



Basingstoke
and Deane

BASINGSTOKE AND DEANE BOROUGH COUNCIL

**HACKNEY CARRIAGE AND PRIVATE HIRE
LICENSING POLICY**

Date of Implementation: 1 September 2018. This policy will remain valid for a period of 5 years but may be subject to review as required.

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ABBREVIATIONS USED WITHIN THIS POLICY:

HCV	HACKNEY CARRIAGE VEHICLE/S	HCD	HACKNEY CARRIAGE DRIVER/S
PHV	PRIVATE HIRE VEHICLE/S	PHD	PRIVATE HIRE DRIVER/S
PHO	PRIVATE HIRE OPERATOR	BLT	BLUE LAMP TRUST
BDBC	BASINGSTOKE AND DEANE BOROUGH COUNCIL		
DBS	DISCLOSURE AND BARRING SERVICE		
DVSA	DRIVER AND VEHICLE STANDARDS AGENCY		
ECWVTA	EUROPEAN COMMISSION WHOLE VEHICLE TYPE APPROVAL		

INTRODUCTION

This is the Statement of Licensing Policy as determined by the council as the Licensing Authority in respect of its Hackney Carriage and Private Hire licensing functions. This document sets out the position and expectations of the Licensing Authority in respect of the discharge of its licensing function.

This policy seeks to set a standard that has the primary intention of protecting the public travelling in licensed vehicles and sets out how the council intends to do this within the existing legislative framework and other constraints.

It is designed to promote professional conduct by licence holders, to increase their awareness of regulatory controls and safeguarding issues, and to allow those that share the council's commitment to a high standard of service to thrive. The policy will deter disreputable individuals from operating within the licensed trade in this Borough.

Society takes the provision of such a service, whether private hire vehicles (PHV) or hackney carriage vehicles (HCV, commonly known as taxis), largely for granted and expects that their journeys will be without incident or concern. The council also promotes that view and that licensed services must be reliable, safe, efficient and effectively delivered in a safe and professional manner.

The Jay report into Child Sexual Exploitation (CSE) in Rotherham and the subsequent Corporate Governance Inspection led by Louise Casey CB identified issues, amongst which was the importance of having effective regulatory and enforcement functions in preventing and disrupting CSE.

The taxi licensing function has a key role to achieve this. At the heart of this new policy lies a commitment to the protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder and to maintain high licensing standards.

The council aims to ensure that drivers, operators and vehicles licensed within the Borough conduct their business to the highest standards and can be held to account for their performance, but also to ensure that each of our licensing requirements are suitably justified and proportionate to the risks we seek to address and that the costs incurred are commensurate to the benefits.

The council recognises the important role that HCV's and PHV's and their drivers play in enabling people to travel around the borough in comfort and safety, and in doing so each individual driver has a role in portraying and promoting the image of the borough.

The policy has been the subject of consultation with major stakeholders and the trade and the council is grateful to all those who contributed their comments.

The document is not a full and authoritative statement of the law or statutory guidance and does not constitute professional or legal advice. The council welcomes comments and observations on this Statement of Licensing Policy.

These should be addressed to:

Head of Environmental Services

**Basingstoke and Deane Borough Council, Civic Offices, London Road,
Basingstoke, Hampshire, RG21 4AH**

Tel: 01256 844844 Email: licensing@basingstoke.gov.uk

DEFINITIONS

The Local Government (Miscellaneous Provisions) Act 1976, as amended, ("the 1976 Act") and the Town Police Clauses Acts of 1847 and 1889 provide the regulatory framework for B&DBC (The "council") as the Local authority (the "Authority") to carry out its licensing functions in respect of HC and PH Licensing.

The power to regulate the private hire trade under the 1976 Act is adoptive. The council resolved to formally adopt those powers at a meeting of the Full council on 5 July 1977 for the former borough of Basingstoke from 1 September 1977 and the remainder of the District of Basingstoke from 1 March 1978, and has regulated the private hire trade since.

This document sets out the policy that the council will apply when making decisions about new applications and licenses currently in force. This policy applies to:

- HCV; being a vehicle available to transport the public with up to 8 passenger seats, which is licensed to ply for hire in the Borough of Basingstoke and Deane. This means that it may stand at ranks and be hailed in the street by members of the public, or undertake pre-booked work.
- PHV: licensed to carry up to 8 passengers but must be booked in advance by customers through a licensed private hire operator. They are not permitted to be used to ply for hire in the street or wait on taxi ranks.

- PHO – Private hire operators who are licensed to invite and accept bookings and dispatch licensed vehicles and drivers to undertake those bookings
- HCD and PHD – Licensed drivers

In undertaking its licensing function, the council complies with relevant legislative requirements including:

- Town Police Clauses Acts of 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Disability Discrimination Act 1995
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- Immigration Act 2016
- Police and Crime Act 2017

SCOPE

The policy has been developed by BDBC after consulting with both the public at large, stakeholders and the trade in particular. In developing this policy we have also taken into consideration:

- The council's licensing aims and objectives
- Current legislation
- Other BDBC policies
- The Office of Fair Trading "The Regulation of Licensed Taxi and PHV Services in the UK" 2003
- Institute of Licensing/LGA/NALEO "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades." June 2018
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders – 2013 Regulators' Code 2014
- The Department for Transport "Taxi and Private hire vehicle licensing: Best Practice Guidance" March 2010 (under review)
- Guide dogs campaign team
- Guidance on Access to wheelchair users to taxi and private hire vehicles. <https://www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles>

This policy was approved at a meeting of the council's Licensing Committee on 9 July 2018.

The policy will be subject to periodical review to ensure it remains effective and achieves the intended aims.

Where minor revisions are required these will be delegated to authorised officers.

Any review that will have a significant impact on the trade will be subject to Licensing Committee approval and trade consultation as appropriate.

1 OBJECTIVES

The council will adopt and carry out its licensing functions with a view to promoting:

1.1 The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder

- Raising awareness amongst the licensed trade, and the general public, of issues of safeguarding children and vulnerable adults.
- Operating rules, conditions and disciplinary processes.
- Vetting, qualification, training and monitoring licensees.
- Commitment to work with the police, stakeholders and licensing authorities.
- An expectation that licence holders will treat each other, all customers, passengers, the general public and council officers with respect and courtesy at all times.

1.2 The safety and health of the public and drivers

- The establishment of a professional and respected licensed trade.
- Consideration of history of convictions, cautions, reprimands and misconduct.
- Driver training, qualification, history and performance.
- Geographical knowledge of the BDBC Borough.
- Health and medical fitness to fulfil the role of a licensed driver.
- Crime prevention measures.
- Safety at ranks including protection of drivers.
- Public education campaign.

EXCEPTIONAL VEHICLE SAFETY, APPEARANCE, COMFORT AND ACCESSIBILITY

- Vehicle specifications.
- Standards of vehicle comfort, appearance and accessibility.
- Space standards.
- Location of ranks.
- Use of ranks.
- Availability of disabled friendly vehicles.
- Availability of safe and comfortable operator premises for customers use.

ENCOURAGING ENVIRONMENTAL SUSTAINABILITY

- 1.3 Working with stakeholders in the trade in finding methods of reducing vehicle emissions and not issuing licences for vehicles that are unable to comply with current and future Emissions Standards. The council's vehicle age policy will see a marked reduction in vehicles meeting the Euro 3 standard. Technological improvements mean there are an increasing number of low or zero emissions vehicles that are suitable for hackney carriages or private hire use. Vehicles meeting the Euro 6 standard have significantly lower emissions and the council expects licence holders and applicants to consider the environmental impact of licensed vehicles.

2 AUTHORISED OFFICERS AND DELEGATIONS

LICENSING COMMITTEE

- 2.1 The Licensing Committee of B&DBC is responsible for the regulation of the licensing regime in the Borough, along with the formulation, reviews and approval of its policies in this area.

DELEGATED FUNCTIONS

- 2.2 The Licensing Committee has delegated responsibility for exercising the council's functions in respect of the following
- The Town Police Clauses Act 1847 & 1889
 - Public Health Act 1875
 - The Transport Act 1985 (c. 67)
 - Schedule II of the Local Government (Miscellaneous Provisions) Act 1976
- 2.3 In the interests of speed and efficiency the Licensing Committee will, where possible, delegate licensing decisions and functions to officers.
- 2.4 Within these general constraints, functions, responsibilities and access to confidential information will be delegated in accordance with the council's Scheme of Delegation and in accordance with Data Protection and Information Management policies.

SHARING INFORMATION

- 2.5 The licensing authority will share with other departments or regulatory bodies, information supplied by applicants, or acquired in the course of exercising its licensing functions where it is lawful to do so. Personal information will only be disclosed in accordance with the appropriate data protection legislation.
- 2.6 Information sharing may include requests from the Audit Commission or other regulatory agency where this is necessary for the detection or prevention of crime or it is otherwise required by law or in connection with legal proceedings. Where applicable it will be shared under the relevant information sharing protocol, as shown within the licence application form.

3 DRIVER LICENSING - INTRODUCTION

- 3.1 All drivers have to satisfy the council that they are fit and proper (or safe and suitable) in order to be granted a driver's licence, and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored throughout the period that the licence is held.
- 3.2 The sections below, therefore apply equally to HCD and PHD unless indicated. Full details on how to apply for a licence are contained in the documents '*Becoming a Private Hire Driver in Basingstoke and Deane*' and '*Becoming a Hackney Carriage Driver in Basingstoke and Deane*' which are available on the council's website.
- 3.3 The council may attach such conditions to a PHD licence as it considers reasonably necessary. The standard conditions attached to such licences in this Borough can be found at '*Private hire driver's licence conditions*' (Appendix I)
- 3.4 Conditions may not be attached to a HCD licence, however these drivers are required to abide by the hackney carriage Byelaws which can be found at (Appendix H). HCD licences are issued on a dual basis enabling HCDs to drive on HC and PH vehicles. A HCD must comply with PHD licence conditions when driving a PH vehicle.

4 FIT & PROPER PERSON TEST

4.1 The council considers that licensed drivers are in a position of great trust, and therefore must ensure that applicants / licence holders are and remain fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II). The term “Fit and Proper Person” for the purposes of HCD and PHD licensing is not legally defined. However, in determining whether a person is fit and proper or safe and suitable to hold a licence, those tasked with determining licenses / applications are effectively asking the following question of themselves having regard to all the information obtained at application/interview:

4.2 “Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”

4.3 If the answer to the question is an unqualified ‘yes’, then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision having regard to all necessary information, further consideration should be given as to whether a licence should be granted to that person.

4.4 In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks, and apply whatever processes it considers reasonable and necessary, to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:

- Criminality
- Period of holding a driver’s licence and driving history
- Number of endorsed driving licence penalty points
- Immigration Status
- Medical fitness (to DVLA Group 2 standard)
- Standard of driving / driving ability
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing/former licence holders (including honesty and integrity).
- Theoretical knowledge of issues and matters related to the work of a licensed driver
- Conduct and compliance levels during licence term
- Any other relevant information

- 4.5 In addition the council will also consider further information sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies where necessary.

5 DRIVER APPLICATIONS

- 5.1 Applications for HCD and PHD licenses may be made at any time of the year. This is subject to the applicant having held a full UK DVLA driving licence for more than 1 year. However, HCD or PHD licenses will generally not be granted to a person who is under 21 years of age unless they can pass an advanced driving qualification. Drivers must be DVSA registered to enable officers to undertake DVSA driving licence checks. These procedures are in place so that the applicant can demonstrate that he or she has the necessary skills, knowledge and experience to show that he or she is a fit and proper person to operate as a licensed HC or PH driver.

- 5.2 Applications are to be made on the prescribed form.

- 5.2.1 In support of a completed application form, the applicant must provide the following

- Current full DVSA driving licence;
- DVSA code to allow the council to check driving licence details with DVSA or to provide a printout of their own DVSA check dated within the last 28 days before the date of application;
- Enhanced disclosure from the DBS which shall be obtained through the council (drivers are required to sign up to the DBS update service for subsequent DBS checks);
- Certificate of Good Conduct (where appropriate) for applicants who were born or have lived outside the UK;
- Evidence that the applicant has passed the practical driving assessment with the Blue Lamp Trust or other council approved equivalent assessment;
- The required licence fee;
- Group 2 medical examination report certificate from medical practice where applicant is registered on the form provided by the council and any other information requested by the council's medical advisor;
- Public liability insurance;
- Recent passport photograph; and
- In addition the applicant will be required to have passed the council's online driver awareness test which tests applicants' knowledge of the Borough, numeracy and literacy and the rules and law relating to licensed driving;

- Undertake and pass appropriate disability awareness, equality and diversity, Child Sexual Exploitation, Safeguarding training and tests.

5.2.2 If satisfied from the information available that the applicant is a fit and proper person to hold a HC and/or PH driver licence, an officer acting under delegated powers has the power to grant or renew a licence.

6 DISCLOSURE AND BARRING SERVICE (DBS)

6.1 Both HCD and PHD are included as “exceptions” within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the “Exceptions Order”).

Applicants will be required to disclose on their application form all cautions and convictions, back to the age of criminal responsibility (age 10).

6.2 A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the DBS is required as these disclosures include details of live and spent convictions, police cautions and other relevant information that assist in the assessment of a person’s suitability to hold a PH or HC drivers licence.

6.3 All licence holders will be required to subscribe to the DBS Online Update Service, this will be required by condition placed on the licence. Any costs associated with maintaining this subscription must be met by the licence holder. The council will use the update service to monitor the criminal record of licence holders.

6.4 The update service will be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence is renewed with the driver liable for all disclosure costs.

6.5 Applicants and existing drivers should note that failure to subscribe to the update service could lead to delays on renewal and may result in them being unable to work.

RELEVANCE OF CONVICTIONS AND CAUTIONS

6.6 In relation to the consideration of convictions and cautions recorded against persons, the council will apply the policy set out in Appendix G under ‘*Criminal convictions, cautions and reprimands*’.

6.7 In assessing whether the applicant is a fit and proper person to hold a licence, the council will consider each case on its merits. They will take account of cautions, reprimands and convictions, but only in so far as they are relevant to an application for a licence for fitness and propriety reasons.

- 6.8 Upon receipt of a disclosure from the DBS, officers acting under delegated powers will assess whether any cautions, reprimands or convictions have relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence.
- 6.9 When considering offences and their relevance to an application, the council will have regard to the type and date of the offence and the age of the applicant when the offence occurred. Regard will also be given to the apparent seriousness of a convicted offence, as indicated by the penalty.

CONVICTIONS DURING THE PERIOD OF BEING LICENSED

- 6.10 Where offences, leading to conviction or cautions, are committed by licensed drivers it is important, in the interests of consistency and transparency that a procedure should be in place to consider what effect this should have on a HC or PH driver's licence.
- 6.11 Drivers who are convicted of any motoring offence during the currency of their licence, must disclose the conviction and the penalty involved to the council within 7 days in writing. For these purposes, a fixed penalty motoring offence amounts to a conviction.
- 6.12 Any criminal convictions must be reported in writing within 72 hours.
- 6.13 Any breaches of the relevant legislation or conditions attached to driver, operator and vehicle licenses which may come to light following complaints, enforcement action or investigations should be dealt with following the general principles set out as shown within the General Enforcement policy.
- 6.14 Notwithstanding the above requirements to notify all offences etc. within 7 days, all licence holders must inform the council as soon as possible and in any event within 24 hours, if they have been questioned, interviewed, arrested or charged in connection with:
- touching a child or young person unnecessarily or inappropriately;
 - making offensive or inappropriate comments;
 - misusing or attempting to misuse personal details obtained as part of a fare or booking;
 - sexual activity with a child or vulnerable person;
 - inappropriate relationship with a child or vulnerable person;
 - violence, coercion or intimidation of a child or vulnerable person;
 - trafficking a child or vulnerable person.
- 6.15 The notification shall specify the nature of the incident, the date of the incident, the date of arrest and / or questioning.

NOTE: failure to notify the council of any conviction, caution or fixed penalty will be taken seriously and will result in referral to the Licensing Team Leader for a determination of fitness and propriety.

APPLICANTS WITH PERIODS OF RESIDENCY OUTSIDE THE UK

6.16 If an applicant has spent six continuous months or more overseas the council will need to see evidence of a criminal record check from the country / countries where an applicant has resided covering the period since the age of 10.

7 RIGHT TO WORK IN THE UK

7.1 All applicants must have the right to work in the UK. Verification of this right will be undertaken with Home Office Evidence and Enquiry Team where necessary before a licence is granted.

7.2 When an applicant is subject to any immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom. Where applicants are not permitted to work on a self-employed basis, they shall be required to prove their PAYE status at the Operator/employer they will be working for before a licence can be granted.

8 MEDICAL STANDARDS

8.1 The council recognises that licensed drivers should have more stringent medical standards than those applicable to regular car drivers because they carry members of the public who have expectations of a safe journey; they act as professional drivers and are on the road for longer hours than most car drivers; they have to assist passengers with a range of disabilities and handle luggage.

8.2 The council requires the Group 2 Standards of Medical Fitness as applied by the DVSA to the licensing of lorry and bus drivers, as the appropriate standard for all drivers.

9 EXEMPTION TO CARRYING ASSISTANCE DOGS, WHEELCHAIRS, and or LUGGAGE

- 9.1 To comply with The Equalities Act 2010 licensed drivers are under a legal duty to carry wheelchair [Reference wheelchair as defined at <https://www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles>] users, guide, hearing and other prescribed assistance dogs in their vehicles without additional charge
- 9.2 Drivers who have a medical condition which is aggravated by exposure to dogs or which prevents them being able to safely load a wheelchair user or luggage, may apply to the council for exemption from their legal duty on medical grounds, but will need to provide medical evidence completed by their own General Practitioner as part of the submitted application. Any exemption certificate issued by the council must be clearly displayed in the front windscreen of the licensed vehicle. Any exemption certificate may be time limited.

10 DRIVER KNOWLEDGE TESTS

- 10.1 Licensed drivers clearly need an excellent working knowledge of the area for which they are licensed particularly HCD, because they can be hired immediately, directly with the driver, at ranks or on the street. In this context a driver's ability to find destinations using the shortest route, know the district, possess basic numeracy and literacy skills, have knowledge of the Highway Code and relevant legislation, is seen as a fundamental skill in providing a quality service for passengers.
- 10.2 In order to determine such fitness, new applicants will be required to undertake a test as to their knowledge of:
- Local geography
 - the HC and PH Licensing Law, conditions/byelaws and regulations
 - Road Traffic Legislation
 - Basic numeracy and literacy
 - Safeguarding, Disability Awareness, Equality and Diversity, and Child Sexual Exploitation awareness

11 DRIVING PROFICIENCY AND QUALIFICATIONS

- 11.1 All new applicants to become a licensed driver are required to pass a practical driving assessment prior to a licence being issued. This is because licensed drivers are expected to have a proficiency in driving that is higher than the standard level.
- 11.2 This assessment is provided by the Blue Lamp Trust (BLT) through a driving assessment specifically designed for HCD and PHD.
- 11.3 The Council may accept a test through an alternative approved provider if necessary. The Council also reserves the right to adopt an additional or different provider of practical driving assessments

12 DRIVING LICENCE

- 12.1 Drivers will be required to provide their most recent DVSA Driving licence to the Licensing team for verification.
- 12.2 Drivers will also be required to share driving information held within the driving licence i.e. penalty points and disqualifications, by obtaining a 'check code' from DVSA which can be obtained online at <https://www.gov.uk/view-driving-licence>
- 12.3 To obtain this code applicants will need to have their Driver Licence Number, National Insurance Number, and current postcode shown on the driving licence. The code obtained should be valid for a minimum of 14 days at the time of submitting an application to the Licensing team. Alternatively drivers may obtain the up to date print out using their code and submit this to the Licensing team instead, provided it is dated within the last 28 days.
- 12.4 As endorsements and disqualifications may be applied at any time during the term of a licence, the licensing authority may require additional checks to be undertaken at any time, therefore applicants will be required to give the licensing authority written permission to further check the licence at any time during the term of the licence.
- 12.5 With reference to any disclosure, the licensing authority will normally determine the relevance of any penalty points, endorsements and disqualifications etc. and any other information it receives with reference to the policies and current general guidelines in this policy.

13 DRIVER TRAINING

- 13.1 Drivers will be required to undertake training which the council considers reasonably necessary to promote the objectives of the Policy and may include: Equality & Diversity, Disability Awareness; Safeguarding; Child Sexual Exploitation (CSE) as well as how to report any concerns. Other relevant matters which may arise will also be considered.

14 WHEELCHAIR LOADING ASSESSMENT FOR LICENSED VEHICLES

- 14.1 It is the policy of the licensing authority to ensure that those who drive a wheelchair accessible vehicle can demonstrate a sufficient level of competence in the loading and unloading, security and safety of wheelchair users to a level commensurate with this role.
- 14.2 The licensing authority will require all first-time applicants that seek to drive a wheelchair accessible vehicle, to submit a certificate of completion or equivalent of an enhanced wheelchair (un)loading assessment specifically designed for HCD and/or PHD drivers. This assessment is provided by the Blue Lamp Trust (BLT) <https://www.bluelamptrust.org.uk/> Drivers must be fully conversant with the operation of their vehicle wheelchair loading and securing provisions.

15 CODE OF GOOD CONDUCT

- 15.1 In order to promote its licensing objectives as regards the standards expected of licensed drivers, the council has adopted a Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document, and adhered to by licensed drivers. (Appendix J).

16 DRIVER DRESS CODE

- 16.1 The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the HC and PH trade in Basingstoke, to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised. See Appendix J for further details on the current dress code.

17 CHANGE OF DETAILS, NAME OR ADDRESS

- 17.1 To allow communications and ensure that authorisations remain valid, licence holders must keep the licensing authority advised in writing (within 7 days) of any change of name, address or contact details. Where appropriate the licensing authority may check any change of details and require suitable proof of identity and evidence of the change(s) made. A change of address form can be found at the council's website or preferably details can be sent to the Licensing inbox at licensing@basingstoke.gov.uk

18 RENEWAL OF DRIVER LICENCES

- 18.1 Mindful of the time it can take for third party documents (e.g. DBS disclosures, etc.) to be returned (usually between 2 to 12 weeks, sometimes much longer), the licensing authority will normally issue a new licence on application for renewal:
- a) provided that a full and valid application for renewal of an existing licence has been made at least 10 days before the existing licence expires and, in addition to any other requirements, the applicant signs a satisfactory declaration in respect of any change in background arising over the term of the existing licence; and
 - b) on condition that there is no adverse information revealed on any subsequent background check (e.g. DBS disclosure etc.) that would, in the opinion of the licensing authority, normally render the applicant unsuitable to hold a licence.
- 18.2 Where a licence is issued on renewal and relevant information is later revealed that may render the applicant unsuitable to hold a licence, the licensing authority may:
- a) Suspend or revoke the renewed licence.
 - b) Subsequently require annual checks (or other such period as may be considered appropriate in the circumstances);
 - c) Subsequently require an annual declaration (or other such period as may be considered appropriate in the circumstances).

19 RENEWAL AND LAPSED EXISTING LICENCES

- 19.1 The licensing authority will endeavour to remind licence holders of the pending expiry of any licence they hold. However, it remains the responsibility of each licence holder to re-apply for all appropriate licences, other necessary documentation and/or permissions etc. in advance of expiry.
- 19.2 Licence holders who allow their licence to expire will be unlicensed and therefore not authorised to act or otherwise provide the activities for which the licence was originally required.

- 19.3 For this reason, applications for renewal which are made after the date of expiry of any pre-existing licence will normally be treated as being invalid/void, and individuals will normally be required to make a new application in full as though applying for the first time.

20 PUBLIC LIABILITY INSURANCE

- 20.1 The licensing authority recognises that licensed drivers often perform duties other than driving passengers from A to B as part of their daily business e.g. carriage and loading of luggage, assistance of passengers (including the elderly and wheelchair passengers) etc.
- 20.2 For this reason, the licensing authority will require applicants to provide and maintain a suitable policy of public liability insurance that adequately covers any damage, loss or injury to any third party (e.g. customers and other members of the public) or property that may arise during the course of a driver's day to day activities.

21 DRIVER LICENCE TERMS

- 21.1 Since 1 October 2015, the default licence term for new and renewal driver licences became three years. Licensing Authorities are able to grant shorter term licences as they consider appropriate to the circumstances of the case. This policy sets out our position to consider applications for shorter licence terms. It should be noted that licences with a duration of less than three years will only be granted in exceptional circumstances.
- 21.2 All applications for a shorter term [than three years] must be made in writing setting out the reasons why a shorter licence term is required and accompanied by supporting documentation or other evidence to support the request. Consideration will be given to the following circumstances:
- 21.3 **Medical/Health** - The Council has adopted DVLA Group 2 standards as the medical fitness levels which drivers are required to comply with. This requires drivers to undertake medical examinations every five years up to age 65 and annually thereafter. Where a driver is suffering from a relevant medical condition which affects their ability to comply with the DVLA Group 2 medical standards for the licence term, or has a condition or is of an age requiring them to undertake medical examinations more frequently than Group 2 requirements, consideration will be given to allowing shorter term licences to replicate the frequency of medicals (minimum annually). In these cases, supporting medical evidence will be required.
- 21.4 **Age/Retirement** - It is considered appropriate for drivers aged 65 and over who are subject to annual medical examinations to apply for shorter licence terms. For example, a driver may plan to retire before the expiry of a three year licence.

- 21.5 **Relocation** - A shorter licence term can be considered where applicants know in advance they will be relocating during a licence term. If a driver knows they will be relocating during a licence term, within their written application, they are required to confirm when they propose to relocate. If on renewal of the licence that applicant has not relocated he/she will be required to apply for a 3 year licence.
- 21.6 **Other exceptional circumstances** - Each case shall be considered on its own merits. Where applications are not related to any of the above subjects, within their written application, the applicant must justify their request and provide supporting documentation.
- 21.7 **Good faith** - Officers will consider requests and the supporting information in good faith. However, if a shorter term licence is granted and the reason for the granting of that licence does not materialise, the subsequent renewal licence will be issued on a three year basis. This will be explained in the covering letter issued with the licence document.

22 HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

APPLICATION PROCESS

- 22.1 The council will consider all applications for vehicle licenses on their own merits. Since 1989 it has been the policy of the council to require all licensed hackney carriage vehicles to be wheelchair accessible.
- 22.2 The applicant must submit the following to the council in order for the application to be considered valid:
- The vehicle application form;
 - The appropriate fee;
 - The original Vehicle Registration Document (Log Book/V5) or evidence of financial interest (at first application only)
 - The original insurance certificate or insurance cover note for the vehicle.
 - Confirmation from the council's approved vehicle testing station that the vehicle meets both the council's vehicle specification (Appendix A and C) and the vehicle examination requirements i.e. Certificate of Compliance issued.

22.3 In addition:

- Vehicles must be M1 classified. HCVs are required to be manufactured with European Community Whole Vehicle Type Approval (ECWVTA). PHVs must meet the same standard or are required to be manufactured with 'Normal' Individual Vehicle Approval (IVA) testing with evidence of that IVA type approval document to be submitted to the licensing office.
- For HCVs there is an expectation that the vehicle will be used mainly to ply for hire within the Borough of Basingstoke & Deane. Applicants will be required to confirm this on the application form. Where vehicles are found to be working mainly outside of the Borough, the licence will be suspended or revoked, or refused to be renewed.

VEHICLE TESTING

22.4 By way of satisfying itself of the safety, roadworthiness and suitability of vehicles, the licensing authority will require each vehicle prior to being licensed to be issued with a valid Certificate of Compliance issued at an approved BDBC testing station. Vehicle specifications can be found at Appendices A & C. The frequency of vehicle tests increase with vehicle age.

INSURANCE

22.5 The Road Traffic Act and associated Regulations require a suitable policy of insurance to be in force in relation to the use of motorised vehicles on the public highway. For this reason and similar requirements made by under Section 48(1)(b) of the LG(MP) Act 1976, the licensing authority will require evidence of a current and suitable policy of insurance on grant or renewal of any vehicle licence.

22.6 For this purpose, and by way of ensuring adequate cover for all parties, a 'suitable policy of insurance' will normally be taken to mean:

- a) A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a HCV or PHV.
- b) A HCV requires insurance to cover public hire.
- c) A PHV requires insurance to cover hire and reward only and **not** public hire.
- d) A cover note will be accepted and the licence will be issued but a certificate of insurance must be produced at the earliest opportunity.

GRANT OF LICENCES

22.7 At this stage a vehicle licence will be issued, subject to the completion of all other elements of the application process. Vehicle licences will be issued for a one year period.

CONDITIONS

22.8 The council is empowered to impose such conditions as it considers reasonably necessary in relation to the granting of all licensed vehicles (See Appendix B for HCVs and Appendix D for PHVs).

LICENCE PLATES AND IDENTIFICATION

22.9 All licensed vehicles to display a licence plate or sign:

- a) on the exterior, at the front and rear of the vehicle (PHV) rear only (HCV); and
- b) on the interior, on display to the passenger compartment; and
- c) in the case of PHVs permanently affixed 'No Booking No Ride' door signs on each side of the vehicle as outlined in Appendix C.
- d) The TX4 or similar vehicle (commonly referred to as a 'London cab') will not be licensed as a PHV. The minibus variants of approved HCV such as the Mercedes Vito can be licensed as PHV assuming they are easily distinguishable from HCVs.

22.10 The council has set standards on the acceptable type of signage for PHV and HCV. These can be found in the PHV / HCV conditions set out in Appendices B and D.

SEATING ACCESS

- 22.11 Vehicle licences will normally be issued for the carriage of between 4 and 8 passengers. When assessing the maximum number of passengers that may be carried in a licensed vehicle, the council will take into account factors, including the number and location of seats and their proximity to the doors.
- 22.12 The council will licence a vehicle to carry the number of passenger seats which meet our seat dimensions specification and which provide a reasonable amount of legroom to adult passengers. Seating or knee space of a size more suitable to children shall not be licensed.
- 22.13 The council will only licence a vehicle to transport passengers in a rear facing seat if it has the appropriate vehicle type approval. Applications for vehicle licences to transport fewer than 4 passengers will be considered on a case by case basis.

WINDOWS

- 22.14 The front windscreen must let at least 75% of light through. All remaining factory fitted glass in the vehicle shall permit a minimum of 70% light transmission. No vehicle shall be fitted with tinting film over and above that included at manufacture.
- 22.15 Exemptions to allow rear window tints may be considered in exceptional circumstances for vehicles working under an exemption from the requirement to display the plate (i.e. Corporate/Executive Chauffeur hire services)
- 22.16 In respect of hackney carriage vehicles licensed prior to the implementation of this policy, an exemption from the 70% requirement may be applied to factory fitted glass to the rear of the driver's pillar on application to the Licensing Unit.

ADVERTISEMENTS

- 22.17 The licensing authority recognises that advertising on and within licensed vehicles can provide a valuable income stream to the vehicle proprietor, and will normally permit suitable advertising to be displayed to a HCV only, due to its appearance as a purpose built vehicle. Advertising is not permitted on PHV'S except to promote the Operator details. Further details are set out in '*Licensed Vehicle Advertising Policy*' Appendix F.

CCTV CAMERAS

- 22.18 CCTV or any other image recording device may only be used within a licensed vehicle in accordance with Data Protection Act principles and the Information Commissioners Office Code of Practice. Proprietors installing in car CCTV systems are required to notify the licensing team of this in writing. No audible recordings are permitted, except in exceptional circumstances, for example where a driver's personal safety is threatened. Rear facing cameras must be located in a manner so to preserve rear passenger modesty and protect privacy.

SAFETY ISSUES

- 22.19 Loose articles such as DVD players, laptops, clipboards and newspapers etc. shall not be placed on vehicle dashboards. Such articles may become airborne and potentially dangerous in the event of a road traffic collision or under sharp braking.
- 22.20 Children should not be transported in pushchairs or prams placed within Wheelchair Accessible Vehicles (WAV's). To do so may be considered negligent and a breach of the duty of care that drivers must afford passengers. Drivers must take all reasonable steps to risk assess journey requests and ensure passenger safety at all times.

23 INSURANCE WRITE-OFFS

- 23.1 For reasons of public safety, the council will not normally accept any vehicle that has been subject to such damage as to be categorised as a 'write-off' by a relevant insurance company under the Code of Practice for the Disposal of Motor Vehicle Salvage. This includes Category S (formerly C) and Category N (formerly D) vehicles. This is because the history of the reasons for a write off cannot be established.

24 ACCIDENTS

- 24.1 If at any time a licensed vehicle is involved in an accident, however minor, the driver must inform the council of this fact as soon as possible and in any event within 72 hours by letter or email.
- 24.2 Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue to use the vehicle, it must be inspected by a Licensing Officer and/or the council's approved inspectors (at the owner's or operator's expense) to determine its fitness for continued use. An officer acting under delegated powers may suspend the use of a licensed vehicle until it is suitably repaired.

- 24.3 If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the council of this fact and return the licence plates to the licensing team until the vehicle has been assessed by an officer as fit to use.

25 REPLACEMENT VEHICLES FOR VEHICLES INVOLVED IN AN ACCIDENT

- 25.1 As long as all other eligibility criteria and requirements are met, the licensing authority will, where appropriate, permit another vehicle to be temporarily licensed for up to 3 months as a short term replacement for any licensed vehicle involved in an accident if:

- application is made in the usual way for a change of vehicle;
- the replacement vehicle meets the licensing criteria; and
- the hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator,
- the vehicle and driver(s) are suitably insured.
- the substitute vehicle is tested by an authorised garage and a Certificate of Compliance issued; and
- the substitute vehicle is not used for more than a period of 3 months from the date of written permission by the council.
- Temporary replacement vehicles may be licensed for longer than 3 months but only where there is a suitable business case and documentary evidence.

- 25.2 Vehicles (including trailers), must be licensed by the council and must be mechanically fit and suitable for purpose. Prior to licensing, vehicles must pass an inspection and test, approved by the council's Licensing team. A fee will be payable in relation to each vehicle test or re-test.

26 VEHICLE TRANSFER ARRANGEMENTS

- 26.1 In recognition that vehicle licensing requirements will have previously been met the licensing authority will permit the transfer of interest in a licensed vehicle together with the unexpired portion of the vehicle licence to another person who consents to the transfer. For safety and audit trail reasons, such transfers will normally be subject to the following requirements; namely

- Suitable proof of sale/transfer by the transferor (i.e. the out-going vehicle proprietor) ; and
- Declaration of consent to the transfer by the transferee (i.e. the new vehicle proprietor); and
- Completion of the vehicle transfer application form, and
- Where appropriate, a suitable policy of insurance of the new vehicle proprietor/driver.

26.2 The licensing authority will transfer a vehicle licence on condition that a copy of the up-to-date V5 is provided when received.

27 LOST PROPERTY

27.1 In the first instance drivers and operators are expected to take all reasonable steps to ensure property is returned to its rightful owner within 48 hours of discovery. Drivers must check their vehicle after each hiring to identify any lost property.

27.2 Where drivers working for companies or operators cannot return items directly to the passenger they must present the item to the booking company within 48 hours of discovery. Small items must be placed in a clear, sealed bag. Larger items may have a separate label tied to them. Care must be taken to ensure that all items are kept in the same condition as they were found.

27.3 Every item must be labelled with the following information:

- Date and time found
- Where in the vehicle it was found
- Driver's name and badge number
- Vehicle plate number

27.4 The company or operator shall maintain a separate record sheet with the above information plus a brief description of the item. This sheet must be available to contact handling/ reception staff to deal with customer enquiries.

27.5 All lost property must be retained for at least 28 days from the date of discovery. Items must be kept in a secure location to which only named staff have access. This space must be large enough to accommodate larger items such as luggage and pushchairs. There cannot be a lost property 'bin' in a public space or driver rest area.

27.6 After 28 days all items can be disposed of via a suitable route (not given to staff or drivers). This may be to charity for items in good condition and with resale value. Electronic items must be disposed of in accordance with the WEE directive. This route is available at council run recycling centres. The disposal route of items must be shown against the original entry on the recording sheet.

28 SPOT CHECKS

- 28.1 Vehicles are liable to be inspected and tested at any reasonable time (subject to some limits) at routine, ad hoc and planned compliance events. If upon inspection it is discovered that a vehicle is unsafe or unsuitable for the carrying of passengers, a notice may be served on the owner to this effect, setting out the defects to be remedied. Vehicles must be maintained in sound mechanical, and excellent cosmetic conditions at all times. The council is entitled to require vehicles to be tested up to 3 times a year although cosmetic checks are unrestricted.
- 28.2 If public safety is compromised by the defects, or officers are not satisfied with the cosmetic appearance of the vehicle, a notice of suspension will be issued. Further use of the vehicle will be prohibited until the defects have been addressed and the vehicle has successfully passed a further inspection.

29 WHEELCHAIR ACCESSIBLE VEHICLES

- 29.1 All drivers of wheelchair accessible vehicles -
- must be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle; via a certificate of competence issued by the BLT or similar organisation.
 - must, before any movement of the vehicle takes place, ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied;
 - must ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with the relevant regulations.
 - Must ensure wheelchair loading ramps are checked regularly to ensure safe operation.

30 HACKNEY CARRIAGE VEHICLES (HCV)

INTRODUCTION

- 30.1 Section 47(2) of the LG(MP) Act 1976 provides the licensing authority to require a HCV to be of such design or appearance or bear such marks as to clearly identify it as a HCV.
- 30.2 HCV must have a roof sign displaying the word TAXI, which shall be illuminated at all times when, and only when, the vehicle is available for hire within the Borough. The roof sign must be clearly visible from the front of the vehicle.
- 30.3 HCV must not display any signs, notices or advertisements that are not legally required or have been expressly requested or approved by the council.
- 30.4 HCV must carry a receipt book at all times and a receipt must be given on request.
- 30.5 Where the vehicle is fitted with a step to assist passengers, it shall have a suitable non-slip surface and the edge shall be highlighted in a clearly visible colour which differs from that of the vehicle.
- 30.6 Electronically operated steps must have a failsafe device which prevents the vehicle from moving while the step is extended.

APPLICATION PROCEDURE

- 30.7 When submitting an application, the following documents **MUST** be included:
- a) APPLICATION FORM – to include full name and address of the applicant
 - b) REGISTRATION DOCUMENT - which must show the registered keeper(s), or a bill of sale which clearly states details of the vehicle, the vendor and purchaser;
 - c) INSURANCE CERTIFICATE OR COVER NOTE - applicants will be required to produce further evidence on or before the expiry of the cover note;
 - d) CERTIFICATE OF COMPLIANCE
 - e) LICENCE FEE

ALL HCV LICENCES AND PLATES CLEARLY INDICATE THE EXPIRY DATE OF THE LICENCE.

- 30.8 It is the responsibility of the proprietor to ensure that a valid application is submitted to the council before the licence expires. If a proprietor fails, for any reason, to apply to renew their HCV licence before the expiry of the existing licence, any subsequent application to re-licence the vehicle will be considered as a first time application and will be required to meet the initial age entry requirements.

METERS

- 30.9 Section 65 of the LG(MP) Act 1976 provides that the licensing authority may set local HCV fares for journeys within its area by means of a table of fares. BDBC currently regulates and sets fare levels.
- 30.10 All HCVs must be fitted with an approved meter. It shall be positioned so that the fare is clearly displayed to the passenger throughout the journey. Taximeters must be:
- 30.11 Certified by a notified body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;
- 30.12 Fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- Calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares determined by the council;
 - Calendar controlled;
 - Fixed to the vehicle with appropriate seals/appliances to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances;
 - Have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon; and
 - Supported by a valid certificate/report of compliance (the council will only accept a certificate that has been issued within the previous 10 working days).

HCV USED WITHIN THE DISTRICT – INTENDED USE

- 30.13 The council has a duty to ensure that it licenses vehicles in accordance with High Court guidance, which includes the requirement that licensed vehicles will wholly or predominantly operate within the local authority area in which they are licensed, in the interests of public safety.

- 30.14 Following the decision in R. (on the application of Newcastle City council) v Berwick-upon-Tweed BC it is the policy of this council not to grant licences for HCVs that will not be predominantly used for plying for hire within this Borough.
- 30.15 HCV proprietors are required to confirm on each and every application that they intend to use the vehicle mainly within BDBC Borough provisions.
- 30.16 If it appears, however, that the applicant intends to trade in another authority's area for a substantial period of time, and so frustrate the purpose of the legislation and potentially undermine public safety, there will be a presumption against the granting of a licence.
- 30.17 Section 60 of the LG(MP) Act 1976 provides for the Licensing Authority to refuse to grant or renew a vehicle licence 'for any other reasonable cause' and it is the council's position that the vehicles it licenses must operate wholly or predominantly from within the Borough. The intended use policy can be seen at Appendix N.

31 TAXI RANKS

- 31.1 A full list of HCV ranks, their exact positioning on each street, the times they are in use and the maximum occupancy of each is set out in Appendix M. Taxi ranks are to be used only by HCVs whilst waiting for their next hire. They are not to be regarded as parking places and drivers are strictly prohibited from leaving their vehicles unattended on ranks to undertake personal errands or any other purpose.
- 31.2 Drivers must remain in their HCVs at all times except to assist customers. This ensures ranks work efficiently and provide a smooth flow of vehicles and enables as many taxis as possible to occupy ranks.

32 HCV WORKING FROM A BASE

- 32.1 Proprietors should note that planning permission may be required in order to operate a business within the BDBC Borough where the general public have access to any taxi booking office, and the council would require sight of adequate public liability insurance.
- 32.2 The current age criteria for HCV is available at 'Specification relating to the Construction and Licensing of HCV in the Borough of Basingstoke and Deane' Appendix A.
- 32.3 In order to ensure that the council does not fetter its discretion, a vehicle proprietor retains the right to apply to license an existing vehicle which falls outside the council's age criteria. Applicants would be required to set out in writing within their application their reasons to support a departure from the council policy.

- 32.4 All such applications will be considered on their merits taking into account factors including, but not restricted to:
- The make and model of the vehicle
 - The exceptional condition of the vehicle, including the bodywork and interior passenger accommodation
 - The mileage
 - The service history
 - Details of all repairs undertaken throughout the vehicle's life
 - Details of all replacement parts fitted throughout the vehicle's life
 - Whether any particular contracts rely on the specific use of the vehicle.
- 32.5 The personal or financial circumstances of a proprietor are not relevant considerations for a departure from this policy.
- 32.6 Any departures from this policy will be in exceptional circumstances only and will be recorded along with the reasons for such a departure.

33 PRIVATE HIRE VEHICLES (PHV)

INTRODUCTION

- 33.1 Vehicles must be licensed by the council and must be mechanically fit and suitable for purpose. A comprehensive inspection and test prior to licensing will be necessary and a fee will be payable in relation to each vehicle test or re-test.
- 33.2 Licences for PHVs will run for a period of twelve months from date of issue unless otherwise stated.
- 33.3 When assessing the maximum number of passengers that may be carried in a licensed vehicle, the council will take into account factors, including the number, size and location of seats and their proximity to the doors. The council will not normally license a vehicle to carry passengers in seats which are designed for children or which do not provide reasonable comfort or knee space for adult passengers.
- 33.4 Where seating design configuration has been amended in MPVs and minibuses, vehicles must attain Whole Type vehicle approval or 'Normal' IVA certification to demonstrate authorization and standards of changes.
- 33.5 The council will not license rear facing seats unless they have the appropriate vehicle type approval.

ALL PHV LICENCES AND PLATES CLEARLY INDICATE THE EXPIRY DATE OF THE LICENCE.

33.6 It is the responsibility of the proprietor to ensure that a valid application is submitted to the council before the licence expires. If, for any reason, a proprietor fails to apply to renew their PHV licence before the expiry of the existing licence, any subsequent application to re-license the vehicle would have to be considered as a first time application and required to meet the initial age entry requirements.

34 LIMOUSINES AND EXECUTIVE HIRE

34.1 Stretched limousines are as the name suggests elongated vehicles. The vast majority are imported from the USA and so are left-hand drive. Unlike other standard UK registered vehicles, this does not prevent them from being considered suitable for licensing as PHV.

34.2 The council will consider applications to license stretched limousines and executive type vehicles as PHV subject to the criteria shown in '*Policy for granting of exemptions*' Appendix E.

SPECIAL EVENTS VEHICLES, CLASSIC AND COURTESY CARS

34.3 The council considers the following types of vehicles to be 'special event vehicles' in the context of licensing:

- Decommissioned emergency service vehicles
- Vintage vehicles
- Other non-standard type converted vehicles used for special events

34.4 Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- A European Whole Vehicle Type approval;
- a British National Type approval; or
- an Individual Vehicle Approval.

34.5 The above list is not exhaustive, and other types of vehicle may be considered from time to time. When considering an application for a special event vehicle, the council will have regard to the general requirements for PHV contained within this policy and relevant appendices.

- 34.6 Where such a vehicle contains greater than 8 passenger seats it cannot be licensed as a private hire vehicle. The Council shall only license vehicles registered with the DVSA listed to carry 8 passengers as indicated on the V5C logbook. Where vehicles have been adapted to reduce the number of seats from the originally manufactured vehicle, the council will require either evidence of EC Whole Vehicle type approval (ECWVTA) or Individual Vehicle Approval (IVA) to demonstrate the vehicle is suitably tested for the revised number of passengers.
- 34.7 Stretched Limousines and novelty type vehicles are required to have a maintenance inspection each 10 weeks as recommended by the Traffic Commissioners and the National Limousine and Chauffeur Association (NLCA).
- 34.8 Operators of stretched limousines are required to provide the council with a declaration to confirm that side-facing seats will never be used to carry passengers under 16 years of age regardless of whether the vehicle is fitted with or without seat belts. Signage to communicate that children are not allowed to be carried in side-facing seats must be prominently displayed in the vehicles including at passenger entry points.

ADDITIONAL PROVISIONS FOR PRIVATE HIRE VEHICLES ONLY WHEELCHAIR ACCESSIBILITY

- 34.9 In addition to all other licensing conditions, any applicants seeking the grant of a PHV in which it is intended to carry passengers who are seated in a wheelchair must present a vehicle which has:
- M1 vehicle classification and comply in all respects to EC Whole Vehicle Type Approval (ECWVTA), or 'Normal' IVA for previously whole type vehicles amended to accommodate wheelchairs;
 - Suitable fittings for the securing of the wheelchair and any passengers seated in them;
 - Access and egress via suitable side or rear doors;
 - Lifting ramps examined in accordance with the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)

LICENCE CONDITIONS

- 34.10 Conditions attached to a PHV can be found at 'Private hire vehicle *licence conditions*' Appendix D.
- 34.11 Private Hire Vehicle age criteria

- 34.12 The current age criteria for HCV is available at 'Specification relating to the Construction and Licensing of PHV in the Borough of Basingstoke and Deane' Appendix C.

VEHICLE TESTING FREQUENCY

- 34.13 All licensed vehicles (HCVs and PHVs) have to be compliance tested when first licensed then annually when aged up to 5 years. After five years, all vehicles are required to be tested every 6 months. Where Officers have reasonable cause to have a vehicle tested, they can require the vehicle tested an additional time within the same 12 month period.
- 34.14 All vehicles older than 10 years of age at the time of renewal shall be required to be checked by officers for cosmetic appearance prior to determining the renewal application. The council shall only renew vehicle licences where it is satisfied with its cosmetic condition.

35 PRIVATE HIRE OPERATOR LICENSING

- 35.1 Any person who wishes to invite or accept bookings for private hire services must apply to the council for a PHO licence. The objective in licensing PHO is ensuring the safety of the public, who will be using operators' premises, vehicles and drivers arranged through them. A PHO must ensure that every licensed PHV is driven by a licensed PHD and that all vehicles and drivers they operate hold valid and suitable licences.
- 35.2 Operators must keep a record of expiry dates of driver and vehicle licences, compliance tests and insurance cover and ensure their operating system prevents drivers and vehicles being operated where licences, tests or insurance cover are not valid.
- 35.3 When a licence is granted licensees are reminded that they may only operate private hire vehicles and drivers licensed by BDBC, but may sub-contract a booking to another licensed operator outside the district after ensuring those provisions are suitably licensed.
- 35.4 A licensed operator may lawfully use a licensed Hackney Carriage from another district for pre-booked work subject to suitable records being kept.,

LICENCE DURATION

- 35.5 A successful applicant will normally be granted a PHO licence for a 5 year period, although licences may be issued for a shorter term in exceptional circumstances.
- 35.6 The licence fee will depend upon the number of vehicles operated under the licence.

CONDITIONS

- 35.7 The council has power to impose such conditions on an operator's licence, as it considers reasonably necessary. The standard conditions are set out in Appendix L.

ADDRESS FROM WHICH AN OPERATOR MAY OPERATE

- 35.8 Upon grant of a PHO licence, the council will specify the address from which the operator may operate. The operator must notify the council in writing of any change of his/her address during the period of the licence, prior to changing the address.
- 35.9 The council will not grant an operator's licence for an operator with a single operating base that is outside B&DBC area.

36 APPLICATION PROCEDURE

- 36.1 Applications will not be determined until the applicant is able to produce original evidence of:-
- Completed application form
 - Valid, appropriate insurance policy(s). PHO are required to provide evidence of a suitable Public Liability Policy for the premises along with employer's liability insurance if appropriate.
 - Basic Disclosure Certificate issued no more than 1 month prior to the application for all persons named on the application.
 - Payment of the appropriate fee.
 - Undertake and pass appropriate disability awareness, equality and diversity, Child Sexual Exploitation, Safeguarding training and test.
- 36.2 All Private Hire Operators licences clearly indicate the expiry date of the licence.
- 36.3 It is the responsibility of the operator to ensure that a valid renewal application is submitted to the council before the licence expires.
- 36.4 Operators are reminded of their duties under the Data Protection Act 1988 in respect of the personal information held about their customers. Staff working within the operator premises must also receive training to ensure adequate security and protection of customer's personal information held by the operator. More information can be found at the Information Commissioner's website here <https://ico.org.uk/>

DISCLOSURE AND BARRING SERVICE CHECKS (DBS)

- 36.5 PHOs wishing to trade in B&DBC area are required to provide a basic disclosure certificate issued by the DBS, dated no earlier than 1 month prior to their application.
- 36.6 Those applicants who already hold either a PHD or HCD licence are not required to provide a basic disclosure certificate, as the Licensing Authority will have already assessed their enhanced disclosure when granting a driver's licence.
- 36.7 Any applicant, who was born or who has lived outside the UK will be required to produce a Certificate of Conduct, translated into English, from each of the countries that they have lived in from the age of 10 years. This applies to all persons wishing to be named on the licence.

37 ENFORCEMENT COMPLIANCE AND COMPLAINTS

ENFORCEMENT – GENERAL

- 37.1 The principal purpose of licensing drivers and vehicles is to protect the public and promote public safety. In doing this, the council aims to provide the delivery of efficient, targeted and proportionate regulatory services to provide a positive approach to those regulated.
- 37.2 The council expects the legislation relating to the licensed trade and the conditions attached to licences to be observed and will take action in respect of any breaches.
- 37.3 The General Licensing Enforcement Policy for the council can be found at www.basingstoke.gov.uk
- 37.4 A range of tools and powers to ensure compliance will be used. Compliance assessment is ultimately to ensure that the driver or operator continues to be a “fit and proper” person to hold a licence and/or the vehicle is safe and in good cosmetic appearance. The safety of passengers, drivers, pedestrians and other road users is paramount.

38 LICENSING APPEAL HEARINGS

- 38.1 In addition to scheduled Licensing Committee meetings, which determine policy matters, additional meetings of the Licensing Sub-Committee may be convened as required. This may be to consider an appeal against an officer decision or where the Licensing Team Leader decides it is appropriate for the decision to be made by a Sub-Committee.

- 38.2 The purpose of such meetings shall be for the Sub-Committee to review the decision of the officer and consider which, if any, of the options available should be implemented.
- 38.3 A Licensing Sub-Committee may be arranged to consider an application made by a new driver applicant who has previously had his/her licence revoked.

OPTIONS AVAILABLE

- 38.4 The Licensing Sub-Committee, after the details of the appeal have been outlined and the licence holder has been given the opportunity to address the hearing, may order one of the following -
- the suspension of the licence;
 - the revocation of the licence;
 - a refusal to renew a licence;
 - the imposition of further conditions;
 - issue of enforcement notices (e.g. warnings, advisory notices etc.); or
 - no further action to be taken.
- 38.5 This list is not exhaustive and other options may be appropriate on a case by case basis.
- 38.6 RAPID RESPONSE TO SERIOUS ISSUES
- 38.7 The Licensing team is sometimes provided with evidence that will call into question a licence holder's integrity or suitability. All information received will be carefully scrutinized before any action is taken.
- 38.8 All intelligence will be considered from credible sources only and is restricted to the police or a qualified medical officer. Cases could include charges of rape, other sexual related incidences, violent attacks or medical related issues which means the driver no longer meets the DVLA group 2 standard.
- 38.9 Reports of a serious nature by a member of the public will always be referred on to the police, in addition to recording by the council. For less serious reports, an investigation will be completed and passed to the Licensing Team Leader for final decisions.
- 38.10 On receipt of information from the police or medical practitioner the driver will be contacted by an officer to be made aware of the allegation and requested to attend the office to discuss the report and put forward his/her case. Written meeting notes will be recorded. Licensing Officers will not however, take steps which could unnecessarily interfere with or compromise a police investigation.

- 38.11 A minimum period of two hours will be provided for this meeting and all methods of communicating the appointment will be explored, including telephone calls, voice mails, text, a visit to the home or a combination of these methods. All interviews will be conducted in the council offices wherever possible. Where interviews have to be undertaken in a domestic residence, 2 officers will be in attendance.
- 38.12 All discussions with the driver will be conducted by two members of staff and, if felt relevant due to the nature of the incident, with the police to ensure no-one is placed in any danger.
- 38.13 If the driver decides not to attend the meeting, the matter may still be dealt with in their absence and will not delay the decision-making process. This decision will be recorded.
- 38.14 A decision would be made by the Licensing Team Leader or more senior council officer with delegated authority (Head of Service, Corporate Director).
- 38.15 Once the decision has been agreed by the appropriate person, the Licensing Team Leader has the relevant delegation to sign any revocations required.
- 38.16 All decisions and actions will be taken within 48 working hours and ideally within 24 hours of receipt of the interview.
- 38.17 If a driver's licence is revoked under these procedures but later investigation clears the driver of the offence, it will be a priority of the Licensing Team Leader to consider the reinstatement of the licence, but with consideration being given to the balance of probabilities in regard to the original evidence provided.
- 38.18 If there is a period of time left on the licence at the point of revocation, this will be the time reinstated on the licence issue and the department will not charge for such a licence.

VEHICLE SUSPENSIONS FOLLOWING ENFORCEMENT

- 38.19 Vehicle licences can be suspended or revoked on the grounds that the vehicle is unfit; that the proprietor has committed an offence under the legislation or for any other reasonable cause.
- 38.20 Without prejudice to the general scope of the power, a vehicle licence may be suspended, revoked or not renewed for any other reasonable cause. Examples include where the council has evidence to suggest that a hackney carriage is mostly being used outside of the district or if a private hire vehicle is not being operated by a licensed operator.

39 FEES

- 39.1 In providing the licensing function, the council, under the provisions of the 1976 Act, is entitled to levy fees to recover the reasonable cost associated with:
- the administration and issue of licences
 - the inspection of vehicles for the purposes of determining whether any such licence should be granted or renewed
 - the provision of HC stands (ranks) and administrative or other costs in connection with the control and supervision of HC and PH vehicles (i.e. enforcement and compliance).
- 39.2 With the exception of drivers' licences, the council is required to consult upon the fees it intends to levy through a public notice procedure. In determining the fees to be charged it is reasonable to do so with a view to achieving full cost recovery.
- 39.3 Licence fees are for the grant of a licence and are therefore not refundable post grant although exceptional circumstances may be considered.

40 CONSULTATION

The following individuals, bodies and organisations have been consulted on this policy document.

- All licensed hackney carriage drivers
- All licensed hackney carriage proprietors
- All licensed private hire drivers
- All licensed private hire operators
- All licensed private hire vehicle proprietors
- B&DBC councillors
- B&DBC Environmental Health (Food, Health & Safety)
- B&DBC Community Safety
- B&DBC Environmental Protection
- B&DBC Legal Services
- B&DBC Planning Services
- B&DBC Transportation Strategy Officer
- B&DBC Equalities Steering Group
- B&DBC Disability Forum
- B&DBC Over 55s Forum
- Hampshire County council – Transport Service
- Hampshire County council Highways
- Hampshire Trading Standards & Consumer Protection
- Hampshire County council Child protection Services
- Hampshire County council Primary Care Trust
- Hampshire Constabulary: Licensing Officer

- Hampshire Constabulary: Roads Policing Unit
- Stagecoach
- Southern Railway
- National Private Hire & Taxi Association
- Cab Direct
- Guide dogs campaign team

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LICENSED VEHICLES

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- Appendix B Hackney Carriage Vehicle licence conditions
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- Appendix M Taxi ranks
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APPENDIX A

HACKNEY CARRIAGE VEHICLE SPECIFICATIONS

SPECIFICATION RELATING TO THE CONSTRUCTION AND LICENSING OF HACKNEY CARRIAGE VEHICLES (HCVs) LICENSED BY

BASINGSTOKE AND DEANE BOROUGH COUNCIL

Note: It has been the policy of this council since 1989 that all licensed hackney carriages vehicles must be wheelchair accessible.

Part 1 – Conditions of Fitness

Part 2 - Directions

Part 3 – Specification for Licensing of Mini Buses

Part 1 – Conditions of Fitness

1. General Construction
2. Age Criteria
3. Steering
4. Interior Lighting
5. Electrical Equipment
6. Fire Appliances
7. Body and passenger access
8. Steps
9. Wheelchair Facilities
10. Paintwork and Body Finishes
11. Passenger Seats, access and legroom
12. Driver's Compartment
13. Windows
14. Glass
15. Door Fittings
16. Fare Chart and Internal Plate
17. Floor Covering
18. Luggage
19. Wheels

20. Taximeter
21. Taxi Signs and Roof light
22. Fittings
23. Maintenance

Part 2 - Directions

24. Advertisements

Part 3 – Specifications for Licensing of Minibuses

25. Legislation Regulations
26. Sliding Doors
27. Emergency Exit
28. Construction – Codes of Practice
29. Wheelchair Facilities
30. Wheelbase

Notes:

The word “approved” in the conditions of fitness refers to approved by BDBC. It must be understood that, although the conditions set out in the specification may have been complied with, approval will be withheld if the council is of the opinion that the vehicle is unsuitable for public use. Notwithstanding the above the council may, at

its discretion grant approval to any vehicle which it considers suitable for use as a hackney carriage.

PART 1 – Conditions of Fitness

1. General Construction

- 1) Every vehicle must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at time of licensing. Vehicles must be M1 classified.
- 2) Vehicles must be so constructed as to facilitate the carriage of disabled persons and capable of accommodating a disabled person in a standard size wheelchair (The Equality Act 2010) in the passenger compartment.
- 3) Every vehicle must meet the European Community Whole Vehicle Type Approval (ECWVTA) at manufacture and also where any conversion works has been carried out since 1st registration. The ECWVTA must apply to the whole vehicle including any subsequent conversion.
- 4) All HCVs must be capable of carrying at least 5 passengers (separate from driver).

2. Age

HCVs must be newer than 3 years of age at first licence. They will continue to be licensed up to 12 years old at date of licence renewal.

Applications for an older vehicle to be considered on an exceptional circumstance basis and with particular regard to vehicle emission levels. Applications must be made in writing by the applicant giving reasons as to why the vehicle should be considered for relicensing. The vehicle must also have a full service history or documentary evidence to prove the vehicle has been maintained in accordance with the manufacturer's servicing schedule. It must meet the cosmetic vehicle standards. Vehicles aged over 10 years at the time of licence renewals must be inspected by officers who must be satisfied with the cosmetic standard of the vehicle.

3. Steering

The steering wheel must be on the offside of the vehicle.

4. Interior Lighting

Adequate lighting must be provided for the driver and passengers. Separate lighting controls for both passenger and driver must be provided. In the case of the passengers compartment an illuminated control switch must be fitted in an approved position. Lighting must also be provided at floor level to every passenger door and be actuated by the opening of those doors.

5. Electrical Equipment

All electrical leads and cables must be adequately insulated and protected from exposure to water, diesel, petrol or oil.

6. Fire Appliances

A fire extinguisher suitable for vehicles use must be carried in such a position as to be readily available for use. Appliances must comply with requirements relating to Fire Extinguishing Appliances for use on Public Service Vehicles.

7. Body and passenger access

- 1) The body must be of the fixed head type with a partially glazed partition separating the rear passenger compartment from the driver.
- 2) The rear side door/doorway must permit of an unrestricted opening across the doorway of at least 75 centimeters. The minimum angle of the door when opened must be 90 degrees.
- 3) The clear height of the doorway must not be less than 1.195 metres.
- 4) Grab handles must be placed at door entrances for assistance purposes.

8. Steps

The outer edge of the floor at each entrance must be fitted with non-slip treads. If a colour contrast is used to aid a partially sighted person it must be of an approved type.

9. Wheelchair Facilities

- 1) Approved anchorages must be provided for securing passengers using wheelchairs. These anchorages must be either chassis or floor linked. Restraints for a wheelchair and a person seated therein must be independent to each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use. All anchorages and restraints must be so designed that they do not cause a foreseeable danger to other passengers.
- 2) A ramp or ramps for the loading of a wheelchair and wheelchair user must be available at all times for use of the nearside passengers' door and kept in good working and cosmetic order.

10. Paintwork and Body Finishes

Only the manufacturer's colour range may be used on exterior or interior body finishes. Internal and external paintwork and panels must be maintained in good condition and in accordance with BDBC mechanical and cosmetic testing provisions.

11. Passenger's Seats, access and legroom

- 1) All passenger seats must measure at least 40 centimetres wide (measurement taken from widest part of seat).
- 2) Where seats are placed facing each other there must be a clear space between any part of the front of a seat and any part of any other seat which faces it sufficient to provide reasonable leg room for adult passengers.

- 3) Suitable means must be provided to assist persons to rise from the rear seats with particular attention to the needs of elderly people and people with disabilities.
- 4) All passenger seats must provide reasonable leg room from the base of the rear seat support to any obstruction in front of that seat. Discretion may be applied to front passengers if the bulkhead casing intrudes minimally but does not detract from overall passenger comfort levels and does not risk the driver coming into physical contact with passenger when changing gears.
- 5) Passenger seats are not required to have direct access to side vehicle exits. The number of seats shall be licensed according to the V5C form and design of the originally manufactured model for adult seats (see sub para 1 above).

12. Driver's Compartment

Every cab must provide an approved means of communication between the passenger and the driver. These and other driver controls must be placed as to allow reasonable access to the driver's seat and when centrally placed, must be properly protected from contact with luggage.

13. Windows

Driver and passenger door windows must be capable of being opened easily from a seating position. The control for opening a door window must be easily identified.

14. Glass

The windscreen must be of an approved safety type and not tinted. All other windows and glass must be of an approved safety type and accord with UK law regarding window tint levels.

15. Door Fittings

An approved type of automatic door locking device must be fitted to passenger doors. When the vehicle is stationary the passenger doors must be capable of being readily opened from the inside and outside the vehicle by one operation of the latch mechanism. The interior door handle must be easily identified.

16. Fare Chart and internal licence plate

A fare chart and interior licence plate must be prominently displayed within the vehicle so it can be easily read by passengers in the rear compartment.

17. Floor Covering

The floor covering of the passengers' compartment must be covered with non-slip material which can easily be cleaned and not present any trip hazards.

18. Luggage

Provision must be made for carrying luggage and an efficient method of securing it must be provided.

19. Wheels

The vehicle must have 4 approved road wheels and spare tyre provision as provided at vehicle manufacture stage. All road wheels must have matching discs, hubs, wheel coverings which are kept in good working and cosmetic condition. In the event of the need arising for the fitting of a space saver, the use of a run flat tyre, or a repair or inflation kit then the appropriate remedial action to replace with 'new' (as per original specification) must be undertaken upon completion of the journey meaning no passengers can be collected when any form of temporary wheel is in use.

20. Taximeter

A taximeter of an approved type must be fitted in an approved position.

21. "Taxi" Signs

"Taxi" roof sign capable of illumination must be fitted to the HCV which is clearly visible both by day and night when the HCV is not hired.

22. Fittings

No fittings other than those approved may be attached to or carried upon the inside or outside of the vehicle.

23. Maintenance

Vehicles, including all fittings, advertisements etc. must be well maintained and kept clean and in good working order. The vehicles will at all times be subject to test and mechanical and cosmetic inspection and should it be found that a vehicle is not being properly maintained or that any part or fitting is not in good working order, a notice will be served on the owner prohibiting him from using the vehicle until the defect has been remedied.

24. Advertisements

Advertisements suitable with the advertising policy may be allowed on the inside and outside of the vehicle subject to the approval of BDBC. Vehicles carrying unapproved advertising may be suspended until the advertising is removed or approved. See Appendix F for Advertising summary policy.

PART 3 – Specification for Licensing of Mini Buses

25. Legislation Regulations

All licensed vehicles must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing.

26. Sliding Doors

Sliding doors must be fitted with a warning device to indicate when open.

27. Emergency Exit

Rear doors must be clearly marked on the inside and outside of the vehicle "Emergency Exit" with the means of operation clearly indicated.

28. Construction – Codes of Practice

Mini buses be constructed as far as it practicable in accordance with the following codes of practice: - The Safety of Passengers in Wheelchairs on Buses VSE87/1;

29. Wheelchair Facilities

Mini buses be constructed to carry at least one standard sized wheelchair.

30. Wheelbase

Mini buses to have a minimum wheelbase of 100 inches(2.54 metres).

NEW HACKNEY CARRIAGE VEHICLE SPECIFICATION CHECKLIST

Before purchasing a new vehicle to be submitted for licensing as a HCV applicants must check that the vehicle is an approved model and that the vehicle meets the HCV specification.

A checklist is provided below for ease of reference which covers some of the key specification criteria. However, please ensure you read the entire specification document before committing to buy a vehicle.

Please use this checklist when considering purchasing a vehicle for licensing and prior to paying any deposit for a vehicle. If the answer to any of the questions within the checklist is no or the vehicle does not meet the minimum measurement requirements the vehicle will not be licensed.

The council cannot be held responsible for errors made by an applicant or loss of money on a vehicle purchase if a vehicle is found to be non-compliant with the specification.

If you have any queries about the suitability of a vehicle or the number of passengers for which a vehicle will be licensed after reading the specification and completing this checklist please speak to a member of the Licensing team on 01256 844844 or email licensing@basingstoke.gov.uk. Where necessary the licensing team will request a copy of the completed checklist and arrange for an inspection of the vehicle at the council offices by a member of the licensing team.

		YES	NO
Age	Is the vehicle newer than 3 years old?		
Wheelchair Facilities	Is the vehicle constructed to facilitate the carriage of disabled person and capable of accommodating a disabled person in a standard size wheelchair within the passenger compartment?		
Type Approval	Does the vehicle meet the EC Whole Vehicle Type Approval (ECWVTA) at manufacture and also where any conversion works has been carried out since 1st registration? (The ECWVTA must apply to the whole vehicle including any subsequent conversion.)		
Ramps	Are any ramps for the loading of a wheelchair available at all times for use of the nearside passengers' door?		
Ramps	Are any ramps capable of being stowed safely when not in use?		
Seats	Does the vehicle provide at least 5 passengers seat meeting the required dimensions and access provisions?		

APPENDIX B

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

TOWN POLICE CLAUSES ACT (TPCA) 1847

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PART II

BDBC - HACKNEY CARRIAGE VEHICLE LICENCE (HCV) CONDITIONS

Definitions

“Authorised officer”	means an officer of the Council authorised in writing by BDBC
“The Council”	means Basingstoke and Deane Borough Council
“Hackney Carriage”	has the same meaning as in the TPCA 1847 and the LG(MP) Act 1976 Part II
“Licence plate”	means the plate issued by the Council for the purpose of identifying the vehicle as a hackney carriage vehicle
“Proprietor”	means the person or persons or body named in the licence as the proprietors of the vehicle
“The vehicle”	means the hackney carriage vehicle in respect of which this licence is issued
“Exceptional condition”	means meeting the Certificate of Compliance test standards detailed in the vehicle standard inspection manual

Licence Conditions

The proprietor shall observe and perform the following terms and conditions in respect of Hackney Carriage licences:

- 1 (a) The HCV to which this licence relates shall at all times during the licence period of the licence be maintained in sound mechanical condition and the coachwork and upholstery shall be kept in good and clean order and fit for public service to the satisfaction of the Council.
- (b) the licence plate displaying the licence number shall be fixed and displayed outside and on the rear of the vehicle using the fixing system supplied by the council. The HCV must display an internal sticker showing the vehicle licence number on the passenger side of the driver partition.

- (c) the licence plate shall remain the property of the Council and shall be returned to the Council within 7 days after the service of an appropriate notice by the Licensing Team Leader.
- (d) if the proprietor no longer holds a licence granted by the Council any deposit paid prior to November 2016 shall be refunded upon the plate being returned to the Council.

2. Fare Tariff Card

- a) the fare card supplied by the Council shall be prominently displayed inside the vehicle and no charges greater than those specified on the fare card shall be charged for journeys beginning and ending within BDBC's controlled district.

3. Availability of vehicle for inspection

- a) An authorised officer of the Council may inspect and test a HCV at all reasonable times to ascertain the fitness or condition of the vehicle or any taximeter fitted and may, if defects are found suspend the licence until the vehicle becomes roadworthy/fit for use. If the officer is not satisfied with the vehicle condition within 2 months from the date of the suspension, the licence shall be revoked;
- (b) in the event of a vehicle licence being suspended the licence plate shall be surrendered to the authorised officer and shall be held by the council pending the reinstatement of the licence;
- (a) without prejudice to the aforementioned conditions, the proprietor on receipt of a notice in writing from the Licensing Team Leader, shall present the HCV for inspection and testing by or on behalf of the Council.

4. Insurance

- (a) the proprietor shall at all times during the licence period keep in force, in relation to the use of the vehicle as a HCV public liability insurance cover of £2m, and a policy of insurance which complies with the requirements of the Road Traffic Act 1988 or any re-enactment thereof;
- (b) An authorised officer may request a proprietor to produce for examination a certificate of insurance in respect of the HCV for the purpose of the Road Traffic Act 1988, or any re-enactment thereof. If the proprietor fails to produce a certificate the proprietor shall within five days produce it at the Civic Offices. The council may suspend the vehicle until satisfactory evidence of insurance is provided

5. Taximeter

- (a) the proprietor shall provide and affix to the HCV a Fares HC Taximeter. Such meter must comply with the requirements of the Byelaws and shall be maintained in full working order at all times;
- (b) in the event of such taximeter suffering any malfunction or repair the proprietor shall immediately inform the Council in order that the taximeter may further be tested.
- (c) hackney carriage fare meters may be programmed with multi-tariffs, approved by the Council, provided the meter is fitted with an automatic calendar clock. The proprietor must notify the council if the meter is inaccurate and take immediate steps to ensure this be remedied. The vehicle must not be used at any time the meter does not accord with the approved fare levels.

6. Roof Sign

- (a) the proprietor shall affix to the HCV a suitable roof sign connected to the meter, which is only capable of being lit when the HCV is plying for hire, and must show the word "Taxi" to the front of the sign.

7. Fire Fighting and First Aid

- (a) the proprietor shall cause to be carried on the vehicle an appliance for extinguishing fire which must be carried in such a position as to be readily available for use
- (b) the proprietor shall cause to be carried in the vehicle at all times a first aid kit containing dressings and appliances. The first aid kit shall be maintained in full and proper order and immediately available.

8. Vehicle Damage

- (a) the proprietor shall report to the Council as soon as reasonably practicable and in any case within 72 hours of any accident to the HCV causing damage which materially affects the safety, performance or appearance of the vehicle.
- (b) the proprietor shall report to the Council any alteration in the design of the HCV which may require the proprietor to submit the vehicle for further examination.

9. Drivers

- (a) the proprietor shall not allow any person to drive a HCV unless that person is in possession of a current HCD licence granted by the BDBC.

10. Vehicle Ownership Transfer

- (a) if the proprietor of a HCV transfers his interest in the HCV to a person other than a proprietor specified in the licence, notice must be given to the Council in writing within 14 days of such transfer.
- (b) the new vehicle proprietor must apply for a transfer of the HCV licence into his/her name and pay the relevant fee. After providing evidence of ownership of the transferred vehicle, the vehicle licence will be transferred to the new owner.

11. Replacement Vehicle (permanent)

- (c) if the HCV to which this licence relates is replaced you must make an application to transfer the licence to the new HCV. Following completion of the relevant documentation and fee and vehicle testing requirements a new licence and plate will be issued.

12. Replacement Vehicle (temporary)

- (c) the proprietor must notify the Council if they require a temporary HCV to cover an off road HCV due to damage. The licence will be temporarily transferred to the replacement HCV whilst it is in use. On the return of the original HCV to which this licence relates, the proprietor must notify the Council and the licence will be transferred back to the original HCV.

Sub-Section (2) to (5) of Section 233 of the Local Government Act 1972, or any re-enactments thereof, are incorporated in these conditions in relation to any notice required or authorised by these conditions to be given or served on the proprietor

13. Advertising on Vehicles

- (a) proprietors wishing to display advertising on a HCV must seek prior approval from BDBC before applying any advertising material to the HCV. Any unauthorised advertising may result in the suspension of the vehicle licence until such times as the advertising is approved or removed.

14. GENERAL CONDITIONS

The Council may decide to suspend, revoke or refuse to renew any licence in respect of a HCV for any reasonable cause, including:-

- (a) that the HCV is unfit for use as a HCV
- (b) any offence under, or non-compliance with, the provisions of the TPCA 1847, the LG(MP) Act 1976 Part II, or any re-enactments thereof, and the conditions or byelaws relating to HCV made by the Council.

FAILURE TO COMPLY WITH LICENCE CONDITIONS

Failure to comply with any of the above HCV licence conditions, BDBC mechanical or cosmetic testing requirements and standards without reasonable cause, will result in suspension and/or revocation of the vehicle licence.

Any person aggrieved by the refusal of the Council to grant a HCV licence, or by any of the conditions attached to the grant of this licence, may appeal to the Crown Court within 21 days from the date on which notice of the councils requirement.

Section 301 Public Health Act 1936

APPENDIX C

PRIVATE HIRE VEHICLE SPECIFICATIONS

Specification relating to the Construction and Licensing of PHVs in (BDBC)

Part 1 – Conditions of Fitness

Part 2 – Specification for Licensing of Mini Buses

Part 1 – Conditions of Fitness

1. General Construction
2. Vehicle age
3. Wheels
4. Interior Lighting
5. Electrical Equipment
6. Fire Appliances
7. Estate Cars
8. Steps
9. Paintwork and Body Finishes
10. Passenger Seats, access and legroom
11. Steering
12. Windows
13. Glass
14. Door Fittings
15. Internal Plate
16. Floor Covering
17. Luggage
18. Fittings

19. Maintenance
20. Advertisements
21. Fuel Tanks

Part 2 – Specifications for licensing of Minibuses

22. Sliding Doors
23. Emergency Exit
24. Construction – codes of practice
25. Wheelchair Facilities
26. Wheelbase
27. Modifications to vehicle
28. Safety Rails

Notes:

The word “approved” in the conditions of fitness refers to approved by BDBC. It must be understood that, although the conditions set out in the specification may have been complied with, approval will be withheld if the council is of the opinion that the vehicle is unsuitable for public use. Notwithstanding the above the council may, at its discretion grant approval to any vehicle which it considers suitable for use as a private hire vehicle.

PART 1

Specifications for Private Hire Vehicles

1. General

All licensed private hire vehicles must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing. All vehicles must be M1 classified.

Vehicles working under the authority of a private hire vehicle exemption notice must meet the specification within the BDBC exempt vehicle policy (Appendix E).

2. Vehicle age

PHVs for general PH use must be newer than 3 years of age at first licence and can be relicensed until the vehicle is 12 years old at date of licence renewal. Applications for an older vehicle to be considered on an exceptional circumstance basis. Particular regard will be given to vehicle emission levels. Applications must be made in writing by the applicant giving reasons as to why the vehicle should be considered for relicensing. The vehicle must also have a full service history or documentary evidence to prove the vehicle has been maintained in accordance with the manufacturer's servicing schedule. It must meet the cosmetic vehicle standards. Vehicles aged over 10 years at the time of licence renewals must be inspected by officers who must be satisfied with the cosmetic standard of the vehicle.

3. Wheels

Road Wheels

- (a) All vehicles must have at least 4 full size road wheels and be of the correct type, size and pressure for that vehicle.
- (b) Spare Wheel Provision - In cases where a vehicle manufacturer originally provides a full sized spare wheel, the driver/owner shall continue to use this type of wheel and tyre as spare wheel provision.
- (c) Where the vehicle manufacturer originally supplies a vehicle with their approved:
 - run flat tyre, or
 - a spare wheel and tyre of a compact design, or
 - a repair or inflation equipment kit (in place of a spare wheel) as standard with a new vehicle,

the vehicle shall at all times carry the manufacturer's alternative (and where appropriate tools suitable for wheel changing) and keep in a condition capable of being immediately used.
- (d) In the event of the need arising for the fitting of a space saver tyre, the use of a run flat tyre or a repair or inflation kit then the appropriate remedial action to replace with 'new' (as per original specification) must be undertaken upon completion of the journey meaning no passenger(s) can be collected when any form of temporary wheel is in use.
- (e) All road wheels must have matching discs, hubs, wheel coverings which are kept in good working and cosmetic condition.

- 4. Interior Lighting**
Adequate lighting must be provided for the driver and passengers.
- 5. Electrical Equipment**
All electrical leads and cables must be adequately insulated and protected from exposure to water, diesel, petrol or oil.
- 6. Fire Appliances**
A fire extinguisher suitable for vehicles use must be carried in such a position as to be readily available for use. Appliances must comply with requirements relating to Fire Extinguishing Appliances for use on Public Service Vehicles.
- 7. Estate Cars**
Estates must have sufficient luggage space for the number of passengers the vehicle is licensed to carry for each journey. Boot space must be fitted with a guard between luggage space and passengers.
- 8. Steps**
The outer edge of the floor at each entrance which has an external step must be fitted with non-slip treads. If a colour contrast is used to aid a partially sighted person it must be of an approved type.
- 9. Paintwork and Body finishes**
Only the manufacturer's colour range may be used on exterior or interior body finishes. Internal and external paintwork and panels must be maintained in good condition and in accordance with BDBC mechanical and cosmetic testing provisions.
- 10. Seating Access, Capacity, Head and Knee Room**
All passenger seats must measure at least 40 centimetres wide (measurement taken from widest part of seat).

Where seats are placed facing each other there must be a clear space between any part of the front of a seat and any part of any other seat which faces it sufficient to provide reasonable leg room for adult passengers.

Suitable means must be provided to assist persons to rise from the rear seats with particular attention to the needs of elderly people and people with disabilities.

All passenger seats must provide reasonable leg room from the base of the rear seat support to any obstruction in front of that seat. Discretion may be applied to front passengers if the bulkhead casing intrudes minimally but does not detract from overall passenger comfort levels and does not risk the driver coming into physical contact with passenger when changing gears.

Passenger seats are not required to have direct access to side vehicle exits. The number of seats shall be licensed according to the V5C form and design of the originally manufactured model for adult seats.

- 11. Steering**
All vehicles must be right hand drive.
- 12. Windows**
Driver and passenger door windows must be capable of being opened easily from a seating position. The control for opening a door window must be easily identified.
- 13. Glass**
The windscreen must be of an approved safety type and not tinted. All other windows and glass must be of an approved safety type and accord with UK law regarding window tint levels.
- 14. Door Fittings**
An approved type of automatic door locking device must be fitted to passenger doors. When the vehicle is stationary the passenger doors must be capable of being readily opened from the inside and outside the vehicle by one operation of the latch mechanism. The interior door handle must be easily identified.
- 15. Floor Covering**
The flooring of the vehicle must be suitably covered and in good repair and not present any trip hazards. Any grooves in the flooring must be safely covered.
- 16. Internal Plate**
The interior licence plate must be prominently displayed in the top nearside corner of the front windscreen so it can be read by passengers.
- 17. Luggage**
Provision must be made for carrying a reasonable amount of luggage sufficient for the number of persons for which the vehicle is licenced having regard to each specific journey type. If it is intended to carry luggage on the roof, the carrier must be of an approved type fitted to secure roof guttering. It must not be used to carry weight in excess of the manufacturer's recommendation.
- 18. Fittings**
No fittings other than those approved may be attached to or carried upon the inside or outside of the vehicle.
- 19. Maintenance**
Vehicles, including all fittings must be well maintained and kept clean and in good working and cosmetic order. The vehicles will at all times be subject to test and inspection and should it be found that a vehicle is not being properly clean, comfortable or maintained or that any part or fitting is not in good working or cosmetic order, a notice will be served on the owner prohibiting him from using the vehicle until the defect has been remedied.

20. Advertisements

Adverts displayed on PHVs must relate to the private hire operators business only and must not detract from the Council's corporate signage that is required to be displayed on the vehicle.

21. Fuel Tanks

In the case of an engine powered by LPG a device must be fitted by which the supply of fuel to the engine may be immediately cut off. Its situation together with the means of operation and "OFF" position must be clearly marked on the outside of the vehicle.

Purely electric vehicles must have adequate range to sustain the use of the vehicle for private hire purposes.

Part 2

Specifications for licensing minibuses

22. Sliding Doors

Sliding doors must be fitted with a warning device to indicate when they are open.

23. Emergency Exit

Rear doors must be clearly marked on the inside and outside of the vehicle "Emergency Exit" with the means of operation clearly indicated.

24. Construction – Codes of Practice

Mini buses be constructed as far as it practicable in accordance with the following codes of practice: - The Safety of Passengers in Wheelchairs on Buses VSE87/1;

25. Wheelchair facilities

Approved anchorages must be provided for securing passengers using wheelchairs. These anchorages must be either chassis or floor linked. Restraints for a wheelchair and a person seated therein must be independent to each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use. All anchorages and restraints must be so designed that they do not cause a foreseeable danger to other passengers.

A ramp or ramps for the loading of a wheelchair and wheelchair users must be available at all times for use of the nearside passengers' door and kept in good working and cosmetic order.

26. Wheelbase

Mini Buses to have a minimum wheelbase of 100 inches (2.54 metres).

27. Modifications to vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior approval of the council at any time during the term of the licence. Vehicles having modifications made to the seating configuration and/or wheelchair carrying provisions added to the vehicle must attain 'normal' VCA IVA certification from an approved vehicle conversion company.

28. Safety Rails

Vehicles converted or adapted by the removal of passenger seats must be fitted with safety rails constructed in such a manner:

- (a) To prevent passengers from entering the space in the event of an accident.
- (b) that any luggage loaded must not interfere with the driver's controls.
- (c) to prevent any luggage loaded from moving into the passenger compartment in the event of an accident.

NEW PHV SPECIFICATION CHECKLIST

Before purchasing a new vehicle to be submitted for licensing as a PHV applicants must check that the vehicle meets the PHV specification.

This checklist covers some of the main specification criteria. However, please ensure you read the entire specification document before committing to buy a vehicle.

Please use this checklist when considering purchasing a vehicle for licensing and prior to paying any deposit for a vehicle. If the answer to any of the questions within the checklist is no or the vehicle does not meet the minimum measurement requirements the vehicle will not be licensed. The checklist includes additional sections which should be completed in respect of minibuses, MPV's and vehicles granted an exemption.

It is the responsibility of the applicant to provide the correct information and measurements. The council cannot be held responsible for errors made by an applicant or loss of money on a vehicle purchase if a vehicle is found to be non-compliant with the specification.

If you have any queries about the suitability of a vehicle after reading the specification and completing this checklist please speak to a member of the Licensing Team on 01256 844844 or email licensing@basingstoke.gov.uk.

Where necessary the Licensing Team will request a copy of the completed checklist and arrange for an inspection of the vehicle at the council offices by a member of the Licensing Team.

		YES	NO
Age	Is the vehicle newer than 3 years old?		
<i>Photo ref 1</i>	Measure all passenger seats from the widest point? Do the seats measure at least 16" per seat?		
<i>Photo ref 2</i>	Measure all passenger seats from the deepest point? Does this measure at least 18" per seat?		
	When sitting in the front seat(s), would all adult passengers be able to sit squarely and without causing physical contact with the dashboard or with the driver/driver controls whilst driving?		
Driver's seat	Is the driver's seat a single seat?		
Spare wheel/tyre provision	Does the vehicle have either; a matching size spare wheel and tyre /space saver spare tyre, or tyre repair provision as included within manufacturer specification and vehicles first sale?		
	Does the vehicle have appropriate wheel changing tools/kit?		
	Does the vehicle have a minimum of 4 side doors?		
Estate Cars	Is there sufficient luggage space (in boot) for the proposed number of passengers without the need to fold seats?		
	Is there a luggage guard fitted between the passengers and the luggage space at the rear?		
Steering	Is the vehicle right hand drive?		
Fuel Tank	If LPG , is there a device which will allow the immediate cut off of the fuel supply?		
Floor covering	Is the floor covering suitable in in good condition? Is it free from trip hazards with any grooves safely covered?		

		YES	NO
Luggage	Is there sufficient luggage space in the boot for the proposed number of passengers?		
Modifications	Has the vehicle specification, design, condition or appearance changed from its original production? If seating configuration/numbers been altered from originally manufactured base model, Individual Vehicle Approval certification will be required for inspection prior to licensing		

For minibuses and MPVs

Passenger seating capacity between 4 – 8 passengers

		YES	NO
Sliding doors	If vehicle has sliding doors, are they fitted with a warning device to indicate when they are open?		
Safety Rails	If vehicles have been adapted by removal of passenger seats, have safety rails been fitted in such a manner so to prevent passengers entering space in event of accident? not obstruct the drivers view? prevent any luggage located from interfering with the drivers' controls? prevent any luggage loaded from moving into the passengers' compartment in event of accident?		
Modification	Has vehicle been modified in terms of seating configuration and/or the addition of wheelchair carrying provisions? If so, has the vehicle attained 'Normal' VCA IVA certification?		

For executive / chauffeur style vehicles (exemption applications)

		YES	NO
List price	Is the list price greater than £28k exclusive of any add ons?		
Specification	Is the vehicle fitted with air conditioning or climate control to front and rear seating areas?		
	Does the vehicle have electric windows and central locking facilities?		
	Do all seats have headrests?		
Age	Is the vehicle less than 7 years of age?		

NB: Any executive vehicle over 7 years of age can only be licensed as an exempt vehicle at the discretion of the Head of Service.

APPENDIX D

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

S48(2) LOCAL GOVERNMENT (MISCELLANEOUS) PROVISIONS ACT, 1976 – PART II

BDBC - PRIVATE HIRE VEHICLE LICENCE CONDITIONS

Definitions

In this licence, and in these conditions, unless the subject or context otherwise requires:

“Authorised officer”	means an officer of the Council authorised in writing by the Council for the purpose of these conditions
“The Council”	means Basingstoke and Deane Borough Council
“PHV”	has the same meaning as in Part II of the Local Government (Miscellaneous Provisions) Act, 1976
“Licence plate”	means the plates issued by the Council to identify the vehicle as a licensed PHV
“Proprietor”	means the person/s or body named in the licence as the proprietors of the vehicle
“Exceptional condition”	means meeting the Certificate of Compliance test standard detailed in the vehicle standard inspection manual and these conditions
“Prestige”	means a Council pre-approved vehicle of a high specification and purchase price
“Corporate style work”	means work only carried out for companies requiring a chauffeur service in a prestige vehicle to undertake client, employee’s journeys

Private Hire Vehicle Licence Conditions

Each private hire vehicle licence is issued subject to the conditions stated below:

1. **Licence Display and Corporate Identity (for vehicles not granted exemption)**
 - (a) The proprietor shall cause the front and rear licence plates to be securely fixed to the vehicle using the fixing system supplied by the Council. The

licence plates must be displayed on the vehicle at all times whether being used for PHV work or not.

- (b) the licence plates remain the property of the Council and shall be returned within 7 days after service on the proprietor of an appropriate notice. Any plate deposit paid to the Council prior to November 2016 may be determined by the Head of Environmental Services, for the issue of the licence plate deposit to be refunded when a plate is returned to the Council.
- (c) all licensed PHV's must display door signs issued by the Council. These must be permanently affixed (not magnetic) on either both front driver and passenger doors or both rear passenger side doors of the PHV immediately below the windows or as close as possible to ensure the signs are attached to the top half of the door in their entirety. Where minibuses do not have rear doors on the side of the vehicle the sign must be displayed immediately below the window or in any case positioned in entirety on the top half of the door/wing side panels. The first set are issued free of charge, replacement sets shall incur a charge.

NB You are reminded not to sign write your vehicle in such a way as to prevent the council's door signs from being correctly applied in the required position on the vehicle.

- (d) Failure to correctly apply the door signs as per this condition will result in vehicles being suspended until door signs are correctly applied. (sec 68 LG(MP) Act 1976)
- (e) all vehicles must display a Council issued internal sticker detailing vehicle licence information and notes to passengers. This must be displayed on the inside of the front windscreen in the top left hand corner (near side)
- (f) no proprietor may remove the corporate identity and vehicle licence plates for any reason unless agreed by the Council.

2 Availability of vehicle for Inspection

- (a) An authorised officer may inspect and test a PHV at all reasonable times. If the officer is not satisfied as to the fitness or condition of the PHV, the licence may be suspended until such time the officer is satisfied that the vehicle is fit for purpose. If the officer is not satisfied within 2 months of the date of suspension, the licence shall be revoked.
- (b) If a vehicle licence is suspended under 2(a) above, the plate shall be immediately surrendered to the authorised officer and shall be held by them pending the testing of the vehicle;
- (c) without prejudice to these conditions, the proprietor on receipt of a notice in writing from the Licensing Team shall present the Private Hire vehicle for inspection and testing by or on behalf of the Council.

3. Vehicle Insurance

- (a) the proprietor shall during the current licence keep in force a policy of insurance that complies with the requirements of the Road Traffic Act, 1988 or any re-enactment thereof; and shall produce that certificate to an authorised officer on request, or within 5 days at the Civic Offices London Road Basingstoke. Failure to provide satisfactory evidence of insurance will result in the vehicle being suspended until insurance position satisfied.

4. Advertising on Vehicles

- (a) there shall be no advertising on any PHV without prior approval of the Council, apart from the operator's business name, address and telephone number of the licensed operator's details.
- (b) there shall be no mark or sign on the PHV that shall include the word taxi or taxi's or any words of a similar meaning that may suggest the vehicle overall is a Hackney Carriage;

5 Vehicle Damage

- (a) the proprietor shall report to the Council as soon as reasonably practicable and in any case within seventy-two hours, of the occurrence thereof, any accident to a PHV causing damage materially affecting the safety, performance or appearance of the vehicle or the safety, comfort or convenience of passengers carried therein;

6. Fire Fighting and First Aid

- (a) the proprietor shall ensure that at all times there is within the vehicle, an appliance for extinguishing fire, which must be carried in such a position as to be readily available for use.
- (b) the proprietor shall ensure that there is within the vehicle, a first-aid kit containing dressings and appliances for use in emergency. The first-aid kit to be located in such position as to be immediately available;

7 Vehicles Granted an Exemption Notice under S75(3) LGMPA 1976

- (a) a specifically approved 'prestige' private hire vehicle which has been granted an exemption notice following application to the Council, may only be used to carry out such work/journeys as applied for and approved at the granting of the exemption notice.(e.g., Corporate or chauffer type work in an approved style of vehicle only).

Specifically approved vehicles are exempt from the requirement to display the Corporate Identity but the vehicle licence plates issued by the Council must be carried inside the vehicle at all times. However the internal sticker provided must be displayed on the front windscreen.

- (b) if any vehicle issued with an exemption is found to be contravening the terms of that exemption, the vehicle will, have its exemption removed, and will be

required to comply with the requirement to display the Corporate Identity and vehicle licence plates.

8. Passengers

The proprietor shall not convey (or permit, cause or suffer to be conveyed) in the vehicle a greater number of persons (excluding the driver) than the number of persons specified in the licence provided.

9. Vehicle Transfer

- (a) if the ownership of the vehicle changes, the Council must be notified in writing within 14 days of the date of transfer of ownership.
- (b) the new vehicle proprietor must apply for a transfer of the licence into his/her name and pay the relevant fee.
- (c) the proprietor shall not assign or in any way part with the benefit of the licence without prior written consent of the Council;

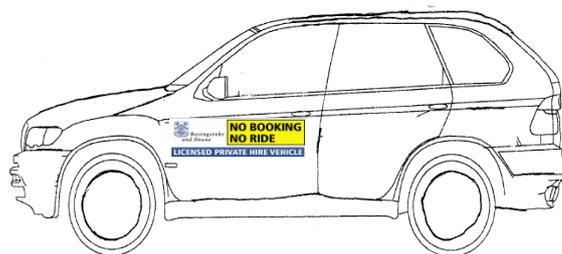
Local Government (Miscellaneous Provisions) Act 1976 S48(7)

Public Health Act 1936, S300

Any person aggrieved by any of the conditions attached to the grant of this licence, may appeal to the magistrates Court within 21 days from the date on which notice of the councils requirement.

FAILURE TO COMPLY WITH LICENCE CONDITIONS

Failure to comply with any of the above private hire vehicle licence conditions without reasonable cause, will result in suspension and/or revocation of the vehicle licence to which these conditions are attached. (LG(MP) Act 1976 S60)



Appendix E

EXECUTIVE PRIVATE HIRE VEHICLE POLICY

BASINGSTOKE AND DEANE BOROUGH COUNCIL BDBC

POLICY FOR GRANTING OF EXEMPTIONS UNDER SECTION 75(3) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Pre Application Advice

Under section 75(3) of the above Act, a Local Authority may, by way of a notice to the proprietor of a PHV, exempt such a vehicle from the requirement to display plates as required by section 48(6) of that Act and also from the requirement for drivers of such vehicles to wear their PHD badge as required under section 54(2) of the same Act.

BDBC will only provide a notice of exemption from that requirement to display plates in accordance with this Policy. That notice will also exempt the proprietor from having to comply with the licence conditions relating to display of additional signage.

The notice will be granted subject only to written application by a proprietor **and** compliance with the policy.

This policy relates to companies wishing to carry out only Corporate/Executive Hire Chauffeur type work and other 'special' journeys which require a higher specification and more prestigious vehicle for which a premium fare would be expected to be charged.

This policy specifically **excludes** vehicles being used for day to day private hire work such as pubs, clubs, shopping and other similar journeys which must comply with the Act and relevant PHV licence conditions at all times.

In view of the public safety implications of vehicles working without signage each application will be considered on its individual merits and on its compliance with the Policy.

Policy for approving exemptions under section 75(3) of the LG(MP) Act 1976

Approved work for which exempt vehicle may **only** be used.

- 1 Corporate bookings to transport employees and clients on corporate business journeys and/or
- 2 Airport and other 'special' journeys where the client specifically requests a vehicle of a prestige specification at the time of booking and pays a recognisably higher fee for that service compared to that charged for a non-exempt vehicle displaying corporate identity.

Approved Vehicle Specification

In view of the vast numbers of makes and models of vehicles available and how frequently models change, it is preferred not to produce a definitive list of vehicle makes and models that could be approved. We do not want to restrict any further than those vehicles which do not meet the following criteria.

The approval of an exemption will be based on the cost, reputation, specification, appearance, perception and superior comfort levels of a vehicle and the fact that it will not resemble a non-exempt PHV licensed to undertake the 'normal' day to day role. Each application will be considered on its individual merits but the final decision for approval or refusal will remain with the Licensing Team Leader.

- 1 Saloon and hatchback vehicles to be licensed for generally up to 4 passengers plus the driver allowing sufficient space for adult passengers to travel comfortably.
- 2 A range of vehicles capable of carrying in excess of 4 passengers will be considered provided they meet the higher specification and original list price required.
- 3 Vehicles seating more than 4 passengers will be licensed only for sufficient numbers of passengers to travel comfortably. Each seat must be of adequate dimensions. Any vehicle modifications from the manufacturer's specification must attain normal IVA certification.
- 4 The original list price of any vehicle must be a minimum of £28,000 in spite of its age on application. This minimum price will be exclusive of any extras added at the time of purchase. Evidence of the original new list value will be obtained at the time of application. Officers must be satisfied the evidence provided verifies the original list value.
- 5 The vehicle must have a minimum specification of at least air conditioning/climate control to front and rear seats, all electric windows, central locking and front and rear headrests sufficient for each passenger.
- 6 Male drivers are required to wear a suit or jacket and trousers plus shirt and tie at all times. Female drivers must follow an equivalent dress code but will not be required to wear a tie. This dress code must be followed at all times the vehicle is being used to undertake a booking.
- 7 Vehicles should be under 7 years of age at first licence. The decision to grant exemptions for any vehicle older than this will be at the discretion of the Licensing Team Leader.
- 8 All vehicles licensed under this policy will be inspected on renewal prior to the grant of a renewed licence.

APPENDIX F

LICENSED VEHICLE ADVERTISING SUMMARY POLICY

BDBC - LICENSED HCV and PHV ADVERTISING POLICY SUMMARY

1. General

- 1.1. Each application for approval of advertising is considered on its individual merits. Adverts of a controversial nature or which could cause offence to members of the public will not be permitted. Material shall not relate to drugs, tobacco, gambling, religion, alcohol, nudity (semi or full) sex, smoking materials, violence, race, politics or any other nature that may cause harm, distress or conflict.
- 1.2. Licensees shall ensure non-broadcast adverts comply with the Committee of Advertising Practice (CAP) code and broadcasted adverts comply with OFCOM code (or superseding codes in both cases) and any advertising laws to ensure adverts are legal, decent, honest and truthful.
- 1.3. BDBC shall have no responsibility for the organisation represented or the vehicle operator, proprietor, driver or other persons should any situation occur whereby the display of advertisements has a detrimental effect on that person or organisation.
- 1.4. Advertising material must not obscure a driver's vision or constitute danger to passengers, road users or the public whether they are on or within vehicle.
- 1.5. External adverts on HCVs or a PH Operators details on PHVs must not obscure the vehicle's licence plates or any BDBC corporate livery. Neither shall adverts be located next to any sign required by law or local conditions or in close proximity that the signage required by law or local condition could be mistakenly assumed to be part of the sign or advert.
- 1.6. The council reserves to withdraw its approval of an advert if for **any reason** it is subsequently considered inappropriate or that it would not be proper for that organisation to be connected to the council by means of advertisements on a BDBC licensed vehicle.
- 1.7. In car screen users must liaise with their insurer about using advertising screens.
- 1.8. Applications will specify the vehicle(s) they are to be used on/in. If vehicles are replaced and are of a different make and model, a new application will be required.

2. Application Procedure

- 2.1. All applications for advertising on/in HCVs or in PHVs must be made in writing to the Licensing Team and be accompanied by a sample of the adverts proposed which can be in electronic format (Inc. dimensions, vehicle details, and the proposed period of time the advertisement will be applied).
- 2.2. Licensing Officers will have regard to the full advertising policy (approved on 18.11.2014) when determining applications and undertaking compliance and enforcement measures regarding vehicle advertising matters.

3. External Advertising Conditions

- 3.1. **All** adverts must be approved before being applied to licensed HCVs. Licensed vehicles carrying unapproved adverts shall have the vehicle licence suspended until the advert is approved or removed.
- 3.2. Adverts must not be similar in design or layout to any council corporate signage or obscure any council signage affixed to the vehicle.
- 3.3. No advertising on PHVs shall contain the words 'taxi', 'cab' or other similar wording which may create a perception that the vehicle is a HCV.
- 3.4. Due to purpose built vehicle licensing requirements and the ease of identifying HCVs by their design as taxis, HCVs may display side, half or full wrap style advertising subject to prior approval. Internal flip up seat adverts are also permitted. No external advertising is permitted on PHVs other than to promote the PH Operator business details.
- 3.5. No PHV will be permitted to bear any sign or advertisement that may cause confusion regarding the overall appearance of the licensed vehicle as a HCV.
- 3.6. Advertisements must be affixed by a competent person and maintained in good condition at all times.
- 3.7. Only one supplier or brand name may be advertised on a licensed vehicle at any time.

4. Window Advertising

- 4.1. Signs on the rear windscreen/windows may be up to the full width and height of the window. Signs must not obscure rearward vision or any high level brake lights. Any adverts on vehicle windows must be of an approved material (e.g. dot matrix style and must be of a perforated one-way vision film or similar type

design which will allow the image/graphics to be seen from the outside of the vehicle only.

5. Conditions For Advertising Internally Within The Vehicle Via TV Screens - (Digital Media Technology)

- 5.1. HCVs and PHVs may install in-car digital media technology to be used for advertising purposes and/or live feed material in compliance with the conditions set out in the full vehicle advertising policy as agreed by the BDBC Licensing Committee on 18 November 2014

APPENDIX G

GUIDELINES AND RELEVANCE OF CONVICTIONS AND CAUTIONS FOR APPLICATIONS/CONVICTIONS POLICY

BDBC Taxi and PHV Licensing Criminal Convictions' Policy

1. Introduction

- 1.1. The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver licence.
- 1.2. The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure as far as possible:
 - That a person is a fit and proper person.
 - That the person does not pose a threat to the public.
 - That the public are safeguarded from dishonest person.
 - The safeguarding of children, young and vulnerable persons.
- 1.3. This policy provides guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:
 - Applicants for drivers' licenses
 - Existing licensed drivers whose licences are being reviewed or renewed
 - Licensing officers
 - Members of the licensing committee/ panel (or other relevant decision making body)
 - Magistrates hearing appeals against local authority decisions
- 1.4. Where licensing officers have delegated powers to grant licences, they will refer to these guidelines when considering an application. In all other cases applications for licences will be referred to the licensing committee/panel (or other relevant decision-making body). Whilst officers and the committee/panel will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.**

2. General policy

- 2.1. New applicants and existing licence holders are required to disclose all previous cautions and convictions whether or not they are spent.
- 2.2. Whilst the committee / panel may consider that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, it would normally be expected that the applicant would be required to:
 - a) Remain free of conviction for an appropriate period as detailed below; and
 - b) Show adequate evidence that he or she is a fit and proper person to hold a licence. The onus is on the applicant to produce such evidence.

Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

- 2.3. The standards and criteria set out in this document are those that would normally be applied to applications and licences. Each case will be considered on its own merits, and the licensing authority may depart from these criteria, however it must only do so in exceptional circumstances. The otherwise good character and driving record of the applicant of licence holder will not ordinarily be considered as exceptional circumstances.
- 2.4. **Where an applicant has been convicted of a criminal offence, the licensing authority cannot look behind or review the merits of the conviction** [Nottingham City Council v. Mohammed Farooq (1998)]. They will only have regard to the conviction itself.

3. Pre-requisites to making an application

- 3.1. It is the policy of the licensing authority that every application for a licence to drive a Hackney Carriage and/or Private Hire Vehicle must be accompanied by satisfactory evidence of the following matters (and that applications that are incomplete will not be deemed to have been made until such time as they are completed):
 - That the applicant has the right to live and work in the country
 - An enhanced criminal record check and evidence that they are not on a child and/or vulnerable adult barring list
- 3.2. If an applicant has resided or spent any significant time overseas since the age of 10 years old, the licensing authority will expect to see evidence of a criminal record check from the country/countries covering the period before a licence application can be made. This must be professionally translated into English. The applicant is responsible for all costs associated with this

Overseas Check/Certificate of Good Conduct which are generally obtained from the countries embassies.

4. Appeals

- 4.1. Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)] or to the Council's Licensing Sub-Committee.
- 4.2. Any applicant refused an operator licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court or the Council's Licensing Sub-Committee within 21 days of the notice of refusal.
- 4.3. Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court or Council's Licensing Sub-Committee within 21 days of the notice of suspension or revocation.

5. Powers

- 5.1. Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 5.2. The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant 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 all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 5.3. In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

6. Consideration of disclosed criminal history

- 6.1. Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or

a private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, reprimands, cautions or charges awaiting trial, the licensing authority will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- The nature of the offences
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Any history or related cautions or convictions
- Sentence imposed by the court
- The applicant's age at the time of conviction.
- Whether they form part of a pattern of offending
- The guidelines applying to convictions of that category
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

- 6.2. It is noted that cautions are not convictions, but confirm an admission of guilt to a criminal matter. However, the Council will have regard to cautions and other reprimands when considering an application.
- 6.3. The issue of summons or the arrest and release on bail with or without charge can indicate that there has been an event, which may cause the Council to review the suitability of an applicant or a licensed driver to hold a licence.
- 6.4. Existing holders of drivers' licences are required to notify the licensing authority in writing within seven days of being arrested, are being investigated by the Police for a possible offence, receiving a driving licence endorsement, fixed penalty notice or criminal conviction including cautions or similar proceedings during the period of the licence. It is open to the Council to reconsider a licence during its validity period if a conviction (or similar) would cause the Council to consider whether to refuse an application, in accordance with the following guidelines, and that licence may be suspended or revoked if deemed appropriate.
- 6.5. Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing officer in confidence for advice.
- 6.6. DBS disclosures will not include details of any foreign convictions, unless the conviction has been recorded on the UK Police National Computer. To enable the Council to properly consider an application, an applicant who has resided outside the UK or spent a significant period of time (excluding holidays) since the age of 10 will be required to produce a 'Certificate of Good Conduct' from the relevant country (i.e.) (generally issued through the relevant embassy or consulate) which details any convictions or other matters arising against the applicant while resident in that country. It shall be

the applicant's responsibility to obtain such documents and ensure they are professionally translated into English, and to pay any associated fees. This requirement is in addition to the DBS disclosure. Where an applicant is unable to obtain the above, they must give a statement outlining the reasons for this, and provide references to the satisfaction of the Council from appropriate individuals or bodies as to their conduct in the country.

- 6.7. When submitting an application for a licence to drive a hackney carriage or a private hire vehicle, or to renew such a licence, applicants are required to declare on the application form **all** previous convictions, cautions, penalties and motoring endorsements they may have received. Applicants are also required to declare any on-going motoring or criminal investigations, prosecutions or similar legal proceedings of which they are the subject.
- 6.8. As hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974, convictions which would ordinarily be considered 'spent' must be declared and may be considered in the determination of the application. However, the Council will generally only take such convictions into account if they are considered to be of particular relevance to the application in question or of an especially serious nature, or if there is some other cause to believe that the applicant cannot be considered to be 'rehabilitated' (having regard to the nature of the work that taxi and private hire drivers undertake.)
- 6.9. The licensing authority requires enhanced disclosures from the Disclosure and Barring Service (DBS) from every applicant for a driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.
- 6.10. Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. The licensing authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.
- 6.11. So that the licensing authority receives relevant information as quickly as possible in order to take appropriate and proportionate action to protect public safety, it is the licensing authority's policy to require applicants to register for the DBS's update service and to nominate the licensing authority to receive updates. Registration lasts for 1 year and costs £13 per year. Licensees are expected to provide evidence of continuous registration and nomination throughout the duration of their licence. This option also provides a financial saving to drivers over a 3 year period.
- 6.12. More information about the DBS can be found on their website.
- 6.13. The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.

- 6.14. It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 6.15. Although some specific guidelines on the relevance of convictions are contained in the following sections for examples of offences to which the Council will pay particular regard, the Council will give equal consideration to offences falling outside of these categories and the examples given. Offences of a similar nature or differently entitled in any statutory provision, modification or re-enactment will be taken into account in accordance with the guidelines.
- 6.16. It should be noted that the Council may refuse an application (or suspend or revoke a licence) after considering a conviction, caution or reprimand for any offence, if it is not satisfied that the applicant is fit and proper to hold a licence. Each case will be decided on its own merits. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.
- 6.17. On application to renew a licence, if no further convictions have been received since the previous application was considered, the Council will not consider it necessary to review convictions considered on the previous application. However, in cases where new convictions have been received, all convictions may be taken into consideration, even if they have been previously considered.

7. Serious offences involving violence

- 7.1. Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence.
- 7.2. Where an applicant or driver has been convicted of a crime which resulted in the death of another person or was intended to cause death or serious injury to another person they will not be licensed. This includes the following offences:
- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
 - Causing death by dangerous driving
 - Causing death by careless driving whilst under the influence of drink or drugs
 - Causing death by driving: unlicensed, disqualified or uninsured drivers
 - or any similar offences

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

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault with racially aggravated
- Violent disorder
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

7.4. A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 5 years prior to the date of application:

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Harassment
- Resisting Arrest
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

7.5. A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

7.6. In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

8. Possession of a weapon

- 8.1. If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.
- 8.2. Where an applicant or driver has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

9. Sex and indecency offences

- 9.1. As licensed drivers often carry unaccompanied and vulnerable passengers, the licensing authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences will be considered as serious. Where an applicant or driver has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. Such offences include:
- Rape
 - Assault by penetration
 - Offences involving children or vulnerable adults
 - Sexual assault
 - Indecent assault
 - Exploitation of prostitution
 - Trafficking for sexual exploitation
 - Possession of indecent photographs, child pornography etc.
 - Indecent or gross exposure
 - Soliciting (kerb crawling)
 - Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- 9.2. In addition to the above the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or any Barring List.

10. Dishonesty

- 10.1. A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.
- 10.2. Where an applicant has a conviction for any offence of dishonesty or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of the sentence imposed. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- and any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

10.3. A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

10.4. Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not be issued with a licence.

11. Drugs and Alcohol

A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

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

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

11.2. If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

11.3. A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.

11.4. An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a

number of convictions for drunkenness may indicate a medical problem necessitating critical examination of an application.

- 11.5. Where there is evidence of persistent drug or alcohol misuse or dependency (which may include multiple convictions for related offences), applicants will be required to show that they satisfy the relevant medical standards in relation to drug and alcohol misuse. To verify this, the Council may require the applicant to undergo a specialist medical examination.

12. Exploitation

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

13. Drink driving/driving under the influence of drugs/using a mobile phone whilst driving

- 13.1. As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 13.2. Convictions for drink-driving or drug-driving without disqualification will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence is likely to merit refusal.
- 13.3. A drink-driving or drug-driving conviction arising from an offence in the course of hackney carriage or private hire work within the last five years is also likely to merit refusal.
- 13.4. The provisions included under the heading 'Drugs and alcohol' in respect of substance misuse or dependency will also be taken into account when considering drink-driving or drug-driving offences.
- 13.5. Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:

- are much less aware of what's happening on the road around them
- fail to see road signs
- fail to maintain proper lane position and steady speed
- are more likely to 'tailgate' the vehicle in front
- react more slowly, take longer to brake and longer to stop
- are more likely to enter unsafe gaps in traffic
- feel more stressed and frustrated.

13.6. There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. Where an applicant has a conviction for using a mobile phone whilst driving, a licence will not be granted until at least 3 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

13.7. A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

14. Licensing offences

14.1. One of the main purposes of the licensing regime set out in the Town Police Clauses Act 1847 and The Local Government (Miscellaneous Provisions) Act 1976 is to ensure the safety and protection of the public. For this reason a serious view is taken of convictions for offences under these and other related Acts (including illegally plying for hire and touting) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

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

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

14.4. A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

14.5. A similar consideration will also be applied to offences under the Disability Discrimination Act 1995 or the Equality Act 2010, where the offence arose in the course of taxi or private hire work.

15. Insurance offences

15.1. A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour.

- 15.2. A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.
- 15.3. An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operators' licence revoked immediately and be prevented from holding a licence for at least three years.

16. Outstanding charges or summonses

- 16.1. If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
- 16.2. If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

17. Non-conviction information

- 17.1. If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.
- 17.2. In assessing the action to take, the safety of the travelling public must be the paramount concern.

18. Cautions

- 18.1. Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

19. Once a licence has been granted

- 19.1. If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.
- 19.2. A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]
- 19.3. A suspension or revocation of the licence of an operator takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.

20. Licences issued by other licensing authorities

- 20.1. Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits and shall be subject to the Council's own fitness and propriety vetting checks.
- 20.2. Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

21. Driving Licence Endorsements

- 21.1. For certain driving offences, either where an individual has been convicted by a court or has admitted the offence by way of a fixed penalty notice, driving licences may be endorsed with details of the offence, and a number of penalty points can be imposed upon the individual's driving licence. Endorsements may indicate a poor driving record and give rise to concerns about the applicant's fitness to hold such a hackney carriage or private hire driver's licence.
- 21.2. Driving licence endorsements may form part of the overall sentence arising from a criminal conviction, which will also be shown on the DBS disclosure. In such circumstances, the following guidelines should be read in conjunction with the appropriate paragraphs of the preceding section.
- 21.3. Endorsements will be checked by requiring an applicant to produce his driving licence to accompany an application, and by way of the verification check. Applicants and existing drivers shall be required to provide licensing officers with a code to verify their DVSA driving record as part of their application process and upon request made by a licensing officer.
- 21.4. All endorsements have a set validity period, and the Council will have regard to this period when determining which endorsements to take into account. The Council will have regard to both individual valid endorsements, and the cumulative total of penalty points from all valid endorsements on the licence.
- 21.5. Endorsements which fall outside of the stated validity period will not generally be taken into consideration, unless they demonstrate a pattern of poor driving.
- 21.6. A full list of endorsable traffic offences, including the corresponding endorsement codes, penalty points and validity periods, is included in this document. See Annex A.
- 21.7. On application to renew a licence, if no further endorsements have been received since the previous application was considered, the Council will not consider it necessary to review previous endorsements. However, in cases where new endorsements have been added, all valid endorsements appearing on the licence at the time of application may be taken into consideration, even if they have been previously considered.
- 21.8. Drivers licensed by the Council are required to notify the Licensing team immediately in writing, and in any case within 7 days of any endorsements received during the period of the licence. It is open to the Council to reconsider a licence during its validity period if an endorsement would cause the Council to consider whether to refuse an application, in accordance with the following guidelines, and that licence may be suspended or revoked if deemed appropriate.

Major endorsements

- 21.9. An endorsement which was subject to the award of four or more penalty points shall be regarded, for licensing purposes, as a major endorsement.
- 21.10. All such endorsements will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers.
- 21.11. More than one such valid endorsement will generally result in the application being refused or revoked.
- 21.12. An endorsement which was subject to the award of ten or more penalty points shall be regarded with particular seriousness, and may constitute grounds for refusal or revocation on its own.

Minor endorsements

- 21.13. An endorsement which was subject to the award of three or less penalty points shall be regarded, for licensing purposes, as a minor endorsement.
- 21.14. A single minor endorsement will not generally prevent an application from proceeding.
- 21.15. However, a larger number of minor endorsements, particularly if incurred in a short period of time, will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers.

Cumulative total of penalty points

- 21.16. An application will normally be refused where the applicant has 12 or more penalty points from valid endorsements on his driving licence (whether or not the applicant was convicted by a court for the offences for which penalty points were imposed).
- 21.17. Applicants with 9 or more penalty points from valid endorsements on their driving licence, or three or more valid endorsements, will generally have their applications referred to the Licensing Team Leader or Sub Committee for careful consideration of the facts. If the Team Leader or Committee are not satisfied that the applicant can be considered a fit and proper person by virtue of his endorsements, it shall be open to them to refuse the application or revoke the licence.
- 21.18. All applicants with 6 to 8 penalty points from valid endorsements on their licence, or two valid endorsements, will generally be required to attend an interview with a licensing officer to review the facts behind the endorsements. It shall be at the Licensing Team Leader's discretion as to whether to refer such applications to the Licensing Committee for further consideration of the pertinent facts, or to approve the application. Where applications are approved, it is expected that a warning as to future driving and advice on the

standards expected of hackney carriage and private hire drivers will also be administered.

22. Summary

- 22.1. To summarise, a criminal history in itself will not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.
- 22.2. Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.
- 22.3. While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.
- 22.4. In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify a driver (e.g. because of exceptional circumstances) the Council is likely to refuse a hackney carriage or private hire driver's licence. This is because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

22.5.

Annex A – Motoring offences and penalty points

The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. These codes are recorded from information supplied by the courts.

Code	Offence	Penalty Points
Accident Offences		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
Disqualified Driver		
BA10	Driving whilst disqualified by order of court	6
BA30	Attempting to driver while disqualified by order of court	6
Careless Driving		
CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other road users	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40	Causing death through careless driving when unfit through drink	3-11
CD50	Causing death by careless driving when unfit through drugs	3-11
CD60	Causing death by careless driving with alcohol level above the limit	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3-11
CD71	Causing death by careless driving then failing to supply a specimen for drug analysis	3-11
CD80	Causing death by careless, or inconsiderate, driving	3-11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3-11

Construction & Use Of Offences		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
C80	Using a mobile phone while driving a vehicle	3
Dangerous Driving		
DD40	Dangerous Driving	3-11
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11
DD90	Furious Driving	3-9
Drink or Drugs		
DR10	Driving or attempting to drive with alcohol level above limit	3-11
DR20	Driving or attempting to drive while unfit through drink	3-11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR80	Driving or attempting to drive when unfit through drugs	3-11
DR90	In charge of a vehicle when unfit through drugs	3-11
Insurance Offences		
IN10	Using a vehicle uninsured against third party risks	6-8

Licence Offences		
LC20	Driving otherwise than in accordance with the licence	3-6
LC30	Driving after making a false declaration about fitness when applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical ground	3-6
Miscellaneous Offences		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	As Appropriate
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc.	3
Motorway Offences		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
Pedestrian Crossings		
PC10	Undefined Contravention of Pedestrian Crossing Regulation	3
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3
Speed Limits		
SP10	Exceeding goods vehicle speed limits	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6

Traffic Directions And Signs		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'Stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
Special Code		
TT99	To signify a disqualification under totting-up procedure. if the total of penalty points reaches 12 or more within 3 years, the driver is liable to be disqualified	
Theft or Unauthorised Taking		
UT50	Aggravated taking of a vehicle	3-11

Aiding, abetting, counselling or procuring

Offences as coded, but with 0 changed to 2 e.g. LC10 becomes LC12.

Causing or permitting

Offences as coded, but with 0 changed to 4 e.g. LC10 becomes LC14.

Inciting

Offences as coded, but with the end 0 changed to 6 e.g. DD40 becomes DD46.

Non-endorsable offences

Some offences are non-endorsable. A non-endorsable offence is an offence which courts do not endorse onto paper counterpart. No penalty points are attributed to these offences but they carry a period of disqualification.

At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

Period of time

Periods of time are signified as follows: D=Days, M=Months, Y=Years

Endorsements remain on a counterpart licence for the following periods of time:

Endorsements must remain on a licence for 11 years from date of conviction if the offence is:

- Drinking/drugs and driving (shown on the licence as DR10, DR20, DR20 and DR80).
- Causing death by careless driving whilst under the influence of drink/drugs (shown on the licence as CD40, CD50 and CD 60).
- Causing death buy careless driving, then failing to provide a specimen for analysis (shown on the licence as CD70).

Or 4 years from the date of conviction if the offence is as listed below:

- Reckless/dangerous driving (shown on the licence as DD40, DD60 and DD80).
- Offences resulting in disqualification.
- Disqualified from holding a full licence until a driving test has been passed.

Or 4 years from the date of offence in all other cases.

Source www.direct.gov.uk

ANNEX B – Rehabilitation of Offenders Act

Spent Convictions

Under the Rehabilitation of Offenders Act 1974 convictions become spent as defined below – **Those 18 or over on the date of conviction**

Sentence	Rehabilitation Period
Prison sentence over 48 months	Never spent
Prison sentence between 30 and 48 months	7 years from the end of the sentence (Inc. time on licence)
Prison sentence between 6 and 30 months	4 years from the end of the sentence (Inc. time on licence)
Prison sentence less than 6 months	2 years from the end of the sentence (Inc. time on licence)
Probation order	12 months from the end of the order
Community order	12 months from the end of the order, or where the last such day is not specified, 2 years from the date of conviction
Fine	1 year from the date of conviction
Conditional Discharge Order, referral order, reparation order, action plan order, supervision order, bind over order, hospital	The last day on which the order has effect
Compensation	Once the compensation is paid in full
Absolute Discharge	No rehabilitation period

Drivers are exempt from the provisions of The Rehabilitation of Offenders Act 1974 Exceptions) (Amendment) Order 2002, Part 1 of Schedule 1, Paragraph 12(e). are exempt from (Exceptions) (Amendment) Order 2002, Part 1 of Schedule 1

This means that:

New applicants and existing licence holders must disclose all previous cautions and convictions whether they are spent or not.

Spent convictions

Under the Rehabilitation of Offenders Act 1974 convictions become spent as defined below:

Those 17 or under on the date of conviction

Sentence	Rehabilitation Period
Custodial sentence: over 48 months	Never spent
Custodial sentence: more than 30 months up to and including 48 months	3 and a half years from the end of the complete sentence (Inc. time spent on licence)
Custodial sentence: more than 6 months up to and including 30	2 years from the end of the complete sentence (Inc. time spent on licence)
Custodial sentence: 6 months or less	1 and a half years from the end of the complete sentence (inc time spent on licence)
Community order / Youth Rehabilitation Order	6 months from the end of the order, and where the order does not specify the last day, 2 years from the date of conviction
Referral order	The last day on which the order has effect
Fine	One year from the date of conviction
Conditional Discharge Order, referral order, reparation order, action plan order, supervision order, bind over order, hospital	The last day on which the order has effect

ANNEX C – Taxi Offences

Taxi and Private Hire Vehicle, Driver and Operator offences

Local Government (Miscellaneous Provisions) Act 1976

- S46(1)(a) Licensed driver using an unlicensed vehicle for private hire purposes
- S46(1)(b) Driving a private hire vehicle without a private hire drivers licence
- S46(1)(c) Proprietor of a private hire vehicle permitting or employing an unlicensed driver to drive a private hire vehicle
- S46(1)(d) Operating a private hire vehicle when the driver is not licensed as a private hire driver
- S46(1)(e)(i) Operating an unlicensed vehicle as a private hire vehicle
- S46(1)(e)(ii) Operating a private hire vehicle when the driver is not licensed as a private hire driver
- S48(6) Failure to display a private hire vehicle plate
- S49 Failure to notify the transfer of a vehicle licence
- S50(1) Failure to present HCV/PHV for inspection as required
- S50(2) Failure to inform LA where HCV/PHV is stored if requested
- S50(3) Failure to report an accident to LA
- S50(4) Failure to produce HCV/PHV proprietor's licence and insurance certificate
- S53(3) Failure to produce HCD/PHD licence
- S54(2) Failure to wear PHD badge
- S56(2) Failure by PH operator to keep records
- S56(3) Failure by PH operator to keep records of PHVs operated by him
- S56(4) Failure to produce PH operators record on request
- S57 Making false statement or withholding information to obtain HCD/PHD/PH Op licence
- S58(2) Failure to return plate after notice given after expiry, revocation or suspension of HCV/PHV proprietors licence
- S61(2) Failure to surrender drivers licence after suspension, revocation or refusal to renew
- S64 Permitting any vehicle other than HCV to wait on a HC stand
- S66 Charging more than the meter fare for a journey ending outside the district, without prior agreement

- S67 Charging more than the meter fare when HCV used as PHV
- S69 Unnecessarily prolonging a journey
- S71 Interfering with a taxi meter
- S73(1)(a) Obstruction of authorized officer or constable
- S73(1)(b) Failure to comply with requirement of authorized officer or constable
- S73(1)(c) Failure to give information or assistance to authorized officer or constable

Town Police Clauses Act 1847

- S40 Giving false information on a hackney carriage licence application
- S44 Failure to notify change of address on a hackney carriage licence
- S45 Plying for hire without a hackney carriage licence
- S47 Driving a hackney carriage without a hackney carriage driver licence
- S47 Hackney carriage proprietor permitting or employing an unlicensed driver to drive a hackney carriage
- S48 Failure of a proprietor to retain in his possession copies of any hackney carriage driver licence that permits them to drive their vehicle
- S48 Failure of a proprietor to produce on request by an authorised officer an hackney carriage driver licence
- S52 Failure to display a hackney carriage plate
- S53 Refusal to take a fare without a reasonable cause
- S54 Charging more than the agreed fare
- S55 Obtaining more than the legal fare (including failure to refund)
- S56 Travelling less than the lawful distance for an agreed fare.
- S57 Failure to wait after a deposit to wait has been paid
- S58 Charging more than the legal fare
- S59 Carrying other person than the hirer without consent
- S60 Driving a HCV without a proprietors consent
- S60 Person allowing another to drive a HCV without proprietors consent
- S61 Drunken driving of an HCV
- S61 Wanton or furious driving or wilful misconduct leading to injury or danger
- S62 Driver leaving HCV unattended
- S64 HCD obstructing other HCDs

Transport Act 1980 (Private Hire Provisions)

S64(2)(a) Driving a PHV with roof sign which contravenes S64(1)

S64(2)(b) Causing or permitting a PHV to be driven with a roof sign which contravenes section 64(1)

APPENDIX H

HACKNEY CARRIAGE DRIVER BYELAWS

TOWN POLICE CLAUSES ACT, 1847

B&DBC HACKNEY CARRIAGE DRIVER BYELAWS

Byelaws made under section 68 of the town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by THE DISTRICT COUNCIL OF BASINGSTOKE with respect to hackney carriages in THE DISTRICT OF BASINGSTOKE.

Interpretation

1. Throughout these byelaws “the Council” means the DISTRICT COUNCIL OF BASINGSTOKE and “the district” means the boundary of the former BOROUGH OF BASINGSTOKE.

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 of a hackney carriage shall:-
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

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

- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say,
- (a) the taximeter shall be fitted with a key, flag or other device the turning 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 should 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 byelaw in that behalf;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

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

5. The driver of a hackney carriage provided with a taximeter shall:-
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;

- (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 as defined for the purposes of the Road Transport Lighting Act 1957, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
 7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired,
 - (a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
 8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
 9. 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. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions being given by the hirer, proceed to that destination by the shortest available route.
 12. 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.
 13. 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.
 14. The driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage:

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

Provisions fixing the stands of hackney carriages

15. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list:-

- (a) For eight hackney carriages:

against the kerb on the east side of Lower Wote Street from a point of 147 feet south of the southern boundary of Churchill Way southwards for a distance of 150 feet.

- (b) For five hackney carriages:

against the kerb on the south side of Clifton Terrace from a point of 54 feet east of the western end of Clifton Terrace eastwards for a distance of 91 feet.

- (c) For four hackney carriages:

against the kerb on the east side of church Street, for a distance of 69 feet northwards from the south western corner of the Town Hall.

- (d) For four hackney carriages:

against the kerb on the west side of Church Street from a point of 105 feet south of its junction with Church Square northwards for a distance of 75 feet.

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

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

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

Local Government (Miscellaneous Provisions) Act 1976

Part II – Hackney Carriage Fares

See revised Table of Fares enclosed

17. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages

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, carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the Police Station in the district and leave it in the custody of the officer in charge on his giving a receipt for it.

Penalties

20. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds 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

21. The following byelaws relating to hackney carriages are hereby repealed:-

<u>Byelaws</u>	<u>Date made by</u> <u>the Council</u>	<u>Date confirmed by one of Her</u> <u>Majesty's Principal Secretaries of</u> <u>State</u>
1-21	14 March 1963	24 June 1963
17	2 November 1965	21 December 1965
8 & 16	16 February 1967	31 March 1967
16	1 July 1969	3 December 1969
16	22 April 1970	3 September 1970
1-21	5 February 1971	26 March 1971
1 & 16	16 May 1974	3 July 1974
16	28 February 1975	11 April 1975

THE COMMON SEAL OF THE DISTRICT COUNCIL OF BASINGSTOKE was hereunto affixed on the seventeenth day of May One thousand nine hundred and seventy seven in the presence of L.S CHIEF EXECUTIVE

The Secretary of State this day confirmed the foregoing Byelaws and fixed the date on which they are to come into operation as the twelfth day of July One thousand nine hundred and seventy seven

(Sgd) R S D Shuffrey

An Assistant Under Secretary of State

Home Office

Whitehall

8 July 1977

L.S

APPENDIX I

PRIVATE HIRE DRIVER LICENCE CONDITIONS

S51(2) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PART II

BDBC PRIVATE HIRE DRIVER (PHD) LICENCE CONDITIONS

Definitions

In these conditions, unless the subject or context otherwise requires:

“authorised officer”	means an officer of the Council authorised in writing by the Council for the purpose of these conditions;
“the Council”	means Basingstoke and Deane Borough Council;
“road”	means any highway and any other road to which the public has access, and includes bridges over which a road passes. S192 RTA 1988
“Guide/assistance dog”	means a dog which is trained by a specific charity to assist a disabled person with a sensory or physical impairment.

Licence conditions

The licensee shall observe and comply with the following conditions:

- 1 The licensee shall have £2 million of Personal Public Liability Insurance.
- 2 The licensee shall not while driving or in charge of a PHV
 - (a) tout or solicit on a road or other public place any person to hire or be carried for hire in any PHV;
 - (b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any PHV;
 - (c) accept an offer for the immediate hire of that PHV while the licensee or that vehicle is on a road or other public place.
- 3 The licensee shall not convey (or permit, cause or suffer to be conveyed) in the vehicle a greater number of persons (excluding the driver) than the number of persons specified in the licence plate provided.

- 4 The licensee shall, when driving a PHV, wear in a conspicuous position the driver's badge issued by the Council. The badge remains the property of the Council and must be returned to the Council immediately the driver ceases to be licensed by the Council.
- 5 The licence may be suspended, revoked or not renewed by this Council:
 - (d) if the driver has since the grant of the licence been convicted of an offence involving dishonesty, indecency or violence;
 - (e) if the driver commits an offence or otherwise fails to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act, 1976 or any re-enactments thereof;
 - (f) if the driver becomes disqualified from driving under any of the Road Traffic Acts or re-enactments thereof, in which case the licence shall be automatically revoked;
 - (g) if the driver is suffering from, or has suffered, any illness or disability which in the opinion of the Council's medical advisor, renders him/her unfit to continue to act as a PHD
 - (h) any other reasonable cause.
- 6 During the licence period the licensee shall at the request of any authorised officer of the Council provide a valid DVLA check code (and in any event within 72 hours following such request) to allow the Licensing Team to be able to verify any driving licence details including entitlements and endorsements
- 7 the driver of a Private Hire vehicle which has been hired to be in attendance at an appropriate time and place shall, unless delayed or prevented by some sufficient cause, punctually attend at the appointed time and place;
- 8 the driver shall, when requested by the hirer:
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading, including assistance in removing it to and from the entrance of any house or other place where passengers are collected or set down;
- 9 the driver shall immediately after the termination of any hiring carefully search the vehicle for any property that may have accidentally been left therein and, if such property is found, take the same within 24 hours if the property is not claimed by or on behalf of its owner to Basingstoke Police Station or to their PHO office.
- 10 (i) the driver shall agree to carry guide/assistance dogs at no charge to the passenger unless he/she is in possession of an exemption certificate issued by the Council.

- (ii) any driver who is in possession of an exemption notice under para 12 (i) shall exhibit the exemption notice in a prominent position on the dashboard facing upwards or on the windscreen facing outwards
- 11 The driver shall not smoke cigarettes or any smoking substitution or vaping devices whilst located within a PHV.
- 12 The driver shall comply with the Councils dress code and code of good conduct policy.

Any person aggrieved by any of the conditions attached to the grant of this licence, may appeal to the Magistrates Court within 21 days from the date on which notice of the councils requirement.

Public Health Act, 1936 – Section 300

Local Government (Miscellaneous Provisions) Act 1976 – Part II

Section 77

APPENDIX J

CODE OF CONDUCT & DRESS CODE FOR LICENSED DRIVERS

Code of Good Conduct & Driver Dress Code for Licensed Drivers.

The Council has adopted the following Code of Good Conduct and Driver Dress Code, which should be read as part of the licence conditions

RESPONSIBILITY OF THE TRADE

Licence holders shall promote the image of the hackney carriage and private hire trade by:

- complying with this Code of Good Conduct;
- complying with all the Conditions/byelaws of their Licence and the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy; and
- behaving in a civil, orderly and responsible manner at all times towards other drivers, customers, work colleagues and regulatory officers.
- Providing excellent customer care and service.

RESPONSIBILITY TO CUSTOMERS

Licence holders shall:

- at taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:
- rank in an orderly manner and proceed along the rank in order and promptly; and remain in the vehicle.
- maintain their vehicles in a safe and satisfactory condition at all times;
- keep their vehicles clean and suitable for hire to the public at all times;
- attend punctually when undertaking pre-booked hiring unless delayed by unavoidable circumstances. If delays are lengthy, the driver/operator should attempt to contact the hirer to inform them;
- assist passengers where appropriate into and out of vehicles; and
- offer passengers reasonable assistance with luggage.
- Not commence fare until the commencement of journeys when loading and securing passengers using wheelchairs
- Not touch passengers (other than for assistance purposes) or engage in personal, intimate or inappropriate conversations or behaviour with passengers. There must be no sexual activity, including consensual activity, between drivers and passengers either in a licensed vehicle or when a licensed driver is on duty.

RESPONSIBILITY TO RESIDENTS

- take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.
- At a private hire operator's premises, a licence holder shall -
 - not undertake servicing or repairs of vehicles which cause nuisance, disturbance or distress to neighbouring residents or to cause any traffic issues;
 - not allow their entertainment devices to cause disturbance to residents of the neighbourhood.
 - Park licensed vehicles in a manner that does not cause obstruction to road users and residents.

GENERAL

Drivers shall:

- pay attention to personal hygiene
- dress so as to present a professional image to the public
- not wear any clothing or other item that is likely to cause offence or is of a political nature
- not have any signage or material in or on the vehicle that is likely to cause offence or relate to any contentious issues as highlighted in para 1.1 of Appendix F;
- be polite, helpful and fair to passengers;
- drive with care and due consideration for other road users and pedestrians

Drivers Dress Code

The purpose of a Driver's Dress code is to seek a standard of dress that provides a positive image of the Hackney Carriage and Private Hire Trade who are licensed with Basingstoke and Deane Borough Council, to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

Acceptable Standards of Dress

Tops

- Shirts, Blouses, T-Shirts or Sweat Tops should cover the shoulders and be capable of being worn inside trousers or shorts
- Shirts or Blouses may be worn with a tie or open necked

Footwear

- Footwear for all drivers shall fit around the heel of the foot

Unacceptable Standard of Dress

The following are deemed unacceptable:

- Clothing not kept in a clean condition, free from holes and rips
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel
- Drivers not having either the top or bottom half of their bodies suitably clothed (see above)
- Sleeveless vests

APPENDIX K

DRIVER GUIDANCE TO STAYING SAFE

DEPARTMENT FOR TRANSPORT - STAYING SAFE: GUIDANCE FOR TAXI DRIVERS

Staying safe: guidance for taxi drivers

As a taxi driver you are dealing with strangers, often in isolated places and carrying cash. Taking people off the streets or from ranks with no knowledge of their home address or telephone number means that if they cause trouble you are especially vulnerable. If you work at night you are likely to have to deal with people who have drunk too much alcohol. All this means you may be at risk of violence.

This guide is to help you to think of things that you can do to stay safe.

Cash management

If you can, drop off cash during your shift so that you carry as little in your car as you can. If you can't, keep your cash hidden from view in a secure box.

Adjustments to your vehicle

Some drivers of saloon cars fit their car with a screen to protect them from assault. Screens are made from materials that withstand a knife attack or hard body impact, and can be fitted and taken out easily.

Installing CCTV cameras has been shown to lead to reduced threats and violence against drivers. Signs in the vehicle can highlight the presence of CCTV to passengers. Cameras can be bought or rented, and the cost may be offset by reduced insurance premiums. They can be useful when there is a dispute with a passenger it is not just your word against theirs.

Fitting a convex mirror that gives you a full view of the rear of your car will help you to see what a passenger directly behind you is doing.

Carry with you

- a) A spare key, in case an assailant throws your keys away.
- b) A mobile phone.
- c) A note pad and pen to record incidents.
- d) An emergency card with your name, date of birth, blood group, allergies and a contact number for emergencies.
- e) An explanation of the fare structure, so that you can explain it to a passenger who feels that you are over-charging them.

If you are linked to a control centre

- a) Use your radio to tell them where you are going. This will mean the controller has the information, and the passenger will know they do. Alert the controller of any changes along the way.
- b) Have a pre-arranged code word that you can use if a passenger becomes threatening, so that you can call for help without making the passenger suspicious.
- c) Some control rooms have GPS and can track the progress of all vehicles. Drivers have a silent button which they can activate in an emergency, which flags up their vehicle on the controller's screen.

Staying safe

You know that working at night carries most risks of violence, especially as many passengers will have been drinking. Make sure you are not tired as you need to be alert at all times.

Trust your instinct as you have the right to refuse a passenger if you think they may present a risk. If you have a saloon car, control passenger access to the front. Only open the windows enough to speak to people without them being able to reach in. Only let them sit in the front if you wish. Communication with the passenger is important. Be polite and pleasant.

When you travel outside your licensing area, agreeing the fare before you set off can reduce the risks of violence over a fare dispute later, when you may be in an isolated place.

Be ready to explain the fare structure to a passenger. Many violent incidents arise from fare disputes. Make eye contact with the passenger when they get in the car. This helps to establish a relationship with the passenger. It also gives them the message that you could identify them.

Explain the route you plan to take if you are going a long way round (for example in order to avoid road works) so as to prevent a dispute over the fare.

If you feel threatened

- a) Try to stay calm. Take slow, deep breaths â this may help to lessen your anxiety.
- b) Be aware of your own actions and how they may be seen.
- c) If you can, drive to a brightly lit, busy place as these are often covered by CCTV.
- d) If you have a purpose built taxi or a saloon car with a screen you are likely to be safer staying in your cab than getting out.
- e) Do not attempt to run after a passenger who owes you their fare. Your safety is more important than the money.

If you are attacked

- a) Do not try to fight back as it is most likely to make the violence worse for you.
- b) Use your horn and lights to attract attention.
- c) Contact your control room or call 999 to get help.
- d) Gather as much information about the person as you can (e.g. their clothes, accent).

After an incident

- a) Write down everything about the incident a description of the passenger, what they said and did. If you did not call them at the time, report all violent incidents to the police. Be prepared to make a witness statement. It may take time, but it may prevent the violence in the future for you and other drivers.
- b) When sentencing offenders, courts have been advised to take particularly seriously assaults against people who are providing a public service, especially those who are vulnerable because they work alone at night.
- c) Bilking is a criminal offence. Report incidents to the police and be prepared to make a statement. You may be able to recover the costs of damage to your vehicle through the small claims system.

APPENDIX L

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

S55 (3) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PART II

BDBC PRIVATE HIRE OPERATOR’S LICENCE (PHO) LICENCE CONDITIONS

Private hire operator (PHO) licences granted under section 55(3) of the LG(MP) Act 1976 are issued subject to the following licence conditions:

Definitions

“authorised officer”	means an officer of the council authorised in writing by the council;
“the council”	means Basingstoke and Deane Borough Council;
“operator”	means the person who in the course of business makes provision for the invitation or acceptance of bookings for PHV.
“hackney carriage”	has the same meaning as in the Town Police Clauses Act, 1847;

1. The primary premise from which an operator makes provision for the invitation and acceptance of private hire bookings must be located within the Basingstoke and Deane Borough boundary. (Consideration may be given to licensing a second base inside or outside the Borough subject to application to the Council)
2. The operator must have a valid insurance policy for both public liability and employer’s liability (where applicable) to the minimum value of £2,000,000.
3. The licensed operator must maintain at the operator’s licensed premise, up to date records of all licensed private hire and hackney carriage vehicles it operates including copies of their licences and details of their insurance and compliance test details.
4. The PHO shall maintain a system to prevent bookings being allocated to any vehicles which are not suitably licensed, insured and/or up to date compliance tested.
5. The PHO will maintain at the operator’s premise an up to date record of all licensed private hire and hackney carriage drivers operated under the current licence including copies of their licences.
6. The PHO shall maintain a system to ensure it does not allocate bookings to any drivers who are not suitably licensed including if their PHD/HCD licence expires.

7. If an electronic private hire booking system is used, the operator must block drivers and vehicles from being allocated bookings where any licence, insurance or compliance tests show to have expired.
8. Any records, including electronic that contain personal and confidential information shall be stored in a secure/locked location and kept for a minimum period of 12 months. All records must be made available within a reasonable timescale to an authorised officer or constable upon request.
9. The operator must provide the Council with an up to date list of drivers & vehicles that he/she operates on a monthly basis.
10. Every contract for the hire of a private hire vehicle shall be deemed to be made with the operator who has accepted the booking for the vehicle, whether or not they themselves provide the vehicle.
11. The operator may make provision for the invitation and acceptance of bookings for private hire vehicles and drivers licensed only by Basingstoke and Deane Borough Council, but may sub contract a booking to another licensed operator from outside the district making sure diligent checks are undertaken to ensure suitable licences and insurance cover are in place for any sub-contracted services prior to using those services. This includes keeping licence records of those services
12. The licensed operator shall not in the name or description of the service at the premises or on any vehicle operated in the course of business, use the words "taxi"; "cab" or "taxi cab" or any other words or combination of letters so as to lead any person to believe the operator is providing a hackney carriage service.¹
13. The licensed operator shall not advertise their operation as a taxi provider unless they can demonstrate they have hackney carriage vehicle(s) working as a hackney carriage as part of their vehicle fleet at all times including records of HCVs being operated in last 3-6 month working period.
14. The following information must be recorded at the time a vehicle booking is accepted by the licensed operator:
 1. Date and time booking was made
 2. Date and time journey is required
 3. Contact details of hirer.
 4. Pick up point and final destination
 5. Number of passengers
 6. Any agreed fare
 7. Any relevant remarks related to the journey i.e. pre-agreed fare

¹ Where hackney carriages are operated the said words may not be used on any private hire vehicle operated from the premise but may be used on advertising at the operator base where it proves HCVs are operated.

15. This information must be recorded in exact order of receipt with no spaces between records to ensure a chronological order of bookings accepted.
16. Complete records must be kept of all bookings to include the above, driver and vehicle details who undertook the booking, and any relevant comments or issues arising out of the journey
17. Records may be held on computer or hard copy but must be recorded in a format that is to the satisfaction of the council. Records must be provided to an authorised officer or constable upon request.
18. Telephone diversions from the operator's business number are only permitted where they are diverted to either a person whose name appears on the operator's licence or to a person employed by that operator to accept such bookings.
19. The licensed operator shall ensure that vehicles booked are despatched to fulfil a booking at the appointed time and place. The hirer must where possible, be promptly advised of any unavoidable delays and updated with an estimated time of arrival.
20. The licensed operator shall not refuse a booking if it requires the carriage of a guide dog or assistance dog belonging to a passenger. There must be no charge to the passenger for the carriage of such a dog. NB; Drivers in possession of valid exemption certificate from the requirement to carry guide or assistance dogs issued by the Council will not be required to undertake such bookings.
21. The licensed operator must have regard to hours worked by individual drivers and must make provision to prevent drivers being allocated bookings when excessive hours have been worked to prevent a risk to passenger safety from fatigued drivers.
22. The licensed operator shall take all reasonable steps to ensure that PHV they operate comply fully with all statutory requirements.
23. The licensed operator shall ensure that all PHV operated under this licence comply with the relevant licence conditions for PHV licences.
24. The licensed operator shall ensure that any PHV operated under this licence does not display any mark or sign on the licensed vehicle that shall include the word 'taxi' or 'taxi's' or 'cab' or any words of a similar meaning or construction that may suggest the overall appearance of the vehicle is a hackney carriage.
25. Any person aggrieved by any of the conditions attached to the grant of this licence, may appeal to the Magistrates Court within 21 days from the date on which notice of the council's requirement.

Public Health Act, 1936 – Section 300
Local Government (Miscellaneous Provisions) Act, 1976
Part II – Section 77 (1)

APPENDIX M

TAXI RANKS

TAXI RANKS LOCATED IN THE BOROUGH

Taxi Ranks can be found at the following locations:

- Basingstoke Railway Station
- Festival Place (between Bus Station and Festival Square)
- Joices Yard
- Caston's Yard
- Churchill way close to bus station exit (Night time rank only - between 2300-0400)
- Chineham Shopping Centre

There are also designated areas for hackney carriages and private hire vehicles to pick up and set down directly in front of the main entrance to the Basingstoke and North Hampshire Hospital. These bays are under the regulatory control of the hospital parking team and must not be used for waiting or parking.

Taxi ranks may only be used by licensed hackney carriages for working purposes. Private hire vehicles are not permitted to pick up or drop off passengers at Taxi Ranks.

It is an offence to leave a Hackney Carriage unattended without a driver at any Taxi Rank at any time.

APPENDIX N

HCV INTENDED USE POLICY

BDBC HCV Intended Use Policy

Introduction

BDBC has a duty to carry out the licensing functions relating to HCV services as set out within legislation listed below:

- Town and Police Clauses Acts 1847 and 1889 (TPCA 1847 & 1889)
- Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 1976)
- Transport Act 1985 (TA 1985)

The purpose of this policy is to set out how the Council will deal with the licensing and renewal of vehicle licences and other related matters following the High Court Judgment in Newcastle City Council v Berwick upon Tweed [2008] EWHC 2369 (Admin).

A HCV may only ply for hire within the area of the relevant licensing authority that granted the licence.

Although it is lawful for HCV's to be prebooked and dispatched by a licensed PHO anywhere in England and Wales, it is the policy of this council that HCV licences will only be granted where it is confirmed that the vehicle will be used in accordance with the licence in that it will be used to ply for hire within the Borough of Basingstoke and Deane.

Applicants for HCV licenses are required to confirm and declare the intended use of a HCV.

If the Council is not satisfied on application that a HCV will wholly or predominantly be operated/ply for hire within this Borough, it is likely the application will be refused. If during the period of a licence evidence is obtained to demonstrate the vehicle is not being used in accordance with the conditions of grant, the licence may be suspended, revoked or its renewal application refused.

The intended use of a HCV will be further clarified on application for a transfer of the HCV licence to a new person or to a replacement vehicle.

Where applicants wish to predominantly use a vehicle outside of the Borough of Basingstoke and Deane for pre booked work the applicant will be directed to the appropriate licensing authority to obtain a licence.

Once licensed, a HCV remains a HCV for the duration of that licence, wherever it is currently located, and can therefore be used for pre-booked purposes in any district in England and Wales. It is not an offence for a licensed PH Operator to take bookings for, and then dispatch a HCV licensed by a district different from that which licenses the operator but regard will be had to where that vehicle is predominantly used.

A HCV has a legal right to be used for pre-booked work outside its district. The following principles have been established by that case judgment and inform the approach of the Council when it receives an application for a HCV licence when having asked the question required by the High Court judgement (“do you intend to use this vehicle for pre-booked work outside this district?”) are given the answer "yes".

The aim of the legislation is to provide a local control over HCVs and their drivers for the protection of the public. This implies that in general the licensing system should operate in such a way that the authority licensing vehicles is the authority for the area in which those vehicles are principally used.

A licensing authority is obliged to have regard to whether an applicant for a licence intends that the HCV if licensed will be used to operate/ply for hire within the area of that authority. It is lawful exercise of the authority’s discretion to refuse to grant a licence to an applicant who does not so intend to do so.

A licensing authority is also obliged to have regard to whether an applicant for a HCV licence intends the vehicle will be used (either entirely or predominantly) for private hire use remotely from the area of that authority. It would be a lawful exercise of the authority’s discretion to refuse to grant a licence to an applicant who does so intend.

It is desirable therefore that a licensing authority should only licence HCVs which are intended to ply for hire within the area of that authority and should refuse licences to HCVs that do not intend to ply for hire, to a quantifiable extent, in the area.

The discretion whether to grant or refuse remains with the licensing authority. It should not be exercised to frustrate the intention of the legislation, namely that the licensing authority ought to be the authority for the area in which the vehicle is generally used.

In light of the above, the Council has approved this policy to have regard to when considering:

- Applications for the Grant and renewal of a new HCV licence
- Transfer of HCV ownership
- Change of a HCV licence

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

HC1 - Applications for the Grant or Renewal of a HCV Licence

When considering new and renewal applications for vehicle licences, BDBC will determine applications in accordance with the above principles and the overall conclusions contained within the Approved High Court Judgment. In summary:

Applicants for new and renewal licences will be expected to demonstrate to the satisfaction of the Council a bona fide intention that the vehicle is to be used to ply for hire or operate wholly or predominantly within the Borough of Basingstoke and Deane (B&D) under the licence conditions.

There will be a presumption that applicants who do not intend that the vehicle is to be used predominantly or operate within the Borough of B&D will not be granted a HCV licence authorising them to do so.

In relation to licences granted after the adoption of this intended use policy, any information as to the use of the vehicle remotely, including information from other councils, will be considered by the Council in determining whether to exercise powers to suspend or revoke a licence and whether or not to renew a licence under section 60 of the Local Government (Miscellaneous Provisions) Act 1976.

The Council believes it has a duty to:

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

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

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

The Council recognises that, in the short term, it may be necessary to take account of the financial impact on an applicant of a refusal to renew. There may be cases in which an applicant has acted to his or her detriment (particularly financially) in reliance on the grant of a licence prior to the introduction of this policy. In such cases the Council will allow an opportunity for an applicant to provide evidence before a final decision is taken. It will be for the applicant to show genuine hardship/ unfairness and to satisfy the Council that a licence can be granted without frustrating the purposes of the legislation and/ or compromising public safety.

Notification of the 'transfer' of hackney carriage licences

No statutory provision is made for the transfer of HCV licences. What are commonly regarded as transfers of licences, however, regularly take place such as when a proprietor replaces a licensed vehicle, or when the ownership of a licensed HCV changes, and the new owner wishes to continue to operate the vehicle as a HCV under the licence conditions.

In the latter situation Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of the licensed vehicle who 'transfers' his interest

to another must, within 14 days of the transfer, give written notice to the Council of the name and address of the transferee of the hackney carriage. The Council has no power to refuse to register the new proprietor (see *R v Weymouth Borough Council, ex p Teletax (Weymouth) Ltd* [1947] KB 583).

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

Transfer of ownership

The transferee of a licensed HCV will be requested to inform the Council whether they have a bona fide intention to use the HCV to ply for hire or operate within the Borough of B&D and also whether they intend to use the vehicle wholly or predominantly remotely from the area.

There is an obligation under Section 73 of the Local Government (Miscellaneous Provisions) Act 1976 to give an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation.

Where there is a failure to provide the requested information, the Council will give consideration to exercising its powers of suspension of the licence under section 60 of the LGMPA 1976 until such information is forthcoming.

Transferees will be expected to have a bona fide intention that the HCV is to be used to ply for hire or operate wholly or predominantly within the Borough of B&D under the licence conditions.

Where a transferee does not intend that the vehicle is to be used wholly or predominantly to ply for hire or operate within the Borough of B&D there will be a presumption (either at renewal or earlier) that the suspension or revocation of the licence under section 60 of the 1976 Act will follow.

Even if the transferee intends to ply for hire or operate wholly or predominantly within the Borough of B&D, where transferees intend that the vehicle is to be used predominantly remotely from the area of the Council there will be a presumption (either at renewal or earlier) that the suspension or revocation of the licence under section 60 of the 1976 Act will follow.

The Weymouth decision requires the Council to register the name of the new proprietor of the vehicle. It seems to the Council also to open up an obvious route to circumvent the decision of the High Court, unless precautionary steps are taken. This policy is intended to put the Council in a position to respond responsibly to the transfer of a BDBC licensed vehicle into the name of someone who operates predominantly outside the Borough or more importantly remotely from it.

The Council has a duty to balance the human rights of both applicants and the public with the need to protect public safety through a system of local control.

Change of vehicle

Applicants seeking the grant of a HCV licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of any material change to the intended use of the replacement vehicle from that which was expressed to the Council (if any was) when application was made for the licence which is to be replaced.

There will be a presumption that applicants who do not intend that the replacement vehicle is to be used wholly or predominantly to ply for hire within the Borough of B&D will not be granted a HCV licence authorising them to do so.

Even if the applicant intends to ply for hire or operate wholly or predominantly within the Borough of B&D there will be a presumption that applicants who intend that the replacement vehicle is to be used predominantly remotely from the area of the Council will not be granted a HCV licence.

It is assumed that if the proprietor has a legal entitlement to hold a licence that, unless there has been a change in his intentions with regard to plying for hire or operate within the borough of B&D, there should be no reason why he should not be granted a licence for a replacement vehicle.

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

Every application will be decided on its merits and the above presumptions may be rebutted in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that a licence can be granted without frustrating the purposes of the legislation and/ or compromising public safety.

In all cases, when considering applications for HCV licences, the Council will place public safety above all other considerations.

It is only in wholly exceptional circumstances that a licence is likely to be granted where the proprietor intends that the HCV shall only be used remotely from the area of the licensing authority.