shall apply:

##### **General Conditions**

1. The Proprietor shall ensure that a vehicle used as a hackney carriage, is licensed by the Licensing Authority and that any person who drives a hackney carriage, is licensed by the same Licensing Authority as a hackney carriage driver.
2. The Proprietor shall ensure that the vehicle is not used for immoral or illegal purposes.
3. A Proprietor who has more than one hackney carriage, shall submit a monthly schedule to the Licensing Authority, detailing for each hackney carriage, the licence plate number (issued by the Licensing Authority), name and address of lessee/hirer, if applicable, dates of any lease/hire agreement and confirmation that the hackney carriage is in the Driver or Proprietor's possession at all times. All records shall be retained for a minimum period of 12 months by the Proprietor.
4. The Proprietor shall within 72 hours of being requested by the Licensing Authority, or at an agreed appointed time, present the hackney carriage and documents (VC5, Road Tax, MoT and/or Insurance) for inspection by the Authorised Officer, at the Civic Centre Dartford.
5. If the Proprietor transfers his/her interest in the hackney carriage to another person, he/she shall within 14 days of the transfer, make an appointment with the Licensing Authority to complete the required documentation to transfer the hackney carriage to the other person<sup>49</sup>. (S49 1976).
6. The Proprietor shall, for the term of the licence, ensure compliance with the Vehicle Excise & Registration Act 1994 (S29) by holding, the appropriate tax for the class of vehicle.
7. For the duration of the licence, the Proprietor shall clearly display in the hackney carriage, a current certificate of insurance and allow any passenger to see such insurance on request. Upon expiry of the insurance, the Proprietor shall within 7 days of the expiry, produce to the Licensing Authority, a certificate or other document indicating that the insurance cover has been renewed for the purpose of Part VI of the Road Traffic Act 1988 and includes plying for hire cover.
8. The Proprietor shall produce the hackney carriage for inspection with a valid MoT certificate at the initial and renewal appointments and at 6 month intervals or at such other times as may be requested by the Licensing Authority. The MoT shall be less than 15 days old on the date of the inspection appointment.
9. As soon as reasonably practicable, but within 72 hours at the latest, the Proprietor or Driver shall report in writing to the Licensing Authority, any accident or incident which materially affects the safety, performance or appearance of the hackney carriage or the comfort or convenience of passengers. For any damage which affects or is likely to affect the safety and/or performance of the hackney carriage, the Licensing Authority may require an inspection certificate issued by an independent qualified vehicle mechanic or equivalent, confirming completion of repairs. Until such certificate is

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<sup>49</sup> S49 Local Government (Miscellaneous) Provisions Act 1976

submitted and the Authorised Officer has inspected the hackney carriage, the Proprietor and/or Driver shall not use the vehicle to ply for hire.

10. The Proprietor shall:
  - a. not obstruct an Authorised Officer in the performance of his/her duties;
  - b. comply with all instructions or directions of the Authorised Officer in relation to these conditions and shall provide all information reasonably required in the discharge of the Authorised Officer's duties.
11. The Proprietor shall within 7 days of any change of address, arrange an appointment with the Licensing Authority to complete the change of address notification form and make payment of the administration fee (S44 1847).
12. The Driver shall ensure that the licence plate issued by the Licensing Authority shall be permanently affixed to the rear of the vehicle and be legible at all times. In the event that a licence plate is lost, stolen or damaged, the Driver shall notify the Licensing Authority immediately to arrange a replacement plate. The Driver shall not use the vehicle for plying for hire, until a replacement plate is secured to the vehicle.
13. The Proprietor and/or Driver shall at all times display in the hackney carriage and in a position visible to all passengers, a notice detailing the fare tariff fixed by the Licensing Authority (see condition 21.a).
14. The Proprietor and/or Driver shall ensure that wheelchair ramps, straps or clamps are carried in the vehicle at all times. The retaining straps or clamps shall be used at all times to secure the hirer and wheelchair.

### **Vehicle Conditions**

15. The Proprietor and/or Driver shall at all times display a notice inside the hackney carriage, specifying the licence number of the vehicle and a contact for complaints.
16. The Proprietor shall not alter the design, condition, engine size or appearance of the hackney carriage without first obtaining the approval of the Licensing Authority.
17. The Proprietor and/or Driver shall in respect of the hackney carriage:
  - a. provide sufficient means by which any person in the vehicle may communicate with the Driver;
  - b. cause the roof or cover of the vehicle to be watertight;
  - c. provide adequate windows and means of opening and closing them;
  - d. cause the seats to be properly cushioned and covered;
  - e. cause the floor to be covered with a carpet, mat or other suitable covering;
  - f. ensure that the vehicle, including all bodywork, upholstery and fittings is at all times roadworthy, safe and serviceable and in a clean condition, subject to prevailing road conditions;
  - g. carry in the vehicle, a serviceable spare wheel or manufacturer alternative;
  - h. carry in the vehicle a first aid kit suitable for personal use;
  - i. provide a suitable fire extinguisher of a type approved by the Licensing Authority that should be carried in such a position as to be available for use at all times (see Informative below).
  - j. provide adequate means of carrying and securing luggage;
  - k. place adequate "No Smoking" signage in the vehicle (one at each passenger window or other prominent location but so as not to adversely impair the Driver's visibility), so as to be visible to all passengers.
18. The Proprietor shall ensure that the hackney carriage is fitted with a taximeter which shall be calendar controlled, tested, sealed and calibrated in accordance with condition 21.a, by a qualified meter installation engineer and thereafter, calibrated annually. The Proprietor shall produce the calibration certificate at the vehicle inspection and testing appointments with the Authorised Officer.

19. The Proprietor shall ensure that:

- a. the taximeter is calibrated to the current or a previous fare tariff fixed by the Licensing Authority (provided that any previous fare tariff is not higher than the current fixed fare tariff);
- b. any fault or suspected fault identified with the taximeter is corrected and that the hackney carriage is not used to ply for hire until the taximeter has been certified as fit for use by a qualified meter installation engineer.

20. The Proprietor shall ensure that:

- a. the hackney carriage (except a vehicle with a built-in roof sign) carries at all times, an illuminated roof-mounted sign or internal illuminated 'for hire' sign, indicating that the vehicle is a hackney carriage (the use of the word "Taxi" is acceptable);
- b. when the hackney carriage is plying for hire, the roof-mounted sign or internal 'for hire' sign, is illuminated during the hours of darkness;
- c. when the taximeter is operating, the illuminated roof mounted sign or internal illuminated 'for hire' sign is extinguished, showing that the vehicle is no longer available for hire.

21. The Proprietor and/or Driver shall not display any signs and/or advertisements in/on a hackney carriage, unless the following conditions are complied with:

- a. rear windscreen advertising in the form of transparent 'inner vision' type signs not exceeding 20 centimetres in depth is permitted, provided no other form of advertising is displayed in/on the vehicle;
- b. a screen displaying scrolling or moving advertisements may be securely fitted within the vehicle, provided that the screen is not within the Driver's vision and is capable of being switched off, at the request of the passenger(s);
- c. interior advertising not exceeding 36cm X 36cm in size is permitted on the underside of the drop seats;
- d. interior advertising not exceeding 100cm X 10cm is permitted on the interior bulkhead panel.

**NOTE:** A licence may be revoked, suspended or not renewed in accordance with Sections 60 and 68 of the Local Government (Miscellaneous Provisions) Act 1976 for a breach(es) of licence conditions or on accumulation of penalty points, under the Penalty Points Scheme.

## **INFORMATIVE**

### **In the event of fire:**

- Switch off engine
- Release bonnet – Do Not Open
- Get everyone out of the vehicle
- Get far away from the vehicle and stay away, keeping onlookers and others away
- Dial 999 and call the fire and rescue service
- Warn oncoming traffic, if safe to do so.

If and only if you believe it is safe to do so, attempt to put out the fire with a dry powder or foam extinguisher. If the fire is in the engine compartment, do not open the bonnet but aim the extinguisher through the radiator grille or under the edge of the bonnet. Use with caution and if in doubt, don't attempt to tackle the fire.

Never use water on an engine fire – it can short out wiring and spread burning petrol with disastrous effect.

## **APPENDIX C**

### **PRIVATE HIRE - VEHICLE LICENCE CONDITIONS**

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – SECTION 47**

##### **General Conditions**

1. The Proprietor shall ensure that any vehicle used for private hire is licensed by the Licensing Authority and that any person who drives the Proprietor's private hire vehicle, is licensed by the same Licensing Authority as a private hire driver.
2. The Proprietor shall ensure that the vehicle is not used for immoral or illegal purposes.
3. A Proprietor who has more than one vehicle, shall submit a monthly schedule to the Licensing Authority, detailing for each vehicle, the licence plate number (issued by the Licensing Authority), name and address of hirer/lessee, if applicable, dates of any lease/hire agreement and confirmation that the vehicle is in the Driver or Proprietor's possession at all times. All records shall be retained for a minimum period of 12 months by the Proprietor.
4. The Proprietor shall within 72 hours of being requested by the Licensing Authority, or at an agreed appointed time, present the vehicle and documents (VC5, Road Tax, MoT and/or Insurance) for inspection by the Authorised Officer, at the Civic Centre Dartford.
5. If the Proprietor transfers his/her interest in the vehicle to another person, he/she shall within 14 days of the transfer, make an appointment with the Licensing Authority to complete the required documentation to transfer the vehicle to the other person.
6. The Proprietor shall, during the term of the licence, ensure compliance with the Vehicle Excise & Registration Act 1994 (S29) by holding, the appropriate tax for the class of vehicle.
7. For the duration of the licence, the Proprietor shall clearly display in the vehicle, a current certificate of insurance and allow any passenger to see such insurance on request. Upon expiry of the insurance, the Proprietor shall within 7 days of expiry, produce to the Licensing Authority, a certificate or other document indicating that the insurance cover has been renewed for the purpose of Part VI of the Road Traffic Act 1988 and includes appropriate private hire cover.
8. The Proprietor shall produce the vehicle for inspection with a valid MoT certificate at the initial and renewal appointments and at 6 month intervals or at such other times as may be requested by the Licensing Authority. The MoT shall be less than 15 days old on the date of the inspection appointment.
9. As soon as reasonably practicable, but within 72 hours at the latest, the Proprietor or Driver shall report in writing to the Licensing Authority, any accident or incident which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers. For any damage which affects or is likely to affect the safety and/or performance of the Vehicle, the Licensing Authority may require an inspection certificate issued by an independent qualified vehicle mechanic or equivalent, confirming completion of repairs. Until such certificate is submitted and the

Authorised Officer has inspected the vehicle, the Proprietor and/or Driver shall not use the vehicle for private hire.

10. The Proprietor shall:

- a. not obstruct an Authorised Officer in the performance of his/her duties;
- b. comply with all instructions or directions of the Authorised Officer in relation to these conditions and shall provide all information reasonably required in the discharge of the Authorised Officer's duties.

11. The Proprietor shall within 7 days of any change of address, arrange an appointment with the Licensing Authority to complete the change of address notification form and make payment of the administration fee.

**Vehicle Conditions**

12. Unless an exemption has been granted by the Licensing Authority, the Driver shall ensure that the licence plate issued by the Licensing Authority shall be permanently affixed to the rear of the vehicle and be legible at all times. In the event that a licence plate is lost, stolen or damaged, the Driver shall obtain a replacement plate from the Licensing Authority. The Driver shall not use the vehicle for private hire use, until a replacement plate is secured to the vehicle.

13. Where an exemption is granted by the Licensing Authority, the Proprietor shall ensure that the letter of exemption and licence plate are carried in the vehicle at all times.

14. The Proprietor shall at all times, display a notice inside the vehicle, specifying the licence number of the vehicle and a contact for complaints.

15. The Proprietor shall not alter the design, condition, engine size or appearance of the vehicle without first obtaining the approval of the Licensing Authority.

16. The Proprietor and/or Driver shall in respect of the vehicle:

- a. provide sufficient means by which any person in the vehicle may communicate with the Driver;
- b. cause the roof or cover of the vehicle to be watertight;
- c. provide adequate windows and means of opening and closing them;
- d. cause the seats to be properly cushioned and covered;
- e. cause the floor to be covered with a carpet, mat or other suitable covering;
- f. ensure that the vehicle, including all bodywork, upholstery and fittings is at all times roadworthy, safe and serviceable and in a clean condition, subject to prevailing road conditions;
- g. carry in the vehicle, a serviceable spare wheel or manufacturer alternative;
- h. carry in the vehicle a first aid kit suitable for personal use;
- i. provide a suitable fire extinguisher of a type approved by the Licensing Authority that should be carried in such a position as to be available for use at all times (see Informative below).
- j. provide adequate means of carrying and securing luggage;
- k. place adequate "No Smoking" signage in the vehicle (one at each passenger window or other prominent location but so as not to adversely impair the Driver's visibility), so as to be visible to all passengers.

17. The Proprietor shall not affix any kind of illuminated roof sign or other word(s) such as cab, taxi, 'for hire', to a vehicle, which might give the impression that the vehicle is a hackney carriage.
18. The Driver shall not cause or permit a vehicle to use hackney carriage designated areas i.e. ranks or bus lanes for waiting or setting down passengers or park a private hire vehicle in an area such as in precinct car parks, near exits to shops, adjacent to taxi ranks, near ranks outside clubs or bars etc. which might give the impression that the vehicle is standing or plying for hire.
19. The Proprietor shall not display any signs and/or advertisements on a vehicle unless the following conditions are complied with:
  - a) A notice consisting of lettering not exceeding 50mm in height, with a total depth not exceeding 100mm, indicating the Operator and/or telephone number and displayed in the upper portion of the rear windscreen, is permitted. An exception will be made in the sizing of a notice and lettering for rear screens, where the notice is in the form of a transparency;
  - b) A notice displayed on the front doors only, indicating the Operator and/or telephone number and 'Pre-Booked' only notice is permitted;
  - c) If any sign or advertisement designed to comply with (a) and (b) above is capable of being illuminated, such sign or advertisement shall only be illuminated when the vehicle is stationary and whilst the Driver is waiting for the passenger(s) to be carried in pursuance of a prior arrangement.

**NOTE:** This licence may be revoked, suspended or not renewed in accordance with Sections 60 and 68 of the Local Government (Miscellaneous Provisions) Act 1976 for a breach(es) of licence conditions or on accumulation of penalty points, under the Penalty Points Scheme.

## **INFORMATIVE**

### **\* In the event of fire:**

- Switch off engine
- Release bonnet – Do Not Open
- Get everyone out of the vehicle
- Get far away from the vehicle and stay away, keeping onlookers and others away
- Dial 999 and call the fire and rescue service
- Warn oncoming traffic, if safe to do so.

If and only if you believe it is safe to do so, attempt to put out the fire with a dry powder or foam extinguisher. If the fire is in the engine compartment, do not open the bonnet but aim the extinguisher through the radiator grille or under the edge of the bonnet. Use with caution and if in doubt, don't attempt to tackle the fire.

Never use water on an engine fire – it can short out wiring and spread burning petrol with disastrous effect.

## **APPENDIX D**

### **STRETCH LIMOUSINE - VEHICLE LICENCE CONDITIONS**

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – SECTION 47**

##### **General Conditions**

1. The Proprietor shall ensure that a Stretch Limousine used for private hire, is licensed by the Licensing Authority and that any person who drives the Proprietor's Stretch Limousine, is licensed by the same Licensing Authority as a private hire driver.
2. A Proprietor who has more than one Stretch Limousine, shall submit a monthly schedule to the Licensing Authority, detailing for each vehicle, the licence plate number (issued by the Licensing Authority), name and address of lessee/hirer, if applicable, dates of any lease/hire agreement and confirmation that the Stretch Limousine is in the Driver or Proprietor's possession at all times when not in use for private hire. All records shall be retained for a minimum period of 12 months by the Proprietor.
3. The Proprietor shall within 72 hours of being requested by the Licensing Authority, or at an agreed appointed time, present the documents listed below for inspection by the Authorised Officer, at the Civic Centre Dartford.
  - the Basic IVA Certificate, VC5, Road Tax, MoT, Insurance; and/or
  - [if playing music or videos], licences relating to the Performing Rights Society/Video Performance Ltd/Phonographic Performance Ltd; and/or
  - [If supplying alcohol for consumption in the vehicle] the licence relating to the sale and supply of alcohol;
4. If the Proprietor transfers his/her interest in a Stretch Limousine to another person, he/she shall within 14 days of the transfer, make an appointment with the Licensing Authority to complete the required documentation to transfer the vehicle to the other person.
5. The Proprietor shall, during the term of the licence, ensure compliance with the Vehicle Excise & Registration Act 1994 (S29) by holding, the appropriate tax for the class of vehicle.
6. For the duration of the licence, the Proprietor shall clearly display in the Stretch Limousine, a current certificate of insurance and allow any passenger to see such insurance on request. Upon expiry of the insurance, the Proprietor shall within 7 days of expiry, produce to the Licensing Authority, a certificate or other document indicating that the insurance cover has been renewed for the purpose of Part VI of the Road Traffic Act 1988 and includes appropriate private hire cover.
7. The Proprietor shall produce the vehicle for inspection with a valid MoT certificate at the initial and renewal appointments and at 6 month intervals or at such other times as may be requested by the Licensing Authority. The MoT shall be less than 15 days old on the date of the inspection appointment.
8. As soon as reasonably practicable, but within 72 hours at the latest, the Proprietor or Driver shall report in writing to the Licensing Authority, any accident or incident which materially affects the safety, performance or appearance of a Stretch Limousine or the comfort or convenience of passengers. For any damage which affects or is likely to affect the safety and/or performance of the vehicle, the Licensing Authority may require an inspection certificate issued by an independent qualified vehicle mechanic or equivalent, confirming completion of repairs. Until such certificate is submitted and the Authorised Officer has

inspected the Stretch Limousine, the Proprietor and/or Driver shall not use the Stretch Limousine for private hire.

9. The Proprietor shall:
  - a. not obstruct an Authorised Officer in the performance of his/her duties;
  - b. comply with all instructions or directions of the Authorised Officer in relation to these conditions and shall provide all information reasonably required in the discharge of the Authorised Officer's duties.
10. The Proprietor shall within 7 days of any change of address, arrange an appointment with the Licensing Authority to complete the change of address notification form and make payment of the administration fee.

### **Vehicle Conditions**

11. Unless an exemption has been granted by the Licensing Authority, the Driver shall ensure that the licence plate issued by the Licensing Authority shall be given an exemption to permanently affixed to the rear of the Stretch Limousine however the licence plate must be carried at all times in the vehicle and be produced on request by an authorised officer. In the event that a licence plate is lost, stolen or damaged, the Driver shall obtain a replacement plate from the Licensing Authority. The Driver shall not use the Stretch Limousine for private hire use, until a replacement plate is obtained and carried in the vehicle.
12. Where an exemption is granted by the Licensing Authority, the Proprietor shall ensure that the letter of exemption and licence plate are carried in the vehicle at all times.
13. The Proprietor shall at all times, display a notice inside the Stretch Limousine, specifying the licence number of the vehicle and a contact for complaints.
14. The Proprietor shall not alter the design, condition, engine size or appearance of the Stretch Limousine without first obtaining the approval of the Licensing Authority.
15. The Proprietor and/or Driver shall in respect of the Stretch Limousine:
  - a. provide sufficient means by which any person in the vehicle may communicate with the Driver;
  - b. cause the roof or cover of the vehicle to be watertight;
  - c. provide adequate windows and means of opening and closing them;
  - d. cause the seats to be properly cushioned and covered;
  - e. cause the floor to be covered with a carpet, mat or other suitable covering;
  - f. ensure that the vehicle, including all bodywork, upholstery and fittings is at all times roadworthy, safe and serviceable and in a clean condition, subject to prevailing road conditions;
  - g. carry in the vehicle, a serviceable spare wheel or manufacturer alternative;
  - h. carry in the vehicle a first aid kit suitable for personal use;
  - i. provide adequate means of carrying and securing luggage;
  - j. provide a suitable fire extinguisher of a type approved by the Licensing Authority that should be carried in such a position as to be available for use at all times (see Informative below).
  - k. place adequate "No Smoking" signage in the vehicle (one at each passenger window or other prominent location but so as not to adversely impair the Driver's visibility), so as to be visible to all passengers;
  - l. cause the glass in the driver compartment to conform to the Road Vehicles (Construction and Use Regulations) 1986 (as amended).



16. The Proprietor shall not affix any kind of illuminated roof sign or other word(s) such as cab, taxi, 'for hire', to a Stretch Limousine, which might give the impression that the vehicle is a hackney carriage.
17. The Driver shall not cause or permit a Stretch Limousine to use hackney carriage designated areas i.e. ranks or bus lanes for waiting or setting down passengers or park a Stretch Limousine in an area such as in precinct car parks, near exits to shops, adjacent to taxi ranks, near ranks outside clubs or bars etc. which might give the impression that the vehicle is standing or plying for hire.
18. The Proprietor shall not display any signs and/or advertisements on a Stretch Limousine, unless the following conditions are complied with:
- A notice consisting of lettering not exceeding 50mm in height, with a total depth not exceeding 100mm, indicating the Operator and/or telephone number and displayed in the upper portion of the rear windscreen, is permitted. An exception will be made in the sizing of a notice and lettering for rear screens, where the notice is in the form of a transparency;
  - A notice displayed on the front doors only, indicating the Operator and/or telephone number and 'Pre-Booked' only notice is permitted;
  - A notice by way of advertisement, stating that the vehicle is only licensed to carry 8 passengers;
- and
- If any sign or advertisement designed to comply with (a) to (c) above is capable of being illuminated, such sign or advertisement shall only be illuminated when the vehicle is stationary and whilst the Driver is waiting for the passenger(s) to be carried in pursuance of a prior arrangement;

**NOTE:** This licence may be revoked, suspended or not renewed in accordance with Sections 60 and 68 of the Local Government (Miscellaneous Provisions) Act 1976 for a breach(es) of licence conditions or on accumulation of penalty points, under the Penalty Points Scheme.

## **INFORMATIVE**

### **\* In the event of fire:**

- Switch off engine
- Release bonnet – Do Not Open
- Get everyone out of the vehicle
- Get far away from the vehicle and stay away, keeping onlookers and others away
- Dial 999 and call the fire and rescue service
- Warn oncoming traffic, if safe to do so.

If and only if you believe it is safe to do so, attempt to put out the fire with a dry powder or foam extinguisher. If the fire is in the engine compartment, do not open the bonnet but aim the extinguisher through the radiator grille or under the edge of the bonnet. Use with caution and if in doubt, don't attempt to tackle the fire.

Never use water on an engine fire – it can short out wiring and spread burning petrol with disastrous effect.

## **APPENDIX E**

### **HACKNEY CARRIAGE DRIVER - STANDARDS OF SERVICE**

Without prejudice to the Hackney Carriage Byelaws made by The Dartford Borough Council, the following shall apply:

1. The Driver shall behave and drive in a civil and orderly manner and shall take reasonable precautions to ensure the safety and comfort of persons conveyed in or alighting from the vehicle.
2. Unless delayed or prevented by some sufficient cause, the Driver shall punctually attend with the vehicle, at the appointed time and place.
3. The Driver shall not refuse any fare or fail to complete the journey to the contracted address without reasonable cause. Reasonable cause includes aggressive behaviour, drunkenness and contagious disease.
4. The Driver shall not convey any other person in the vehicle without the hirer's consent.
5. The Driver shall immediately report to the Licensing Authority, any incident where a passenger and/or Driver is involved in an altercation with a third party, that results in physical injury to the Driver and/or passenger or where an altercation is perceived to be discriminatory in any way.
6. The Driver shall not cause the fare recorded on the taximeter to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and observing the fare to be paid.
7. Subject to any adjustments to account for an extended journey or additional time, the Driver shall not demand from the hirer, a fare in excess of any fare tariff fixed by the Licensing Authority (either current or previous) or a fare in excess of that shown on the taximeter.
8. The Driver shall not carry animals in the hackney carriage at any time, except assistance dogs<sup>50</sup>.
9. The Driver shall carry assistance dogs without extra charge unless an exemption under S171 of the Equality Act 2010 has been granted by the Licensing Authority to carry dogs and the exemption certificate is clearly displayed in the hackney carriage.
10. The Driver shall on request, provide a receipt for the fare charged.
11. The Driver shall within 7 days of being convicted for a criminal offence and/or a driving conviction, disclose to the Licensing Authority, in writing, details of any convictions imposed on him/her during the term of this licence.
12. The Driver shall (when working), wear on his/her person, a badge issued to him/her by the Licensing Authority, in such a position and manner as to be plainly and distinctly visible.

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<sup>50</sup> As defined in section 173(1) of the Equality Act 2010

13. The Driver shall upon expiry (without immediate renewal), revocation or suspension of this licence, forthwith return to the Licensing Authority, his/her driver's badge.
14. The Driver shall at all times maintain the vehicle in a clean condition both externally and internally.
15. The Proprietor or Driver 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 and comply with the provisions referred to in the Found Property Procedure (APPENDIX Q).
16. The Driver shall:
  - a. not obstruct an Authorised Officer in the performance of his/her duties;
  - b. comply with all instructions or directions of the Authorised Officer in relation to these conditions and shall provide all information reasonably required in the discharge of the Authorised Officer's duties.
17. The Driver shall maintain a clean and tidy appearance in accordance with the Licensing Authority's Code of Good Conduct for Licensed Drivers.
18. The Driver shall ensure that the licence plate issued by the Licensing Authority shall be permanently affixed to the rear of the hackney carriage and be legible at all times. In the event that a licence plate is lost, stolen or damaged, the Driver shall obtain a replacement plate from the Licensing Authority. The Driver shall not use the hackney carriage to ply for hire, until a replacement plate is secured to the vehicle.
19. When plying for hire, the Driver shall occupy the first position on a hackney carriage stand and remain with the vehicle.
20. Whilst stationary at the rank the vehicle engine shall be switched off.
21. Subject to any directions given by the hirer, the Driver shall proceed to the destination using the shortest route available.
22. The Driver shall ensure the wheelchair ramps, retaining straps or clamps are carried in the vehicle at all times. The retaining straps or clamps shall be used at all times to secure the hirer and wheelchair.
22. The Driver shall not refuse a contract of hire for a wheelchair user or refuse assistance unless a certificate of exemption under S166 of the Equality Act 2010 is clearly displayed in the hackney carriage and no extra charge shall be applied for carriage or assistance.

**Note:** A breach of the above standards may result in advice or warnings and/or the issue of penalty points. Repeated breaches may lead to more serious consequences including, if necessary, suspension, revocation of, or refusal by the Licensing Authority, to renew Licences and call into question the fitness of the Licence Holder to hold a Licence

## **APPENDIX F**

### **PRIVATE HIRE DRIVER - LICENCE CONDITIONS**

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - SECTION 51**

1. The Driver shall behave and drive in a civil and orderly manner and shall take reasonable precautions to ensure the safety and comfort of persons conveyed in or alighting from the vehicle.
2. Unless delayed or prevented by some sufficient cause, the Driver shall punctually attend with the vehicle, at the appointed time and place.
3. The Driver shall:
  - (a) convey a reasonable amount of luggage;
  - (b) afford reasonable assistance in loading and unloading luggage;
  - (c) afford reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he/she may pick up or set down passengers.
4. The Driver shall not refuse any fare or fail to complete the journey to the contracted address without reasonable cause, which includes aggressive behaviour, drunkenness and contagious disease. The Driver shall log with the Operator, any fare that is refused and the reason(s) for refusal.
5. The Driver shall not convey more passengers than the private hire vehicle licence permits (babes in arms count towards this total).
6. The Driver shall not convey any other person in the vehicle without the hirer's consent.
7. The Driver shall immediately report to the Licensing Authority, any incident where a passenger and/or Driver is involved in an altercation with a third party, that results in physical injury to the Driver and/or passenger or where an altercation is perceived to be discriminatory in any way.
8. If the vehicle is fitted with a taximeter, the Driver shall not cause the fare recorded on the taximeter to be cancelled or concealed until the hirer has had reasonable opportunity of examining the taximeter and observing the fare to be paid.
9. The Driver shall not demand from the hirer, a fare in excess of any fare tariff agreed between the hirer and the Operator, or where a taximeter is fitted to the vehicle, a fare in excess of that shown on the taximeter.
10. The Driver shall not carry animals in the vehicle at any time, except assistance dogs<sup>51</sup>.
11. The Driver shall carry assistance dogs without extra charge unless an exemption under S171 of the Equality Act 2010 has been granted by the

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<sup>51</sup> As defined in section 173(1) of the Equality Act 2010

Licensing Authority to carry dogs and the exemption certificate is clearly displayed in the vehicle.

12. The Driver shall on request, provide a receipt for the fare charged.
13. During the term of this licence, the Driver shall within 7 days of being convicted for a criminal offence and/or a driving conviction, disclose to the Licensing Authority, in writing, details of any convictions.
14. The Driver shall (whilst working), wear on his/her person, a badge issued to him/her by the Licensing Authority, in such a position and manner as to be plainly and distinctly visible.
15. The Driver shall upon expiry (without immediate renewal), revocation or suspension of this licence, forthwith return to the Licensing Authority, his/her driver's badge.
16. The Proprietor or Driver shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
17. If any property is accidentally left in the vehicle or if any property is handed to the Proprietor or Driver by any person who may have been conveyed in the vehicle which property the Proprietor or Driver believes to be related to a crime, poses a direct threat to the public, or contains personal details relating to the person conveyed, the Proprietor or Driver shall;
  - 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 in the Borough of Dartford and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
  - comply with the Found Property Procedure (APPENDIX Q).
18. The Driver shall at all times, maintain the vehicle in a clean condition, both externally and internally.
19. The Driver shall forthwith make an appointment to complete the change of address notification form and make payment of the administration fee. New contact numbers should be notified to the Licensing Authority immediately a new number is obtained.
20. The Driver shall:
  - a. not obstruct an Authorised Officer in the performance of his/her duties;
  - b. comply with all instructions or directions of the Authorised Officer in relation to these conditions and shall provide all information reasonably required in the discharge of the Authorised Officer's duties.
21. The Driver shall maintain a clean and tidy appearance in accordance with the Licensing Authority's Code of Good Conduct for Licensed Drivers.
22. The Driver shall ensure that the licence plate issued by the Licensing Authority shall be permanently affixed to the rear of the hackney carriage and be legible

at all times. In the event that a licence plate is lost, stolen or damaged, the Driver shall obtain a replacement plate from the Licensing Authority. The Driver shall not use the hackney carriage to ply for hire, until a replacement plate is secured to the vehicle.

### **Wheelchair accessible vehicles**

23. The Driver of a wheelchair accessible vehicle, shall ensure that wheelchair ramps, straps or clamps are carried in the vehicle at all times. The retaining straps or clamps are to be used at all times, to secure the hirer and wheelchair.
24. The Driver shall not refuse a contract of hire for a wheelchair user or refuse assistance unless a certificate of exemption under S166 of the Equality Act 2010 is clearly displayed in the vehicle and no extra charge shall be applied for carriage or assistance.

**Note:** This licence may be suspended, revoked or not renewed in accordance with the provisions of Section 61 of the Local Government (Miscellaneous Provisions) Act, 1976 for a breach(es) of licence conditions or on accumulation of penalty points, under the Penalty Points Scheme.

## **APPENDIX G**

### **STRETCH LIMOUSINE DRIVER - LICENCE CONDITIONS**

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - SECTION 51**

1. The Driver shall behave and drive in a civil and orderly manner and shall take reasonable precautions to ensure the safety and comfort of persons conveyed in or alighting from the vehicle.
2. Unless delayed or prevented by some sufficient cause, the Driver shall punctually attend with the vehicle, at the appointed time and place.
3. The Driver shall:
  - (a) convey a reasonable amount of luggage;
  - (b) afford reasonable assistance in loading and unloading luggage;
  - (c) afford reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he/she may pick up or set down passengers.
4. The Driver shall not refuse any fare or fail to complete the journey to the contracted address without reasonable cause, which includes aggressive behaviour, drunkenness and contagious disease. The Driver shall log with the Operator, any fare that is refused and the reason(s) for refusal.
5. The Driver shall not convey more passengers than the private hire vehicle licence permits (babes in arms count towards this total).
6. The Driver shall not convey any other person in the vehicle without the hirer's consent.
7. The Driver shall immediately report to the Licensing Authority, any incident where a passenger and/or Driver is involved in an altercation with a third party, that results in physical injury to the Driver and/or passenger or where an altercation is perceived to be discriminatory in any way.
8. If the vehicle is fitted with a taximeter, the Driver shall not cause the fare recorded on the taximeter to be cancelled or concealed until the hirer has had reasonable opportunity of examining the taximeter and observing the fare to be paid.
9. The Driver shall not demand from the hirer, a fare in excess of any fare tariff agreed between the hirer and the Operator, or where a taximeter is fitted to the vehicle, a fare in excess of that shown on the taximeter.
10. The Driver shall not carry animals in the vehicle at any time, except assistance dogs<sup>52</sup>.
11. The Driver shall carry assistance dogs without extra charge unless an exemption under S171 of the Equality Act 2010 has been granted by the

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<sup>52</sup> As defined in section 173(1) of the Equality Act 2010

Licensing Authority to carry dogs and the exemption certificate is clearly displayed in the vehicle.

12. The Driver shall on request, provide a receipt for the fare charged.
13. During the term of this licence, the Driver shall within 7 days of being convicted for a criminal offence and/or a driving conviction, disclose to the Licensing Authority, in writing, details of any convictions.
14. The Driver shall (whilst working), wear on his/her person, a badge issued to him/her by the Licensing Authority, in such a position and manner as to be plainly and distinctly visible.
15. The Driver shall upon expiry (without immediate renewal), revocation or suspension of this licence, forthwith return to the Licensing Authority, his/her driver's badge.
18. The proprietor or driver of a Stretch Limousine shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
19. If any property is accidentally left in the vehicle or if any property is handed to Driver by any person who may have been conveyed in the vehicle which property the Driver believes to be related to a crime, poses a direct threat to the public, or contains personal details relating to the person conveyed, the Driver shall;
  - 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 in the Borough of Dartford and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
  - comply with the Found Property Procedure (APPENDIX Q).
20. The Driver shall at all times, maintain the vehicle in a clean condition, both externally and internally.
21. The Driver shall forthwith notify the Licensing Authority, in writing, of any change of address and telephone number.
22. The Driver shall:
  - a. not obstruct an Authorised Officer in the performance of his/her duties;
  - b. comply with all instructions or directions of the Authorised Officer in relation to these conditions and shall provide all information reasonably required in the discharge of the Authorised Officer's duties.
23. The Driver shall maintain a clean and tidy appearance in accordance with the Licensing Authority's Code of Good Conduct for Licensed Drivers.
24. Unless an exemption has been granted by the Licensing Authority, the Driver shall ensure that the licence plate issued by the Licensing Authority shall be permanently affixed to the rear of the vehicle and be legible at all times. In the event that a licence plate is lost, stolen or damaged, the Driver shall obtain a



replacement plate from the Licensing Authority. The Driver shall not use the vehicle for private hire use, until a replacement plate is secured to the vehicle.

25. Where an exemption is granted by the Licensing Authority, the Proprietor shall ensure that the letter of exemption and licence plate are carried in the vehicle at all times.
26. The Proprietor shall at all times, display a notice inside the vehicle, specifying the licence number of the vehicle and a contact for complaints.
27. The Driver shall not refuse a contract of hire for a wheelchair user or refuse assistance unless a certificate of exemption under S166 of the Equality Act 2010 is clearly displayed in the vehicle and no extra charge shall be applied for carriage or assistance.
28. The Driver shall not carry passengers in the driver's compartment of a left - hand drive Stretch Limousine.
29. The Driver shall not cause or permit the supply of alcohol in the Stretch Limousine, unless there is force, an appropriate alcohol licence under the Licensing Act 2003.
30. The Driver shall not cause or permit children under the age of 16 years to be carried in the Stretch Limousine, unless accompanied by an adult.

**Note:** This licence may be suspended, revoked or not renewed in accordance with the provisions of Section 61 of the Local Government (Miscellaneous Provisions) Act, 1976 for a breach(es) of licence conditions or on accumulation of penalty points, under the Penalty Points Scheme.

**APPENDIX H**  
**PRIVATE HIRE OPERATORS – LICENCE CONDITIONS**  
**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**Operator General Conditions**

1. The Operator shall ensure that he/she has obtained from the Licensing Authority, an Operator's licence prior to accepting any private hire vehicle bookings.
2. The Operator shall ensure that all vehicles and drivers used for the purposes of private hire are licensed by the same Licensing Authority.
3. The Operator shall ensure that its vehicles are insured for private hire use.
4. Where the Operating Premises has a public waiting/booking area, the Operator shall ensure that a copy of the Operator's licence and public liability insurance are prominently displayed, so as to be visible to the public at all times.
5. On request of the hirer, the Operator shall provide details of the fare charged.
6. The Operator shall establish a complaints procedure which shall include:
  - a. the logging of all complaints and ensuring that complaints' logs include the driver's name, vehicle licence number, nature of the complaint, details of complainant and action taken;
  - b. the right of the complainant to notify the Licensing Authority directly of the complaint;
  - c. retention of complaints' records for a period of twelve months from the date of the complaint.
7. In the event that an Operator dismisses a driver for unsatisfactory conduct, details of the driver and reason for dismissal shall be notified to the Licensing Authority within seven days of the dismissal. Records relating to dismissals shall be retained by the Operator for a period of 12 months from the date of dismissal.
8. The Operator shall, prior to any change of residential and/or business address, notify the Licensing Authority in writing, of the change.
9. The Operator shall within 7 days of being convicted of an offence, disclose to the Licensing Authority, the nature of the conviction. Disclosures under this condition include convictions of directors, company secretaries or partners where the Operator is in business as a company or partnership.
10. The Operator shall establish a procedure for dealing with passengers' lost property which shall include evidencing that attempts have been made to return the property to the owner, a system for recording lost property, date delivered to the nearest police station (if applicable) and safe place for storage of lost property. Records of lost property shall be retained for twelve months. The Operator shall have regard to the Licensing Authority's 'Found Property Procedure' at APPENDIX Q of the Hackney Carriage and Private Hire Policy.
11. The Operator to establish a 5 year Environmental Policy to reduce the risk of pollution to the Environment, the Policy is to include training and waste management. The Environmental Policy is to be submitted to the Licensing Authority and updated every 5 years or earlier.

12. The Operator shall:
- not obstruct an Authorised Officer in the performance of his/her duties;
  - comply with all instructions or directions of the Authorised Officer in relation to these conditions and shall provide all information reasonably required in the discharge of the Authorised Officer's duties.

### **Job Records**

13. The Operator shall, for a period of 12 months (from the date of the contract for hire), retain the following records, either electronically or in manuscript e.g. in a ledger/book form, the pages of which shall be numbered consecutively:
- The time and date of the booking;
  - The name of the hirer;
  - How the booking was made (i.e. by telephone, personal call, etc.);
  - If sub-contracted details of Licensed Operator taking the booking
  - If a received sub-contracted booking details of original Licensed Operator
  - The time of pick-up;
  - The point of pick-up;
  - The destination;
  - The time at which a driver was allocated for the booking;
  - The registration number or identity of the vehicle allocated for the booking;
  - Identity of the driver;
  - Date of journey where different from (a);
  - Fare refused logs;
  - Remarks made (if any) (i.e. fare quoted, including details of any HC Vehicle and HC Driver subcontract).

### **Vehicle Records**

14. The Operator shall, for a period of 12 months, retain for each vehicle, a copy of the private hire vehicle licence and information comprising:
- manufacturer, model and colour;
  - registration number;
  - registered keeper (e.g. name and address or registration document);
  - date when vehicle became available to the Operator;
  - copy of current valid certificate of insurance;
  - date the vehicle ceased to be available to the Operator.

### **Driver Records**

15. The Operator shall, for a period of 12 months, retain for each driver, a copy of the private hire vehicle driver's licence and information comprising:
- name;
  - date of birth;
  - address (or normal place of residence);
  - date the driver became available to the Operator;
  - national insurance number;
  - driving licence number and category of vehicle which the driver is eligible to drive;
  - date the driver ceased to be available to the Operator;
  - Driver dismissal records;
  - Certificate of Good Conduct and references.

### **Standards of service**

16. The Operator shall provide a prompt, efficient and reliable private hire service to members of the public at all times and shall in particular:
  - a. ensure that the private hire vehicle attends punctually at the appointed time and place, unless there is reasonable cause for delay;
  - b. keep the Operating Premises and public waiting area clean and safe, ventilated and adequately lit;
  - c. ensure that any telephone facilities and/or radio equipment are maintained in a sound condition and that any defects are repaired promptly;
  - d. obtain public liability insurance if Operating Premises is open to the public.
17. The Operator shall indicate clearly at the Operating Premises and/or in any advertising or promotion of his/her private hire services that the service provided is in respect of pre-booked journeys only.
18. The Operator shall notify the Licensing Authority of any material change in circumstances which may affect the Operator's licence. In particular, the Operator shall within seven days of the following, notify the Licensing Authority, in writing of:
  - i. any change in the nature of the business carried on by him/her; or
  - ii. any changes affecting the limited company e.g. change of director or company secretary;
  - iii. any changes affecting a limited partnership or unregistered business/partnership e.g. change of partners;
  - iv. any other change in the information provided by the Operator to the Licensing Authority, at the time of applying for the Operator's licence.

**Informative:**

- To 'operate' is to make provision in the course of business for the invitation or acceptance of bookings for a private hire vehicle.
- An Operator's licence is granted to an individual (sole trader), limited company, liability partnership or unregistered business or partnership.
- An Operator's licence cannot be sold.
- An Operator's licence is only transferable where the Licensing Authority has issued a direction that permits another individual to be named on the Operator's licence e.g. on death of an Operator during the term of the licence or where the Operator is deemed to lack the capacity (within the meaning of the Mental Capacity Act 2005) to carry on the activities covered by the Operator's licence.
- An Operator's licence does not grant planning permission for the Operating Premises and is not dependent on the existence of a planning permission. The onus is on the Operator to establish whether his/her Operating Premises requires planning permission and to comply with all relevant planning legislation. Failure to do so could result in the local planning authority taking enforcement action and closure of the Operating Premises.
- If CCTV is provided in a vehicle and/or Operating Premises, the onus is placed on the Operator to comply with the Data Protection Act 1998 and any guidance issued by the Information Commissioner and to register as a Data Controller, with the Information Commissioner.

**NOTE:** This licence may be revoked, suspended or not renewed in accordance with Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 for a breach(es) of licence conditions or on accumulation of penalty points, under the Penalty Points Scheme.

## APPENDIX I

### HACKNEY CARRIAGE AND PRIVATE HIRE APPLICATION PROCEDURES

***An appointment must be made with the Vehicle Licensing Officer during office hours, for all licence applications.***

#### **1. Vehicles**

##### **1.1. New licences and renewal licences**

- 1.1.1 An applicant for a vehicle licence, will need to fully complete the relevant on-line application form, pay the non-refundable fee at the time of the application and present the appropriate documentation.

##### Application Forms

- New application for hackney carriage licence
- Renewal application for hackney carriage licence
- New application for private hire vehicle licence
- Renewal application for private hire vehicle licence

##### Documentation to be produced with the completed online application form:

*Only fully completed applications accompanied by relevant supporting documents and the fee will be considered.*

- Vehicle Registration Document issued by the DVLA, or proof of ownership;
  - M1 Certificate or M1 Low Volume certificate (Hackney & PH WAV only);
  - Insurance Certificate confirming the vehicle is covered for 'Hire and Reward' or Private Hire – if a cover note is provided, licence holders will be required to produce further insurance certificates on or before the expiry of the cover note;
  - MOT certificate of not more than 14 days old at the date of the application.
- 1.1.2 Renewal applications must be made at least 7 days prior to the expiry of the licence, to provide adequate time for the application
- 1.1.3 Subject to 1.1.4 below, once the Licence has expired it can no longer be renewed. Therefore a new application will have to be submitted and all 'new vehicle criteria (APPENDIX A) will have to be met.
- 1.1.4 The exception to 1.1.3 above is when the vehicle is not roadworthy at the time of renewal and the Licensing Authority has been notified, in writing, at least 7 days prior to expiry and an exceptional circumstances number has been issued.
- 1.1.5 The successful completion of this application procedure will be indicated by the issue of a hackney carriage/private hire vehicle licence together with the necessary plate for the vehicle. The vehicle must not be used for hire or reward until the plate is affixed to the vehicle.

**1.2. Transfer of licence from an existing licensed vehicle to a temporary replacement vehicle.**

1.2.1 If, during the term of the vehicle licence, it becomes necessary to temporarily replace the existing vehicle with another, all of the supporting documents as detailed above must be submitted. A non-refundable administration fee will be charged for this process, which takes into account the supply of a new vehicle plate and licence.

**1.3. Transfer of vehicle licence to a new proprietor**

1.3.1 The appropriate application form and insurance certificate must be presented to the Licensing Authority to transfer the vehicle to a new proprietor. A 6 month MoT for the vehicle, if not presented by the previous proprietor, may be also be required (*this is the only licence that may be transferred*).

1.3.2 A non- refundable administration fee will be payable at the time of the application.

**2. Drivers**

**2.1. Pre application Stage:**

Knowledge Test

2.1.1 Prior to sitting the 'Knowledge Test', a new applicant for a hackney carriage or private hire driver's licence must submit proof of oral competency in the English language, by means of a recognised certificate or by undertaking the Licensing Authority's recognised English test.

2.1.2 All new applicants for a hackney carriage or private hire driver's licence, must pass the appropriate 'Knowledge Test' as detailed in APPENDIX J, before an application for a driver's licence will be processed. The 'Knowledge Test' is more comprehensive for a hackney carriage driver's licence, to reflect that there is no operator to assist the driver with the route.

2.1.3 The 'Knowledge Test' consists of a number of modules. These modules are:

- Numeracy
- Routes

2.1.4 If the 'Knowledge Test' is passed, an applicant has 12 months in which to apply for a driver's licence. Failure to make the application within this 12 month period, will result in the applicant having to re-sit the 'Knowledge Test'.

2.1.5 A full driving licence must have been held for at least 36 months prior to the date of the application (see section 2.2.1 below).

## 2.2. New licences and renewal licences

***Renewal driver licence applications must be made at least 2 months prior to the expiry of the licence, where the medical and/or DBS have the same expiry date to provide adequate time for DBS/DVLA/Medical checks to be made and returned and for assessment of the application. Where the licence expiry is not in sync with the medical/DBS an appointment must be made at least 7 days prior to expiry of the licence.***

- 2.2.1 An applicant for a driver's licence will need to fully complete the relevant on-line application form, pay the non-refundable fee at the time of application and present the appropriate documentation as listed below.

### Application Forms

- New application for hackney carriage driver's licence
- Renewal application for hackney carriage driver's licence
- New application for private hire driver's licence
- Renewal application for private hire driver's licence

### Documentation to be produced with the completed and signed application form

*Only fully completed applications accompanied by relevant supporting documents and fee will be considered. Copies will be taken of all original documents and originals returned to the applicant.*

**UK applicant** - full GB driving licence must have been held for at least 36 months (or evidence of 36 months in combination with an EU licence). If it is a photo-card licence.

**European Economic Area (EEA) applicant** – a full and valid 'Community [driving] licence', counts towards the 36 month qualification period referred to above.

**Northern Ireland applicant** – a full and valid driving licence counts towards the 36 month qualification period referred to above.

**Gibraltar, British Forces Germany, a 'designated country'<sup>53</sup>, Jersey, Guernsey, Isle of Man** applicant – a full and valid driving licence counts towards the twelve 36 month qualification period referred to above, but please note that the Licensing Authority will not consider an application for a driver's licence, unless the applicant has exchanged their issuing country's driving licence for a full ordinary GB driving licence.

Applicants from **other countries (not listed above)**, must have held a full ordinary GB driving licence for at least twelve 36 months preceding the date of the application for a hackney carriage or private hire driver's licence.

Applicants from non UK/EEA & NI nationals will be required to give details of any **residency outside the UK**.

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<sup>53</sup> Andorra, Australia, Barbados, British Virgin Islands, Canada, Faroe Islands, Falkland Islands, Gibraltar, Hong Kong, Japan, Monaco, New Zealand, Republic of Korea, Singapore, South Africa, Switzerland, Zimbabwe

All applicants must provide evidence of the “**Right to Work**” in the UK, via either a valid passport, birth certificate or have a work visa or alternative document. Applicants must also provide further evidence that they are permitted to work in the UK for the duration of the licence period, should the original “right to work” document be time limited, this documentation must be produced at least 7 days before the expiry of the current Right to Work documentation.

A **medical certificate**, obtained from the driver’s own GP or someone with access to his/her medical records indicating that the applicant is physically fit and able to fulfil the role, to DVLA Vocational Group 2 Standards. A medical report is required for all new applications and thereafter, on a three year basis.

An **enhanced Disclosure and Barring Service (DBS) check** is required for all new applications and thereafter, on a three year basis. All foreign national applicants who have resided in the UK for less than 5 years, must obtain a **Certificate of Good Conduct** from their relevant embassy or consulate, at the applicant’s expense, authenticated, translated and sealed by the embassy or consulate prior to being licensed and thereafter, an enhanced DBS check must be undertaken 3 years from the first licence application date.

On first application, **two independent written references** will be required from individuals or organisations that have known the applicant for a period of at least 2 years. Referees cannot be family members.

**Pass certificates** of the Licensing Authorities approved Driving Standards courses.

- 2.2.2 On a successful application, applicants will be issued with a paper licence and a driver’s badge, which remain the property of the Licensing Authority and which must be surrendered when the driver relinquishes the licence, does not renew or is requested to do so.

***Should information be received that results in the licence holder not being considered “a fit and proper person”, then the Licensing Authority may suspend, revoke or refuse to renew the licence.***

### **3. Operator’s Licence**

An applicant for an operator’s licence, will need to fully complete an application form, pay the non-refundable fee at the time of application and present the appropriate documentation.

#### **Documentation to be produced with the completed and signed application form**

*Only fully completed applications accompanied by relevant supporting documents and the fee will be considered. Photocopies will be taken of all original documents and originals returned to the applicant.*

- Proof of public liability insurance, where the operating premises has a public waiting area (*a visit will be undertaken by an Authorised Officer at some point during the period of the licence*);



- Basic DBS check (less than 3 months old) for each person named on the application form;
- 2 written personal references (referees cannot be family members).
- A signed declaration for each applicant (and directors if a Company) confirming right to work, financial assessment and criminal convictions.

***Should information be received that results in the licence holder not being considered “a fit and proper person”, then the Licensing Authority may suspend, revoke or refuse to renew the licence.***

#### **4. Cautions, Convictions & Appeals**

- 4.1. If the application form contains any details to suggest that any convictions or cautions have been imposed on the applicant since the licence was last issued or renewed, the Authorised Officer will discuss the matter with the applicant, having due regard to the Licensing Authority’s ‘Guidelines Relating to the Relevance of Previous Convictions (APPENDIX K).
- 4.2. In all cases, the applicant will be required to obtain an Enhanced DBS (for a driver’s licence) or Basic DBS (for an operator’s licence) check, before any further consideration of the application.
- 4.3. When the DBS check has been returned, the application will be considered by the Licensing Authority, in the light of the information provided. Applicants must therefore ensure that details of ALL convictions and cautions are provided at the initial stage (including those generally classed as spent). A serious view will be taken of any application which seeks to conceal any caution or conviction in order to obtain a licence. This could lead to consideration of the applicant as not being a ‘fit and proper person and probable refusal of the application.
- 4.4. In the event of an application being refused, the applicant has the right of appeal to Magistrates’ Court (APPENDIX N).

## APPENDIX J

### DRIVER KNOWLEDGE TESTS

#### 1. Introduction

- 1.1. In order to maintain the high standard the Licensing Authority expects of its licensed drivers operating within the Borough of Dartford, all new applicants are required to pass a "Knowledge Test".
- 1.2 Before an individual applies to sit the "Knowledge Test", they should be satisfied that they can fulfil all other Licensing Authority requirements to become a licensed driver.
- 1.3 An individual should not obtain a DBS enhanced disclosure or a medical until he/she passes the "Knowledge Test".
- 1.4 All elements of the "Knowledge Test" must achieve the required pass mark (see below).
- 1.5 All questions are held on a data base and selected at random. Therefore each test is different and there are no specimen tests to view or study.
- 1.6 An Information Pack is available on the Licensing Authority's website [www.dartford.gov.uk](http://www.dartford.gov.uk). The Information Pack contains a guide to the answering format of the "Knowledge Test" and other information relating to the test and new driver application criteria.
- 1.7 Any person found cheating will be disqualified from the test and an application to sit a further "Knowledge Test" will not be accepted.
- 1.8 Tests will be marked and applicants informed of the result. Officers will not enter into any discussion regarding the outcome of the test. An appeal, in writing, must be received within 7 days of notification of the test result.

#### 2. The Knowledge Test: Hackney Carriage Driver's Licence & Private Hire Vehicle Driver's Licence

- 2.1 The test will consist of the following modules:

Part A	Numeracy
Part B	Local Topography (routes/key locations)

- 2.2 The Hackney Carriage "Knowledge Test" is undertaken in two sittings as follows:

Sitting 1:	Parts A & B
Sitting 2	Parts A & B (different questions to sitting 1)

All sections at each sitting must be passed before progressing to the next sitting with each sitting being a minimum of 4 weeks apart. Any applicant who

passes the Hackney Carriage “Knowledge Test” can also apply to be licensed as a private hire driver or upgrade to a Dual Badge without a further test.

2.3 The Private Hire “Knowledge Test” is undertaken in one sitting.

Sitting 1: Parts A & B

### **3. Numeracy (PART A)**

This section tests the applicant's numeric skills, through a number of questions which are of direct relevance to the work of taxi and private hire drivers - for example, calculating change or likely journey times.

Pass mark is 4/5

### **4 Local Topography (PART B)**

**Hackney Carriages** – The test will consist of questions requiring the shortest route by distance between a pick-up point and a destination within the Borough of Dartford and questions relating to the locations of important buildings, such as schools, churches, day centres, hotels, flats, places of interest etc.

Pass mark is 29/35: You will be given 60 minutes to complete Part A & Part B

**Private Hire Vehicles** - The test will consist of questions requiring the shortest route by distance between a pick-up point and a destination within the Borough of Dartford and questions relating to the locations of important buildings, such as schools, churches, day centres, hotels, flats, places of interest etc.

Pass mark is 22/30: You will be given 50 minutes to complete Part A & Part B

## APPENDIX K

### GUIDELINES RELATING TO THE RELEVANCE OF PREVIOUS CONVICTIONS

#### 1 General Policy

Each application for a driver's licence will be decided on its merits.

- 1.2 The overriding consideration is the safety of the travelling public and road users. The Licensing Authority has a duty to ensure, so far as possible, that those licensed to drive Hackney Carriages and Private Hire Vehicles are 'fit and proper persons' to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
- 1.3 For the purpose of these guidelines, formal cautions and endorsable fixed penalties are treated as though they were convictions and must be disclosed on application for either a Hackney Carriage or Private Hire Vehicle driver's licence.
- 1.4 A person with a current conviction for an offence(s) listed in this Appendix, need not be permanently barred from obtaining a driver's licence, but will be expected to remain free of conviction for an appropriate period (detailed below).  
  
Simply remaining free of conviction, will not generally be regarded as sufficient evidence of good character.
- 1.5 Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. 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 by the Licensing Authority.
- 1.6 The following examples afford a general guide on the action which might be taken by the Licensing Authority where convictions are disclosed.

#### 2 Offences of Dishonesty

- 2.1 Hackney Carriage and Private Hire Vehicle drivers are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the fare fixed by the Licensing Authority and in other ways.
- 2.2 Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may comprise adults, children and vulnerable people.
- 2.3 For these reasons, a serious view is taken of any convictions involving dishonesty. In general, a period of 4 years free of conviction will be required before an application is likely to be considered favourably.

2.4 An application will normally be refused where the applicant has a conviction for an offence of:-

- theft
- burglary
- fraud
- benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992 and Fraud Act 2006)
- bribery
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception

and the conviction is less than 4 years prior to the date of the application.

### **3 Violence**

3.1 As drivers of Hackney Carriages and Private Hire Vehicles maintain close contact with the public, in general, a period of 5, 8 or 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will be required before an application is likely to be considered favourably.

3.2

(i) A licence will not be granted where the applicant has a conviction for an offence such as:-

- Murder
- Terrorism offences
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

(ii) An application will normally be refused where the applicant has a conviction for an offence of

- manslaughter
- manslaughter or culpable homicide while driving
- 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)
- grievous bodily harm with intent (s.18 Offences Against the Person Act)
- grievous bodily harm (s.20 Offences Against the Person Act)

and the conviction is less than 10 years prior to the date of application.

(iii) An application will normally be refused where the applicant has a conviction for an offence of:-

- actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- robbery
- racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress) (s.31(1)(b) Crime and Disorder Act 1998)
- racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)

and the conviction is less than 8 years prior to the date of application.

(iv) An application will normally be refused where the applicant has a conviction for an offence of:-

- common assault
- common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- assault on a police officer
- affray
- racially aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- riot
- obstruction
- possession of offensive weapon
- possession of firearm
- criminal damage
- violent disorder
- resisting arrest

and the conviction is less than 5 years prior to the date of application.

#### **4. Drugs**

- 4.1 An application will normally be refused where the applicant has a conviction for a drug-related offence and the conviction is less than 5 years prior to the date of application.

#### **5. Sexual/Indecency Offences**

- 5.1 As licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual offences will be considered as serious. Applicants with convictions for sexual offences that involve a third party will be refused a licence. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Exploitation of prostitution
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

5.2 An application will normally be refused where the applicant has a current conviction for an offence of:-

- indecent assault
- gross indecency with a female
- gross indecency with a male
- buggery
- Soliciting (kerb crawling)
- Indecent exposure

and the conviction is less than 10 years prior to the date of application.

5.3 An application will normally be refused where an applicant is on the sex offenders register or the application is made within 10 years of coming off the register.

## **6. Motoring Convictions**

### **6.1 Major Traffic Offences**

6.1.1 A conviction for the type of offence listed in para. 7 below, within the last 5 years, is likely to merit refusal.

### **6.2 Minor Traffic Offences**

6.2.1 Isolated convictions for minor traffic offences (listed in para. 7 below), should not prevent a person from proceeding with an application. 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.

6.2.2 An application will normally be refused where the applicant has 6 or more penalty points on his DVLA licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one conviction for this type of offence, within the last 6 months.

### **6.3. Hybrid Traffic Offences**

- 6.3.1 Offences will be treated as major traffic offences, if the court awarded 4 or more penalty points for the offence and treated as minor traffic offences, if the court awarded 3 or less penalty points for the offence.
- 6.3.2 A list of hybrid traffic offences is at para. 7 below.

### **6.4 Disqualification**

- 6.4.1 Where an applicant has been disqualified from driving because of a major traffic offence (excluding drugs or alcohol related offences (6.6 below)), the application will generally be refused, unless a period of 5 years free from conviction has elapsed from the date the applicant's DVLA licence is restored.
- 6.4.2 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 12 months free from conviction must have elapsed from the date the applicant's DVLA licence is restored.
- 6.4.3 In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances), the Licensing Authority is likely to refuse a Hackney Carriage or Private Hire Vehicle driver's licence because different criteria apply. 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-disqualification.

### **6.5 Offences under the Town Police Clauses Acts 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976**

- 6.5.1 One of the main purposes of the licensing regime set out in the Town Police Clauses Act and Part II of the Local Government (Miscellaneous Provisions) Act 1976, 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 applicant is as a 'fit and proper person' to hold a licence.
- 6.5.2 An applicant will normally be refused a licence where he/she has been convicted of an offence at any time during the 6 months preceding the application or has more than one conviction within the last 2 years preceding the date of the application.

### **6.6 Drunkenness**

#### **In charge of a motor vehicle**

- 6.6.1 A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol. Where a conviction for a drink-driving offence is received, at least 5 years should have elapsed (from the date



the applicant's DVLA licence is restored), before the Licensing Authority will grant the applicant a licence.

### **Not in a motor vehicle**

- 6.6.2 An isolated conviction for drunkenness need not debar an applicant from being granted a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

## **6.7 Discrimination – Equality Act 2010**

It is illegal to discriminate against, harass or victimise any person with a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

An applicant will normally be refused a licence where he/she has been convicted of an offence at any time during the 24 months preceding the application or has more than one conviction within the last 4 years preceding the date of the application.

## **6.8 Spent Convictions and the Principles of the Rehabilitation of Offenders Act 1974 & Rehabilitation of Offenders Act 1974 (Exceptions) 1975 Order (as amended)**

- 6.8.1 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant (for a driver's licence) or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to spent convictions in so far as they are relevant to the issue as to whether the applicant is a 'fit and proper person' to hold a driver's licence.
- 6.8.2 The rehabilitation periods to which reference is most commonly made are set out below. For further details on the periods of rehabilitation applicable to all sentencing options, reference will need to be made to the Rehabilitation of Offenders Act 1974 (as amended)<sup>54</sup>:

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<sup>54</sup>Legal Aid, Sentencing and Punishment of Offenders Act 2012

<b>Sentence</b>	<b>End of rehabilitation period for adult offenders</b>
A custodial sentence of more than 30 months and up to, or consisting of, 48 months	The end of the period of 7 years beginning with the day on which the sentence (including any licence period) is completed
A custodial sentence of more than 6 months and up to, or consisting of, 30 months	The end of the period of 48 months beginning with the day on which the sentence (including any licence period) is completed
A custodial sentence of 6 months or less	The end of the period of 24 months beginning with the day on which the sentence (including any licence period) is completed
Removal from Her Majesty's service	The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed
A sentence of service detention	The end of the period of 12 months beginning with the day on which the sentence is completed
A fine	The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed
A compensation order	The date on which the payment is made in full
A community or youth rehabilitation order	The end of the period of 12 months beginning with the day provided for by or under the order as the last day on which the order is to have effect
A relevant order	The day provided for by or under the order as the last day on which the order is to have effect

## **7. CLASSIFICATION OF TRAFFIC OFFENCES AND RELEVANT CODES**

### **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

BA20 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 analysis

DD40 Dangerous driving

DD60 Manslaughter or culpable homicide while driving a vehicle

DD80 Causing death by dangerous 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

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

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

IN 10 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

UT50 Aggravated taking of a vehicle

### **Aiding, abetting, counselling or procuring**

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

### **Causing or permitting**

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

### **Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. IN16 becomes IN16)

### **MINOR TRAFFIC OFFENCES**

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

MS90 Failure to give information as to identity of driver, etc.

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

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

### **Aiding, abetting, counselling or procuring**

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

### **Causing or permitting**

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

### **Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. PC16 becomes PC16)

### **HYBRID 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 tyre(s)

CU40 Using a vehicle with defective steering

CU50 Causing or likely to cause danger by reason of load or passengers

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 Undefined speed limit offence

**Aiding, abetting, counselling or procuring**

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

**Causing or permitting**

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

**Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

## **APPENDIX L**

### **TAXI LICENSING AND ENFORCEMENT POLICY**

#### **1. Enforcement Policy Statement**

- 1.1 It is the policy of The Dartford Borough Council (as Licensing Authority) to ensure that hackney carriage and private hire vehicle drivers and operators are licensed correctly and carry out their trade in accordance with both the relevant law and the conditions attached to licences.
- 1.2 This Taxi Licensing and Enforcement Policy (the Policy) is intended to fairly and firmly enforce the law in a consistent and transparent way.
- 1.3 The Licensing Authority has adopted the provisions of the Regulators Compliance Code<sup>55</sup> which provides the following common principles for enforcement procedures:
- agreed standards and procedures
  - helpfulness
  - openness
  - transparency
  - proportionality
  - consistency
  - complaints procedure
- 1.4 All enforcement action, be it verbal warnings, the issue of written warnings, statutory notices, appearance before the Officer Review Board or prosecution, will primarily be based upon the seriousness of the breach and the possible consequences arising from the breach. Enforcement action will not, therefore, constitute a punitive response to minor breaches or contraventions of legislation or the Hackney Carriage and Private Hire Licensing Policy.
- 1.5 Authority for all levels of enforcement has been delegated by the Licensing Authority to Officers and for award of penalty points to the Officer Review Board. Enforcement decisions will be taken in accordance with this Policy. Any departure from this Policy must be exceptional, capable of justification, be fully considered and be endorsed by the Senior Licensing Officer, Enforcement & Regulatory Services Manager or Strategic Director (External Services), before the decision is taken (unless it is considered that there is significant risk to the public in delaying the decision).
- 1.6 Officers with delegated authority must be fully acquainted with the requirements of this Policy.

#### **2. Enforcement Options**

- 2.1 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

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<sup>55</sup> 6 April 2014

maintain consistency, it is vital that the guidelines contained in this Policy are always considered and followed.

2.2 Licence application and enforcement decisions must always be consistent, balanced, proportionate and relate to common standards which ensure that the travelling public is adequately protected. Before reaching a decision on what action to take for a breach or contravention, the following must be considered:

- seriousness of the offence or contravention;
- driver or operator's past history;
- consequence of non-compliance;
- likely effectiveness of the various enforcement options;
- likely danger to the travelling public and road users.

2.3 Having considered all relevant information and evidence, the Licensing Authority may consider one or more of the following options:

- take no action;
- take informal action;
- impose penalty points in accordance with the Penalty Points Scheme;
- Issue a Community Protection Notice under section 4 of the Anti-Social Behaviour Crime and Policing Act 2014;
- suspend a licence (immediately or on 21 days' notice);
- revoke a licence (immediately or on 21 days' notice);
- prosecute;
- administer a caution;
- require the licence holder to undertake a DSA Taxi Driving Test.

Further detailed guidance on these options is set out below.

### **3. Informal Action**

3.1 Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and requests for action.

3.2 Informal action may be appropriate in any of the following circumstances:-

- the act or omission is not serious enough to warrant more formal action;
- it can be reasonably expected that informal action will achieve compliance, perhaps by taking into account the driver or operator's past history;
- confidence in the operator's management is high;
- the consequences of non-compliance will not pose a significant risk to the safety of the travelling public.

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

### **4. Appeal to the Officer Review Board**

4.1 A licence holder has the right of appeal to the Officer Review Board where penalty points are to be imposed by an Officer under delegated authority or where the licence holder has requested and been refused, a deviation to the

requirement(s) of the Hackney Carriage and Private Hire Licensing Policy. The appeal must be made within 21 days of the date of decision letter.

4.2 The Officer Review Board may on the evidence before it:-

- uphold the decision;
- increase or decrease the penalty points.

## 5. Suspension Notices

Each case will be considered by the Licensing Authority on its own merits. The Licensing Authority will exercise its powers in a consistent and reasonable manner, having regard to the facts of the case and the risk posed to the public.

The Licensing Authority will, within 14 days of the decision to suspend, serve on the licence holder, a Suspension Notice, detailing the ground(s) for the suspension. A suspension will take effect immediately (in the interests of public safety) or, at the end of a period of 21 days, beginning with the day on which the Notice is served on the licence holder.

### 5.1 With immediate effect

(a) In the interest of public safety and where the risk(s) justifies such an approach, the Licensing Authority may decide to suspend a licence with *immediate effect*. Where this is the case, the Licensing Authority will include a statement of this in the Suspension Notice and the reasons for the immediacy of the decision. The suspension of the licence then takes effect when the Suspension Notice is served on the licence holder.

(b) It is for the Licensing Authority to judge when it is appropriate to use the power of immediate suspension, having regard to the seriousness of the offence. Examples of situations where immediate suspension might be warranted include:

- allegations of violence against a passenger;
- allegations of indecency including sexual assault and rape against a passenger;
- allegations that the driver is unfit to drive as a result of being under the influence of drugs or alcohol;
- allegations of sexual contact with a passenger in the vehicle;
- allegations of dishonesty relating to use of the vehicle, such as attempting to pervert the course of justice in relation to a road traffic accident, fraudulent use of tax or insurance documentation, knowingly driving an uninsured vehicle to convey members of the travelling public;
- allegations of dangerous driving or driving without due care and attention thereby endangering the safety of passengers and other road users;
- where the driver has demonstrated a pattern of poor behaviour or attracted further complaints, since having been warned or previously suspended;



- where the condition/fitness<sup>56</sup> of a hackney carriage or private hire vehicle poses a danger to either passengers and/or members of the public;
- where a vehicle (and its MOT Certificate) is not presented for its '6 month test';
- where the Licensing Authority is concerned about the medical fitness of a driver;
- for any other reasonable cause<sup>57</sup>.

(c) When considering whether an offence, allegation or complaint warrants immediate suspension in the interests of public safety, the Licensing Authority will have regard to the circumstances of the case, any admissions or denials made and any other relevant evidence.

(d) The effect of an immediate suspension is that:

- the hackney carriage or private hire vehicle cannot be used for hire and reward until such time as the defect(s) detailed in the Suspension Notice has been remedied to the Authorised Officer's satisfaction<sup>58</sup>.
- the driver is prevented from driving a hackney carriage or private hire vehicle<sup>59</sup>,
- the operator cannot accept bookings from an operating premises;

until his/her appeal to the Magistrates' Court is disposed of or withdrawn or fails for want of prosecution.

## 5.2 Suspension on 21 days' notice

(a) The Licensing Authority may suspend<sup>60</sup> a licence (vehicle, driver or operator) on 21 days' notice. The reason(s) for the suspension will be detailed in the Suspension Notice.

(b) Examples of situations where suspension on 21 days' notice might be warranted include:

- breach or contravention of conditions, legislation, Hackney Carriage Byelaws and/or Hackney Carriage and Private Hire Licensing Policy;
- failure to produce relevant documents;
- failure to notify the Licensing Authority of changes in circumstances;
- failure to undertake relevant training;
- for any conduct on the part of the operator which renders him/her unfit to hold an operator's licence;
- for any other reasonable cause<sup>61</sup>.

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<sup>56</sup> S68 of the Local Government (Miscellaneous Provisions) Act 1976

<sup>57</sup> The Licensing Authority's discretion under this section is wide and is not restricted to convictions for criminal offences nor is proof required to the criminal standard (see John McCool v Rushcliffe Borough Council [QBD – 1 July 1998])

<sup>58</sup> S68 Local Government (Miscellaneous Provisions) Act 1976

<sup>59</sup> S61(2B) Local Government (Miscellaneous Provisions) Act 1976

<sup>60</sup> Ss60, 61 & 62 Local Government (Miscellaneous Provisions) Act 1976

<sup>61</sup> The Licensing Authority's discretion under this section is wide and is not restricted to convictions for criminal offences nor is proof required to the criminal standard - see John McCool v Rushcliffe Borough Council [QBD 1998]

- (c) Once the suspension takes effect, until his/her time for appealing to the Magistrates' Court has expired, or, when an appeal is lodged, until the appeal is disposed of or withdrawn or fails for want of prosecution:<sup>62</sup>
- the proprietor may continue to use the hackney carriage or private hire vehicle for hire and reward;
  - the operator may continue to operate from his/her operating premises;
  - the driver may continue to drive the hackney carriage or private hire vehicle

## **6. Appeals**

- 6.1 Appeals against the Licensing Authority's decision to suspend, revoke or refuse to renew a licence, or against the imposition of conditions are to the Magistrates' Court. Licence holders will be provided with information on how to appeal (see APPENDIX O).

## **7. Prosecution**

- 7.1 The decision to prosecute is a very significant one as it may impact on the licence holder's future employability. 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;
  - 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 breach or contravention is prevalent;
  - where a particular breach or contravention has caused serious public alarm.
- 7.2 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.
- 7.3 Before referring a matter to the Head of Legal Services for prosecution, the Strategic Director (External Services), the Enforcement & Regulatory Services Manager and the Senior Licensing Officer must be satisfied that there is relevant, admissible, substantial and reliable evidence that an offence has been committed by an identifiable person or body corporate e.g. company. There must be a realistic prospect of conviction, as a bare prima facie case is not enough. With insufficient evidence to prosecute, the issue of a caution is not an alternative.
- 7.4 In addition to being satisfied that there is sufficient evidence to provide a realistic prospect of a conviction, it must be established that it is in the public interest to prosecute. The Code for Crown Prosecutors issued by the Crown Prosecution Service (January 2013), provides guidance on the general principles to be applied, when making decisions about prosecutions, including the public interest test.

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<sup>62</sup> S77 Local Government(Miscellaneous) Provisions) Act 1976

7.5 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 or 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 licence holder;
- 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 licence holder 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 caution would be more appropriate or effective.

## **8. Cautions**

8.1 A caution may be administered as an alternative to a prosecution in certain circumstances. The Licensing Authority will have regard to the guidance issued by the Ministry of Justice - Simple Caution for Adult Offenders (8 April 2013).

8.2 The purposes of a caution are:-

- to deal quickly and simply with less serious offences;
- to divert less serious offences away from the Courts;
- to reduce the chances of repeat offences.

8.3 The following conditions should be fulfilled before a caution is administered by the Licensing Authority:

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

8.4 If there is insufficient evidence to consider taking a prosecution, then by implication, the criteria is not satisfied for the use of a caution. A caution should also not be administered where the 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 caution and no pressure should be applied on a person to accept a caution.

8.5 Where a person declines the offer of a caution, the Licensing Authority will need to consider whether alternative enforcement action is appropriate.

## **9. Transparency**

9.1 Following the completion of an investigation into a complaint or any enforcement activity, the licence holder will be informed of the action to be taken by the Licensing Authority.

9.2 Any written documentation issued or sent will:-

- contain all the information necessary for the licence holder to understand the offence and what needs to be done to rectify it. Where works to a vehicle are required, the period allowed for the works to be completed, will be indicated;
- indicate the legislation, conditions or the sections of the Hackney Carriage and Private Hire Licensing Policy or Hackney Carriage Byelaws that have been breached or contravened and measures which will enable compliance; and
- where appropriate, make recommendations relating to good practice.

## **APPENDIX M**

### **PENALTY POINTS SCHEME**

#### **1. Introduction**

- 1.1 The Licensing Authority has a responsibility to ensure that licence holders adhere to basic minimum standards. These standards are defined by legislation, conditions and byelaws. Together, they identify the Licensing Authority's requirements of licence holders and help to ensure a transparent and consistent application of these standards by the Licensing Authority, including the monitoring of licence holders' ability to fulfil the 'fit and proper' test.
- 1.2 The Licensing Authority is entitled to adopt policies which will regulate the exercise of a given discretionary power and which seeks, both in fairness to the licence holder potentially affected and also to protect the public interest, to have a staged process, by which the cumulative effect of incidents of misconduct may well lead ultimately to the conclusion that in the judgment of the Licensing Authority, a person is not a 'fit and proper person' to continue to enjoy the relevant licence.<sup>63</sup>
- 1.3 This Penalty Points Scheme does not preclude or prejudice the Licensing Authority from taking other enforcement action, such as revocation or suspension of a licence under the Town Police Clauses Act 1847 (as amended) or the Local Government (Miscellaneous Provisions) Act 1976 (as amended).
- 1.4 Offences and non-compliance have different levels of seriousness. This Penalty Points Scheme is based on a graduated approach, provides guidance on factors the Licensing Authority will take into account that may affect the points imposed, proportionate to the seriousness of the offence or non-compliance.

#### **2. Application of this Penalty Points Scheme**

- 2.1 While there is no single guiding principle, the seriousness of the offence or non-compliance is an important factor. In assessing the seriousness of any offence or non-compliance, the Licensing Authority will consider the licence holder's culpability in committing the offence or non-compliance and any harm to the travelling public and/or road users which the offence or non-compliance caused, was intended to cause or might foreseeably have caused. This will inform the Licensing Authority's judgement as to whether the licence holder is a 'fit and proper person'. Each case will be assessed on its own merit following an investigation and the right for the licence holder to present his/her case and any mitigating factors.
- 2.2 The imposition of penalty points against a driver who is an employee for e.g. of an operator, will not necessarily result in the imposition of points against his/her operator employer. However, the Licensing Authority will consider whether there is joint responsibility for a breach or contravention or non-compliance in which case, penalty points may be imposed on more than one licence holder.

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<sup>63</sup>R (app Singh) v Cardiff City Council (2012) EWHC 1852 (admin)

- 2.3 The imposition of penalty points on a licence will be confirmed to the licence holder in writing, on completion of the investigation into a contravention.
- 2.4 When imposed on a licence, penalty points will remain “live” for a period of three years from the date they are imposed, so that only points accumulated in a rolling 36 month period will be taken into account (see section 5.3 below).
- 2.5 There is no financial penalty associated with this Penalty Points Scheme and the licence holder may continue to work.

### **3. Right of Appeal**

- 3.1 As with all enforcement action undertaken by the Licensing Authority, the principles of the Regulators’ Compliance Code and Enforcement Concordat will be adhered to. Therefore, any licence holder who is the subject of any enforcement action, and specifically in this case, the allocation of penalty points, may appeal the decision to the Officer Review Board.
- 3.2 Where a licence holder accumulates 25 or more penalty points in any 36 months rolling period, he/she will be invited to attend a meeting with the Officer Review Board. The licence holder will have the right to be accompanied to the meeting by a friend or colleague and will be given the opportunity to present his/her case.
- 3.3 Appeals must be submitted within 21 days of the date of the decision letter. Having assessed the evidence presented to it (including the risk factor(s)) in accordance with sections 4.2 and 5.4 below, the Officer Review Board will consider what action to take, proportionate to the seriousness of the offence or non-compliance. The Officer Review Board may uphold the decision or decrease or increase the points imposed.

### **4. Risk Assessment**

- 4.1 The primary objectives of this Penalty Points Scheme are to improve safety for the travelling public and road users and overall levels of compliance within the Trades. In achieving this, the Scheme must be effective in deterring licence holders from:

- ☐ committing serious infringements; or
- ☐ falling into a pattern of behaviour where they persistently fail to comply with the standards the Licensing Authority has set.

In order to achieve the primary objectives, this Scheme needs to be

- transparent and fair in the way it deals with licence holders; and
- as simple and straightforward as possible, so as to be able to be easily understood by all involved, and to avoid any significant additional workload or cost to/by the Licensing Authority.

- 4.2 The Licensing Authority will assess the level of risk to the travelling public and/or road users of the offence or non-compliance, categorised according to levels of seriousness (Levels 1 to 4):

Level of risk classification	Licensing Authority risk
i. Level 1	risk = low/negligible
ii. Level 2	risk = minor/moderate
iii. Level 3	risk = major
iv. Level 4	risk = critical/significant

The consequence of 'how bad' the risk being assessed is measured against the 'consequence scoring' detailed in Table 1 in the Annex to this Penalty Points Scheme. In this context, 'consequence' is defined as the outcome or the potential outcome of the breach or non-compliance. There may be more than one consequence of a single incident. The descriptors shown in the 'consequence table' are not exhaustive. The risk level determines the appropriate level of penalty points to be imposed in an individual case.

## 5. Penalty Points Range

- 5.1 The Licensing Authority in the exercise of its discretion, considers that the percentage increase applying across the levels on the standard scale (SS)<sup>64</sup> provides a transparent and fair mechanism for determining the maximum number of penalty points for each Level of risk referred to in section 4.2 above:

Level of Risk	1	2	3	4
% increase across SS	8%	20%	40%	100%
Maximum number of penalty points	2	5	10	25

- |      |  |                  |
|------|--|------------------|
| i.   | penalty points range for Level 1 risk  | between 0 and 2  |
| ii.  | penalty points range for Level 2 risks | between 0 and 5  |
| iii. | penalty points range for Level 3 risks | between 0 and 10 |
| iv.  | penalty points range for Level 4 risks | between 0 and 25 |
- 5.2 Each Level of risk has a range of penalty points (to a maximum within each Level) which the Licensing Authority may impose on a licence, should a breach or contravention be proven following an investigation – the cumulative effect of incidents of misconduct may well lead ultimately to the conclusion that in the judgement of the Licensing Authority, the licence holder is not a 'fit and proper person' to continue to enjoy the relevant licence:
- 5.3 Three years has been selected as a reasonable period of time over which the total penalty points awarded to any individual licence holder should be assessed. This three year period is applied on a roll forward basis, so as to allow any older penalty points to be considered as 'spent' and therefore excluded from the running total recorded against any individual licence holder. The period is considered to be of sufficient length so as to allow any licence holder who may find himself/herself accumulating penalty points, to take appropriate remedial action before facing the possibility of other enforcement action being taken against him/her.
- 5.4 It is not possible to position particular types of offence or non-compliance at firm points within the penalty points range, because the seriousness level of an offence or non-

<sup>64</sup> Applied in the Magistrates' Court

compliance is largely dependent upon the culpability of the licence holder, any harm/risk to the travelling public and/or road users and the significance of aggravating and mitigating factors and these are uniquely variable. *Every case depends on its own facts.*

- 5.5 It is for the Licensing Authority to ensure that the level of penalty points imposed on a licence, is proportionate to the seriousness of the offence or non-compliance.

## 6. Contraventions of Legislation, Conditions & Byelaws

- 6.1 Table 2 in the Annex to this Penalty Points Scheme details the breaches or contraventions of conditions, byelaws, and legislative provisions, the levels of risk and the maximum penalty points attributed to each.

**TABLE 1 -Consequence Scoring**

	Risk levels and examples of descriptors			
	1	2	3	4
Domains	Low/Negligible	Minor/Moderate	Major	Critical/Significant
Impact on the safety of travelling public and/or road users/licence holder (physical/psychological)	Minimal injury requiring no/minimal intervention or treatment – no time off work required	Injury requiring minor medical intervention Requiring time off work for less than 3 days	Injury leading to long term incapacity/disability Requiring time off work for more than 14 days	Incident leading to death Multiple/permanent injuries or irreversible health effects An incident which impacts on a large number of persons Rape or serious assault Violence, aggression or other life threatening incident
Complaints against licence holder	Informal complaint/inquiry	Single failure to meet standards Minor/moderate implications for public safety if unresolved	Non-compliance with legislation etc. with significant risk to public safety if unresolved Repeated failure to meet standards Defect(s) Notice	Incidents leading to totally unacceptable levels of service Gross failure of public safety if results of investigation not acted on Gross failure to meet legislation etc.
Statutory requirements	No or minimal impact of breach or non-compliance on travelling public and/or road users	Single breach of legislation	Multiple breaches or non-compliance Enforcement action Defect(s) Notice Suspension Notice	Multiple breaches of legislation Prosecution
Adverse publicity/public concerns	Rumours Potential for public concern	Local media coverage - Short -long term reduction in public confidence Elements of public expectation not being met	National media coverage -	National media coverage



**TABLE 2 - Contraventions of Legislation, Conditions & Byelaws**

List No.	Section			Offence	Level of risk	Operator	Proprietor	Driver
	TPCA	LGMPA	Byelaw and/or Condition					
1.	-	46		Operating a private hire vehicle without a private hire operator's licence.	prosecute	✓	✓	✓
2.	40	57		Giving false information on a licence application.	4 or prosecute	✓	✓	✓
3.	45	46(6)		Use of an unlicensed vehicle for hackney carriage or private hire purposes.	4 or prosecute	✓	✓	✓
4.		46 – 55 & 80		Private hire soliciting for hire or accepting a fare that is not pre-booked.	4			✓
5.			Condition	Operating/using a vehicle that is not in a safe condition internally or externally.	4		✓	✓
6.		64		Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand.	2			✓
7.			BL 7	Allowing a hackney carriage to stand in a position, not being a hackney carriage stand, to suggest that is plying for hire.	2			✓
8.		57		Failure to advise of a relevant medical condition.	4			✓
9.			BL 13 Condition	Conveying a greater number of passengers than permitted by the licence.	4			✓
10.			Condition	Modifying a licensed vehicle without the consent of the Licensing Authority.	4		✓	✓
11.		48		Driving with no insurance or inadequate insurance for the vehicle.	4		✓	✓
12.			Condition	Permitting the vehicle to be used for any illegal or immoral purposes.	4	✓	✓	✓
13.		73		Obstruction of authorised officers of the Licensing Authority or other enforcement agencies with relevant powers to request information within the Act.	3	✓	✓	✓

List No.	Section			Offence	Level of risk	Operator	Proprietor	Driver
	TPC A	LGMPA	Byelaw and/or Condition					
14.		73		Failure to comply with a requirement of or give assistance to an authorised officer of the Licensing Authority or a police officer.	3	✓	✓	✓
15.	44	55		Failure to notify the Licensing Authority of relevant change to licence details within the time specified in the associated licence conditions.	3	✓	✓	✓
16.		57		Failure of a licence holder to disclose convictions within seven days of conviction.	4	✓	✓	✓
17.			Condition	Failure to ensure the safety of passengers.	3	✓	✓	✓
18.	-	46	-	Operating a hackney carriage/private hire vehicle with a driver not holding relevant licence or use of an unlicensed driver.	4	✓	✓	✓
19.	-	46	-	Operating an unlicensed vehicle as a private hire vehicle.	4 or prosecute	✓	✓	✓
20.			BL 2 Condition	Concealing or defacing a vehicle licence plate.	3	✓	✓	✓
21.	-	56	-	Failure of a private hire operator to keep proper records of all bookings.	2	✓		
22.	-	56	-	Failure of a private hire operator to keep proper records of all private hire vehicle licences and driver licences.	3	✓		
23.			Condition	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured.	3	✓		
24.	47	46		A proprietor or driver of a licensed vehicle permitting or employing an unlicensed driver to drive a licensed vehicle.	3 or prosecute		✓	✓
25.	48		Condition	Failure of a proprietor (in every case) to retain in his/her possession a copy of the relevant driver's licence that permits them to drive the licensed vehicle - i.e. each licence not retained is a separate offence.	3		✓	

List No.	Section			Offence	Level of risk	Operator	Proprietor	Driver
	TPC A	LGMPA	Byelaw and/or Condition					
26.	48	-	Condition	Failure of a proprietor to produce on request, by an authorised officer, any driver's licence for whom has been permitted to drive the licensed vehicle.	3		✓	
27.	47		Condition	Lending or parting with a hackney carriage or private hire driver's licence.	3			✓
28.	47	46		Driving a licensed vehicle without the appropriate licence.	3 or prosecute			✓
29.	60/	46		Driving a licensed vehicle without the proprietor's consent.	3			✓
30.	52	48		Failure to display the licence plate for a licensed vehicle.	3			✓
31.	54, 55 & 58	69 & 71		Overcharging disputes (more than set tariff of day or agreed rate for journey )	3			✓
32.		61		Failure to surrender a driver's licence or badge on or after suspension, revocation, or refusal to renew.	3 or prosecute	-	-	-
33.		58		Failure to return a plate after notice has been given following expiry, revocation, or suspension of a licensed vehicle.	3 or prosecute	-	-	-
34.		56		Failure of a private hire operator to produce his licence upon request.	2	✓		
35.		50		Failure to present a hackney carriage or private hire vehicle for inspection upon request.	2		✓	
36.		50		Failure to provide information or documentation to the Licensing Authority within the time prescribed.	2		✓	
37.		50		Failure to report an accident to the Licensing Authority within seventy two hours.	2		✓	✓
38.	59		Condition	Carrying persons other than with the consent of the hirer.	2			✓
39.	60			Allowing another person to drive a hackney carriage without the proprietor's consent.	3			✓
40.	53		Condition	Refusal to take a fare without a reasonable excuse.	2			✓
41.		54	BL 10	Failure to wear a private hire driver's badge.	2			✓
42.		64		Permitting a private hire vehicle to wait on a hackney carriage rank.	3			✓

List No.	Section			Offence	Level of risk	Operator	Proprietor	Driver
	TPC A	LGMPA	Byelaw and/or Condition					
43.			BL 3 Condition	Drinking or eating in the vehicle whilst carrying passengers.	2			✓
44.			Condition	Failure to report an accident within seventy two hours.	2			✓
45.			BL 9 Condition	Failure to attend on time for a pre-arranged appointment at the request of the Licensing Authority for interview without reasonable cause.	2	✓	✓	✓
46.			BL 11 Condition	Failure to give reasonable assistance with passenger's luggage.	2			✓
47.			BL 2 Condition	Failure to display or maintain external plates as issued by the Licensing Authority or displaying them incorrectly e.g. in the window of a vehicle.	2		✓	✓
48.		48		Affixing or displaying a roof sign on a private hire vehicle.	2		✓	✓
49.			Condition	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the specification requirements or has not been approved by the Licensing Authority.	2		✓	✓
50.			BL 5 Condition	Using a taxi-meter that does not conform to Licensing Authority requirements.	2	✓	✓	✓
51.			Condition	Failure of a private hire operator to obtain public liability insurance for the operating of premises if the public are allowed access.	2	✓		
52.		50		Failure to produce a hackney carriage or private hire licence upon request.	3	✓	✓	✓
53.			Condition	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner.	1	✓		
54.			BL 3 Condition	Operating/using a vehicle that is not clean and tidy internally or externally.	1		✓	✓
55.			Condition	Failure to carry a first aid kit for personal use that has been approved by the Licensing Authority.	1		✓	✓
56.	44		Condition	Failure to notify of a new/changed address and/or contact number within 14 days of change.	1		✓	✓
57.		49		Failure to notify the transfer of a vehicle licence within 14 days.	3		✓	

List No.	Section			Offence	Level of risk	Operator	Proprietor	Driver
	TPCA	LGMPA	Byelaw and/or Condition					
58.	56			Travelling less than the lawful distance for an agreed fare.	1			✓
59.	57			Failure to wait after a deposit to wait has been paid.	1			✓
60.	62			Driver leaving a hackney carriage unattended.	1			✓
61.	64			Hackney carriage driver obstructing other hackney carriages on ranks.	1			✓
62.	69		BL 12	Unnecessarily prolonging a journey.	1			✓
63.			Condition	Causing excessive noise from any radio or sound-reproducing equipment	1			✓
64.			Condition	Sounding the horn to signal that the vehicle has arrived - disturbing residents	1			✓
65.			BL 17 Condition	Failure to search a vehicle after a journey or failure to take found property to the police within forty eight hours of finding.	1			✓
66.				Any other breach(es) or contravention(s) of relevant legislation and/or Byelaws.	Between 1 & 4	✓	✓	✓

## **APPENDIX N**

### **GROUND FOR APPEAL TO MAGISTRATES' COURT**

1. Any person aggrieved by any conditions attached to a hackney carriage licence may appeal to a Magistrates' Court under Section 47 of the Local Government (Miscellaneous Provisions) Act 1976.
2. Any person aggrieved by the refusal of the Licensing Authority to grant a private hire vehicle licence, or by any conditions specified in such a licence, may appeal to a Magistrates' Court under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.
3. Any person aggrieved by the refusal of the Licensing Authority to grant a licence to drive a private hire vehicle, or by any conditions attached to the grant of a driver's licence, may appeal to a Magistrates' Court under Section 52 of the Local Government (Miscellaneous Provisions) Act 1976.
4. Any person aggrieved by the refusal of the Licensing Authority to grant a licence to operate private hire vehicles, or by any conditions attached to the grant of such a licence, may appeal to a Magistrates' Court under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Any person aggrieved by the refusal of the Licensing Authority to grant a licence to drive a hackney carriage on the ground that he is not a fit and proper person to hold such a licence may appeal to a Magistrates' Court under Section 59 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Any driver aggrieved by a decision of the Licensing Authority to suspend, revoke or refuse to renew a licence for a hackney carriage or private hire vehicle, may appeal to a Magistrates' Court under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976.
7. Any driver aggrieved by a decision of the Licensing Authority to suspend, revoke or refuse to renew a licence to drive a hackney carriage or private hire vehicle, may appeal to Magistrates' Court under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.
8. Any operator aggrieved by a decision of the Licensing Authority to suspend, revoke or refuse to renew an operator's licence, may appeal to a Magistrates' Court under Section 62 of the Local Government (Miscellaneous Provisions) Act 1976.

**Appeals must be lodged with the Magistrates' Court within 21 days of the date of the Licensing Authority's decision. The appeal must state the grounds upon which it is based.**

## **Appendix O**

### **BYELAWS FOR HACKNEY CARRIAGES**

**Made under Section 68 of the Town Police Clauses Act 1847 and Section 171  
of the  
Public Health Act 1875, by The Dartford Borough Council with respect to  
Hackney Carriages in the Borough of Dartford**

#### **Interpretation**

1. Throughout these byelaws 'the Council' means the Council for the Borough of Dartford and "the district " means the Borough of Dartford.

#### **Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed**

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
- (b) A proprietor or driver of a hackney carriage shall:-
  - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and
  - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

#### **Provisions regulating how hackney carriages are to be furnished or Provided**

3. The proprietor of a hackney carriage shall:
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept watertight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. (1) The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say -

- (a) the taximeter shall be fitted with a key, flag or other device the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
- (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the tariff fixed by the Council;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (e) the taximeter and all the fittings thereof shall where practicable be so affixed to the carriage with seals and other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges**

5. The driver of a hackney carriage provided with a taximeter shall:
  - (a) when standing of plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no far is recorded on the face of the taximeter;
  - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness - this being the time between half an hour after sunset to half an hour before sunrise, and also at any other time at the request of the hirer.
6. A proprietor of driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
  - (a) proceed with reasonable speed to one of the stands appointed by the Council;
  - (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; and



- (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, make use of the services of any other person for the purpose of importuning any person to hire such carriage.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage –
- (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading; and
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.
14. The driver of a hackney carriage shall notify the Council in writing within 7 days of any alteration to his/her declared circumstances in relation to the following:-
- (a) name or address;
  - (b) injury or illness, which may affect his/her driving ability;
  - (c) vehicle which he/she rents (if applicable).
15. If a hackney carriage driver is arrested for an offence of dishonesty, indecency or violence, drug or alcohol related matters, the driver shall notify the Council in writing within 48 hours of the arrest. The driver shall further inform the Council of any motoring fixed penalty endorsements received, in writing within 7 days of receiving the endorsement.

**Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares**

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

(ii) where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

17. (i) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.

(ii) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof**

18. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
19. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him, which the driver believes to be related to a crime, poses a direct threat to the public, or contains personal details relating to the owner;
- (a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to a police station in the district and leave it in the custody of the officer in charge of the office on his giving a receipt for it; or
- (b) be entitled to receive from any person to whom any other property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to a Police station, whichever be the greater) but not more than five pounds”.

**Penalties**

20. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

**Repeal of Byelaws**

The byelaws relating to hackney carriages which were made by .Dartford Borough Council on the 14th day of January 1975 and which were confirmed by Secretary of State on the 10th. day of March 1975 are hereby repealed.

This 12 day of June 2017

***A full signed and sealed copy of the Byelaws is available from the Licensing Department upon request.***

## APPENDIX P

### SAFEGUARDING & EXTREMISM & RADICALISATION

#### 1. Human Trafficking and Child Sexual Exploitation

Everyone is becoming aware of the well-publicised issues relating to child sexual exploitation and human trafficking that have occurred throughout the country. These are abhorrent crimes, and the Licensing Authority has a duty to assist the Hackney Carriages and Private Hire Trades and the public in tackling this issue, and to;

- protect those who are vulnerable and/or being exploited;
- assist Drivers and Operators to identify those who commit these crimes; and
- protect those who most need help.

Contained within the Safeguarding Information Pack you will find information devoted to helping you as a licence holder or applicant to be aware of those who may be vulnerable or being exploited, and questions relating to this subject are posed within the Safeguarding Module of the Knowledge Test that all new applicants must undertake as part of the criteria for the grant of a licence.

However, there is always more that can be done by everyone to help promote a better understanding of this subject. The following should assist you in being able to identify those at risk, how to protect those who may be vulnerable or being exploited, how to ensure that your actions do not negatively contribute to such persons becoming victims, and to whom to report your concerns.

#### What You Can Do To Help Those At Risk

By following the 'Good Safeguarding Practices' below you will be helping to protect those who are vulnerable and/or being exploited. We need your help to bring to justice those who commit these crimes.

- Consider at the point of booking if there are any vulnerability issues. This will allow you to prepare for the journey in the right way.
- Ask the person booking if an escort for the vulnerable passenger is required and if they are providing one.
- Let your head office know (or keep a record) of the time you picked up the vulnerable passenger, the time and place you dropped them off and whether there was any incident or anything significant on the journey.
- If you refuse to take a passenger inform someone that you can't take them so they can deal with the person another way (e.g. hospital staff; family; security staff if a club/pub).
- Record incidents and refusals.
- Be professional - try not to be over-friendly or talk about personal or intimate issues, don't exchange personal contact information such as passenger's telephone numbers or Facebook address.
- Avoid swearing or aggressive behaviour.
- Do not touch passengers.
- Never accept an offer of a sexual favour instead of payment.

- Make sure you are wearing ID, (your licence badge and if relevant, your company uniform).
- Sit lone passengers in the back unless otherwise agreed.
- Ask or explain to passengers if using a centralised locking system - don't just put it on without an explanation.
- DON'T ASSUME that your passenger wants help - ALWAYS ASK
- Never follow a passenger into the house unless previously agreed / properly authorised.
- ASK before making a journey shorter by going off the main roads/using isolated country roads, explain and give the passenger (or person booking) a choice of route.
- NEVER set off with a passenger without a specific destination address.
- NEVER double up on a booking – even if passengers are travelling in a similar direction, they may pose a threat or risk to the other passenger.
- If you think the passenger is afraid, offer to ring head office to tell them you have a passenger named XXXX with you and give the address and approximate time of arrival; this reassures the person that they are safe and someone is monitoring the trip.
- As with all professions, if you are concerned about another driver's conduct, report your concerns to your manager or the relevant agency.
- If you are an organisation, have a lead member of staff for safeguarding; this person should be able to advise colleagues about how to manage vulnerable passengers and any incidents arising.
- ALWAYS KEEP A RECORD either in your cab or at head office, of ANY incidents or situations you were not happy with – the record should include a description of what happened and what you did to keep yourself and your passenger safe.

### **Safeguarding is everyone's responsibility**

If you are worried that someone is suffering abuse, contact Kent County Council to report your concerns:

- Concerned about a child - call 03000 41 11 11 (text relay 18001 03000 41 11 11) or Online: [Contact the KCC Social Services Team](#)
- Concerned about an adult - call 03000 41 61 61 (text relay 18001 03000 41 61 61) or Online: [Contact the KCC Social Services Team](#)

For out of hours and in an emergency call 03000 41 91 91.

If a child or adult is in immediate danger, always call 999.

## **2. Security incidents**

### **Be alert**

**While it's important to go about your daily business normally, it's sensible to be alert to anyone who might be endangering the public.**

- Always report anyone acting suspiciously. Your information may be vital.
- If you come across anything that might be linked with terrorist activity, tell the police - they want to hear from you.

- Take note of odd or unusual behaviour by tenants or guests at a property - terrorists need somewhere to live.
- Take note of any unusual security measures at a home or business premises.
- Be aware of terrorists' scams to finance their activities: e.g. bogus bank accounts, copied credit cards, returning goods for large cash refunds.
- Make sure you know the security plans at your workplace, and what to do in an emergency.

To report suspicious activity:

- Dial 999 in an emergency.
- Dial Kent Police on 101 for non-emergencies.
- Dial the anti-terrorist hotline on 0800 789 321.
- Contact Crimestoppers - a national organisation independent of the police. You can talk confidentially on **0800 555 111**.

### **If there's a security incident**

Follow the instructions of the emergency services. In most cases, including bomb warnings:

- **Go in** to a safe building.
- **Stay in** until you're advised to do otherwise.
- **Tune in** to local radio or TV for more information.

### **If there's an explosion nearby**

Unless you've been advised otherwise by the emergency services, in most cases you should:

- Move away from the immediate source of danger.
- Wait for the emergency services to arrive and examine you (if you leave unchecked you could contaminate others).
- If you've seen the explosion, stay in a safe place and tell the police what you saw.

If the incident or explosion involves a chemical, biological, radiological or nuclear agent:

- the emergency services will quickly decontaminate you on the spot if necessary (this involves showering and temporary clothing), so that other people and areas, including homes, are not contaminated.
- you may also be assessed by health service experts.

### **If your building is evacuated**

- If the emergency services tell you to evacuate your home you should do so. Refusing to leave will put you, your household and those trying to help you at risk.
- Local authority resources may be limited, so you should try to stay with an emergency friend.
- If you're stranded, the Council will provide basic accommodation at a rest centre.

- Evacuation may be for some time, from a few hours to several months, so be sure to bring your emergency 'grab bag'.
- If you have pets, plan where they can stay, as there'll only be basic facilities at the rest centre.
- Rest centre staff are trained to give you support and advice. They'll help you through the stress of an evacuation and prepare you for what to do afterwards.

## APPENDIX Q

### FOUND PROPERTY PROCEDURE

#### Hackney Carriages and Private Hire Vehicles

1. The Driver shall at the end of each hiring, inspect the vehicle for any property left in the vehicle by the hirer and if found, immediately attempt to reunite the property with its owner.
2. Any property that into one or more of the following categories, must be taken directly to the nearest police station.
  - Items suspected of being used or the proceeds of a crime (including drugs)
  - Pose a direct threat to the public (e.g. knives)
  - Contains personal details of the owner (e.g. passport)
3. If property cannot be immediately returned to the owner, or does not fall into one or more of the above categories, the Driver must contact the Licensing Authority within 48 hours, with a description of the property, location time and date property was found.
4. The Licensing Authority will maintaining a log of all found property and will arrange for the property to be reunited with the owner should they contact the Licensing Authority.
5. Drivers will keep a 'Found Property log' within the vehicle and details of any property should be clearly recorded in the log, stating the time, date and location of the found property together with a description.
6. Found property once recorded, should be securely stored and dealt with as follows:
  - Items of significant value, such as wallets, jewellery and cameras and lap tops, will be securely stored for a period of **one month**;
  - Individual sums of money found (not in a wallet or purse) will be securely stored and held for a period of **three months**;
  - Other items will be securely stored and held for a period of **one month**.
7. At the end of the retention periods, unclaimed property may be retained or donated to an authorised charity or disposed appropriately. Unclaimed sums of money may be donated to an authorised charity.

## **APPENDIX R**

### **SMOKING/VAPING IN TAXIS AND PRIVATE HIRE VEHICLES**

On 1 July 2007 England became 'smokefree'. The Health Act 2006 was introduced to protect employees and the public from the harmful effects of second-hand smoke which prohibited smoking in virtually all enclosed public places, workplaces and public and work vehicles.

There are three offences:

#### **Smoking in Smokefree Premises or Vehicles**

Penalty: A fixed penalty notice of £50 (discounted to £30 if paid in 15 days) imposed on the person smoking or a maximum fine of £200 if prosecuted and convicted by a court.

#### **Failure to Display No-Smoking Signs**

Penalty: A fixed penalty notice of £200 (discounted to £150 if paid in 15 days) imposed on whoever manages or occupies the smokefree premises or vehicle, or a maximum fine of £1000 if prosecuted and convicted by a court.

**Note:** Failure to pay a fixed penalty notice within the prescribed time i.e. 29 days will result in the matter being referred to court for the original offence.

#### **Failing to Prevent Smoking in a Smokefree Place**

Penalty: A maximum fine of £2500 imposed on whoever manages or controls the smokefree premises or vehicle if prosecuted and convicted by a court. There is no fixed penalty notice for this offence.

If you manage, drive or are responsible for smokefree premises or vehicles you will have legal responsibilities to ensure that they remain smokefree and that the required signs are displayed. This guidance is supplied to help the taxi and private hire trades comply with their legal obligations.

#### **Taxis and Private Hire Vehicles (PHV's)**

Smoking/vaping is prohibited in all licensed taxis and PHV's by the driver and occupants at all times (including private use or when the vehicle is not for hire).

All taxis and PHV's will need to display a no-smoking sign in a prominent position in each compartment of the vehicle in which people can be carried. The sign must show the international no-smoking symbol at least 70mm in diameter. There are no exemptions to these requirements.

#### **Private Hire Offices**

If the public have access to your office or it is a place of employment for more than one person the premises will be required to be smokefree. You are required to display no-smoking signs at entrances to office ensuring that employees and customers are aware that they should not smoke on the premises. All smokefree premises must display a no-smoking sign at every entrance to the premises.

Signs must meet the following requirements:

- Be a minimum of A5 in area (210mm x 148mm)



Display the international no-smoking sign at least 70mm in diameter Carry the following words: "No smoking. It is against the law to smoke in these premises".

No smoking signs, including bilingual versions, can be downloaded and printed or ordered from [www.smokefreeengland.co.uk/resources](http://www.smokefreeengland.co.uk/resources). Signs can also be ordered from the Smokefree England information line on 0800 169 1697

Private hire operators who work on their own from home will not be required to make their premises smokefree but they will be expected to provide a smokefree environment during licensing compliance inspections.

### **Preventing Smoking in a Smokefree Place**

In the event that someone does smoke in a taxi or PHV or at a private hire office, the person in charge of the vehicle or premises should take reasonable steps to stop it happening. The following practical steps to deal with such situations are based on Department for Health advice:

- Point to the no-smoking signs and ask the person to stop smoking
- Inform them that you would be committing an offence if you allowed them to smoke and that it is smokefree premises or vehicle.

If the customer refuses to stop smoking:

- You should consider not serving or providing a service to a person who is breaking the smokefree law. This includes refusing to accept a hiring if the sole reason is that the customer refuses to stop smoking
- Keep a record of where and when the incident took place, the name of the person involved (if possible) and the outcome.

Further information can also be obtained from the Smokefree England website at [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk)

Your cooperation with this matter would be appreciated

If you require any further information please contact the **Taxi Licensing Section**

Stopping smoking remains the single best thing you or someone you know can do to improve health. Effects of quitting smoking can be experienced within hours such as breathing easier, reducing blood pressure and having more money. If you want to quit, the best way is to get support from the NHS Stop Smoking Service as you are four times more likely to succeed.

To contact the NHS Stop Smoking Service please call on **01752 314040** clinics are held throughout the city at various times in week including evenings and Saturdays, alternatively visit [www.smokefree.nhs.uk](http://www.smokefree.nhs.uk)  
Don't delay - quit today.