

# North Tyneside Council Report to Regulation and Review Committee Date: 24 January 2017

## ITEM 5

**Title:** Review of North Tyneside Council Hackney Carriage and Private Hire Licensing Policy

**Report from Service Area:** Environment, Housing and Leisure

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**Wards affected:** All

## PART 1

### 1.1 Purpose:

This report seeks Committee's approval to adopt the revised North Tyneside Council's Hackney Carriage and Private Hire Licensing Policy. The initial Policy was adopted in 2009.

### 1.2 Recommendations

The Committee is recommended to:

Approve the adoption of the North Tyneside Council Hackney Carriage and Private Hire Licensing Policy as attached at **Appendix 1**.

## 2.0 Background Information

### 2.1 The Policy

- 2.1.1 The current Policy took effect on 9 April 2009 following extensive development with Council Officers, Member Working Group and Trade Focus Groups. The draft Policy was subject to a 12 week consultation period.
- 2.1.2 The Policy provides that the Authority may make decisions which change the content of the Policy and that the Policy document will be regularly updated to reflect these changes. The Policy is a live document and has been updated since its approval in 2009 on a number of occasions relating to different issues, for example in relation to tinted windows on licensed vehicles, advertising and limitation of hackney carriages.

## **2.2 Development of the Draft Policy**

### **2.2.1 Officer Working Group**

An Officer working group was established to produce a draft policy to bring the policy up to date in light of any legislative changes.

2.2.2 Prior to the formal consultation of the draft Policy an Officer Working Group was set up to review the policy. In addition, informal consultation took place with the North Tyneside Hackney Carriage and Private Hire Licensing Forum where members suggested amendments to the Policy.

### **2.2.3 Member Working Group**

A Member Working Group was established which consisted of members of the Regulation and Review Committee. This group met on several occasions to consider the policy prior to consultation and after consultation to consider the responses that were received.

### **2.2.4 Consultation**

The revised draft Policy has been subject to an extensive consultation exercise. Residents and members of the trade were informed of the revised draft Policy via the internet, council offices, libraries and press release. In addition an online survey was established to enable responses to be made online.

The consultation was for a period of 12 weeks and concluded on 31 September 2016.

In total 29 responses were received to this consultation exercise from a mixture of residents, trade and associations. A Member Working Group met in November 2016 to consider the consultation responses and to make recommendations.

Each consultation response was considered by the Member Working Group. Where the Group recommended amendments to the policy officers have amended the draft policy accordingly. A summary of the responses received and the amendments made is attached at **Appendix 2** to this report. A schedule of all amendments made to the policy is attached to **Appendix 3** to this report.

## **3.0 Decision Options**

### **3.1 Option 1**

To adopt the final proposals in relation to the North Tyneside Council Hackney Carriage and Private Hire Licensing Policy.

### **Option 2**

Not to adopt the final proposals in relation to the North Tyneside Council Hackney Carriage and Private Hire Licensing Policy.

Option 1 is the recommended option in accordance with paragraph 1.7.2 of the North Tyneside Council Hackney Carriage and Private Hire Licensing Policy. This will enable North Tyneside Council to have a policy that is fit for purpose.

#### **4.0 Appendices:**

- 4.1 Appendix 1 – Draft Hackney Carriage and Private Hire Licensing Policy
- Appendix 2 – Schedule of responses and Member Working Group Comments
- Appendix 3 – Schedule of amendments to the Policy

#### **5.0 Contact Officers:**

- 5.1 Colin MacDonald, Senior Manager, Technical & Regulatory Services, Tel: 0191 643 6620
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- Alan Burnett, Principal Trading Standards & Licensing Officer, Tel: 0191 643 6621
- Dawn Frankland, Senior Licensing Officer, Tel: 0191 643 6902

#### **6.0 Background Information:**

- 6.1 The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author of the report.

North Tyneside Council Hackney Carriage and Private Hire Licensing Policy  
Minutes Regulation and Review Committee 8 April 2009  
Deregulation Act 2015

### **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

#### **2.1 Finance and Other Resources:**

There are no financial implications for the Authority arising directly from this report.

#### **2.2 Legal**

##### **2.2.1 Legislative Framework**

Local authority Hackney Carriage and Private Hire licensing activity is governed by legislation and best practice guidance, including the Town Police Clauses Acts of 1847 and 1889, the Local Government (Miscellaneous Provisions) Act of 1976 and the Transports Acts of 1980 and 1985. In response to this legislation, the Authority has developed a Licensing Policy which has supported and informed its licensing function.

##### **2.2.2 Principles of Better Regulation**

The Local Government (Miscellaneous Provisions) Act 1976 is specified in The Legislative and Regulatory Reform (Regulatory Functions) Order 2007. As a result Part 2 of the Legislative and Regulatory Reform Act 2006 applies. The Authority must therefore have regard to the prescribed statutory principles by ensuring that its regulatory activities are carried out in a way which is transparent, accountable, proportionate and consistent. In addition, those regulatory activities should be targeted only at cases in which action is needed.

### **2.3 Consultation/Community Engagement:**

A comprehensive consultation exercise took place prior the introduction of the current Hackney Carriage and Private Hire Licensing Policy on 9 April 2009. A further comprehensive consultation exercise has been carried out to review the Policy.

Consultation took place with the following persons/groups:

- Current licence holders
- Northumbria Police
- Local businesses and their representatives
- Residents and their representative bodies
- Local transport providers
- Disability Groups
- Planning Authority
- Service users
- Councillors/MP's/MEPs'

### **2.4 Human Rights:**

The economic interests connected to the use of a licence may be considered to be a possession belonging to existing licensees and as such are afforded protection under Article 1 of Protocol 1 of the European Convention on Human Rights.

### **2.5 Equalities and Diversity:**

There are no equality and diversity implications arising from this report. The Policy has been subjected to an Equality Impact Assessment.

### **2.6 Risk Management:**

There are no significant risk management implications to the Authority arising directly from this report.

### **2.7 Crime and Disorder:**

It is not considered that there are any crime and disorder implications arising directly from this report.

### **2.8 Environment and Sustainability:**

It is not considered that there are any environment and sustainability implications arising directly from this report.

NORTH TYNESIDE COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE  
LICENSING POLICY



**North Tyneside Council**

Date

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### **Appendices**

- A Hackney carriage and Private Hire Vehicle specifications**
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# 1. Introduction

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## Hackney Carriage and Private Hire Licensing

- 1 Hackney carriage and private hire vehicles play an important part in local transport. Hackney carriage and private hire vehicles are a highly-flexible form of public transport that can play an increasingly important role in improving accessibility. Hackney carriage and private hire vehicles are used by all social groups.
- 2 The aim of local authority licensing of the hackney carriage and private hire trade is to protect the public. North Tyneside Council (The Authority) is aware that the public should have reasonable access to hackney carriages and private hire vehicles because of the role they play in local transport provision.
- 3 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 by members of the public. Private hire vehicles too must have no more than 8 passenger seats but they must be booked in advance through an operator and may not ply for hire in the street.
- 4 Local authorities are responsible for licensing of hackney carriage and private hire vehicles in their areas.
- 5 The Authority currently licences 204 hackney carriage vehicles and approximately 1150 private hire vehicles.

## **Powers and Duties**

- 6 In 1977, The Authority adopted Part 2 of The Local Government (Miscellaneous Provisions) Act 1976, (as amended). This places on The Council (the Authority) the powers and duties to carry out licensing functions in respect of hackney carriage and private hire licensing. As such the Authority is responsible for the licensing of private hire drivers, vehicles and Operators and hackney carriage drivers and vehicles. This document sets out the policy that the Authority will apply when making decisions about new and renewal applications and licences currently in force.

## **Objectives**

- 7 The objectives of this Policy are as follows:
- a) To protect consumers interests by
    1. ensuring that hackney carriage and private hire vehicles are safe, clean, reliable and accessible to meet the varying needs of the customers.
    2. ensuring that drivers and private hire operators are fit and proper persons.
  - b) To provide clarity for licensees with respect to the Authority's expectations and the decision making process.
  - c) To promote safeguarding practices which include child sexual exploitation awareness.
  - d) To encourage high standards of service and competence in the hackney carriage and private hire trade.

## **Safeguarding**

- 8 In summary, the 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, child sexual exploitation awareness and trafficking; and
  - minimises the risk to the public by providing greater confidence in the system for assessing whether a person is a 'fit and proper person' to drive a hackney carriage or private hire vehicle and that vehicles are safe.



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

- Private hire vehicle proprietor
- Private hire driver
- Private hire operator
- Hackney carriage driver
- Hackney carriage proprietor
- Dual hackney carriage and private hire driver

10 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 under this Policy.

### **Methods**

11 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.
- Routine inspection of insurance policies, with appropriate follow up action.
- Checks of driver's medical condition, criminal record (if any) and knowledge of the Borough.
- Investigation of complaints with appropriate follow up action.
- Liaison with the Police, 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 the issue of prosecution proceedings, verbal and written warnings, advice, written cautions, notices, suspension or revocation of licences for breaches of legislation or conditions.
- Conditions added to licences.
- Compliance with Byelaws
- Liaison with the hackney carriage and private hire trade by way of open meetings
- The issue of guidance notes

12 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 Innovation and Skills and will have regard to the statutory principles of good regulation as required by the Legislative and Regulatory Reform Act 2006 and The Authority's Enforcement Policy.

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

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

In particular:

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
- Regulators should base their regulatory activities on risk
- Regulators should share information about compliance and risk
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- Regulators should ensure that their approach to their regulatory activities is transparent

### **Best practice Guidance**

- 13 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 Innovation and Skills.

### **Status**

- 14 In exercising its discretion in carrying out its regulatory functions, the Authority will have regard to this Policy and the objectives set out above.
- 15 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Authority to depart from the Policy, clear and compelling reasons will be given for doing so.

### **Implementation and Review**

- 16 This Policy will take effect from xxxxxxxxxxxx.
- 17 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 three years from the date of effect above.
- 18 Upon implementation of this Policy, the Authority requires licence holders 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.
- 19 **From the effective date, this Policy overrides and supersedes all existing policies in relation to private hire and hackney carriage licensing.**
- 20 The Authority may monitor and review this Policy or areas of the Policy prior to the three year review period.
- 21 Subsequent to the introduction of this Policy, the Authority may make decisions which change the content of this Policy. The changes may have immediate effect or expressed as coming into effect on a given date.

This Policy document will be regularly updated to reflect these changes. Amended copies of the Policy will be available from the Licensing Section and via the internet at [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk).

### **Consultation**

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

- Current licence holders
- Northumbria Police
- Local businesses and their representatives
- Residents and their representative bodies
- Local transport providers
- Disability Groups
- Planning Authority
- Service users

23 The views of all of these persons and bodies have been taken into account in determining this Policy.

### **Area and Impact**

24 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.

25 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.

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

27 The Authority recognises and welcomes the contribution that the Hackney Carriage and Private Hire trade makes to the transport and tourism industry.

### **Partnership Working**

28 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
- 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 Border Agency
- Other Government Departments and Agencies

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

### **Related Legislation and Strategies**

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

31 The Authority will work in partnership with other agencies.

### **Equality**

32 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

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

33 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 its Public Sector Equality Duty as set out in Part 11 Equality Act 2010.

34 It is a condition of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment so as 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.

- 35 Licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles and passengers with disabilities 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 drivers expense, from the drivers own GP stating the details of their medical condition.
- 36 Persons who breach Equality Act duties may be guilty of a criminal offence.
- 37 Further information is available from the Equality and Human Rights Commission at [www.equalityhumanrights.com](http://www.equalityhumanrights.com).

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

- 38 Under the Immigration Act 2016 from 1<sup>st</sup> December 2016 all applicants for private hire operator and private hire and hackney carriage driver licences will be 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 is available from the Licensing Section.
- Please see attached 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>
- 39 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.

## 2. Vehicles – Hackney Carriage and Private Hire

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- Hackney Carriage Vehicles
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- Advertisements, signs, notices etc.
- Accident notification
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- Executive Hire Private Hire Vehicles
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- CCTV in vehicles
- Environmental Considerations
- Insurance “Write Off” Vehicles

### Specifications

- 1 The Department for Transport Best Practice Guidance issued in 2010 recommends that local 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.
- 2 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).
- 3 As a guide, most large volume production vehicles produced in the UK and EU 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 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.

4 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 or for other reasons associated with the comfort and safety 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.

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

### **Private Hire Vehicles**

6 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.

7 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

8 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.

9 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**.

10 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.
- 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 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**.

### **Hackney Carriage Vehicles**

- 11 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 Causes Act 1847.
- 12 A hackney carriage can ply for hire within the prescribed area and also wait at a hackney carriage stand within the licensing district. In addition a hackney carriage may also undertake work on a pre-booked basis.
- 13 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 J**.
- 14 The Authority has imposed requirements relating to the size and other specifications of the vehicle. These are attached at **Appendix A**.
- 15 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**.
- 16 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 attached centrally to each front door of the vehicle as prescribed by a condition of the Authority.
  - Display the current The Authority table of fares as prescribed by condition of the Authority.
  - Display a disc in the top nearside corner of the front windscreen



## Limitation of Numbers

- 17 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.
- 18 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”.
- 19 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.
- 20 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.
- 21 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.
- 22 This limitation of numbers will be periodically reviewed and this Policy will be amended to take account of the results as required.
- 23 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.
- 24 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.
- 25 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 outside the Authority's area on a pre-booked basis with an Operator who is not licensed by this Council, then having regard to *Newcastle v Berwick* (2008) judgement this issue will be referred to the Regulation and Review Committee.

### **Insurance**

- 26 All vehicles must have a current valid policy of insurance at all times appropriate to the use of the vehicle. This policy must be in place before a licence can be granted.
- 27 It is an offence to use a vehicle without the appropriate insurance in place.
- 28 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.
- 29 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.

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

- 30 No signs, notices, advertisements, video 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.
- 31 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).
- 32 The Head of Environment, Housing & Leisure can approve or refuse to allow advertisements in the areas permitted in this Policy. All advertisements have to be approved by the Head of Environment, Housing & Leisure prior to being displayed on a vehicle. Any unauthorised advertisements will be required to be removed and appropriate action will be taken.
- 33 The Head of Environment, Housing & Leisure 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.

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

### **Accident notification**

35 The proprietor shall notify the Licensing Section 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.

36 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 engineers report and / or the vehicle to be examined at the Council's Test Station.

### **Vehicle testing**

37 All vehicles must undergo and satisfy an inspection by the Authority's vehicle examiners or at a place specified by the Head of Environment, Housing & Leisure prior to being licensed.

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

39 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. If the event of the Testing Station being unavailable the Authority will put alternative arrangements in place.

40 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.

41 Vehicles failing to attend for test or attending late for the test will be required to be retested and a retest fee paid. Where appropriate the licence will be suspended. A further test appointment will only be made when the retest fee has been paid.

42 Lifting Operations and Lifting Equipment Regulations 1998. These regulations (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.

### **Application Procedure**

- 43 Applications are to be made in writing and may be made in person, by post, fax or e-mail. Note: the Authority will not be responsible for any documents that may be lost in the post.
- 44 Applications will not be considered valid unless they contain all the relevant documentation and the appropriate licence fee has been paid.
- 45 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.
- 46 The booking of vehicle tests may be done by telephone, in person or by e-mail at [taxi.licensing@northtyneside.gov.uk](mailto:taxi.licensing@northtyneside.gov.uk). Postal or e-mail applications must be made at least 5 working days prior to the date of the vehicle test to allow for the application to be processed.
- 47 If the application is refused the fee will be refundable minus the proportion of the charge for the test fee.
- 48 The Head of Environment, Housing & Leisure has the discretion to attach, amend or remove a condition of licence.
- 49 Although applications may be made by post, fax or e-mail, licence plates must be collected in person.

### **New Applications and Replacement Vehicles**

- 50 The following documents are to be submitted for new/replacement vehicle applications:
- Fully completed application form
  - Pre-Test Inspection form (PTI) - approved
  - Vehicle test certificate - pass
  - Vehicle registration document in 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

### **Renewal Applications**

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

- Fully completed vehicle renewal form
- Vehicle test certificate – pass
- Vehicle registration document in applicant's name
- 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 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

52 There is no legal requirement for the Authority to send out reminders for renewals for licences, but to aid vehicle proprietors the Licensing Team 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 and a higher licence fee will apply.

### **Change of address**

53 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.

### **Transfer of interest**

54 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.

55 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.

### **Limousines**

- 56 A stretch limousine is a luxury saloon car with a lengthened wheelbase and an extended chassis.
- 57 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**.
- 58 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.
- 59 The Authority has no objection to licensing limousines that are safe and fit for the road. The Authority has given consideration to left hand drive vehicles and vehicles with side facing seats, however, believe that they are not suitable due to the safety issues that exist with such vehicles and as such will not licence them.
- 60 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.
- 61 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.
- 62 A vehicle does not need to be licensed while it is being used in connection with a wedding.

### **Executive Hire Private Hire Vehicles**

- 63 Private hire vehicles used solely and exclusively for executive hire can be exempted under Section 75 (3) Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display a licence plate and the driver from wearing a driver's badge.
- 64 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 Head of Environment, Housing & Leisure 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 interview with a Licensing Officer. Guidance notes are available from the Licensing Section.
- 65 Applications are to be made in writing, in person or by post, fax or e-mail.

- 66 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.
- 67 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.
- 68 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.
- 69 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 passengers windows, back window and any rear side windows if present).
- 70 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.

### **Tinted Windows**

- 71 The windows (excluding the windscreen which must have a minimum light transmission of 75%) of any vehicle shall not have been treated so that less than the percentages detailed below of light is transmitted through it:

- 70% minimum light transmission for front side windows
- 34% for all other windows

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.

- 72 If the following criteria can be met in which case there will 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 Head of Environment, Housing & Leisure. 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 supplied.

### **CCTV in vehicles**

73 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

74 Where a CCTV system is in place it is a requirement that the proprietor must register their use of a CCTV system with the Office of the Information Commissioner in accordance with the requirements of the Data Protection Act 1984. (Further information is available at [www.ico.gov.uk](http://www.ico.gov.uk)).

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

76 Where CCTV is in place there is an expectation that it is in working order when passengers are being carried. The CCTV system should be maintained to manufacturers standards.

77 The CCTV recording must be available for viewing by a Police Officer or an Authorised Officer on request. Any failure to comply with this request will be reported to the Licensing Section for consideration of the appropriate action to be taken. Any reports of misuse of CCTV will be referred to the Office of the Information Commissioner.

### **Environmental Considerations**

78 Hackney carriage and private hire vehicles are an essential form of transport in the Authority area. Many people depend on such vehicles for trips that buses or cars are incapable of making. They are able to achieve higher occupancy rates than a private car and so, to some extent, already play their part in helping to achieve environmental improvements in the Borough. It is, however, clearly important that emissions from hackney carriage and private hire vehicles are reduced as far as possible.

79 It is therefore considered that efforts should be made to improve, as far as possible, the efficiency of vehicles licensed in North Tyneside by, in particular, reducing the levels of CO<sub>2</sub> emitted. Liquid petroleum gas (LPG) conversions to vehicles licensed or to be licensed by The Authority are therefore acceptable. Any conversion to LPG must be carried out by an approved converter and recorded on the UK LPG Register.



Vehicles must, however, still comply with the minimum luggage capacity and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

- 80 Clearly emissions from hackney carriage and private hire vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at taxi ranks. It is, however, proposed that this aspect be tackled through education and promotion.
- 81 The Department for Transport accepts that a greater frequency of testing is appropriate for older vehicles. As such, twice-yearly tests are required for vehicles more than four years old.
- 82 Local licensing authorities are, however, also advised to consider how far their vehicle licensing policies can and should support any local environmental initiatives by, perhaps, setting vehicle emissions standards or promoting cleaner fuels.
- 83 A further Government report suggests that, by adopting targeted air quality policies for road transport, significant reductions can be achieved for noxious pollutants in the atmosphere. It highlights the impact European wide emission limits are having on improving air quality. In relation to motor cars with up to 8 passenger seats (and light goods vehicles which form the basis for many vehicle conversions), these standards were introduced for new vehicles as follows:
- **Euro I technology** – became mandatory for new passenger cars from 1993 (light goods vehicles 1994)
  - **Euro II technology** – became mandatory for new passenger cars from 1997 (light goods vehicles 1998)
  - **Euro III technology** – became mandatory for new passenger cars from 2001 (light goods vehicles 2002)
  - **Euro IV technology** – became mandatory for new passenger cars in January 2006
  - **Euro V technology** – became mandatory for new passenger cars in September 2010
  - **Euro VI technology** – became mandatory for new passenger cars in September 2015

### **Insurance write offs**

- 84 Car insurance assessors use various categories of car insurance write off to rank the seriousness of accident damage. Two categories represent very serious damage, but the remaining two categories are for 'economic write off's' – where damage is expensive to fix but not necessarily 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 C or D write off may be licensed providing the applicant provides an appropriate Engineer's report, approved by the Authority, verifying the standard of repairs.

### 3. Drivers

#### Contents

- Licences
- Experience
- Right to live and work
- Driver Knowledge/Locality Test
- DBS Check
- DBS Process
- Applicants who have spent time abroad
- Relevance of Convictions and Cautions
- Medical Assessment
- Child Sexual Exploitation
- Three Year Driving Licences
- Application Procedure
- New applications
- Renewal applications
- Incomplete applications
- Grandfather rights
- Conditions of Licence
- Code of Good Conduct
- Driver's Dress Code

#### Licences

- 1 The Authority issues the following driver licences:
  - Hackney carriage driver
  - Private hire driver
- 2 Licences are issued subject to proof of eligibility – driving licence, knowledge/locality test, criminal records check, medical assessment and eligibility to live and work in the UK.
- 3 The statutory and practical criteria and qualifications for each licence are broadly 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.
- 4 Decision making in relation to licensing is an onerous duty, dealing with both the livelihood of the Licensee/Applicant and the risks to the safety and comfort of 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.

Once a person is licensed, they shall be presumed to remain a fit and proper person to be licensed, unless he/she is no longer a fit and proper person as a result of a conviction, caution, complaint or other non-conviction information.

### **Experience**

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

### **Right to work**

- 6 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 less than 12 months then consideration will be given to issuing a shorter licence where appropriate.

### **Driver Knowledge/Locality Test**

- 7 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 the local geography, driver conduct, licensing legislation and the highway code.
- 8 No driver's licence will be issued without the applicant first gaining a knowledge test pass certificate. If a driver does not apply for the initial licence and 12 months elapses before re-applying you 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, therefore, 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.

### **DBS Check**

- 9 Given the role of a hackney carriage or private hire driver the Authority has determined that an Enhanced Disclosure provided by the Disclosure & Barring Services (DBS) is required by all new applicants for a licence. Once licensed, drivers will be required to undergo a further 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.
- 10 The Enhanced Disclosure provides details of all convictions, cautions, reprimands and warnings held on the Police National Computer. The Enhanced Check will include information held on the DBS's Children and Adult Barred Lists of those considered unsuitable or banned from working with children or adults. In addition, where appropriate the Disclosure will share with the Authority other relevant information disclosed at the Chief Police Officer(s) discretion.

- 11 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.

### **DBS Process**

- 12 The Authority no longer accepts paper applications for Disclosures from the Disclosure & 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 Office.

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

- 13 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 Office will require this at the time of submission of the application for the Licence.
- 14 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 Office or on the Authority's website at [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk).
- 15 From 17 June 2013 applicants for a criminal record check can choose 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 so that they can be taken from role to role.
- 16 Any applicant who subscribes to the Update Service will need to provide the Authority with their Disclosure Certificate when applying for a licence and complete and sign a mandate confirming that they consent to the Authority carrying out the online check.
- 17 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. When an applicant is subscribing to this service 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/dbs](http://www.gov.uk/dbs)

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

- 18 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.
- 19 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.
- 20 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.
- 21 The Head of Environment, Housing & Leisure 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.
- 22 The Authority may require the applicant to submit additional information and references.
- 23 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.
- 24 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 the Border and Immigration Agency confirming the above and must submit a written request to the Authority for the exemption to apply. A DBS for time spent in the UK will still be required.
- 25 The Head of Environment, Housing & Leisure may determine such applications or refer them to the Regulation & Review Committee.

## **Relevance of Convictions, Cautions and Conduct**

- 26 In relation to the consideration of convictions and cautions recorded against a person and concerns around their conduct please refer to Chapter 7.
- 27 In assessing whether the applicant is a fit and proper person to hold a licence, the Authority will consider each case on its own merits.
- 28 In some cases the Authority may require additional DBS checks at a cost to the licensee.

## **Medical Assessment**

- 29 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 applicants 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.
- 30 Group 2 Medical Standard of Fitness applies. Please refer to Chapter 7 for more details with regard to medical fitness.
- 31 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 is required every year.
- 32 Where a medical is due within the term of the licence, the Authority will contact the driver in writing to advise of this. Should the medical not be provided within the relevant timescale, the drivers licence will be suspended with immediate effect until such evidence is provided.
- 33 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.

## **Child Sexual Exploitation**

- 34 Child Sexual Exploitation is 'everybody's business' and The Authority is committed to working in partnership with and supporting our local businesses to raise awareness. Licensed drivers may see, hear or recognise situations or behaviour that may be of concern. 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 exploitation and to know how to report it. By key agencies working together and sharing information sexual exploitation can be prevented, children and young people protected and perpetrators of sexual offences prosecuted.

It is a requirement that all new licensed drivers undertake child sexual exploitation training within 3 months of a new licence being granted. If training is not undertaken within 3 months the driver will be referred to Regulation and Review Committee. Existing drivers will be required to undertake the training by 1<sup>st</sup> April 2017. If training is not completed by this date then further action will be considered.

## Three Year Driving Licences

- 35 In the majority of cases the Authority can now issue driver licences for up to three years, which will reduce bureaucracy and the cost of a licence to applicants. The introduction of these licences will be phased in so three year licences will be granted to new applicants and to existing drivers when a DBS is due. This will then mean that in future the DBS and licence renewal will occur at the same time. For those drivers who do not require a DBS this year or next year shorter licences will continue to be granted. The Authority will advise the duration of the licence that can be applied for and when the renewal is required. In certain cases a three year licence will not be appropriate but the Licensing Section will advise if this is the case.

## Application Procedure

### New Applications

- 36 The following documents are to be submitted in person 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
  - DBS Submission Reference Number together with appropriate identity documents
  - Knowledge Test pass certificate
  - Driving Licence
  - Fully completed mandate for DVLA licence check
  - Evidence of a right to reside and work in the UK (where required)
  - Any additional information requested by the Licensing Section

### Fees:

- Licence fee including DBS Check fee
- 37 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. Any incorrectly completed forms will be returned.
- 38 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.

Fees paid in relation to driver licences will be subject to a partial refund on the unexpired portion of the licence should the driver 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.

- 39 It is a requirement that all new licensed drivers undertake child sexual exploitation awareness training within 3 months of a new licence being granted. If training is not undertaken within 3 months then further action will be considered. Existing drivers will be required to undertake the training by 1<sup>st</sup> April 2017. If training is not completed by this date then further action will be considered.

### **Renewals**

- 40 Applications to renew a licence must be submitted in person prior to the expiry date of the current licence.

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, if required
- DBS Submission Reference Number together with appropriate identity documents, if required
- Driving licence
- Evidence of a right to reside and work in the UK (where required)
- Any additional information requested by the Licensing Section

Fees:

- Licence fee including disclosure application fee if required

- 41 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.

- 42 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 will be higher.

### **Incomplete applications**

- 43 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 determined.

- 44 In such cases the Council 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 operate. If no appeal is received within 21 days then the driver must cease driving.



- 45 Holders of existing driver's licences must apply to renew their licence in the month preceding the expiry date and ideally the application should be submitted at least 7 days prior to the expiry of the existing licence. **Renewal applications submitted after the expiry date will not be accepted.**
- 46 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 this situation the renewal will not be granted until or unless these concerns have been resolved.
- 47 If convictions or charges are disclosed, the Head of Environment, Housing & Leisure 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 may be refused. Appeals against this decision must be made in writing to the Regulation and Review Committee and/or Magistrates Court within 21 days of receiving the decision in writing.
- 48 If details of any convictions or cautions 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 or cautions then this will be treated seriously and the appropriate action taken in accordance with The Authority's Enforcement Policy.
- 49 The Head of Environment, Housing & Leisure may refer a decision to renew a driver's licence to the Regulation and Review Committee.
- 50 If a licence is refused the decision and reasons for the decision will be notified in writing to the licensee within 5 working days of the decision.
- 51 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 licence holder. 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.
- 52 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.

### **Grandfather Rights**

- 53 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.

### **Conditions of Licence**

- 54 The conditions set out at **Appendix E** are considered reasonably necessary and as such may be legally imposed in respect of private hire drivers.
- 55 The Authority is not permitted to attach conditions to a hackney carriage driver's licence. It is, however, empowered to attach such conditions to a private hire driver's licence as are considered necessary. The Council has adopted Byelaws which regulate such drivers.

### **Code of Good Conduct**

- 56 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 Authority's licensing objectives in respect of hackney carriage and private hire licensing. This Code of Good Conduct will be taken into consideration in disciplinary matters.
- 57 All licence holders will have access to the Code of Conduct.
- 58 The Code of Conduct is attached at **Appendix F** to this policy.

### **Driver's Dress Code**

- 59 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.
- 60 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

- Requirements and obligations
- Criminal Record Checks
- Conditions
- Other obligations
- Application Procedure
- Licence Duration
- Address from which an operator may operate
- Record Keeping
- Change of Address
- Convictions/Cautions

### Requirements and obligations

- 1 Any person who operates one or more private hire vehicles must apply to the Authority for a private hire operator's licence.
- 2 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.
- 3 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.
- 4 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.
- 5 It is a criminal offence to operate a private hire vehicle without an operator's licence.
- 6 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.
- 7 Applications for operator's licences must be made on the prescribed form, together with the appropriate fee. The Authority will then decide whether the applicant is a fit and proper person to hold an operator's licence. It is accepted that an Operator does not have the same level of direct contact with the public as they will not drive the customer (unless s/he holds a hackney carriage or private hire driver's licence). However, it is acknowledged that the Operator will be in possession of information about a persons whereabouts and movements and will deal with the public either face to face or over the telephone and therefore there is a need for them to be fit and proper persons.

- 8 The Licensing Officer may also require additional information including a business plan.

### **Criminal Record Checks**

- 9 Private hire operator's licences will only be granted to persons that the Authority are satisfied are fit and proper. This will be ascertained by way of a Basic Disclosure of criminal convictions, information requested on the application form or if deemed necessary during interview with the Licensing Officer.
- 10 Before an application for a private hire operator's licence will be considered the applicant (whether this be an individual or the Directors of a Limited Company) must provide a current (less than 1 month old) Basic Disclosure of criminal convictions from Disclosure Scotland. If the applicant is currently licensed as a driver with this Council they will be exempt from this requirement as they will already have had a higher level of criminal record check.
- 11 Any concerns highlighted during this process will be carefully considered and may be referred to the Regulation and Review Committee for determination.

### **Conditions**

- 12 The Authority has power to impose such conditions on an operator's licence as it considers reasonably necessary.
- 13 **Appendix H** sets out the model conditions to be attached to an operator's licence which cover the standards of service expected.

### **Other obligations**

- 14 Applicants are advised to ensure that the appropriate public liability insurance has been taken out for premises that are appropriate planning permission is in place.
- 15 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.

### **Application Procedure**

- 16 The following documents are to be submitted in person or by post, fax or e-mail for a new or renewal application:
- Application form
  - Basic Disclosure of criminal convictions certificate (if not currently licensed as a driver)
  - Evidence of a right to reside and work in the UK (where required)
  - Business Plan
  - Any additional information requested by the Licensing Section

Fees:

- Licence fee

17 Officers may require a site visit to the premises prior to the determination of the application for an operators licence.

### **Licence Duration**

18 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.

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

19 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.

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

### **Record Keeping**

21 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.

22 Records should be preserved for a period of not less than 1 year and be available for inspection at the request of an Officer of the Authority.

### **Change of Home Address**

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

### **Convictions/Cautions**

24 The operator shall disclose to the Authority within 7 days in writing of any conviction/caution.

25 The operator shall notify the Authority as soon as practicable of any criminal proceedings or pending criminal proceedings taken against him/her or in the case of a limited company, against the company secretary or any of its directors.

## 5. Fares

### Contents

- General
- Fare Tariff Formula
- Table of Fares
- Receipts
- Overcharging

### General

- 1 Licensing authorities have the power to set hackney carriage fares for journeys within the prescribed area.
- 2 Hackney carriage fares, set by The Authority, are a maximum and can be negotiated downwards by the hirer.
- 3 The Authority reviews 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

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

- 5 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 is an offence.

### Fare Tariff Formula

- 6 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).
- 7 A formula is used to set maximum fares and charges. A full explanation of the formula is available from the Licensing Office.

- 8 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.
- 9 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 the matter will be referred to Regulation and Review Committee for consideration.

### **Table of Fares**

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

### **Receipts**

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

### **Overcharging**

- 12 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.

## 6. Fees

### Contents

- Fee Structure
- Variations to fee structure
- Payments
- Payment Refunds

### Fee Structure

- 1 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.
- 2 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.
- 3 The current scale of fees and charges are available from the Licensing Office and via the Authority website at [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk).

### Variations to fee structure

- 4 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.
- 5 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.
- 6 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.

### Payments

- 7 Payments can be made in the form of cash in person, cheques by post made payable to The Authority or by debit or credit card. Under no circumstances must cash accompany postal applications.

### Payment Refunds

- 8 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.



- 9 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.

## 7. Convictions, Cautions, Conduct & Medical Fitness

### Contents:

- Hackney Carriage & Private Hire Drivers
- Rehabilitation of Offenders Act 1976

### **Section A – Guidance as to the Relevance of Convictions, Reprimands, Final Warnings, Cautions & Fixed Penalties**

- General Policy
- Cautions, Reprimands, Final Warnings and Fixed Penalties
- Cautions
- Fixed Penalties
- Barred Lists
- Outstanding charges or summonses/Non-conviction information
- Offences
- Offences of Dishonesty
- Offences of Violence
- Drugs Offences
- Supply of Drugs
- Possess/Cultivation of Drugs
- Sexual & Indecency Offences
- Motoring Offences
- Minor Traffic Offences
- Major Traffic Offences
- Disqualification
- Licensing offences

### **Section B – Conduct**

### **Section C – Medical Fitness**

- Production of medical certificate
- Group 2 Standard
- Age
- Monitoring of medical condition
- Refusal, Suspension and Revocation on grounds of medical fitness

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

- 1 When an application is made for a hackney carriage or private hire 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 (s.51 & s.59 Local Government (Miscellaneous Provisions) Act 1976).
- 2 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.

3 The Authority may fail to be satisfied that an applicant is a fit and proper person to hold a drivers 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.

4 In addition, the Authority may:

- suspend; or
- 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; or
- for any other reasonable cause.  
(s.61 LG(MP) Act 1976)

5 Reasonable cause will encompass other convictions, cautions, medical fitness or conduct.

6 If it appears to be in the interests of public safety to do so then a suspension or revocation will have immediate effect and the driver will be given notice of that decision. The effect of this decision will mean that a driver cannot continue to drive licensed vehicles. The suspension or revocation will continue to apply should an appeal be made against the decision.

### **Rehabilitation of Offenders Act 1974**

7 Hackney Carriage and Private Hire drivers are excluded from the provisions of the Rehabilitation of Offenders Act 1974. **All** relevant convictions, including spent convictions must be declared on first application or any renewal and will be considered.

### **Section A – Guidance as to the Relevance of Convictions, Reprimands, Final Warnings, Cautions & Fixed Penalties**

#### **General Policy**

8 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.

- 9 The aim of these guidelines is not to punish the applicant/licensee twice for a conviction or caution but to ensure that public safety is not compromised and to protect the public from those who have demonstrated a propensity towards wrongdoing.
- 10 These guidelines have been approved by the Regulation & Review Committee (the Committee). They are intended to assist Licensing Officers and the Committee in decision making and to ensure a consistent approach is maintained. However, each case is to be decided upon its own merits and Officers and the Committee will not stick rigidly to the guidelines if there are exceptional circumstances which warrant a departure. Simply remaining free of conviction will not generally be regarded as sufficient evidence that a person is a fit and proper person to hold a licence.
- 11 It may be appropriate to depart from the general policy in some cases, 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 of inappropriate behaviour which will be taken into account. Where there has been a conviction for a sexual offence, murder or manslaughter a licence will normally 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. Time spent in custody will generally be discounted from the conviction free period.
- 12 The guidelines should also assist applicants, licensees and those representing them, by clearly setting out the expectations the Authority has in relation to the behaviour of applicants/licensees. This should also minimise the time spent and associated costs incurred by both the Authority and applicants/licensees.
- 13 These guidelines will be taken into account and in general 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.
- 14 In considering evidence of an applicants 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)].
- 15 The guidelines are not an attempt to define who is a fit and proper person.
- 16 The guidelines do not deal with every type of offence. However, offences described in the guidelines and similar offences, though differently described or worded in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines. In all cases the safety of the public will be the primary concern.

## **Formal Cautions, Reprimands, Final Warnings and Fixed Penalties**

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

### **Cautions**

The Council requires applicants to reveal any cautions they may have received. The Council acknowledges that a caution is not a conviction and therefore does not carry as great a weight. However the Council notes that an admission of guilt is required before a caution can be administered and that the police must have sufficient evidence to proceed with a prosecution if the offer of a caution is 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 Council in the same way as offences and may be taken into consideration as part of the Council's disciplinary procedures.

### **Barred Lists**

- 18 Part of the role of the DBS is to help prevent unsuitable people from working with vulnerable groups including children, barring them 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. In most cases, someone on a barred list would not be legally prevented from being a taxi or PHV driver, so the Authority can use its discretion in making decisions. However, in the interests of public safety, unless there are exceptional circumstances, an application will normally be refused where the applicant appears on either barred list.

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

- 19 Where an applicant/licence holder is subject of an outstanding charge or summons their application will not usually be determined until the conclusion of proceedings.
- 20 If an applicant/licence holder 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.

### **Offences**

- 21 These guidelines do not deal with every type of offence.

However, offences described in the guidelines and similar offences, though perhaps differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines. A specific list of offences are attached at Appendix K.

### **Offences of Dishonesty**

- 22 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.
- 23 Applicants/Licence Holders with a conviction, caution, reprimand or final warning for an offence involving dishonesty will normally be refused a licence. An application may be considered where the applicant can show at least 3 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, whichever is the later.

### **Offences of Violence**

- 24 Applicants/Licence Holders with a conviction for an offence of murder, manslaughter or culpable homicide whilst driving will normally be refused a licence.
- 25 Applicants/Licence Holders with a conviction, caution, reprimand or final warning for an offence such as grievous bodily harm, wounding and serious assaults will normally be refused a licence. An application may be considered where the applicant can show at least 5 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 5 years from completion of any custodial sentence imposed, whichever is the later.
- 26 Applicants/Licence Holders with a conviction, caution, reprimand or final warning for an offence such as common assault, actual bodily harm or public order offences will normally be refused a licence. An application may be considered where the applicant can show at least 3 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, whichever is the later.

### **Drugs Offences**

#### **Supply of Drugs**

- 27 Applicants/Licence Holders with a conviction, caution, reprimand or final warning for an offence of supplying or possession of drugs with intent to supply will normally be refused a licence.

An application may be considered where the applicant can show at least 5 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 5 years from completion of any custodial sentence imposed, whichever is the later.

### **Possession/Cultivation of Drugs**

- 28 Applicants/Licence Holders with a conviction, caution, reprimand or final warning for an offence of possession of drugs will normally be refused a licence. An application may be considered where the applicant can show at least 3 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, whichever is the later.

### **Sexual and Indecency Offences**

- 29 As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, or other similar offences under the Sexual Offences Act 2003 or other legislation will normally be refused a licence.
- 30 Applicants/Licence Holders with a conviction relating to sexual offences such as indecent exposure, grooming, soliciting, importuning, or other similar offences under the Sexual Offences Act 2003 or other legislation will normally be refused a licence until they can show a substantial period (usually at least 5 years) free from any such conviction.
- 31 After 5 years, regard will be had to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence. In addition to the above the Authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.

### **Motoring Offences**

#### **Minor Traffic Offences**

- 32 Where an applicant/licence holder 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/licence holder 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/licence holder 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.

## Major Traffic Offences

- 33 Road Traffic Offences which carry mandatory disqualification from driving will always be considered as Major Traffic Offences.

Where an applicant / licence holder 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.

## Disqualification

- 34 In totting-up cases where disqualification is considered by the court, even if the court does not disqualify a driver (e.g. because of exceptional circumstances), the Council is likely to refuse a hackney carriage or private hire drivers licence and an applicant will normally be expected to show a period of 12 months free from conviction from the date the Court made its finding of exceptional circumstances justifying the non-qualification. Existing drivers will generally be referred to the Regulation and Review Committee.

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

## Licensing Offences

- 35 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).
- 36 A serious view is taken of convictions for offences under the Acts and byelaws when deciding whether an applicant is to be considered as a fit and proper person to hold a licence.
- 37 In particular, where an applicant has been convicted of an offence such as driving a hackney carriage or private hire vehicle without the appropriate drivers licence or using an unlicensed vehicle during the 2 years preceding the application they will normally be refused a licence.
- 38 Where an individual has more than one conviction for a licensing offence within the 5 years preceding the date of the application they will normally be refused a licence.



## **Section B – Conduct**

- 39 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 licence holder.
- 40 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 (s.57 LG(MP) Act 1976).
- 41 The Courts have found that one purpose of licensing powers is to prevent licences being given to or used by those who are not suitable, 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]).
- 42 When determining the fitness and propriety of drivers Council 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.
- 43 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.
- 44 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.
- 45 The Authority's focus is upon the impact of the applicant or licence holder upon members of the public. This does not require any consideration of the personal circumstances of the applicant or licensee which are irrelevant, except perhaps in very rare cases to explain or excuse some conduct of the driver.

## **Section C – Medical Fitness**

### **Production of medical certificate**

- 46 Under s.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.
- 47 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.

- 48 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/any relevant electronic medical record held
  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.

49 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.

### **Group 2 Standard**

50 In line with DVLA recommendations, 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.

### **Age**

51 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.

### **Monitoring of medical condition**

52 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 annual 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.

### **Refusal, Suspension and Revocation on grounds of medical fitness**

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

54

Section 52 of the Road Safety Act came into force on 16th March 2007 and amended section 61 of the Local Government (Miscellaneous Provisions) Act 1976. If an existing driver no longer meets Group 2 medical standard the Authority will suspend the driver's licence **with immediate effect** where they are of the opinion that the interests of public safety require such a course of action. The Authority will only lift this suspension on receipt of written confirmation from a GP or consultant that the driver now meets Group 2 medical standard.

## 8. Enforcement and Discipline

### Contents

- Council Officers and Regulation & Review Committee
- Enforcement/Disciplinary Options
- Informal Action
- Vehicle Defect Rectification Notice
- Suspension of Vehicle Licence
- Section 68 Suspension of Vehicle Licences
- Suspend, revoke or refuse to renew
- Section 60 Vehicle Licences
- Section 61 Driver Licences
- Section 62 Operator Licences
- Stay of action pending outcome of Court Appeal
- Requests for Insurance
- Cautions
- Prosecution

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.**

### Enforcement & Discipline - Council Officers and Regulation & Review Committee

- 1 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.
- 2 Enforcement of hackney carriage and private hire matters is undertaken by the Authority. The police may also take action in certain circumstances.
- 3 Officers of the Authority (usually Licensing Officers) can be authorised by the Authority to undertake enforcement work. The Head of Environment, Housing & Leisure may authorise such Officers. In undertaking such work the Officers will abide by the appropriate Enforcement Policy Statement. 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.
- 4 The Head of Environment, Housing & Leisure 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 Head of Environment, Housing & Leisure.

## **Enforcement/Disciplinary Options**

5 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
- revoke a licence
- refuse to renew a licence
- use formal cautions
- prosecute
- obtain an injunction

6 The Head of Environment, Housing & Leisure may refuse to grant or renew licences and may suspend licences, however, only the Regulation & Review Committee can revoke a licence.

### **Informal Action**

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

8 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.

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

10 Repeated incidents of licence infringements, complaints etc are likely to lead to action being taken against the licensee by the Head of Environment, Housing & Leisure or a referral to the Regulation & Review Committee.

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

11 In situations where non-compliance with the conditions of vehicle licence or contravention of the legislation or byelaws are 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 five 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.

- 12 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 (s.60 (LG(MP) Act 1976) and/or the proprietor may be prosecuted (s.50 & s.73 LG(MP) Act 1976). A proprietor may appeal against a s.60 vehicle suspension during which time the vehicle can continue to be used.

### **s.68 Notices – Suspension of Vehicle Licence**

- 13 An authorised officer (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 s.68 Local Government (Miscellaneous Provisions) Act 1976). Suspension under s.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.
- 14 If the officer is not satisfied of the fitness/accuracy of the vehicle within 2 months the vehicle licence is deemed to be revoked. Such matters do not need to be referred to Regulation and Review Committee by the Head of Environment, Housing & Leisure. The proprietor will be given written notice of the revocation within 14 days. Alternatively, or in addition, 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.

### **Suspend, Revoke or Refuse to Renew a Licence**

#### **Vehicle Licences – s.60 LG(MP) Act 1976**

- 15 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
- 16 Where the Authority suspends, revokes or refuses to renew a vehicle licence under s.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 Head of Environment, Housing & Leisure, 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

### **Driver Licences - s.61 LG(MP) Act 1976**

- 17 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 Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976; or
  - c. any other reasonable cause.
- 18 Where the Authority suspends, revokes or refuses to renew a driver licence under s.61 LG(MP) Act 1976 it shall give the driver written notice of the grounds for the decision within fourteen 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 Head of Environment, Housing & Leisure, 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.

### **Operator Licences - s.62 LG(MP) Act 1976**

- 19 The Authority may suspend or revoke or refuse to renew an operators 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 unfit to hold an operator's licence;
  - c. any material change since the licences was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
  - d. any other reasonable cause.
- 20 Where the Authority suspends, revokes or refuses to renew an operator licence under s.62 LG(MP)Act 1976 it shall give the operator written notice of the grounds for the decision within fourteen days. The operator may appeal to a Magistrates Court. Alternatively, or in addition, where the decision was made by the Head of Environment, Housing & Leisure, 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.

### **Stay of Action Pending Outcome of Court Appeal**

- 21 s.77(2) LG(MP)Act 1976 stays any action against a licence pending the outcome of the Court appeal. 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.

22 The licensee has 21 days from notification of the decision to lodge an appeal with the 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 dismiss 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.

23 The Authority may decide that a suspension or revocation should take immediate effect where they consider it is in the interests of public safety. In such cases the notice is issued to the driver and must 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.

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

### **Requests for Insurance**

25 In addition to spot checks, council officers have a regular programme whereby requests to produce insurance 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 (s.50 LG(MP)Act 1976).

26 In addition, anyone using an uninsured vehicle may be prosecuted (s.143 Road Traffic Act 1988).

### **Cautions**

27 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 Home Office Guidance and other relevant guidance. It is necessary for the offence to be admitted prior to administering a caution.

28 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.

### **Prosecution**

29 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.

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



31 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

- Introduction
- Decision making
- Appeals
- Disciplinary or Referred Matters
- Procedure Note
- Before the Hearing
- Absence of Licensee/Applicant
- At the Hearing
- Appeal to the Court
- Who is who?

### Introduction

- 1 The Authority's Regulation and Review Committee exercises the Authority's functions in relation to the 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. All Councillors who have been appointed to this Committee receive ongoing training from Council Officers.
- 2 The Committee meets on a regular basis to discuss policy issues as well as specific taxi licensing issues. The schedule of meetings is available at [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk).
- 3 When considering any matter the Regulation & Review Committee will have regard to the Authority's Private Hire and Hackney Carriage Policy.
- 4 A Committee will meet to determine the following:
  1. Appeals against decisions of the Head of Environment, Housing & Leisure in relation to the grant, refusal and suspension of all licences.
  2. Disciplinary Action (if any) to take against licensees referred to it by the Head of Environment, Housing & Leisure; and
  3. Referred matters - any licensing application or other matter concerning individual licensees referred to it by the Head of Environment, Housing & Leisure.

### Decision making

- 5 Decision making in relation to licensing is an onerous duty, dealing with both the livelihood of the Licensee/Applicant and the risks to the safety and comfort of 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. Once a person is licensed, they shall be presumed to remain a fit and proper person to be licensed, unless he/she is no longer a fit and proper person as a result of a conviction, caution, complaint or other non-conviction information.

- 6 When the Committee considers such matters concerning a Licensee/Applicant it is operating in a quasi-judicial capacity and the rules of natural justice must be observed, the Licensee/Applicant must be treated fairly and be seen to be treated fairly. The Committee must be impartial, unbiased and act in good faith.
- 7 The Committee is required to make judgements based on the evidence submitted to it. It is not the Members' role to sit as advocates of either the Head of Environment, Housing & Leisure, the Police or the Licensee/Applicant but to weigh the merits of the case as presented - ensuring that the proper considerations are taken into account and irrelevant factors are ignored, thereby reaching a balanced decision. The Committee must also state the reasons for its decisions.
- 8 Only Committee members who have heard the entire application, appeal or referred matter are able to take part in the decision making process.
- 9 Committee members should not participate in the hearing of a matter if there is apparent bias. This can arise where a member's outside connections make it appear that there is a real danger of bias or a member has a prejudicial interest. Personal interest in a matter under consideration must be declared. Where a prejudicial interest exists the member must withdraw from the meeting room.
- 10 A prejudicial interest exists where a member has a personal interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest and it either:
  - a. affects the financial position of the relevant person or body; or
  - b. relates to the determination of any approval, consent, licence, permission or registration in relation to that person or body.

## **Appeals**

- 11 When considering an appeal against a decision of the Head of Environment, Housing & Leisure in relation to the grant, refusal 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

## **Disciplinary or Referred Matters**

- 12 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.

- 13 Additional conditions if considered reasonably necessary may be attached to a licence when it is renewed (n.b. conditions cannot be attached to a Hackney Carriage Driver's Licence).

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

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

- 15 The Regulation and Review Committee hearing aims to ensure that the Environment, Housing & Leisure Service and the Licensee/Applicant have the fullest opportunity to present all of the information they wish. 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:-

### **Before the Hearing**

- 16 Decisions of the Head of Environment, Housing & Leisure in relation to the grant, refusal and suspension of licences are provided in writing and will enclose an appeal form. Appeal forms can also be obtained by contacting the Licensing Office or Democratic Services. An appeal must be lodged within 21 days of notification of the decision. Upon receiving notification of an appeal to Committee, the Head of Environment, Housing & Leisure will submit a report to the Committee.
- 17 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 Head of Legal and Democratic Services.

- 18 Where the Head of Environment, Housing & Leisure refers a matter to the Regulation & Review Committee for determination he shall inform the Licensee/Applicant of this and will submit a report to the Committee.
- 19 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 the Hackney Carriage and Private Hire Licensing Policy are available on the internet or upon request from the Licensing Office. Licensees/Applicants are strongly advised to read this document when preparing for the hearing.
- 20 The Licensee/Applicant shall be given notice in writing at least seven days in advance of the time and place of the hearing and of his right to be accompanied by a friend or other person, including a solicitor, and shall be allowed to call witnesses.
- 21 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 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 it may be necessary for consideration of the case to be deferred.

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

- 22 The meeting may proceed in the absence of the Licensee/Applicant if they have informed the Licensing Authority or the Democratic Support 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.
- 23 If Licensee/Applicant fails to attend or be represented at a meeting without notifying the Licensing Authority or Democratic Support 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.
- 24 Where it is decided to proceed in the absence of the Licensee/Applicant the Committee will consider the information they have supplied along with the report from the Head of Environment, Housing & Leisure.
- 25 If, in exceptional circumstances, a decision is made to adjourn a hearing the Licensee/Applicant will be advised of the new date, time and venue.

## **At the Hearing**

- 26 Members of the Committee may ask questions at all stages.
- 27 The Head of Environment, Housing & Leisure or his representative shall present a report in the presence of the Licensee/Applicant and his/her representative and may call witnesses.
- 28 The Licensee/Applicant and/or his/her representative shall have the opportunity to ask questions of the information provided by the Head of Environment, Housing & Leisure or his representative and any witnesses called.
- 29 The Licensee/Applicant and/or his/her representative shall then put his/her case and shall call such witnesses as he/she wishes.
- 30 The Regulation and Review Committee and the Head of Environment, Housing & Leisure 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.
- 31 The Head of Environment, Housing & Leisure 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.
- 32 The Licensee/Applicant and his/her representative and witnesses and the Head of Environment, Housing & Leisure or his representative and witnesses shall withdraw from the meeting. Officers from Legal and Democratic Services will remain in the meeting to provide procedural and legal advice
- 33 The Regulation and Review Committee shall deliberate in private, only recalling the Licensee/Applicant or his/her representative and the Head of Environment, Housing & Leisure 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 Head of Environment, Housing & Leisure will be notified by Officers from Legal & Democratic Services and they will not be requested to return to the meeting.
- 34 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 fourteen days.

## Appeal to the Court

- 35 There is a statutory right of appeal to the 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.
- 36 An appeal against a refusal to grant a Hackney Carriage vehicle/proprietors licence lies straight to the Crown Court.
- 37 Any appeal must be lodged with the appropriate Court within 21 days of notification of the decision. A Court fee may be levied. Costs may be awarded by the Court against an unsuccessful applicant or a licensee. Such a person may wish to take independent legal advice with regard to the merits of an appeal.
- 38 Usually, any action against the licence is stayed pending the outcome of a Court appeal (s.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 s.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.
- 39 Decision making may also be challenged by judicial review in the High Court. Independent legal advice should be sought.

## WHO IS WHO?

- 40 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 Environment, Housing and Leisure -
- Officers representing the Head of Environment, Housing & Leisure will submit information to the Committee to enable it to consider whether and what action should be taken.
- On occasions a representative from the Police Authority, other body or a witness may attend to provide relevant information.

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 by the Head of Environment, Housing & Leisure.

Officers of Democratic Services -

Officers representing Legal and Democratic Services advise the Committee on the relevant law and procedures. They do not take part in the decision making process.



## 10. Hackney Carriage Stands

### Contents

- Appointed Stands
- Creation of a Stand
- Waiting on Stands
- Byelaws

### Appointed Stands

- 1 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 most 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.
- 2 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 ongoing 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.
- 3 There are currently twenty-four official hackney carriage stands in the Borough providing spaces for a total of eighty four vehicles. A list of the stands and their designated names and times of operation are attached at **Appendix I** and on the Authority website at [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk).
- 4 Transport facilities in the Borough are well served with eight of the busiest metro stations having a hackney carriage stand.

### Creation of a Stand

- 5 A new hackney carriage stand can be appointed under s.63 Local Government (Miscellaneous Provisions) Act 1976. 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.
- 6 Prior to a new stand 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.
- 7 New stands will not be sited where they may lead to obstructions.

### **Waiting on Stands**

- 8 It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages.
- 9 Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare.
- 10 Drivers of hackney carriages who park on a stand and leave their vehicle unattended commit an offence.

### **Byelaws**

- 11 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 rank. These will be reviewed as and when considered appropriate by the Authority.

## **11. Complaints Procedure**

- 1 The Authority recognises the high standards of the private hire and hackney carriage trade and expects all licence holders 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.
- 2 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.
- 3 Complainants may be asked to put their complaint in writing if the complaint is such that formal action may result.
- 4 The Authority recognises that some complaints can be frivolous or vexatious. These complaints will not be taken further.
- 5 Licensees are expected to assist Officer investigations and make themselves available for interview at a mutually convenient time and place.
- 6 At the end of the investigation all parties concerned will receive confirmation of the result and action to be taken.
- 7 If any party is not satisfied as to the outcome the Authority 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 if you 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.
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.

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.

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 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 chairbound 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.

**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 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 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.

Signs, notices, advertisements, video or audio 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**

The proprietor shall notify the Authority in writing within seven days if he/she is convicted of any offence.

**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 persons 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.

**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**

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**

Drivers 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

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.

**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 Head of Environment, Housing & Leisure 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 Head of Environment, Housing & Leisure.
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 Head of Environment, Housing & Leisure.
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.

**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 anytime, 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 inform the Licensing Office immediately if he/she suffer 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 or prospective 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 or prospective driver should not drive for a determinate or indeterminate period that driver or prospective 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 or prospective driver does not intend to drive a private hire vehicle.

## **10. Convictions And Cautions**

The driver shall within seven days disclose to the Authority in writing details of any conviction imposed or caution received during the period of the licence.

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

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

## **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 Council 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.

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.

**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**

Licence holders 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**

Licence holders 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 ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

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

At private hire offices a licence holder 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 (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.

**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.



**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):
- a) The time and date of the hiring
  - b) The name of the hirer
  - c) The agreed time of the pick-up
  - d) The point of pick-up
  - e) The destination
  - f) The proprietor, registration number, licence number and call sign of the vehicle/driver allocated for the booking
  - g) The name and licence number of the driver
  - h) Remarks (including details of any sub-contract)
- (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.
- (iii) 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.
- (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.
- (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.

**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 address during the period of the licence within seven days of such change taking place.

**5. CONVICTIONS AND CAUTIONS**

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

**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 Operators 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.

**Hackney Carriage Ranks**

<b>LOCATION OF RANK</b>	<b>TIMES OF</b>	<b>NO.</b>
<b>North Shields</b> Metro Station, Nile Street	24 hour	4
<b>North Shields</b> Bedford Street	24 hour	2
<b>North Shields</b> Royal Quays Shopping Outlet	24 hour	4
<b>North Shields</b> New Quay Ferry Landing	24 hour	2
<b>North Shields</b> Church Way	7 pm to 3 am	6
<b>North Shields</b> Camden Street (Outside Magnesia Bank)	7 pm to 2 am	2
<b>North Shields</b> Percy Main Metro Station	24 hour	2
<b>North Shields</b> Coble Dene	24 hour	4
<b>North Shields</b> Union Road	24 hour	4
<b>Tynemouth</b> Metro Station	24 hour	2
<b>Tynemouth</b> Front Street	8pm to 8am	8
<b>Whitley Bay</b> Promenade (Opposite Royal Hotel)	6 pm to 3 am	4
<b>Whitley Bay</b> Oxford Street	24 hour	4
<b>Whitley Bay</b> Bottom South Parade	24 hour	10
<b>Whitley Bay</b> Metro Station, Station Road	24 hour	4
<b>Whitley Bay</b> , Park View Shopping Centre	24 hour	2
<b>Whitley Bay</b> , Park Terrace	8 pm to 8 am	3
<b>Whitley Bay</b> , Hillheads Road Outside Ice Rink	8 pm to 8 am	4
<b>Wallsend</b> High Street West at KFC	24 hour	2
<b>Wallsend</b> Atkinson Terrace, Wallsend Metro Station	24 hour	3
<b>Wallsend</b> Station Road at Forum,	24 hour	2
<b>Longbenton</b> Four Lane Ends Metro Station	24 hour	2
<b>Northumberland Park</b> Metro Station	24 hour	2

**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 works “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.

## Schedule of Offences

### Offences of Dishonesty

An application will normally be refused unless at least 3 years has elapsed since the applicant was convicted of an offence of:

- Benefit fraud
- Burglary
- Conspiracy to defraud
- Forgery
- Fraud
- Handling or receiving stolen goods
- Obtaining money or property by deception
- Other deception
- Theft
- Or similar offences or offences which replace the above offences

### Offences of Violence

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

- Manslaughter
- Manslaughter or culpable homicide while driving
- Murder
- Or similar offences or offences which replace the above offences

An application will normally be refused unless at least 5 years has elapsed since the applicant was convicted of an offence of:

- Actual bodily harm which is racially aggravated
- Arson
- Assault Police
- Grievous bodily harm / Wounding
- Grievous bodily harm with intent / Wounding with intent
- Malicious wounding or grievous bodily harm
- Possession of firearm
- Racially aggravated common assault
- Racially-aggravated criminal damage
- Racially-aggravated fear of provocation of violence
- Racially-aggravated harassment
- Racially-aggravated harassment, alarm or distress
- Racially-aggravated intentional harassment, alarm or distress
- Racially-aggravated putting people in fear of violence
- Robbery
- Violent Disorder
- Or similar offences or offences which replace the above offences.

An application will normally be refused unless at least 3 years has elapsed since the applicant was convicted of an offence of:

- Affray
- Assault occasioning actual bodily harm
- Common assault
- Criminal damage
- Harassment, alarm or distress
- Obstruction
- Possession of offensive weapon
- Resisting arrest
- Riot
- Or similar offences or offences which replace the above offences.



## **Drugs Offences**

### **Supply of Drugs**

An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and less than 5 years have elapsed prior to the date of application.

After 5 years, regard will be had to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

### **Possession of Drugs**

An application will normally be refused where the applicant has a conviction for possession of drugs and less than 3 years has elapsed prior to the date of application.

An application will normally be refused where the applicant has more than one conviction for offences related to the possession of drugs and the conviction is less than 3 years prior to the date of the application.

If an applicant was addicted to drugs then they will normally be required to show evidence of 3 years free from drug taking after detoxification treatment.

### **Sexual and Indecency Offences**

As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, or other similar offences under the Sexual Offences Act 2003 or other legislation will normally be refused a licence.

Applicants with a conviction relating to sexual offences such as indecent exposure, soliciting, importuning, or other similar offences under the Sexual Offences Act 2003 or other legislation will normally be refused a licence until they can show a substantial period (usually between 5 and 10 years ) free from any such conviction.

After 5 years, regard will be had to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

## Guide to DVLA Codes and Endorsements

These codes must stay on a driving licence for 4 years from the date of the offence.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9
BA10	Driving while disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
CU80	Breach of requirements as to control of the vehicle, mobile telephone etc	3
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR90	In charge of a vehicle when unfit through drugs	10
IN10	Using a vehicle uninsured against third party risks	6 to 8
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been revoked or refused on medical grounds	3 to 6
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating	3

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
	to breach of requirements as to control of vehicle)	
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc	6
MW10	Contravention of special roads regulations (excluding speed limits)	3
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3
SP10	Exceeding goods vehicle speed limits	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
UT50	Aggravated taking of a vehicle	3 to 11

### **Special code**

Code TT99 must stay on a driving licence for 4 years from the date of conviction.

It shows disqualification under 'totting-up' - if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.

These codes must stay on a driving licence for 11 years from the date of the conviction.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
DR80	Driving or attempting to drive when unfit through drugs	3 to 11

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

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20 (driving otherwise than in accordance with a licence) becomes code LC22 on your licence if you have helped someone to do this.

### **Causing or permitting offences**

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20 (driving otherwise than in accordance with a licence) becomes LC24 on your licence if you've caused or permitted someone to do this.

### **Inciting offences**

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40 (dangerous driving) becomes DD46 on your licence if you've incited someone to do this.

### Schedule of Responses in relation to Hackney Carriage and Private Hire Policy

Where appropriate all out of date information contained in the policy and/or legislation has either been deleted, amended, updated or replaced.

Respondent	Comments	Appraisal by Member Working Group	Response
Mr David Wilson on behalf of 5 North Tyneside Private Hire Firms (Blueline, East Coast, Premier, Central, Noda/Budget)	Letter dated 4.10.16		
	Expand on Regulators Code	Agreed	Link provided to Council's Enforcement Policy
	Argues Council cannot require a vehicle to be retested and charged following accident damage	Agreed	Paragraph amended
	Council asked to re-consider criteria to be used for PHV's used for Executive Hire	Disagreed	No change to policy
	Requests information regarding dashcams to be included within paragraphs on CCTV	Disagreed	No change to policy

<b>Respondent</b>	<b>Comments</b>	<b>Appraisal by Member Working Group</b>	<b>Response</b>
	Requests that Council only issues two types of licence – Hackney Carriage Driver and Private Hire Driver rather than Combined but will continue to issue a single identification badge showing the driver is licensed to drive both types of licensed vehicle if both types of driver licence have been applied for and issued	Agreed	Policy amended
	Requesting Council to accept computerised medical records	Agreed	Policy amended
	Operator require Basic Disclosure through Disclosure Scotland rather than through DBS. If the applicant is currently licensed as a driver with this Council they will be exempt from this requirement as they will have obtained a higher level of check.	Agreed	Policy amended
	Requests that Operators only be required to keep records for 6 months due to statute of limitations or explain reasons for requirement to keep records for 12 months	Disagreed	No change to Policy
	Reduce list of Offences listed within Chapter 7	Agreed – now separate Appendix and offences consolidated	Policy amended
	Requested reference to be made regarding balance of probabilities in relation to current drivers	Agreed	Policy amended
	Request for council to consider Rehabilitation of Offenders Act in relation to live convictions and drivers disqualified under totting up to be relicensed on restoration of their driving licence.	Disagreed	No change to Policy

<b>Respondent</b>	<b>Comments</b>	<b>Appraisal by Member Working Group</b>	<b>Response</b>
	Request made regarding right of appeal against VDRS and whether driver must present vehicle to Office at Killingworth	Agreed - Decision can now be reviewed by a separate officer and inspected can be carried out at a mutually agreed location	Policy amended
	Request made regarding random insurance checks and whether these should continue	Disagreed	No change to Policy
	R & R process to be reviewed in relation to whether a driver should be 'refused' or 'referred' to Committee	Disagreed	No change to Policy
	Clarity sought on wording in relation to appeals to cover appellant and licence holders	Agreed	Policy amended
	Clarity sought on wording in relation to drivers parking on Hackney Carriage Ranks	Agreed	Policy amended
	Oppose proposal for decals to be permanently affixed to the vehicle	Disagreed	No change to Policy
	Proposal for driver to deposit vehicle licence with Operator	Disagreed	No change to Policy
	Asks Council to consider alternatives to taximeters for Private Hire Vehicles	Agreed	Policy amended
	Asks for further information to be included regarding the use of e-cigarettes	Agreed	Policy amended

<b>Respondent</b>	<b>Comments</b>	<b>Appraisal by Member Working Group</b>	<b>Response</b>
	Asks for date of Byelaws to be inserted	Agreed	Policy amended
<b>Radar</b>	<b>Online questionnaire form</b>		
	Asks for minimum light transmittance on all front passenger and rear passenger windows to be 70%	Disagreed	No change to Policy
	Oppose proposal for decals to be permanently affixed to the vehicle	Disagreed	No change to Policy
	Council asked to re-consider criteria to be used for PHV's used for Executive Hire	Disagreed	No change to policy
<b>Mr Bob Snedden – Secretary NTHCA</b>	<b>e-mail sent dated 30.9.16</b>		
	Asks for references to Hackney Carriage within Policy to be changed to Taxis	Disagreed	No change to Policy
	Requests that Council only issues two types of licence – Hackney Carriage Driver and Private Hire Driver rather than Combined	Agreed	Policy amended
	Requests that Council issue two separate badges where driver holds both type of licence	Disagreed	No change to Policy
	Requests medical be produced at different intervals to current Group 2 requirements	Disagreed	No change to Policy



<b>Respondent</b>	<b>Comments</b>	<b>Appraisal by Member Working Group</b>	<b>Response</b>
	Requests change to procedure in relation to test intervals for all vehicles	Disagreed	No change to Policy
	Asks for prohibition on advertising and use of word TAXI by Operators	Disagreed	No change to Policy
	Prohibit all advertising on Private Hire Vehicles	Disagreed	No change to Policy
	Requests return of licence plate where vehicle is uninsured	Disagreed	No change to Policy
	Asks for minimum light transmittance on all front passenger and rear passenger windows to be 70% in Hackney Carriage Vehicles	Disagreed	No change to Policy
	Requests Council review fare tariff annually	Disagreed	No change to Policy
	Requests that only tariffs approved by Council be used on taximeter	Disagreed	No change to Policy
	Update to byelaws requested	Members unable at this point to amend byelaws due to legal process	No change to Policy

Respondent	Comments	Appraisal by Member Working Group	Response
<b>Snap Survey</b>	26 responses were received from residents, local businesses and members of the trade.		
	Should the Council consider increasing the amount of advertising permitted on vehicles	Members considered the responses and agreed that no change to policy is required.	No change to Policy
	Should the Council continue to issue Combined Licences	Members considered the responses. Two separate licences will be issued to reflect hackney carriage and private hire.	Policy amended.
	Should the Council continue to require a written knowledge test	Members considered the responses and agreed that no change to policy is required.	No change to Policy. Written knowledge test required.
	Should decals be permanently affixed on vehicles	Members considered the responses and agreed that a change to policy is required.	Policy amended. Decals to be permanently affixed to vehicle.

## HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

### SCHEDULE OF AMENDMENTS

<p><b><u>Introduction</u></b></p> <p>All previous references to Head of Development Strategy and Planning have been amended to Head of Environment, Housing and Leisure</p> <p>All paragraphs are renumbered for ease of reference and Chapters 8 and 9 have been reversed.</p>
<p><b><u>Chapter 1 - Introduction</u></b></p> <p>Safeguarding information added</p> <p>Reference made to Regulators Code</p> <p>Area and Impact Paragraph re-worded</p> <p>New paragraphs added in relation to Right to Work</p>
<p><b><u>Chapter 2 - Vehicles</u></b></p> <p>Paragraph deleted on waiting list for Hackney Carriages</p> <p>Information added on LOLER Regulations and Inspection intervals</p> <p>Wording of Application Procedure updated and Paragraphs split between New / Replacement Vehicles and Renewal applications</p> <p>Insurance information and LOLER and Conversion information added for New / Replacement Vehicle applications and Insurance and LOLER information added for Renewal applications</p> <p>Wording on Executive Hire Vehicles updated</p> <p>CCTV in vehicles – paragraphs updated</p> <p>Demand Transport paragraphs deleted</p> <p>New paragraph on Write-offs added</p>
<p><b><u>Chapter 3 – Drivers</u></b></p> <p>Combined licence deleted</p> <p>Right to work paragraphs added</p>

Timescale for grandfather rights extended from 6 to 12 months and additional paragraph added regarding cheating in the test

New process and paragraphs added regarding new DBS process

Group 2 Licence Holders will not be required to provide separate medical

Additional paragraphs and requirements for CSE awareness training added

New paragraphs added regarding the availability of 3 year drivers licences following Deregulation Act coming into force

New process and procedure for DVLA checks and no counterpart requirement

New process which explains refunds

#### **Chapter 4 – Operators**

Duration of Licences amended following Deregulation Act and 5 year licences now available

Record keeping amended to 1 year

Additional paragraph added regarding any criminal proceedings and pending criminal proceedings

New process which explains refunds

#### **Chapter 5 – Fares**

The Council will review fares when requested

#### **Chapter 6 – Fees**

Information now available on Council website

#### **Chapter 7 - Convictions, Cautions, Conduct and Medical Fitness**

Paragraph added in relation to immediate suspension

List of offences deleted from main body of policy and now covered in Appendix K

Periods of time following convictions updated

Reference now made to Sex Offender Register

Hybrid Traffic Offences now deleted from policy and amended paragraphs on Minor and Major Traffic Offences and periods of time free of conviction have been clarified

<p><b><u>Chapter 8 – Enforcement, Discipline and Offences</u></b></p> <p>Paragraphs re-organised</p>
<p><b><u>Chapter 9 – Regulation &amp; Review Committee</u></b></p> <p>No amendments</p>
<p><b><u>Chapter 10 – Hackney Carriage Stands</u></b></p> <p>No amendments</p>
<p><b><u>Chapter 11 – Complaints Procedure</u></b></p> <p>No amendments</p>
<p><b><u>Appendices</u></b></p> <p><b>Appendix A</b></p> <p>Wording on light transmittance made clearer</p> <p>Officer discretion where minimum vehicle specifications are not met</p> <p><b>Appendix B</b></p> <p>Paragraph on Fire Extinguishers deleted</p> <p>Decals must now be permanently affixed</p> <p><b>Appendix C</b></p> <p>No amendments</p> <p><b>Appendix D</b></p> <p>No amendments</p> <p><b>Appendix E</b></p> <p>Additional paragraph added regarding carrying of animals and exemption from this on medical grounds</p> <p>New paragraph added regarding smoking and e-cigarettes</p> <p>Amendment from combined to dual licence</p>

**Appendix F**

No amendments

**Appendix G**

No amendments

**Appendix H**

Monthly returns to be provided on request

**Appendix I**

No amendments

**Appendix J**

No amendments

**Appendix K**

This information was previously contained in Chapter 7

**All out of date information and legislation deleted, amended, updated or replaced**