



# Hackney Carriage and Private Hire Licensing Policy 2022 - 2027

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# **1 INTRODUCTION**

## **1.1 Powers and Duties**

- 1.1.1 The licensing of hackney carriages dates back to 1847 and 1976 for private hire vehicles (outside London).
- 1.1.2 Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas), or outside “normal” hours of operation (such as in the evenings or on Sundays), and / or for those with mobility difficulties. Taxi and private hire vehicles play an integral part in the dispersal of customers and staff of the night-time economy. Many also undertake contract work transporting vulnerable people to schools and colleges.
- 1.1.3 The Council has a duty to regulate the hackney carriage and private hire trade and this is carried out through the adoption of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) and the Town and Police Clauses Act 1847 (as amended).
- 1.1.4 The Council licenses the following;
- Joint Hackney Carriage and Private Hire Drivers
  - Restricted Drivers (Shuttle Services Only)
  - Hackney Carriage Vehicles
  - Private Hire Vehicles
  - Private Hire Operators
- 1.1.5 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.
- 1.1.6 Private hire vehicles (PHV) must also have no more than 8 passenger seats but these must be booked in advance by customers through an operator and may not ply for hire in the street or stand at ranks.
- 1.1.7 A private hire operator makes provision for the acceptance of bookings for private hire vehicles.
- 1.1.8 The requirements of the Acts are that the Council must be satisfied that a vehicle is suitable in type, size and design for use as a hackney carriage or private hire vehicle and is in a suitable mechanical condition, safe and comfortable.
- 1.1.9 Concerning drivers, the 1976 Act requires the Council to be satisfied that the applicant is a fit and proper person to hold a licence.
- 1.1.10 The Policing and Crime Act 2017, enables the Secretary of State for transport to issue statutory guidance on taxi and private hire licensing functions for the purpose of protecting children and vulnerable adults from harm when using taxi and private hire services.
- 1.1.11 In July 2020, the Secretary of State for Transport issued such statutory guidance, in the form of Statutory Taxi and Private Hire Vehicle Standards. Licensing

Authorities are expected to implement these unless there is a compelling local reason not to do so. In addition to this, legislation is due to be effective from 4 April 2022 in respect of tax checks for licensed drivers and operators (The Finance Act 2021, Schedule 33 (licensing Authorities: Tax Information) Regulation 2022). This has been incorporated within this policy.

- 1.1.12 In addition to statutory requirements, the Council may attach conditions to licences as it considers reasonably necessary.
- 1.1.13 Private Hire and Hackney Carriage regulation seeks to protect individuals, businesses and the environment. It must be undertaken in such a way that is effective, does not create unnecessary burdens, and is consistent, transparent, proportionate, accountable and targeted.
- 1.1.14 This document sets out the policy that the Authority will apply when making decisions about new applications as well as current licences.

## **1.2 Aims of the Policy**

- 1.2.1 The fundamental aim of this policy is protection of the public. In particular, it aims to ensure that licensed vehicles are safe, comfortable, insured and are driven by safe, professional and competent drivers.
- 1.2.2 The Council looks to licence well-run and responsible businesses that provide a professional service to the public.
- 1.2.3 The policy sets out the minimum requirements for licensing drivers, vehicles and operators that will be implemented through the licensing regime to achieve these aims. In setting conditions, it is recognised that these should not be unduly stringent, to the extent that entry to the trade is restricted or operational costs are increased such that supply of hackney carriage and private hire services is restricted. Such a restrictive approach may have a detrimental impact on the public, including safety.
- 1.2.4 Enforcement matters will be addressed with transparency and fairness but robustly particularly when dealing with serious and / or repetitive issues of non-compliance and enforcement.
- 1.2.5 All decisions are made “on the balance of probability”. Given that public safety is paramount, applicants and licensees will not be given the benefit of the doubt in 50/50 cases.
- 1.2.6 In exercising its discretion in carrying out its regulatory functions, the Council shall have regard to this policy document as an aid to consistent decision making.
- 1.2.7 The policy represents the Council’s view on the best approach to achieving its aims, and so in normal cases it is expected that this policy will be followed. However, each case will be considered on its merits. Should a decision depart

from this policy then there will be clear, documented reasons for doing so.

- 1.2.8 Licence holders and potential applicants are strongly advised to be familiar with this policy as it sets out the considerations and criteria the Council uses when determining applications, as well as the standards that are expected of licence holders. This should help minimise the likelihood of refused applications or enforcement action.

### **1.3 Best Practice Guidance**

1.3.1 In formulating this policy, account was taken of the following:

- Taxi and Private Hire Vehicle Licensing – Best Practice Guidance (Department of Transport (DfT) 2010)
- Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades (Institute of Licensing April 2018)
- Access for wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance (Department For Transport 2017)
- Statutory Taxi and Private Hire Vehicle Standards (Department for Transport DfT July 2020)
- The Finance Act 2021, Schedule 33 (Licensing Authorities: Tax Information) Regulation 2022

However, local circumstances and requirements have also been taken into account in this policy.

### **1.4 Status**

1.4.1 In exercising its regulatory functions, the Authority shall have regard to this policy document and the objectives set out above.

1.4.2 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 substantially from its policy, clear and compelling reasons shall be given for doing so.

### **1.5 Implementation**

1.5.1 This policy was presented to Cabinet on 17 January 2022 and will come into effect on 1 March 2022. It will remain in force for a period of five years and will continue until such time as a new or revised policy is approved by Cabinet. The Authority expects licence holders to comply with its terms immediately, and throughout the five year period.

1.5.2 The Authority will review its policy at least every 5 years, and at other times should a particular issue arise that gives need for a review.

1.5.3 From 1 March 2022 this policy will override and supersede all existing policies in relation to hackney carriage and private hire licensing.

## **1.6 Publication of information**

1.6.1 The Council is under a duty to publish its driver, vehicle and operator licensing dataform in such form as the Secretary of State may require.

1.6.2 The Council may publish details of licensed vehicles, drivers and operators on its website, including licences recently suspended or revoked.

1.6.3 Under the Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019, the local authority is required to submit details of licensed vehicles to DEFRA.

1.6.4 Dover District Council will share information in relation to refused licence applications and revoked licences through the National Anti-Fraud Network (NAFN).

1.6.5 The Council may share information concerning decisions to refuse, suspend or revoke a licence with the Police, DBS service or other agencies, particularly where decisions have arisen from safeguarding concerns. Information will only be shared when there is a legal gateway to share, compliance will also be met with data protection legislation.

1.6.6 Information on the processing and sharing of personal data in this policy is set out in the Council's Hackney Carriage & Private Hire Vehicle Licensing & Corporate Privacy Notice which should be read in conjunction with one another.

## **1.7 Licensing Profile**

1.7.1 Dover District Council currently licences 69 hackney carriages and approximately 109 private hire vehicles as well as 26 private hire operators.

1.7.2 The Authority has approximately 244 drivers licensed to drive hackney carriages and private hire vehicles.

## **1.8 Consultation**

1.8.1 In preparing this policy the Authority has consulted with the following:-

- Dover Federation of Licensed Taxi Operators
- Taxi and Private Hire Drivers & Proprietors
- Private Hire Vehicle Operators
- Kent Police
- Kent County Council
- East Kent Coastal PCT

- Department for Transport
- Network Rail
- Disability Groups
- Transport User Groups
- Town Centre Management
- General Public
- Area Forums
- Local transport providers
- Dover, Deal & Sandwich Town Councils
- Parish Councils
- Dover Harbour Board
- Age Concern
- Centres for the Retired

## **1.9 Partnership Working**

1.9.1 The Authority will work in partnership with the following agencies to promote the policy objectives:-

- Local hackney carriage and private hire trades
- Kent Police
- Local Residents
- Disability Groups
- Service Users
- Vehicle and Operator Services Agency (VOSA)
- Kent County Council
- HM Revenue and Customs
- Department of Works and Pensions
- Other Authority departments

1.9.2 The Authority meets regularly with the hackney carriage and private hire trades to consider regulatory issues.



## **2 DRIVERS**

### **2.1 Licences**

- 2.1.1 This Authority issues a single combined hackney carriage & private hire drivers licence, called a Joint Hackney Carriage and Private Hire Driver's Licence. In addition to this, the authority issues restricted driver's licences for those carrying out duties in relation to shuttle parking services, and similar activities. Licences are normally granted for a period of three years. A licence may be granted for a shorter period where appropriate.
- 2.1.2 The Authority will not grant hackney carriage and private hire joint driver's licences unless they are satisfied that the applicant is a fit and proper person to hold such a licence.

### **2.2 Application Procedure**

- 2.2.1 An application for a hackney carriage or private hire driver's licence must be made on the specified application form. The application procedure is set out in **Appendix A**.

### **2.3 Renewal of Licences**

- 2.3.1 Although every effort will be made to remind licence holders in the month preceding their expiry, when their licences are due to be renewed and of the need to arrange an appointment, it remains the responsibility of the licence holder to ensure that applications to renew are made in good time. Application forms, appropriate fees, and supporting documentation, must be available and it is advisable that documentation is sent in and appointments (if necessary) are arranged on a date at least 7 days prior to the expiry of the licence.

### **2.4 Age and Experience**

- 2.4.1 Department for Transport (DFT) Guidance recommends that maximum age limits for drivers should not be set, providing that regular medical checks are undertaken. It also considers minimum age limits (beyond the statutory age for holding a full drivers licence) as inappropriate. Therefore the council will not set minimum or maximum age limits for drivers. However, in accordance with legal requirements, applicants must have held a valid full UK (OR EU/EAA driving licence) for a minimum of 12 months prior to their application.

### **2.5 Driver & Vehicle Licensing Agency disclosure**

- 2.5.1 The grant of a licence is subject to a check being made with the DVLA in respect of any relevant convictions. The check is carried out annually or at other times if the council believes that there is reason to do so. Each applicant must complete a

mandate to the DVLA to enable the check to be made or give consent for officers to make appropriate checks via gov.uk

## **2.6 Driving Proficiency**

- 2.6.1 The Driver and Vehicle Standards Agency (DVSA) provides a driving assessment specifically designed for hackney carriage and private hire drivers.
- 2.6.2 All new drivers are required to pass the DSA test, or another similar approved test as a part of the application process.
- 2.6.3 Applicants who have considerable relevant experience or alternative qualifications may apply, in writing to the Licensing Manager, to have these taken into consideration in lieu of the DVSA requirement. Each application will be considered on its own merits and a refusal to approve an application to have this condition waived may be appealed to the Regulatory Committee for consideration.
- 2.6.4 Where there is any doubt as to the driving ability of the licence holder, or any significant changes to the driver's circumstances, since the grant of the licence, the Authority may require the applicant to pass a further DVSA test. Any fees must be met by the applicant.

## **2.7 Topographical Knowledge (Driver Knowledge Tests)**

- 2.7.1 Hackney carriage drivers need a good working knowledge of the area for which they are licensed because they can be hired directly at ranks or on the street. The Authority also considers it necessary for private hire drivers to know the area.
- 2.7.2 In order to assist the Authority in determining the fitness of an applicant to hold a hackney carriage or private hire driver's licence, applicants are required to undertake a communications test to challenge their understanding of the English language and a local knowledge test to challenge their knowledge of the highway system in the Dover district.

## **2.8 Disclosure and Barring Service (DBS) check**

- 2.8.1 A DBS check on a driver is an essential measure in determining whether an applicant is a suitable person to hold a licence. An enhanced disclosure with barred list check provided by the Disclosure and Barring Service is required for all applicants. Enhanced disclosures include details of spent convictions, police cautions and other information.
- 2.8.2 As part of our policy, we will require licensed drivers to maintain an online certificate through the DBS update service. (<https://www.gov.uk/dbs-update-service>) This will enable the Council to access their certificate on renewal or at other times as reasonably necessary. Drivers must pay an annual fee to the DBS for the on-line update facility.
- 2.8.3 The advantage of the online update service is:

- Drivers maintaining an up to date online certificate will not need to apply for and submit a paper DBS certificate when renewing their licence. (providing that the information on the online DBS is up to date) This will result in a quicker process.
- The Online Certificate can be checked by the licensing authority at renewal and as required during the term of the licence.
- Maintaining an online certificate through annual subscription may cost the driver less than obtaining a paper certificate every 3 years.

2.8.4 Drivers who already hold a licence on the date that this policy comes into effect and have not already signed up to the update service, will be required to provide a paper DBS certificate at their next renewal then sign up to the online update service.

2.8.5 If an applicant has within the last 10 YEARS lived outside the UK for a continuous period of 3 months or more, a certificate of good conduct from the relevant embassy or equivalent document, issued and authenticated by the relevant embassy will also be required. This must either be in English or translated by an approved translator at the applicant's expense.

2.8.6 If an officer has any doubt as to the validity, completeness or accuracy of the document, then an applicant may not proceed to next step of process. The burden to establish validity lies with the applicant.

## **2.9 Medical Assessment**

2.9.1 The DfT guidance states that it is clearly good practice for drivers to undergo medical checks prior to grant or renewal of a licence. The Group 2 Medical Standards adopted by the DVLA for lorry and bus drivers are considered best practice for Hackney Carriage and Private Hire Drivers.

2.9.2 All applicants must undergo a medical examination to assess their fitness to work as a Hackney Carriage / Private Hire Driver. In Dover a group 2 medical standard will be required. A request form will either be sent as part of an application pack or can be obtained from the Council. The assessment must be carried out either by the applicant's General Practitioner or by a suitably qualified GMB registered medical practitioner who has access to the applicant's medical records. The completed form must be submitted as part of the application.

2.9.3 Holders of Public Service Vehicle (PSV) and/or Heavy Goods Vehicle (HGV) Licences, where the holder is able to produce proof of current medical examination less than 3 months old, which is approved by the authority, are not required to undergo a medical examination on first application.

2.9.4 A medical assessment is required for all new driver applications. A new medical assessment is required every 5 years for drivers aged up to 45, every 3 years for drivers aged up to 60. Drivers aged 60 or over are required to undergo a medical assessment annually. More frequent checks will be required if considered necessary by the Medical Practitioner. Certificates provided must be less than 3 months old.

- 2.9.5 The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (i.e. 3500-7500 KG lorries). As suggested best practice, this authority will also apply criteria based on the C1 standards to taxi and PHV drivers with insulin treated diabetes. These are set out in **Appendix B**.
- 2.9.6 Licence holders must advise the Council without delay of any deterioration in their health that may affect their driving capabilities. Licence holders may be required to undergo a further medical assessment to confirm their fitness to drive a licensed vehicle. Should concerns arise regarding the health of a licensed driver, the council at any time may request further information or a further medical examination to be carried out and certificate submitted. The cost of this will be met by the licensed driver.
- 2.9.7 No licence will be issued until medical clearance has been established.
- 2.9.8 The council reserves the right to revoke or suspend a licence if requested information is not submitted within 4 weeks of the request and a satisfactory explanation is not given for the failure to provide such information or where the information provided raises further concerns as to the applicant's fitness to carry out his/her duties as a licensed driver.

## **2.10 Child Sexual Exploitation and Safeguarding Training**

- 2.10.1 People working in the taxi trade may have a role to play in spotting and reporting the abuse, exploitation or neglect of children or vulnerable adults. However, this is only possible if they are aware of and alert to the signs of abuse and who they should contact if they suspect a child or vulnerable adult is at risk of harm or in immediate danger.
- 2.10.2 Therefore, the DfT expect local authorities to require Hackney Carriage and Private Hire drivers to undertake appropriate safeguarding awareness training.
- 2.10.3 All new joint hackney carriage and private hire driver licence holders will receive compulsory training on spotting and reporting signs of child sexual exploitation (CSE).
- 2.10.4 The training programme which will be provided by Dover District Council will cover the key areas of responsibility for licenced drivers with the overall aim of equipping them with the skills and knowledge to spot the signs of CSE and know what to do next.
- 2.10.5 Any driver who does not complete the training within 3 months of their licence being issued will have their licence suspended until such time as the mandatory training has been carried out.

- 2.10.6 The council will look to promote awareness of safeguarding issues among all licence holders through other information and education campaigns

## **2.11 Immigration Checks – Right to Work**

- 2.11.1 The council has a duty to carry out immigration checks to ensure applicants have a right to work in the UK. A licence will not be granted unless sufficient proof of right to work in the UK has been provided. Licences will not be granted for a longer period than the applicant's right to work.
- 2.11.2 The Immigration Act does not permit the issue of licences to self-employed persons who are in the country on a student visa.

## **2.12 Convictions and Cautions**

- 2.12.1 In assessing whether the applicant is a fit and proper person to hold a licence, the Authority will consider each case on its merits. It will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence. When presented with a disclosure from the Disclosure and Barring Service, the Licensing Manager will assess whether any or all of the convictions, and any additional information received, is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence in line with the policy. at **Appendix C**.
- 2.12.2 If there is any doubt as to the suitability of the applicant to hold a licence then the matter will be referred to the Regulatory Committee.
- 2.12.3 Where offences leading to conviction or police caution are committed by licensed drivers, it is important, in the interests of consistency and transparency that a procedure is in place to consider what effect this should have on their licence.
- 2.12.4 Drivers who are convicted of any criminal or motoring offence or issued with a police caution during the period of their licence must disclose the conviction and the penalty imposed, in writing to the Authority within fourteen days of receiving the caution or conviction.
- 2.12.5 Convictions, police cautions and breaches of legislation, licence conditions, byelaws and this policy by licence holders will be dealt with in accordance with the Council's licensing enforcement policy (**Appendix L**) .

## **2.13 Code of Good Conduct**

- 2.13.1 The standards expected of licensed drivers are set out in a Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.
- 2.13.2 This Authority's Code of Good Conduct for licensed drivers is set out in **Appendix J**. Licence applicants will be required to sign a declaration to confirm their understanding and acceptance of the code.

## **2.14 Dress Code**

- 2.14.1 Anything that 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 is to be welcomed.
- 2.14.2 This Authority's Dress Code for licensed drivers is set out in **Appendix K**. Licence holders will be required to sign a declaration to confirm their understanding and acceptance of the code.

## **2.15 Conditions of Licence**

- 2.15.1 Dover District Council issues joint drivers licences for both hackney carriage and private hire vehicles. **Appendix D** contains the hackney carriage byelaws relevant to hackney carriage vehicle and driver licences and **Appendix E** contains additional conditions attached to Private Hire driver licences which are considered reasonable, necessary and proportionate for all licensed private hire drivers.

## **2.16 Drivers Badges**

- 2.16.1 Once granted, a badge will be issued which shall remain the property of the Authority and must be surrendered if the licence is suspended or revoked by the Authority. The badge shall be displayed on the driver's person at all times they are acting as a licensed driver.

### **3 PRIVATE HIRE OPERATORS**

#### **3.1 Requirements and Obligations**

- 3.1.1 Any person, other than a hackney carriage proprietor, who operates a private hire service must apply to the Authority for a Private Hire Operator's Licence. The objective in licensing private hire operators is the safety of the public who will be using operators' premises and vehicles and drivers arranged through them.
- 3.1.2 A private hire vehicle will only be dispatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. A private hire operator must ensure that all private hire vehicles operating as part of their fleet are driven by a person who holds a drivers licence issued by Dover District Council.
- 3.1.3 The Council must be satisfied that an applicant is a "fit and proper" person to hold a licence. They must be assured that they will pose no threat to the public and have no links to serious criminal activity.
- 3.1.4 All Operators must provide the Licensing Team with an up to date list of the drivers on their circuit and notify the Licensing Team of any changes i.e. when a driver leaves or joins.
- 3.1.5 Licences are normally issued for a period of 5 years. This is consistent with best practice guidance and is the maximum length of licence permitted. Shorter licences may be issued in specific circumstances where the council considers this appropriate. However, shorter licences will not be used on a "probationary" basis.

#### **3.2 Disclosure and Barring Service (DBS) Checks**

- 3.2.1 In order to help determine whether a person is a fit and proper person to hold a licence, the DfT statutory standards require Licensing Authorities to request a Basic DBS Check and that a check is undertaken annually. Private Hire Operators (that are not licensed drivers) are not exempt from the Rehabilitation of Offenders Act 1974. They will not be subject to an Enhanced DBS check but a Basic disclosure will be required.
- 3.2.2 Where an operator is a Ltd Company or partnership, a DBS will be required for each director / partner. If a partner / director changes during the term of the licence, the council must be notified. A Basic DBS for new directors/ partners will be required.
- 3.2.3 Where an individual has, in the 10 years prior to the application, spent time overseas, a Certificate of Good Conduct will be required, as set out in Section 2.7.6 of this policy.
- 3.2.4 Basic DBS checks are not currently eligible for the update service. Operators will be required to submit a paper certificate annually and on renewal of a licence. For basic DBS checks operators should register for an online service account instead

of using the update service

- 3.2.5 Operators that are also drivers licensed by this authority, will be required to provide an enhanced DBS as part of their drivers' application and maintain an online certificate through the update service. In such cases operators, will not be required to submit an additional basic DBS. However, should an operator cease to be a licensed driver, then a basic DBS will be required immediately.
- 3.2.6 Disclosure of convictions will be taken into consideration when determining whether an operator is a fit and proper person to hold a licence. This will include a review of existing licence holders, where DBS checks of directors/ partners or individuals discloses convictions that have not previously been considered. The convictions policy is set out in **Appendix C**. However, motoring offences will generally not be relevant to a Private Hire Operator.
- 3.2.7 The staff that operators employ may have direct contact with the public. Those dispatching vehicles will determine which driver to send to fulfil a booking. Therefore, they may be in a position to exploit children and vulnerable adults. The DfT statutory standards expect Private Hire Operators to be able to demonstrate that their staff present no risk to the public.
- 3.2.8 Operators will be required to keep a register of all staff they employ to take bookings or dispatch drivers. They must have sight of a Basic DBS for all such staff. A record of having carried out this check must be maintained. Operators licensed at the time this policy comes into effect will be required to have the register in place by the 1<sup>st</sup> April 2022. The DBS checks on existing staff must be viewed and recorded within 6 months of the policy coming into effect.
- 3.2.9 Private Hire Operators will be required to have a documented policy setting out their approach to employment of staff with convictions. As a minimum, it is expected that booking / dispatch staff will have remained free of conviction for the time periods set out in **Appendix C** of this policy. Motoring convictions are not considered relevant. This information will be required to be provided to DDC with all new applications, from the date this policy comes into effect. Licensed Operators, will be required to supply a copy of the policy to the Council within 6 months of this policy coming into effect.

### **3.3 Address from which Operator based**

- 3.3.1 The Operator's base must be located in the Dover District. If it is not, the council will not grant a licence. This is to ensure that proper regulation and enforcement measures may be taken by the council and is in no way intended as a restraint of trade.
- 3.3.2 It will be the responsibility of the operator to ensure that appropriate planning permission exists for the operational address to be used for that purpose, prior to starting operating. The grant of a private hire operator's licence does not override the need for planning permission nor does it imply that such planning permission is or is not required or likely to be granted, as such determination will



be subject to the appropriate planning process. The Licensing Team may provide the Council's planning team with names and addresses of licensed operators. Applicants are advised to check with the planning team regarding the need for planning permission using the Council's pre application advice service which can be accessed via the following link - [Application Forms \(dover.gov.uk\)](https://www.dover.gov.uk/application-forms)

### **3.4 Insurance**

3.4.1 If the operator's premises is open to the public, suitable Public Liability Insurance must be in place. Evidence of insurance must be provided before a licence is issued.

### **3.5 Use of Vehicles and Drivers**

3.5.1 As a result of the Deregulation Act 2015, Private Hire Operators are allowed to sub-contract work to other licensed Private Hire Operators who hold licences with a different Licensing Authority.

3.5.2 A private hire operator must ensure that every private hire vehicle has a valid private hire vehicle licence and is driven by a person who holds a private hire driver's licence issued by the same Licensing Authority.

3.5.3 Some private hire operators may use Public Service Vehicles (PSV) (vehicles with more than 8 seats, e.g. minibuses) in order to fulfil a booking. These vehicles and their drivers are covered by a different licensing regime. Drivers of PSVs are subject to different checks, as the work normally undertaken, e.g. driving a bus, does not present the same risk to passengers. Checks do not include an Enhanced DBS check.

3.5.4 This policy will therefore prohibit the use of PSV and Drivers by a licensed private hire operator unless it is necessary (due to the number of passengers or luggage requirements) and the informed consent of the booker is given. The booker must be clear that a Passenger Carrying Vehicle (PCV) driver will be used, and that they are subject to different checks, including less stringent criminal record checks.

### **3.6 Conditions**

3.6.1 All Operator's licences are issued subject to the standard conditions set out at **Appendix F**. However, further conditions can be added to the licence where considered appropriate.

## 4 VEHICLES

### 4.1 Limitation of Numbers

- 4.1.1 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.
- 4.1.2 The current legal provision on quantity restrictions for hackney carriages is 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 hackney carriages “if, but only if, the local authority 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.”
- 4.1.3 The Authority is satisfied that there is no significant unmet demand for the services of hackney carriages. Following the most recent independent survey, the decision was made by Cabinet on 1 October 2018 to maintain the limit on hackney carriage vehicles.
- 4.1.4 A new unmet demand survey is currently being arranged, and details will be published once complete. The survey has been delayed due to covid 19 restrictions, and the movement of the hackney carriage ranks, but now that this has been resolved and the trade is beginning to return to normal, the survey will be instructed.
- 4.1.5 The Authority currently limits the number of hackney carriages it licences to 69 but will continue to assess whether there is any significant unmet demand at a maximum of 3 yearly intervals.

### 4.2 Specifications and Conditions

- 4.2.1 Local licensing authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriage or private hire vehicles. However, Government guidance suggests that they should adopt the principle of specifying as many different types of vehicle as possible and encourages the use of the “type approval” rules within any vehicle specifications they adopt.
- 4.2.2 This Authority will impose such conditions as it considers reasonably necessary on hackney carriage and private hire vehicle licences. Such vehicles provide a necessary service to the public and so it is considered appropriate to set criteria for the standard of the external and internal conditions of the vehicle, provided that these are not unreasonably onerous, and that the standards are reasonable and proportionate.
- 4.2.3 **Appendix G** sets out the specification and minimum standards in respect of private hire vehicles and **Appendix H** sets out the specification and minimum standards for hackney carriage vehicles.
- 4.2.4 This policy does not specify colours for Hackney Carriage or Private Hire vehicles.
- 4.2.5 The council will not licence a vehicle which is already licensed with another

council or Transport for London. If the council becomes aware that a vehicle is dual licensed, then the licence is likely to be revoked.

- 4.2.6 Stretch limousines are sometimes used for private hire bookings and special events. These are often imported vehicles, and due to their nature may not meet standard vehicle specifications set out in licensing policy (for example, to be right hand drive).
- 4.2.7 Imported vehicles may not have certification to EU Whole Vehicle Standards. Such vehicles would normally require certification under the Individual Vehicle Approval (IVA) Scheme to demonstrate that they meet appropriate safety standards.
- 4.2.8 The Department of Transport view is that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle. A policy of excluding limousines creates an unacceptable risk to the travelling public, as it may lead to higher levels of unlawful operation.
- 4.2.9 Applications for stretch limousines to be licensed as private hire vehicles will be considered on their merits provided they have no more than 8 passenger seats.
- 4.2.10 Additional Specifications and Conditions relating to stretch limousines are set out in **Appendix I**.
- 4.2.11 All bookings for a stretch limousine licensed as a private hire vehicle by the council must be booked through a private hire operator licensed by Dover District Council in accordance with S55 of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.2.12 Vehicles can be licensed for the carriage of between four and eight passengers. Applications in relation to vehicles that wish to accommodate less than four passengers shall be referred to the Regulatory Committee.

### **4.3 Accessibility**

- 4.3.1 The council is committed to supporting and promoting equality and diversity.

The Equality Act 2010 has made provision for the assistance of taxi and private hire vehicle passengers in wheelchairs and to those who have guide dogs and other assistance dogs. The sections relating to wheelchair users (sections 165 and 167) came into force on 06 April 2017 and the provisions relating to assistance dogs (sections 168 – 173) came into force on 01 October 2010. In accordance with sections 168 – 173 taxi and private hire vehicle drivers are under a duty to carry guide, hearing and assistance dogs without additional charge. Drivers must convey a disabled passenger's dog and allow it to remain with the passenger.

- 4.3.2 The Secretary of State has the power to impose accessibility requirements on large operators. In particular, the power could permit the setting of quotas of accessible vehicles which must be available to such operators.

- 4.3.3 This policy does not currently mandate vehicles to be a wheelchair accessible design. However, such vehicles are encouraged.
- 4.3.4 The council will maintain a list of Designated Wheelchair Accessible Vehicles in accordance with S167 of the Equality Act 2010. A designated wheelchair accessible vehicle is a licensed hackney carriage or private hire vehicle which can carry a passenger whilst they remain in their wheelchair. This list will be published on the council website. It will be updated when information becomes available following issue of licences.
- 4.3.5 The council will look to introduce a second “voluntary list”. This will provide a list of vehicles that are accessible to passengers in wheelchairs, who are able to transfer from their wheelchair into a seat within the vehicle and the wheelchair can be folded down and placed in the vehicle. The list will be updated when information becomes available following issuing of licences.
- 4.3.6 Drivers of designated wheelchair accessible hackney carriage and private hire vehicles have a legal duty under Section 165 of The Equalities Act 2010 to:
- to carry the passenger while in a wheelchair
  - not to make any additional charge for doing so
  - if the passenger chooses to sit in a passenger seat, to carry the wheelchair
  - to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
  - to give the passenger such mobility assistance as is reasonably required.

Mobility assistance is assistance:

- to enable the passenger to get into or out of the vehicle;
  - if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
  - to load the passenger's luggage into or out of the vehicle;
  - if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 4.3.7 It is accepted that there will be some specialist or motorised wheelchairs which due to their dimensions may not be able to be loaded or conveyed safely in all designated vehicles and it is not practicable to require vehicles to be able to do so. It may be a reasonable defence if a driver is not able to fulfil duties under the Act due to the size/ design of the wheelchair. However, it is expected that if passengers cannot be accommodated for this reason, that it is dealt with sensitively and clearly explained to the passenger.
- 4.3.8 The legal duties set out in 4.3.6 above do not apply to drivers of vehicles on the voluntary list. However, it is expected that drivers on this list will accept a passenger who is able to transfer onto a seat from their wheelchair and

provide reasonable assistance to the passenger, without extra charge.

- 4.3.9 DfT guidance states that fare meters should not be left running whilst a driver is fulfilling these duties (e.g. loading / unloading wheelchairs, providing assistance to the passenger,) as this would constitute making an extra charge for doing so. Meters left running under these circumstances would be treated as a breach of the Act and this policy.
- 4.3.10 Drivers who, for medical reasons, or due to their physical condition, make it impossible or unreasonably difficult for them to carry out duties to passengers in wheelchairs, or who are unable to accept assistance dogs may apply to the council for an exemption certificate. Such a certificate will only be issued on production of medical evidence. Exemption Certificates must be displayed in the vehicle at all times the driver is working.
- 4.3.11 The Council does not intend to impose a date by which all hackney carriages should be wheelchair accessible at present but will continue to review the need and demand in the district in order to properly inform its views. The Council will, however continue to offer financial incentives, by way of a discount on the licence fee, for applicants wishing to licence wheelchair accessible vehicles as hackney carriage and/or private hire vehicles.

#### **Environmental considerations**

- 4.3.12 The Best Practice Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they have adopted, bearing in mind the need to ensure that the benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.
- 4.3.13 The age criteria for vehicles within this policy will ensure that over time the fleet will benefit from general improvements in environmental performance.
- 4.3.14 Vehicle Specifications enable Electric, Hybrid or LPG converted vehicles to be licensed.
- 4.3.15 Local licensing authorities are encouraged to consider how they can support any local air quality management policies that the local authority may have adopted, particularly where Air Quality Management Areas (AQMAs) or Clean Air Zones have been introduced. At present Dover District Council does not have any Air Quality Management Areas or Clean Air Zones. However, should this happen in the future, then the vehicle emissions standards for hackney carriage and private hire vehicles could be incorporated into the policy.
- 4.3.16 Emissions from hackney carriages 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 hackney carriage ranks. It is proposed that this aspect be tackled through education and promotion.

#### **4.4 Maximum Age of Vehicles**

- 4.4.1 No application for a hackney carriage or private hire vehicle licence will be granted if the vehicle, when initial application is made, exceeds 5 years of age.
- 4.4.2 No application for the renewal of a hackney carriage or private hire vehicle licence will be granted if the vehicle, when application is made, exceeds 8 years of age.
- 4.4.3 No application for the renewal of a hackney carriage or private hire vehicle licence purpose built for the carrying of wheelchair dependant passengers, or a type licensed by the Public Carriage Office as a London Cab will be granted if the vehicle, when application is made, exceeds 12 years of age.
- 4.4.4 No application for the renewal of a hackney carriage or private hire vehicle licence which is fully electric or hybrid in nature will be granted if the vehicle, when application is made, exceeds 12 years of age.
- 4.4.5 No application for a temporary transfer will be granted if the vehicle, when the application is made, exceeds 5 years of age.
- 4.4.6 The Licensing Manager has delegated authority to extend the time limits set out at 4.4.1 – 4.4.5 for exceptionally well-maintained vehicles by a maximum of two further years. Applicants who fail to obtain approval from the Licensing Manager for an extension or who may wish to seek permission to extend beyond the two extra years may ask to be referred to the Regulatory Committee for consideration.
- 4.4.7 Applications for vehicles that fall outside of the policy guidelines or the provisions of 4.4.6, will be referred to the Regulatory Committee for consideration.
- 4.4.8 All applications for vehicle licences are subject to the satisfactory passing of the MOT test and an inspection by the Licensing Officer. Applicants who fail to obtain approval from the Licensing Officer or Licensing Manager may ask to be referred to the Regulatory Committee for consideration.

#### **4.5 Vehicle Testing**

- 4.5.1 The Authority needs to be satisfied that licensed vehicles operating within its area are safe.
- 4.5.2 All hackney carriage and private hire vehicles shall be subject to the current MOT standard test and inspection by the Licensing Officer at grant or renewal of the vehicle licence. Vehicles over 3 years of age will be subject to a further MOT and inspection by the Licensing Officer 6 months into the licence period. The Licensing Manager has delegated authority to require further, more frequent testing up to a maximum of 3 tests per year where concerns over safety standards have been identified.
- 4.5.3 Licensed vehicles that fail an inspection and/or MOT test and are deemed unsuitable for use as a passenger vehicle by the vehicle examiner or Licensing Officer, will

result in the vehicle proprietor being issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. Once the defects have been satisfactorily remedied then the proprietor may seek the lifting of the suspension notice by the Licensing Officer.

#### **4.6 Insurance and Road Tax**

- 4.6.1 Vehicles must be taxed and have valid insurance which covers the vehicle for the carriage of passengers for hire or reward. Insurance will be checked as part of the application process. The certificate of insurance must be provided on request. If the vehicle insurance expires part way through the licence period the driver must provide the Council with the new insurance policy immediately. On renewal of the policy, a copy of the insurance certificate should be provided to the Council.
- 4.6.2 Given the importance of maintaining valid insurance which covers the vehicle for carriage of passengers for hire or reward, licensed vehicles found to have no valid insurance cover or where evidence of valid insurance cover is not provided, will be suspended immediately.

#### **4.7 Damage to Vehicles**

- 4.7.1 Any damage to a licensed vehicle materially affecting the safety, performance or appearance of the vehicle or the comfort and convenience of passengers, must be notified to the council as soon as possible and in any case within 72 hours. Unless the vehicle is so severely damaged that it will never again be serviceable as a licensed vehicle, an appointment will be made for the vehicle to be inspected by a licensing officer and a decision will be made as to whether or not the vehicle is in such condition to continue in service.
- 4.7.2 If the Licensing Officer considers the damage to the vehicle to be extensive enough to seriously affect the general appearance and/ or use of the vehicle, it will be suspended from use until such time as satisfactory permanent repairs are completed. During this time, plates must be removed from the vehicle.
- 4.7.3 If the damage to the vehicle is minor, such that the Licensing Officer considers it still to be in a fit condition to continue in service, a notice will be issued requiring the vehicle to be repaired. The vehicle will not be suspended.
- 4.7.4 When such notice is given, repairs must be made to the vehicle and the vehicle presented for re-inspection within the time given in the notice. Failure to carry out repairs or to present the vehicle for re-inspection within such time may result in further action including automatic revocation of the licence, as set out in S68 Local Government (Miscellaneous Provisions) Act 1976.
- 4.7.5 Where due to accident damage a vehicle cannot be used, there is a process enabling proprietors to licence a temporary replacement vehicle.

## **4.8 Taximeters & Tariff Cards**

- 4.8.1 The council has set Hackney Carriage fares (tariff) for journeys within its District. This sets the maximum fare that can be charged by Hackney Carriage Drivers.
- 4.8.2 There is no provision to set fares for private hire vehicles.
- 4.8.3 All Hackney Carriage Vehicles must be fitted with a 'Taximeter.' The meter must be positioned so that the display is clearly visible to the passengers. The meter must be started at the commencement of each hiring and left on until the hirer has paid the charge at the end of the journey.
- 4.8.4 Private Hire Vehicles do not have to be fitted with a 'Taximeter' but if one is fitted it must be checked by the Licensing Officer, and a copy of the tariff carried in the vehicle.
- 4.8.5 Current fare rates are shown on the council's website. Hackney Carriage Vehicles must display a Tariff Card in the form provided by the Council in a prominent position clearly visible to passengers.
- 4.8.6 Private Hire Vehicles that are fitted with Taximeters must also display a Tariff Card and provide a copy to the Licensing Authority for reference.
- 4.8.7 Taximeters must be operated in accordance with section 19 of Appendix H and with the Hackney Carriage Byelaws as detailed at Appendix D.
- 4.8.8 A hackney carriage driver is allowed to charge more than the metered fare for journeys starting inside the licensing area and ending beyond the district only if this is agreed in advance. In the case of a pre-booked journey the price should be agreed prior to commencement of the journey if requested by the passenger.
- 4.8.9 The council will review fare rates from time to time as necessary or in response to a bona fide request. Proposed changes will be introduced in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

## **4.9 Signage and Advertising**

- 4.9.1 It is important that the public should be able to identify and understand the difference between a hackney carriage and a private hire vehicle.
- 4.9.2 Private hire vehicles are not permitted to display roof-mounted signs or any signs that include the words "Taxi" or "Cab" or "For Hire".
- 4.9.3 Roof signs fitted to hackney carriage vehicles must be illuminated at all times when the vehicle is available for hire.
- 4.9.4 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed.



- 4.9.5 All licensed vehicles, except those private hire vehicles granted the necessary exemption by the Authority, must display plates on both the front and rear of the vehicle.
- 4.9.6 Proprietors of vehicles who wish to be exempted from displaying licence plates must apply for an exemption certificate. Any such exemption will only be considered for vehicles that are used exclusively for chauffeur services, and will not be considered for vehicles used for any form of regular private hire work or KCC school contract. Applicants who are unable to seek approval from the Licensing Manager for an exemption certificate may ask to be referred to the Regulatory Committee for consideration.
- 4.9.7 Private hire vehicles must display door signs in prominent positions on both rear doors of the vehicle indicating that they must be booked in advance and separate signs on the front doors indicating details of the operator.
- 4.9.8 Vehicles are not allowed to display written or other material on any window with the exception of those permitted by the conditions of licence.
- 4.9.9 No licensed vehicle proprietor must display or allow to be displayed in or on their vehicles any signs, notices, advertisements, video or audio display etc either for the purpose of advertising or by way of identifying or personalising marks, except in circumstances where permission is given following application in writing to the Licensing Manager. Any such application must be made in accordance with the terms of the conditions laid out in section 26 of Appendix H (Hackney Carriages) or section 25 of Appendix G (Private Hire).

#### **4.10 CCTV and Security**

- 4.10.1 The DfT guidance recommends that licensing authorities look sympathetically on the installation of security measures, such as a screen between driver and passengers or CCTV systems. Such measures can act as a deterrent to would be trouble makers. It may also protect drivers from unjustified complaints, and provide a source of evidence in the event of dispute between passenger and driver.
- 4.10.2 This policy does not require mandatory installation of CCTV systems. Currently it is left to the judgement of the owners and drivers themselves. However the council will keep the need for requirement of CCTV under review.
- 4.10.3 The hackney carriage and private hire vehicle trade is, however encouraged to consider the installation of CCTV cameras in their vehicles on a voluntary basis. It will be the responsibility of the operator to handle relevant data gathered in an appropriate and secure manner. For information and guidance on data protection see Information Commissioners Office (ICO) website <https://ico.org.uk/>
- 4.10.4 Vehicle Proprietors must notify the Licensing Authority in writing if they have a CCTV system fitted. They must register with the ICO and obtain documented evidence of that registration.

#### **4.11 DBS Checks on Vehicle Proprietors**

- 4.11.1 As required by the DfT statutory standards, applicants for a vehicle licence will be required to submit a basic DBS check. This will be required annually. If the applicant is a Ltd Company or partnership, it is important that the fit and proper person test is applied to each director/ partner. A DBS check will be required for each director/ partner. Any disclosed convictions will be taken into account when considering the suitability of a person to hold a licence. Our convictions policy is set out in **Appendix C**.
- 4.11.2 Applicants that also hold a drivers licence with this Council, will not be required to provide the Basic DBS, as they will already provide the Enhanced DBS as required by this policy. However, should they cease to hold a driver's licence then a Basic DBS will be immediately required.
- 4.11.3 Where an applicant has spent time outside of the UK, a certificate of good conduct will be required from the relevant embassy, as set out in Drivers section of this policy(2.7.7)
- 4.11.4 If a director / partner changes during the term of the licence, the Council must be notified. Further DBS checks may be required.

#### **4.12 Stretch Limousines**

- 4.12.1 Stretch limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. The number of stretch limousines being imported, particularly from the United States of America, has been increasing. Their use generally includes all private hire work plus special occasions such as days at the races, stag and hen parties and children's birthday parties.
- 4.12.2 Licensing authorities have generally considered there to be some problems preventing stretch limousines from being licensed including:
- many of them are left hand drive;
  - many are fitted with all round darkened glass;
  - many have been converted or modified after manufacture;
  - seating space per passenger is 460mm and could give a greater capacity than eight persons; and
  - due to their origin many parts may not be available making adequate maintenance difficult.
- 4.12.3 The Vehicle and Operator Services Agency (VOSA) has introduced the Individual Vehicle Approval (IVA) inspection regime, which verifies that a converted vehicle is built to certain safety and environmental standards. It is proposed that this standard is required from all limousine and speciality vehicles that do not meet the standard vehicle specifications.
- 4.12.4 Any stretch limousines, which are offered for private hire, require a licence. Before licensing for private hire a full insurance policy for private hire purposes will, be required.

4.12.5 Applications to licence stretch limousines as private hire vehicles will be treated on their merits. However, imported stretch limousine type vehicles will:

- be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive;
- be authorised as prestige type private hire vehicles; and
- if approved for licensing as private hire vehicles, be subject to the additional conditions detailed in **Appendix I**;

4.12.6 The Council strongly recommends that anyone wishing to licence a limousine contacts the Licensing Section before purchasing a vehicle to ensure that advice can be provided as to whether the vehicle will meet the required standards, as each vehicle will be considered on its merits.

#### **4.13 Contract Vehicles**

4.13.1 All vehicles used for a contract with an organisation or company, for carrying passengers for hire or reward, are required to be licensed as private hire vehicles. As a general guide this will include executive hire, chauffeur services, park and ride for private car parks, airport travel, stretch limousines and novelty vehicles.

#### **4.14 Funeral Vehicles**

4.14.1 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 purposes of funerals.

#### **4.15 Wedding Vehicles**

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

#### **4.16 Courtesy Cars**

4.16.1 All vehicles with 8 or less seats that carry passengers for hire or reward must be licensed by the Council. This includes those used for transporting customers to and from hotels, night clubs, etc in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly be licensed with the local Council, as should their “operator”.

#### **4.17 Executive Chauffeur Services**

4.17.1 Proprietors of vehicles licensed as private hire vehicles and used exclusively for chauffeur services may seek the permission of the Authority to waive conditions of their licence relating to the display of licence plates, door stickers and driver badges.

## **4.18 Application Procedures**

- 4.18.1 Applications for a hackney carriage or private hire vehicle licence must be made on the specified application form in accordance with the application procedure set out in **Appendix A**. Whilst reminders will be sent, it is the responsibility of the licence holder to ensure a renewal application is submitted in time, failure to do so may result in the lapse of the licence.
- 4.18.2 Legislation limits the maximum length of a vehicle licence to 12 months. Licences will therefore normally be granted for 12 months. There may be circumstances where the council considers a shorter licence to be appropriate. However shorter licences will not be used as a “probationary” tool.
- 4.18.3 Case law has determined that licensed vehicles remain licensed at all times, even when not being used for hire and reward work. Licensed vehicles must comply with legal requirements and conditions at all times.

## **4.19 Consideration of Applications**

- 4.19.1 The Authority will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form, fee and supporting documents are complete.
- 4.19.2 Any applications for vehicle licences that fall outside of the policy will be referred to the Regulatory Committee for consideration.

## **4.20 Renewal of Licences**

- 4.20.1 Whilst every effort will be made to remind existing vehicle licence holders that their licences are due to be renewed and of the need to arrange an appointment prior to their expiry date, it is the licence holder’s responsibility to ensure that licences are renewed prior to their expiry. Application forms, appropriate fees, and supporting documentation, as set out in **Appendix A**, must be produced and appointments must be arranged on a date prior to the expiry date of the licence.
- 4.20.2 It is advisable that vehicles should be examined and tested at an approved testing station at least 7 days prior to the application appointment. This is to allow time for a vehicle to be repaired and then re-tested, should the vehicle examination identify the need and prior to the expiry of the licence.

## **5 FEES**

### **5.1 General**

- 5.1.1 Applicants must pay the appropriate fee. Applications will not be progressed until the appropriate fee has been paid.
- 5.1.2 A schedule of fees is available on the council's website. The schedule is reviewed each year as part of the budget process. Fees reflect the administrative costs of the licensing regime, processing applications, compliance and enforcement of licenced drivers and vehicles etc.
- 5.1.3 This policy does not deal with the fee setting process.

### **5.2 Refunds**

- 5.2.1 There is no statutory requirement to issue refunds following surrender of a licence. Historically, the council has received requests for refunds for licences that have been surrendered, for example, due to ill health or the licence holder moving away from the area. These have and will continue to be considered, subject to the paragraphs below.
- 5.2.2 Licence holders should think carefully before surrendering a licence. If they decide to reapply in future, then their application will be considered as a new application and subject to the same conditions as for all new applicants (e.g. knowledge tests, driver assessments, for new drivers)
- 5.2.3 Refunds will not be issued for licences which have been revoked, or surrendered following suspension.
- 5.2.4 Refunds will not be issued on licences issued for 12 months or less.
- 5.2.5 Refunds on surrendered driver and operator licences will be considered on written request. Requests will not be considered unless badges and paper licences have been returned to the licensing authority. The refund amount will be pro-rata based on the amount of whole months remaining on the licence. The pro-rata amount for the first 12 months of the licence period will not be refunded. An administrative charge for dealing with the refund application will also be deducted.

## 6 FARES

### 6.1 General

- 6.1.1 The Hackney Carriage Table of Fares (“the tariff”) adopted by the Authority sets the maximum fare that can be charged by hackney carriage drivers. This can be negotiated downwards by the hirer for journeys within the district.
- 6.1.2 The Authority will review the tariff from time to time as necessary or when a bona-fide proposal is received. A notice of any variation to the maximum fare shall be advertised by the Authority in a local newspaper with a date set 14 days from publication for making objections to the proposed variation. If no objections are received the fare variation will have immediate effect at the end of the 14 day consultation period. If any objections are received the matter will be referred to Cabinet for consideration and a further implementation date set.
- 6.1.3 The Authority is not able to set fares for private hire vehicles.
- 6.1.4 When a journey ends outside of the district borders a fare greater than that which would have been shown on the meter may be charged **but only if an agreement has been made with the hirer in advance**. It should be noted that a fare greater than that shown on a meter cannot be charged irrespective of what may have been agreed beforehand if the journey ends within the district borders.

### 6.2 Table of Fares

- 6.2.1 A table of authorised maximum fares will be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.
- 6.2.2 Private Hire Operators who use licensed vehicles fitted with a fare meter shall provide the Authority with a current table of fares. This table must also be displayed in each private hire vehicle so that it is easily visible to all hirers.

### 6.3 Receipts

- 6.3.1 Drivers shall, if requested by the passenger, provide written receipts for fares paid.

## 7 DELEGATED POWERS

### 7.1 Regulatory Committee

- 7.1.1 The Regulatory Committee of the Authority is responsible for exercising the council's functions in respect of the Hackney Carriage and Private Hire licensing regime in the district.
- 7.1.2 Certain powers and duties have been delegated to Officers under the scheme of Officer delegations within the Council's Constitution.
- 7.1.3 Officers may refer matters to the Regulatory Committee for determination where they consider it appropriate to do so. The committee have the full range of options available to deal with matters referred to them e.g. grant/ refusal / refuse to renew a licence, suspension or revocation of a licence etc.
- 7.1.4 Routine Applications where policy requirements are met and there are no issues such as disclosures made on a DBS, will be dealt with by officers, enabling a more efficient process. Officers will normally make decisions on applications where there is a clear breach of minimum policy requirements – e.g. vehicles do not meet specifications, or where there is a disclosure of conviction(s) and the minimum time period set out in the convictions policy has not elapsed.
- 7.1.5 More complex applications or incidents will usually be referred to the Regulatory Committee. This will include for example, applications where a conviction has been disclosed, but the minimum time period for applicants to be free of convictions has not elapsed.
- 7.1.6 Officers will suspend licences where necessary to ensure effective day to day enforcement of licence requirements, for example, in relation to vehicle inspections and defects or production of medical certificates or other documents.
- 7.1.7 Where an issue arises that presents a public safety risk, and immediate action is required, this will be taken by authorised officers and may include suspension or revocation of licences.
- 7.1.8 Where an investigation is undertaken by an officer or information is received such that immediate revocation is being considered, action must be reviewed and agreed by a separate more senior officer with the appropriate delegated authorisation.

## 8 DISCIPLINARY AND ENFORCEMENT MEASURES

### 8.1 General

- 8.1.1 Guidance recognises that well directed enforcement activity benefits not only the public but responsible members of the hackney carriage and private hire trade.
- 8.1.2 The Council has a responsibility to ensure that all licensed drivers, operators and owners of vehicles adhere to basic minimum standards. These standards are set out in legislation, byelaws and the Council's Hackney Carriage and Private Hire Licensing Policy.
- 8.1.3 In addition it is important that firm action is taken to deal with those who evade the licensing regime.
- 8.1.4 Enforcement action may be initiated by authorised officers. In addition, licence holders may be referred to the Regulatory Committee regarding offences or breaches of conditions or byelaws. Following a hearing, the subcommittee may recommend enforcement action to be taken.
- 8.1.5 **Appendix L** sets out the Council's Enforcement Policy in relation to hackney carriage and private hire licensing matters.

### 8.2 Penalty Points System

- 8.2.1 Many local authorities use a penalty point scheme as an effective means of promoting compliance with legislation and conditions.
- 8.2.2 Dover District Council will operate a penalty points system as set out in **Appendix M**. This will serve both as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement. It will be used to deal particularly with minor breaches or infringements of legislation, policy or unacceptable behaviour by licence holders. It supports a risk based approach to enforcement as the points threshold for considering further sanctions will be triggered by repeated or serious breaches.
- 8.2.3 Penalty points remain on a licence for a period of two years from the date on which they are imposed. If a licence holder accumulates twelve or more penalty points within a period of twenty four months, commencing from the date of imposition of the earliest 'live' penalty points on the licence, he/she will be referred to the Regulatory Committee
- 8.2.4 The Regulatory Committee will follow the objectives of this Policy and have a range of sanctions available, including suspension or revocation of the licence.
- 8.2.5 The adoption of the Penalty Points System will not, however, compromise the council's ability to take other enforcement action to deal with offences or breaches of conditions, should it be warranted.



### **8.3 Prosecution**

8.3.1 The Authority may prosecute licence holders for relevant offences in accordance with the statutory Regulators Code and the Council's Licensing Enforcement Policy,

### **8.4 Complaints**

8.4.1 The Authority has a complaints procedure whereby the general public can submit complaints about licensed drivers and operators and details are included in the Council's Licensing Enforcement Policy.

## **9 HACKNEY CARRIAGE STANDS**

- 9.1 The purpose of hackney carriage stands (also known as taxi 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 shall 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 shall be sited so that passengers can board or alight from the vehicle safely. Stands can be continual or in part time use.
- 9.2 It is an offence for any person to cause or permit any vehicle other than a HackneyCarriage to wait on any rank or stand for Hackney Carriages. Drivers of Hackney Carriages may only wait on a rank or stand whilst plying for hire or waiting for a fare; drivers who park on a rank or stand and leave their vehicle unattended are committing an offence.
- 9.3 The Authority will work with the hackney carriage trade and other stakeholders to keep stands under constant review. Details of all public taxi ranks in the District are attached at **Appendix N**.

## **10 HACKNEY CARRIAGE HAILING POINTS**

- 10.1 Hackney Carriage hailing points have been introduced in other parts of the country and are an alternative to a stand where there is insufficient space for a stand or the location does not justify the creation of a stand. It is a specific location where the public know they will be able to hail a hackney carriage and the theory is that licensed drivers know where they are and will ensure they pass them on a regular basis. There is no provision for hackney carriages to wait at these locations. There are currently no Hackney Carriage hailing points in the Dover district.
- 10.2 Whilst there has been no request for the provision of hailing points in the Dover district, the Authority will consider such requests on their individual merits as they arise.

## **APPENDIX A – Application Procedures**

### **1. General Matters**

- 1.1 Potential applicants are advised to check this policy so that they understand application requirements and conditions attached to licences. This will help minimise likelihood of a refused application and associated incurred costs.
- 1.2 The council is moving towards a system of electronic applications, which enables a more efficient process. However, applicants may need to bring original documents to the council offices for verification. Original documents will be scanned/ copied where necessary and returned to the applicant.
- 1.3 We will endeavour to send reminders to licence holders when licences are due to be renewed. However it is the responsibility of the applicant to ensure that their renewal application is submitted in time, correctly together with any required documentation. Failure to do so may result in a delay in processing an application. If the licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been received. Failure to submit a renewal application in time, may result in the application being considered a “new application” and subject to the same requirements as for new applicants.
- 1.4 A serious view will be taken where applicants or licence holders are found to have knowingly or recklessly misled the council, lied or omitted information during the application process, particularly in relation to convictions and similar matters. Not only is it an offence, which may be subject to further action in accordance with the council’s enforcement policy, but in these circumstances, applicants may be referred to the Regulatory Committee for consideration as to whether they are a fit and proper person to hold a licence. Applications will normally be refused where an applicant has been found to have given false information or attempted to conceal / omit information during the application process.
- 1.5 Authorised officers will normally make decisions concerning the grant or refusal of applications, however, more contentious decisions may be referred to Regulatory Committee.
- 1.6 Once a full, correct application including required supporting documents and fee has been submitted and a decision to grant a licence has been made (e.g. following a Regulatory Committee hearing, where necessary) we aim to issue the licence within 5 working days.
- 1.7 Where applications are refused, there is a right of appeal to the Magistrates Court. Decisions to refuse applications and the reasons for doing so will be confirmed in writing together with details of rights to appeal.

## **2 Drivers - New**

- 2.1 Applications for joint hackney carriage or private hire drivers' licences may be made at any time of the year. Drivers must have held a full UK or EU/EAA drivers licence continuously for at least 12 months immediately prior to making application.
- 2.2 New drivers will be required to undertake a Driving Standards Assessment for Hackney Carriage/ Private Hire Drivers. Applicants are advised to undertake this test and obtain a pass certificate before making their full application. The test must have been taken within 12 months of the application.
- 2.3 Applicants who have considerable relevant experience or alternative qualifications may apply, in writing, to have these taken into consideration in lieu of the DSA requirement. Each application will be considered on its own merits and a refusal to approve an application to have this condition waived may be appealed to the Regulatory Committee for consideration.
- 2.4 All new joint hackney carriage and private hire driver licence holders will receive compulsory training on spotting and reporting signs of child sexual exploitation (CSE). All existing drivers have already received this training.
- 2.5 In order to maintain the high standards that the Authority expects of its drivers operating within the district, knowledge of locations and places of interest is assessed by the Authority through its communication and local knowledge test. The communication test aims to identify understanding of the English language and basic mathematics. The local knowledge test is verbal and aims to identify knowledge of locations of places of interest and routes. In addition to this, part of the test is multiple choice with questions relating to the understanding of the policy requirements.
- 2.6 Only 4 attempts are allowed for each test. After 4 failures the driver must allow 2 months to elapse from the date of the fourth failure before a further attempt can be made.
- 2.7 All applicants must provide a minimum of 5 years address history. If an applicant has lived outside of the UK for any part of the previous 10 years then certificates of good conduct must be obtained from the Police at each place of residence detailing any driving or criminal convictions. Certificates must be translated into English at the applicants expense and must also be verified genuine by the relevant embassy in the UK for the country of origin.
- 2.8 All applicants must make a declaration that they have a statutory right to work in the UK and any applicant that has a limited right to work will not be issued a driver licence for a period longer than that limited period. Checks will be made with partner agencies including the UK Border Agency and HMRC. Students from overseas are advised that they are not currently able to work as self-employed drivers and must therefore be employed. They must also not work for more than 20 hours per week.

2.9 All applicants will be required to provide their driving licence for inspection. A check will be made with the DVLA regarding the validity of the driving licence presented and any outstanding convictions, penalty points and whether the licence is still valid. A charge will be made for this service and all fees must be met by the applicant.

2.10 The following must be provided before a licence can be issued. Where original documents are provided these will be checked/ photocopied and returned to the applicant.

- **A Full UK or EU/EAA Drivers Licence.** This must have been held continuously for at least 12 months immediately prior to the application.
- **Fully Completed Driver Licence Application Form**
- **Application Fee**
- **Completed DVLA consent form**
- **A Pass Certificate for a recognised Driving Standards Assessment for Hackney / Private Hire Drivers** (new drivers)
- **A Completed Group 2 Medical Certificate** confirming that the applicant is fit to drive a hackney carriage/ private hire vehicle. This must be carried out by your GP or a GMC registered practitioner who has access to your medical records. The Certificate must be not more than 3 months old.
- **An Enhanced Disclosure and Barring Service (DBS) certificate countersigned by Dover District Council.** Certificates must be less than 3 months old at the date of application.
- **New Applicants who have lived outside the UK for a continuous period of 3 months or more within the 10 years prior to the application must obtain a Certificate of Good Conduct from the relevant embassy.**
- **Suitable Identity documents providing Evidence of Right to Work in the UK.** Additional checks will be carried out if considered necessary under the Immigration Act.
- Council's Knowledge test must have been passed within last 12 months

2.11 The DBS certificate will be sent to the applicant's home address. This must be provided to the council, as the council will not be sent a separate copy.

2.12 Drivers are then required to sign up for and maintain a subscription with the online DBS Update Service during the time that they are licensed, and give the council ongoing permission to check the status of the certificate as necessary.

<https://secure.crbonline.gov.uk/crsc/subscriber>

Where an up to date online certificate is maintained, drivers will not need to submit a paper DBS certificate with their renewal application as the Council can check the online certificate.

- 2.13 The Council will check the status of a drivers DBS certificate as part of a renewal application. If a driver has failed to register for the update service, they will need to reapply for an Enhanced DBS Certificate and register for the update service.
- 2.14 If the status check shows the certificate as no longer current, then the applicant will need to apply for a new Enhanced DBS certificate as set out in 2.12-2.14.
- 2.15 Where the DBS certificate contains disclosures, then a decision will be made as to whether the applicant is a fit and proper person to hold a licence. **Appendix C** outlines the Council policy on convictions and cautions.
- 2.16 Following a successful application a driver will be issued with a paper licence and a driver's badge. These remain the property of the council and must be returned on request following surrender, revocation or lapse of the licence.

### **Drivers – Renewals**

- 2.17 A driver's licence will usually expire after three years from the date of issue / renewal. Licences may be issued for shorter periods under special circumstances.
- 2.18 A driver must make a renewal application at least one month before the current licence expires.
- 2.19 Failure to renew a licence, a DBS check, medical certificate or DVLA disclosure means that a driver is not entitled to drive until valid documentation has been produced to an officer. Driving otherwise than in accordance with the conditions of the licence and policy may result in a licence being suspended or revoked.
- 2.20 Existing drivers who have not submitted their renewal application within 1 month following expiry of the licence, will be considered new applicants and will be required to meet all the criteria for new driver.
- 2.21 Any driver who submits a renewal application MUST provide a code that proves they are registered with HMRC. Please note that no renewal application will be processed unless this code is received.

## **3. PRIVATE HIRE OPERATOR APPLICATIONS**

- 3.1 Applicants will need to submit the following
- **Fully completed application form**
  - **Application fee**
  - **Proof of Public Liability Insurance** (if the operating premises will be accessible to the public)
  - **A Basic Disclosure Barring Service (DBS) check** for each person named on the application form. This does not apply to persons who

have provided an up to date Enhanced DBS certificate (within 3 months) or maintained an up to date online certificate accessible to Dover District Council as part of a Drivers Licence application with this Authority.

- **New Applicants who have lived outside the UK for a continuous period of 3 months, within the 10 years prior to the application must obtain a Certificate of Good Conduct from the relevant embassy**

3.2 Where a DBS contains disclosures, then the suitability of the applicant to hold a licence will be considered. The Council Policy on convictions and cautions is set out in **Appendix C**

3.3 Following successful application, licensed operators will be issued with a paper licence. This remains the property of the council and must be returned on request following surrender, revocation or otherwise lapse of the licence.

3.4 Renewal applications must be submitted within 1 month of expiry of the licence to allow sufficient time to process the application.

#### **4 VEHICLE APPLICATIONS**

4.1 Vehicles must meet the specifications set out in **Appendix G and H** of this policy. Applicants are therefore strongly advised to check these requirements and if necessary discuss any queries with a licensing officer prior to purchasing a new vehicle or making an application

4.2 The following must be provided before an application can be considered

- **Fully completed Application Form**
- **Application Fee**
- **Vehicle Registration Document (V5) issued by the DVLA** showing the applicant to be the registered keeper. If the vehicle has recently been purchased and the V5 is with DVLA, then other acceptable proof of ownership eg bill of sale, showing full buyer and seller details will be accepted, but the V5 will need to be supplied as soon as this is available.
- **Basic Disclosure & Barring Service (DBS) Check** for each person named on the application form (for Limited Companies and Partnerships a DBS Certificate is required for each partner and director). This does not apply to Persons who have provided an up to date Enhanced DBS certificate (within 3 months) or maintained an up to date online certificate accessible to Dover District Council as part of a Drivers Licence application with this Authority. If an applicant already holds a

current vehicle licence with this authority, then a DBS previously supplied will be acceptable provided it was dated within the last 12 months.

- **New Applicants who have lived outside the UK for a continuous period of 3 months, within the 10 years prior to the application must obtain a Certificate of Good Conduct from the relevant embassy.**
- **Insurance Certificate or cover note confirming the Vehicle is covered for “Hire and Reward”.** If a cover note is provided, licence holders will be required to produce further insurance certificates on or before the expiry of the cover note.
- **MOT Certificate**
- **Evidence that the vehicle is taxed**
- **Individual Vehicle Approval (IVA) Certificate (stretch limousines only)**

4.3 A Licensing Officer will arrange to inspect the vehicle at the council offices to confirm compliance with vehicle specifications.

4.4 Following a successful application, a paper licence and vehicle plates will be issued. The vehicle must not be used for hire and reward until the plates have been affixed to the vehicle (unless a plate exemption letter has been issued.) These must be returned on request following surrender, revocation or lapse of the licence.

4.5 Renewal applications must be submitted 14 days prior to expiry of the licence to allow sufficient time for processing. Failure to do so may result in the existing licence expiring before a new licence is issued. The vehicle could not be used for hire or reward whilst it is unlicensed.

4.6 If a renewal application is made more than 1 month after expiry of the licence, the application will be treated as a new application and vehicles will be required to meet the specifications (including age requirements) for vehicles being licensed for the first time.

## **5. Transfer of a licensed vehicle to new proprietor**

5.1 Where a licensed vehicle is transferred to a new proprietor, notice of transfer must be given within 14 days. It is necessary for a new licence to be obtained showing the new owner details.

5.2 The following must be submitted:

- **Fully completed Application Form**



- **Application Fee**
- **Vehicle Registration Document (V5) issued by the DVLA** showing the applicant (new proprietor) to be the registered keeper or other acceptable proof of ownership
- **Insurance Certificate or cover note confirming the Vehicle is covered for “Hire and Reward”**. If a cover note is provided, licence holders will be required to produce further insurance certificates on or before the expiry of the cover note.
- **MOT Certificate**
- **Evidence that the vehicle is taxed**
- **A Basic DBS certificate for the new proprietor ( where the new proprietor is a Ltd Company or partnership , a certificate is required for each partner/director**. This does not apply to individuals that hold a drivers licence with Dover District Council who have maintained a certificate through the DBS Update Service. If the new proprietor already holds a current vehicle licence with Dover District Council, then DBS Certificates previously supplied, will be acceptable, provided they are dated within 12 months of the application.

### **Replacement Vehicle**

- 5.3 If during the term of the licence, it is necessary to replace the vehicle e.g. insurance replacement due to accident damage, the replacement vehicle must meet the same specifications as for a new vehicle. The application process is the same as set out in 4.1- 4.4.

## APPENDIX B - STANDARDS FOR INSULIN TREATED DIABETES

These arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a Driver licence considered. The criteria are:

- To have been stable on insulin for at least 1 month;
- Not to have suffered an episode of hypoglycaemia requiring the assistance of another person in the last 12 months;
- To have full awareness of the symptoms and risks of hypoglycaemia
- To provide evidence of blood glucose monitoring at least twice daily, including on days when vehicles are not driven and no more than 2 hours before the start of the first journey and every 2 hours while driving. This must be done using blood glucose meters with a memory function to enable at least 3 continuous months of readings to be available for assessment.
- Drivers may be required to provide evidence of monitoring to the licensing authority.
- To have no complication arising from diabetes or any other medical condition which would render the driver unfit to drive a licensed vehicle
- To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to the licensing authority any significant change in condition.
- To attend an examination by a hospital consultant specialising in the treatment of diabetes and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia. This is to be provided before a licence is first granted or renewed and / every 12 months thereafter. This is at the applicant's expense.

## APPENDIX C - RELEVANCE OF CONVICTIONS AND CAUTIONS

### 1. General

- 1.1 The purpose of this policy is to set out the Council's approach to convictions and cautions when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a driver, vehicle or operator licence.
- 1.2 The Institute of Licensing publication "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades" (2018) and DfT statutory standards have been taken into account in preparation of this policy and will be taken into consideration when making decisions.
- 1.3 The existence of this policy aims to promote a transparent and consistent approach that is clear to applicants and decision makers. Notwithstanding the existence of this policy, each application will be determined on its own merits. Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons will be given for doing so.
- 1.4 The leading case as to whether a person is a 'fit and proper person' is:  
McCool v Rushcliffe Borough Council (1998)  
  
The test sets out the requirement to ensure, so far as possible, that those licensed to drive taxis or PHVs are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers.  
  
In layman's terms the question to ask is "Would you let this person drive your daughter, son, mother etc. alone in a car?"
- 1.5 Whilst vehicle proprietors may have no direct contact with passengers, they are entrusted with ensuring suitability of vehicles and that they are driven by licensed drivers. This policy is therefore still applicable.
- 1.6 The safeguarding of the public is paramount. Decisions on the suitability of an applicant or licence holder must be made on the balance of probabilities. An applicant or licence holder should not be given the benefit of the doubt and thus if a Committee or Officer is 50/50 as to whether a person is "fit and proper" they should not hold a licence.
- 1.7 Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no "spent" convictions. Any and all convictions, so far as they are relevant can be taken into account in determining whether an individual is a fit and proper person to hold a Hackney Carriage or Private Hire drivers licence.
- 1.8 Some individuals may hold (or apply for) a combination of driver, vehicle and / or private hire operator licences. In these circumstances, their suitability to hold each type of licence should be considered separately. For example, the refusal to licence an individual as a driver or to suspend or revoke a driver's licence does not automatically mean that they cannot be granted or continue to hold a vehicle or private hire operator

licence. In addition, only the information relevant to that licence should be considered. For example, when considering a vehicle licence, not all information on an Enhanced DBS can be considered - only information that would be available on a Basic DBS. Eg. that which they were required to supply as part of that licence process.

- 1.9 The onus is on the applicant or licence holder to demonstrate that they meet this requirement; not on the council to demonstrate that the applicant does not.
- 1.10 Applicants and licence holders should note that offences are not considered less serious just because they were committed when they were not driving a taxi or working in their capacity as a licensed driver or operator.
- 1.11 If a new applicant has been charged with an offence, which if they were convicted of would normally lead to refusal of a licence, a decision may be deferred until proceedings have been completed or the charges withdrawn.
- 1.12 If a court has found an applicant guilty of an offence, that person cannot subsequently claim to the council that they did not commit the offence unless the matter is overturned on appeal. The applicant can, however, offer any mitigating circumstances relating to the offence that they wish the Council to consider.
- 1.13 In all but the most serious cases, the disclosure of cautions, convictions or other information will not permanently debar individuals from gaining a licence. The council will however require applicants with a criminal record to remain free of conviction for the appropriate period set out in the policy and show adequate evidence of good character from the time of the conviction.
- 1.14 In the sections that follow, guidance is given following the disclosure of various convictions, in terms of if and when a person with such convictions may be eligible for a licence. Compliance with the guidelines does not guarantee that a licence will be granted, particularly when there are aggravating factors, such as multiple offences or a pattern of offending
- 1.15 In making its decision the Council will consider, amongst other matters, the nature/class of any offence, how long ago it occurred and the applicants' age at that time, the apparent seriousness as gauged by the penalty imposed, and any other factors which the Council may consider to be relevant.
- 1.16 Motoring offences will generally not be considered relevant for Private Hire Operators.
- 1.17 Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.
- 1.18 As well as convictions, this policy will take into account other issues or intelligence received from other agencies which may be relevant to the "fit and proper" person test.

- 1.19 In considering whether or not a person is fit and proper the council may also consider such matters as an applicant's history as a licence holder not only with Dover District Council but with other licensing authorities; their complaint and compliance history, their co-operation with and attitude towards Licensing Officer's requests, and any other reasonable matters.
- 1.20 Any existing licence holder convicted of an offence during the period of their current licence will be subject to this policy relating to the relevance of convictions. In circumstances where a new applicant would normally have their application refused, an existing licence holder would likely have their licence revoked.
- 1.21 If the applicant has declared any other offences not specifically covered by this policy on the relevance of convictions, the application may still be referred to the Regulatory Committee for determination.
- 1.22 A serious view will be taken where applicants or licence holders are found to have intentionally misled the council, lied or withheld information during the application process, particularly in relation to convictions and similar matters. In these circumstances, they may be referred to the licensing sub-committee for consideration as to whether they are a fit and proper person to hold a licence. Applications will normally be refused where an applicant has sought to conceal information during the application process.

## **2. Crimes Resulting in Death**

- 2.1 Where an applicant or licence holder has been convicted of a crime resulting in death of another person or was intended to cause the death or serious injury of another person, they will not be licensed.

## **3. Offences involving violence**

- 3.1 A licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

## **4. Exploitation**

- 4.1 Where an applicant or licence holder has been convicted of a crime involving or related to abuse or exploitation, regardless of whether the victims were adults or children, they will not be licensed. This includes, but is not limited to, slavery, child sexual exploitation, grooming, and psychological, emotional or financial abuse.

## **5 Possession of a Weapon**

- 5.1 Where an applicant has a conviction for possession of a weapon or any other weapon related offences, a licence will not be granted until at least 7 years have elapsed since completion of any sentence imposed.

## **6 Sexual or Indecency Offences**

- 6.1 Drivers often carry unaccompanied passengers, children and other vulnerable persons. Operators may have contact with passengers and will decide which drivers to dispatch to bookings. For this reason, an extremely serious view is taken with regard to sexual offences. Applicants and licence holders with convictions involving or connected with illegal sexual activity or indecency will not be licensed.
- 6.2 Individuals on the sex offenders register or any "barred" list will not be licensed.

## **7. Dishonesty**

- 7.1 Licence holders are expected to be trustworthy. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.
- 7.2 Members of the public entrust themselves to the care of drivers for their own safety and for fair dealing. Drivers may be entrusted with delivering unaccompanied property and may also recover lost property from their vehicles. In certain situations, drivers and operators may know that a property is empty whilst occupants are on holiday following a booking to take them to the airport.
- 7.3 For this reason, a serious view is taken of any convictions relating to dishonesty. Where an applicant or licence holder has a conviction for any offence of dishonesty they will not be licensed until 7 years has elapsed since the completion of any sentence imposed.

## **8 Drugs**

- 8.1 Where an applicant or licence holder has a conviction related to the supply of drugs or possession with intent to supply, they will not be licensed until at least 10 years has elapsed since the completion of any sentence.
- 8.2 Where an applicant has a conviction for an offence related to the possession of drugs, they will not be licensed until at least 7 years have elapsed since the completion of any sentence imposed. An applicant may be required to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## **9 Discrimination**

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

## **10. Drunkenness (not in a motor vehicle)**

- 10.1 An isolated conviction for drunkenness shall not prevent an applicant from gaining a licence.

- 10.2 A number of convictions for drunkenness could indicate a medical problem necessitating critical examination. If the applicant is found to be an alcoholic / alcohol dependent, a period of five years should elapse after treatment is complete before a further licence application is considered.

## **11 Drink Driving / Driving under the influence of drugs**

- 11.1 A serious view will be taken of convictions of driving or being in charge of a vehicle whilst under the influence of alcohol or drugs.
- 11.2 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban, whichever is the later. An applicant may be required to undergo testing at their own expense to demonstrate that they are not using controlled drugs.

## **12. Driving whilst using a hand-held phone or other hand held device**

An applicant with a conviction for using a handheld mobile telephone or a hand held device whilst driving will not be granted a licence until at least 5 years have elapsed since the completion of any sentence or driving ban, whichever is the later.

## **13. Other Motoring Offences**

- 13.1 Major traffic offences involving death, driving under the influence of alcohol or drugs or whilst using a phone are dealt with in preceding sections.
- 13.2 Other major traffic offences are those involving injury to another person or property (including vehicles), driving whilst disqualified and driving without insurance (or other insurance related offences). Applicants with convictions for major traffic offences will not be licensed until at least 7 years has elapsed since the completion of any sentence or driving ban imposed, whichever is the later.
- 13.3 Minor Traffic Offences are those not dealt with in the sections above. A single minor traffic offence would not normally prevent a licence being granted or lead to a licence being revoked. Subsequent convictions may indicate that a person does not take their professional responsibilities seriously and may not be a safe and suitable person to hold a licence.
- 13.4 Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, the application will be referred to Regulatory Committee for a decision.

## **14 Hackney Carriage and Private Hire Offences**

- 14.1 One of the main purposes of the licensing regime is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences relating to hackney carriage and private hire activity (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

- 14.2 Where an applicant has been convicted of any offence concerned with or connected to hackney carriage or private hire activity, a licence will not be granted until a period of at least 7 years has elapsed following completion of any sentence imposed.



## **APPENDIX D - HACKNEY CARRIAGE BYELAWS**

DOVER DISTRICT COUNCIL

BYELAWS

WITH RESPECT TO HACKNEY CARRIAGES

29 JULY 1987

MADE UNDER SECTION 68 OF THE TOWN POLICE CLAUSES ACT 1847, AND SECTION 171 OF THE PUBLIC HEALTH ACT 1875, BY THE DISTRICT COUNCIL OF DOVER WITH RESPECT TO HACKNEY CARRIAGES IN THE DOVER DISTRICT.

### INTERPRETATION

1. Throughout these byelaws "the Council" means the District Council of Dover and "the District" means the Dover District.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE, SHALL BE DISPLAYED.

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

### PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

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

- (g) Provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- (i) Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

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

#### PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES

5. The driver of a hackney carriage provided with a taximeter shall:-
- (a) When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) Before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - (c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness, this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any time at the request of the hirer.

6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
  - (a) Proceed with reasonable speed to one of the stands in the district if there be one;
  - (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 if there be one;
  - (c) On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - (d) From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
  - (a) Convey a reasonable quantity of luggage;
  - (b) Afford reasonable assistance in loading and unloading;
  - (c) Afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

**PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT, AND SECURING THE DUE PUBLICATION OF SUCH FARES.**

14. 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 table of fares from time to time fixed

by the Council, the rate or fare being calculated by distance and time unless the hirer expresses at the commencement of the hiring his desire to engage by time.

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

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

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

#### **PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF**

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

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

(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 Police Station whichever be the greater subject to the payment not exceeding five pounds.

#### **PENALTIES**

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefor.

#### **REPEAL OF BYELAWS**

19. The Byelaws relating to hackney carriages which were made by (1) the mayor, Alderman and Burgess of the Borough of Dover on the 31<sup>st</sup> day of March 1953, and the 11<sup>th</sup> day of

October 1973 and confirmed by one of Her Majesty's Principal Secretaries of State on the 12<sup>th</sup> day of may 1953, and the 13<sup>th</sup> day of February 1974, respectively, (2) the Mayor, Aldermen and Burgesses of the Borough of Deal on the 5<sup>th</sup> Day of October 1971, and confirmed by one of Her Majesty's Principal Secretaries of State on the 9<sup>th</sup> day of December 1971, and (3) the Dover District Council on the 7<sup>th</sup> day of February 1975 and confirmed by one of Her Majesty's Principal Secretaries of State on the 26<sup>th</sup> day of march 1975, are hereby repealed.

Dated this 29<sup>th</sup> day of July 1987

THE COMMON SEAL of the  
DOVER DISTRICT COUNCIL

Was hereunto affixed

In the presence of:

(Sgd. ) JOHN MOIR  
Chief Executive

The foregoing byelaw is hereby confirmed by the Secretary of State and shall come into operation on the 1<sup>st</sup> day of February 1988.

(Sgd.) H. FAWCETT

An Assistant Secretary in the  
Department of Transport on  
behalf of the Secretary of  
State for Transport.

## **APPENDIX E - PRIVATE HIRE DRIVER'S LICENCE CONDITIONS**

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

- 1.1 The holder of a private hire driver's licence ("the driver") shall comply with the following conditions, which should be read in conjunction with the Code of Good Conduct set out in **Appendix J** .
- 1.2 The driver shall comply with the dress code at all times as detailed in **Appendix K**.
- 1.3 The driver shall at all times, when acting in accordance with the driver's licence granted to them, wear such badge as supplied by the Authority in such position and manner as to be plainly and distinctly visible at all times. He shall not allow the badge to be used by any other person or cause or permit any other person to wear it and on termination or surrender of the driver's licence, shall return the badge to the Authority immediately.
- 1.4 The driver shall behave in a civil, polite and orderly manner at all times in the course of carrying out business and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 1.5 The driver shall not wilfully or negligently cause or permit the vehicle licence plates to be concealed from public view.
- 1.6 The driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- 1.7 The driver when hired to drive to a particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest route.
- 1.8 The driver shall not convey or permit to be conveyed in such vehicle any number of persons greater than the number of persons specified in the licence and also referred to on the vehicle licence plate.
- 1.9 The driver shall convey a reasonable amount of luggage and provide reasonable assistance in loading and unloading luggage.
- 1.10 The driver shall not solicit, by calling out or otherwise importune, any person to hire or be carried for hire, and shall not accept an offer for the hire of the vehicle except where that is first communicated to the driver by the operator.
- 1.11 The vehicle shall be presented in a clean and tidy condition for each journey.
- 1.12 The private hire vehicle shall only be driven by licensed private hire drivers who have the consent of the proprietor of the vehicle.

- 1.13 The driver shall not drink or eat in the vehicle whilst driving or when passengers are aboard, or, if requested to by the passenger, play any radio or sound equipment that is not connected with the operation of the business.
- 1.14 The driver shall not operate the horn as a means of signalling that the vehicle has arrived for hire.
- 1.15 The driver shall report any accidents or incidents affecting the safety or physical appearance of the vehicle to the operator/proprietor of the vehicle immediately (or as soon as practicable) to ensure that the proprietor can fulfil their obligations to report the matter to the Authority within the required 72 hour period.

## **2. Fares and journeys**

- 2.1 The operator of a Private Hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.
- 2.2 The driver shall, if requested by the hirer, provide a written receipt for the fare paid. Each receipt should show the date of journey, driver badge number and amount paid.
- 2.3 If the private hire vehicle is fitted with a taximeter, then the driver of the vehicle shall unless the hirer expresses at the commencement of the journey his desire to engage by time, bring the meter into operation at the commencement of the journey;
- (i) bring the machinery of the taxi meter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter before beginning a journey for which a fare is charged for distance and time, and keep the machinery of the taximeter in action until the termination of the hiring;
  - (ii) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer; and
  - (iii) not demand from any hirer of a Private Hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the meter.

## **3. Duties of Licence Holder**

- 3.1 The driver's licence must be made available for inspection, on request, by any authorised officer of the Authority or any Police Officer.
- 3.2 The driver must notify the Authority, within 14 days of starting or terminating employment, as to the name and address of the operator and/or proprietor concerned, and the date when the employment either started or ended.

- 3.3 The private hire driver's licence or copy thereof must be presented to the proprietor/operator at the beginning of an employment.
- 3.4 All licences and badges issued remain the property of the Authority at all times. They must be returned forthwith when employment as a licensed driver ceases or if the licence expires and is not renewed or where the licence is suspended or revoked.
- 3.5 The driver must notify the Authority in writing, within 14 days, of any change of name or address.
- 3.6 The driver must notify the Authority, within a period of 14 days of any conviction for a criminal offence, motoring offence or receipt of a police caution or fixed penalty imposed whilst the licence is in force
- 3.7 The driver shall report an accident in a private hire vehicle within 72 hours of the occurrence where damage materially affects the safety, performance and appearance of the licensed vehicle or the comfort or convenience of persons carried.
- 3.8 The driver shall keep a copy of these driver conditions in the licensed vehicle being used by that driver.
- 3.9 The driver shall inform the Authority, in writing, immediately, of any deterioration in health or injury that would affect the ability to drive a private hire vehicle.

#### **4. Lost Property**

- 4.1 A driver shall after the termination of each hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein, and endeavour to return it to the owner as soon as possible.

#### **5. The Carriage of animals**

- 5.1 A driver shall not carry in a private hire vehicle any animal, which belongs to, or is being looked after by, themselves, the proprietor or operator of the vehicle.
- 5.2 Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.
- 5.3 A driver shall, however, carry assistance dogs. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs, which assist disabled people with a physical impairment.
- 5.4 Any driver with a medical condition, which may be exacerbated by such dogs, may apply for exemption from the condition in paragraph 5.3 to the Authority. A certificate of exemption will be supplied on production of suitable medical evidence.



## **6. Wheelchair Accessible Vehicles**

6.1 All drivers of wheelchair accessible vehicles must:-

- be fully conversant with the correct method to operate ramps, lifts and wheelchair restraints that can be fitted to the vehicle;
- ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and that the brakes of the wheelchair have been applied prior to the vehicle setting off; and
- ensure that any wheelchairs, equipment and passengers are carried in such a way that no danger is likely to be caused to any passenger in accordance with regulations detailed in section 100 of the Road Vehicles (Construction & Use) Regulations.

## **7 Fares and Taximeters**

7.1 The driver/operator of a private hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.

7.2 The driver shall, if requested by the hirer, provide him with a written receipt for the fare paid. Each receipt should show the date of journey, driver badge number and amount paid.

7.3 The driver must not demand any fare in excess of that previously agreed between the hirer or operator, or if the vehicle is fitted with a taximeter, the fare shown on the face of the taximeter.

7.4 If the vehicle is fitted with a taximeter, the driver must:

- When standing, keep the flag or other device in such position in which no fare is recorded on the face of the taximeter.
- Unless prior agreement has been made with the hirer to engage by time, to bring the machinery of the taximeter into action by moving, the key, flag or other device and keep the machinery in action until the termination of the hiring.
- Cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness – this being the time between half an hour after sunset to half an hour before sunrise, and also at any other time as requested by the hirer.
- Not tamper with or permit any person to tamper with any taximeter, its fittings or seals.

7.5 In the event of a journey commencing in, but ending outside the Dover District there may be charged, for the journey, such fare or rate (if any) as was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that determined by the taximeter.

## **8 Convictions**

8.1 The driver must within 48 hours, notify the council in writing of an arrest and release of any offence imposed on him.

8.2 Drivers must supply DBS certificates and maintain an online certificate through the DBS update facility as set out in Section 2.8 of this policy.

## **9 Medical Examinations**

9.1 All new applicants for a joint hackney carriage and private hire drivers licence must have a medical examination to Group 2 standards as set out in this policy and produce the relevant medical certificate signed by a medical practitioner that the applicant is fit to drive a private hire vehicle.

9.2 Further medical examinations to group 2 standards will be required at the following frequency.

- Up to 45 years of age – 5 yearly
- Between 45 and 60 years of age - 3 yearly
- Aged 60 years and over – annually

9.3 The driver of a private hire vehicle must undergo a medical examination to group 2 standards at other times where reasonably required by the Council.

9.4 The driver shall disclose to the Council in writing, within five days, details of any serious illness or injury that may impair their ability to driver or affect the safety of passengers (for example, head injury, heart attack, stroke, broken limbs,diabetes)

## **12. Miscellaneous**

12.1 The driver must notify the Authority, within 14 days of starting or terminating employment, as to the name and address of the operator and/or proprietor concerned, and the date when the employment either started or ended.

12.2 A copy of the private hire driver's licence must be presented to the proprietor/operator at the beginning of an employment.

12.3 The driver shall notify the Council in writing of any change of address within 14 days.

12.4 The driver must produce his DVLA driving licence to the Council within seven days of a written request for production being made.

12.5 The private hire driver's licence must be made available for inspection, upon request, by any authorised officer of the Council or any police officer.

12.6 Where a customer has, during the course of a hiring, cause to make a complaint, the driver must give enough information to enable him to identify the driver (badge number), vehicle details including the plate and/or registration number in the event that it is their wish to report the matter to the Council

12.7 The Driver must ensure that information for customers concerning how to make a complaint to the Council is clearly displayed within the vehicle.

## **APPENDIX F - PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS**

### **1. Standards of Service**

- 1.1 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:
- 1.2 Ensure that when a private hire vehicle has been hired that the driver attends at the appointed time and place punctually, unless delayed or prevented by sufficient cause
- 1.3 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.
- 1.4 Ensure that any waiting area has adequate seating facilities
- 1.5 The proprietor of a Private Hire Business shall not cause any advertisement in respect of his business or the vehicles used for that purpose to include the word "Taxi" or "Cab" whether in the singular or plural, or any word of similar meaning or appearance to either of those words, whether alone or as part of another word.

### **2. Bookings and Booking/ Dispatch Staff**

- 2.1 Pursuant to s56 Local Government ( Miscellaneous Provisions ) Act 1976, The operator shall keep a record in a suitable book, folder or electronic log of, particulars for every booking of a private hire vehicle invited or accepted by him, whether direct from the hirer or by undertaking bookings at the request of another operator.
- 2.2 Records must be made prior to the commencement of the journey and as a minimum, must include:
  - The time and the date of the booking
  - The name and contact details of the hirer
  - The time, date and place of pick up
  - The destination
  - The Name and licence number of the Driver
  - The vehicle registration number or plate number of the vehicle
  - Name of any individual that responded to the request
  - Name of the individual that dispatched the vehicle
  - The fare (if this was agreed at the time of booking.)
- 2.3. The operator shall keep the above records for a period of not less than 12 months following the date of entry.

- 2.4 The operator shall have sight of a Basic DBS check for all individuals that take bookings and / or dispatch vehicles. For new staff, this check should be done before they take bookings or dispatch vehicles. Where an individual leaves the employment of an operator but returns at a later date, a new DBS must be requested and checked.
- 2.5 The operator shall put in place a documented policy concerning its approach to employment of staff with convictions. Such a policy shall ensure that staff do not present a risk to the public.
- 2.6 Operators must ensure that any operator to whom they sub contract bookings, has equivalent arrangements in place for checking DBS of individuals taking bookings or dispatching vehicles and employment of staff with convictions
- 2.7 The operator shall maintain a register of all individuals who take bookings and/or dispatch vehicles. This must include:
- Name and address
  - Start / end date of employment.
  - Date DBS Certificate checked and by who.
- 2.8 The above records for individuals must be retained for 12 months from the date that the individual left employment of the operator.
- 2.9 Records shall be produced on request by a licensing officer or police officer.
- 2.10 The Operator shall produce his licence on request to any licensing officer or police officer.
- 2.11 Operators must not dispatch Public Carrying Vehicle (PCV) drivers or Public Service Vehicles (PSV) without the informed consent of the person making the booking. The Operator must inform the Person making the booking that PCV drivers are subject to a different licensing system to Taxi / Private Hire Vehicle Drivers, and this does not include an Enhanced DBS Check.

### **3. Drivers and Vehicles**

- 3.1 Operators must ensure that only drivers with a valid joint hackney carriage and private hire driver's licence and vehicles with a valid private hire vehicle licence are utilised. Both Licences must be issued by Dover District Council.
- 3.2 The operator shall keep a copy of licences issued by the Authority, for private hire vehicles it operates.
- 3.3 The operator shall keep a copy of licences issued by the Authority, for drivers it operates.

- 3.4 The operator shall keep records of the following:-
- Driver call signs;
  - Date of when a new driver begins service; and
  - Date when a driver ceases service;
- 3.5 These records must be made available to a licensing officer or police officer on request.

#### **4 Convictions / DBS checks**

- 4.1 The operator shall within 48 hours notify the council in writing, of an arrest and release, of, any offence imposed on him, (or if the operator is a company or partnership, on any of the directors or partners).
- 4.2 Operators must provide a Basic DBS Certificate to the licensing team every 12 months. This will not apply to individuals who hold a current driver's licence with Dover District Council and have maintained an online certificate through the DBS update service. Should an individual cease to be a licensed driver, a Basic DBS must be provided immediately.

#### **5 Complaints**

- 5.1 The Operator shall maintain a record of complaints concerning the condition / cleanliness of a vehicle or any complaint concerning a driver. These records shall be maintained for 6 months and be available to a licensing officer on request. Operators shall immediately upon receipt notify the council in writing of any complaints leading to the suspension or termination of a contract with a driver.
- 5.2 Operators with premises accessed by the public shall display information about how they can contact the Council to make a complaint about a vehicle, driver or operator.

#### **6 Change of Address / Directors**

- 6.1 The operator shall notify the council in writing of any change of his address including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence, within seven days of such change taking place.
- 6.2 Where the operator is a Limited Company or Partnership, it must immediately notify the council where the partner or directors change.

## **APPENDIX G**

### **PRIVATE HIRE VEHICLE SPECIFICATION AND CONDITIONS OF LICENCE**

#### **New Applications**

Only those vehicles which comply with the specification detailed below can be granted a new private hire vehicle licence by Dover District Council.

#### **Existing Licensed Vehicles**

Vehicles that are currently licensed as Private Hire Vehicles by Dover District Council will continue to be licensed on renewal, subject to an MOT Certificate, Compliance Certificate and proof of current road tax being in place and providing the application is made before expiry of licence, until the vehicle age limits in force at that time. All replacement vehicles (temporary and permanent) will have to comply with this specification from the date this policy becomes effective. Any vehicle over 3 years of age will be required to submit a further MOT and have an inspection by the Licensing Officer 6 months into the licence period.

### **THE SPECIFICATION**

#### **1 General**

- 1.1 All vehicles shall have an appropriate “type approval” which is either a European Community Whole Vehicle Type Approval (ECWVTA) or UK Low Volume Type Approval (UKLVTA). Vehicles shall not have been altered since that approval was granted.
- 1.2 Vehicles presented for approval, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.
- 1.3 No fittings, other than those approved, may be attached to, or carried on the inside or outside of the vehicle.
- 1.4 Vehicles which could lead the public to believe that such a vehicle is a hackney carriage, shall not be licensed as a private hire vehicle

#### **2 Dimensions**

##### 2.1 Maximum dimensions:

Width: 2 metres  
Height: 2 metres  
Length: 5 metres

Weight: 3000 kgs

### **3 Body**

- 3.1 The vehicle shall have no signs of previous significant accident damage.
- 3.2 The paint work shall be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.
- 3.3 The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.
- 3.4 Running boards shall only permitted where they are fitted by manufacturers. The board shall be a minimum 125mm in width, all of which shall be available as a step.
- 3.5 Where the top tread of the entrance to the vehicle exceeds 460 mm and the vehicle is not fitted with approved running boards as described in paragraph 3.4, a moveable intermediate step shall be provided at each entrance into the passenger compartment. The intermediate step shall be encased beneath the vehicle and be electrically or manually operated to extend outwards. When not in use and whenever the vehicle is in motion, the step shall not extend outwards beyond the vertical line of the bodywork.
- 3.6 The step shall be covered with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the vehicle.
- 3.7 Electrically operated steps if fitted shall be operated from within the driver's compartment and shall have a failsafe device linked to the handbrake mechanism to prevent the possibility of the vehicle being driven while the step is extended.

### **4 Wheels**

- 4.1 The vehicle shall have four road wheels.
- 4.2 Space-saver spare tyres, where fitted as standard equipment to the vehicle, will be accepted. Provision shall be made for a standard road wheel to be secured in the vehicle should a space saver tyre be used in an emergency. A vehicle presented for examination and test with a space saver spare tyre in use as a road wheel will fail the test.
- 4.3 Any spare wheel shall conform to construction and use regulations.
- 4.4 A wheel brace and jack to enable the effective change of a tyre and wheel shall be carried: except where para. 4.5 applies.
- 4.5 Where an aerosol inflation and sealant device is supplied with the vehicle as standard by the manufacturer, a spare tyre need not be carried.

4.6 If a vehicle is fitted with 'run flat' tyres the vehicle shall be fitted with a tyre pressure sensor / warning device.

## **5 Steering**

5.1 All vehicles, except Stretch Limousines as detailed in Appendix I, shall be right-hand drive and shall have been so since the date of first registration.

## **6 Interior**

6.1 The minimum leg room available to any passenger shall be 200mm. The measurement will be taken from the base of the seat to the rear of the seat in front when the front seat is at its full, rearwards extension. If this measurement cannot be achieved, then 1500mm shall be allowed from the base of the rear seat to the front well. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.

6.2 The internal headroom from the seat cushion to the lowest part of the roof in a vertical line shall be a minimum of 920mm.

## **7 Doors**

7.1 The vehicle shall have a minimum of 4 side opening doors which are easily accessible to passengers without the need to move or adjust any seats etc, to gain access to them.

7.2 All vehicles shall have doors that open sufficiently wide to allow easy access in and egress from the vehicle.

7.3 All doors shall be fitted with reflectors/reflective strips or lights, which are clearly visible from the rear of the vehicle when the door is open.

7.4 All doors shall be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

7.5 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in a fully open position.

## **8 Seats**

8.1 Vehicles shall have a passenger seating capacity of not less than 4 persons and not more than 8 persons.

8.2 Each seat shall be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.



- 8.3 Each seat shall not be less than 406mm in width.
- 8.4 Where bench seats are provided, then the seat shall provide a minimum of 406mm seating space for each passenger i.e. a rear bench seat shall not be less than 1218 mm in order to accommodate 3 passengers.
- 8.5 Each row of seats made available shall have door access immediately adjacent to it unless access to rows of seats is by way of permanent passageway from such a door.
- 8.6 If a seat is to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.

## **9 Windows**

- 9.1 Opening windows shall be provided in the rear of the vehicle capable of being opened by the rear seat passengers.
- 9.2 Vehicle windows shall have visual transmission of light of not less than 75% in respect of windscreens and not less than 70% in respect of all other windows and rear windscreen.
- 9.3 No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.
- 9.4 A serviceable device for demisting the rear window shall be fitted.

## **10 Heating and ventilation**

- 10.1 Vehicles shall have an efficient heating and ventilation system.

## **11 Wheelchair carrying facilities.**

- 11.1 Any vehicle that has the facility for the carriage of wheelchair and wheelchair passengers shall be fitted with:-
- Approved anchorages that shall be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers shall be independent of each other. Anchorages shall also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers.
  - A ramp or ramps for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear passenger door. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle

when not in use.

- 11.2 The vehicle shall be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.
- 11.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) during the 6 months prior to being first licensed and at each subsequent renewal and be so certified and produced to Authority approved testing stations.

## **12 Fuel systems**

- 12.1 A device shall be provided whereby the supply of fuel to the engine may be immediately cut off. A manually operated device shall have its location together with the means of operation and "off" position, clearly marked on the outside of the vehicle. In the case of a vehicle fitted with an automatic inertia fuel cut off switch, no external switch or markings are required.
- 12.2 Before commencing any gas fuel conversions it is essential that written approval is sought from the Authority. The guidelines set out below give indication of current requirements.
- 12.3 All vehicles which are powered by Liquid Petroleum Gas (LPG) or Compressed Natural Gas (CNG) shall comply with all the relevant legislation set out in the Road Vehicles (Construction and Use) Regulations 1986 (as amended).
- 12.4 LPG conversions shall also comply with LP Gas Associations, Autogas Installations Code of Practice 11 and any later version of the COP. Conversion shall still comply with Road Vehicles (Construction and Use) Regulations 1986.
- 12.5 Compressed Natural Gas (CNG) - Vehicles shall comply with the Natural Gas Vehicle Design and Installation of Vehicle Fuel System Component Guidelines. Conversion shall still comply with Road Vehicles (Construction and Use) Regulations 1986 and certain additional safety features as required by the Authority.
- 12.6 To operate a vehicle powered by CNG on the public highway, special authorisation has to be granted through the Department of the Environment, Transport and Regions, Vehicle and Standards Engineering Division, (Reference to C & U regulation 91 (2)). Authorisation shall be submitted to the Authority upon presentation of vehicle for licensing.
- An appropriate certificate of installation shall be provided to the Authority at the time of inspection.
  - An annual exhaust emissions test certificate (issued by an approved vehicle inspectorate MOT testing station) shall be provided when the taxicab is presented for licensing.
  - An appropriate certificate of LPG / CNG Fuel Tank Integrity will be required,

as may an annual system inspection certificate.

- 12.7 The Authority can consider allowing LPG / CNG vehicles to not carry a spare wheel. This would be subject to individual application and the provision that the driver of such a vehicle subscribes to a tyre repair /replacement or vehicle breakdown organisation.

### **13 CCTV Systems**

- 13.1 CCTV surveillance systems to assist driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored / recorded. Any such equipment shall be fitted overtly and in such a way so as not to present any danger or hazard to any passenger. It will be the driver/ proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.

### **14 Trailers and Roof carriers**

- 14.1 The vehicle may tow a trailer but shall;

- comply with the towing weights specified by the vehicles' manufacturer
- provide secure and weather proof storage for luggage
- display the licence plate on to a platform kit at the rear

- 14.2 If a roof carrier is to be used for luggage or goods, in addition to normal luggage, it shall be of a type fitted to the guttering or to the roof rails provided by the manufacturer.

### **15 Tyres**

- 15.1 All tyres, including the spare tyre, shall comply with the vehicle manufacturers specification.

- 15.2 Re-cut tyres are not acceptable for M1 passenger vehicles and remould tyres shall only be acceptable if they carry a recognised approval marking (currently BSAU144e) and display the following information clearly displayed on each tyre:

- Nominal size;
- Construction type (e.g. radial ply);
- Load capacity; and
- Speed capability

- 15.3 Tyres fitted to the vehicle shall have a minimum 1.6mm tread depth.

### **16 Electrical equipment**

- 16.1 Any additional electrical installation to the original equipment shall be adequately insulated and be protected by suitable fuses.

## **PRIVATE HIRE VEHICLE CONDITIONS OF LICENCE**

### **17 Examination and Test**

- 17.1 Before a licence is granted for the use of a vehicle as a private hire vehicle, the vehicle shall be examined and tested by an MOT approved vehicle testing station.
- 17.2 Every vehicle is also to be presented to the Licensing Officer for inspection to ensure that it complies with the additional vehicle conditions.
- 17.3 For vehicles over 3 years of age, a further MOT must be submitted and the vehicle presented to the Licensing Officer for inspection 6 months into the licence period.

### **18 Licence Identification Plates**

- 18.1 The proprietor of a private hire vehicle shall fix to the vehicle licence identification plates of size, colour, design and type supplied by the Authority.
- 18.2 The proprietor shall ensure that the licence identification plate is fixed to the front and rear exterior of the private hire vehicle in the vicinity of the bumper in such a position as the vehicle registration plate is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence is clearly visible by daylight from the highway. It shall be fixed on a platform kit as supplied by the Authority in such a manner as to be easily removed by an authorised officer or a police constable. The platform kit shall be fixed by bolts or screws or other similar means.
- 18.3 The proprietor shall ensure that no licence identification plate be displayed other than the plates issued by the council, and the said plate shall be displayed only on the vehicle to which it relates.
- 18.4 The licence plates shall remain the property of the council and shall be returned to them within seven days after the service on the proprietor of an appropriate notice by the Authority in the event of the private hire vehicle licence ceasing to be in force in respect of the vehicle.

### **19. Meters**

- 19.1 If the vehicle is fitted with a meter for recording the fare it shall display and maintain the statement of fares inside the vehicle in such a position as to be clearly visible at all times to the hirer. The statement of fares shall include the following information:
- The minimum hire charge
  - The rate charged per mile
  - Any additional charges
- 19.2 The meter shall :-

- Be checked and sealed by the Licensing Officer before it is used;
- Not display a “For Hire” sign at any time;
- Be fitted in such a position that its figures are clearly visible to passengers and that it is sufficiently illuminated; and
- Be fitted to the vehicle with seals or other appliances, so as not to be practicable for any person to tamper with them by breaking, damaging or permanently displacing the seals or other appliances.

19.3 If no meter is fitted, the fare charged shall not exceed that stated in the statement of fares as displayed in the vehicle unless a rate has been separately agreed between the hirer and the Licensed Private Hire Operator at the time of booking and prior to the journey.

## **20. Receipt book**

20.1 The proprietor of a private hire vehicle shall ensure that a carbonated receipt book, or other suitable mechanism for producing receipts, is available in the vehicle at all times. A receipt will be given on request and each receipt shall show as a minimum the following particulars:-

- Date of journey
- Badge number of driver
- Amount paid

## **21. Luggage**

21.1 The proprietor shall at all times, provide facilities for the conveyance of luggage safely and protected from inclement weather.

21.2 Where luggage is stored other than in a boot (e.g. in an MPV), it shall be properly secured.

## **22 Property**

22.1 Any property left accidentally in the vehicle by passengers shall be returned to the passengers where possible, or returned to the operating address and the passengers contacted to advise that it is available for collection.

## **23 Furnishing and maintenance of vehicle**

23.1 The proprietor shall ensure that the vehicle and all its fittings and equipment at all times when the vehicle is in use or available for private hire shall be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Road Vehicles (Construction and Use Regulations 1986) shall be fully complied with.

- 23.2 Where a separate compartment is provided for passengers, the proprietor shall provide sufficient means by which any person in the compartment may communicate with the driver.
- 23.3 The proprietor shall at all times, provide adequate lighting and heating for the interior of the vehicle.

## **24 Signs, notices and advertisements**

- 24.1 Vehicles shall not be allowed to display any printed, written or other material on the windows of the vehicle except in respect of the following:-
- No eating or drinking;
  - Public health and safety campaigns;
  - Permits for private ranks;
  - Trade organisation membership;
  - No smoking.
- 24.2 Vehicle proprietors shall not display or allow to be displayed in or on their vehicle any signs, notices, advertisements, video or audio display etc either for the purpose of advertising or by way of identifying or personalising marks. However, the Authority will consider varying this prohibition on application from vehicle licence holders in accordance with the terms of these conditions.
- 24.3 Applications for approval of advertisements must be made in writing on the approved form to the Licensing Manager. The form must be accompanied by a copy of the proposed advertisement in full colour.
- 24.4 All advertisements must comply with the British Code Of Advertising Practice issued by the Advertising Standards Authority and must be legal, decent, honest and truthful. Each application will be considered on its own merits but advertisements will not be approved if they contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi nude figures; are likely to offend public taste; depict men or women as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities.
- 24.5 If the Licensing Manager is not satisfied as to the non-contentious nature or placement of an advertisement then any such application may be submitted to the Regulatory Committee.
- 24.6 Permitted advertisements may be displayed in the interior of vehicles on the underside of tip-up seats and these must be encapsulated in clear non-flammable plastic or be manufactured of rigid plastic.

24.7 Proprietors or drivers of licensed vehicles found to be advertising unauthorised or prohibited advertisements shall be issued penalty points.

## **25 Company signs**

### **25.1 Cars**

Company (Operator) signs shall be displayed on the two front doors (upper half panel in line with Authority signs). The maximum size shall be 770mm x 260mm.

A sign may be displayed on the rear of the vehicle advertising the company but it shall not exceed 100mm in height and the telephone number should not exceed 75mm in height.

A copy of any proposed company sign shall be forwarded to the Licensing Section for approval.

### **25.2 MPV's**

Company (Operator) signs shall be displayed on the two front doors (upper half panel in line with Authority signs) of private hire vehicles. Signs may be displayed on the rear of the vehicle advertising the company (but not the window). A copy of any proposed company signage shall be forwarded to the Licensing Section who shall approve by vehicle make and model, signage parameters in proportion to the design of each vehicle.

### **25.3 Other (Large) Vehicles**

The Authority shall approve, by vehicle make and model, signage parameters in proportion to the design of each vehicle. Company (Operator) signs shall be displayed on the two front doors (upper half panel in line with Council signs).

25.4 All company signs shall be the same for each vehicle.

## **26 Communication Devices**

26.1 Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus shall be fixed in the passenger compartment or in the rear boot compartment if LPG or CNG tanks or equipment are in use. It shall be currently approved by Ofcom.

26.2 Any radio apparatus shall be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.

26.3 No other radio equipment, either in the driver or the passenger compartment, is permitted without the prior approval of the Authority.

## **27 Auxiliary equipment**

27.1 Any auxiliary equipment that is fitted to a vehicle shall not impede the driver in any way, or hinder his/her view, or impede, or cause hazard to passengers or other road users.

## **28 Convictions**

- 28.1 The proprietor of a private hire vehicle shall within 14 days of conviction disclose to the Authority in writing details of any convictions imposed on him during the currency of his licence.

## **29 Change of Address**

- 29.1 The proprietor shall notify the Authority in writing of any change in his/her name or address within 14 days of such a change taking place.

## **30 Production of Private Hire Vehicle Licence and Insurance Certificates**

- 30.1 The proprietor of a private hire vehicle shall provide a copy of the current private hire vehicle licence issued by the Authority and current insurance certificate to the operator for which the vehicle is being used during the time it is so used for that operation.

## **31 Fire Extinguisher & First Aid Kit**

- 31.1 All vehicles must carry a standard motorist's first aid kit and an easily accessible and compliant fire extinguisher, both of which must be in a serviceable condition.



## **APPENDIX H – HACKNEY CARRIAGE VEHICLE SPECIFICATION AND CONDITIONS**

### **New Applications**

The Authority is not currently accepting applications for new Hackney Carriage Vehicle Licences, however, should an application be considered or the quantity restrictions be lifted whilst this policy is in force then all new applications for Hackney Carriage Vehicle Licences will have to comply with the specification detailed below.

### **Existing Licensed Vehicles**

Vehicles that are currently licensed as Hackney Carriage Vehicles by Dover District Council will continue to be licensed on renewal, subject to a satisfactory MOT and compliance inspection and evidence of current vehicle tax being in place, and providing the application is made before expiry of licence, until the vehicle age limits in force at that time. All replacement vehicles (temporary and permanent) will have to comply with this specification from the date this policy becomes effective. Any vehicle over 3 years of age will be required to submit a further MOT and have an inspection by the Licensing Officer 6 months into the licence period.

## **THE SPECIFICATION**

### **1 General**

- 1.1 All vehicles shall have an appropriate “type approval” which is either a European Community Whole Vehicle Type Approval (ECWVTA) or UK Low Volume Type Approval (UKLVTA). Vehicles shall not have been altered since that approval was granted.
- 1.2 Vehicles presented for approval, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.
- 1.3 No fittings, other than those approved, may be attached to, or carried on the inside or outside of the vehicle.
- 1.4 To aid identification of hackney carriage vehicles by the public, licensed vehicles, shall display, on both sides of the vehicle the word "taxi". The word “taxi” shall be permanently marked; in a colour contrasting with the colour scheme of the vehicle in letters not less than 100 mm high. The wording shall be located in such a position that it is easily seen and may be repeated along the side of the vehicle.

## **2 Dimensions**

### **2.2 Maximum dimensions:**

Width: 2 metres  
Height: 2 metres  
Length: 5 metres  
Weight: 3000 kgs

## **3 Body**

- 3.1 The vehicle shall have no signs of previous significant accident damage.
- 3.2 The paint work shall be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.
- 3.3 The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.
- 3.4 Running boards shall only permitted where they are fitted by manufacturers. The board shall be a minimum 125mm in width, all of which shall be available as a step.
- 3.5 Where the top tread of the entrance to the vehicle exceeds 460 mm and the vehicle is not fitted with approved running boards as described in paragraph 3.4, a moveable intermediate step shall be provided at each entrance into the passenger compartment. The intermediate step shall be encased beneath the vehicle and be electrically or manually operated to extend outwards. When not in use and whenever the vehicle is in motion, the step shall not extend outwards beyond the vertical line of the bodywork.
- 3.6 The step shall be covered with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the vehicle.
- 3.7 Electrically operated steps if fitted shall be operated from within the driver's compartment and shall have a failsafe device linked to the handbrake mechanism to prevent the possibility of the vehicle being driven while the step is extended.

## **4 Wheels**

- 4.1 The vehicle shall have four road wheels.
- 4.2 Space-saver spare tyres, where fitted as standard equipment to the vehicle, will be accepted. Provision shall be made for a standard road wheel to be secured in the vehicle should a space saver tyre be used in an emergency. A vehicle presented for examination and test with a space saver spare tyre in use as a road wheel will fail the test.

- 4.3 Any spare wheel shall conform to construction and use regulations.
- 4.4 A wheel brace and jack to enable the effective change of a tyre and wheel shall be carried: except where para. 4.5 applies.
- 4.5 Where an aerosol inflation and sealant device is supplied with the vehicle as standard by the manufacturer, a spare tyre need not be carried.
- 4.6 If a vehicle is fitted with 'run flat' tyres the vehicle shall be fitted with a tyre pressure sensor / warning device.

## **5 Steering**

- 5.1 All vehicles shall be right-hand drive and shall have been so since date of first registration

## **6 Interior**

- 6.1 The minimum leg room available to any passenger shall be 200mm. The measurement will be taken from the base of the seat to the rear of the seat in front when the front seat is at its full, rearwards extension. If this measurement cannot be achieved, then 1500mm shall be allowed from the base of the rear seat to the front well. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
- 6.2 The internal headroom from the seat cushion to the lowest part of the roof in a vertical line shall be a minimum of 920mm.

## **7 Doors**

- 7.1 The vehicle shall have a minimum of 4 side opening doors which are easily accessible to passengers without the need to move or adjust any seats etc, to gain access to them.
- 7.2 All vehicles shall have doors that open sufficiently wide to allow easy access in and egress from the vehicle.
- 7.3 All doors shall be fitted with reflectors/reflective strips or lights, which are clearly visible from the rear of the vehicle when the door is open.
- 7.4 All doors shall be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.
- 7.5 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in a fully open position.

## **8 Seats**

- 8.1 Vehicles shall have a passenger seating capacity of not less than 4 persons and not more than 8 persons.
- 8.2 Each seat shall be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.
- 8.3 Each seat shall not be less than 406mm in width.
- 8.4 Where bench seats are provided, then the seat shall provide a minimum of 406mm seating space for each passenger i.e. a rear bench seat shall not be less than 1218 mm in order to accommodate 3 passengers.
- 8.5 Each row of seats made available shall have door access immediately adjacent to it unless access to rows of seats is by way of permanent passageway from such a door.
- 8.6 If a seat is to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.

## **9 Windows**

- 9.1 Opening windows shall be provided in the rear of the vehicle capable of being opened by the rear seat passengers.
- 9.2 Vehicle windows shall have visual transmission of light of not less than 75% in respect of windscreens and not less than 70% in respect of all other windows and rear windscreen.
- 9.3 No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.
- 9.4 A serviceable device for demisting the rear window shall be fitted.

## **10 Heating and ventilation**

- 10.1 Vehicles shall have an efficient heating and ventilation system.

## **11 Wheelchair carrying facilities.**

- 11.1 Any vehicle that has the facility for the carriage of wheelchair and wheelchair passengers shall be fitted with:-
  - Approved anchorages that shall be either chassis or floor linked and capable

of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers shall be independent of each other. Anchorages shall also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers.

- A ramp or ramps for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear passenger door. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle when not in use.

- 11.2 The vehicle shall be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.
- 11.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) during the 6 months prior to being first licensed and at each subsequent renewal and be so certified and produced to the Authority.

## **12 Fuel systems**

- 12.1 A device shall be provided whereby the supply of fuel to the engine may be immediately cut off. A manually operated device shall have its location together with the means of operation and "off" position, clearly marked on the outside of the vehicle. In the case of a vehicle fitted with an automatic inertia fuel cut off switch, no external switch or markings are required.
- 12.2 Before commencing any gas fuel conversions it is essential that written approval is sought from the Authority. The guidelines set out below give indication of current requirements.
- 12.3 All vehicles which are powered by Liquid Petroleum Gas (LPG) or Compressed Natural Gas (CNG) shall comply with all the relevant legislation set out in the Road Vehicles (Construction and Use) Regulations 1986 (as amended).
- 12.4 LPG conversions shall also comply with LP Gas Associations, Autogas Installations Code of Practice 11 and any later version of the COP. Conversion shall still comply with Road Vehicles (Construction and Use) Regulations 1986.
- 12.5 Compressed Natural Gas (CNG) - Vehicles shall comply with the Natural Gas Vehicle Design and Installation of Vehicle Fuel System Component Guidelines. Conversion shall still comply with Road Vehicles (Construction and Use) Regulations 1986 and certain additional safety features as required by the Authority.

12.6 To operate a vehicle powered by CNG on the public highway, special authorisation has to be granted through the Department of the Environment, Transport and Regions, Vehicle and Standards Engineering Division, (Reference to C & U regulation 91 (2)). Authorisation shall be submitted to the Authority upon presentation of vehicle for licensing.

- An appropriate certificate of installation shall be provided to the Authority at the time of inspection.
- An annual exhaust emissions test certificate (issued by an approved vehicle inspectorate MOT testing station) shall be provided when the taxicab is presented for licensing.
- An appropriate certificate of LPG / CNG Fuel Tank Integrity will be required, as may an annual system inspection certificate.

12.7 The Authority can consider allowing LPG / CNG vehicles to not carry a spare wheel. This would be subject to individual application and the provision that the driver of such a vehicle subscribes to a tyre repair /replacement or vehicle breakdown organisation.

### **13 CCTV Systems**

13.1 CCTV surveillance systems to assist driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored / recorded. Any such equipment shall be fitted overtly and in such a way so as not to present any danger or hazard to any passenger. It will be the driver/ proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.

### **14 Trailers and Roof carriers**

14.1 The vehicle may tow a trailer but shall;

- comply with the towing weights specified by the vehicles' manufacturer
- provide secure and weather proof storage for luggage
- display the licence plate on to a platform kit at the rear

14.2 If a roof carrier is to be used for luggage or goods, in addition to normal luggage, it shall be of a type fitted to the guttering or to the roof rails provided by the manufacturer.

### **15 Tyres**

15.1 All tyres, including the spare tyre, shall comply with the vehicle manufacturers specification.

15.2 Re-cut tyres are not acceptable for M1 passenger vehicles and remould tyres shall

only be acceptable if they carry a recognised approval marking (currently BSAU144e) and display the following information clearly displayed on each tyre:

- Nominal size;
- Construction type (e.g. radial ply);
- Load capacity; and
- Speed capability

15.3 Tyres fitted to the vehicle shall have a minimum 1.6mm tread depth.

## **16 Electrical equipment**

16.1 Any additional electrical installation to the original equipment shall be adequately insulated and be protected by suitable fuses.

## **CONDITIONS OF LICENCE**

### **17 Examination and Test**

17.1 Before a licence is granted for the use of a vehicle as a Hackney Carriage vehicle, the vehicle shall be examined and tested by an MOT approved vehicle testing station.

17.2 Every vehicle is also to be presented to the Licensing Officer for inspection to ensure that it complies with the additional vehicle conditions.

### **18 Licence Identification Plates**

18.1 The proprietor of a hackney carriage vehicle shall fix to the vehicle licence identification plates of size, colour, design and type prescribed by the Authority.

18.2 The proprietor shall ensure that the licence identification plate is fixed to the front and rear exterior of the hackney carriage vehicle either immediately above or immediately below the bumper in such a position as the vehicle registration plate is not obscured, with the particulars thereon facing outwards so that the licence is clearly visible by daylight from the highway at the rear of the vehicle. It shall be fixed on a platform kit supplied by the Authority in such a manner as to be easily removed by an authorised officer or a police constable. The platform kit shall be fixed by bolts or screws or other similar means.

18.3 The proprietor shall ensure that no licence identification plate be displayed other than the plates issued by the Authority, and the said plates shall be displayed only on the vehicle to which it relates.

18.4 The licence plates shall remain the property of the Authority and shall be returned to it within seven days after the service on the proprietor of an appropriate notice by the Authority in the event of the hackney carriage licence ceasing to be in force in respect of that vehicle.

## **19 Taximeters**

- 19.1 The taximeter and fittings shall be fixed to the vehicle with seals or other appliances (where possible), so as not to be practicable for any person to tamper with them by breaking, damaging or permanently displacing the appliance.
- 19.2 The taximeter shall be positioned so that all letters and figures on its face shall be at all times illuminated and plainly visible to any passenger.
- 19.3 The taximeter when standing at a rank or plying for hire shall be kept locked in a position in which no fare is recorded on its face.
- 19.4 When the taximeter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that shall be charged for a journey.
- 19.5 If the taximeter is sealed and has been altered for whatever reason, the proprietor of the vehicle shall forthwith make arrangements for resetting and resealing with the Licensing Officer.
- 19.6 The vehicle taximeter shall be brought into operation at the commencement of **all** hires and the fare demanded by the driver shall not be greater than that shown on the meter and fixed by this Authority. In the event of a hire ending outside the town boundary there may be charged for the journey such fare or rate of fare, if any, as was agreed before the hiring was effected. If no such agreement was made at the start of the journey then the fare to be charged should be no greater than that which would have been shown on the taximeter.
- 19.7 All Taximeters shall be operated in accordance with the Hackney Carriage Byelaws as detailed in **Appendix D**.

## **20. Table of fares**

- 20.1 The proprietor shall ensure that the current table of fares fixed by the Authority is on display inside the vehicle at all times and is not concealed from view or rendered illegible.

## **21. Receipt book**

- 21.1 The proprietor of a private hire vehicle shall ensure that a carbonated receipt book, or other suitable mechanism for producing receipts, is available in the vehicle at all times. A receipt will be given on request and each receipt shall show as a minimum the following particulars:-

- Date of journey
- Badge number of driver



- Amount paid

## **22. Luggage**

- 22.1 The proprietor shall at all times, provide facilities for the conveyance of luggage safely and protected from inclement weather.
- 22.2 Where luggage is stored other than in a boot (e.g. in an MPV), it shall be properly secured.

## **23 Property**

- 23.1 Every effort should be made to return any property left accidentally in the vehicle by passengers to the rightful owner.

## **24 Furnishing and maintenance of vehicle**

- 24.1 The proprietor shall ensure that the vehicle and all its fittings and equipment at all times when the vehicle is in use or available for private hire shall be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Road Vehicles (Construction and Use Regulations 1986) shall be fully complied with.
- 24.2 Where a separate compartment is provided for passengers, the proprietor shall provide sufficient means by which any person in the compartment may communicate with the driver.
- 24.3 The proprietor shall at all times, provide adequate lighting and heating for the interior of the vehicle.

## **25 Taxi signs**

- 25.1 The proprietor shall ensure that a roof sign of the approved type shall be illuminated at all times when (and only when) the vehicle is available for hire.

## **26 Signs, notices and advertisements**

- 26.1 Vehicles shall not be allowed to display any printed, written or other material on the windows of the vehicle except in respect of the following:-
- No eating or drinking;
  - Public health and safety campaigns;
  - Permits for private ranks;
  - Trade organisation membership;
  - No smoking; and

- 26.2 Vehicle proprietors shall not display or allow to be displayed in or on their vehicle any signs, notices, advertisements, video or audio display etc either for the purpose of advertising or by way of identifying or personalising marks. However, the Authority will consider varying this prohibition on application from vehicle licence holders in accordance with the terms of these conditions.
- 26.3 Applications for approval of advertisements must be made in writing on the approved form to the Licensing Manager. The form must be accompanied by a copy of the proposed advertisement in full colour.
- 26.4 All advertisements must comply with the British Code Of Advertising Practice issued by the Advertising Standards Authority and must be legal, decent, honest and truthful. Each application will be considered on its own merits but advertisements will not be approved if they contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi nude figures; are likely to offend public taste; depict men or women as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities.
- 26.5 If the Licensing Manager is not satisfied as to the non-contentious nature or placement of an advertisement then any such application may be submitted to the Regulatory Committee.
- 26.6 Permitted advertisements may be displayed in the interior of vehicles on the underside of tip-up seats and these must be encapsulated in clear non-flammable plastic or be manufactured of rigid plastic.
- 26.7 Proprietors or drivers of licensed vehicles found to be advertising unauthorised or prohibited advertisements shall be issued penalty points.

## **27 Communication Devices**

- 27.1 Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus shall be fixed in the passenger compartment or in the rear boot compartment if LPG or CNG tanks or equipment are in use. It shall be of a type currently approved by Ofcom.
- 27.2 Any radio apparatus shall be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.
- 27.3 No other radio equipment, either in the driver or the passenger compartment, is permitted without the prior approval of the Authority.

## **28 Auxiliary equipment**

- 28.1 Any auxiliary equipment that is fitted to a vehicle shall not impede the driver in any way, or hinder his/her view, or impede, or cause hazard to passengers or other road

users.

**29 Convictions**

29.1 Proprietors shall within 14 days of conviction disclose to the Authority, in writing, details of any convictions received during the period of licence.

**30 Change of Address**

30.1 The proprietor shall notify the Authority, in writing, of any change in name and address within 14 days of such a change taking place.

**31 Fire Extinguisher & First Aid Kit**

31.1 All vehicles must carry a standard motorist's first aid kit and an easily accessible and compliant fire extinguisher, both of which must be in a serviceable condition.

## APPENDIX I – STRETCH LIMOUSINES

### 1. PRE-LICENSING REQUIREMENTS AND LICENSING CONDITIONS

	Issue	Licence Condition	Justification
1	Left Hand Drive Vehicles	Permit Left Hand Drive limousines to be licensed.	The majority of stretch limousines are imported from the United States of America and are left hand drive. The Department for Transport has recommended that Authorities should not refuse to licence limousines simply because they have characteristics which contravene their existing policy, i.e. left hand drive.
2	Sideways Seating	Permit limousines with sideways facing seating to be considered for private hire vehicle licensing. But no seat must be positioned so that it permanently obstructs any door.	A main characteristic of stretch limousines is their sideways facing bench seats. In line with the Department for Transport guidance the Authority will consider the suitability of limousines with sideways seating for licensing.
3	Signage	Provided that they have received written consent from the Authority, limousines may, in certain circumstances, not be required to display identification signs required by other private hire vehicles.	Signage serves to distinguish private hire vehicles from ordinary saloon cars and to make them clearly identifiable to the public. However, the naturally distinctive appearance of stretched limousines means that they are very unlikely to be confused with a private road user's vehicle or a hackney carriage vehicle.
4	Tinted Glass	No restriction to the level of tint for the glass windows in the passenger compartment. However, tinted glass in the windscreen and front doors shall be restricted to the requirements of the IVA Standards.	It is recognised that the privacy provided by tinted glass in the passenger compartment is a central characteristic of a limousine.
5	Fare Table/Taximeter	Limousines are not required to display a fare table or contain a taximeter. Any taximeter fitted must be a calendar controlled taximeter and any fare table in operation be forwarded to the Authority.	Stretch limousines often do not operate under a fare system as journeys are generally pre-paid in advance based on the length of time they are hired for.
6	Roadworthiness	They shall hold a valid Individual	IVA test comprises of a visual

		Vehicle Approval (IVA) Certificate or equivalent.	examination of a vehicle and certifies its safety and roadworthiness.
7	Vehicle Age	Stretch limousines to be licensed in accordance with the Authority's current vehicle age policy.	To ensure that the limousines licensed by the Authority are in a good and safe condition.
	<b>Issue</b>	<b>Licence Condition</b>	<b>Justification</b>
8	Insurance	An appropriate insurance policy must be in place, which covers use of the vehicle for hire and reward.	The Authority has concerns that some limousines may be operating under insurance policies which do not cover use for hire and reward and take into account that the vehicle has been stretched.
9	Tyres	The limousine must be fitted with tyres that meet both the size and weight specification.	Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times.
10	Vehicle Testing	The limousine shall be examined twice a year to the appropriate Class MOT standard.	To ensure that limousines licensed by the Authority are maintained to high standards and remain safe.
11	Maximum Passengers	The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers.	Authorities can only licence vehicles with a maximum seating capacity of up to 8 passengers.
		Any seats in the driver's compartment other than the driver's seat shall not be used to carry passengers.	This is to ensure that passengers are not carried in the front of the vehicle to improve driver and passenger safety.
		The vehicle must not carry more than 8 passengers at any time. age).	This condition shall be enforced by Authority officers performing random inspections of licensed vehicles.
		In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry 8 passengers.	To inform customers of the maximum carrying capacity of the vehicle.
12	Seat Belts	Seatbelts must be fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion.	In accordance with Road Vehicle (Construction and Use) Regulations.

13	Alcohol	Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the retail sale and supply of alcohol.	To comply with alcohol licensing requirements and safeguard public safety.
		Alcohol shall only be served while the vehicle is stationary and afterwards, the bottle(s) shall be placed in a secure receptacle.	
		If the occupants are below the age of 18 years, then no alcohol shall be permitted in the vehicle for consumption in the vehicle.	
	<b>Issue</b>	<b>Licence Condition</b>	<b>Justification</b>
	Alcohol (continued)	Any glassware in the vehicle must be made of strengthened glass. Polycarbonate vessels should be considered.	
14	Entertainment	The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.	To safeguard children and vulnerable adult passengers from viewing unsuitable material.
		The limousine operator shall ensure that a performing right licence is held (if appropriate).	Many limousines have the capability of playing recorded media for the entertainment of customers and so the operator must ensure the appropriate royalties are paid.
		If the limousine parks to provide some form of entertainment to its passengers then a Premises licence must be in place in accordance with the Licensing Act 2003.	Entertainment regulated under the Act includes recorded TV, video, video games, loudspeakers, or any other activity provided for the passenger's enjoyment.
15	Authority Notices	The proprietor shall when directed by the Authority, display and maintain any notices in a conspicuous position.	To convey information to passengers where appropriate.
16	Advertisements	No other signs, notices or any other marking will be displayed on or in the vehicle without the written consent of the Authority.	To ensure that any materials displayed in the limousine is suitable for public viewing
17	Luggage	Ensure that loose luggage is not carried within the passenger compartment of the vehicle.	Passenger safety.
18	Safety Hammer	Vehicles must be supplied with a	Passenger safety.

		safety hammer, capable of being used to break the glass windows of the vehicle and shall be securely located in the driver's compartment but in view and accessible to passengers in an emergency.	
19	Identification Badges	The proprietor of the vehicle will be issued, by the Authority, with a disc showing the registration number of the vehicle that is licensed, and the expiry date and it must be displayed on the top left-hand corner of the front windscreen where it can be clearly seen from the outside of the vehicle.	To ensure that the vehicle is licensed.
	<b>Issue</b>	<b>Licence Condition</b>	<b>Justification</b>
20	Identification Discs (continued)	No identification disc shall be parted with, lent or used on any other vehicle and the loss or damage of the disc shall be reported to the Authority as soon as the proprietor is aware of the loss.	
		In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle discs and licence to the Authority within seven days.	
21	CCTV	It is not proposed that such measures such as CCTV should be required, as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. The trades are, however, encouraged to consider the installation of CCTV in their vehicles on a voluntary basis.	Driver safety.
22	Sun roof/Ceiling	If fitted, any sun roof switch to be isolated so it cannot be operated by passengers. Any mirrored or glass ceiling or fixtures shall be made of strengthened glass.	
23	Interior	Adequate illumination shall be	Passenger safety.

		provided in the passenger compartment. The roof and side panels shall be adequately trimmed.	
24	Doors	All doors shall be capable of being opened from inside as well as from outside the vehicle.	To enable safe access/egress.
25	Communication	A means of two way communication between the driver and passengers shall be installed to the satisfaction of the Authority.	Passenger and driver safety.
26	Fire Extinguisher & First Aid Kit	All vehicles must carry a standard motorist's first aid kit and an easily accessible and compliant fire extinguisher, both of which must be in a serviceable condition.	Public safety



## **2 DRIVER AND OPERATOR LICENSING REQUIREMENTS FOR LIMOUSINES**

- 2.1 In addition to the limousine being licensed as a private hire vehicle with the Authority, the limousine operator is required to hold a private hire operators' licence with the Authority.
- 2.2 All bookings for a limousine licensed as a private hire vehicle must be booked through the licensed private hire operator.
- 2.3 Once licensed as a private hire vehicle the limousine can only be driven by a person who holds a current combined driver's licence issued by Dover District Council.

## **APPENDIX J - CODE OF GOOD CONDUCT**

This Code 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 trades by:

- (a) complying with this Code of Good Conduct;
- (b) complying with all the conditions of their licence, byelaws and the Authority's Hackney Carriage and Private Hire Licensing Policy;
- (c) behaving in a civil, orderly and responsible manner at all times; and
- (d) sign to acknowledge the Code of Conduct.

### **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 pre-booked hires;
- (d) assist, where necessary, passengers into and out of vehicles; and
- (e) provide 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) not sound the vehicle's horn after 11.30pm or from a stationary vehicle;
- (b) keep the volume of music media player and VHF radios to a minimum;
- (c) switch off the engine if required to wait; and
- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.
- (e) not double park or obstruct driveways and/or access points etc.

#### **4 Responsibilities at Ranks and Offices**

Licence holders shall:-

- (a) rank in an orderly manner and proceed along the rank in order and promptly;
- (b) remain in attendance of the vehicle;
- (c) not allow their music media players or VHF radios to cause disturbance to residents of the neighbourhood; and
- (d) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

#### **5 General**

Drivers shall:-

- (a) pay attention to personal hygiene and dress so as to present a professional image to the public;
- (b) be polite, helpful and fair to passengers;
- (c) drive with care and due consideration for other road users and pedestrians;
- (d) obey all Traffic Regulation Orders and directions at all time;
- (e) not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (f) not drive while having misused legal or taken illegal drugs;
- (g) fulfil their responsibility to ensure compliance with legislation regarding the length of working hours;
- (h) not eat in the vehicle in the presence of customers;
- (i) not smoke in the vehicle at any time; and
- (j) respect authorised officers at Authority offices and elsewhere during their normal course of their duties.

## 6

### **Disciplinary Hearings**

Drivers should be aware of the powers the Authority has to take action, by way of suspension, revocation or refusal to renew a driver's licences where:-

- (a) the driver has been convicted , since the grant of the licence, of an offence involving dishonesty, indecency or violence;
- (b) the driver has been convicted of an offence under the legislation or Hackney Carriage and Private Hire Licensing Policy relating to taxi and private hire regulation; and
- (c) there is a breach of condition or this code.
- (d) there is a breach of the maximum number of penalty points under the Dover District Council penalty points system
- (e) any other reasonable cause

Guidelines for dealing with offences committed by licence holders are detailed in **Appendix C** and the Council's Licensing Enforcement Policy.

## **APPENDIX K - DRESS CODE**

The Authority is committed to encouraging the professional image of the trade and it considers that drivers should conform to a minimum standard of dress, as set out below, in order to raise and maintain the profile of the licensed trade. Whilst the Authority does not wish to impose such standards by way of conditions to any licence it expects, however, that such standards will be maintained at all times.

### **Acceptable Standards of Dress within this code**

- (1) 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 can be worn with a tie or open-necked.
  
- (2) Trousers/Shorts/Skirts**
  - Trousers may be either full length or shorts if tailored.
  - Female drivers should not wear short skirts.
  - Smart jeans type trousers permitted.
  
- (3) Footwear**
  - Footwear should fit around the heel of feet.

### **Examples of Unacceptable Standards of Dress within this Code**

- Bare chests
- Unclean or damaged clothing or footwear
- Clothing with offensive words, logos or graphics
- Sportswear promoting sports teams
- Clothing with studs or sharp edges
- Beach type footwear (e.g. Flip flops and mules)
- Baseball caps or 'hoodies'
- Tracksuits or Shellsuits

## **APPENDIX L - HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING ENFORCEMENT POLICY**

### **1. Purpose of this policy**

- 1.1 Well directed enforcement activity benefits not only the public but responsible members of the Hackney Carriage and Private Hire Trade.
- 1.2 The Council has a responsibility to ensure that all licensed drivers, owners and operators of vehicles adhere to basic minimum standards. These standards are set out in legislation, byelaws and the Council's Hackney Carriage and Private Hire licensing Policy.
- 1.3 The purpose of this policy is to help ensure that enforcement action is fair, proportionate, consistent, and in accordance with the principles of the Regulator's Code.
- 1.4 Authorised officers will follow this policy when making enforcement decisions. Departures from this policy will be exceptions and must be justified.

### **2 General Approach to Enforcement**

- 2.1 Enforcement decisions will primarily be based on the seriousness of the breach and the possible consequences arising from that breach. Enforcement therefore will not constitute a punitive response to minor technical contraventions of legislation.
- 2.2 When taking enforcement decisions, the following factors will be considered
  - The seriousness of the breach
  - Driver or operator's past history
  - The effectiveness of the enforcement action
  - Danger to the public

### **3 Enforcement Options**

- 3.1 Having considered all relevant information and evidence, the choices for action available to a licensing authority are:-
  - take no action;
  - take informal action;
  - issue penalty points (see **Appendix M**)

- use statutory notices;
- suspend a licence;
- revoke a licence;
- use simple cautions;
- prosecute
- other action as deemed necessary, e.g. completion of a driving assessment.
- a combination of any of the above

#### **4 Appearance before a Regulatory Committee**

- 4.1 Authorised Officers have delegation to make decisions concerning grant and renewal of licences and enforcement decisions concerning convictions, allegations or breaches of relevant legislation and policy concerning existing licence holders.
- 4.2 Authorised Officers may decide to take one or more of the following actions:-
- no action;
  - a written warning;
  - require the production of driving licences or other specified documentation at the Council's Office;
  - suspend a licence ( with immediate effect or after 21 days notice);
  - revoke a licence ( with immediate effect of after 21 days notice);
  - Refuse to renew a licence
  - recommend prosecution action
  - other appropriate action as deemed necessary
  - a combination of the above
- 4.3 in addition to the above, a Licence Holder may be asked to appear before a Regulatory Committee following report of a conviction, breaches of relevant legislation or conditions attached to licences or a contravention of this policy or accumulation of penalty points.

#### **5 Take No Action**

- 5.1 No action would be taken if there is no evidence of breach of policy or legislation.

#### **6. Informal Action**

- 6.1 Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and requests for action and the use of letters.
- 6.2 Such informal enforcement action may be appropriate in any of the following circumstances:

- The nature of the breach is not serious enough to warrant more formal action
- From the individual driver or operator's past history it can be reasonably expected that informal action will achieve compliance
- Confidence in the operator's management is high
- The consequences of non-compliance will not pose a significant risk to the safety of the public

## **7. Penalty Points**

**7.1** This Authority has a penalty point scheme which is set out in **Appendix M**.

**7.2** Licence Holders found to be in breach of licence conditions, this policy or legislation are likely to be issued with penalty points for the transgression. Licence Holders accumulating 12 points during a rolling 24 month period can expect to have their licence reviewed by a Regulatory Committee (without prejudice to other enforcement options)

## **8. Statutory Notices (S68 Local Government Miscellaneous Provisions Act 1974)**

**8.1** An authorised officer may serve written notice for a hackney carriage or private hire vehicle or the taximeter affixed to such vehicle to be presented for inspection and/or testing at the Council's appointed garage or by an authorised officer at a time specified in the notice. This notice may be used where there are concerns regarding the fitness of the vehicle or reasonable grounds to suspect the accuracy of the taximeter. Case Law confirms that fitness of the vehicle may include non-compliance with policy requirements, not just mechanical condition/ roadworthiness. This may include for example, where evidence has not been provided that the vehicle has suitable insurance cover.

**8.2** Under this section, an authorised officer may, in addition to requiring the vehicle to be tested, immediately suspend the vehicle licence until such time as he is satisfied with the condition of the hackney carriage or private hire vehicle. This action will only be taken when he has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passenger and/or other road users.

**8.3** If the Authorised Officer who issued notice is not satisfied that the appropriate action has been taken so as to withdraw the notice within a period of two months from the date of issue, the vehicle licence shall be deemed to be revoked.

## **9 Suspension / revocation of Licences**

**9.1** Where a licence is suspended or revoked. The licence holder will be notified in writing, with the reasons for doing so, within 14 days of the decision to suspend/revoke being made.

### **9.2 Vehicle Licences**



9.2.1 In addition to section 68 above, S60 of the Local Government (Miscellaneous Provisions) Act 1976 enables the council to suspend or revoke a vehicle licence on the following grounds:

- the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- any offence under, or non-compliance with, the provisions of the Act of 1847 or of Part II of the Local Government (Miscellaneous Provisions) Act 1976 by the operator or driver
- any other reasonable cause.

9.2.2 Suspensions and revocations under this section come into effect 21 days from the date of the notice or until any appeal has been determined.

### **9.3 Operator Licences**

9.3.1 S62 of the Local Government (Miscellaneous Provisions) Act 1976 enables the council to suspend or revoke an operator's licence on the following grounds

- any offence under, or non-compliance with, the provisions of this Part of this Act;
- any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;
- any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
- the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty
- any other reasonable cause.

### **9.4 Drivers' licences**

9.4.1 S61 of the Local Government (Miscellaneous Provisions) Act 1976 enables the council to suspend or revoke a driver's licence if:

he has since the grant of the licence—

- been convicted of an offence involving dishonesty, indecency or violence
  - been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
  - been convicted of an immigration offence or required to pay an immigration penalty
- or any other reasonable cause.

9.4.2 Suspensions and revocations under this section will normally take effect after 21 days from the date of the notice or after any appeal has been determined.

## **9.5 Immediate Suspension/ revocation of Driver Licenses**

9.5.1 A council may suspend or revoke a driver's licence with immediate effect, where this is in the interest of public safety. Immediate suspensions continue to remain in force whilst any appeal against the suspension is heard.

Immediate suspensions therefore give additional protection to the public but may have an impact on the livelihood of the licence holder. Decisions to impose immediate suspensions or revocations must therefore not be taken lightly. However, a licence should be immediately suspended or revoked where this is appropriate.

9.5.2 **Immediate** suspension / revocation of a driver may be considered where they

- have committed a serious offence
- are alleged to have committed a serious offence
- are in breach of the requirements placed upon that type of licence within primary legislation
- are in conflict with a significant part of the council's policy or
- where there is reliable intelligence provided which raises a significant concern and it is necessary to immediately remove that potential risk
- there is concern about a driver's medical fitness

9.5.3 The council has a policy on its approach to convictions and cautions when assessing applications for drivers licences (**Appendix C**). Regard should be had to this policy when assessing whether an allegation, offence or complaint warrants immediate suspension / revocation.

9.5.4 Each case will be judged on its merits taking into account the circumstances and facts of the case, any admissions or denials made and any other relevant information.

## **10. Refusal to Renew a Licence**

10.1 As an alternative to revocation/Suspension, a decision may be taken not to renew a licence, particularly where the licence is due to expire shortly.

## **11. Prosecution**

11.1 The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Authority are not followed and/or the public is put at serious risk.

11.2 The following factors are to be taken into account when deciding whether to prosecute:

- Whether there is sufficient evidence such that there is a realistic prospect of conviction
- The seriousness of the alleged offence;
- The risk to the public
- Whether there were victims and the effect on them
- Failure to respond to previous warnings.
- The previous record of the licence holder / party concerned
- Disregard of safety or the licensing regime for financial benefit
- Whether there was failure to comply with a statutory notice
- The ability of any important witness and their willingness to co-operate;
- The public interest of a prosecution and the importance of the case in establishing a precedent;
- Whether other action, such as issuing a simple caution or notice would be more appropriate or effective.

## **12 Simple Cautions**

12.1 There may be circumstances where evidence exists for a successful prosecution, but where mitigating circumstances are such that nothing is likely to be gained from such action. In such circumstances we will consider the offer of a simple caution as an alternative to prosecution. Circumstances where a caution may be considered are:

- the contravention is low level or a first offence;
- the contravention, although serious, has been speedily dealt with and steps taken to prevent a recurrence;
- The offender has not been cautioned or convicted for a similar offence within the last 2 years.

12.2 The following criteria must be met:

- There is sufficient evidence of the offence such that there is realistic prospect of conviction if the case went to court;
- The offender admits the offence;
- The offender agrees to accept a caution; and
- The offender is able to give informed consent to the caution and understands its significance.

12.3 The decision to offer a caution will be taken by the Licensing Manager or the Head of Regulatory Services in conjunction with Legal Services Team after consideration of a report from the investigating officer.

12.4 If the offer of a formal caution is declined, further enforcement action will be considered. This will usually be prosecution.

### **13. Appeals**

13.1 Where the licensing authority decide to refuse to grant or renew a licence or it suspends or revokes a licence or add conditions to a licence, there is a right of appeal to the Magistrates Court.

13.2 Where applicable, any notification of enforcement action will include written information on how to lodge an appeal, including relevant time limits.

13.3 It will also explain whether the suspension / revocation will remain in effect pending the outcome of an appeal.

## APPENDIX M – PENALTY POINTS SCHEME

- 1 Points will be issued by authorised officers of the Authority to licence holders who are found to be in breach of legislation, byelaws or licence conditions.
- 2 The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to his/her employer or operator. However the Council retains the discretion to issue penalty points to drivers, driver/proprietors and operators for a single contravention if the circumstances warrant it i.e. the breach is one against all these licences and it is considered joint responsibility is held.
- 3 The number of penalty points issued will be in accordance with the tables below.
- 4 It is possible that an incident gives rise to more than one breach and therefore result in more than one set of points being issued. However a maximum of 12 penalty points will be issued on any one occasion.
- 5 The issue of penalty points will be confirmed in writing to the licence holder.
- 6 If a licence holder disagrees with a decision to issue penalty points , then they make appeal to the Licensing Manager within 21 days of the date of the notice that points have been issued. The appeal must, state the reasons why the points should not be awarded. If the matter is not resolved, it will be brought to a hearing by the Regulatory Committee who will consider whether the points should be imposed. Where the committee agree that points should be issued, they have discretion to increase or decrease the number of points imposed where they consider it appropriate.
- 7 When issued, the penalty points will remain “live” for a period of two years from the date they are imposed so that only points accumulated in a rolling twenty four months period will be taken into account.
- 8 If a licence holder accumulates 12 penalty points in any 24 month period, then they may be asked to attend a hearing of the Regulatory Committee to consider appropriate action in respect of their licence. Such action could include suspension or revocation of a licence or a written warning as regards future conduct.
- 9 When considering appropriate action the Regulatory Committee may take into account whether the licence holder has previously been brought to committee for exceeding the 12 point limit in the last 3 years.
- 10 If an accumulation of points result in suspension or revocation of a licence, then the points will be removed. If a written warning is given, the points remain live.
- 11 The penalty points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by this Policy.

## 12. Penalty Points Tables

<b>Town Police Clauses Act 1847</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
40	Giving false information on a hackney carriage licence application	12
44	Failure to notify change of address of a hackney carriage licence holder	2
45	Plying for hire without a hackney carriage licence	12
47	Driving a hackney carriage without a hackney carriage driver's licence	12
47	Lending or parting with a hackney carriage driver's licence	12
47	Proprietor employing an unlicensed hackney carriage driver	12
48	Failure of a vehicle proprietor to keep licence of hackney carriage driver permitted or employed to use vehicle	6
52	Failure to display a hackney carriage plate	4
53	Refusal to take a fare without a reasonable excuse	8
54	Charging more than the agreed fare	12
55	Obtaining more than the legal fare (including failure to refund)	12
56	Travelling less than the lawful distance for an agreed fare	12
57	Failure to wait after a deposit to wait has been paid	12
58	Charging more than the legal fare	12
59	Carrying persons other than the hirer without the hirer's consent	8
60	Driving a hackney carriage without the proprietor's consent	6
60	Allowing a person to drive a hackney carriage without the proprietor's consent	4
62	Driver leaving a hackney carriage unattended	2
64	Hackney carriage driver obstructing other hackney carriages	3

<b>Local Government ( Miscellaneous Provisions ) Act 1976</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
46(1)a	Using an unlicensed private hire vehicle	12
46(1)b	Driving a private hire vehicle without a private hire drivers' Licence	12
46(1)c	Proprietor of a private hire vehicle using an unlicensed driver	12
46(1)d	Operating a private hire vehicle without a private hire operator's licence	12
46(1) e	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle	12
46(1)e	Operating a private hire vehicle when the driver is not licensed as a private hire driver	12
48(6)	Failure to display a private hire vehicle plate	4
49	Failure to notify the transfer of a vehicle within 14 days	3

50(1)	Failure to present a hackney carriage or private hire vehicle for inspection upon request	8
50(2)	Failure to inform the Council where a hackney carriage or private hire vehicle is stored, if requested	3
50(3)	Failure to report to the council within seventy two (72) hours an accident causing damage.	6
50(4)	Failure to produce the vehicle licence and/or insurance on request	4
53(3)	Failure to produce a driver's licence upon request	4
54(2)	Failure to wear a private hire driver's badge	4
56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer (also breach of conditions attached to licence – see below)	6
56(3)	Failure of a private hire operator to keep records of all private hire vehicles, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer (also breach of conditions attached to licence – see below)	6
56(4)	Failure of a private hire operator to produce his licence on request	4
57	Making a false statement or withholding information to obtain a hackney carriage or private hire driver's licence	12
58(2)	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence	6
61(2)	Failure to surrender a driver's licence after suspension, revocation, or refusal to renew	6
64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage rank	6
66	Charging more than the meter fare for a journey ending outside the District, without prior agreement	12
67	Charging more than the meter fare when hackney carriage is used as a private hire vehicle	12
69	Unnecessarily prolonging a journey	12
71	Interfering with a taximeter with intent to mislead	12
73(1)a	Obstruction of an Authorised Officer of the Council or a Police Officer	12
73(1)b	Failure to comply with a requirement of an Authorised Officer or Police Officer	12
73(1)c	Failure to give information or assistance to an Authorised Officer or Police Officer	12

<b>Section</b>	<b>Equality Act 2010</b>	<b>Points</b>
165	Driver of a Designated Wheelchair Accessible Vehicle failing to comply with duty to assist passengers in wheelchairs	12
168	Driver refusing to accept passenger with assistance dog and/or making extra charge for carrying passenger with assistance dog	12
170(1) and (2)	Operator refusing to take booking on grounds that passenger will be accompanied by assistance dogs or making extra charge for carrying passenger with assistance dog	12
170(3)	Private Hire Driver refusing to carry out a booking made through the Operator, on grounds that passenger will be accompanied by assistance dog	12

	<b>Breach of Policy Requirement</b>	<b>Points</b>
1	Failure to adhere to dress code	3
2	Failure to wear a driver's badge	4
3	Failure to behave in a civil and orderly manner	6
4	Failure to ensure the safety of passengers	6
5	Concealing or defacing a vehicle licence plate	4
6	Failure to attend on time for a pre-arranged booking without reasonable cause	3
7	Conveying a greater number of passengers than permitted	6
8	Failure to give reasonable assistance with passenger's Luggage	3
9	Private hire vehicle soliciting for hire or accepting a fare that is not pre-booked	12
10	Operating a vehicle that is not clean and tidy	2
11	Carrying an animal other than belonging to a bona fide passenger.	2
12	Driving without consent of the proprietor	5
13	Smoking in a licensed vehicle at any time	6
14	Operating the horn as a means of signalling that a vehicle has Arrived	3
15	Using a non-hands free mobile telephone whilst driving	4
16	Failure to advise of a relevant medical condition within 5 days	8
17	Failure to provide a receipt for a fare when requested	2
18	Failure to operate the meter from the commencement of the journey and/or charging more than the fixed charge for hire of hackney carriages	12
19	Failure to notify the Council of any amendment to the details of a licence within fourteen days	3
20	Failure of a driver to maintain an online certificate with the DBS update service.	6



21	Failure to notify within 14 days of starting or terminating employment, the name and address of the proprietor and term of employment	3
22	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment	2
23	Failure to surrender a driver's licence, badge or plate upon Request	6
24	Failure of a licence holder to disclose arrests in writing to the Council within 48 hours	12
25	Failure of a licence holder to disclose convictions in writing to the Council within 14 days	12
26	Failure to check vehicle for lost property or to report lost property in accordance with policy	3
27	Failure to report an accident within seventy two hours	6
28	Failure to comply with the requirements for the safe carrying of a wheelchair	6
29	Operating a vehicle that does not comply with the Council's licensing policy where such a breach of policy requirements is not otherwise specified herein	6
30	Failure to carry an approved fire extinguisher	3
31	Operating a vehicle which is not maintained in a clean and/or safe condition internally or externally	3
32	Modifying a vehicle without the consent of the Council	3
33	Failure to display in the prescribed manner or maintain external licence plate or door stickers	4
34	Failure to display complaint reporting information within a vehicle	4
35	Hackney carriage vehicle signage not in accordance with the Council's requirements	4
36	Affixing or displaying a roof sign on a private hire vehicle	4
37	Displaying a sign or advertisement on a licensed vehicle contrary to the Policy requirements or which has not been approved by the Council	4
38	Taximeter does not conform to the Council's requirements	6
39	Operating or driving a vehicle which does not comply with the Council's Policy requirements	6
40	Driving with no insurance or inadequate insurance for the vehicle	12
41	Allowing a vehicle to be used for hire by a person who does not hold a current driver's licence.	12
42	Operating a vehicle which does not comply with the Council's requirements in relation to tinted windows	4
43	Permitting the vehicle to be used for any illegal or immoral purposes	12
44	Failure of a private hire operator to provide a prompt, efficient and reliable service	3

45	Failure to ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated	3
46	Failure to display information within Operator's premises(provided for public waiting /booking) on how to report concerns/ complaints to the Council.	4
47	Failure of a private hire operator to ensure that vehicles attend bookings punctually	4
48	Failure to act properly upon the receipt of a complaint or to notify immediately the Licensing Officer	4
49	Failure to notify the Council of any changes, including change of address from where the business operates within 14 days	3
50	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured	6
51	Failure to disclose in writing within 48 hours details of any conviction, arrest or charge or imposed on him to the licensing section	12
52	Failure to notify the Council of any vehicle used by the Operator which is involved in an accident within 72 hours	6
53	Failure to maintain or produce records of private hire bookings, vehicles, drivers or other documents required to be kept or produced in accordance with s.56(2) &(3) of the LocalGovernment (Miscellaneous Provisions) Act 1976	6
54	Failure to maintain or produce records of individuals employed to take bookings or dispatch vehicles	6
55	Failure to carry out or keep record of check Basic DBS of individuals employed to take bookings or dispatch vehicles.	6
56	Failure of a private hire operator to have valid public liability insurance for the operating premises if the public are allowed Access	8
57	Failure of a private hire operator to ensure that every driver employed by him has a private hire licence and badge	4
58	Failure to make the Operator's licence available for inspection,in accordance with s.56 of the Local Government (Miscellaneous Provisions) Act 1976	4
59	Any other contravention of the Policy not covered above	2-12

## APPENDIX N – HACKNEY CARRIAGE STANDS

Currently seeking to move the disapply the Market Square, Dover rank and adopt stands at St James' and Fishmonger Lane (policy to be updated prior to print once details secured).

<b>St James'</b>	<b>Dover</b>
<b>Fishmonger's Lane</b>	Dover
<b>Pencester Road</b>	Dover
<b>Biggin Street</b>	Dover
<b>Worthington Street</b>	Dover
<b>South Street</b>	Deal
<b>Park Street</b>	Deal
<b>New Street</b>	Sandwich

A private stand is provided at Dover Railway Station and at the Port of Dover.