

# HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

## Executive Summary

The aim of this Policy is to protect the public and ensure that drivers, vehicle owners / proprietors and operators are fit and proper persons for the role that they play in local transport provision.

The Department for Transport recommends that all licensing authorities make publicly available a cohesive policy document which should include, but not be limited to, policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards. This is the Authority's policy document.

This Policy has been drafted having regard to the "Statutory Taxi & Private Hire Vehicle Standards" issued by the Department for Transport in July 2020 under section 177(1) of the Policing and Crime Act 2017 ("the Statutory Guidance") and the recommendations contained therein.

In the Introduction of the Statutory Guidance at paragraph 1.1 it states: -

*"There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated, and in some cases, perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from Greater Manchester and Merseyside suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the Crime Survey for England and Wales."*

The Statutory Guidance makes it clear in paragraph 1.3 that the Department for Transport expects the recommendations contained in the Guidance *"to be implemented unless there is a compelling local reason not to."*

The objectives of this Policy are as follows:

- a) The safety and protection of the public
- b) The protection of children and vulnerable adults from harm
- c) The promotion of environmental sustainability; and
- d) To provide clarity for licensees with respect to the Authority's expectations of them and its decision-making process.

North Tyneside Council (the Authority) is aware that the public should have reasonable access to hackney carriages and private hire vehicles because of the important role they play in local transport provision.

Hackney carriage and private hire vehicles are a highly flexible form of public transport and play an increasingly important role in improving accessibility. Hackney carriage and private hire vehicles are used by all social groups and play an essential role in the provision of the Authority's home to school transport provision.

This Policy supports the Authority's Transport Strategy for 2017-2032 and the principles within that Policy. As well as seeking the protection of the public, the Authority aims to improve the safety, health and well-being outcomes for the people of the Borough and the sustainability of communities and the environment across the Borough.

As the environmental and health impacts associated with emissions from transport operations are now more clearly understood, the Authority has an increased responsibility to ensure that drivers and passengers are protected as far as possible from the adverse impact of vehicle emissions.

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Version 2

Approved by Cabinet on:

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## **Introduction**

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## **1. Hackney Carriage and Private Hire Licensing**

The Authority is responsible for the licensing of hackney carriage and private hire vehicles, their drivers and in the case of private hire vehicles their operators, in the Borough of North Tyneside.

The Authority currently licences up to 204 hackney carriage vehicles, approximately 712 private hire vehicles, 965 licensed drivers and 21 private hire operators.

A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to 'ply for hire'. This means that it may stand at ranks or be hailed in the street whilst in the Borough of North Tyneside by members of the public. A hackney carriage can also be pre-booked. Private hire vehicles too must have no more than 8 passenger seats, but unlike hackney carriages, must be booked in advance through an operator and must not ply for hire in the street.

## **2. Powers and Duties**

In 1977, the Authority adopted Part II of The Local Government (Miscellaneous Provisions) Act 1976. By adopting Part II of the 1976 Act the Authority is given the powers and duties to carry out licensing functions in respect of hackney carriage and private hire licensing in the Borough of North Tyneside. As such the Authority is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles in the Borough. This document sets out how the Authority will exercise its licensing functions when making decisions about new licence applications, renewal of licence applications and licences currently in force.

The Authority is also obliged to have regard to the Statutory Taxi & Private Hire Vehicle Standards issued under section 177(1) of the Policing and Crime Act 2017 by the Department for Transport when exercising its licensing functions.

### 3. Objectives

In setting out this Policy, the Authority seeks to carry out its licensing functions with a view to promoting the following objectives:

- a) The safety and protection of the public
- b) The protection of children and vulnerable adults from harm
- c) The promotion of environmental sustainability
- d) To provide clarity for licensees with respect to the Authority's expectations and its decision-making process.

In the promotion of the above objectives the Authority will consider the following matters:

- a) The safety and protection of the public:
  - Ensuring that vehicles are safe, clean, reliable and accessible to meet the varying needs of the public
  - Providing confidence in the system for assessing whether a person is 'fit and proper' to drive a hackney carriage or private hire vehicle.
- b) The protection of children and vulnerable adults from harm.

This Policy:

- Puts protecting the safety and welfare of the public at its core
  - Specifically takes account of the Authority's safeguarding responsibilities, particularly in relation to children, young people and vulnerable adults and reflects best practice
  - Makes it clear that the welfare of children and their protection from harm is everyone's responsibility, in particular that prospective and licensed drivers and operators have a duty to promote good safeguarding practices, including awareness of Child Sexual Abuse and Exploitation and trafficking.
- c) The promotion of environmental sustainability:
    - To encourage the uptake of zero and ultra-low emission vehicles
    - To only permit licenses for vehicles that comply with the particular age requirements as set out in Chapter 2 paragraph 19 of this Policy.
  - d) To provide clarity for licensees with respect to the Authority's expectations and the decision-making process:
    - Clarity of the Authority's expectations with regards to convictions, cautions, fixed penalties and community resolutions.

This Policy shall apply in respect of new applications, renewals and other matters connected to the following licences:

- Private hire vehicle proprietor
- Private hire driver
- Private hire operator
- Hackney carriage driver
- Hackney carriage proprietor.

This Policy shall also apply in respect of disciplinary and enforcement measures and includes a Code of Conduct to be followed by all drivers licensed by the Authority.

#### 4. **Methods Used in Meeting the Objectives**

The methods to be employed will be:

- Setting the standards for the licensing of drivers, vehicles and operators
- Periodical licensing and routine inspection of vehicles, with appropriate follow up action if necessary
- Routine inspection of insurance policies, with appropriate follow up action if necessary
- Checks of driver's medical condition, criminal record (if any) and knowledge of the law
- Investigation of complaints with appropriate follow up action
- Liaison with the Police, the Home Office, HMRC, Safeguarding and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees
- Taking enforcement and/or disciplinary action including prosecution, verbal and written warnings, advice, written cautions, notices, suspension or revocation of licences for breaches of legislation or licence conditions;
- Conditions added to licences
- Enforcement of the Byelaws
- Liaison with the hackney carriage and private hire trade by way of open meetings
- The issue of guidance notes.

When considering applications and taking enforcement action the Authority as a Licensing Authority is also subject to the Regulators' Code published by the Department for Business, Energy and Industrial Strategy and will have regard to the statutory principles of good regulation as required by the Legislative and Regulatory Reform Act 2006, the Authority's Enforcement Policy and the 'Statutory Taxi & Private Hire Vehicle Standards' Guidance referred to above.

Please see link below to the Authority's Enforcement Policy.

<http://my.northtyneside.gov.uk/category/691/statement-enforcement-policy>

The Authority is aware that under the Regulators' Code the Authority should:

- Carry out its activities in a way that supports those they regulate to comply and grow
- Provide simple and straightforward ways to engage with those it regulates and hear their views
- Base its regulatory activities on risk
- Share information about compliance and risk
- Ensure clear information, guidance and advice is available to help those it regulates to meet their responsibilities to comply with the law, statutory guidance and the Policy
- Ensure that its approach to its regulatory activities is transparent
- Avoid unnecessary regulatory burdens.

## **5. Best Practice Guidance**

In formulating this Policy consideration has been given to the available best practice guidance issued by the Department for Transport and the Department for Business, Energy & Industrial Strategy. In addition, the Authority has had regard to the 'Statutory Taxi & Private Hire Vehicle Standards' referred to above which replaced relevant sections of the Best Practice Guidance published by the Department in 2010. Where there is a conflict between the Statutory Guidance and the Best Practice Guidance the Statutory Guidance takes precedence.

## **6. Status**

In exercising its discretion in carrying out its regulatory functions, the Authority will have regard to this Policy and the objectives set out above as well as the 'Statutory Taxi & Private Hire Vehicle Standards' Guidance as it is obliged to do under section 177(4) of the Policing and Crime Act 2017.

Notwithstanding the existence of this Policy and consideration of the Statutory Guidance issued under the Policing and Crime Act 2017, each application or enforcement measure will be considered on its own merits. Where it is considered necessary for the Authority to depart from the Policy and the Statutory Guidance, clear reasons will be given for doing so.

## **7. Implementation and Review**

This Policy will take effect on xxx 2022 save for the Age/Emissions standards paragraphs of the Policy which will come into force as detailed in Chapter 2, paragraph 20.

The Authority will keep this Policy under review and will consult where appropriate on proposed revisions. A full review of the Policy will be conducted every five years from the date of effect, but its performance will be reviewed annually. It may be necessary to revise the Policy within any five year period. Any changes made to the Policy may have immediate effect or be expressed as coming into effect on a given date.



Amended copies of the Policy will be available from the Licensing Section and via the internet at <https://my.northtyneside.gov.uk/category/879/taxis-and-private-hire>

Upon implementation of this Policy, the Authority requires licensees to comply with its terms immediately. Where it is not possible to comply with part of the Policy due to outstanding action required by the Authority, information will be provided as to an implementation date for that part of the Policy.

**From the effective date, this Policy overrides and supersedes all existing policies in relation to private hire and hackney carriage licensing.**

## 8. Consultation

In preparing this Policy the Authority has consulted with and taken into account the views of amongst others:

- Current licensees
- Northumbria Police
- Local businesses and their representatives
- Residents and their representative bodies
- Local transport providers
- Disability Groups
- Planning Authority
- Service users
- Environmental groups
- Neighbouring Authorities (including the North East Combined Authority, North of Tyne Combined Authority and the Tees Valley Combined Authority)
- Representatives from the charitable and voluntary sector
- Members of the Authority
- Chamber of Commerce
- Campaign for Better Transport
- Local traders
- North Tyneside Safeguarding Children Partnership
- Adult Social Care within the Authority
- Pubwatch.

The views of all of these persons and bodies who provided a consultation response have been taken into account in determining this Policy.

## 9. Area and Impact

North Tyneside is one of the five metropolitan districts that comprise the county of Tyne and Wear. North Tyneside is bounded by Newcastle upon Tyne to the west, the North Sea to the east, the River Tyne to the south and Northumberland to the north. The A19 runs from north to south and the A1058 Coast Road runs from east to west within the Borough. Recent growth has come in the A19 corridor with new industrial estates and retail parks. There is also an International Ferry Terminal at North Shields.

The late-night economy of the Borough is principally centred around Tynemouth and Whitley Bay where a number of hospitality and entertainment premises are situated. Activity is also centred on restaurants, public houses and takeaway establishments in areas such as North Shields and Wallsend.

The Authority recognises and welcomes the contribution that the hackney carriage and private hire trade makes to the transport and tourism industries.

Hackney carriage and private hire vehicle journeys represent a significant number of daily trips on the local highway network both within North Tyneside and the wider area. Many of these journeys are made along key local and regional arterial routes on which air quality and in particular nitrogen dioxide (NO<sub>2</sub>) issues have manifested themselves on some of these routes. Local Authorities in the area are working on measures to address the issue of poor air quality in the areas identified as having an issue with poor air quality which may include some form of road user charging that would be applicable to hackney carriage and private hire vehicles.

Improving local air quality forms part of the Authority's Transport Strategy for 2017-2032 and hackney carriage and private hire vehicles have an important role in helping the Authority deliver this outcome, particularly given the comparatively higher mileage undertaken by hackney carriages and private hire vehicles on local roads compared to other passenger vehicles.

## **10. Partnership Working**

The Authority will work in partnership with the following agencies and individuals to promote the licensing objectives and to safeguard the general public particularly vulnerable members of society when using the hackney carriage and private hire trade:

- Local Hackney Carriage and Private Hire Trade
- Safeguarding Services
- Northumbria Police
- Local Transport authorities and committees
- Local residents
- Disability Groups
- Service users and their representatives
- Driver and Vehicle Standards Agency (DVSA)
- HM Revenue and Customs
- Department for Work and Pensions
- Other Council Departments
- UK Visas & Immigration (Immigration Enforcement)
- Other Government Departments and Agencies.
- Neighbouring Licensing Authorities

The Authority will hold regular meetings with the hackney carriage and private hire trade to consider current and future licensing issues.

## **11. Related Legislation and Strategies**

This Policy will be integrated as far as possible with local planning, transport, tourism, equality cultural and environmental strategies, and other plans introduced for the management of the Borough and night-time economy.

The Authority will work in partnership with other agencies.

As stated above, the Authority must also have regard to the Statutory Guidance issued by the Department for Transport in July 2020 (and any subsequent Guidance that may be issued) under section 177(1) of the Policing and Crime Act 2017.

## **12. Equality**

As an employer and service provider the Authority is committed to ensuring equality in employment and service delivery. To achieve the above standard the Authority is aware of its duties and obligations under the following legislation:

- Human Rights Act 1998
- Equality Act 2010.

## **13. Duties and obligations under Equality Act 2010**

The Authority will consult on and monitor the impact of this Policy to ensure that those making applications are treated in accordance with their needs. The Authority also recognises the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010 (the 2010 Act) which it must have regard to when exercising its licensing functions.

In applying this Policy, the Authority will at all times endeavour to comply with its obligations under the 2010 Act and the Human Rights Act 1998.

Providers of hackney carriage and private hire transport are deemed to be providers of services to the public for the purposes of Part 3 of the 2010 Act. A statutory Code of Practice has been published and provides guidance on specific issues associated with the 2010 Act. Licensees and applicants should read the Code of Practice and ensure that they operate having due regard to the Code and in compliance with the 2010 Act.

It is a condition of a vehicle licence that wheelchair accessible vehicles must have appropriate equipment so as to be able to transport passengers in wheelchairs at all times. In instances where this is not the case the licence for the vehicle may be suspended until such time as the Authority considers the vehicle is fit for purpose.

In accordance with the 2010 Act the Authority holds a list of wheelchair accessible vehicles (designated vehicles). The Act requires the drivers of such designated vehicles to carry passengers in wheelchairs and to provide assistance to such

passengers and prohibits drivers from charging such passengers an additional charge.

The Department for Transport has published statutory guidance called 'Access for Wheelchair Users to Taxis and Private Hire Vehicles' and drivers of wheelchair accessible vehicles are encouraged to read and understand that guidance. Further information can be found at [Wheelchair access in taxis and private hire vehicles - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/publications/wheelchair-access-in-taxis-and-private-hire-vehicles)

It is a criminal offence for drivers of wheelchair accessible vehicles to refuse to carry passengers in wheelchairs, to fail to provide them with appropriate assistance, or to charge them extra unless the driver has been issued with an exemption certificate by the Authority exempting them from performing the duties set out in section 165 of the 2010 Act.

All licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles and passengers with disabilities and to provide assistance to such passengers without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply for an exemption from the duty on medical grounds. A medical certificate must be provided at the driver's expense from the driver's own GP or one who has had access to the drivers' full medical records, stating the details of their medical condition to the satisfaction of the Licensing Authority. A register will be kept by the Authority of exempted drivers.

Any drivers who consider that they should be exempt from the duties imposed on them by the 2010 Act in relation to carrying passengers in wheelchairs or passengers with assistance dogs should contact the Authority's Licensing Department at [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk)

Further information is available from the Equality and Human Rights Commission at [www.equalityhumanrights.com](http://www.equalityhumanrights.com).

#### 14. **Right to live and work in the UK**

Under the Immigration Act 2016 all individual applicants for private hire operator and private hire and hackney carriage driver licences are required to prove that they have a right to live and work in the UK before being considered for a licence. A list of suitable documents that are required to be produced to prove a right to live and work in the UK is available from the Authority's Licensing Section.

Please see the following link (information is contained on pages 25/26 of the attachment) <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

A licence will not be granted until the applicant is able to prove that they have a right to live and work in the UK. If an applicant has only limited leave to remain in the UK then any licence will only be issued for this period of time.

## **2. Vehicles – Hackney Carriage and Private Hire**

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### **1. Specifications**

The Department for Transport Best Practice Guidance issued in 2010 recommends that licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the 'type approval' rules within any specifications they determine.

All vehicles, therefore, shall have an appropriate 'type approval' which is either:

- European Whole Vehicle Type approval
- British National Type approval or
- British Individual Vehicle Approval (IVA).

As a guide, most large volume production vehicles produced in the UK and EU member states after 1987 will satisfy British and/or European Whole Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non-EU member state since its original manufacture will require separate IVA and/or Department for Transport approval and such

documentation must be submitted with an application for a hackney carriage or private hire vehicle licence.

The seating capacity of a vehicle will be determined by the Authority. Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles.

Where the seating in the vehicle does not conform with the specifications in this Policy or for other reasons associated with the safety and comfort of passengers, the Authority may reduce the permitted number of passengers that may be carried in the vehicle from that specified by the vehicle manufacturer.

**Appendix A** sets out the minimum standards which are expected in respect of licensed vehicles.

## **2. Private Hire Vehicles**

A private hire vehicle is a motor vehicle constructed or adapted to seat no more than 8 passengers which is provided for hire with the services of a driver for the purpose of carrying passengers. All hirings for a private hire vehicle must be pre-booked through a licensed private hire operator. Any vehicle used as a private hire vehicle must be licensed under the provisions of the Local Government (Miscellaneous Provisions) Act 1976. In determining what vehicles fall within this definition the Authority will give consideration to the 'Best Practice Guidance on Taxi and Private Hire Licensing' issued by the Department of Transport in 2010.

The Authority must be satisfied that the following criteria are met before granting a licence:

That the vehicle is:

- Suitable in type, size and design for use as a private hire vehicle
- Not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage
- In a suitable mechanical condition
- Safe
- Comfortable.

Conditions may be attached to the grant of a licence as are considered reasonably necessary. Vehicles which are licensed with another Authority will not be licensed by this Authority.

In addition to the above legislative requirements the Authority has imposed conditions relating to the size and other specifications of the vehicle. These are attached at **Appendix A**.

All private hire vehicles must:

- Not be black in colour; or be any colour, which, in the opinion of the Authority, closely resembles black
- Not be fitted with a roof sign of any description
- If the vehicle is fitted with a meter, it must be properly tested and sealed and be of a type approved by the Authority or an agent approved by the Authority
- Display a yellow licence plate, which must be securely attached to the exterior rear of the vehicle as prescribed by a condition of the Authority
- Display a yellow decal provided by the Authority and attached centrally to each front door of the vehicle as prescribed by a condition of the Authority
- Display a disc in the top nearside corner of the front windscreen.

General conditions are attached to a private hire vehicle licence relating to the identification of the vehicle and safety issues. These are attached at **Appendix B**.

### **3. Hackney Carriage Vehicles**

A hackney carriage is a wheeled carriage used in standing or plying for hire that is required to have a numbered plate fixed upon it. The legal definition of a hackney carriage is contained in the Town Police Clauses Act 1847.

A hackney carriage can ply for hire within the Borough of North Tyneside and also wait at a hackney carriage stand within the Borough. In addition, a hackney carriage may also undertake work on a pre-booked basis.

Conditions can be imposed upon the grant of a hackney carriage proprietor's licence and the Authority has byelaws to control the conduct of both proprietors and drivers. These Byelaws are attached at **Appendix I** to this Policy.

The Authority has imposed requirements relating to the size and other specifications of the vehicles. These are attached at **Appendix A**.

General conditions are attached to a hackney carriage vehicle proprietor's licence relating to the identification of the vehicle and safety issues. These are attached at **Appendix B**.

All hackney carriages must:

- Be black in colour
- Be fitted with an approved roof sign bearing the word "TAXI" as prescribed by the Authority
- Be fitted with a meter of an approved type with the fares charged as determined by the Authority
- Meters, after being checked for accuracy, must be sealed by Officers of the Authority or an agent approved by the Authority
- Display a white licence plate, which must be securely attached to the exterior rear of the vehicle in the vicinity of the bumper
- Display a white decal provided by the Authority and attached centrally to each front door of the vehicle as prescribed by a condition of the Authority

- Display the current table of fares as prescribed by condition of the Authority
- Display a disc in the top nearside corner of the front windscreen.

#### **4. Limitation of Numbers**

No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

The present legal provisions on quantity restrictions for hackney carriages are set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed taxis “if, but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet”.

Any new application for a hackney carriage proprietor’s licence that would be in excess of that number will be refused if the Authority is satisfied that there is no significant unmet demand for taxi services within the area. An applicant whose licence is refused has a right of appeal to the Crown Court.

The Authority is satisfied that there is no significant unmet demand for hackney carriage services within this area. Therefore, it has placed a limit on the number of hackney carriage vehicle licences issued. This limit has been placed at 204 following consideration of the results of an independent study.

The current limit includes grandfather rights granted to proprietors of saloon vehicles. These rights permit the continued use of a saloon vehicle by proprietors who were granted their hackney carriage proprietor’s licence prior to July 1992. These rights are to remain and encourage a mixed fleet of hackney carriage vehicles consisting of saloons and wheelchair accessible vehicles. It is recognised that users with some medical conditions will find saloons easier to access than wheelchair accessible vehicles.

This limitation of numbers will be periodically reviewed, and this Policy will be amended to take account of the results as required.

#### **5. Location of Applicant’s Home/Business**

When an applicant wishes to licence a vehicle as a hackney carriage the Authority will require information, pursuant to section 57 of the Local Government (Miscellaneous Provisions) Act 1976, as to whether the applicant intends to use the vehicle to stand or ply for hire in the Authority’s area and also if the applicant intends to use the vehicle entirely or predominantly remotely from the Authority’s area on a pre-booked basis.

Whilst each application will be considered on its own merits, the Authority will have regard to the geographic location of an applicant’s home and business address.

If the Authority believes that the hackney carriage is to be used entirely or predominantly remotely from the Authority’s area on a pre-booked basis, then the application for a licence will normally be refused.



If the Authority believes that an existing hackney carriage is being used predominantly outside the Authority's area on a pre-booked basis with an Operator who is not licensed by this Authority, then having regard to the judgment in *R (on the application of Newcastle City Council) v Berwick-upon-Tweed Borough Council [2008] EHC 2369 (Admin)* the matter will be referred to the Regulation and Review Committee.

## **6. Insurance**

All vehicles must have a current, valid policy of insurance at all times, appropriate to the use of the vehicle. The policy of insurance must be in place before a licence can be granted.

It is an offence to use a vehicle without the appropriate insurance in place.

Requests to produce evidence of the appropriate insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request.

If a vehicle is off the road and uninsured the proprietor must advise the Licensing Section of the Authority in writing immediately or in any event within 72 hours.

## **7. Advertisements, signs, notices etc.**

No signs, notices, advertisements, digital or audio display etc. or other markings shall be displayed on, in or from the vehicle subject to the following exceptions:

- Any sign, notice or other marking required to be displayed by legislation or any condition attached to this licence
- Advertising on the rear doors, rear wings and boot area of the vehicle (of two-dimensional insignia type) approved by the Authority
- Advertising along the top 8 cm strip of the windscreen of the vehicle provided that it is not illuminated, and it bears only the name and/or telephone number in block letters of the firm operating the vehicle
- Some in car digital advertising.

Signs, notices or advertisements must not be of a content that the Authority deems to be offensive or abusive. Further guidance as to the content of the advert may be sought from the Advertisement Standards Authority, [www.asa.org.uk](http://www.asa.org.uk).

The Director of Public Health can approve or refuse to allow advertisements in the areas permitted in this Policy. All advertisements must be approved by the Director of Public Health prior to being displayed on or in a vehicle. Any unauthorised advertisements will be required to be removed and appropriate action taken.

The Director of Public Health can approve or refuse requests for advertising on the lower area of the front doors of private hire and hackney carriage vehicles. Such advertising to be for the purpose of promoting a private hire operator, a hackney carriage proprietor (or group of proprietors) licensed by the Authority.

Any queries regarding advertisements must be referred to the Licensing Section of the Authority.

## 8. **Accident notification**

The proprietor shall notify the Licensing Section of the Authority in writing as soon as reasonably possible, or in any case within 72 hours, of any accident involving a licensed vehicle that results in damage materially affecting the safety, performance, or appearance of the vehicle or the comfort or convenience of potential customers. In certain cases, the vehicle licence will be suspended.

The proprietor must comply with any reasonable request to produce the vehicle for inspection at the Authority's offices or other specified location so that its roadworthiness can be assessed. Any failure to do so is an offence and the appropriate action will be taken. Following the repair, the level of damage will be assessed, and the Authority may require an engineer's report and / or the vehicle to be examined at the Authority's Test Station.

## 9. **Vehicle testing**

All vehicles must undergo and satisfy an inspection by the Authority's vehicle examiners or at a place specified by the Director of Public Health prior to being licensed.

It is the proprietor's responsibility to ensure that a licensed vehicle is roadworthy and fit for hire and reward purposes at all times.

Vehicles are to be tested in accordance with the Vehicle Testing Arrangements (attached at **Appendix C**). The Testing Station may also be directed to look at other issues identified by a Licensing Officer. In the event of the Testing Station being unavailable the Authority will put alternative arrangements in place.

Vehicles that are 4 years old and over at the time of the licence being granted will require an interim test. Vehicle proprietors will be required to produce their vehicle for testing when requested. The fee for this interim test will form part of the annual licence fee. Vehicles that are 3 years old on the date the licence is granted but turn 4 years old during the one-year term of the licence are excluded from the routine requirement to undertake an interim test. Such vehicles may still be requested to be presented for inspection and test in accordance with the statutory provisions.

Vehicles failing to be presented for a test or presented late for the test will be required to be re-tested and a re-test fee paid. Where appropriate the licence will be suspended. A further test appointment will only be made when the retest fee has been paid.

The Lifting Operations and Lifting Equipment Regulations 1998 (often abbreviated to LOLER) place duties on people and companies who own, operate or have control over lifting equipment. This includes all businesses and organisations whose employees use lifting equipment, whether owned by them or not.

The regulations require that the inspection interval is 6 months, for lifting equipment and any associated accessories used to lift people. Any licensed vehicles containing this equipment should provide evidence of a LOLER inspection report every 6 months.

## **10. Application Procedure**

Applications are to be made in writing and may be made in person at a prescribed time, by post, online or e-mail. The Authority will not be responsible for any documents that may be lost in the post.

Applications will not be considered valid unless they contain all the relevant documentation and the appropriate licence fee has been paid.

For the purposes of licensing, a hackney carriage or private hire vehicle licence will be issued in the name of the registered keeper of the vehicle. The registered keeper can be an individual or a company. Where the registered keeper is a company, details of the person who will be responsible for the vehicle will be included on the licence.

The booking of vehicle tests may be done by telephone, in person at a prescribed time, online or by e-mail at [taxi.licensing@northtyneside.gov.uk](mailto:taxi.licensing@northtyneside.gov.uk). Postal or e-mail applications should be made at least 10 working days prior to the date of the vehicle test to allow for the application to be processed.

If the application is refused the fee will be refundable minus the proportion of the charge for the test fee.

The Director of Public Health has the discretion to attach, amend or remove a condition of licence.

Although applications may be made by post or e-mail, licence plates must be collected in person at a prescribed time.

## **11. Criminal Record Checks**

The holder of a hackney carriage proprietor's licence or private hire vehicle licence, as well as ensuring that the vehicles are well maintained to an acceptable standard, must also ensure that vehicles are not used for illegal or illicit purposes. The Authority's objective when licensing hackney carriage and private hire vehicles is to protect the public.

Hackney carriage proprietor licences and private hire vehicle licences will only be granted, or renewed, to persons that the Authority considers to be 'fit and proper' persons to hold such licences. This means that they must pose no threat to the public and have no links to serious criminal activity.

To ascertain if an applicant for a hackney carriage proprietor's licence or private hire vehicle licence is a fit and proper person to hold such a licence the Authority requires them on applying for such a licence, or an application for a renewal thereof,

to produce to the Authority a Basic Disclosure of any criminal convictions obtained from the Disclosure and Barring Service (DBS). In addition to having regard to the Basic Disclosure the Authority will also have regard to the information contained in the application form and, any information obtained during any interview that may take place between the applicant/licence holder and a licensing officer.

The Authority will check the Basic Disclosure of any criminal convictions annually.

Before an application for a private hire vehicle licence or hackney carriage proprietor's licence, or a renewal application, will be considered by the Authority, the applicant (whether this be an individual or the Director of a limited company) must provide a current (less than 1 month old) Basic Disclosure of criminal convictions from the DBS. If the applicant is currently licensed as a driver with this Authority, they will be exempt from this requirement as they will already have had a higher level of criminal record check.

Where a vehicle licence is in force in the name of a limited company and a new director(s) is proposed to be appointed to that limited company, then each proposed director will be required to provide a Basic Disclosure of convictions from the DBS. If the applicant is currently licensed as a driver with this Authority, they will be exempt from this requirement.

In exceptional circumstances, the Authority may take relevant spent convictions into account having regard to the factors set out in the judgment of *Adamson v Waveney District Council* [1997] 2 All ER 898 when determining an individual's suitability to hold a private hire vehicle licence or hackney carriage proprietor's licence. In the case of a company, any relevant spent convictions of an officer of the company may be taken into account in exceptional circumstances when determining the suitability of the company to hold a licence.

When determining if the applicant/licence holder is, or remains, a fit and proper person to hold a hackney carriage proprietor's licence or private hire vehicle licence the Authority will apply the following test having regard to the information in its possession: -

"Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at a time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?"

If the answer to this question is an unqualified yes, then the test is satisfied. If officers or Members have doubts then further consideration will be given as to whether the individual is a fit and proper person to hold vehicle licence.

As the public must have trust and confidence in the safety and integrity of both the hackney carriage and private hire systems, the same standards will be applied to hackney carriage proprietors and private hire licence holders as to drivers outlined in this Policy.

## 12. **Decision Making**

Refusal to licence an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle licence; this decision will be independent of a driver licence refusal and based on the appropriate information that is held. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

## 13. **New Applications and Replacement Vehicles**

The following documents are to be submitted for new/replacement vehicle applications:

- Fully completed application form
- Basic Disclosure of criminal convictions certificate (if not currently licensed as a driver) of the applicant(s) or in the case of a limited company, for each director of the company.
- Pre-Test Inspection form (PTI) - approved
- Vehicle test certificate - pass
- Vehicle registration document in the applicant's name (or proof of purchase identifying applicant as purchaser if newly purchased vehicle). (An order form is insufficient for this purpose)
- Appropriate valid certificate of motor insurance for date of intended business use.
- LOLER certificate (where applicable)
- Conversion certificate (where applicable).  
Note: the Authority provides a service to carry out LOLER testing and conversion/installation inspections. Additional fees apply. Further information is available from the Licensing Office or on the Authority's website.
- Taximeter certificate (where applicable)

Fees:

- Licence fee. Please note the fee differs depending on the age of the vehicle and the type of licence applied for.

If the application is withdrawn or refused the fee will be refunded minus any vehicle test fees and an administrative charge. Should the application be appealed, the administrative charge will be higher.

## 14. **Renewal Applications**

The following documents are to be submitted for renewal vehicle applications prior to the expiry of the licence:

- Fully completed vehicle renewal form
- Basic Disclosure of criminal convictions certificate (if not currently licensed as a driver) of the applicant(s) or in the case of a limited company, for each director of the company
- Vehicle test certificate – pass required
- Appropriate valid certificate of motor insurance for date of intended business use.
- LOLER certificate (where applicable).  
Note: The Authority provides a service to carry out LOLER testing. An additional fee applies. Further information is available from the Authority's Licensing Office or on the Authority's website
- Taximeter certificate (where applicable).

#### Fees:

- Licence fee. Please note the fee differs depending on the age of the vehicle and the type of licence applied for.

There is no legal requirement for the Authority to send out reminders for renewals for licences, but to aid vehicle proprietors the Authority's Licensing Section will endeavour to do so. However, the responsibility rests with the proprietor to ensure documentation is provided within the appropriate timescales. Where an application to renew a vehicle licence is not received prior to the expiry of the licence, the licence will not be renewed. In such cases, a new application will be required, grandfather rights will apply and a higher licence fee will apply.

For new and renewal applications the Basic Disclosure of criminal convictions certificate will be accepted for subsequent applications of additional vehicles within 12 months from the date of issue of the certificate.

#### **Incomplete applications**

An application to renew a licence that has been submitted with the appropriate licence fee prior to the expiry of that licence, but is incomplete, will not be processed.

In such cases the Authority will issue a written request to the licensee for the additional information to be provided within 14 days of the expiry of the licence. During this time the licensee can continue to operate the vehicle for hire and reward purposes.

If the licensee fails to provide the information within this time period the application will be refused, to which the licensee will have a right of appeal. During this time the licensee can also continue to operate the vehicle. If no appeal is received within 21 days, then the vehicle must cease operating.

If the application is withdrawn or refused the fee will be refunded minus any vehicle test fees and an administrative charge. Should the application be appealed, the administrative charge will be higher.

15 **Grandfather Rights**

The Authority will take account of the previous decision to licence a vehicle where a departure from the policy has been made providing the application is received within 2 months of the expiry date. Applications made after this period will be considered as a new application and the Policy will be freshly applied.

The Authority will take account of the previous DBS check held of any proprietor who has not renewed their vehicle proprietor's licence but re-applies within 6 months of the expiry date.

16. **Change of address**

The proprietor must advise the Authority in writing within 7 days of a change of business or home address during the period of the licence. There is no fee for this process.

17. **Transfer of interest**

The proprietor shall notify the Authority in writing, giving the name and address of the new proprietor, within 14 days if the interest in the vehicle is transferred to another person not currently named on the licence.

Each proposed vehicle proprietor will be required to provide a Basic Disclosure of convictions from the Disclosure and Barring Service. If the applicant is currently licensed as a driver with this Authority, they will be exempt from this requirement.

Where a proprietor wishes to be removed from the licence the Authority should be notified in writing within 14 days. There is no fee for this process.

18. **Limousines**

A stretch limousine is a luxury saloon car with a lengthened wheelbase and an extended chassis.

The Authority recognises the role limousines have to play in the private hire trade to meet a public demand and as such it is necessary for them to come under the licensing system and the controls that this will allow. The Authority, however, has not developed a separate licensing regime for such vehicles. Rather it has widened the criteria of the current vehicle specifications that licensed vehicles must meet. Please see **Appendix A**.

Most limousines are imported for commercial purposes and are required to take an individual vehicle type approval (IVA) test. This ensures that the vehicles meet modern safety standards and environmental standards before being used on public roads.

The Authority has no objection to licensing limousines that are safe and fit for the road.

The Authority has given consideration to licensing left hand drive vehicles and vehicles with side facing seats, however, it believes that such vehicles are not suitable due to the safety issues that exist with such vehicles and as such will not licence them.

There shall be no sale or provision of alcohol from any vehicle without a current premises licence under the Licensing Act 2003 being in force. Under section 156 of the Licensing Act 2003 it is an offence to sell alcohol from a moving vehicle.

### **Funerals and Weddings**

There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

A vehicle does not need to be licensed while it is being used in connection with a wedding.

## **19. Executive Hire Private Hire Vehicles**

Private hire vehicles (not hackney carriages) used solely and exclusively for executive hire can be exempted under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display a licence plate and the driver from wearing a driver's badge.

Any proprietor of a licensed private hire vehicle wishing to apply for this exemption should be engaged solely in the provision of an executive service.

The applicant must satisfy the Director of Public Health that the specification of the vehicle and the overall level of service provision constitutes an executive hire service. This is initially done by way of submission of a business plan, inspection of the vehicle and the proprietor of the vehicle in question being interviewed by a Licensing Officer of the Authority. Guidance notes are available from the Licensing Section.

Applications for an exemption can be made in writing, in person at a prescribed time or by post or e-mail.

If granted, an Exemption Notice will be issued to the proprietor. The Exemption Notice shall not be granted for a period of more than one year and shall expire upon the expiry of the private hire vehicle licence.

The Exemption Notice is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions attached at **Appendix D** and any additional conditions. Failure to comply with these conditions may result in the withdrawal of the Exemption Notice. The conditions are attached at **Appendix D** to this Policy.



The private hire operator, proprietor and driver operating under the provisions of an executive Exemption Notice, remain subject to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 with regard to the respective licences and the conditions attached in each case.

Any vehicle operating under this exemption may also request in writing to be exempt from the condition limiting the tint on the rear passenger windows (two rear passenger windows, back window and any rear side windows if present).

Any vehicle granted an exemption, and which has tinted windows, must not be engaged at all in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years). The driver must not act as the accompanying adult. Further, the Operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle with tinted windows will be supplied.

## 20. **Tinted Windows**

In the case of vehicles where windows have been factory fitted as standard with a tint there will be no minimum light transmission requirement for all windows to the rear of the B pillar.

The windows (excluding the windscreen which must have a minimum light transmission of 75% and 70% minimum light transmission for front side windows) of any vehicle shall not be adapted so that less than the percentages detailed below of light is transmitted through it:

- 34% for all windows to the rear of the B pillar.

Licensing Officers are able to exercise their discretion as to the suitability of a vehicle where the light transmittance of the windows is below 34%. This discretion however does not apply to the front windscreen or the front side windows.

In addition to above, if the following criteria can be met there will also be no minimum light transmission:

- The vehicle is an executive hire vehicle operating under an Exemption Notice, and
- The vehicle will not be engaged at all in any contract or provision of vehicle for the carriage of minors or based around the carriage of unaccompanied children/young persons (under age 18 years). The driver must not act as the accompanying adult, and
- Approval has been given by the Director of Public Health.

The Operator must, unless such a vehicle has been specifically requested, inform a hirer that a vehicle with tinted windows as detailed above will be used to fulfill the booking.

## 21. **Closed Circuit Television (CCTV) in vehicles**

The purpose of CCTV is to provide a safe environment for the benefit of the driver and passengers by:

- Deterring and preventing the occurrence of crime
- Reducing the fear of crime
- Assisting the Police and Licensing Officers in investigating incidents of crime and/or complaints
- Assisting insurance companies in investigating motor vehicle accidents.

Where a CCTV system or similar recording device is in place it is a requirement that the proprietor must register their use of a CCTV system with the Information Commissioner's Office (ICO) in accordance with the requirements of the Data Protection Act 2018. Further information is available at <https://ico.org.uk/>

Any vehicle fitted with CCTV must display a sign approved by the Licensing Authority advising passengers that a CCTV system is in operation in the vehicle.

Where CCTV is in place in a vehicle it must be in full working order when passengers are being carried. The CCTV system must be maintained to manufacturers' standards.

The CCTV footage must be available for viewing by a Police Officer or an Authorised Officer of the Authority when a request to view the footage is made in compliance with the Data Protection Act 2018. Any failure to comply with such a request will be reported to the Licensing Section of the Authority for consideration of the appropriate action to be taken.

Any reports of misuse of CCTV will be referred to the relevant authority, for example, the Surveillance Camera Commissioner and the Information Commissioner's Office as well as the Authority.

## 22. **Environmental Considerations**

This Policy is listed in the Authority's Transport Strategy for 2017-2032 as a Policy that supports the delivery of the Transport Strategy in the Borough. The North Tyneside Transport Strategy was approved by Cabinet in May 2017 and commits to managing the Borough's transport network effectively having regard to all forms of transport including that provided by hackney carriage and private hire vehicles. This Policy has therefore been developed having regard to the Authority's Transport Strategy. The Transport Strategy for 2017-32 can be found on the North Tyneside Council website.

As detailed in Chapter 1, one of the objectives of this Policy is the promotion of environmental sustainability. To meet this objective the Policy seeks to promote the uptake of zero and ultra- low emission vehicles and to permit licenses to be granted only for those vehicles that comply with particular age requirements within this Policy.

Emissions from hackney carriage and private hire vehicles can be immediately improved through encouraging the better maintenance of vehicles and by drivers switching off their vehicle's engine when stationary and so preventing the idling of engines, including in particular hackney carriages parked at ranks or licensed vehicles waiting for a fare. Non-idling technology is becoming more prevalent in newer vehicles and over time all licensed vehicles should be able to make use of this technology.

## **23. Emission/Age standards**

As part of the need to promote environmental sustainability and reducing pollution caused by road vehicles, this Policy introduces common requirements for emissions from hackney carriages and private hire vehicles. The age standards set out below aim to assist in meeting the need to improve air quality in the Borough and the wider region.

The following age standards will be implemented over a four year period:

- (i) From 1 April 2024 no new vehicle licence will be granted for the vehicle unless it is less than 4 years old
- (ii) From 1 April 2026 a vehicle licence will not be renewed unless the vehicle is less than 8 years old
- (iii) From 1 April 2027 a wheelchair accessible vehicle licence will not be renewed unless the vehicle is less than 8 years old.

All 'Full electric' and 'zero emission at source' vehicles will be exempt from the age standards set out above.

If any application is refused due to a vehicle failing to meet the age standard the licensee/applicant can appeal to Regulation and Review Committee against the decision to refuse to grant a licence or to the Magistrates' Court or Crown Court as appropriate.

## **24. Insurance write offs**

Car insurance assessors use various categories of car insurance write off to rank the seriousness of accident damage. Two categories (A & B) represent very serious damage, but the remaining two categories (S & N) are for 'economic write offs' where the damage is considered too expensive to fix but does not necessarily amount to damage that is considered to be dangerous. Vehicles that have been declared to be an insurance write off in category A & B will not be licensed.

Vehicles that have been declared either category S or N write off may be licensed providing the standard of repairs can be verified and that the vehicle is considered to be safe in all regards. This can be done by either the applicant providing an appropriate Engineer's report, approved by the Authority, or by inspection of the vehicle at the Authority's test station.

## 25. **Licence Plate, Windscreen Disc and Door Decals**

Where a licence is issued, a licence plate, windscreen disc and door decals identifying the vehicle as a hackney carriage or private hire vehicle will be issued.

The licence plate displays the licence number, registration number and make, model and colour of the vehicle along with the maximum number of passengers that can be conveyed.

The plate must be securely fixed externally on or about the off-side area of the rear bodywork or rear bumper of the vehicle. The plate must be attached at all times. The plate always remains the property of the Authority and must be returned upon expiry, surrender, suspension or revocation of the licence.

The windscreen disc displays the licence number, expiry date of the licence and the maximum number of passengers that can be conveyed in the vehicle and must be displayed at all times in the upper corner of the nearside part of the windscreen.

The decals display the licence number of the vehicle and must be attached centrally to each front door of the vehicle. In the case of a private hire vehicle they must be securely affixed and in the case of Hackney Carriage Vehicle permanently affixed to the vehicle.

Unless a private hire vehicle has been issued with an Exemption Notice to operate as an Executive style vehicle (please refer to the relevant section above) the decals must remain affixed at all times the vehicle is operating and cannot be removed on an ad hoc basis.

## 26. **Conditions**

It is the responsibility of hackney carriage proprietor licence holders and private hire vehicle licence holders to ensure that they have read and fully understood the conditions that form part of their licence and fully understand the requirements imposed on them by such conditions. Failure to adhere to the conditions could result in disciplinary action being taken against the licence holder. Any proprietor of a licensed vehicle who claims not to be aware of the existence of a licence condition will be considered as not having taken sufficient care to ensure the safety and care of their passengers.

### **3. Drivers**

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21. Driver Identity Badge
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#### **1. Licences**

The Authority issues the following driver licences:

- Hackney carriage driver
- Private hire driver

Licences are issued subject to proof of eligibility – driving licence, knowledge test, criminal records check, medical assessment, eligibility to live and work in the UK and awareness of Child Sexual Abuse and Exploitation, including “County Lines”.

The statutory and practical criteria and qualifications for each licence are almost identical and therefore this chapter will apply to all driver licences. However, where differences exist between the licensing regimes, reference will be made to it in this Policy.

Decision making in relation to licensing of drivers is an onerous duty requiring the Authority to take decisions in the interests of the wider community and not in the interests of the licensee or applicant. The safety of the public is the paramount objective of the Authority.

The Authority is aware that in respect of an application for an initial grant of a licence, it is for the applicant to satisfy the Authority on the balance of probabilities that he/she is a fit and proper person to be granted a licence.

An applicant or licensee should not be 'given the benefit of doubt' and if the committee or delegated officer is only "50/50" as to whether the applicant or licensee is a 'fit and proper' person to hold a licence, they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being 'beyond reasonable doubt') and the Authority can take into consideration, amongst other things, conduct that has not resulted in a criminal conviction for whatever reason.

Once a person is licensed they shall be presumed to remain a fit and proper person to be licensed unless evidence satisfies the committee or delegated officer that the licensee is no longer a fit and proper person as a result of a conviction, caution, fixed penalty or community resolution, complaint, other non-conviction information or medical evidence that comes to the Authority's attention.

## **2. Experience**

All applicants must have held a full UK or European Economic Area (EEA) driving licence or that from a Designated Country for at least 12 months before the date of the application. A full list of EEA Countries is available from the Licensing Section of the Authority.

## **3. Right to work**

Applicants for a licence will be required to prove that they have a right to live and work in the UK before being considered for a licence and no licence will be granted/ renewed until the applicant is able to prove this requirement. If leave to remain in the country is for a period of less than 3 years a shorter licence will be issued.

All new applicants a Right to Live and Work in the UK check will be carried out.

## **4. Driver Knowledge/ Test**

In order to determine the fitness of a person to hold a licence, all new applicants are required to sit and pass a test on their knowledge of driver conduct, licensing legislation, awareness of Child Sexual Abuse and Exploitation, including 'County Lines' and the highway code. Applicants for a hackney carriage driver's licence will also be tested on their knowledge of the local geography.

Applicants will be permitted to have 3 attempts at passing the knowledge test. If an applicant fails to pass the test after 3 attempts, they will be required to wait for a period of at least 1 month from the date of the last test taken by them before being permitted to sit the test again.

No driver's licence will be issued without the applicant first gaining a knowledge test pass certificate. If an applicant does not apply for the initial licence and 12 months elapses before an application for a licence is made the applicant will be required to sit a further knowledge test.

The Authority views candidates who cheat or attempt to cheat during the test to be acting dishonestly. Any candidate found cheating will be disqualified and the test fee will be forfeited. In addition, in such cases, the candidate's conduct will be taken into consideration when determining their application for a licence.

## **5. Disclosure and Barring Service Check**

Given the role of a hackney carriage or private hire driver the Authority has determined that an Enhanced Disclosure provided by the Disclosure and Barring Service (DBS) is required by all new applicants for a licence. Once licensed, drivers will be required to undergo a further enhanced criminal record check at each three-yearly renewal of their licence. A DBS check on a driver is an important measure in assessing whether or not an applicant is suitable to hold a hackney carriage, private hire or dual hackney carriage/private driver's licence.

The Enhanced Disclosure provides details of all convictions, cautions, fixed penalties and community resolutions held on the Police National Computer. The Enhanced Check will include information held on the DBS's Children and Adult Barred Lists of those individuals considered unsuitable or banned from working with children or vulnerable adults.

In addition, where appropriate the Disclosure Unit of the Police will share with the Authority other relevant information disclosed at the Chief Officer of Police's discretion.

These disclosures include details of spent and unspent convictions, cautions and intelligence. By virtue of the Rehabilitation of Offenders Act 1974 (Exception) Order 1975, the Rehabilitation of Offenders Act 1974 does not apply to applicants for hackney carriage or private hire driving licences and convictions of such drivers are never spent.

## **6. DBS Process**

The Authority does not accept paper applications for Disclosures from the Disclosure and Barring Service (DBS). Applicants applying for a hackney carriage or private hire driver's licence must complete an on-line DBS form and this must be done before submitting the application for the licence to the Licensing Section of the Authority.

To complete an on-line DBS form, applicants will need access to the internet. There are Customer First Centres located in the Borough where computer facilities are offered. Additional guidance on completing the online application is available from the Licensing Section or on the Authority website at [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk)

DBS checks are not portable and only DBS checks applied for through North East Regional Employers Organisation (NEREO), the Authority's service provider, will be accepted. After completing the on-line application applicants will be given a submission reference number. Applicants will need to make a note of this reference number as the Licensing Section will require this at the time of submission of the application for the Licence. Where an applicant is already signed up to the Update Service the acceptance of this will be considered on a case by case basis.

A minimum of three forms of identity will be required in order to verify the identification of an applicant. The full list of approved documentation is available from the Licensing Section of the Authority or on the Authority's website at [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk).

The Authority requires applicants and existing drivers to subscribe to the DBS Update Service. An additional fee payable to the DBS will be required in relation to this service. The Update Service will allow criminal record certificates to be kept up to date.

Licensees will need to provide the Authority with their Disclosure Certificate when applying for a licence or renewal of a licence and complete and sign a Mandate confirming that they consent to the Authority carrying out online checks.

The Update Service will then allow the Authority to carry out free, instant online checks of an individual's certificate to check it is up to date. Such checks will be carried out at six monthly intervals and, if otherwise appropriate, at any other time. The Authority will only have to seek a new criminal record check if the DBS advises that something has changed. Further information is available on the Disclosure and Barring Service website at [www.gov.uk/db](http://www.gov.uk/db)s. Failure to subscribe to the Update Service will result in the driver's licence being suspended

## **7. Manual DBS Certificates**

The Disclosure and Barring Service occasionally are unable to issue a normal Enhanced Disclosure and instead issue a Manual Certificate which prevents an individual from subscribing to the Update Service.

In such cases the Authority will require the driver to complete an Annual Declaration for the period their hackney carriage/private hire driver's licence remains in force confirming they have not been cautioned by the police or other regulatory body, have not been convicted of any offence(s) including motoring offences and that there are no ongoing criminal investigations or court proceedings in their name. Failure to complete the Annual Declaration will result in the driver's licence being suspended.

## **8. Applicants who have spent time abroad**

If an applicant is newly resident in the UK, they must still apply for an enhanced DBS check regardless of the period of time they have spent in the UK.



Where an applicant has been continually absent from the United Kingdom and Channel Islands for 3 months or more an enhanced DBS disclosure in itself will be insufficient to satisfy the Authority that the applicant is a fit and proper person, as the DBS does not routinely provide criminal record information from non-UK countries. Such applicants should provide a Certificate of Good Conduct or equivalent document from each country where they have been resident/ domiciled.

A Certificate of Good Conduct or equivalent document is an extract from the judicial record or administrative authority in the relevant country testifying to good conduct and/or to any criminal convictions recorded against the individual.

The Director of Public Health may approach the relevant Embassy or appropriate body directly to verify documents provided. The applicant will be advised of any costs involved (e.g. in relation to translation) and these costs must be met by the applicant.

The Authority may require the applicant to submit additional information and references.

At all times, the Authority's aim is to protect members of the public who are using vehicles and drivers licensed by the Authority and thus if the documentation produced does not satisfy the Authority, then the application will be refused.

Asylum seekers or persons granted asylum/refugee status will not be required to produce a Certificate of Good Conduct from the country they are claiming asylum from. To gain this exemption the applicant must provide a Certificate of Registration or a letter issued by UK Visas and Immigration confirming the above and must submit a written request to the Authority for the exemption to apply. A DBS check for time spent in the UK will still be required.

The Director of Environment, Housing & Leisure may determine such applications or refer them to the Regulation & Review Committee.

## **9. Relevance of Convictions, Fixed Penalties, Community Resolutions, Cautions and Conduct**

In relation to the consideration of convictions, cautions, fixed penalties and community resolutions recorded against a person and concerns about their conduct please refer to Section A of Chapter 7 of this Policy – Guidance as to the Relevance of Convictions, Cautions, Fixed Penalties and Community Resolutions and Section B of Chapter 7 - Conduct.

In assessing whether the applicant is a fit and proper person to hold a licence, or if an existing driver continues to be a fit and proper person the Authority will consider each case on its own merits.

In some cases, the Authority may require additional DBS checks at a cost to the licensee.

10. **National Register of Taxi Licence Refusals and Revocations (NR3)**

The Authority has signed up to the National Register of Taxi Licence Refusals and Revocations (NR3). On receipt of an application for a hackney carriage or private hire driver's licence this register will be checked for any information concerning the applicant. In addition, should an application for a hackney carriage or private hire driver's licence (new and renewal) be refused, or when an existing drivers' licence is revoked, that information will be placed upon the register.

The Policy that covers the use by the Authority of the information contained on the NR3 register can be found at [www.nortytyneside.gov.uk](http://www.nortytyneside.gov.uk)

11. **Referrals to the Disclosure & Barring Service (DBS)**

In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for the Authority to make a referral to the DBS and the police. A decision to refuse or revoke a driver's licence because they are considered to pose a risk of harm to a child or vulnerable adult will be referred to the DBS.

A referral by the Authority to the DBS will be made when it is thought that:

- a) A person has harmed or poses a risk of harm to a child or vulnerable adult
- b) A person has satisfied the 'harm test' set out in section 39(3) of the Safeguarding Vulnerable Groups Act 2006 or
- c) A person has received a caution or conviction for a relevant offence; and
- d) The person being referred is, or might in the future be, working in regulated activity.

Following the referral, if the conditions in a) to d) are satisfied the DBS may consider it appropriate for the person to be added to the 'barred list'.

Information on the DBS service and referrals made to them is available here <https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>

12. **Medical Assessment**

Upon an initial application for a driver's licence the applicant shall produce a completed Medical Certificate Form MC1. This must be completed by the applicants own G.P or a Medical Practitioner with access to the applicant's full medical history. The applicant is responsible for paying the fee for the examination. If necessary, the G.P. may return the completed form direct to the Licensing Section.

Group 2 Medical Standard of Fitness applies. Please refer to Chapter 7 for more details with regard to medical fitness.

Applicants attaining 45 years of age must provide evidence of their medical fitness to hold a licence every five years up until the age of 65 years, after which a medical examination is required every year.

Where a medical examination is due within the term of the licence, the Authority will contact the driver in writing to advise of this. Should the medical certificate not be provided within the relevant timescale, the driver's licence will be suspended until such time as a medical certificate is provided and in certain cases the suspension will be with immediate effect.

Holders of DVLA Group 2 Licences will not be required to provide a medical certificate provided their licences are valid and evidence is produced to confirm this.

In other cases where a more in depth medical has been undertaken for a specific profession (e.g. pilot's licence) then this will be considered on a case by case basis by the Licensing Section.

### **13. Child Sexual Abuse and Exploitation (CSAE) (Including 'County Lines')**

The Authority understands that it must ensure that the hackney carriage and private hire licensing regime protects the vulnerable including children and that Child Sexual Abuse and Exploitation can have a long-term devastating effect.

Child Sexual Abuse and Exploitation (CSAE) is 'everybody's business' and the Authority is committed to working in partnership with and supporting local businesses and the community to raise awareness of this issue. Licensed drivers may see, hear or recognise situations or behaviour that may be of concern to them. As well as being in a position of trust drivers play an important role in helping to safeguard vulnerable people. It is important therefore that licensed drivers and applicants undergo awareness training to assist in the prevention of sexual abuse and exploitation and to know how to report it. By key agencies working together and sharing information sexual abuse and exploitation can be prevented, children and young people are protected, and perpetrators of sexual offences prosecuted.

It is a requirement that all new applicants for a hackney carriage/private hire driver's licence to undertake Child Sexual Abuse and Exploitation awareness training prior to being issued a licence, including 'county lines' exploitation.

All existing drivers are required to undertake sexual exploitation awareness refresher training every three years, with regular updated information leaflets circulated to drivers when required. If refresher training is not completed the driver will be referred to Regulation and Review Committee.

### **14. Tax Conditionality (HMRC)**

From 4 April 2022 all individuals applying to renew their licence to drive a hackney carriage or private hire vehicle will need to complete a tax check. Drivers will need a tax check reference number which can be obtained by submitting their details into an online service.

The licensing authority will use this to confirm with HMRC that a tax check has been completed. If a tax check is not completed, the licensing authority will be unable to consider your application to renew your licence and your current licence will expire.

New applicants for a licence will be required to confirm they understand their tax responsibilities and are aware of the guidance in order to be properly registered for tax in the future. If new applicants do not confirm that they are aware of the guidance they will not be issued with a licence.

Further information on is available at:

<https://www.gov.uk/government/publications/licence-application-tax-check-communications-resources/tax-check-factsheet>

## 15. **Three Year Driving Licences**

In the majority of cases the Authority will issue driver licences for up to three years. In certain cases, a three-year licence will not be appropriate but the Licensing Section will advise if this is the case.

## 16. **Application Procedure**

## 17. **New Applications**

The following documents are to be submitted in person at a prescribed time or online as applicable for a **new** application:

- Fully completed application form
- Medical Certificate Form (MC1) completed by applicant's own GP or one who has had access to the applicant's full medical history and/or any relevant electronic medical records held or evidence provided that a DVLA Group 2 licence is held. A suitable alternative medical will be considered on a case by case basis
- DBS Submission Reference Number together with appropriate identity documents or evidence provided to confirm subscription to the DBS Update Service, or if already subscribed to the Service, a current DBS Certificate
- Fully completed DBS Update Service Mandate form (if required)
- Knowledge Test pass certificate
- Driving Licence
- Fully completed mandate for DVLA licence check
- Evidence of a right to reside and work in the UK
- Evidence of completion of CSAE awareness training
- Confirmation tax responsibilities are understood and are aware of HMRC guidance
- Any additional information requested by the Licensing Section.

Fees:

- Licence fee including DBS check fee if required.

The application will not be determined until the knowledge test has been taken and passed, a medical certificate and Enhanced Disclosure and where applicable a Certificate of Good Conduct and any additional information requested are received by the Authority. Any incorrectly completed forms will be returned.

If the application is withdrawn or refused the fee will be refunded minus the proportion of the charge for the DBS and knowledge test fee and an administrative charge. Should the application be appealed, the administrative charge will be higher.

## 18. **Renewals**

Applications to renew a licence must be submitted in person at a prescribed time or on-line as applicable prior to the expiry date of the current licence.

There is no legal requirement for the Authority to send out reminders for renewals for licences, but to aid drivers the Licensing Team will endeavour to do so. However, the responsibility rests with the driver to ensure documentation is provided within the appropriate timescales. If the required documents are not produced the application will not be determined and the application treated as incomplete.

The following documents are to be submitted for a **renewal** application:

- Fully completed renewal form
- Medical Certificate Form (MC1) completed by applicant's own GP or one who has had access to the applicant's full medical history and/or any relevant electronic medical records held or evidence provided that a DVLA Group 2 licence is held. A suitable alternative medical will be considered on a case by case basis, if required
- DBS Submission Reference Number together with appropriate identity documents or Evidence provided to confirm subscription to the DBS Update Service
- Fully completed DBS Update Service Mandate form (if required)
- Driving licence and/or fully completed DVLA mandate
- Evidence of a right to reside and work in the UK (where required)
- Evidence of completion of a refresher CSAE awareness package (when required)
- Tax check reference number
- Any additional information requested by the Licensing Section.

Holders of existing driver's licences must apply to renew their licence in the four weeks preceding the expiry date and the licence holder is encouraged to submit the application at least 10 working days prior to the expiry of the existing licence to allow the application to be processed. Renewal applications submitted after the expiry date will not be accepted. Any late renewals will be classed as a new application with Grandfather Rights and a higher licence fee will apply.

Fees:

- Licence fee including DBS check fee if required.

If the application is refused the fee will be refunded minus the proportion of the charge for the DBS and an administrative charge. Should the application be appealed, the administrative charge to be paid will be higher.

## 19. **Incomplete applications**

An application to renew a licence that has been submitted with the appropriate licence fee prior to the expiry of that licence, but is incomplete, will not be processed.

In such cases the Authority will issue a written request to the licensee for the additional information to be provided within 14 days of the expiry of the licence. During this time the licensee can continue to drive.

If the licensee fails to provide the information within this time period the application will be refused, to which the licensee will have a right of appeal. During this time the licensee can also continue to drive. If no appeal is received within 21 days, then the driver must cease driving.

Renewal applications will be processed and a driver's licence issued pending any required enhanced DBS check, unless the Authority has reasonable grounds for concern in which case the renewal will not be granted until or unless these concerns have been resolved.

Any licence that is issued pending the result of a DBS check will be on a "without prejudice basis" meaning such licences are issued without prejudice to any subsequent decision that the Authority may make when all of the relevant information from the DBS check is to hand.

If no evidence is provided of an enhanced DBS check having been submitted and sufficient accompanying documents to proceed with the renewal application, the application will not be accepted and no "without prejudice" licence issued.

If convictions, cautions etc. or charges are disclosed in the DBS check, the Director of Public Health will make a decision as to their relevance. The Authority may require further information from the Police, Crown Prosecution Service or other agencies prior to making a decision. If the information received is deemed relevant according to this Policy, the application for renewal of a licence may be refused. Appeals against a refusal must be made in writing to the Regulation and Review Committee and/or Magistrates Court and be received within 21 days of receipt of the decision.

If details of any convictions, cautions etc. are received through the DBS check process and these were not disclosed by the applicant on the signed declaration form stating that there are no new convictions, cautions, fixed penalties or

community resolutions then this will be treated seriously, and the appropriate action taken in accordance with the Authority's Enforcement Policy.

The Director of Public Health may refer a decision to renew a driver's licence to the Regulation and Review Committee.

If a renewal of a licence is refused the decision and reasons for the decision will be notified in writing to the applicant or licensee within 5 working days of the decision.

20. **Grandfather Rights**

The Authority will take account of the previous DBS check and medical history held of any driver who has not renewed their driver's licence but re-applies within 6 months of the expiry date. If a knowledge test has been passed, then a period of 12 months will apply in relation to this.

21. **Driver Identity badges**

Where a licence is issued, drivers will be issued with two identity badges detailing their name, licence number, expiry date of the licence and a photograph of the licensee. One badge must be worn at all times when the driver is working. Drivers are required to display the other badge in the vehicle where it is clearly visible to passengers.

Where an applicant has applied for and been granted both a hackney carriage driver's licence and a private hire driver's licence, rather than issue two identity badges for each type of licence (i.e four identity badges) the Authority will issue two 'Dual Licence' identity badges denoting that the driver is licensed to drive either type of vehicle.

Lost or damaged badges must be notified to the Licensing Section by the next working day. A fee will be charged for each replacement badge.

22. **Conditions of Licence/Byelaws**

The conditions set out at **Appendix E** are considered reasonably necessary and as such may be legally imposed in respect of private hire drivers.

The Authority is not permitted to attach conditions to a hackney carriage driver's licence. The Authority has adopted Byelaws which regulate hackney carriage drivers. It is, however, empowered to attach conditions to a private hire driver's licence as are considered necessary.

It is the responsibility of a private hire driver on the grant of a driver's licence to ensure that they have read the conditions attached to the licence and to fully understand the requirements imposed on them by such conditions. Failure to adhere to the conditions could result in disciplinary action being taken against the driver.

No private hire driver should be operating as a licensed driver without being aware of the conditions attached to their licence and all drivers will be expected to have read the conditions on receipt of their licence.

It is the responsibility of a hackney carriage driver on the grant of a driver's licence to ensure that they have read the Byelaws adopted by the Authority which regulate their driver's licence. Please see **Appendix I** for Byelaws. Failure to adhere to the Byelaws could result in disciplinary action being taken against the driver including prosecution.

23. **Code of Good Conduct**

The Authority has introduced a Code of Good Conduct for all drivers that the Authority encourages drivers to operate in accordance with. This serves to promote the objectives set out in this Policy in respect of hackney carriage and private hire licensing. This Code of Good Conduct will be taken into consideration when determining disciplinary matters.

The Code of Conduct is attached at **Appendix F** to this policy.

24. **Driver's Dress Code**

A dress code serves to enhance the professional image of the hackney carriage and private hire trade and promotes the concept that drivers of licensed vehicles are vocational drivers.

In order to raise the standard of the licensed trade, drivers should operate at all times in a professional manner and conform to a minimum standard of dress. A Dress Code for licensed drivers is therefore in place and attached at **Appendix G** to this Policy. The Authority will not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times.



## **4. Private Hire Operators**

### **Contents**

1. Requirements and obligations
2. Criminal Record Checks
3. Booking/Dispatch Staff
4. Tax Conditionality (HMRC)
5. Conditions
6. Other obligations
7. Application Procedure
8. New Application
9. Renewal Application
10. Incomplete Application
11. Grandfather Rights
12. Licence Duration
13. Address from which an operator may operate
14. Record Keeping
15. Change of Address
16. Convictions/Cautions
17. Use of Passenger Carrying Vehicles (PCV) Licensed Drivers and Public Service Vehicles (PSV)
18. Material Change in Circumstances
19. Sub Contracting

### **1. Requirements and obligations**

Any person who operates one or more private hire vehicles must apply to the Authority for a private hire operator's licence.

The objective in licensing private hire operators is to ensure the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.

A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.

A private hire operator must ensure that every private hire vehicle despatched by him/her is licensed and driven by a person who holds a private hire driver's licence. All three licences (operator, vehicle and driver) must be issued by the Authority.

It is a criminal offence to operate a private hire vehicle without an operator's licence.

Operators and prospective operators need to familiarise themselves with the law and ensure they employ suitable work methods in order to comply with the law and avoid committing licensing offences.

Applications for an operator's licence must be made on the prescribed form and the appropriate fee paid. The Authority will then decide whether the applicant is a fit and proper person to hold an operator's licence.

Whilst it is accepted that an operator does not have the same level of direct contact with the public as a licensed driver (unless s/he holds a hackney carriage or private hire driver's licence), it is nevertheless the case that in performing their duties an operator will be in possession of considerable amounts of personal and private information. Such information must be treated in confidence, and must not be disclosed to others or used by the operator or their staff for criminal or other unacceptable purposes.

Therefore, the Authority needs to be satisfied that an operator is a fit and proper person to hold, or continue to hold, an operator's licence.

For the reasons set out above and because the public must have trust and confidence in the safety and integrity of the private hire system, similar standards will be applied to operators as to drivers outlined in this Policy.

When determining the fitness and propriety of operators, Officers and Members will consider the following test:

"Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"

If the answer to this question is an unqualified yes, then the test is satisfied. If Officers or Members have doubts then further consideration will be given as to whether the individual is a fit and proper person to hold an operator's licence.

The Authority may also require additional information from an applicant/operator when determining an application such as, details of policies on lost property, dealing with complaints, record keeping and employing ex-offenders in any role connected to the booking/dispatch of vehicles.

An operator will be required by way of a licence condition to keep a register of all staff that take bookings and/or dispatch vehicles and have available the information required in the 'Booking/Dispatch Staff' section below.

## **2. Criminal Record Checks**

Private hire operator's licences will only be granted to persons that the Authority is satisfied are fit and proper and pose no threat to the public and have no links to serious criminal activity. This will be ascertained by way of a Basic Disclosure of any criminal convictions from the Disclosure and Barring Service, information requested on the application form or if deemed necessary during interview with the Licensing Officer.

Before an application for a private hire operator's licence will be considered the applicant (whether this be an individual or the Director of a limited company) must provide a current (less than 1 month old) Basic Disclosure of criminal convictions from the Disclosure and Barring Service. If the applicant is currently licensed as a driver with this Authority, they will be exempt from this requirement as they will already have had a higher level of criminal record check.

Where a private hire operator's licence is in force in the name of a limited company and a new director(s) is/are proposed to be appointed to that limited company then each proposed director will be required to provide a Basic Disclosure of convictions from the Disclosure and Barring Service. If the proposed new director is currently licensed as a driver with this Authority they will be exempt from this requirement.

In exceptional circumstances, the Authority may take relevant spent convictions into account having regard to the factors set out in the judgment of *Adamson v Waveney District Council* [1997] 2 All ER 898 when determining an individual's suitability to hold an operator's licence. In the case of a company, any relevant spent convictions of an officer of the company may be taken into account in exceptional circumstances when determining the suitability of the company to hold a licence.

### **3. Booking/Dispatch Staff**

The Authority needs to be satisfied that an operator can demonstrate that all of their staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. For this reason, an operator's licence will include a condition requiring the operator to keep and maintain a register of all staff that take bookings and/or dispatch vehicles.

Operators will also be required to evidence that they have had sight of a Basic DBS check on all individuals listed in their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individual added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be less than 1 month old when viewed by the operator, alternatively the operator could use a 'responsible organisation' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

The operator's register of staff must be a 'living document' that is kept up to date and maintains records of all those in these roles for the same duration as booking records are required to be kept by way of a licence condition, i.e. not less than one year. This will enable cross-referencing between the register of staff and the booking records.

A record of the fact that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

The register must be available for inspection at the request of an Officer of the Authority.

#### 4. **Tax Conditionality (HMRC)**

From 4 April 2022 all individuals applying to renew their licence to operate private hire vehicles will need to complete a tax check. Operators will need a tax check reference number which can be obtained by submitting their details into an online service. The licensing authority will use this to confirm with HMRC that a tax check has been completed. If a tax check is not completed, the licensing authority will be unable to consider your application to renew your licence and your current licence will expire.

New applicants for a licence will be required to confirm they understand their tax responsibilities and are aware of the guidance in order to be properly registered for tax in the future. If new applicants do not confirm that they are aware of the guidance they will not be issued with a licence.

Further information on is available at:

<https://www.gov.uk/government/publications/licence-application-tax-check-communications-resources/tax-check-factsheet>

#### 5. **Conditions**

The Authority has power to impose such conditions on an operator's licence as it considers reasonably necessary.

On the grant of an operator's licence the operator must read and understand the conditions attached to the licence. Failure to adhere to the conditions of the licence could result in disciplinary action being taken against the operator.

No operator should be operating as such without being aware of the conditions attached to their licence and all operators will be expected to have read the conditions on receipt of their licence.

**Appendix H** sets out the model conditions to be attached to an operator's licence which cover the standards of service expected.

#### 6. **Other obligations**

Applicants are advised to ensure that the appropriate public liability insurance has been taken out for premises and that appropriate planning permission is in place.

Applicants for operator licences (new or renewal) will be required to prove that they have a right to work in the UK before being considered for a licence. No licence will be granted until the applicant is able to prove that they have a right to work in the UK. If leave to remain in the country is less than 5 years a shorter licence will be issued.

All new applicants and on the first renewal for existing drivers a Right to Live and Work in the UK check will be carried out.

## 7. **Application Procedure**

## 8. **New Application**

The following documents are to be submitted in person at a prescribed time or by post, online or e-mail for a new application:

- Application form
- Basic Disclosure of criminal convictions certificate (if not currently licensed as a driver) of the applicant(s)
- Evidence of a right to reside and work in the UK (where required)
- Business Plan
- Confirmation tax responsibilities are understood and are aware of HMRC guidance
- A register of their staff who take bookings or despatch vehicles and operators (if available, otherwise provided within one month of the issue of the licence).
- Officers may require a site visit to the premises prior to the determination of the application for an operator's licence.
- Any additional information requested by the Licensing Section

Fees:

- Licence fee

If the application is withdrawn or refused the fee will be refunded minus an administrative charge. Should the application be appealed, the administrative charge will be higher.

## 9. **Renewals**

Applications to renew a licence must be submitted in person at a prescribed time or by post, on-line as applicable prior to the expiry date of the current licence.

There is no legal requirement for the Authority to send out reminders for renewals for licences, but to aid operators the Licensing Team will endeavour to do so. However, the responsibility rests with the operator to ensure documentation is provided within the appropriate timescales. If the required documents are not produced the application will not be determined and the application treated as incomplete.

The following documents are to be submitted for a **renewal** application:

- Fully completed renewal form
- Basic Disclosure of criminal convictions certificate (if not currently licensed as a driver) of the applicant

- Evidence of a right to reside and work in the UK (where required)
- Tax check reference number
- Any additional information requested by the Licensing Section.
- Officers may require a site visit to the premises prior to the determination of the application for an operator's licence.

### **Fees**

- Licence fee.

Holders of existing operator licences must apply to renew their licence in the four weeks preceding the expiry date and the licence holder is encouraged to submit the application at least 10 working days prior to the expiry of the existing licence to allow the application to be processed. Renewal applications submitted after the expiry date will not be accepted.

If the application is withdrawn or refused the fee will be refunded minus an administrative charge. Should the application be appealed, the administrative charge will be higher.

## **10. Incomplete applications**

An application to renew a licence that has been submitted with the appropriate licence fee prior to the expiry of that licence, but is incomplete, will not be processed.

In such cases the Authority will issue a written request to the licensee for the additional information to be provided within 14 days of the expiry of the licence. During this time the licensee can continue to operate.

If the licensee fails to provide the information within this time period the application will be refused, to which the licensee will have a right of appeal. During this time the licensee can also continue to operate. If no appeal is received within 21 days, then the operator must cease operating.

The Director of Public Health may refer a decision to renew an operator's licence to the Regulation and Review Committee. If a renewal of a licence is refused the decision and reasons for the decision will be notified in writing to the applicant or licensee within 5 working days of the decision.

## **11. Grandfather Rights**

The Authority will take account of the previous DBS check held of any operator who has not renewed their operator's licence but re-applies within 6 months of the expiry date.

## **12. Licence Duration**

Operator's licences will have a duration of up to five years. Fees paid in relation to operator licences will be subject to a partial refund on the unexpired portion of the licence should the operator choose to surrender their licence.

Refunds will be payable in relation to each full year remaining on the licence and an administration fee will be levied.

13. **Address from which an operator may operate**

Upon grant of an operator's licence the Authority will specify the address or addresses from which the operator may operate. The premises must be in North Tyneside.

If an operator wishes to change the premises from which they operate they should seek approval from the Authority prior to any change.

14. **Record Keeping**

Operators are required to keep records of each proprietor, vehicle and driver, booking records, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare agreed at the time of booking. **Appendix H** refers.

Records should be preserved for a period of not less than 12 months and be available for inspection at the request of an Officer of the Authority or Police Officer.

15. **Change of Home Address**

The operator must advise the Licensing Section of the Authority in writing of any change of his/her home address within 7 days of such a change taking place.

16. **Convictions, Cautions, Fixed Penalties and Community Resolutions**

The operator shall disclose to the Authority within 7 days in writing of any conviction, caution, fixed penalty or community resolution received in relation to themselves or in the case of a limited company, against the company, its secretary or any of its directors.

17. **Use of Passenger Carrying Vehicles (PCV) Licensed Drivers and Public Service Vehicles (PSV)**

Members of the public who book a private hire vehicle through the operator are entitled to expect that they will receive a private hire licensed vehicle and driver rather than a PCV licensed driver driving a PSV.

An operator's licence will include a condition prohibiting the use of a driver who holds only a PCV licence and the use of a PSV without the informed consent of the person making the booking. The operator will be required to evidence the informed consent of that person.

18. **Material Change in Circumstances**

If a proposed material change in the circumstances of the operator's business or method of operation since the grant of the last operator licence is considered (for example a proposed new Director or a change of premises) the operator shall notify the Authority in advance of such material change so that the proposed change can be considered by the Authority.

19. **Sub-Contracting and Outsourcing Bookings**

Private hire operators are legally permitted to sub-contract or outsource a booking to another licensed private hire operator. In cases of outsourcing the operator must ensure that the operator to which the booking has been outsourced will provide evidence of comparable protections to protect children and vulnerable adults. This evidence must be in the form of a written undertaking and shall be available for inspection at the request of an Officer of the Authority. This does not apply to bookings sub-contracted to another private hire operator.



## **5. Hackney Carriage Fares**

### **Contents**

1. General
2. Fare Tariff Formula
3. Table of Fares
4. Receipts
5. Overcharging
6. Additional tariffs

#### **1. General**

Licensing authorities have the power to set hackney carriage fares for journeys within the prescribed area.

Hackney carriage fares, set by the Authority, are a maximum and can be negotiated downwards by the hirer.

The Authority may review the fare scales when requested by the trade. When determining the level of fares consideration will be given to what is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a service at all times it is needed.

The Authority is not able to set fares for private hire vehicles. It is a matter for negotiation between the hirer and private hire operator.

When a hackney carriage vehicle is used for private hire services the fare charged cannot exceed that which would be charged under the table of fares applicable to hackney carriages. The meter must be used for all journeys. Failure to comply with that requirement is an offence.

When a journey ends outside of the Authority's district a fare greater than that shown on the meter may be charged but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare can be charged. The meter must be used during all journeys. Failure to comply with these requirements is an offence.

#### **2. Fare Tariff Formula**

The Authority prescribes the maximum fares that can be charged by a hackney carriage. The table of fares is not attached to this Policy as it is reviewed annually or more frequently depending on emerging circumstances e.g. the economic climate. A current table of fares is available from the Licensing Section or on the Authority website at [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk).

A formula is used to set maximum fares and charges. A full explanation of the formula is available from the Licensing Office.

A Notice of any variation to the maximum fare will be advertised in the Newcastle Evening Chronicle or similar newspaper with a date set of 14 days from publication for making objections to the variation of fares.

If no objections are received the fare variation will have immediate effect at the end of the date stated for lodging objections. If any objections are received these will be referred to the Director of Public Health.

3. **Table of Fares**

Tables of fares will be provided to each hackney carriage licensee, which must be displayed in the vehicle so that they are easily visible to all hirers. Replacement fare tables are available from the Licensing Office for an additional fee.

4. **Receipts**

A hackney carriage driver must, if requested by the passenger, provide a written receipt for the fare paid.

5. **Overcharging**

All meters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare shown on the meter. Wheelchair users cannot be charged extra for transportation.

6. **Additional Tariffs**

Any additional tariff(s) programmed to a taximeter (for example private hire operator rates) must only be at a rate lower than the official hackney carriage fares in force at that time.

Where a vehicle is fitted with a taximeter that is found to have a tariff at a higher rate than the official hackney carriage rate the vehicle licence will be suspended.

## **6. Fees**

### **Contents**

1. Fee Structure
2. Variations to fee structure
3. Payments
4. Payment Refunds

### **1. Fee Structure**

The Local Government (Miscellaneous Provisions) Act 1976 permits local authorities to set fees for hackney carriage and private hire vehicles, drivers and operator licences. The legislation permits the local authority to recover the cost of providing the licensing scheme and such fees must be reasonable.

Section 53 (2) of the 1976 Act controls the levying of fees in respect of driver's licences for both hackney carriages and private hire vehicles. Section 70 of the 1976 controls the levying of fees for hackney carriage proprietor's licences, private hire vehicle licences and private hire operator's licences.

The current scale of fees and charges are available from the Licensing Office and via the Authority website at [www.northynteside.gov.uk](http://www.northynteside.gov.uk).

### **2. Variations to fee structure**

The fee structure is reviewed annually as part of the Authority's budgetary process. Notice of the current scale of fees will be supplied to new applicants at the time of application.

A Notice of any variation to the maximum fees will be advertised in the Newcastle Evening Chronicle newspaper or similar newspaper with a date set 28 days from publication for making objections to the variation of fees.

If no objections are received the fee variation will have immediate effect at the end of the 28 day period specified for objections. If any objections are received the matter will be referred to Regulation and Review Committee for consideration.

### **3. Payments**

Payments can be made in the form of cheques by post made payable to the Authority or by debit or credit card.

### **4. Surrender of Licence Refund Payments**

Where a licence is surrendered the refund of the licence fee will be calculated on annual maintenance and annual management costs and will exclude the Basic cost/Application process.

Fees paid in relation to hackney carriage and private hire vehicle licences are subject to a partial refund on the unexpired portion of the licence, minus any test fee(s), should the proprietor choose to surrender their licence during the period of the licence. Refunds are payable for each full quarter left and an administration fee will be levied.

Fees paid in relation to hackney carriage and private hire driver licences are subject to a partial refund on the unexpired portion of the licence should the driver surrender their licence during the period of the licence. Refunds are payable for each full year left and an administration fee will be levied.

Fees paid in relation to private hire operator licences are subject to a partial refund on the unexpired portion of the licence should the operator surrender their licence during the period of the licence. Refunds are payable for each full year left and an administration fee will be levied.

## **7. Convictions, Cautions, Conduct, Fixed Penalties, Community Resolutions & Medical Fitness**

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## **1. Hackney Carriage & Private Hire Drivers**

When an application is made for a private hire or hackney carriage driver licence the Authority must be satisfied that the applicant is a **fit and proper** person before

issuing the licence. By law the Authority shall not licence drivers unless it is satisfied of this (section 51 & section 59 Local Government (Miscellaneous Provisions) Act 1976).

The legislation is worded in such a way so as to put the onus on the applicant to produce evidence to satisfy the Authority that they are a fit and proper person, rather than for the Authority to prove that they are not.

The Authority may fail to be satisfied on the balance of probability that an applicant is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there are grounds to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

In addition, the Authority may:

- suspend
- revoke or
- refuse to renew.

a hackney carriage or private hire driver licence:

- if the licensee has been convicted of an offence involving dishonesty, indecency or violence or
- if the licensee has been convicted of a private hire/hackney carriage licensing offence
- if, the licensee (in some cases), since the grant of the licence the licensee has been convicted of an immigration offence or required to pay an immigration penalty or
- for any other reasonable cause.

(section 61 LG(MP) Act 1976)

Any other reasonable cause will include convictions for other types of offence than those mentioned above, a lack of medical fitness or conduct.

If it appears to be in the interests of public safety to do so, then a revocation or suspension of a licence will have immediate effect and the driver will be given notice of that decision and an explanation for the decision taken. The effect of this decision will mean that a driver cannot continue to drive licensed vehicles. The revocation or suspension will continue to apply should an appeal be made against the decision. In certain cases, a licence may be revoked or suspended without taking immediate effect.

## 2. **Rehabilitation of Offenders Act 1974**

Hackney carriage and private hire drivers are excluded from the provisions of the Rehabilitation of Offenders Act 1974. **All** convictions, including spent convictions must be declared on first application or any renewal application and will be considered as part of the application process.

This does not apply to applicants for, or current holders of, a hackney carriage or private hire vehicle proprietor's licence, or private hire operator's licence.

### **3. Section A – Guidance as to the Relevance of Convictions, Cautions, Fixed Penalties and Community Resolutions**

#### **General Policy**

The overriding consideration of the licensing regime is the safety of the public. The Authority has a duty to ensure that, as far as possible, those licensed to drive the public in hackney carriage or private hire vehicles are suitable persons to do so, that they are safe drivers with a good driving record, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their position to abuse or assault customers.

The aim of the Authority is not to punish the applicant/licensee following a conviction or other form of disposal but to ensure that public safety is not compromised and to protect the public from those who have demonstrated a propensity towards wrongdoing.

This guidance is intended to assist Licensing Officers and the Regulation and Review Committee (the Committee) in decision making and to ensure as far as possible that a consistent approach to decision making is maintained. However, each case has to be decided upon its own merits and officers and the Committee will not stick rigidly to this guidance if there are clear and compelling reasons to depart from it.

It may be appropriate to depart from the general policy in this guidance in some cases, if there are compelling reasons to do so, for example, in situations where an offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern or trend of repeated offending or inappropriate behaviour which will be taken into account. Where there has been a conviction for a sexual offence or a crime which resulted in the death of another person an application for a licence will be refused. Where an applicant has served a custodial sentence, the Authority will consider the number of years since their release and the period for which they have been free of conviction when determining their fitness to be licensed.

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation of another individual irrespective of whether the victims are adults or children they will not be, or continue to be, licensed. "Exploitation" is taken to include slavery, child sexual abuse including grooming, psychological abuse, emotional abuse and financial abuse.

This guidance is also intended to assist applicants, licensees and those representing them, by clearly setting out the expectations that the Authority has in relation to applicants/licenses who have received convictions. This should also

minimise the time spent and associated costs incurred by both the Authority and applicants/licensees in the licensing process.

This guidance will be taken into account and will be followed when dealing with a new application, a renewal application and when considering whether to issue a warning, suspend or revoke an existing licence.

In considering evidence of an applicant's character and fitness to hold a drivers licence, where previous convictions or other information relating to criminal matters is disclosed, the Authority will consider the nature of the offence or allegation made, when it was committed, the date of conviction, the applicants age when the offence was committed and any other factors which might be relevant. However, where an applicant has been convicted of a criminal offence, the Authority cannot review the merits of the conviction [Nottingham City Council v Mohammed Farooq (1998)] but it may look at the circumstances surrounding the conviction.

This guidance is not an attempt to define who is a fit and proper person.

This guidance does not deal with every type of offence. However, offences described in this guidance and similar offences, though differently described or worded in any statutory provision, modification or re-enactment, will be taken into account in accordance with this guidance. In all cases the safety of the public will be the primary concern of the Authority.

This guidance will also apply to applicants for, and those currently holding, a Hackney Carriage or Private Hire Vehicle Proprietors Licence and/or a Private Hire Operator Licence. However, assessment of previous convictions will not include offences relating to driving.

#### **4. Formal Cautions, Fixed Penalties and Community Resolutions and Other Matters**

For the avoidance of doubt, for the purposes of this guidance, cautions, fixed penalties and community resolutions shall be treated as though they were convictions and in this Policy/guidance any reference to "conviction" includes formal cautions, fixed penalties, community resolutions and matters that amount to criminal behaviour but which have not resulted in a conviction.

##### **Cautions**

The Authority requires applicants and licensees to reveal promptly any cautions they may have received because a caution can only be imposed following an admission of guilt which is equivalent to a guilty plea on prosecution. Before a caution can be administered the police or prosecuting authority must have considered that there was sufficient evidence to proceed with a prosecution had the offer of a caution been refused.



## **Fixed Penalties**

Fixed penalties are not limited to motoring offences and may be given for a range of offences including shop theft, minor public order offences and offences such as littering, dog fouling etc. Fixed penalties must be declared to the Authority promptly in the same way as convictions are declared and may be taken into account by the Authority. This is because payment of a fixed penalty indicates acceptance of guilt.

## **Community Resolutions**

A community resolution imposed for crime or anti-social behaviour must be promptly disclosed to the Authority. This is because a community resolution can only be imposed where the offender admits guilt.

## **Other Matters**

It should be recognised that matters that have not resulted in a criminal conviction (whether as the result of an acquittal, a conviction being quashed, a decision not to prosecute or an investigation which is continuing where the applicant/licensee has been bailed or released under investigation) can and will be taken into consideration by the Authority.

In addition, complaints that do not have police or other investigating authority involvement will be considered by the Authority when assessing the fitness of a person to hold a licence.

### **5. Barred Lists**

Part of the role of the DBS is to help prevent unsuitable people from working with vulnerable groups including children, barring them from doing so where necessary. As part of the enhanced DBS check the Authority is provided with information about whether an applicant is barred from working with children or adults and is included on either Barred List. In the interests of public safety, unless there are exceptional circumstances, an application for a licence will normally be refused where the applicant appears on either barred list.

### **6. Outstanding charges or summonses/Non-conviction information**

Where an applicant/licensee is the subject of an outstanding charge or summons their application will not usually be determined until the conclusion of proceedings or the charge(s) has/have been withdrawn.

If an applicant/licensee has been arrested or charged, but not convicted, for a serious offence which suggests they could be a danger to the public, consideration will be given to refusing the application or if currently licensed to further action being taken having regard to this Policy and guidance.

## 7. **Offences**

This guidance does not deal with every type of offence.

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

## 8. **Offences of Dishonesty**

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the appropriate fare and in other ways. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may include especially vulnerable people. For these reasons a serious view is taken of any convictions involving dishonesty.

Applicants/Licensees with a conviction for an offence involving dishonesty will not be granted a licence until at least 7 years have elapsed since the completion of any sentence.

## 9. **Crimes Resulting in Death**

Applicants/Licensees convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person will not be licensed.

## 10. **Offences of Violence**

Applicants/Licensees with a conviction, for an offence of violence, or connected with any offence of violence, will not be granted a licence until between 10 years have elapsed since the completion of any sentence imposed.

## 11. **Discrimination**

Where an applicant/licensee has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## 12. **Possession of a Weapon**

Where an applicant/licensee 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.

13. **Drugs Offences**

14. **Supply of Drugs/Cultivation of Drugs**

Applicants/Licensees with a conviction for an offence of supplying or possession of drugs with intent to supply or connected with possession with intent to supply, will be refused a licence until at least 10 years have elapsed since the completion of any sentence imposed.

15. **Possession of Drugs**

Applicants/Licensees with a conviction for an offence of possession of drugs or related to the possession of drugs will be refused a licence until at least 5 years have elapsed since the completion of the sentence imposed. In these circumstances the applicant/licensee will have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

16. **Sexual and Indecency Offences**

As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers. Therefore, applicants/licensees with a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

In addition, the Authority will not grant a licence to a person who is on the Sex offenders Register or on any barred list.

17. **Exploitation**

Applicants/licensees convicted for an offence involving, related to or has a 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 abuse, exploitation, grooming, psychological, emotional or financial abuse.

18. **Motoring Offences**

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying members of the public. Any motoring conviction demonstrates a lack of professionalism and will be considered in that light. The single occurrence of a minor traffic offence will not generally prohibit the grant of a licence or action being taken against a licensee. However, any subsequent motoring convictions may be evidence of the fact that the applicant/licensee does not take their responsibilities as a professional driver seriously and is therefore not, or no longer remains, a fit a proper person to hold a licence.

19. **Minor Traffic Offences**

Where an applicant/licensee has between 3-5 penalty points either at the time of application or during the licence period this will be considered as a "Minor Traffic offence". Convictions for minor traffic offences should not prevent a person from obtaining a licence. In the majority of cases the applicant/licensee will receive a warning or advice regarding future conduct.

Bearing in mind the number of miles they drive; it is expected that licensed drivers are more likely than the average motorist to get convictions for minor traffic offences. Where an applicant/licensee has accrued 6 or more penalty points for two or more minor traffic offences in the majority of cases a formal written warning will be issued.

20. **Major Traffic Offences**

Road Traffic Offences which carry mandatory disqualification from driving will always be considered as "Major Traffic offences". Where an applicant / licensee has 6 or more penalty points for a single offence or where the court has disqualified the driver for a single offence this will be considered as a Major Traffic offence. In the majority of cases an applicant will be refused until a period of 2 years has lapsed since the date of the last conviction or the restoration of the DVLA licence. Existing drivers will generally be referred to the Regulation and Review Committee.

Where an applicant/licensee has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until between 7 years have elapsed since the completion of any sentence or driving ban imposed. Following a conviction for driving under the influence of drugs, an applicant will have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant/licensee has a conviction for using a hand-held mobile telephone or other hand-held interactive communication device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

21. **Disqualification**

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 Authority is likely to refuse a hackney carriage or private hire drivers licence and an applicant will normally be expected to show a period of 12 - 18 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-qualification. Existing drivers will generally be referred to the Regulation and Review Committee. This is because repeat motoring convictions would suggest that the driver does not take his/her professional responsibilities as a licensed driver seriously and may as a result no longer be considered a fit and proper person to hold a licence.

In totting-up cases where disqualification is imposed by the court, the Authority is likely to refuse a hackney carriage or private hire driver's licence until a period of 12 – 18 months has lapsed since the restoration of the DVLA licence. Existing drivers will be referred to the Regulation and Review Committee.

## **22. Vehicle Use Offences**

Where an applicant/licensee has a conviction for any offence which involved the use of a vehicle (including both hackney carriage and private hire vehicles) a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

## **23. Licensing Offences**

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (the Acts) and hackney carriage Byelaws is to ensure the protection of the public. The main private hire and hackney carriage offences are available from the Licensing Office or on the Authority's website [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk).

A serious view is taken of convictions for offences under the Acts and Byelaws when deciding whether an applicant/licensee is considered to be, or remain, a fit and proper person to hold a licence.

Where an applicant/licensee 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 3 years have elapsed since the completion of any sentence imposed.

Where an applicant/licensee has a conviction for any offence which involves 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.

## **24. Section B – Conduct**

Criminal convictions are not the only criteria used when considering whether an individual is a fit and proper person to be licensed. Other factors, including the applicant or licensee's demeanour, appearance and behaviour may be taken into account in determining fitness and propriety as well as any complaints received about a current licensee.

The Authority may require an applicant to submit information it reasonably considers necessary to enable it to determine whether a licence should be granted or whether conditions should be attached to a licence (section 57 LG(MP) Act 1976).

The courts have found that the main purpose of the licensing regime is to prevent licences being given to, or used by, those who are not suitable to hold a licence, taking into account their driving record, driving experience, sobriety, mental and physical fitness, honesty and ensuring that they would not take advantage of their employment to abuse or assault passengers (Leeds City Council v Hussain [2002]).

When determining the fitness and propriety of drivers Officers and Members will consider whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom they care, to get into a vehicle with the applicant/licensee alone.

If the answer to this question is an unqualified “yes”, then the test is probably satisfied. If the Officers or members have doubts then further consideration will be given as to whether the individual is a fit and proper person.

Matters that have not resulted in a criminal conviction as explained in Section A of this guidance can and will be taken into account by the Authority when determining the fitness of a person to hold, or to continue to hold, a licence.

## **25. Section C – Medical Fitness**

### **26. Production of medical certificate**

Under section 57 of the Local Government (Miscellaneous Provisions) Act 1976 the Authority may require an applicant for a hackney carriage or private hire drivers licence to produce a certificate signed by a registered medical practitioner to the effect that s/he is physically fit to be a driver of such a vehicle. The Authority requires a medical certificate upon an initial application for a licence.

In addition or in place of such a certificate the Authority may require an applicant to submit to examination by a registered medical practitioner selected by the Authority as to his/her fitness to be a driver of a hackney carriage or private hire vehicle.

The medical practitioner must confirm that:

1. they have examined the applicant
2. the applicant is registered with the practice and/or
3. they have had full access to the applicant’s medical records
4. the medical examination was carried out to DVLA Group 2 standard
5. s/he considers the applicant to be fit to act as the driver of a hackney carriage or private hire vehicle.

If the medical practitioner has not had access to the applicant’s full medical records the Authority may require more frequent medical testing and/or select a practitioner to undertake a full medical examination of the applicant. All expenses are payable by the applicant.

**27. Group 2 Standard**

The Authority has adopted DVLA Group 2 driver standard for medical fitness of hackney carriage and private hire drivers. This reflects the higher risk caused by the length of time the driver may spend at the wheel in the course of his/her occupation and the responsibility they have for the safety of their passengers and the public.

**28. Age**

The Authority's policy is that a medical certificate is required upon an initial application for a licence. It remains valid until a driver reaches the age of **45 years** when a further medical certificate is required. A medical certificate is then required every **5 years until the age of 65** after which a certificate is required on a yearly basis.

**29. Monitoring of medical condition**

In addition, where a driver suffers from a medical condition that requires monitoring but would not prevent him/her from holding a licence the Authority may, as an additional condition of their licence, require written confirmation from his/her GP or consultant on each renewal that s/he remains fit to carry out the duties of a driver. Any condition attached to a driver's licence will be regularly reviewed.

It is a requirement that a driver notifies the Authority immediately of any medical condition which could affect their ability to carry out the duties of a licensed driver.

**30. Drug Testing**

The Authority has a strict policy in respect of illicit substance misuse. If a driver is suspected to have taken or to have been under the influence of any illicit substance, the Authority will require the driver to undertake testing through an approved service provider or medical practitioner (this can be hair strand, blood or urine).

The Authority does not carry out drug testing of drivers. Testing must be arranged by the individual driver and the cost of testing must be borne entirely by the driver.

If testing reveals a positive result for any substance the driver's licence will be suspended by the Authority.

Failure to comply with a request to provide a drug test will also result in suspension of the driver's licence.

**31. Refusal, Suspension and Revocation on grounds of medical fitness**

If the Authority is not satisfied on the balance of probabilities as to the medical fitness of an applicant a hackney carriage or private hire driver's licence will not be granted (section 51 & section 59 LG (MP) Act 1976).

If the Authority is not satisfied as to the medical fitness of a hackney carriage or private hire driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under section 61 Local Government (Miscellaneous Provisions) Act 1976.

Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 allows the Authority to revoke or suspend an existing driver's licence **with immediate effect** when that driver no longer meets the Group 2 medical standard and in the opinion of the Authority's it is in the interests of public safety to take such a course of action. The Authority will only lift a suspension of a licence on receipt of written confirmation from a GP or consultant that the driver meets the Group 2 medical standard.



## 8. Enforcement and Discipline

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Please note: This chapter provides an overview of enforcement and disciplinary action. It is not intended to be an exhaustive list. **It does not constitute legal advice.**

### 1. Enforcement & Discipline - The Authority's Officers and Regulation & Review Committee

Whilst the operation of a successful hackney carriage and private hire vehicle service is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated in order to instill confidence in the travelling public who wish to use the service.

Enforcement of hackney carriage and private hire matters is undertaken by the Authority. The police may also take action in certain circumstances.

Officers of the Authority (usually Licensing Officers) can be authorised by the Authority to undertake enforcement work. The Director of Public Health may authorise such Officers. In undertaking such work the Officers will abide by the Authority's Enforcement Policy. Enforcement work includes investigating complaints made about drivers, vehicles and operators in addition to matters observed by Officers e.g. vehicle defects. The Authority can consider circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.

The Director of Public Health may take appropriate disciplinary action against licensees in accordance with this policy. The Authority's Regulation & Review Committee may determine the appropriate disciplinary action (if any) to take against licensees referred to it by the Director of Environment, Housing & Leisure.

## 2. **Enforcement/Disciplinary Options**

There are various options to take depending upon the circumstances including:

- take no action
- take informal action
- use statutory and other notices/requests
- suspend a licence (with or without immediate effect)
- revoke a licence (with or without immediate effect)
- refuse to renew a licence
- use formal cautions
- prosecute
- obtain an injunction.

The Director of Public Health may refuse to grant or renew licences and may revoke or suspend licences, with or without immediate effect.

## 3. **Informal Action**

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

Informal action may be appropriate where:

- the act or omission is not serious enough to warrant more formal action
- from the individual licensee's history it can be reasonably expected that informal action will achieve compliance
- the consequences of non-compliance will not pose a significant risk to the safety of the public.

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

Repeated incidents of licence infringements, complaints etc. are likely to lead to action being taken against the licensee by the Director of Public Health or a referral to the Regulation & Review Committee.

## 4. **Vehicle Defect Rectification Scheme (VDRS)**

In situations where non-compliance with the conditions of vehicle licence or contravention of the legislation or byelaws is noted Officers may issue a vehicle defect rectification notice to the proprietor. Such notices are appropriate where the immediate suspension of the vehicle licence is not required. The notice will require the proprietor to remedy the defect and present the vehicle for inspection by Officers within 5 working days at the Licensing Office or a mutually agreed location. If a proprietor is aggrieved at the issue of a VDRS notice, then they may request a review by Officers.

If the defect has been remedied, then usually no further action will be taken. If the defect is not remedied or the vehicle is not presented for inspection the vehicle licence may be suspended (section 60 (LG(MP) Act 1976) and/or the proprietor may be prosecuted (section 50 & section 73 LG(MP) Act 1976). A proprietor may appeal against a section 60 vehicle suspension during which time the vehicle can continue to be used.

5. **Section 68 Notices – Suspension of Vehicle Licence**

An Officer authorised by the Authority (or Police Officer) has the power at all reasonable times to inspect and test any hackney carriage or private hire vehicle (or taximeter affixed to such a vehicle) licensed by the Authority to ascertain its fitness. If s/he is not satisfied as to the fitness of the vehicle or the accuracy of the taximeter s/he may by a written notice require the proprietor to make the vehicle or taximeter available for further inspection and testing at a reasonable time and place specified in the notice. The Officer may suspend the vehicle licence until such time as they are satisfied as to fitness/accuracy using section 68 of the Local Government (Miscellaneous Provisions) Act 1976. Suspension under section 68 takes immediate effect. There is no right of appeal against such a suspension. Therefore, this action will only be taken when an Officer has reasonable grounds to suspect that the condition of the vehicle/taximeter poses an immediate risk to passengers and/or other road users.

If the Officer is not satisfied of the fitness/accuracy of the vehicle/meter within 2 months the vehicle licence will be deemed revoked. Such matters do not need to be referred to Regulation and Review Committee by the Director of Public Health. The proprietor will be given written notice of the revocation within 14 days. The proprietor may appeal against the revocation of the licence to the Magistrates' Court or alternatively, or in addition to, the proprietor may first wish to appeal to the Authority's Regulation and Review Committee. Any appeal must be lodged within 21 days of notification of the decision. The vehicle cannot be used pending any appeal.

6. **Suspend, Revoke or Refuse to Renew a Licence**

7. **Vehicle Licences – Section 60 LG(MP) Act 1976**

The Authority may suspend or revoke or refuse to renew a vehicle licence (private hire or hackney carriage) on any of the following grounds:

- a. that the vehicle is unfit for use
- b. the operator or driver has committed any offence under or has not complied with the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976 or
- c. any other reasonable cause.

Where the Authority suspends, revokes or refuses to renew a vehicle licence under section 60 LG(MP) Act 1976 it shall give the proprietor written notice of the grounds for the decision within fourteen days. The proprietor may appeal to a Magistrates' Court. Alternatively, or in addition, where the decision was made by the Director of Public Health the proprietor may first wish to appeal to the Authority's Regulation

and Review Committee. Any appeal must be lodged within 21 days of notification of the decision.

8. **Driver Licences - Section 61 LG(MP) Act 1976**

The Authority may suspend or revoke or refuse to renew a driver licence (hackney carriage, private hire or dual hackney carriage/private hire) on any of the following grounds:

- a. that since the grant of the licence the licensee has been convicted of an offence involving dishonesty, indecency or violence or
- b. that since the grant of the licence the licensee has been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976
- c. in some cases, if since the grant of the licence the licensee has been convicted of an immigration offence or required to pay an immigration penalty or
- d. any other reasonable cause.

Where the Authority suspends, revokes or refuses to renew a driver licence under section 61 LG(MP) Act 1976 it shall give the driver written notice of the grounds for the decision within 14 days. The driver must on demand return to the Authority the driver's badges. The driver may appeal to a Magistrates' Court. Alternatively, or in addition, where the decision was made by the Director of Public Health, the driver may first wish to appeal to the Authority's Regulation and Review Committee. Any appeal must be lodged within 21 days of notification of the decision.

9. **Operator Licences - Section 62 LG(MP) Act 1976**

The Authority may suspend or revoke or refuse to renew an operator's licence on any of the following grounds:

- a. any offence under or non-compliance with Part II of the Local Government (Miscellaneous Provisions) Act 1976
- b. any conduct on the part of the operator which appears to render him/her unfit to hold an operator's licence
- c. any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted
- d. in some cases, if since the grant of the licence the licensee has been convicted of an immigration offence or required to pay an immigration penalty or
- e. any other reasonable cause.

Where the Authority suspends, revokes or refuses to renew an operator licence under section 62 LG (MP) Act 1976 it shall give the operator written notice of the grounds for the decision within 14 days. The operator may appeal to a Magistrates' Court. Alternatively, or in addition, where the decision was made by the Director of Public Health the operator may first wish to appeal to the Authority's Regulation and Review Committee. Any appeal must be lodged within 21 days of notification of the decision.

10. **Stay of Action Pending Outcome of Court Appeal**

Section 77(2) LG(MP) Act 1976 stays any action against a licence pending the outcome of an appeal to the Court. This means that if a driver, operator or proprietor appeals against a decision to refuse to renew, suspend or revoke a licence, the licence is deemed to remain in force until the appeal has been disposed of or withdrawn.

The licensee has 21 days from notification of the decision to lodge an appeal with Regulation & Review Committee and/or a Magistrates Court. The licensee can continue to use the licence during that period and once an appeal is lodged, can continue to use it until the appeal has been dealt with. If the Magistrates' Court dismisses the appeal the licensee has 21 days within which to lodge an appeal in the Crown Court and again, can continue to use the licence until the appeal is determined. If no appeal is lodged the driver must cease driving at the end of this period.

The Authority may decide that a suspension or revocation should take immediate effect where it considers it is in the interests of public safety to do so. In such cases the notice is issued to the driver and will include a statement that it is an immediate suspension/revocation and an explanation why. The suspension or revocation takes effect when the notice is received by the driver.

None of the above provisions apply to the suspension of a vehicle licence under section 68 LG(MP) Act 1976. Where the suspension or revocation of a driver's licence under section 61 LG(MP) Act 1976 applies with immediate effect the driver cannot drive a hackney carriage or private hire vehicle pending any appeal made to the Regulation and Review Committee or to the Magistrates' Court.

Where a licensee's court appeal is unsuccessful the court may order them to pay the Authority's costs.

11. **Requests for Insurance**

In addition to vehicle spot checks, the Authority's Officers have a regular programme whereby requests to produce insurance documents are sent to a random selection of proprietors for the production of vehicle insurance. If insurance is not produced the vehicle licence may be suspended and the proprietor may be prosecuted under section 50(5) LG(MP) Act 1976 for failing to comply with the request.

In addition, anyone using an uninsured vehicle may be prosecuted under section 143 Road Traffic Act 1988 (or any successor legislation).

12. **Cautions**

A caution may be used as an alternative to a prosecution in appropriate circumstances, where the criteria for prosecution are satisfied but an offence is of a less serious nature. The Authority will have regard to all relevant guidance

including the Authority's Enforcement Policy. It is necessary for the offence to be admitted prior to administering a caution.

A caution may be used to:

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

### **13. Prosecution**

In certain cases the Authority will prosecute. In all cases the evidential and public interest test contained within the Code for Crown Prosecutors must be satisfied and regard will be given to the Authority's Enforcement Policy.

In addition to prosecution, disciplinary action (e.g. warning, suspension, revocation, refusal to renew) may be taken against the licence holder.

The current standard fines for summary offences in the Magistrates' Court are as follows:

Level 1 - £200  
Level 2 - £500  
Level 3 - £1,000  
Level 4 - £2,500  
Level 5 - Unlimited

## **9. Regulation & Review Committee**

### **Contents**

1. Introduction
2. Decision making
3. Appeals
4. Disciplinary or Referred Matters
5. Procedure Note
6. Before the Hearing
7. Absence of Licensee/Applicant
8. At the Hearing
9. Appeal to the Court
10. Who is who?

### **1. Introduction**

The Authority's Regulation and Review Committee ("the Committee") exercises the Authority's functions in relation to the individual licensing of hackney carriage vehicles, hackney carriage drivers, private hire vehicles, private hire operators and private hire drivers under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation following referral to it by the Director of Public Health. All Members who have been appointed to this Committee receive on-going training from Authority Officers.

The Committee meets on a regular basis to discuss and determine specific taxi/private hire licensing issues. The schedule of meetings is available at [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk).

When considering any matter, the Regulation & Review Committee will have regard to this Policy and the Statutory Taxi and Private Hire Vehicle Standards.

A Committee will meet to determine the following:

1. Appeals against decisions of the Director of Public Health in relation to the grant, refusal, revocation and suspension of all licences.
2. Disciplinary action to take (if any) against licensees referred to it by the Director of Public Health; and
3. Referred matters - any licensing application or other matter concerning individual licensees referred to it by the Director of Public Health.

### **2. Decision making**

Decision making in relation to licensing is an onerous responsibility and must be exercised in a way that protects the public. The Authority is aware that in respect of an application for an initial grant of a licence, it is for the applicant to satisfy the Authority on the balance of probabilities that he/she is a fit and proper person to be granted a licence and thus is someone who can be trusted to convey passengers safely.



Once a person is licensed, they shall be presumed to remain a fit and proper person to be licensed, unless the Licensing Authority is satisfied that the licensee is no longer a fit and proper person to hold a licence as a result of a conviction, fixed penalty caution, community resolution, complaint or other relevant non-conviction information.

When the Committee considers such matters concerning an applicant/licensee it is operating in an administrative capacity and the rules of natural justice must be observed, and the applicant/licensee has the right to a fair hearing. The licensee/applicant must be treated fairly and be seen to be treated fairly. The Committee will be impartial, unbiased and will act in good faith.

The Committee is required to make judgements based on the evidence submitted to it. It is not the Members' role to sit as advocates for either the Director of Public Health, the Police or the licensee/applicant but to weigh the merits of the case as presented to it, ensuring that the proper considerations are taken into account and irrelevant factors are disregarded, thereby reaching a balanced decision. The Committee must also state the reasons for its decisions.

Only Committee Members who have heard the entire application, appeal or referred matter are able to take part in the decision making process.

Committee Members should not participate in the hearing of a matter if there could be the appearance of bias or apparent bias. This can arise where a Member's outside connections make it appear that there is a real danger of actual bias or apparent bias or a member has an interest under the Authority's Code of Conduct that they must declare. Where a Member has a registerable or non-registerable interest in relation to a matter which is such that a member of the public knowing the relevant facts would reasonably think it so significant that it is likely to prejudice a Member's judgement of the public interest and either the matter will affect the financial position of a Member or a member of their family or employer or the matter concerns a request for a permission, licence, consent or registration of themselves or a family member or employer, the Member must withdraw from the meeting room.

The duty of a Member to consider whether or not to participate in a meeting is set out in Part 4 – Non-Participation in Authority Business - of the Code of Conduct for Members which forms part of the Authority's Constitution.

### **3. Appeals**

When considering an appeal against a decision of the Director of Public Health in relation to the grant, refusal, revocation or suspension of a licence the Committee may:

1. Allow the appeal in whole or in part

For example, if an appeal concerns the refusal of a licence, the Sub-Committee may determine that the licence should be granted but may stipulate additional conditions that must be attached to the licence and/or issue a strong warning as to the licensee's future conduct.

2. Dismiss the appeal.

#### **4. Disciplinary or Referred Matters**

When considering a disciplinary or a referred matter e.g. an application for a licence, the Committee will have regard to the appropriate section of the Policy.

Appropriate disciplinary action can take a number of forms, for example: -

1. Revocation of a licence
2. Refusal to renew a licence
3. Suspension of a licence
4. A warning letter expressing the Authority's dissatisfaction with the licensee's behaviour, whilst also advising that future conduct incompatible with that expected of a licensee could lead to a suspension, refusal to renew or revocation of their licence.

Additional conditions if considered reasonably necessary may be attached to a licence when it is renewed (NB. conditions cannot be attached to a hackney carriage driver's licence).

The action to be taken in any particular case will depend on the seriousness of the conduct/conviction/medical condition concerned.

#### **5. Regulation & Review Committee – Appeals/Disciplinary/Referred Matters - Procedure Note**

The Regulation and Review Committee hearing aims to ensure that the Environment, Housing and Leisure Service and the licensee/applicant have the fullest opportunity to present all of the information they wish to the Committee. The Committee is required to give full and fair consideration to the cases presented by the Officers and the licensee/applicant and must reach a decision based on all of the relevant information presented to it at the hearing. To achieve this, the following procedure is adopted.

#### **6. Before the Hearing**

Decisions of the Director of Public Health in relation to the grant, refusal, revocation or suspension of licences are provided in writing and will enclose an appeal form as appropriate. Appeal forms can also be obtained by contacting the Licensing Office or Democratic Services of the Authority. An appeal must be lodged within 21 days of notification of the decision. Upon receiving notification of an appeal to Committee, the Director of Public Health will submit a report to the Committee.

If a licensee/applicant wishes to appeal directly to a Court they should approach the Court and/or seek independent legal advice in relation to the correct forms and procedures. Court documentation should be served upon the Director of Law and Governance, The Quadrant, Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY.

Where the Director of Public Health refers a matter to the Regulation & Review Committee for determination he/she shall inform the licensee/applicant of this and will submit a report to the Committee.

A copy of the report to Committee and the procedure to be followed at the hearing is supplied to the licensee/applicant by Democratic Services. Copies of this Policy are available on the internet or upon request from the Licensing Office.

**Licensees/applicants are strongly advised to read the report and this Policy when preparing for the Committee hearing.**

The licensee/applicant shall be given notice in writing at least five working days in advance of the time and place of the hearing and of their right to be accompanied by a friend, family member or other person, including a solicitor, and shall be allowed to call witnesses.

The licensee/applicant shall also be given the opportunity to submit a written statement of his/her case or other supporting documents prior to the hearing. Documentation should be provided to Democratic Services of the Authority in advance of the hearing, if it is not, or if the Committee has not had sufficient time to consider the documentation the Committee may refuse to accept the documentation or may defer the matter to be determined to a later date to afford the parties an opportunity to consider the documentation.

## **7. Absence of the Licensee/Applicant**

The meeting may proceed in the absence of the Licensee/Applicant if they have informed the Licensing Authority or the Democratic Services Officer that they do not wish to attend or be represented at the hearing. If the Licensee/Applicant would like the meeting to be adjourned to enable them to attend then they must make this clear and provide reasons for the request.

If a licensee/applicant fails to attend or be represented at a meeting without notifying the Authority or Democratic Services Officer, the Committee may adjourn the hearing to a specific date if it considers it to be appropriate to do so. Alternatively, it may proceed with the meeting in their absence. In the interests of efficiency, meetings will generally proceed notwithstanding the absence of the Applicant if the Committee is satisfied that the applicant/licensee is aware of the hearing.

Where the Committee decides to proceed in the absence of the licensee/applicant the Committee will consider any information the licensee/applicant has supplied along with the report from the Director of Public Health.

If, a decision is made to adjourn a hearing the licensee/applicant will be advised of the new date, time and venue.

## **8. At the Hearing**

Members of the Committee may ask questions at all stages.

The Director of Public Health or his representative shall present a report in the presence of the licensee/applicant and his/her representative and may call witnesses.

The licensee/applicant and/or his/her representative shall have the opportunity to ask questions about the information provided by the Director of Public Health or his representative and any witnesses called.

The licensee/applicant and/or his/her representative shall then put his/her case and shall call such witnesses as he/she wishes.

The Regulation and Review Committee and the Director of Public Health or his representative shall have the opportunity to ask questions of the licensee/applicant and/or his/her representative and any witnesses called by or on behalf of the licensee/applicant.

The Director of Public Health or his/her representative and the licensee/applicant and his/her representative shall have the opportunity to sum up their case if they so wish. If all parties opt to sum up, the licensee/applicant or his/her representative may speak last.

The licensee/applicant and his/her representative and witnesses and the Director of Public Health or his representative and witnesses shall withdraw from the meeting. Officers from Law and Governance will remain in the meeting to provide procedural and legal advice.

The Regulation and Review Committee shall deliberate in private, only recalling the licensee/applicant or his/her representative and the Director of Public Health or his representative to clear points of uncertainty. If this occurs all parties will be invited back into the hearing together. If the Committee has no additional queries the licensee/applicant and the Director of Public Health will be notified by a Democratic Services Officer and they will not be required to return to the meeting.

The licensee/applicant will be notified of the Regulation and Review Committee's decision and the reasons for it in writing, usually within five working days. Where a licence has been suspended, revoked or a renewal has been refused written notice must be given within 14 days.

## **9. Appeal to the Court**

There is a statutory right of appeal to a Magistrates' Court in relation to:

- a refusal to grant a private hire or hackney carriage driver licence;
- any conditions attached to a private hire driver licence;
- a decision to suspend, revoke or refuse to renew a private hire or hackney carriage driver licence;
- a refusal to grant a private hire vehicle licence or against any conditions specified in the licence;
- a refusal to grant an operator's licence or any conditions attached to the grant of an operator's licence;
- a decision to suspend, revoke or refuse to renew an operator's licence.
- a decision to refuse to renew a hackney carriage proprietor's licence
- any conditions attached to a hackney carriage proprietor's licence

A further appeal can be made against the decision of a Magistrates' Court to the Crown Court.

An appeal against a refusal to grant a hackney carriage vehicle/proprietors licence lies straight to the Crown Court.

Any appeal must be lodged with the appropriate court within 21 days from receipt of the written decision notice and notice of right to appeal. A court fee may be payable. Costs may be awarded by the court against an unsuccessful applicant or a licensee or may in some circumstances be awarded against the Authority. Any person considering an appeal may wish to take independent legal advice with regard to the merits of an appeal.

Usually, any action against the licence is stayed pending the outcome of a Court appeal (section 77(2) LG(MP) Act 1976). However, in cases where the public interest requires that a suspension or revocation of a driver licence should take immediate effect a decision can be made that section 77(2) shall not apply. In such cases the driver must be notified in writing, with an explanation as to why the action has been taken.

Where a decision made by the Licensing Authority is appealed, the Authority will normally defend the decision and seek its costs of doing so in full from the appellant if the appeal is dismissed.

Decision making may also be challenged by judicial review in the High Court. It is recommended that independent legal advice should be sought if such a challenge is being considered.

## 10. WHO IS WHO?

The Licensee or Applicant	The Licensee or Applicant (accompanied by a friend or representative if so wished) is invited to attend and make representations to the Committee.
Officers of Public Health	<p>Officers representing the Director of Public Health will submit information to the Committee to enable it to consider whether and what action should be taken.</p> <p>On occasions a representative from the Police Authority, other body or a witness may attend to provide relevant information.</p>
The Regulation and Review Committee	The Regulation and Review Committee is the body which has the delegated authority from the Authority to decide upon appeals, disciplinary and other matters referred to it by the Director of Public Health.
Officers of Law and Governance	Officers representing Law and Governance advise the Committee on the relevant law and procedures. They do not take part in the decision making process.

## **10. Hackney Carriage Stands**

### **Contents**

1. Appointed Stands
2. Creation of a Stand/Rank
3. Waiting on Stands
4. Byelaws

### **1. Appointed Stands**

The purpose of hackney carriage stands (also known as hackney carriage ranks) is to provide the public with a set location where they can hire a licensed hackney carriage. The stand is the only situation where a hackney carriage may ply for hire in a stationary position and should be situated in locations where the public is most likely to need hackney carriages, for example adjacent to transport facilities, retail areas and places of employment, entertainment and leisure facilities. Stands should be sited so that passengers can board or alight from the vehicle safely.

The Authority is required to continually review the provision of hackney carriage stands in the Borough. In this respect Officers work closely with the North Tyneside Hackney Carriage Trade and oversee an on-going programme of improving facilities at existing stands with, for example, the installation of illuminated taxi-cubes, guard rails and shelters at stands, all funded from an available Local Authority budget.

There are currently 24 official hackney carriage stands in the Borough providing spaces for a total of 84 vehicles. A list of the stands and their designated names and times of operation are available on the Authority website at [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk).

Transport facilities in the Borough are well served with a number of the busiest metro stations having a hackney carriage stand.

### **2. Creation of a Stand/Rank**

A new hackney carriage stand can be appointed under section 63 Local Government (Miscellaneous Provisions) Act 1976 or a taxi rank created by a Traffic Regulation Order using powers contained in the Road Traffic Regulation Act 1984. This allows new stands to be created on public highways or private land with the appropriate consent of the land owner and can be for continual or part-time use.

Prior to a new stand/rank being created or the maximum number of vehicles that can use a stand is varied a notice will be given to the Chief Officer of Police and a public notice published in a local newspaper.

New stands/ranks will not be sited where they may lead to obstructions.

Officers will monitor the use of stands in the Borough and it is expected that all stands are serviced.

### **3. Waiting on Stands/Ranks and Etiquette**

It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait in any stand for hackney carriages or a rank reserved for hackney carriages to park.

Drivers of hackney carriages may only wait in a stand/rank whilst plying for hire or waiting for a fare.

Drivers of hackney carriages who park in a stand/rank and leave their vehicle unattended commit an offence.

Drivers of hackney carriages are expected to turn their vehicles' engine off whilst waiting for a fare or to use their start stop technology if fitted.

### **4. Byelaws**

The Authority has enacted a set of Byelaws regarding the operation and use of hackney carriages and their drivers. These include such matters as wearing of badge, driver conduct, plying for hire and use of the taxi stands/ranks. These will be reviewed as and when considered appropriate by the Authority.



## **11. Complaints Procedure**

The Authority recognises the high standards of the private hire and hackney carriage trade and expects all licensees to uphold these standards at all times. However, it is recognised that there may be occasions for transport users and other members of the trade to make complaints and as such a complaints procedure has been devised.

All complaints received will be investigated. Complainants will receive a written acknowledgement of their complaint within 2 working days advising the name of the Officer assigned to investigate the complaint.

Complainants may be asked to put their complaint in writing if the complaint is such that formal action may result.

The Authority recognises that some complaints can be frivolous or vexatious. These complaints will not be taken further.

Licensees are expected to assist Officers investigations and make themselves available for interview at a mutually convenient time and place.

At the end of the investigation all parties concerned will receive confirmation of the result and action to be taken.

If any party is not satisfied as to the outcome the Authority's corporate complaints procedure is in place to deal with these issues.

## **Appendix A**

### **Hackney Carriage and Private Hire Vehicle specifications**

**All** licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle. This is in addition to all requirements of the Road Traffic legislation, which relates to all motor vehicles.

**All** vehicles must comply with the requirements of Section A. Private Hire vehicles must comply with the requirements of Section B and Hackney Carriages must comply with the requirements of Section C.

If you are making a new application for a Hackney Carriage proprietors licence or are replacing a hackney carriage first licensed after July 1992, the vehicle must be wheelchair accessible and must also comply with the requirements of Section D.

All vehicles must have the appropriate type approval.

The following vehicle specification must be maintained throughout the licence period unless changes have prior approval by the Authority.

#### **Section A - General specification for all vehicles**

##### **GENERAL CONSTRUCTION**

1. The vehicle shall comply fully with all relevant statutory provisions relating to the construction of motor vehicles and including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986 (or any successor legislation).
2. Any modification to the vehicle (e.g. conversion to wheelchair accessible, alteration of the original seat configuration or any other 'adaptation') must be approved by the Authority and the appropriate certificate produced.
3. The vehicle shall be right hand drive with a fixed head type body.
4. The vehicle shall be capable of carrying in reasonable comfort at least four passengers.
5. The vehicle shall be M1 category. In the case of post registration conversions Individual Vehicle Approval is required.
6. The vehicle shall have a minimum unladen height of 1.325 metres (53").

##### **PASSENGER COMFORT**

7. Every passenger seat in the vehicle must meet the following minimum dimensions:
  - Individual seat width – 41cm (16")
  - Bench seat width (i.e. rear seat of a saloon vehicle) – 124.5cm (49") Width between door handles – 124.5cm (49")
  - Width between rear doors – 132cm (52")
  - Seat squab height measured from vehicle floor - 30cm (12")
  - Seat squab depth – 45cm (18")
  - Headroom measured from centre of seat to underside of roof – 87.5cm (35")
  - Legroom measured from seat back diagonally to vehicle floor – 94cm (37")
  - Unobstructed space in front of seat measured from seat back – 63.5cm (25")

Licensing Officers are able to exercise their discretion as to the suitability of a vehicle where the measurements are below the above dimensions.

8. There shall be no obstructions or features in the vehicle (e.g. prominent transmission tunnels, door furniture, vehicle controls, etc) which in the opinion of the Authority materially interferes with the comfort of any passenger.

9. The vehicle shall have an adequate heating and ventilation system for the comfort of all passengers.
10. The vehicle shall be equipped with either:
  - (a) A spare wheel of full or space save design above the legal tread requirement and the tools to change a wheel, or
  - (b) An emergency puncture repair kit (with compressor/inflation pack) or
  - (c) Run flat tyres or
  - (d) Provide evidence of a contract with a mobile tyre replacement specialist.

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

#### **PASSENGER SAFETY**

11. Glass shall have a minimum light transmittance of 75% for the front windscreen, 70% for the front side windows and 34% for all other vehicle window glass. If tinted windows are fitted as standard at the time of manufacture of the vehicle there will be no minimum light transmission to the windows to the rear of the B pillar.

Licensing Officers are able to exercise their discretion as to the suitability of a vehicle where the light transmittance of the windows is below 34% where tint has not been fitted as standard. This discretion however does not apply to the front windscreen or the front side windows.

12. The vehicle shall have at least 4 doors and open sufficiently wide so as to allow safe and easy access and egress. Each passenger, other than a front seated passenger, shall have access to at least two doors.
13. Every passenger seat shall be either forward or rear facing and shall be fitted with an approved (lap & diagonal) seat belt.

#### **LUGGAGE CAPACITY**

14. The vehicle shall have capacity to convey an appropriate quantity of luggage.

### **Section B - Specification for Private Hire Vehicles**

15. The vehicle must not be black in colour or a colour which closely resembles black in the opinion of the Licensing Officer.
16. If the Private Hire vehicle is fitted with a meter, it must be properly tested and sealed.
17. Private Hire vehicles must not have a roof sign.

### **Section C - Specification for Hackney Carriages**

18. Hackney Carriage vehicles must be black in colour.
19. Hackney Carriage vehicles must have fitted on the roof, an internally illuminated TAXI top sign meeting a specification in relation to size and colour approved by the Authority and relevant to the type of vehicle.
20. Hackney Carriage vehicles must be fitted with a taximeter, properly tested and sealed, and calibrated to enable testing in accordance with the Authority's current Hackney Carriage Fare Table.

## **Section D - Specification for New and Replacement Wheelchair Accessible Hackney Carriages Only**

### **GENERAL CONSTRUCTION**

- 21.** The vehicle must comply fully with the requirements of the Road Vehicles (Construction and Use) Regulations 1986 (or any successor legislation) as well as all general policies and specifications of the Authority which relate to hackney carriage vehicles.
- 22.** The vehicle must comply fully with Sections A and C of the preceding 'General Specification for all Hackney Carriages and Private Hire Vehicles'.

### **PASSENGER SAFETY AND COMFORT**

- 23.** The vehicle must be capable of accommodating one or more wheelchairs in either a forward or rear facing position allowing adequate space to ensure the safety and comfort of the wheelchair user, and without interfering with the safety and comfort of any other passengers.
- 24.** The design of the vehicle must allow safe access and egress of passengers including elderly and disabled passengers.
- 25.** Wheelchair access to the vehicle must be from the nearside or rear of the vehicle. The door and doorway must be constructed as to permit an unrestricted opening across the doorway of at least 75cm.
- 26.** The clear height of the doorway must not be less than 1.2 metres.
- 27.** Grab handles must be placed at one or more passenger door entrances as appropriate, to assist the elderly and disabled.
- 28.** The vertical distance between the highest part of the floor and the roof in the wheelchair passenger area must be no less than 1.3 metres.
- 29.** Approved anchorages must be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for the wheelchair and occupant must be independent of each other.
- 30.** Suitable means of wheelchair access must be fitted to the vehicle. Ramps must be of suitable design to ensure that they do not slip or tilt when in use and they provide a suitable gradient when in use. Tail-lifts must be of an approved type.
- 31.** If any of the seating within the vehicle has to be removed or adjusted in any way to accommodate one or more wheelchairs, the following conditions will also apply:
  - The removal/adjustment must be able to be carried out quickly and easily so that in the opinion of the Authority there is minimal inconvenience caused to any hirer of the vehicle by the 'conversion'
  - Where one or more seats require removal to accommodate one or more wheelchairs there must be adequate space on the vehicle for the secure storage of any removed seats.
  - Where one or more seats are either removed or they become unusable when the vehicle has been 'converted' for wheelchair use there must be at least one further useable passenger seat.

## **Appendix B**

### **Conditions attached to a Hackney Carriage Proprietors Licence and Private Hire Vehicle Proprietors Licence**

The following conditions are attached to the grant/renewal of the following vehicle licence:

Plate Number:

Registration Number:

Name of licensee(s) including part proprietors:

Failure to comply with the conditions may lead to action being taken against your licence.

#### **STANDARD CONDITIONS**

##### **1. Maintenance of Vehicle**

The vehicle, all of its fittings and any attached equipment shall at all times when the vehicle is in use or available for hire, be kept in a clean, safe, tidy and efficient state, and must also comply with all relevant statutory provisions including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986.

##### **2. Alteration of Vehicle**

No material alteration or change to the vehicle, its fittings or any attached equipment shall be made without the prior approval of the Authority.

##### **3. Identification Plate**

The licence plate supplied by the Authority and identifying the vehicle as a hackney carriage/private hire vehicle shall be securely fixed externally on or about the off side area of the rear bodywork or bumper of the vehicle in a conspicuous position and in such a manner as to be easily removed if necessary by an authorised Officer of the Authority or a constable. The plate must be maintained in a satisfactory condition and be legible.

##### **4. Interior Identification Marking**

A sign supplied by the Authority indicating the licence number and the number of passengers the vehicle is licensed to carry, shall be displayed inside the vehicle in a prominent position on the inside of the windscreen so as to be clearly visible to passengers. The sign must be maintained in a satisfactory condition and be legible.

##### **5. Door Decals**

There shall be attached centrally to each front door of the vehicle the appropriate hackney carriage or private hire vehicle decals supplied by the Authority. The decals must be securely affixed or in the case of Hackney Carriage Vehicle permanently affixed to the vehicle and these must be maintained in a satisfactory condition and be legible.

##### **6. Safety Equipment**

Where a ramp or ramps are used, they must be fitted/carried safely in the vehicle at all times. The ramps must be identified with the vehicle registration number.

##### **7. Signs, Notices, Etc**

No signs, notices, advertisements, video or digital display etc or other markings shall be displayed on, in or from the vehicle subject to the following exceptions:

- Any sign, notice or other marking required to be displayed by legislation or any condition attached to this licence
- Advertising on the rear doors, rear wings and boot area of the vehicle (of two-dimensional insignia type) approved by the Authority
- Advertising along the top 8 cm strip of the windscreen of the vehicle provided that it is not illuminated and it bears only the name and/or telephone number in block letters of the firm operating the vehicle.

Signs, notices, advertisements, video or digital display etc must not be of a content that the Licensing Officer deems to be offensive or abusive.

A sign must be affixed to the inside of the vehicle indicating that smoking is prohibited in the vehicle.

#### **8. Change of Address**

The proprietor shall notify the Authority in writing within seven days of any change of address during the period of the licence.

#### **9. Convictions, Cautions, Fixed Penalty, Community Resolutions or On-going Investigations**

The proprietor shall notify the Authority in writing within seven days if he/she is convicted of **any** offence or if he has been charged with an offence. He/she should **also** inform the Authority in writing within seven days of having received a caution, fixed penalty or community resolution and if released by the police on bail or under investigation.

#### **10. Deposit of Drivers Licence**

If the proprietor permits or employs any other person to drive the vehicle as a hackney carriage/private hire vehicle, the proprietor shall retain the person's hackney carriage/private hire drivers licence until such time as the driver ceases to be permitted or employed to drive the vehicle.

#### **11. Transfer of Interest**

The proprietor shall notify the Authority in writing, giving the name and the address of the new proprietor, within 14 days if he transfers his interest in the vehicle to another person.

#### **12. Accident Notification**

The proprietor shall notify the Authority as soon as is practicable, or in any case within 72 hours of any accident which results in damage to the vehicle.

#### **13. Additional Charges**

The proprietor shall pay the Authority any reasonable additional charges to be determined by the Authority for:  
A) the replacement of any lost, damaged or stolen plate, decal or sign provided by the Authority (and which is required to be attached or displayed on or in the vehicle as a condition of this licence);  
B) any vehicle test appointment for which the proprietor fails to present the vehicle for testing or which is cancelled by the proprietor without giving at least 48 hours notice to the Authority.

#### **14. Insurance**

All vehicles must have a current valid policy of insurance at all times appropriate to the vehicle.

If a vehicle is off the road and uninsured the proprietor must advise the Licensing Section in writing immediately or in any event within 72 hours.

#### **15. Hackney Carriage and Private Hire Licensing Policy**

All proprietors must read the Authority's Hackney Carriage and Private Hire Licensing Policy and act in accordance with the Policy as it applies to them

#### **Additional Conditions/departure from standard conditions**

As required

Stamped/dated

## **Appendix C**

### **Vehicle Testing Arrangements – Components to be Inspected**

#### **Body / Vehicle Structure**

Free from excessive corrosion or damage in specific areas. No sharp edges likely to cause injury.

#### **Speedometer/Odometer**

Condition and operation.

#### **Fuel System**

No leaks. Security and condition of pipes/hoses. Fuel cap fastens and seals securely.

#### **Exhaust Emissions**

Vehicle meets the requirements for exhaust emissions, dependent on the age and fuel type of the vehicle.

#### **Exhaust System**

Secure. Complete. Catalyst missing where one was fitted as standard. Without serious leaks and is not too noisy.

#### **Seat Belts**

All the seat belts fitted are checked for type, condition, operation and security. All mandatory seat belts must be in place. Check of the Malfunction Indicator Lamp (MIL) for air bags and seat belt pre tensioners and load limiters.

#### **Seats**

Driver's seat for adjustment. All seats for security and seat backs can be secured in the upright position.

#### **Doors**

Latch securely in closed position. Front doors should open from the inside and outside the vehicle. Rear doors should open from outside the vehicle. Hinges and catches for security and condition.

#### **Mirrors**

Minimum number required, condition and security. Indirect vision devices.

#### **Load Security**

Boot or tailgate can be secured in the closed position.

#### **Brakes**

Condition including inappropriate repairs or modifications, operation and performance (efficiency test). Note the removal of the road wheels and trims are not part of the test. Anti-lock Braking System (ABS) and Electronic Stability Control (ESC) where fitted. Check of the dashboard Malfunction Indicator Lamp (MIL) for ABS, ESC, electronic park brake and brake fluid warning.

#### **Tyres and Wheels** (including spare)

Condition, security, tyre size/type and tread depth. Note: vehicles first used on or after 1<sup>st</sup> January 2012 – check of the MIL for Tyre Pressure Monitoring System (TPMS).

#### **Registration Plates**

Condition, security, colour, characters correctly formed and spaced.

#### **Lights**

Condition, operation including High Intensity Discharge (HID) and Light Emitting Diode (LED) headlamps for cleaning, self-levelling and security. Headlamp aim. Main beam warning light.

#### **Bonnet**

Securely latches in the closed position.

#### **Wipers / Washers**

Operate to give the driver a clear view ahead.

#### **Windscreen**

Condition and driver's view of the road.

#### **Horn**

Correct operation and of suitable type.

**Steering and Suspension**

Condition, steering oil level, operation, a check for inappropriate repairs or modification including corrosion to power steering pipes or hoses. Operation of steering lock mechanism. Check of MIL for electronic power steering and steering lock.

**Towbars** (if fitted)

Security/condition/inappropriate repairs or modification. Correct operation of 13 pin electrical socket.

**Vehicle Identification Number**

Present on vehicles first used on or after 1<sup>st</sup> August 1980. A single VIN is displayed except on multistage build vehicles (e.g. van conversion, BMW/ Alpina).

**Electrical**

Visible electrical wiring and battery

**Vehicle Interior**

Clean.

**Vehicle Exterior**

Uniform colour.

**Glass**

Windscreen - minimum 75% light transmittance.

Front side windows - minimum 70% light transmittance

If tinted windows are fitted as standard there will be no minimum light transmission to the rear of the B pillar.

All other windows – minimum 34% light transmittance

**Meter** (if fitted)

Must be of an approved type and sealed.

**Spare Wheel**

The vehicle shall be equipped with either:

- (a) A spare wheel of full or space save design above the legal tread requirement and the tools to change a wheel,  
or
- (b) An emergency puncture repair kit (to include compressor/inflator) or
- (c) Run flat tyres or
- (d) Provide evidence of a contract with a mobile tyre replacement specialist.

**Wheel-brace & Jack (only if spare wheel present)**

Present. Correct operation.

**Luggage Accommodation**

Compartment clean, empty.

**Seats & Interior Trim**

Clean, free from rips or tears.

**Floor Covering**

Clean. No obstructions.

**Licence Plate** (Annual and Interim Tests Only)

Present. Securely attached to vehicle. Correct location on vehicle. In satisfactory condition and information legible

**NTC Windscreen Disc**

Present. Securely attached to windscreen. In satisfactory condition, information legible.

**NTC Door Signs**

Present. Fitted correctly. In satisfactory condition, information legible.

**NTC Emergency/ Information Signs** (Minibuses/PCV's)

Present. In satisfactory condition, information legible.



**For Hire Sign** (hackney carriage only)

Present. Works in conjunction with meter and roof-sign.

**Roof Sign** (Hackney carriages only)

Present. Correct type and size for type of vehicle. Correct colours. Lettering correct size.

**Advertising - bodywork**

Approved. Present only on rear doors & boot area of vehicle unless approved.

**Advertising - glass**

Approved. Present only on top edge of windscreen.

**NTC Fare Table** (hackney carriage only) (Dashboard/partition/Rear Windows)

Present. In satisfactory condition. Most recent issue.

**Byelaws** (hackney carriage only)

Present. Satisfactory condition and legible

**Interior Door Locks** (Purpose built hackney carriage only)

Work in conjunction with foot-brake.

**Ramps** (if present)

Present. Stored securely. Adequate locking device must be fitted to ensure the ramps do not slip or tilt when in use.

**Wheelchair Anchorages** (if applicable)

Must be of an approved type (chassis or floor linked and capable of withstanding approved dynamic or static tests).

**Tail-Lifts** (if present)

Must have valid LOLER Certificate. Tail lift must not prevent the rear door(s) from being opened and must be easily moved if the power supply fails.

**Appendix D**  
**Standard 'Exemption Notice' Conditions**  
**Executive Hire Vehicles**

**General Conditions**

1. The Proprietor shall notify the Authority immediately in writing if there is any material change in the nature of the use of the vehicle.
2. The Proprietor shall ensure that the private hire vehicle licence identification disc issued by the Authority is displayed within the nearside of the front windscreen at all times.
3. The 'Exemption Notice' issued by the Director of Public Health in respect of the licensed private hire vehicle shall be carried within the vehicle at all times, and presented for inspection at the request of an Authorised Officer of the Authority, a Police Constable or the hirer.
4. Other than the Authority's Licence Identification Disc; the proprietor shall not display in, on or from the vehicle any advertisement, sign, logo or insignia advertising the operating company or promoting the vehicles' status as a licensed private hire vehicle, without the prior written approval of the Director of Public Health.
5. The Private Hire Vehicle proprietors licence identification plate and decals issued by the Authority shall not be affixed to the vehicle, and shall not be displayed in, on or from the vehicle at any time.
6. The Private Hire Vehicle proprietors licence identification plate issued by the Authority shall be carried in the luggage compartment of the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Authority, a Police Constable or the hirer.
7. No taximeter shall be displayed within the vehicle at any time.
8. No table of fares/tariff card shall be displayed in the vehicle at any time.
9. A tariff of charges shall be deposited with the Authority and shall be carried within the vehicle at all times.
10. The Proprietor shall not change the body colour(s) which were present when the vehicle was first licensed without the prior written consent of the Director of Public Health.
11. The Proprietor shall ensure that the driver of the vehicle does not wear the private hire drivers licence identification badge issued by the Authority or display that badge in, on or from the vehicle at any time.
12. The Proprietor shall ensure that the private hire drivers identification badge issued by the Authority shall be carried within the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Authority, a Police Constable or the hirer.
13. The Proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a chauffeur's uniform or business suit when the vehicle is hired.
14. The Proprietor shall ensure that the hirer shall be afforded the facility to settle accounts and/or tender direct payment by credit card, debit card, cheque or cash.

**Additional Conditions**

Any executive hire vehicle wishing to take advantage of the exemption limiting the window tint (less than 34% light transmittance) should not be engaged in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years). The driver must not act as the accompanying adult. Further, the Operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle with tinted windows will be supplied.

## **Appendix E**

### **Private Hire Driver Licence Conditions of Licence**

The following conditions are attached to the grant of the following driver licence:

Name of licensee:

Licence Number:

Failure to comply with the conditions may lead to action being taken against your licence.

#### **1. Conduct of Driver**

The Driver shall:-

1. Afford all reasonable assistance with passenger's luggage
2. At all times comply with the Authority dress code and behave in a civil and orderly manner
3. Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her
4. Not without the express consent of the hirer, drink or eat in the vehicle.
5. Not without express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle
6. Drivers are issued with two badges, one to be worn around the neck. At all times when acting in accordance with this licence a badge licensed to him/her must be displayed in such a position and manner as to be plainly and distinctly visible to passengers.

The Driver shall not smoke in the vehicle at any time, including when the vehicle is not available for hire.

#### **2. Passengers**

1. The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
2. The driver shall not allow there to be conveyed in the front of a private hire vehicle beside him/her:
  - (a) Any child below the age of three years, or
  - (b) more than one person.

#### **3. Lost Property**

If any identifiable property is left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, he/her shall take it as soon as possible in any event within twenty four hours, if not sooner claimed by or on behalf of its owner to a convenient police station and leave it in the custody of the Officer on his/her giving a receipt for it.

#### **4. Written Receipts**

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

#### **5. Animals**

The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle whilst the vehicle is hired and he/she shall ensure that any animal belonging to or in the custody of any passengers is conveyed in the rear of the vehicle.

This does not apply to a disabled person's guide, hearing or assistance dog which must be carried in a private hire vehicle or hackney carriage vehicle without any additional charge, unless the driver holds a Certificate of Exemption on medical grounds issued under the Equality Act 2010.

## **6. Prompt Attendance**

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

## **7. Deposit of Licence**

If the driver is permitted or employed to drive a private hire vehicle of which the proprietor is someone, other than himself, he/she shall before commencing to drive that vehicle deposit this licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle.

## **8. Change of Address**

The driver shall notify the Licensing Office in writing of his/her address during the period of the licence within seven days of such change taking place.

## **9. Medical Fitness**

The driver must inform the Licensing Office immediately if he/she suffers from a medical condition or disability or a condition or disability previously notified worsens that may alter his/her ability to drive a vehicle.

A driver who receives medical treatment or medical consultation shall confirm with their medical attendant whether they are at that time fit to undertake the duties of a private hire vehicle driver. Where any medical attendant specifies that a driver should not drive for a determinate or indeterminate period that driver shall notify the Authority immediately in writing of such medical opinion.

The requirement will not apply to any temporary incapacity or treatment for the duration of which the driver does not intend to drive a private hire vehicle.

## **10. Convictions, Cautions, Fixed Penalty, Community Resolutions or On-going Investigations**

The driver shall within seven days disclose to the Authority in writing details of **any** conviction (including all motoring offences), caution, fixed penalty or community resolution received during the period of the licence. The driver shall also notify the Authority in writing within seven days if he/she has been charged with an offence or has been released by the police on bail or under investigation.

## **11. People who have spent time overseas**

Existing licensed drivers must notify the Authority in writing when they intend to leave the country for an extended period of 3 months or more. They must also notify the Authority on their return and complete a statutory declaration on the form provided by the Authority.

## **12. Return of Badges**

The driver shall upon the expiry, revocation or suspension of this licence forthwith return to the Authority the driver's badges issued by the Licensing Office when granting this licence.

## **13. Taxi Meter**

If a private hire vehicle is fitted with a taxi meter or other Authority approved device used to calculate the fare, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

## **14. Fare to Be Demanded**

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

## **15. No smoking Policy**

Smoking in a smoke-free place is prohibited under the Health Act 2006 by both the driver and passengers.

In this context a 'smoke-free place' includes a licensed hackney carriage and private hire vehicle as well as a private hire operator's premises.

Smoking also includes the use of e-cigarettes.

#### **16 Renewal of Licence**

The driver must apply to renew a private hire driver's licence in the four weeks preceding the expiry date of the licence.

#### **17. Wheelchair Accessible Vehicles**

All drivers of wheelchair accessible vehicles must:

- (i) Be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.
- (ii) 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.
- (iii) 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 Regulation 100 of the (Construction and Use) Regulations 1986.

#### **18. Responsibility Towards Authority Employees**

Drivers are expected to be polite and courteous at all times and to comply with any reasonable request made by a Licensing or Civil Enforcement Officer or Testing Mechanic. Verbal or physical abuse will not be tolerated.

#### **19. Subscription to the Disclosure and Barring Service (DBS) Update Service**

All drivers will be required to subscribe to the DBS update service.

#### **20. Hackney Carriage and Private Hire Licensing Policy**

All drivers must read the Authority's Hackney Carriage and Private Hire Licensing Policy and act in accordance with the Policy as it applies to them.

## **Appendix F**

### **Code of Good Conduct For Licensed Drivers**

In order to promote its licensing objectives as regards hackney carriage and private hire licensing, the Authority has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

#### **1. Responsibility to the Trade**

Licensees shall endeavour to promote the image of the Hackney Carriage and Private hire trade by:

- (a) complying with this Code of Good Conduct;
- (b) complying with all the Conditions of their Licence and the Authority's Hackney Carriage and Private Hire Licensing Policy; Byelaws
- (c) behaving in a professional manner at all times.

#### **2. Responsibility to Clients**

Licensees shall:

- (a) maintain their vehicles in a safe and satisfactory condition at all times;
- (b) keep their vehicles clean and suitable for hire to the public at all times;
- (c) attend punctually when undertaking a pre-booked hiring;
- (d) assist, where necessary, passengers into and out of vehicles;
- (e) offer passengers reasonable assistance with luggage.

#### **3. Responsibility to Residents**

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- (a) only use the vehicle horn in accordance with the law;
- (b) keep the volume of radio/cassette/cd player and VHF/digital radios to a minimum;
- (c) switch off the engine if required to wait;
- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

At hackney carriage stands and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- (a) stand in an orderly manner and proceed along the stand in order and promptly;
- (b) remain in the vehicle.

At private hire offices a licensee shall:

- (a) not allow their radio/cassette/cd players or VHF/digital radios to cause disturbance to residents of the neighbourhood;
- (b) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

#### **4. General**

Drivers shall:

- (a) pay attention to personal hygiene and dress in accordance with the Dress Code;
- (b) be polite, helpful and respectful to passengers;
- (c) drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving;
- (d) obey all Traffic Regulation Orders and directions at all time;
- (e) not smoke in the vehicle at any time (this includes e-cigarettes);
- (f) not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (g) not drive while having misused legal or illegal drugs;
- (h) fulfill their responsibility to ensure compliance with legislation regarding the length of working hours.

**PLEASE NOTE: ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT. THE AUTHORITY WILL TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING FOUND TO HAVE CONSUMED ANY ALCOHOL OR HAVING MISUSED ANY DRUGS WHILST IN CHARGE OF A LICENSED VEHICLE.**

## **Appendix G**

### **Drivers Dress Code**

**The purpose of a driver's dress code is to seek a standard of dress that promotes a positive image of the hackney carriage and private hire trade in North Tyneside, to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.**

The dress code is not a condition of licence and will not be enforced as such, however the Licensing Authority encourages drivers to comply with the requirements.

#### **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.
- Sportswear (e.g. football/rugby kits, track suits, beach wear etc).
- 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.

## **Appendix H**

### **Private Hire Operators Licence** **Conditions of Licence**

#### **1. RECORDS**

- (i) The records required to be kept by the operator under section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 must be kept in a suitable book, the pages of which are numbered consecutively, or other durable recording format and the operator shall enter or cause to be entered therein **before** the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him, including where a booking is sub-contracted (whether the vehicle that is used is licensed under section 48 of the 1976 Act, or is licensed as a hackney carriage under section 37 of the Town Police Clauses Act 1847):
- the name of the hirer/passenger;
  - The date and time of the hiring;
  - The agreed date and time of the pick-up
  - the pick-up point;
  - the destination;
  - the name or unique callsign of the driver allocated to the booking;
  - the driver's licence number;
  - the vehicle registration number of the vehicle;
  - the name of any individual that responded to the booking request;
  - the name of any individual that dispatched the vehicle
  - Remarks (including details of any booking sub-contracted to another private hire operator)
- (ii) The operator shall also keep records of the particulars of all vehicles operated or used by him (whether licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 or under section 37 of the Town Police Clauses Act 1847, which particulars shall include details of the proprietors, registration numbers, licence number and drivers of such vehicles, together with any radio call sign used.
- (iv) The operator shall keep records of all desk clerks employed by him, including their name, date of birth and home address. A daily record must be kept of the time worked by each clerk.
- (v) The desk clerk shall sign the booking sheet at the start of each duty, or, in the case of computerised booking systems, log on at the start of each duty.
- (vi) All records kept by the operator shall be preserved for a period of not less than ONE year following the date of the last entry.
- (vii) The Operator must maintain and keep up to date a register of all staff who take bookings and/or dispatch vehicles to fulfil bookings.
- viii The Operator must have a clear policy that sets out the criteria to be applied when employing members of staff responsible for the booking and/or dispatch of vehicles who have previous convictions.
- ix) The Operator must maintain a register confirming that they have had sight of a Basic Disclosure and Barring Service check on all individuals employed as booking and dispatch staff and that this is compatible with their policy on employing those with previous convictions.
- x) The Operator must ensure that a Basic Disclosure and Barring Service check has been conducted on any individual added to the register of staff.
- xi) All records which are required to be kept under the conditions of licence must be made available upon request to an Authorised Officer of the Authority or a constable.
- xii) The Operator must not dispatch a driver who is a licensed Passenger Carrying Vehicle driver and use a Public Service Vehicle (such as a minibus) to fulfil a booking without the informed consent of the person making the booking. The Operator must be able to evidence that such consent was given by the passenger prior to the picking up of the passenger.



## **2. STANDARD OF SERVICE**

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:

- a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
- b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- c) Ensure that any waiting area provided by the operator has adequate seating facilities.
- d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

## **3. COMPLAINTS**

The operator shall notify the Authority in writing, within seven days, of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

## **4. CHANGE OF ADDRESS**

The operator shall notify the Authority in writing of any change of his/her home address during the period of the licence within seven days of such change taking place.

## **5. CONVICTIONS, CAUTIONS, COMMUNITY RESOLUTION OR ON-GOING INVESTIGATIONS**

The operator shall within seven days disclose to the Authority in writing details of any conviction, caution or community resolution imposed on him/her (or, if the operator is a Company, of any its Directors) during the period of the licence.

The operator shall within seven days disclose to the Authority in writing of any on-going police (or other authority) investigation of him (or, if the operator is a Company, of any its Directors).

## **6. OPERATORS LICENCE**

Operators shall operate wholly from those premises specified in the licence and situated within the boundaries of the Borough of North Tyneside.

The Operator shall display the Operator's Licence issued by the Local Authority in a conspicuous position at the licensed premises.

## **7. SPECIAL CONDITIONS RELATING TO PORTACABINS**

- (i) The operator will provide and maintain hot and cold running water and wash hand basin facilities, which will be permanently connected to the main sewage system.
- (ii) The operator will provide and maintain toilet facilities which are to be permanently connected to the main sewerage system.

## **8. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

Operators should read the Authority's Hackney Carriage and Private Hire Licensing Policy and act in accordance with Policy as it applies to them.

## **9. RENEWAL of LICENCE**

The Operator must apply to renew a licence in the four weeks preceding the expiry date of the licence.

**BYELAWS**

**Metropolitan Borough of North Tyneside Byelaws made under Section 68 of The Town Police Clauses Act 1847, and Section 171 of The Public Health Act 1875 by the Authority of the Borough of North Tyneside, with respect to hackney carriages in the Borough of North Tyneside dated 4<sup>th</sup> March 1977 (all previous versions of these repealed)**

**INTERPRETATION**

1. Throughout these byelaws “the Authority” means the Authority of the Borough of North Tyneside and “the district” means the Borough of North Tyneside.

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 inside of the carriage and on plates affixed to the outside of the carriage.
- (b) A proprietor or driver of a hackney carriage shall:-
- (i) Not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire
  - (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. Every proprietor of a hackney carriage shall:-
- (a) provide sufficient means by which any person in the carriage may communicate with the driver
  - (b) cause any 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 to carry luggage
  - (h) provide for an efficient fire extinguisher which shall be carried in such a position as to be readily available for use
  - (i) in cases of motor hackney carriage 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. Every proprietor of a motor hackney carriage shall cause the same to be provided with a taximeter so constructed attached and maintained as to comply with the following requirements that is to say: -
- (a) If the taxi meter is fitted with a flag or other device bearing the words “FOR HIRE”
- (i) the words “FOR HIRE” shall be exhibited on each side of the flag of the flag or other device in plain letters at least one and a half inches in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible
  - (ii) when the flag or the other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible

(b) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE"

- (i) the taximeter is not fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" or other indication that the vehicle has been hired to appear on the face of the taximeter
- (ii) such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter

- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take in pursuance of the byelaw in that behalf for the hire of the carriage by distance
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare record thereon
- (e) the taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage and for the purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
- (f) the taximeter and all fittings thereof shall be 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 to permanently displacing the seals of other appliances

5. Every proprietor of a motor hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements that is to say:-

- (a) the sign shall bear the words "FOR HIRE" in plain letters at least one and a half inches in height
- (b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the vehicle whether or not the vehicle is for hire

PROVISION 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

6. Every driver of a motor hackney carriage shall:-

(a) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE"

- (i) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible
- (ii) as soon as the carriage is hired by distance and before commencing the journey bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of hiring

(b) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE"

- (i) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of byelaw 5 so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage
  - (ii) as soon as the carriage is hired whether by distance or by time or at any time when the carriage is not available operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage
  - (iii) as soon as the carriage is hired by distance and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the words "HIRED" or other indication that the vehicle has been hired is legible on the face of the taximeter, and the machinery of the taximeter in action until the termination of the hiring
- (c) cause the dial of the taximeter to be properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer

7. 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
8. The driver of a hackney carriage shall, when plying for hire in the street and not actually hired:-
  - (a) proceed with reasonable speed to one of the hackney carriage stands appointed by the Authority under the provisions of Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 for his particular class of vehicle;
  - (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 the stand in Front Street, Tynemouth (at eastern end of the parking area in the centre of the carriageway opposite the junction with Hotspur Street) if the same is not already occupied by the full number of carriages authorised to occupy it, station the carriage obliquely to the line of the carriageway in the direction indicated by white lines painted upon the carriageway and on one of the vacant spaces indicated by such white lines; and
  - (d) on arriving at the stand other than one referred to in paragraph (c) above:-
    - (i) if the stand is not already occupied by the full number of carriages authorised to occupy it, station the carriage or carriages on the stand and so as to face the same direction; and
    - (ii) from time to time when any other carriages immediately in front is driven off or moved forward causing his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward
9. 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.
10. If a badge has been provided by the Authority and delivered to the driver of a hackney carriage, either with the licence granted to him by the Authority or afterwards, he shall when standing, plying for hire and when hired, wear that badge in such position and manner as to be plainly and distinctly visible.
11. Every driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the vehicle:-
  - (a) convey a reasonable quantity of luggage
  - (b) afford reasonable assistance in loading and unloading
  - (c) afford reasonable assistance in removing it to or from the entrance to any house, station or place, at which he may take up or set down such a person
12. The proprietor or driver of a hackney carriage shall at all times when standing, plying for hire and when hired, conduct himself in an orderly manner, and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
13. Every proprietor of a hackney carriage who shall knowingly convey in the carriage the dead body of any person shall immediately thereafter, notify the fact to the Chief Environmental Health Officer of the Authority.
14. A driver or proprietor of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any persons to hire such carriage and shall not make use of the services of any other person for this purpose.
15. A proprietor of a hackney carriage shall not convey or permit to convey in such carriage any greater number of persons than the number of persons specified by the Authority which number shall be legible marked or painted on the plates required by Byelaw 2(a). For the purpose of this byelaw two children each under the age of 12 years may be regarded as one person.
16. Every driver of a hackney carriage shall at all times when standing, plying or driving for hire when required by any police constable or any person hiring such carriage produce a copy of these byelaws for the perusal and inspection of such constable or person.
17. The driver of a hackney carriage shall not at anytime when driving for hire, smoke tobacco or any like substance without the permission of the person hiring and being conveyed in such carriage.

## PROVISION FOR SECURING THE DUE PUBLICATION OF FARES

18. (a) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Authority, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.
- (b) 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 or take a fare greater than that recorded on the face of the taximeter save for any extra charges authorised by the Authority which it may not be possible to record on the face of the taximeter.
- (c) The proprietor of a hackney carriage shall:-
- (i) cause a statement of the fares from time to time fixed by the Authority under the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act, 1976 to be painted or marked on the inside of the carriage, or on a place fixed thereto in clearly distinguishable letters and figures; and
  - (ii) renew such letters and figures as often as is necessary to keep them clearly visible
- (d) The proprietor 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 REDELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

19. The proprietor or driver of a hackney carriage shall immediately after termination of any hiring or as soon as practicable thereafter and before the next hiring, carefully search the carriage for any property that may have been accidentally left therein.
20. 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
- (a) carry it within twenty four hours, if not sooner claimed by or on behalf of its owner, to the office of the Superintendent of Police at North Shields, Wallsend or Whitley Bay and leave it in the custody of the officer in charge on his giving a receipt for it,
  - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the nearest office of the Superintendent of Police referred to in Byelaw 22(a) whichever is the greater) but not more than five pounds.

## SPECIAL PROVISIONS IN RELATION TO HACKNEY CARRIAGES DRAWN BY ANIMALS

21. The driver of a hackney carriage drawn by any animal or animals shall, while standing, ply or driving for hire, cause every part of the harness of the animal or animals drawing the carriage to be kept in order, so that the animal or animals shall be properly and securely attached to the carriage, and under due control.
22. The proprietor or driver of a horse-drawn hackney carriage shall not, in any street, feed or allow to be fed any horse harnessed or otherwise attached to such carriage, except with food contained in a proper bag or other receptacles suspended from the head of such horse or from the centre pole of the carriage, or which is held in and delivered with the hand of the person feeding such horse.
23. The proprietor or driver of a hackney carriage shall not while standing, plying or driving for hire, drive or allow to be driven, or harness or allowed to be harnessed to the carriage any animal in such condition as to expose any person conveyed or being in such carriage, or any person traversing any street, to risk of injury.
24. The distance to which the driver of a hackney carriage drawn by any animal or animals may be compelled to take passengers shall be any distance along the sea front between Feathers Caravan Site, Whitley Bay to the North, and the Haven, Tynemouth to the south, provided that, on journeys from south to north, this shall include such deviations from the Sea Front Highway along Park Avenue and Park Road, Whitley Bay as are required by the Whitley Bay one way circulatory System.

**25.** The following provisions shall not apply in respect of horse drawn hackney carriages:-

Byelaws 3(a), (b), (c), (d), (e), (g) and (i), 4, 5, 6, 7 and 12.

**26.** Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding fifty pounds in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

### PASSENGER GUIDANCE

The Authority is responsible for licensing hackney carriages, private hire vehicles, their drivers and private hire operators within the Borough of North Tyneside. The primary concern of the Authority is the safety of the public.

#### Vehicles

The Authority licences two types of vehicle: Hackney Carriages – also known as taxis or cabs and Private Hire Vehicles.

Either vehicle must only be driven by drivers who are also licensed by North Tyneside Council. Before a vehicle is licensed the vehicle must be of an approved type and must meet certain, minimum specifications. It undergoes a thorough inspection at the Authority's Test Station at Killingworth (which includes an MOT) and must be appropriately insured. Vehicles over four years of age undergo an additional safety check every 6 months.

#### Hackney Carriages

Hackney Carriages licensed by North Tyneside Council can be flagged down in the street (only within the North Tyneside district) and they can also wait on one of the many official taxi ranks in the Borough. They can also be pre-booked.

Hackney carriages must:

- be black in colour,
- display a white licence plate on the rear of the vehicle showing the licence number, description of the vehicle including the registration number, maximum number of passengers that can be carried and contact details to make a complaint,
- be fitted with a roof-sign which must be illuminated when available to hire,
- be fitted with an operating taximeter which must be sealed and must be used during each hiring to record the fare,
- not charge more than the fare displayed on the meter,
- display the Authority's maximum Hackney Carriage fare tariff in a prominent position in the vehicle,
- display a white decal on each front door showing the licence number,
- display a disc in the top left-hand corner of the windscreen showing the licence number, the maximum number of passengers that can be carried and contact details to make a complaint,

#### Private Hire Vehicles

Private Hire Vehicles can only be pre-booked in advance via an Operator (they cannot be flagged down or wait in the street or wait on a rank). They are not subject to the Council's maximum fare tariff and the cost should therefore be agreed before the start of your journey.

Private Hire Vehicles must:

- not be black in colour, or any colour resembling black,
- display a yellow licence plate on the rear of the vehicle showing the licence number, description of the vehicle including the registration number, maximum number of passengers that can be carried and contact details to make a complaint.
- not be fitted with a roofsign of any description,
- display a yellow decal on each front door showing the licence number.
- display a disc in the top left-hand corner of the windscreen showing the licence number, the maximum number of passengers that can be carried and contact details to make a complaint.

## **Private Hire Operators**

These are licensed by the Authority to make provision for the invitation or acceptance of private hire bookings. Before a licence is issued an operator must undergo a criminal record check and provide a business plan setting how he/she intends to operate.

It is the responsibility of an operator to ensure that all vehicles and drivers working from the office are licensed. Operators are therefore required to maintain and make available for inspection various records relating to the operation of their business including lists of vehicles and drivers operated by them.

## **Drivers**

The Authority issues two types of driver's licence depending on the type of vehicle the driver wishes to drive: Hackney Carriage and Private Hire. The criteria and qualifications for each are virtually identical.

Before a licence is issued an applicant must prove to the Authority that he/she is a 'fit and proper' person. This is done by:

- proving they have held a full UK or EEA driving licence for at least a year,
- undergoing a criminal record check,
- providing a Group 2 medical (which is the same standard as for bus and lorry drivers),
- pass a knowledge/locality test,
- prove a right to live and work in the UK,
- undergo training on preventing Child and Adult Exploitation,

Once an applicant has proven they are 'fit and proper' the Authority will issue a licence for up to 3 years. Two identity badges are also issued to the driver showing their photograph and the expiry date of the licence. One badge must be worn at all times when the driver is working in a position that is clearly visible to passengers; the other badge must be displayed on the dashboard of the vehicle.

## **Enforcement**

The Authority employs Licensing Officers to undertake enforcement work and this includes investigating complaints and carrying out spot check inspections of vehicles both during the day and out of hours when the late night economy is active. Where non-compliance with conditions of licence or legislation is noted officers will follow this up with appropriate action. This may be by verbal advice or a warning, the issue of a notice requiring a vehicle defect to be remedied, suspension of a vehicle licence and in some cases prosecution of the driver and/or proprietor/operator.

## **Complaints**

Using taxis and private hire vehicles is a safe form of transport and the vast majority of journeys take place without incident. If you do want to make a complaint about the conduct of a driver or the condition of a vehicle contact the Licensing Office by telephone (0191 6432165), by email at [taxi.licensing@northynteside.gov.uk](mailto:taxi.licensing@northynteside.gov.uk) or online via the Authority's website at [www.northynteside.gov.uk](http://www.northynteside.gov.uk). To assist us please make a note of the licence/plate number of the vehicle, the name or description of the driver and the date, time and place of the incident.

## **Refusals**

A driver can refuse a fare with a reasonable excuse, for example a risk of physical violence, passengers who are abusive, racist, sexist, foul mouthed, extremely drunk, refuse to stop smoking, likely to vomit or have vomited over themselves etc.

## **Assistance dogs**

A driver can only refuse to carry an assistance dog if he/she has a medical exemption certificate issued by the Authority. This must be shown on request.

## **Overcharging**

It is an offence for a driver to charge a person with a disability, for example a wheelchair-user, more for a journey than any other comparable booking.



## **Staying safe**

- If possible, pre-book your return journey before going out.
- Let a third party know the details of your journey.
- Check the vehicle has a rear licence plate and door decals, otherwise do not get in the vehicle.
- Make a note of the licence number displayed on the plate, decal and windscreen disc.
- Ask to see the driver's badge, make a note of his/her name and number.
- Do not get in the vehicle if the driver is unable to show you a badge or if it has expired.
- If you are on your own, sit in the back behind the driver.