

Test Valley Borough Council

Policy on Hackney Carriage and Private Hire Licensing Standards - Drivers, Vehicles and Operators

Effective from 1st January 2025

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The Council welcomes comments and observations on this policy and standards. These should be addressed to:

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Email: licensing@testvalley.gov.uk

Telephone: 01264 368000

Website: <https://www.testvalley.gov.uk/taxi-licensing>

Test Valley Borough Council

Hackney Carriage and Private Hire Licensing Policy

Definitions

Applicant

Person or business who has submitted an application for either a grant or renewal of a licence.

Application

A completed application made by an individual (or individuals) for the grant or renewal of a licence

Assistance Dog

a dog which has been trained to guide a blind person;

a dog which has been trained to assist a deaf person;

a dog which has been trained by a prescribed charity to assist certain disabled persons.

Authorised Council Officer

A Council officer who is authorised by the Council to exercise powers and duties conferred by legislation.

Badge

Issued to all licensed drivers and must be worn at all times when working as a licensed driver.

Byelaws

Locally adopted laws applicable to Hackney Carriages and drivers. Breach is a criminal offence.

Conditions

Conditions of licence applied by the Council to a driver's licence, an operator's licence or a vehicle licence. Non-compliance may lead to action being taken against the licence holder.

Controlled District Boundary

Area of a local authority which has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976. This is the area of Test Valley Borough Council.

Conventional partnership

An arrangement where 2 or more people are in business together, but which is not a Limited Liability Partnership.

Council

The Test Valley Borough Council.

Councillor

A councillor who is a member of the Test Valley Borough Council.

Date of First Registration

The date of first registration on the vehicles V5 logbook issued by DVLA.

DBS

Disclosure & Barring Service.

DfT

Department for Transport.

District

This is the terminology used in the Local Government (Miscellaneous Provisions) Act 1976 to refer to the area of the Test Valley Borough Council.

Driving licence

Full UK driving licence issued by DVLA, Northern Ireland driving licence, EEA driving licence or exchangeable driving licence as defined in section 108 of the Road Traffic Act 1988.

DVLA

Driver and Vehicle Licensing Agency.

DVSA

Driver and Vehicle Standards Agency (which replaced VOSA in 2014).

Equality Act

Equality Act 2010 as amended.

Fare Card

A card which must legally be displayed in Hackney Carriage vehicles that are fitted with a taximeter which indicates the maximum authorised fare to be charged for distance travelled, waiting time and additional charges determined by the Council under s65 and the licence plate number. This is issued by the Council.

Guidance

Guidance published or issued by the Government via the Department for Transport or any other Government Department.

Hackney Carriage Vehicle

A vehicle licensed under the Town Police Clauses Act 1847 often referred to as a taxi.

Hirer

Any person or persons who from time-to-time hires or books the vehicle.

HMRC

His Majesty's Revenue and Customs.

ICO

Information Commissioners Office.

IoL

Institute of Licensing.

LGA

Local Government Association.

Legislation

Acts of Parliament, Secondary legislation and decisions of the senior courts, Supreme Court, European Court of Justice and European Court of Human Rights.

Licensing Authority

The licensing function within Test Valley Borough Council.

Licensed Driver

A driver licensed under the Town Police Clauses Act 1847 to drive a Hackney Carriage vehicle and under the Local Government (Miscellaneous Provisions) Act 1976 to drive a Private Hire vehicle.

Licensed Operator

A person, persons or company holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976. A private hire operator's licence is required to enable a person to accept or invite bookings for private hire vehicles.

Licensed Vehicle

A Hackney Carriage or private hire vehicle licensed by Test Valley Borough Council.

Licensee(s)

The person(s) or company/firm named in the licence

Licence Plate

The plate that licensed vehicles must display showing the licence number, maximum number of persons to be carried, expiry date, vehicle registration number, and make and colour of vehicle.

Licensed Vehicle

Vehicle licensed under Town Police Clauses Act 1847 as a Hackney Carriage or licensed under the Local Government (Miscellaneous Provisions) Act 1976 as a private hire vehicle.

Limited Company

A company registered with Companies House

Limited Liability Partnership

An incorporated partnership registered with Companies House

Member

See councillor. The terms “councillor” and “member” are effectively interchangeable.

NR3(S)

A database of refusals, suspensions and revocations for drivers licences

Officer

An employee of the Test Valley Borough Council or another individual acting in the same capacity as an employee e.g. an independent contractor

Operator

See licensed operator.

Policy

This policy document and all associated documents.

Private Hire Vehicle

A vehicle licensed by Test Valley Borough Council under the section 48 Local Government (Miscellaneous Provisions) Act 1976.

Proprietor

Registered owner or part owner of a vehicle.

PSV

Public Service Vehicle.

Regulatory Committee

The committee which determines taxi licensing matters as set out in the Test Valley Borough Council constitution and known as the Licensing Committee.

Road Traffic Acts

Road Traffic Act 1988 and all associated legislation.

Stretched Limousine

Any vehicle that has been modified after manufacture with an additional body section, extending the vehicle length.

Taximeter

Device used for calculating the fare to be charged for the journey by measuring distance travelled plus any time waiting. This must be fitted in all Hackney Carriage vehicles and may be fitted in private hire vehicles.

The 1847 Act

The Town Police Clauses Act 1847 as amended and all associated legislation and the provisions within.

The 1976 Act

The Local Government (Miscellaneous Provisions) Act 1976 as amended and all associated legislation and the provisions within.

WAV

Wheelchair Accessible Vehicle. Certain Hackney Carriages and private hire vehicles can be suitable for carrying wheelchair-bound passengers.

Working day

Any day other than a Saturday, a Sunday, Christmas day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom

Introduction

1.1 This policy has been published and adopted by the Council to inform and assist the discharge of its functions in relation to Hackney Carriage and private hire licensing under the powers and duties contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and all associated and related legislation. This includes byelaws in relation to Hackney carriages. The Council is responsible for the licensing of Hackney Carriage and private hire vehicles, drivers and operators.

1.2 In common with all other Council documentation, this policy is written in plain English, as far as possible. Where technical terms are used, they will be explained clearly, and there is a list of definitions at the beginning. Any reference to external material (legislation, guidance, court decisions etc) will be clear and should be easily accessible.

1.3 This policy has been drawn up with reference to the Council's wish to make Test Valley a safer place to live and work, together with improving cultural and recreational facilities and enhancing town centres to make them more attractive to residents within the Borough as detailed in the Council's Corporate Plan. Ultimately all of these have a potential impact on the transport systems within the Borough of which Hackney Carriages and Private Hire Vehicles form a significant part.

Test Valley Borough is situated in the County of Hampshire in the picturesque valley of the river Test. Its 155,138 acres stretch from Vernham Dean, on the Hampshire/Berkshire/Wiltshire borders, in the northern extent of the Borough, right down to Chilworth, which lies just outside the City of Southampton at its southern extremity. The area is populated by approximately 136,000 persons and is in the main a rural area, with the former market towns of Andover and Romsey comprising the urban settlements.

1.4 This policy has been adopted by the Council following consultation and reference to the Licensing Committee and the executive (known as the Cabinet). Responsibility for Hackney Carriage and private hire licensing is split between the Council and the executive. Council functions are delegated to the Head of Legal and Democratic Services with discretion to refer any matter to the Licensing committee: executive functions are delegated to the Head of Legal and Democratic Services, in both cases in accordance with the Council's Constitution.

1.5 This policy will be kept under review and revised as necessary. The Head of Legal and Democratic Services is authorised to make minor amendments to the policy. In addition, amendments to this policy may be authorised by the Council without consultation.

- 1.6 In carrying out these functions, the Council will comply with the law and also have regard to this policy document and any relevant Guidance published by the Department for Transport and any other relevant Guidance issued by any Government Department. In any situation where the Council departs from this policy, clear reasons will be given for doing so. In any case where a situation or matter is not covered by this policy, the matter will be considered from first principles i.e. as if this policy did not exist, and the decision will be based on the Councils' interpretation of the law and Guidance.
- 1.7 The Council is committed to ensuring that members and officers involved in Hackney Carriage and private hire licensing are fully trained, and such training is regularly updated.
- 1.8 This policy contains "bright lines". These are firm statements of intent which may appear to be absolute. Such statements are lawful and allow the Council to provide robust guidance to itself, applicants, licensees and citizens on the approach that will be taken. They do not fetter the discretion of the Council because each case will be considered on its merits but in the light of this policy.
- 1.9 Where this policy differs from the previous policy, consideration will be given by the Council to licences that were granted or renewed before this policy was adopted. There is no guarantee that any licence will be renewed and the Council will consider all new and renewal applications in the light of this policy. The fact that a licence has been granted in the past will be taken into account and will be a relevant consideration, but there is no legitimate expectation that any Hackney Carriage or private hire licence will be renewed (See *R. (on the application of Wilcock) v Lancaster City Council* [2014] L.L.R. 388 CA). This policy will also be used to inform action that may be taken against any existing licence.
- 1.10 Hackney Carriage and private hire law is long overdue for wholesale revision, but the Government has indicated that at present it has no intentions of embarking on that task, although some limited developments have been announced. As and when these become law the policy will be amended to take account of their effects. In recent years there have been a number of minor amendments to the legislation, and other legislation that impacts upon Hackney Carriage and private hire licensing.
- 1.11 In 2015 the Deregulation Act of that year introduced some amendments to the Local Government (Miscellaneous Provisions) Act 1976, the most significant of which was the ability for a private hire operator to subcontract to another private hire operator licensed anywhere in England, Wales, Scotland, or Greater London.
- 1.12 The introduction in 2016 of more of the provisions relating to Hackney Carriages and private hire vehicles contained within the Equality Act 2010, and the additional amendments introduced by the Taxis and Private Hire Vehicles

(Disabled Persons) Act 2022 has improved the access to and use of these vehicles for those with disabilities, and the Council works actively to support both those who require and provide such transport. Again, the effect of this legislation is considered in detail in below.

- 1.13 The policy refers to guidance that is available to applicants, drivers and operators and proprietors to assist them with the application processes and the running of their business under their licence. This guidance, application forms and current fees are available on the Council's Website at <https://testvalley.gov.uk/business/licensingandregulation/licensing/adviceinformation/schedule-fees-charges>
- 1.14 Council staff involved in Hackney Carriage and private hire licensing and other associated functions will always be polite, courteous, civil and professional. The same standards of behaviour are expected from applicants and licensees and the Council has a policy of zero tolerance to any abuse, bullying, violence or similar behaviour towards staff or councillors. Any such behaviour on the part of an applicant or licensee will be taken into account when considering whether a licence should be granted, or whether action should be taken against any existing licence.
- 1.15 The Council recognises its duties and responsibilities under the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679. Full details of the privacy policy and the specific policy for taxi licensing are detailed on the Council's website.
- 1.16 Any legislation is pointless without enforcement of its provisions, and in doing so the Council will have regard to its enforcement policy.

Council Service Standards

- 1.17 Subject to unforeseen circumstances beyond the control of the Council, the Council will endeavour to maintain the following service levels:
- 1.18 Licensees and applicants should be able to contact the licensing team by email, through the website, by appointment in person, or by phone. However, the preferred method of contact is via email to reduce the need for licence holders to travel to the Council offices and to allow the team to deal with enquiries as effectively as possible.
- 1.19 The Licensing section can be contacted by phone on 01264 368000 between the following times, 0830 to 1700 hours Monday to Thursday and 0830 to 1630 hours Friday. They can also be contacted by email at:
licensing@testvalley.gov.uk

- 1.20 The Council will always aim to issue a licence within 28 days from receipt of a valid application but will always attempt to issue them more quickly.
- 1.21 If you have any concerns or complaints about the service you have received, please contact the Licensing Section on 01264 368000 or by email at licensing@testvalley.gov.uk. If you are still not satisfied, please use the Council complaints procedure, details of which can be found here <https://www.testvalley.gov.uk/aboutyourcouncil/howarewedoining/complaintscomplaintsandfeedback/complaint>

Background

- 1.22 Hackney Carriage and private hire vehicles have an important role to play in the 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.

Practice, guidance & legislation

- 1.23 The Department for Transport (DfT) has national responsibility for Hackney Carriage and private hire legislation and policy in England. They also provide guidance for local licensing authorities. Their principal document is *the 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance'* (referred to as "Best Practice Guidance" in this Policy¹ -). This is supplemented by the *'Statutory taxi and private hire vehicle standards'* (referred to as "Statutory Standards" in this Policy² -). They have been taken into account in preparing this policy. Additional and revised guidance is anticipated and this policy may require amendments in the light of that.
- 1.24 The DfT guidance recognises and emphasises that licensing authorities can reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances.
- 1.25 This policy takes account of the law which forms the basis of the Council's taxi licensing functions. The principal pieces of legislation are the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 both as amended. In addition, the Senior Courts (High Court and Court of Appeal) have handed down judgements which explain and interpret this legislation.

Purpose of Hackney Carriage & Private Hire Licensing

¹ Available at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-local-authorities-in-england>. This is the revised version published in 2023

² Available at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>. This dates from 2020

1.26 The sole consideration in relation to the licensing of Hackney Carriage and private hire vehicles is public safety (See DfT Best Practice Guide Para 3.2 and Statutory Standards Para 3.2). Public safety includes the safety of drivers, operators, vehicle proprietors and their staff as well as the users of Hackney Carriage and private hire vehicles, and the wider public. The public must have confidence in the safety of Hackney Carriages and private hire vehicles as a form of transport and as a consequence the highest standards will be expected from all applicants and licensees.

1.27 Public safety includes safeguarding which also includes prevention of child sexual abuse and exploitation (CSAE). All licensees will be expected to demonstrate an understanding of public safety and safeguarding and ensure that their actions do not infringe those requirements at any time. Any member of the public, licensee, officer or member who becomes aware of any safeguarding issues, or any other criminal behaviour related to Hackney Carriage and private hire licensing should inform the Council and be secure in the knowledge that the Council's whistleblowing policy will be used to take all reasonable steps to protect them.

Policy objectives & aims

1.28 As already stated, this policy is intended to enable the Council to provide a robust licensing regime which enables the Hackney Carriage and private hire trades to provide the best possible service to the public with the overriding aim of maintaining and improving public safety.

Objectives

- 1.29 The objectives of this policy are:
- the protection of the public
 - the maintenance and development of professional and respected Hackney Carriage and private hire trades
 - enabling access to an efficient and effective local transport service
 - the protection of our local environment.
 - to support all Hackney Carriage and private hire businesses by ensuring a consistent and fair approach.

Aims

- 1.30 The Council will aim to achieve these objectives in the following ways:
- by ensuring that licensed drivers are fit and proper persons and achieve and maintain the highest standards of professional practice
 - by ensuring that licensed vehicles are safe for passengers, drivers and other road users, and properly insured
 - by ensuring that licensed vehicles comply with all Council standards at all times
 - by checking all documents provided as part of an application for authenticity, including contacting the maker of the document and other tests

- by specifying emissions standards and encouraging the use of low polluting vehicles
- by encouraging the use of more vehicles that are accessible to disabled people
- by ensuring that licensed vehicles are comfortable
- by working across the Council to ensure that Hackney Carriages and private hire vehicles form part of wider strategic transport and local transport plans
- by working in partnership with a variety of other agencies to support the Council's objective in relation to both the public and the trade
- by reducing the frequency with which licence holders are required to attend the Council offices
- by ensuring online accessibility to allow remote application by new and existing licence holders, so far as is permissible under the legislation
- by utilising electronic and mobile communication methods including the use of SMS messaging and other technological methods including web sites.

Methods

1.31 The methods the Council will use to achieve this will include (but this is not an exhaustive list)

- working with the Hackney Carriage and private hire trades to deliver continuing improvements, encourage innovation, and deal with emerging issues
- setting the standards for the licensing of vehicles, drivers and operators
- use of the NR3(S) database (The National Register of Refusals and Revocations)
- assessing knowledge of the Borough, highway code and licensing policy (at the time of application)
- annual licensing and routine inspection of vehicles, with appropriate follow-up action including enforcement
- routine inspection of documents, with appropriate follow-up action including enforcement
- routine checks of driver's medical fitness and criminal record history during the time the licence is in force
- timely investigation of complaints with appropriate follow-up action
- liaison with the Police (Hampshire & Isle of Wight Constabulary) and other constabularies as required, neighbouring local authorities and other agencies concerning issues of concern relating to public safety
- robust enforcement (taking account of the Regulators Code) including, monitoring of contraventions, suspension or revocation of licences for breach of conditions or legislation and prosecution
- regular training and development of Council officers and members
- meeting continuing performance and efficiency targets for the service
- provision of information to licensees about good practice and what to expect from any inspection or assessment

- provision of mandatory training (not necessarily at no cost) for applicants and licensees when considered necessary
- promotion of training courses and information for licensees,
- promotional activities to inform and encourage and maintain high standards.

1.32 To achieve this the Council will actively cooperate with, assist and provide and obtain advice from a wide range of agencies including (but not limited to):

- The Police (Hampshire & Isle of Wight Constabulary) and other constabularies including British Transport Police
- Driver and Vehicle Standards Agency
- Other local authorities
- Town and Parish Councils
- National Rail and other railway companies
- Disclosure and Barring Service
- Department for Transport
- Driver and Vehicle Licensing Agency
- Home Office
- Department for Work and Pensions
- Other relevant agencies and departments.

Uniformity

1.33 The Council will conduct its functions in relation to Hackney Carriage and private hire licensing in a consistent and uniform manner and will take a reasonable and proportionate approach to enforcement action.

Applications and licences

1.34 Hackney Carriage and private hire licences can be granted for a maximum period of time. Those maximum periods are:

- Hackney Carriage vehicle - 1 year;
 - Private hire vehicle - 1 year;
 - Hackney Carriage driver - 3 years;
 - private hire driver - 3 years;
 - private hire operator - 5 years
- and in general licences of those durations will be granted.

1.35 The Council will issue dual or combined drivers' licences. This will constitute a licence to drive both a Hackney Carriage and a private hire vehicle.

1.36 Applicants for licences must submit a complete application. A complete application means that the application form has been properly completed, with all

required information provided, all supporting documentation that is required has been submitted, and the fee has been paid.

- 1.37 If an application is made which is not complete, the applicant will be contacted and given an opportunity to rectify the problems. Any such application will be held on file for 3 months during which time additional and/or updated information can be provided to enable the application to proceed. After 3 months the application will be rejected and a new application would need to be made in its entirety if the applicant wishes to pursue the matter.
- 1.38 Applications for renewals of licences must be received before the expiry of the current licence. Any application received after that date will, unless there are mitigating circumstances, be treated as a new application. This will extinguish any grandfather rights and the applicant will have to comply with all requirements for a new licence.
- 1.39 As part of the application process applicants will have to attend certain appointments. If the date and time provided is inconvenient, the applicant should contact the Council as soon as possible to arrange an alternative date and time. Failure to attend an appointment without having notified the Council in advance may lead to the entire application being cancelled and a fresh application will have to be commenced.
- 1.40 The Council will aim to issue a licence within 28 days of a completed application being received, but this may be delayed due to circumstances beyond the control of the Council. Where an application or related matter has to be considered by the Licensing Committee this will extend this timescale.
- 1.41 Licensees must ensure that they notify the Council immediately of any change of address, change of name, or alterations to means of contact (change of telephone numbers or email addresses). Failure to do this may lead to important communications not being received which in turn may lead to licences expiring or action being taken against licences without the knowledge of the licensee. Any notice required to be served by the Council under this licence or under any statutory provision shall be deemed to have been properly served if sent by pre-paid post to, or left at the last known address of, the holder of the licence.
- 1.42 All information held on files and databases about an applicant is confidential, under the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679. However, this information can be used ("processed") by the Council as part of the application process and used within the Council. This will include communicating information to relevant officers and members who are involved in any

decision-making process. In addition, the Council is under a duty to protect the public and to protect the public funds it administers and may use any information provided by an applicant for this purpose. This may include sharing this information with other agencies where that is lawful.

1.43 The legislation requires the Council to maintain Public Registers, which will be available for inspection at Council offices. That duty overrides any data protection protections.

1.44 Full details of the Council's privacy policy and the specific privacy policy for Hackney Carriage and private hire licensing can be found here <https://www.testvalley.gov.uk/aboutyourcouncil/accesstoinformation/gdpr/gdpr-privacy-statements/privacy-statements-for-licensing/privacy-notice-taxi-and-private-hire>.

1.45 It is a privilege to hold a Hackney Carriage or private hire licence and licensees have responsibilities to their passengers (drivers) and customers (drivers, operators and proprietors), other road users (drivers and vehicle proprietors) and the public generally. The requirement to satisfy the Council that the applicant is a fit and proper person continues throughout the duration of the licence. If at any time a licensee falls below the standards expected of a new applicant, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence.

1.46 Licensees must be aware of this and be familiar with the requirements placed upon them by the legislation, the conditions of their licence and this policy.

Fees for Licences

1.47 The Council can charge a fee for each of these licences. Those fees are calculated in accordance with the legislation, and there are 2 fee levying powers, depending on the particular licence in question.

1.48 Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 covers drivers licences, and section 70 covers private hire and Hackney Carriage vehicle licences, and private hire operators licences.

1.49 Fees are calculated on a cost recovery basis, so far as the law allows that to occur.

1.50 The costs include the costs of:

- processing applications;
- issuing licences;
- providing badges and vehicle plates (as required);
- providing additional vehicle signage (although a one-off fee may be levied for the initial provision of signage);
- ensuring compliance with the requirements of the licence.

1.51 Additional costs will apply to various pre-application requirements. The requirements are detailed at the relevant chapters below. The details of any situations in which refunds can be made are detailed in each section below.

1.52 All licence fees must be paid by debit card, cheque or Bank Transfer on application.

1.53 In exceptional cases payment by cash may be considered, but applicants and licensees wishing to pay with these methods should contact the Licensing section in writing with reasons for the request so that this can be considered on a case-by-case basis. Strict money-laundering checks will be applied in such circumstances.

1.54 If a licence is surrendered, revoked, or suspended, no refund of the licence fee will be made.

Appeals

1.55 There are statutory rights of appeal contained within the legislation. These are against decisions to refuse an application, refuse to renew a licence, suspension or revocation of a licence and also against any conditions that the Council has attached to a licence. The rights will be detailed on any decision notice which is issued where there is such a right of appeal.

1.56 In almost every case the right of appeal is to the magistrates' court and contact should be made with that court for details on how the appeal is commenced. The one exception to that is a refusal to grant a new Hackney Carriage proprietor's licence where the right of appeal is directly to the Crown Court. Again, in those circumstances contact should be made with the court for details on how the appeal is commenced.

1.57 The appeal period is 21 days from the date on which the written notice of the Council's decision was received. That period cannot be extended so anybody who is considering appealing should ensure that the appeal is lodged with the court as soon as possible.

1.58 Such appeals are fresh hearings with the court in the position that the Council was, and the court will reconsider the decision. In such appeals, the Council will resist the appeal as they have already made a decision on the matter. As part of the appeal, the court will take account of the decision that the Council made, but other evidence can be presented by both the appellant and the Council. The court will come into its own independent decision but should not readily overturn the Council's decision. If the appeal is unsuccessful the Council will make an application to the court for its full costs to be paid by the unsuccessful appellant. If the appeal is successful, the Council will resist any application that is made to the court for an award by the appellants that the Council should pay their costs (This follows the ruling of the Supreme Court in *Competition and Markets Authority v Flynn Pharma Ltd* [2022] LLR 668 SC).

Suitability of applicants

1.59 The legislation makes it quite clear that the Council cannot grant a drivers' licence or a private hire operators' licence unless they are satisfied that the applicant is a fit and proper person. It is for the applicant to prove that they are a fit and proper person, and not for the Council to prove that they are not.

1.60 In relation to a Hackney Carriage or private hire vehicle (proprietors) licence there is no statutory requirement for the Council be satisfied that the applicant is a fit and proper person. However, the Council has an absolute discretion as to whether or not to grant such a licence and in addition to considering the vehicle itself, the Council will also take into account the suitability of the applicant.

1.61 The Council has taken guidance produced by the Institute of Licensing into account in producing this policy (*"Guidance on determining the suitability of applicants & licensees - hackney & private hire trades"* Institute of Licensing 2018 available at <https://www.instituteoflicensing.org/Publications.aspx>). This suggests that the phrase "fit and proper" can be explained and be more easily understood by using the term "safe and suitable". This is the term that the Council will use throughout this document and it should be read to mean fit and proper.

1.62 That guidance also contains guidelines on suitability which are almost identical to the DfT guidance in "Statutory Standards". These have been incorporated into this policy and form the basis of the previous convictions policy. This is contained at Section 2.

1.63 Ideally, all those involved in the Hackney Carriage and private hire trades (Hackney Carriage and private hire drivers, Hackney Carriage and private hire

vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.

- 1.64 However, it is recognised that some applicants and licensees will have criminal convictions or other matters in their personal history which may affect the safety and suitability to hold a Hackney Carriage or private hire licence.
- 1.65 The convictions policy provides guidance in some cases. These standards will be used in relation to all licences: driver, operator and proprietor. This is to ensure that the standards are maintained across the trades, and to reassure the public that only safe and suitable people are licensed for any role in the Hackney Carriage or private hire vehicle industry.
- 1.66 In all cases every application will be considered on its own merits, but in the light of the convictions policy. If the convictions policy does not cover the particular matter then a decision will be made from first principles where the question will be whether, in the light of that information the Council can be satisfied that the applicant is a safe and suitable or fit and proper person to be granted that licence.
- 1.67 The decision as to whether or not a licence should be granted is made on the facts at the time of that decision but the Council has powers to take action against any licence that has been granted (the licence can be suspended, revoked, or the Council can refuse to renew it). It is vitally important that licensees understand that the test of safety and suitability is not simply to be met when the application has been granted: it is a continuing requirement and if at any time during the currency of the licence the behaviour or conduct of the applicant falls below that which would be acceptable for a new applicant, the Council will consider whether or not action should be taken against that licence.
- 1.68 At all times the sole consideration will be public safety.

Behaviour of licensees

- 1.69 All licensees (drivers, operators and vehicle proprietors) are professionals undertaking a highly responsible activity which protects and ensures the safety of their passengers, customers, other road users and the public at large.
- 1.70 The highest standards of integrity and behaviour are expected, and these must be maintained at all times. The Council is concerned with the overall character of licensees, and not simply when the licence is being used. As a result, any

behaviour at any time which falls short of the standards expected will lead to the Council considering whether that licensee should be allowed to retain their licence.

- 1.71 Where unacceptable behaviour occurs in connection with the use of the licence, that will be regarded as an aggravating feature, and behaviour which is not connected with the use of the licence will not be seen as less serious.
- 1.72 The overall aim of this policy is to ensure that the Hackney Carriage and private hire trades continue to provide a safe and satisfactory service to the public, and actions or behaviour that affect or reduce those standards will not be tolerated by the Council.

Enforcement

- 1.73 In any situation where there has been non-compliance with any requirement, or behaviour which fall short of the requirement to remain a safe and suitable person to hold a licence, the council will consider enforcement action. In addition, action will be taken in respect of vehicles that do not comply with either the council's requirements or road traffic laws. Any enforcement action will be guided by the council's enforcement policy, and may result in one or more of the following (this is not an exhaustive list):
- a) Take no action
 - b) Use statutory notices (suspension of a vehicle licence using section 68 Local Government (Miscellaneous Provisions) Act 1976)
 - c) Suspension of a licence
 - d) revocation of a licence
 - e) issue of a simple caution in respect of criminal offences
 - f) Prosecution in respect of criminal offences.

Decision Making

- 1.74 Decisions on applications and action against licences are made by the Council. Usually that will be a decision made by an officer acting under delegated powers but there remains discretion by the Head of Legal & Democratic Services to refer any matter to the Licensing Committee.
- 1.75 There is no difference in the decision-making process between an officer and a committee. In both cases the applicant or licensee will be given an opportunity to make representations and those will be taken fully into account. There may be occasions when a very short timescale will be provided for representations to be made: this is likely to occur where action needs to be taken quickly in relation to a drivers licence. In those circumstances the licensee will be contacted by all practicable means to be informed of the date and time of the decision and given an

opportunity to attend. If however the licensee cannot be contacted or does not attend, then the decision will be taken in their absence.

1.76 In all cases the matter will be considered entirely on its own merits, in the light of this policy and any guidance issued by the Department for Transport.

1.77 Full and detailed reasons for all decisions will be provided to the applicant or licensee, together with details of the rights of appeal.

Equality of treatment and discrimination

1.78 The Council will treat all applicants and licensees equally and fairly. There will be no discrimination on any ground and each and every application and subsequent decision will be considered on its merits in the light of the legislation, guidance and this policy.

1.79 The Council will not accept or tolerate any discriminatory behaviour on the part of any applicant or licensee. This includes any discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation, but that is not an exhaustive list.

1.80 All licensees must at all times treat people courteously, civilly and decently.

1.81 Any complaints that are received by the Council that indicate that the licensee has failed to uphold the standards will be investigated thoroughly, and if substantiated will lead to action being taken against that licence.

Safeguarding

1.82 The Council is committed to safeguarding and promoting the welfare of children, young people, adults at risk, vulnerable persons and all other members of society. We take our responsibilities seriously and expect all our licensed drivers, proprietors and operators to share this commitment.

1.83 Licensed drivers, proprietors and operators must consider the safety, security and welfare of their passengers, customers and the public generally when determining what safeguarding measures they should put in place in relation to their activities as a licensee.

1.84 All new applicants for taxi driver licences, private hire operator licences and Hackney Carriage and private hire proprietors (vehicle) licences will be required to

attend and successfully pass a safeguarding course, as required by the Council, in order to obtain a pass certificate. There is no limit for the number of attempts to complete the test, to be undertaken at the applicant's own expense, however no licence will be issued until the applicant provides a valid certificate showing they have passed the safeguarding course.

- 1.85 All existing licensed drivers, proprietors and operators will be required to attend and successfully pass a safeguarding course and test, as required by the Council, in order to obtain a pass certificate which must be produced within 1 calendar year of adoption of this policy or on renewal whichever is sooner. Failure to do so may result in suspension of the licence until successful completion of the test.
- 1.86 As part of the licence renewal application process renewal applicants may be required to submit a current safeguarding certificate, no older than 6 months, issued by a provider approved by the Council. That must be provided no more frequently than:
- Every 3 years for drivers;
 - Every 3 years for vehicle proprietors;
 - Every 5 years for private hire operators.
- 1.87 It is the duty of the applicant to ensure that they have completed the course and passed the test in sufficient time before applying for a renewal licence. There is no limit for the number of attempts to complete the test, to be undertaken at the applicant's own expense, however no licence will be issued until a certificate is produced.

Equality Act and Disability Discrimination.

- 1.88 All licensees must ensure that they comply with their statutory duties in relation to disabled people under the Equality Act 2010 as amended which includes not charging disabled people any more for a particular journey than an able-bodied person would be charged.
- 1.89 Drivers of vehicles designated by the Council in the list of wheelchair accessible vehicles must:
- (a) be able to carry the passenger while in the wheelchair;
 - (b) not make any additional charge for doing so;
 - (c) if the passenger chooses to sit in a passenger seat, be able to carry the wheelchair;
 - (d) take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
 - (e) give the passenger such mobility assistance as is reasonably required.

- 1.90 Mobility assistance is assistance—
- (a) to enable the passenger to get into or out of the vehicle;
 - (b) 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;
 - (c) to load the passenger's luggage into or out of the vehicle;
 - (d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 1.91 This does not apply if the driver has a certificate of exemption and the specified notice is displayed in the vehicle at the time.
- 1.92 Drivers of all Hackney carriage and private hire vehicles must carry any disabled passenger without any additional charge being made (by the driver in the case of a hackney carriage, or by the operator or driver in the case of a private hire vehicle) and:
- (a) if the passenger is in or has with them a wheelchair, to carry the wheelchair;
 - (b) if the passenger has with them any mobility aids, to carry the mobility aids (anything apart from a wheelchair the passenger uses to assist their mobility);
 - (c) to take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort;
 - (d) to give the passenger such mobility assistance as is reasonably required;
- 1.93 Mobility assistance means providing assistance:
- (a) to enable the passenger to get into or out of the vehicle;
 - (b) to load the passenger's luggage, wheelchair or mobility aids into or out of the vehicle.
- 1.94 This does not apply if the driver has a certificate of exemption and the specified notice is displayed in the vehicle at the time.
- 1.95 Drivers of Hackney Carriages must carry an assistance dog and allow it to remain with their owner unless they have a certificate of exemption issued by the Council. They must not make any additional charge for doing so. When an assistance dog is being carried, the driver must allow it to be carried wherever the owner requires i.e. the driver cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 168 Equality Act 2010). The same requirements apply to drivers of private hire vehicles when the operator has accepted a booking for a passenger with an assistance dog (whether or not the driver is aware of the existence of the dog) unless they have a certificate of

exemption issued by the Council. The operator cannot make any additional charge for the carriage of the dog.

Complaints about licensees

- 1.96 If any person has any complaint about the behaviour or actions of a licensee (taxi driver, private hire operator or vehicle proprietor) they should contact the licensing department at licensing@testvalley.gov.uk or to Licensing Section, Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover SP10 3AJ. Complaints can be made by email, letter or via the Council's website.
- 1.97 To enable a complaint to be investigated that person must provide their name, address and contact details to the Council but these will not necessarily be passed on to the licensee. The licensing officers will consider all complaints. If the complaint is taken forward by the Council there will be full discussion with the complainant and agreement as to whether or not their identity can be revealed to the licensee. Depending on the outcome of the investigation, the council may take appropriate action against the licensee. The Council will keep complainants informed of the progress of the investigation, any subsequent action taken and outcome of any subsequent court proceedings.

Hackney Carriage and private hire driver licences

- 1.98 The Council issues combined drivers' licences. That means that the licence is issued under both section 46 of the Town Police Clauses Act 1847 to drive a Hackney Carriage, and section 51 of the Local Government (Miscellaneous Provisions) Act 1976 to drive a Hackney Carriage. In both cases the vehicle must be licensed by the Council.
- 1.99 To be licensed as a driver, the following requirements must be met by the applicant. Full details are contained in Section 3.
- must be aged at least 18;
 - must have held a full (not provisional) valid driver's licence for at least 1 year. This must be a UK, Northern Ireland, EU or exchangeable licence. In the case of an exchangeable driving licence this can only be used in the UK for a maximum of one year, after which it must be exchanged for a UK licence;
 - must have the right to live and work in the UK;
 - must be registered for tax with HMRC (in the case of a renewal) or acknowledge that they must register for tax with HMRC (in the case of a new application);
 - provide a medical certificate from their GP or a GP with access to their medical records;
 - pass a driver knowledge test;
 - attend the Council approved child sexual exploitation and safeguarding training.

- 1.100 The applicant must obtain an enhanced DBS certificate with a check of both the adult and child barred lists. This is applied for in conjunction with the Council. The application must be made within one month of the date on the certificate
- 1.101 A completed application must have been received by the Council, the application must have been processed, and the Council must be satisfied that the applicant has the right to remain and work in the UK, is either registered for tax with HMRC or acknowledges that they must be, holds a valid driving licence (and has done so for at least 1 year) and is a fit and proper person (as required by sections 51(1)(a)(i) and 59(1)(a)(i) of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.102 As part of that process the Council will check the National Register of Refusals, Revocations and Suspensions (NR3S) (Full details are available at <https://www.local.gov.uk/topics/licences-regulations-and-trading-standards/national-register-taxi-and-private-hire-licence>) and undertake checks with DVLA. In addition, information may be shared with other departments of the Council, other local authorities, HMRC, the police and immigration services. As a user of the NR3S register, the Council will check the name of every applicant for a drivers licence against the database, and will add the details to the database of any driver whose licence application is refused, suspended or whose licence is revoked.
- 1.103 Full details of the policy including the application process can be found at Section 3.
- 1.104 This also includes copies of the byelaws and the Code of Conduct.
- 1.105 The Council does not attach conditions to a taxi driver's licence. Although the legislation allows conditions to be attached to a private hire driver's licence, they cannot be attached to a Hackney Carriage drivers licence. To ensure that the standards of behaviour are the same when drivers are driving either type of vehicle, the Council has decided to adopt a Code of Conduct. These are not conditions attached to the licence: rather this is the standard of behaviour expected from all taxi drivers.
- 1.106 If there is any non-compliance with this Code of Conduct, or the driver's behaviour falls short of these requirements, the Council will then consider whether or not that person remains a safe and suitable person to hold a licence. The consequences of not complying with the Code of Conduct include suspension of the licence; revocation of the licence or non-renewal of the licence.

Hackney Carriage vehicle (proprietor) licences

- 1.107 Once a vehicle has been licensed as a Hackney Carriage, it retains that status all day every day for the duration of that proprietors (vehicle) licence. That means that it can only be driven by a person who holds a Test Valley Borough dual/combined taxi driver's licence entitling them to drive a Hackney Carriage licensed by the Council. The exception to this is when the vehicle is being tested.
- 1.108 Full details of the policy including the application process can be found at Section 4.
- 1.109 Applicants for a Hackney Carriage proprietor's licence must provide a basic DBS at the time of first application and on every renewal (unless they are already licensed by the Council as a driver or operator).
- 1.110 The council sets fares for Hackney carriages. The mechanism for doing so is contained in section 65 Local Government (Miscellaneous Provisions) Act 1976. A fare review/increase can be initiated by the council or by the Hackney carriage trade. It will not be an automatic process e.g. annually.

Private Hire Vehicle (proprietor) licences

- 1.111 Once a vehicle has been licensed as a private hire vehicle, it retains that status all day every day for the duration of that proprietor's (vehicle) licence. That means that it can only be driven by a person who holds a Test Valley Borough dual/combined taxi drivers licence entitling them to drive a private hire vehicle licensed by the Council. There is no exception to this, even when the vehicle is being tested.
- 1.112 Full details of the policy including the application process can be found at Section 5.
- 1.113 Applicants for a private hire proprietor's licence must provide a basic DBS at the time of first application and on every renewal (unless they are already licensed by the Council as a driver or operator).

Private Hire Operator Licences

- 1.114 A private hire vehicle must be booked via a private hire operator before the journey carrying passengers (the hiring) commences. A Test Valley Borough private hire operator can only operate (i.e. dispatch) a private hire vehicle driven by a private hire driver, both licensed by Test Valley Borough Council.

- 1.115 A Test Valley Borough operator can subcontract to another operator licensed anywhere in England (including Greater London but excluding Plymouth), Wales or Scotland, and can also accept a subcontract from any other operator. When discharging a subcontract, the vehicle and driver used must be licensed by the Council.
- 1.116 A Test Valley Borough licensed operator can advertise their services anywhere, not only within the area of the Borough.
- 1.117 Full details of the policy including the application process can be found at Section 6
- 1.118 Applicants for a private hire operator's licence must provide a basic DBS at the time of first application and then annually thereafter (unless they are already licensed by the Council as a driver).

Convictions policy

- 2.1 The sole purpose of Hackney carriage and private hire licensing is to protect the public. That is the only consideration the council can take into account when determining an application for a licence, whether to take action against an existing licence (suspend, revoke or refuse to renew).
- 2.2 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 2.3 The purpose of this policy is to lay down guidelines as to what Test Valley Borough Council regard as unacceptable previous conduct on the part of an applicant or licensee. This will then assist the council in determining whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence.
- 2.4 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 2.5 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 2.6 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence or vehicle proprietor’s licence, the limited company together with its directors and secretary, or all members of a partnership, including a limited liability partnership (LLP)³) is “safe and suitable” to hold the licence.
- 2.7 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

³ Section 57(1) and 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

- 2.8 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction⁴. Fixed penalties and community resolutions will also be considered in the same way as a conviction⁵.
- 2.9 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 2.10 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 2.11 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 2.12 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 2.13 As the council will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 2.14 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 2.15 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted

⁴ This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

⁵ This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

- 2.16 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The council has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 2.17 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 2.18 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 2.19 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 2.20 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 2.21 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

Drivers

- 2.22 As the Council issues dual licences (permitting the licensee to drive either a hackney carriage or private hire vehicle, referred to as a taxi driver's licence) and the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

- 2.23 A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 2.24 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 2.25 In relation to single convictions, before a licence will be granted the following time periods should elapse following completion of the sentence. "Sentence" means the period of imprisonment imposed (not simply the time served), or the date of conviction if a fine was imposed, completion of any disqualification from driving, or the end of whichever lasts longer if more than one penalty was imposed.

Crimes resulting in death

- 2.26 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.⁶

Exploitation

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

Offences involving violence

- 2.28 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.⁷ Two or more convictions for a violent offence will normally result in an application being refused.

Possession of a weapon

⁶ This would include, but is not limited to, murder, manslaughter, terrorism offences and any offences (including attempted or conspiracy to commit offences) that are similar to these.

⁷ This would include but is not limited to, arson, malicious wounding or grievous bodily harm, actual bodily harm, assault, robbery, possession of a firearm, riot, assault on a Police officer, violent disorder, resisting arrest, any racially-aggravated offence against a person or property, common assault, affray, any offence that may be categorised as domestic violence, harassment, alarm or distress, intentional harassment or fear of provocation of violence and any offence (including attempted or conspiracy to commit offences) similar to these.

- 2.29 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

Sex and indecency offences

- 2.30 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.⁸
- 2.31 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list until at least 5 years have elapsed since the completion of any sentence imposed.

Dishonesty

- 2.32 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.⁹

Drugs

- 2.33 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted.
- 2.34 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

- 2.35 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Motoring convictions

⁸ This includes, but is not limited to, rape, assault by penetration, offences involving children or vulnerable adults, trafficking, sexual abuse against children or vulnerable adults and preparatory offences, making or distributing obscene material, possession of indecent images depicting child pornography, sexual assault, indecent assault, exploitation of prostitution, soliciting (kerb crawling), any sex or indecency offence that was committed in the course of employment as a hackney carriage/private hire driver, making obscene/indecent telephone calls, indecent exposure and any similar offences (including attempted or conspiracy to commit) which replace these.

⁹ This includes, but is not limited to, theft, burglary, fraud, benefit fraud, handling or receiving stolen goods, forgery, conspiracy to defraud, false representation, obtaining money or property by deception, other deception, taking a vehicle without consent, fare overcharging and any similar offences (including attempted or conspiracy to commit) offences which replace the above.

- 2.36 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand-held device whilst driving

- 2.37 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 5 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 2.38 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

- 2.39 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 1 conviction minor traffic or similar offences a licence will not be granted until at least 1 year has elapsed since the completion of any sentence imposed. Where an applicant Has more than 1 conviction for minor traffic or similar offences, a licence will not be granted until at least 3 years have elapsed since the completion of any sentence imposed.
- 2.40 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 3 years have elapsed since the completion of any sentence imposed.
- 2.41 In any case where an applicant has 9 or more current points on their DVLA driving licence, irrespective of the above, they will be required to take and pass a driving standards assessment before a taxi driver's licence will be granted. Where any existing licensed driver has 9 or more current points on their DVLA driving licence, the licence will be suspended with immediate effect until they take and pass a driving standards assessment.

Hackney carriage and private hire offences

- 2.42 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 3 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

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

Private Hire Operators

- 2.44 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.
- 2.45 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 2.46 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.
- 2.47 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle Proprietors

- 2.48 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
- 2.49 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

2.50 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

2.51 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

2.52 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

DRIVER LICENCES (Hackney Carriage and Private Hire)

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

The Council issues dual driver's licences. That means that once you hold a driver's licence, you can drive any Council licensed Hackney Carriage or private hire vehicle.

This reduces the burden on drivers who may wish to drive either type of vehicle, reduces the costs to the drivers and the Council, and as the criteria for issue and retention of both Hackney Carriage and private hire drivers' licences are identical, there is no practical or legal reason not to do so.

The council also has the option to issue private hire driver licences. These are restricted for use solely on Local Education Authority home to school contracts and/or Social Services transport contracts. Applicants for this type of licence will not need to meet all the requirements for dual driver licences, and where a requirement is not needed for a restricted private hire driver licence (RPHDL) that will be indicated.

This document contains the policy, Code of Conduct, legislation and Byelaws relating to your licence.

The Council has the power to make byelaws relating to Hackney Carriage drivers under the legislation, and it has done so. The byelaws only apply when you are using your licence to drive a Hackney Carriage.

There is also a power to attach conditions to private hire drivers' licences, but the Council has decided not to attach standard conditions to these licences. However, conditions restricting the use of the licence to special transport services will be applied to a RPHDL.

As it issues dual licences, it has a Code of Conduct for Taxi Drivers which applies to both Hackney Carriage and private hire activity. This Code is not a condition: it is a standard of behaviour which the Council expects drivers to maintain. Any failure to comply with the Code will lead to the Council questioning whether you remain a safe and suitable person to drive a Hackney Carriage or private hire vehicle. This code also applies to holders of restricted private hire drivers licences.

A dual driver's licence is referred to as a "taxi drivers licence" and drivers are referred to as "taxi drivers" within the Council and for the remainder of this document. A restricted private hire drivers licence is referred to as a "RPHDL", but unless clearly stated, all requirements apply to all drivers.

INTRODUCTION

- 3.1 The purpose of licensing taxi drivers is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous drivers.

- 3.2 It is a privilege to hold a taxi driver's licence and licensees have responsibilities to their passengers and customers, other road users and the public generally. The Council has been satisfied that when you applied for your licence you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account your entire character and behaviour. This not only includes times when you are working as a taxi driver, but at all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence. If at any time you as a licensee fall below the standards expected of a new applicant, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. It is no defence to argue that your actions took place when you are not working as a taxi driver. You should appreciate that under the convictions policy (available at Section 2), if the unacceptable or criminal behaviour took place whilst you were driving as a taxi driver that will be viewed as an aggravating feature by the Council.
- 3.3 In many cases a taxi driver is the first person that a visitor to the Borough will encounter following arrival at a railway station, bus station or similar. Taxi drivers are ambassadors for the Borough and that first impression can affect a person for their entire visit. Taxi drivers should be aware of this and act accordingly at all times.
- 3.4 Taxi drivers can also be the eyes ears of their communities. In addition to travelling far and wide around the area they also have close contact with people from every part of society. This means they can quickly establish when situations are not normal. That could be that a person has not made a booking that is expected which may be as a result of them falling ill. If they live alone the taxi driver may be the only person to have realised that there is a problem. Taxi drivers are also very aware of the movements of people. They are in a position to recognise where children may be being used for criminal purposes (for example County lines drug trafficking) or being moved for the purposes of abuse or exploitation. They may also recognise similar movements of adults in relation to modern slavery and other forms of abuse.
- 3.5 By working closely with the Council and other agencies the role of the taxi driver can be vital in protecting vulnerable people within the community.
- 3.6 Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.

3.7 You must understand and comply with the legal requirements relating to your taxi Driver Licence and the legal requirements and conditions attached to the Hackney Carriage or Private Hire Vehicle Licence of the vehicle you drive. Failure to comply with the requirements may result in your taxi Driver Licence being suspended or revoked.

3.8 The Council office for Hackney Carriage and private hire licensing purposes is:

- a. Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover SP10 3AJ Telephone: 01264 368000
- b. Email: licensing@testvalley.gov.uk

Power to take action against a taxi driver's licence

3.9 Under section 61 Local Government (Miscellaneous Provisions) Act 1976, the Council may suspend or revoke or refuse to renew a Taxi Drivers' Licence on the following grounds –

- a. that the licensee has, since the date of the grant of the licence –
 - i. been convicted of an offence involving dishonesty, indecency or violence; or
 - ii. 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;
 - iii. (aa) been convicted of an immigration offence or required to pay an immigration penalty; or
- b. any other reasonable cause.

3.10 The Council may suspend or revoke your licence with immediate effect where it is of the opinion that the interests of public safety require such a course of action under section 61(2A) Local Government (Miscellaneous Provisions) Act 1976. That power is delegated to the Head of Legal and Democratic Services. As this is likely to be an urgent situation, you will be contacted by telephone, text and/or email and notified of the time the decision will be made and if appropriate your opportunity to make representations. If you do not avail yourself of that opportunity, the decision will be taken in your absence.

3.11 Failure to comply with any Hackney Carriage or private hire legislation, or other road traffic legislation is an offence, and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which may also result in your taxi drivers' licence being suspended or revoked.

- 3.12 If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may be prosecuted under s57(3) Local Government (Miscellaneous Provisions) Act 1976.
- 3.13 The Taxi Drivers Licence and badge remain the property of the Council.
- 3.14 In the event that you lose your licence or badge or they are damaged or defaced, you must get a replacement on payment of a fee determined by the Council, and you cannot drive a Hackney Carriage or private hire vehicle until such a replacement is obtained.

Duration

- 3.15 The drivers' licence expires a maximum of 3 years (36 months) from the date of issue, unless an application was made for a licence for a year.

Renewal

- 3.16 Any application for renewal must be made at least one month before the licence expires. If you do not apply to renew your licence in time there may be a period when you will be unable to drive a Hackney Carriage or private hire vehicle. If the renewal application is not received before the expiry of your current licence, it will be treated as a new application rather than a renewal and you will have to provide all the information that is required for renewal application (e.g. a new DBS check, up-to-date medical etc).
- 3.17 Renewals are generally dealt with by Council officers under delegated powers, and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (for example if you have been convicted or cautioned for any offence, received a fixed penalty notice, Community Protection Notice (CPN), Criminal Behaviour Order (CBO), been required to attend a speed awareness course or there have been a complaint or concerns about your behaviour, but this is not an exhaustive list) the renewal application may need to be considered in more detail. If this is the case, then a 2 month temporary licence may be issued, without prejudice to any decision the Council might make.
- 3.18 The renewal of the licence will be at the Council's discretion.

Applications

- 3.19 All applications must be made on the relevant paper or online application form which is available upon request to the Licensing Team.

3.20 An application will not be processed unless it is complete.

3.21 As part of the initial application process you will need to undertake a local area knowledge test which will include questions on the law pertaining to licensed vehicles and drivers, local licensing conditions and the highway code. Applicants who fail any part of the knowledge test may retake the knowledge test however, should the applicant fail a second test a minimum period of one month shall elapse before a third test can be taken. Applicants who fail the knowledge test three times will have their application terminated. Any applicant who has failed the test for a third time may not reapply for a driver's licence until a period of not less than 12 months has elapsed whereupon they may submit a new application. The cost of the first knowledge test is included in the application fee. Each subsequent test is paid for at the time of booking and the fee is non-refundable. Applicants for a Restricted Private Hire Driver Licence undertaking solely school or social services contracts will not need to undertake and pass the knowledge test.

Photographs

3.22 All applications must be accompanied by 2 passport standard and sized photographs of the applicant with the applicant's full name written in block capitals on the reverse.

Age Restrictions

3.23 Licences will only be granted to persons over the age of 18.

Driving Licence

3.24 Applicants must have held a full DVLA driving licence for a Category B vehicle for a period of at least 1 year. Where an applicant (or an existing licensed driver) has been disqualified from driving for any period, as a result of a conviction, a Taxi Drivers' Licence will not be granted to that applicant until at least 1 year has elapsed following the end of the period of disqualification.

3.25 If an applicant does not hold a UK driving licence, an application can be made provided the applicant holds a Northern Ireland, European Economic Areas or a driving licence issued by a country which is defined as an "Exchangeable" driving licence, and has held that licence for at least 1 year at the date of application. Countries which issue licences recognised as exchangeable are currently Gibraltar, Jersey, Guernsey, Isle of Man, Australia, Barbados, British Virgin Islands, Canada, Falkland Islands, Faroe Islands, Hong Kong, Japan, Monaco, New Zealand, Republic of Korea, Singapore, South Africa, Switzerland, Zimbabwe (This list may alter as a result of changes to the legislation.).

- 3.26 The driving licence must be produced at the assessment interview and consent to access DVLA records must be given (and renewed after three years if a driver is to remain licensed). A copy will be taken of the licence and retained together with the application form and all other supporting documents.

Immigration requirements

- 3.27 An applicant for a driver's licence must have the right to remain and work in the UK. This will be evidenced on application by the driver providing documentation which complies with the Home Office guidelines. At the time this policy was adopted those are detailed in Appendix 1 to the Home Office document *"Guidance for Licensing Authorities to prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales"* (available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/675533/A_Licensing_Authority_guide_to_right_to_work_checks_-_England_and_Wales.pdf) . The list of acceptable documents is also detailed on the Council's website.
- 3.28 The original documents must be provided and brought to the Council offices by the applicant in person. They will then be inspected, verified and copied.
- 3.29 Where an applicant has an unqualified right to remain and work, that will be noted and this process will not be repeated on renewal.
- 3.30 However where there is a qualification to either of the rights, the required documentation must be provided each time the licence is renewed. In those cases a licence for a shorter period than the usual 3 years may be granted.
- 3.31 If at any time during the currency of a licence, the right to remain and work is lost, that licence will cease to have effect and the licensee must immediately notify the Council and return the licence and badge.

Tax Conditionality

- 3.32 Existing licensees applying for the renewal of a licence must obtain their unique 9 character code from His Majesty's Revenue and Customs (HMRC) and provide this to the council. If this cannot be provided the application cannot proceed.
- 3.33 The council will advise new applicants of the need to register with HMRC for tax and must sign an acknowledgement that they have received this information.

Criminal Record Checks

- 3.34 All applicants (new and on renewal) will be required to provide an enhanced Disclosure and Barring Service check with a check of both the Adult and Children Barred Lists, at their own expense, as part of the application process. This is conducted via the Council, but the DBS Certificate is sent to the applicant's home address. Once a licence has been granted, all licensees will be required to subscribe to the DBS Update Service.
- 3.35 The application will then be considered in the light of the Council's convictions policy (see Section 2).
- 3.36 Applicants who are foreign nationals and who have not been continuously resident in the UK since the age of 18 must obtain and produce (at their expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 6 months old, and the Council will verify the authenticity of any documentation that is provided.
- 3.37 Applicants that have been granted permanent leave to stay in the United Kingdom as a result of seeking asylum will only be able to apply once they have resided in the United Kingdom for a minimum of ten years.
- 3.38 UK citizens who have lived outside the UK for more than 3 months at a time since the age of 18 must obtain and produce (at their expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 6 months old, and the Council will verify the authenticity of any documentation that is provided.

Medical Requirements

- 3.39 Applicants are required to pass a medical examination (at their own expense) and provide a Council issued medical report completed by their own GP or another registered medical practitioner who must have access to their medical records to meet PSV/HGV Group 2 (vocational licence) medical standards of fitness, as defined and updated by the Driver and Vehicle Licensing Agency.
- 3.40 An applicant can also provide a PSV/HGV Group 2 medical report which has been completed by their own GP or another registered medical practitioner (with access to their medical records) within the previous six months.

3.41 Medical reports are required at the initial application; thereafter every five years from the age of 45 until the age of 65 and then every year thereafter.

3.42 The Council reserves the right to seek a second opinion (at the expense of the applicant) in any case where it has any concerns about the medical fitness of an applicant, both on application and at any time during the duration of the licence. The Council may revoke or suspend a licence if the requested information is not submitted within 4 weeks of the request, and also where the information provided raises further concerns as to the applicant's fitness to carry out their duties as a licensed driver.

Drivers Licence and Badges

3.43 Successful applicants will be issued with their licence and badge.

3.44 These must be worn and lodged with the operator or Hackney Carriage proprietor (as applicable) in accordance with the code of conduct.

Equality Act Exemption Certificates

3.45 Taxi drivers must carry assistance dogs, carry disabled people and provide mobility assistance to them, and, when driving a listed wheelchair accessible vehicle, provide mobility assistance to wheelchair-bound passengers (detailed below).

3.46 Applications can be made to the Council for exemption from the assistance dogs requirements under sections 169 and 171 of the Equality Act 2010. Similar applications for exemptions from the requirement to provide mobility assistance can be made under section 166 of the Equality Act 2010.

3.47 Applications should be made to the Council by emailing licensing@testvalley.gov.uk together. The Council will provide details of the criteria that will be used to determine whether or not any such exemption certificate should be issued, and if so on what terms.

3.48 Exemption certificates will only last until the expiry date of the driver licence. This means that an exemption certificate will last for a maximum of 3 years.

Seat belts

3.49 The law relating to seat belts as it applies to drivers and passengers in Hackney carriages and private hire vehicles is different from non-licensed passenger vehicles.

3.50 When driving a Hackney carriage, the driver does not need to wear a seatbelt when seeking hire (plying), answering a call for hire (travelling to a pre-booked hiring) or when a commercial or fare paying passenger is being carried (this does not apply to the vehicle if being used for private/domestic use). However, Test Valley Borough Council advise strongly that a seatbelt should be worn by drivers of Hackney carriages at all times.

3.51 When driving a private hire vehicle, the driver does not need to wear a seatbelt when a commercial or fare paying passenger is being carried (this does not apply to the vehicle if being used for private/domestic use). However, Test Valley Borough Council advise strongly that a seatbelt should be worn by drivers of private hire vehicles at all times.

3.52 In relation to commercial or fare paying passengers in Hackney carriages and private hire vehicles (except when the vehicle is being used to private/domestic use) the rules relating to seat belts are as follows:

Commercial or fare paying passengers		Front seat	Rear seat	Who is responsible?
Children under three years' old		Correct child restraint MUST be used.	Correct child restraint MUST be used If one is not available in a licensed taxi or private hire vehicle, the child may travel unrestrained	Driver
Child Aged 3–11 and under 135cms in height (about 4.5 Feet)		Correct child restraint MUST be used	Correct child restraint must be used if seat belts are fitted. If a child seat is not available, a child may travel using just the seat belt in these situations : - In a licensed taxi or private hire vehicle - For a short distance if the journey is	Driver

			unexpected and necessary - There isn't room to fit a third child seat	
Child Aged 12 or 13 years or younger child 135 cm or more in height		Adult seat belt must be worn if fitted	Adult seat belt must be worn if fitted	Driver
Passengers aged 14 years and over		Must be worn if fitted	Must be worn if fitted	Passenger

3.53 Children can be carried lawfully in Hackney carriages and private hire vehicles without the correctly sized child restraints. In these circumstances, the driver must make the parents, carers or other responsible adults accompanying the children aware of the potential dangers of carrying children who are not correctly restrained in motor vehicles. It will remain the parents, carers or other responsible adults decision as to whether they are prepared to accept those risks.

Sanctions Against Breaches of The Code of Conduct and For Acquiring Driving Licence Points

3.54 Where a driver acquires 9 or more penalty points on their DVLA licence, or who breaches any Legislation, Byelaw or requirement of the Code of Conduct, they may be referred to the Head of Legal and Democratic Services or the Licensing Committee.

3.55 When a driver is brought before either of the above for whatever reason, each case will be decided on its merits, after hearing the facts.

3.56 The Head of Legal and Democratic Services may also suspend or revoke the driver's licence. Suspension or revocation of your licence can be with immediate effect where the Council is of the opinion that the interests of public safety require such a course of action. (Section 61(2A) Local Government (Miscellaneous Provisions) Act 1976).

3.57 It must be understood that a decision to grant you a licence was made on the basis that you were a safe and suitable person to drive a Hackney Carriage and private hire vehicle on the particular facts of the case on the day of the decision. That status can be lost at any time in the future and you must ensure that your behaviour remains of the highest standard to protect your drivers' licence and therefore your livelihood.

Byelaws

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the Council of Test Valley Borough with respect to hackney carriages in the Borough of Test Valley.

INTERPRETATION

1. Throughout these byelaws “the Council” means Test Valley Borough Council and the “district” means, the Borough of Test Valley.

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

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

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

Provisions regulating how hackney carriages are to be furnished or provided

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

- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
 - (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 time as well as for distance in pursuance of the tariff fixed by the Council;
 - (d) the word “FARE” shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
 - (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 a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word “HIRED” is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.

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

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

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to

demand and take a fare greater than that recorded on 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 a 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 wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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

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 Borough 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) but not more than 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 Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

Repeal of Byelaws

19. The Byelaws relating to hackney carriages which were made by Test Valley Borough Council on the 7th day of January, 1976, 10th August, 1977 and 5th October, 1977 and which were confirmed by the Secretary of State on the 21st day of May, 1976, 4th November, 1977 and 5th October, 1977 respectively are hereby repealed.

The foregoing byelaws were duly approved at a meeting of the Test Valley Borough Council held on 7th September 2005.

Taxi Drivers' Code of Conduct

- 3.58 This Code of Conduct relates to you as a licensed taxi driver. It outlines the standards of behaviour which are expected of you whilst you hold a taxi driver's licence. Failure to comply with these requirements may lead to enforcement action

being taken. This could be by way of warnings, suspension, revocation or refusal to renew your licence.

3.59 You are a licensed taxi driver for the duration of the licence, and at all times you should ensure that your conduct and behaviour is that of a safe and suitable person. You must ensure that you do not act in any way, at any time, that might affect that. The Council will consider all your behaviour, and that is not limited to the times when you are driving a hackney carriage or private hire vehicle.

3.60 When you are driving a hackney carriage or private hire vehicle, that remains a Council licensed vehicle and you remain a Council licensed taxi driver wherever you may be located, and for whatever purpose you are using the vehicle (this includes social and domestic use) . This Code of Conduct applies across the whole of the United Kingdom.

Your taxi drivers Licence and Badge

You have been issued with a driver's badge. You must wear the drivers badge at all times when you are driving or working with a private hire vehicle or Hackney carriage and failure to do so is a criminal offence [under s54 of the 1976 Act when using a private hire vehicle and byelaw No 12 when using a Hackney Carriage].

3.61 You must return your licence and badge to the Licensing Section of the Council **within 72 hours** if

- a. You change your home or business address (so it can be updated)
- b. the licence expires, is suspended or revoked
- c. you lose the right to work in the UK, or the right to remain in the UK
- d. You wish to surrender your Taxi Driver Licence
- e. required to do so by an "Authorised Officer of the Council".

3.62 In the event of the loss of your licence or badge you must report the loss to the Council's Licensing Section immediately.

Production of Documents

3.63 If an Authorised Officer of the Council, an Authorised Officer of another Council with which the Council has a reciprocal arrangement or a police constable or PCSO asks you, you must produce:

- a) Your DVLA driving licence
- b) Your Taxi Driver Licence
- c) The vehicle registration document
- d) A valid certificate of insurance

- 3.64 within **five days** of the request being made at the location that they specify.

Medical condition

- 3.65 You must notify the Council, in writing within 14 days of any change in your medical condition that may adversely affect your ability to drive private hire or Hackney Carriage vehicles.
- 3.66 You must ensure that when you are working you are sober and not under the influence of any illegal drugs. If you are taking any prescription medication, you must ensure that it does not impair your driving ability.
- 3.67 If at any time you feel unwell you must discontinue work until such time as you feel better and able to return to work.

Declaration of conviction / caution / penalty

- 3.68 You must declare all convictions, cautions, fixed penalty notices, CBO's (Criminal Behaviour Orders) CPNs (Community Protection Notices), requirements to attend a speed awareness course, injunctions, restraining orders to the Council on your initial application form.
- 3.69 If you are convicted of any offence, or accept a formal caution for an offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or are made the subject of an CBO or CPN, are required to attend a speed awareness course, are made the subject on any injunction or restraining order, or you are arrested for any matter, you must give the Council details, in writing and within **72 hours** of the event.

Driving

- 3.70 You must comply with all road traffic regulations at all times.
- 3.71 You must comply with all legislation and conditions relating to the Hackney Carriage or private hire vehicle that you are driving at all times. Those conditions are available on the Council's website.
- 3.72 You must not use a hand-held mobile telephone or any other handheld device (apart from a two-way radio) whilst driving. In addition, you must not use any non-handheld device unless it is entirely voice activated.

- 3.73 You must not sound your vehicle horn –
- a) unnecessarily, i.e. unless in an emergency or to let other road users or pedestrians know you are there
 - b) when your vehicle is stationary on a road, at any time, other than at times of danger due to another moving vehicle on or near the road
 - c) on any road in a built-up area between 11.30 p.m. and 7.00 am.
- 3.74 Your vehicle horn must not be used to signal your arrival to collect any pre-booked passenger.
- 3.75 You must not drive any Hackney Carriage or private hire vehicle in a dangerous or inconsiderate manner and in addition to complying with all road traffic regulations you must ensure that your driving and behaviour on the road is of the highest standard.
- 3.76 When parking, or otherwise waiting for either a hiring (Hackney Carriage), a booking to be communicated to you (private hire and Hackney Carriage) or attending for a pre-booked hiring (private hire and Hackney Carriage) you must ensure that you do not obstruct other road users including pedestrians on pavements and in pedestrianised streets. You must also ensure that you do not block vehicle entrances or any emergency exits for buildings. You must also comply with parking and waiting restrictions (if any).
- 3.77 When stopping to set passengers down you must do so in a manner which minimises the risk to those passengers as they alight from the vehicle. You must warn passengers clearly of any unusual or unexpected dangers within the vicinity.
- 3.78 When driving a Hackney Carriage, you must not demand a fare greater than that shown on the meter for a journey within the Council's area. Where a journey ends outside the Council's area, you must not demand a fare greater than that shown on the meter unless an agreement was made between yourself and the hirer before the hiring commenced.
- 3.79 When driving a private hire vehicle you must not demand a fare greater than that shown on the meter (if that is how your operator calculates fares) or as agreed between the hirer and the operator. You must use the shortest available reasonable route for all journeys.
- 3.80 You must stop the engine of the vehicle at all times when the vehicle is stationary otherwise than through the necessities of traffic.

- 3.81 It is a criminal offence to hold and use a mobile phone or other handheld device whilst driving. In addition this will be regarded as a serious breach of the Code of Conduct.

Data protection

- 3.82 You must ensure that you have the correct safeguards for storing personal data that comply with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). This will include details of hirers (pre-booked Hackney Carriages) and also any dash cam footage (the use of dash cams is considered in relation to vehicle licences).

Conduct and Behaviour

- 3.83 You must be honest and trustworthy at all times.
- 3.84 You must be polite and courteous to your passengers, other road users and the public generally.
- 3.85 You must not use abusive or foul language, spit or smoke in or near the vicinity of your vehicle.
- 3.86 You must not use aggressive language or behaviour, or engage in any violent conduct.
- 3.87 You must not carry any form of weapon on your person or in your vehicle at any time and under no circumstances must you ever take the law into your own hands.
- 3.88 If the hirer requests, you must provide a written receipt for the fare paid for the hiring, including the amount of VAT (if applicable) shown separately if so requested. That receipt must also contain details of the journey including the date, pick up point and destination, vehicle licence number, operators name and driver name or licence number. You must then sign the receipt.
- 3.89 You must not cause or allow noise emitted by any radio or sound equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person or persons, whether inside or outside the vehicle.
- 3.90 If a passenger objects, you must not play any radio or sound reproducing instrument or equipment in the vehicle.

- 3.91 You must treat everybody decently, equally and fairly.
- 3.92 You must at all times treat passengers, any potential passenger, members of the public, Police Officers and PCSOs, Council officers and all other public servants (NHS staff, fire fighters, HMRC staff etc) with courtesy and respect.
- 3.93 You must not discriminate against any person because of their race, colour, creed, age, gender, sexuality, or disability.
- 3.94 You must not use abusive, racist, sexist, or any other offensive language or terms with passengers or other members of the public (remember that not everybody shares your sense of humour, or views).
- 3.95 You must protect passengers and yourself. Be wary about entering any premises, especially domestic premises unless you know the person as an established customer. Even then make sure that you take all steps to minimise any risk to yourself or your reputation.
- 3.96 You must not obtain the telephone numbers of, or engage on any form of social media with anybody under the age of 18.
- 3.97 You must not engage in any kind of sexual activity within or in the vicinity of your licensed vehicle.
- 3.98 You must behave in a civil and reasonable manner at all times and must comply with any reasonable request made by the hirer.
- 3.99 You must always pick up your passengers on time unless unavoidably delayed.
- 3.100 You must always assist your passengers with their luggage. If they do not request this, you must ask whether they need help. This includes picking it up from the point of booking, removing it from your vehicle at the end of the journey and setting it down.
- 3.101 You must maintain a logbook in which to record any incidents that you feel are of concern (including but not limited to concerns about child abuse, abuse of any other person, people trafficking, drug carrying, violence or criminal behaviour) or which may result in a complaint being made about you. Such incidents must be

recorded promptly with as much detail as possible (date, time, location, nature of the incident, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a private hire vehicle all such incidents must be reported to your operator as soon as possible. If you are driving a Hackney Carriage that has been booked via a booking agent, all such incidents must be reported to that agent as soon as possible. Where you suspect that the incident involves criminal behaviour you must report this to the police and Council immediately.

- 3.102 You must maintain a logbook of any complaints that are made to you as a driver. All complaints must be recorded promptly with as much detail as possible (date, time, location, nature of the complaint, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a private hire vehicle all such complaints must be reported to your operator as soon as possible. If you are driving a Hackney Carriage that has been booked via a booking agent, all such complaints must be reported to that agent as soon as possible.

Personal Appearance and dress code

- 3.103 You must maintain good standards of personal hygiene at all times.
- 3.104 You must always be clean and respectable in your dress and present a professional image. To achieve this you must comply with the following dress code which will also ensure that public and driver safety is not compromised

Acceptable standards of dress

Collared shirts, blouses, polo shirts, or sweatshirts must cover the shoulders and be capable of being worn tucked inside trousers, shorts or skirts.

Shirts or blouses may be worn with a tie or open necked.

All clothing must be clean, of smart appearance and in good condition.

Trousers, shorts and skirts

Trousers can be either full length or shorts.

Skirts must be no shorter than 5 cm above the knee (when standing) and can be of any longer length but must not impede the safe operation of the pedals. Trousers, shorts, or skirts must be tailored.

Footwear

Footwear for all drivers must fit around the heel of the foot. Wooden soled footwear is not permitted.

Unacceptable standards of dress

Anything not conforming to the above, including:

Clothing not being kept in a clean and fresh condition or any items which have holes or rips.

Words or graphics on any clothing that is of an offensive or suggestive nature.

Sportswear e.g. football or rugby kits, track suits, beach wear, etc.

Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.

Not having either the top or bottom half of their bodies suitably clothed.

No hoods worn up whilst in the vehicle.

Use of the Vehicle

3.105 Private hire vehicles and Hackney Carriages are smoke free vehicles at all times under the Health Act 2006. It is a criminal offence to smoke in a private hire vehicle at any time (section 7) or to allow a person to smoke in a private hire vehicle (section 8) and you can be prosecuted for either or both offences. In addition this will be regarded as a serious breach of the Code of Conduct;

3.106 You must not eat in the vehicle at any time whilst carrying passengers, or allow passengers to eat in the vehicle at any time.

3.107 Animals must not be carried in private hire vehicles or Hackney Carriages other than those belonging to or in the care of passengers. You may refuse to carry a hirer's animal at your discretion. However, you must not refuse to carry an assistance dog, unless you have a valid Exemption Certificate issued by the Council. Any animal must be kept under the hirer's control, and must be carried in the rear of the vehicle (except assistance dogs). No animals can be carried in the luggage compartment of a vehicle unless the vehicle is an estate car or hatchback and the animal can be seen from outside the vehicle through a window.

3.108 You must not carry more passengers than the maximum number prescribed by the conditions attached to the Hackney Carriage your private hire vehicle licence and displayed on the vehicle plate.

3.109 You must carry a reasonable amount of luggage and assist passengers in loading it and unloading it from the vehicle.

- 3.110 You must not carry any additional passengers not already accompanying the hirer in the vehicle without the hirer's permission.
- 3.111 You must not carry more than one person in the front seat unless the vehicle is furnished with manufacturer fitted seats for more than one passenger in the front of the vehicle and provided with seat belts for all front seat passengers. In this case no more than 2 passengers may be carried.
- 3.112 You must not carry any child below the age of twelve years in the front of the vehicle unless you use the correct child restraint.
- 3.113 Hackney Carriages and private hire vehicles are not expected to carry a range of child seats. If you are carrying children under the age of 14 you must make any adult with responsibility for the child aware that the correct restraints may not be available and the carriage of the child in those circumstances is at the adults own risk. Children under 3 years of age can travel unrestrained in a Hackney Carriage or private hire vehicle if the appropriate restraint is not available. Children over 3 years of age and below 11 years of age or shorter than 135cms (approx. 4ft 6in) can use adult seat belts if the appropriate restraint is not available. Children over 11 years of age or taller than 135cm (approx. 4ft 6in) must use adult seat belts.

Vehicle Checks

- 3.114 It is your responsibility to ensure that the correct policy of insurance is in force for any Hackney Carriage or private hire vehicle that you are driving.
- 3.115 Before using a Hackney Carriage or private hire vehicle for the first time each day, you must undertake a "walk around check". This requires that you ensure that the vehicle is roadworthy and fit for use as a hackney carriage or private hire vehicle. The check must include the tyres (pressure and tread depth), checking the lights are functioning (so far as is possible with one person – all lights except brake lights), checking all glass (lights and windows) is intact and ensuring there is no obvious damage to the vehicle. Any defects that are detected must be rectified before the vehicle is used to carry passengers.
- 3.116 Every time you commence driving the vehicle you must ensure that the rear identification plate, supplied by the Council, is securely fixed to the outermost rear of the vehicle, so that it can be clearly read by pedestrians and other road users. You must also ensure that any other identifying information (whether supplied by the Council or not) is correctly and securely attached to the vehicle.

3.117 If you have been issued a certificate of exemption from carrying assistance dogs or providing wheelchair assistance you must ensure that that notice is correctly placed on the nearside of the front windscreen.

3.118 You must not offer or accept any hire of the vehicle except where the hiring has been pre-booked via your Private Hire Operator [does not apply to Hackney carriages].

Lost Property

3.119 After every hiring, you must search the vehicle for any misplaced or lost property.

3.120 If any property is found or handed to you, you must, unless it is claimed, take it to a Police Station within 48 hours. Following agreement with the owner of any lost property (and you must take reasonable steps to ensure the person concerned is the rightful owner) you may agree to return the property personally to the owner and charge the metered fare to an agreed meeting point, or £10.00, whichever shall be greater.¹⁰

Taximeters in Private Hire Vehicles [taximeter use in hackney carriages is governed by the byelaws]

3.121 You may use a meter in the private hire vehicle only if it is constructed, attached and maintained in compliance with the Private Hire Vehicle Licence Conditions.

3.122 Unless the fare is agreed in advance, you must switch the meter on at the point the hirer's journey commences and keep the meter working until the termination of the hiring.

3.123 You must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless a lesser fare has been agreed).

3.124 You must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.

¹⁰ In practice many Police Stations no longer accept lost property in which case the driver should give the item(s) to their operator where they have one.

- 3.125 You must ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.
- 3.126 You must ensure that the meter is sufficiently illuminated when in use and is visible to passengers.
- 3.127 You must not (nor may you allow anyone else) to tamper with the meter or any seal on the meter without lawful excuse, or alter any meter with the intent to mislead.

Plying for hire when driving a private hire vehicle [does not apply when driving a hackney carriage]

- 3.128 You must not pick up passengers who have not pre-booked with your operator.
- 3.129 You must not offer or accept an offer for the immediate hire of a vehicle while it is being used in a public place.
- 3.130 You must not park or wait on or near any Hackney Carriage Rank, or drop passengers off on a Hackney Carriage Rank.

Fares when a hackney carriage is used for pre-booked work

- 3.131 A Hackney Carriage can be used for pre-booked work both within the Borough of Test Valley and elsewhere. When the journey is wholly within the Borough, or commences or ends in Test Valley, the fare charged cannot be greater than that displayed on the meter or in accordance with the table of fares. Where a pre-booked journey commences and ends outside Test Valley the table of fares and the meter do not control the maximum fare that can be charged. In these circumstances the fare to be charged must be negotiated between the hirer and the driver or booking agent.

LEGAL REQUIREMENTS (contained in national legislation) when driving a Hackney carriage

Your taxi Driver Licence and Badge

- 3.132 When driving a Hackney Carriage you must wear your badge at all times whilst you are working as a Hackney Carriage Driver and you commit a criminal offence if you do not do so, for which you might be prosecuted (Hackney Carriage Byelaw 12)

Disability Discrimination

3.133 When driving a Hackney Carriage you must carry an assistance dog and allow it to remain with their owner unless you have a certificate of exemption issued by the Council. You must not make any additional charge for doing so. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 168 Equality Act 2010).

3.134 When you are driving a Hackney Carriage that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.

The duties are—

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

And mobility assistance is assistance—

- f. to enable the passenger to get into or out of the vehicle;
- g. 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;
- h. to load the passenger's luggage into or out of the vehicle;
- i. if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

3.135 When you are driving any Hackney Carriage, you must comply with the duties to carry and provide mobility assistance to any disabled passenger as detailed in section 164A of the Equality Act 2010.

The duties are—

- a. to carry the passenger;
- b. if the passenger is in or has with them a wheelchair, to carry the wheelchair;
- c. if the passenger has with them any mobility aids, to carry the mobility aids (any item the passenger uses to assist with their mobility);

- d. to take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort;
- e. to give the passenger such mobility assistance as is reasonably required;
- f. not to make, or propose to make, any additional charge for complying with a duty mentioned in paragraphs (a) to (e).

And mobility assistance is assistance—

- (a) to enable the passenger to get into or out of the vehicle;
- (b) to load the passenger's luggage, wheelchair or mobility aids into or out of the vehicle.

3.136 In vehicles equipped with a taxi meter, the meter must not be activated until the wheelchair bound passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. The same applies for any disabled passenger, and the meter must not be activated until any mobility equipment has been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.

Conduct

3.137 You must not drive a Hackney Carriage at any time if you do not hold a taxi drivers licence, or if your licence has been suspended (section 47 Town Police Clauses Act 1847).

3.138 You must not lend your taxi drivers licence to anybody else (section 47 Town Police Clauses Act 1847)

3.139 When driving a Hackney Carriage you must accept a hiring from a Hackney Carriage Rank (taxi rank) or when you are stationary on the highway for a journey within the Council's area unless you have a "reasonable excuse" to refuse (section 53 Town Police Clauses Act 1847)

3.140 When driving a Hackney Carriage if you agree to charge a fare lower than that shown on the meter for a journey in a Hackney Carriage then you cannot charge more than that agreed fare (section 54 Town Police Clauses Act 1847)

3.141 When driving a Hackney Carriage you must not charge more than the fare shown on the meter of a Hackney Carriage for a journey wholly within the Council's area, irrespective of how the journey was arranged (s55 1847 Act)

- 3.142 When driving a Hackney Carriage if you have agreed to accept a fixed amount of money for a journey, you must ensure that the journey lasts until that amount is shown on the meter (section 56 Town Police Clauses Act 1847).
- 3.143 When driving a Hackney Carriage if you have been hired and are asked to wait, and either a deposit has been paid or the meter is running, you must wait until that hirer returns to your Hackney Carriage (section 57 Town Police Clauses Act 1847).
- 3.144 When driving a Hackney Carriage you must not charge more than the fare shown on the meter for a journey within the District (section 58 Town Police Clauses Act 1847).
- 3.145 When driving a Hackney Carriage you must not carry anyone apart from the hirer and their companions without the express consent of that hirer (section 59 Town Police Clauses Act 1847).
- 3.146 You must not drive any Hackney Carriage without the consent of the Hackney Carriage proprietor (if that is not yourself) (section 60 Town Police Clauses Act 1847)
- 3.147 You must not leave a Hackney Carriage unattended at a Hackney Carriage Rank (section 62 Town Police Clauses Act 1847)
- 3.148 You must not prevent any other driver of a Hackney Carriage from taking a fare, or obstruct them in picking up or sitting down passengers (section 62 Town Police Clauses Act 1847)
- 3.149 When driving a Hackney Carriage you must produce your taxi drivers licence if requested to do so by an Authorised Officer of the Council (or another council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976).
- 3.150 You must return your drivers licence to the Council within 7 days if you lose the right to remain or work in the UK (s53A(9) Local Government (Miscellaneous Provisions) Act 1976).
- 3.151 You must not make any false statement or withhold any information when applying to renew your taxi drivers licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976).

- 3.152 You must return your licence and drivers badge to the Council within 14 days of any suspension, revocation or refusal to renew your licence (s61(3) Local Government (Miscellaneous Provisions) Act 1976).
- 3.153 When driving a Hackney Carriage you must not charge more than the fare shown on the meter of a Hackney Carriage for a journey that ends outside the Council's area unless a different fare was agreed in advance (s66 Local Government (Miscellaneous Provisions) Act 1976)
- 3.154 When driving a Hackney Carriage you must not charge more than the metered fare for a pre-booked journey which is wholly within, or starts or finishes within the Council's area. (s66 Local Government (Miscellaneous Provisions) Act 1976)
- 3.155 You must use the shortest available reasonable route for all journeys by Hackney Carriage, subject to any directions given by the hirer. (Section 69 Local Government (Miscellaneous Provisions) Act 1976).
- 3.156 You must not tamper with any seal on a taximeter, or alter the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaw 6).
- 3.157 You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an Authorised Officer of the Council, an Authorised Officer of another council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976).
- 3.158 When driving a Hackney Carriage you must not conceal or obscure the number of the Hackney Carriage whilst standing or plying for hire, or use any vehicle where any part of the plate is illegible (Hackney Carriage Byelaw 2).
- 3.159 When driving a Hackney Carriage you must not activate the taximeter when standing or plying for hire, but you must activate the meter before the journey commences but not until passengers are properly seated and secured. At the end of the journey you must stop the meter. This should be before passengers alight from the vehicle. (Hackney Carriage Byelaw 5).
- 3.160 When driving a Hackney Carriage and you are plying for hire you must proceed to a Hackney Carriage Stand and if that Stand is full, proceed to another Stand. When you arrive at a Stand that is not full you must position the vehicle

behind the rearmost vehicle on the Stand and move forward as space becomes available (Hackney Carriage Byelaw 7).

- 3.161 You must not use the services of any other person to importune (encourage forcefully) anyone to hire your Hackney Carriage (Hackney Carriage Byelaw 8).
- 3.162 When driving a Hackney Carriage you must behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons entering, carried in or alighting from the Hackney Carriage (Hackney Carriage Byelaw 8).
- 3.163 When driving a Hackney Carriage if you have been pre-booked you must attend at the appointed time and place (Hackney Carriage Byelaw 10).
- 3.164 When driving a Hackney Carriage you must not carry more passengers in the Hackney Carriage than the conditions attached to the vehicle licence permit (Hackney Carriage Byelaw 11).
- 3.165 When driving a Hackney Carriage you must carry a reasonable quantity of luggage for the hirer and assist them in loading and unloading, including taking it from or to any building (Hackney Carriage Byelaw 13).
- 3.166 When driving a Hackney Carriage you must search the vehicle for lost property after every hiring (Hackney Carriage Byelaw 16).
- 3.167 When driving a Hackney Carriage you must take any lost property which is not been claimed within 48 hours to a Police station (Hackney Carriage Byelaw 17)¹¹.

LEGAL REQUIREMENTS (contained in national legislation) when driving a private hire vehicle

Your taxi Driver Licence and Badge

- 3.168 When driving a private hire vehicle you must wear your badge at all times whilst you are working as a private hire driver and you commit a criminal offence if you do not do so, for which you might be prosecuted (s54 Local Government (Miscellaneous Provisions) Act 1976)

¹¹ In practice many Police Stations no longer accept lost property in which case the driver should give the item(s) to their operator where they have one.

Disability Discrimination

3.169 When your operator has accepted a booking for a passenger with an assistance dog (whether or not the existence of the dog has been communicated to you), you must carry that assistance dog and allow it to remain with their owner unless you have a certificate of exemption issued by the Council. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 170 Equality Act 2010).

3.170 When you are driving a private hire vehicle that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.

The duties are—

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

And mobility assistance is assistance—

- f. to enable the passenger to get into or out of the vehicle;
- g. 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;
- h. to load the passenger's luggage into or out of the vehicle;
- i. if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

3.171 When you are driving any private hire vehicle, you must comply with the duties to carry and provide mobility assistance to any disabled passenger as detailed in section 164A of the Equality Act 2010.

The duties are—

- a. to carry the passenger;
- b. if the passenger is in or has with them a wheelchair, to carry the wheelchair;

- c. if the passenger has with them any mobility aids, to carry the mobility aids (any item the passenger uses to assist with their mobility);
- d. to take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort;
- e. to give the passenger such mobility assistance as is reasonably required;
- f. not to make, or propose to make, any additional charge for complying with a duty mentioned in paragraphs (a) to (e).

And mobility assistance is assistance—

- g. to enable the passenger to get into or out of the vehicle;
- h. to load the passenger's luggage, wheelchair or mobility aids into or out of the vehicle.

3.172 In vehicles equipped with a taxi meter, the meter must not be activated until the wheelchair bound passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. The same applies for any disabled passenger, and the meter must not be activated until any mobility equipment has been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.

3.173 You must not drive a private hire vehicle at any time when your taxi drivers' licence has been suspended (s46(1)(b) Local Government (Miscellaneous Provisions) Act 1976).

3.174 When driving a private hire vehicle you must produce your taxi drivers licence if requested to do so by an Authorised Officer of the Council (or another council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976).

3.175 You must return your drivers licence to the Council within 7 days if you lose the right to remain or work in the UK (s53A(9) Local Government (Miscellaneous Provisions) Act 1976).

3.176 You must not make any false statement or withhold any information when applying to renew your taxi drivers licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976).

3.177 You must return your licence and drivers badge to the Council within 14 days of any suspension, revocation or refusal to renew your licence (s61(3) Local Government (Miscellaneous Provisions) Act 1976).

- 3.178 When driving a private hire vehicle you must use the shortest available reasonable route for all journeys by private hire vehicle, subject to any directions given by the hirer. (Section 69 Local Government (Miscellaneous Provisions) Act 1976).
- 3.179 You must not tamper with any seal on a taximeter also the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976)
- 3.180 You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976)
- 3.181 You must not drive any private hire vehicle with any roof sign or signage which includes the words “taxi”, “cab” or “hire”, any similar words or anything which would indicate the vehicle is a Hackney Carriage (section 64 Transport Act 1980).

HACKNEY CARRIAGE PROPRIETORS (VEHICLE) LICENCES

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

This document contains the policy, byelaws, conditions and legislation relating to your hackney carriage proprietors (vehicle) licence. The legislation refers to hackney carriage proprietors' licences, but as these are often referred to as hackney carriage vehicle licences, for the avoidance of doubt the term "hackney carriage proprietor (vehicle)" will be used throughout this policy.

As hackney carriage proprietors (vehicle) licences can be held by limited companies and partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a "person", "you", "licensee" or "proprietor" is taken to mean the proprietor of the hackney carriage.

The Council has the power to make byelaws relating to hackney carriages under the legislation, and it has done so.

There is also a power to attach conditions to hackney carriage proprietors (vehicle) licences, and the Council has standard conditions which attach to these licences. These are contained within this document.

There is also a list of the main law and byelaws that apply to hackney carriage proprietors

Introduction

- 4.1 The purpose of licensing hackney carriage vehicles is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous vehicles.
- 4.2 It is a privilege to hold a hackney carriage proprietors (vehicle) licence and licensees have responsibilities to their drivers, passengers and customers, other road users and the public generally. The council has been satisfied that when you applied for your licence the vehicle was suitable and safe for use as a hackney carriage and that you were a safe and suitable person to have that licence granted (please see Section 2 for the Councils' Previous Convictions Policy). In assessing that, the Council took into account the type of the vehicle, the condition of the vehicle and your entire character and behaviour.
- 4.3 As a vehicle proprietor this assessment of your character not only includes times when you are working within the hackney carriage trade, but it all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the council that you are a safe and suitable person continues throughout the duration of the licence. If at any time the standard of the vehicle or your behaviour falls below the standards expected for new applications, the council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the hackney carriage trade. You should appreciate that under the Convictions Policy (available at Section 2), if the unacceptable or criminal behaviour took place whilst

you were working within the hackney carriage trade, that will be viewed as an aggravating feature by the Council.

- 4.4 In many cases a hackney carriage is the first vehicle that a visitor to the Borough will encounter following arrival at a railway station, bus station or similar. As a consequence, the appearance of hackney carriages can affect a person for their entire visit. Hackney carriage proprietors should be aware of this and ensure that their vehicle is maintained to the highest standard at all times.
- 4.5 Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
- 4.6 The Council has decided to attach conditions to Hackney Carriage Licences that it considers reasonably necessary under the powers contained in section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976. The conditions are in addition to the statutory requirements of the legislation. Section 47(3) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within twenty-one days of receipt of the licence.
- 4.7 You must understand and comply with the legal requirements relating to the Hackney Carriage licensed in your name, a limited company in which you are a director or secretary, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your hackney carriage proprietors (vehicle) licence being suspended or revoked.
- 4.8 The Council office for hackney carriage and private hire licensing purposes is The Licensing Section, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ.
- 4.9 This is the address to which all applications, notices, reports of incidents and any other communications with the Council must be sent.

Sanctions Against the Hackney Carriage Proprietors (Vehicle) Licence

- 4.10 Where a proprietor breaches any Legislation, Byelaw or Condition of the licence, they may be referred to the Head of Legal and Democratic Services or the Licensing Committee.
- 4.11 Whenever, and in what circumstances a proprietor is brought before either of the above, they will decide each case on its merits, after hearing the facts.
- 4.12 They may decide to suspend, revoke or refuse to renew the hackney carriage proprietors (vehicle) licence (see below).

Power to take action against a hackney carriage proprietors (vehicle) licence

- 4.13 Under section 60 Local Government (Miscellaneous Provisions) Act 1976, the Council may suspend, revoke or refuse to renew a hackney carriage proprietors (vehicle) licence on the following grounds –
- a) that the hackney carriage vehicle is unfit for use as a hackney carriage;
 - b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
 - c) any other reasonable cause.
- 4.14 An authorised officer of the Council, an authorised officer of another Council where there is a reciprocal arrangement, or a police constable can immediately suspend a hackney carriage proprietors (vehicle) licence under S68 Local Government (Miscellaneous Provisions) Act 1976 on the grounds of
- a) the vehicle is unfit
 - b) the taximeter is inaccurate.
- 4.15 Failure to comply with any hackney carriage legislation (including byelaws), or other road traffic legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which could lead to your hackney carriage proprietors (vehicle) licence being suspended, revoked or the renewal refused.
- Failure to comply with the Council's conditions may result in your Hackney Carriage Licence being suspended, revoked or the renewal refused.
- 4.16 If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under s57(3) Local Government (Miscellaneous Provisions) Act 1976.
- 4.17 The hackney carriage proprietors (vehicle) licence remains the property of the Council.
- 4.18 In the event that you lose your proprietors licence, hackney carriage proprietors (vehicle) licence plates or additional signage, or if they are damaged or defaced, you must get a replacement licence or plates on payment of a fee determined by the Council, and you cannot use the hackney carriage until such replacements are obtained and fitted.
- 4.19 It must be understood that a decision to grant a hackney carriage proprietors (vehicle) licence is made on the basis of the condition and suitability of the vehicle and the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that the condition of your vehicle and your behaviour remains of the highest standard to protect your vehicle licence and therefore your livelihood.

- 4.20 In order that the Council may retain local control over the hackney carriages it licenses, applicants will be asked as part of the application process which area they intend to operate from entirely or predominantly for the purposes of fulfilling pre-booked hiring's. It will be incumbent upon the applicant to demonstrate to the Council's satisfaction that they intend to ply for hire predominantly within the Borough. If the applicant indicates that they will not predominately work within the Borough, the application will normally be refused. If the vehicle is found to be operating in contravention to the information supplied in the application form, then enforcement action will be considered, which may include revocation of the licence. This section is not intended to act as a restraint of trade since applicants may make applications to any local authority in which area they intend to ply for hire.

Policy

GENERAL

Applicants

- 4.21 Hackney carriage proprietor (vehicle) licences can be held by individuals, limited liability partnerships (LLP), conventional partnerships (two or more people in business together) or limited companies. Usually the vehicle must be registered to one of those, but there will be occasions where the vehicle is leased or hired. In all cases the applicant(s) must demonstrate that they have ownership of the vehicle, a financial interest in the vehicle or permission to use the vehicle on an extended basis (in the case of a lease or hire). A V5 registration document is not proof of ownership and other documentation may be required. This can include, but is not limited to
- Receipt for the purchase of the vehicle
 - Lease/hire contract
 - Partnership agreement between 2 or more individuals.

Character of the applicant

- 4.22 The licensee of a hackney carriage can exert control over those who drive that vehicle, and as a consequence it is essential that they satisfy the council that they are a suitable person to hold a hackney carriage proprietor (vehicle) licence.
- 4.23 All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service check at their own expense, as part of the application process unless they are already licensed by the Council as either a driver or Operator.
- 4.24 The application will then be considered in the light of the council's convictions policy (see Section 2).
- 4.25 In addition, the council will take into account the compliance and maintenance history of previous and existing vehicles licensed by the applicant. The council does not regard licensees whose vehicles fail regular tests as being a safe and suitable person to have responsibility for hackney carriages. All vehicles must be maintained to a satisfactory standard all times and should pass any test at any point.

Convictions

- 4.26 If you or anybody else with an interest in the vehicle or who is named on the licence is arrested in connection with, charged with or convicted of any criminal offence, that must be reported to the council within 72 hours (including weekends and bank holidays). The same requirement applies in relation to any fixed penalty notices, speed awareness courses, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you receive or have to attend.

Vehicles

- 4.27 It is the applicant's responsibility to ensure that any vehicle presented for licensing as a hackney carriage meets the council's criteria which are detailed below. As the council will not be liable for any loss as a result of a vehicle not being licensed, it is vital that applicants ensure that any vehicle that they are considering purchasing meets these criteria.

Limits on the Numbers of Hackney Carriages

- 4.28 There are no limits on the number of Hackney carriages that are licensed, but any new additional hackney carriage proprietors licence will only be issued in respect of an acceptable Wheelchair Accessible Vehicle (WAV). See section 4.43 onwards for the criteria for licensing such a vehicle.

Licensed Vehicle Age and Emissions Policy

- 4.29 Vehicles are constantly being improved by manufacturers, and improved standards are imposed by the Government. Newer vehicles are safer, less environmentally damaging and less likely to break down. Vehicles deteriorate due to a combination of age and use.
- 4.30 In order to reduce emissions it is important to set standards that are common to all within the hackney carriage fleet, to ensure consistency and a level playing field for proprietors. The age of vehicles and the exhaust emissions are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the hackney carriage fleet, the following standards will apply.
- 4.31 From 1st January 2025 new licences will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 6 years prior to the date that the application was made. All such vehicles will therefore meet or exceed Euro 6 emission standards.
- 4.32 From 1st January 2025, licences will not be renewed in respect of any licensed vehicle that was first registered (or, in the case of imported vehicles, manufactured) more than 12 years prior to the date of renewal. This applies to the renewal of licences only. All such vehicles will therefore meet Euro 5 standards
- 4.33 A vehicle may be considered for licensing beyond these upper age limits if it is in 'exceptional condition'. The criteria for 'exceptional condition' are set out below.

Exceptional Condition Criteria

- 4.34 A vehicle will be considered to be in 'exceptional condition' if **all** of the following apply:
- a) The mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes.
 - b) The vehicle passes the council's vehicle inspection.
 - c) The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
 - d) The general paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
 - e) The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
 - f) The boot or luggage compartment is in good condition, clean and undamaged.
 - g) Passenger areas are free from damp or any other odours that may cause passenger discomfort.
 - h) The vehicle is in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or bodywork.
 - i) The vehicle must have a service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification.

Low Emission Vehicles

- 4.35 The Council aims to encourage the uptake of low emission vehicles in the Borough, and will examine the feasibility of introducing differential licensing fees for electric, hybrid and ultra-low emission vehicles.
- 4.36 It is hoped that more Electric Vehicle charging points for use by the public will be available at various locations within Test Valley Borough over the coming years.

Vehicle specification

- 4.37 There are 2 different types of vehicle that can be licensed as hackney carriages: those which are Wheelchair Accessible Vehicles (WAV) and those which are not.

4.38 At present, Test Valley Borough Council does not require all hackney carriages to be WAV but this policy may be reviewed in the future. As detailed in paragraph 4.28 above, any newly licensed hackney carriage must be a WAV.

4.39 The Council maintains a list of all WAV (both hackney carriages and private hire vehicles). Drivers of those vehicles must then provide mobility assistance to wheelchair-bound passengers and drivers of any type of vehicle must provide mobility assistance to any disabled passenger (please see the dual drivers licence documentation for details).

4.40 The following specifications detail the minimum requirements for each type of vehicle, together with the requirements for all hackney carriages.

Non-Wheelchair accessible vehicles

4.41 If the vehicle is to be licensed as a non-WAV (saloons, estate cars, people carriers (MPV), sports utility vehicles (SUV) and any other vehicle that cannot carry a passenger whilst they remain in their wheelchair) it must be approved by the Council and comply with the following specification:

- a) Have at least four doors that can be opened from both inside and outside the vehicle. Each door (except the driver's door) must be capable of being opened by passengers.
- b) Have a minimum seating capacity for at least four adult passengers based on a width of not less than 400 mm per person across the rear seat.
- c) Must be so constructed as to provide adequate space within its structure for the safe carriage of each passenger's luggage or any equipment. If that is not possible or practical then d. below will apply
- d) Roof racks will be permitted. Any vehicle using a roof rack must be fitted with a second roof sign, with one sign in front of the roof rack, and one behind, allowing the signs to be seen in the same way as a vehicle without a roof rack. Any luggage carried on the roof rack must be protected from the elements by a waterproof cover and properly secured. A properly fitted roof box is an acceptable alternative, subject to the additional signage as detailed above.
- e) Passengers must be able to communicate with the driver via a sliding screen, mesh or hole in any division between the drivers and passenger compartments
- f) Any vehicle which is a convertible must meet all other requirements and have a waterproof roof and side windows which must be raised at the request of any passenger.

Additional requirements for minibus and MPV type vehicles

- 4.42 To be licensed as a hackney carriage, any Minibus/MPV-type vehicles must be fitted, in addition to the front driver and passenger doors, with at least:
- a. one other side loading door plus a rear door/doors or tailgate that can be opened from inside the vehicle OR
 - b. two side loading doors that can be opened from the inside

Wheelchair Accessible Vehicles (WAV)

- 4.43 Hackney Carriage licences numbers 36 onwards are designated only for wheelchair accessible vehicles. Such vehicles must always be available for use by a wheelchair user and if not, the vehicle licence will be suspended. Any replacement vehicle will be to the same or higher standard.
- 4.44 The vehicle must be a purpose-built Hackney Carriage capable of carrying a wheelchair bound passenger which complies with the current Transport for London "Conditions of Fitness", or it meets the following specification.
- 4.45 Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have, UK/EU Whole Vehicle Type Approval, or UK/EU Small Series Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as a minimum standard and be no more than 12 months old (licence numbers 36 onwards only).
- a) The vehicle must be able to accommodate a wheelchair and its user riding seated within the wheelchair itself and be capable of being licensed to carry 4, 5, 6, 7 or 8 (non-wheelchair user) passengers.
 - b) The passenger compartment must have a minimum unobstructed available width of 0.74 metres (including at the point of entry).
 - c) The passenger compartment must have a minimum unobstructed available length of 1.2 metres for a wheelchair and user.
 - d) The passenger compartment must have a minimum unobstructed available height for a wheelchair and user of 1.3 metres at the point of entry and 1.4 metres when in the travelling position.
 - e) The passenger compartment must be fitted with suitable wheelchair anchorages, either chassis or floor linked.
 - f) The passenger compartment must be fitted with a suitable 3-point belt or harness, either chassis or floor linked, for a wheelchair and its user. The belt/harness must be independent of the wheelchair anchorages.
 - g) The vehicle must have suitable ramps for a wheelchair user. The vehicle must have a secure and safe place for the ramps to be stored when they are not being used. Alternatively, the vehicle may be fitted with a tail lift or some other mechanical means of access, approved by the Council.

- h) Where the vehicle is a rear loading wheelchair accessible vehicle a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement.
- i) At least one door entrance must be designed and constructed to help elderly and disabled passengers get in and out of the vehicle. The door entrance and any steps must be conspicuously marked where appropriate, to help visually impaired passengers.
- j) All passenger door entrances must have grab handles or rails suitably located to help elderly and disabled passengers. All handles/rails must be conspicuously marked to help visually impaired passengers.

All vehicles

4.46 The following are the minimum requirements for all hackney carriages, irrespective of their type:

- a) The vehicle must be wind and water-tight.
- b) The vehicle must have a floor properly covered with carpet or other suitable covering.
- c) The vehicle must have an adequate internal light to enable passengers to enter and leave the vehicle safely.
- d) The vehicle's bodywork and paintwork must be in good condition, free from dents or other damage or rust.
- e) The vehicle must carry a spare wheel and tyre of the correct size to fit the vehicle, together with equipment to change the wheel including a spare wheel and tyre, jack and wheel brace, all of which must be securely stored. If the manufacturers specification when the vehicle was new did not include a spare wheel, the manufacturers alternative (e.g. spray can) will be acceptable.
- f) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. They must have at least 2 mm of tread across the entire contact surface.
- g) The vehicle must be fitted with nearside and offside exterior rear view mirrors.
- h) The vehicle must have at least one window on each side of the passenger compartment which is capable of being opened and closed.
- i) All seats must be permanently fixed to the vehicle and must be factory fitted with a 3-point seat belt or, where that was not a manufacturers option when the vehicle was manufactured, a factory fitted lap belt. Any retrospectively fitted seat belts must be approved by the Council.

- j) The vehicle must be fitted with glass which complies with current Construction and Use Regulations (the Road Vehicles (Construction and Use) Regulations 1986 as amended). These regulations require that the front windscreen allows 75% of light to be transmitted and the front door windows allow 70% of light to be transmitted. In addition the remaining glass within the vehicle must have a minimum light transmittance of not less than 70%. The rear of the vehicle must be fitted with at least one window (or one window per rear door fitted), the light transmission capacity of which must be a minimum of 70%. No self-adhesive material (tinted or clear) can be affixed to any part of the glass without the approval of the council.
- k) The vehicle's power output must not be less than 100 bhp or 74.5 kw.
- l) The vehicle must carry a 1kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number on it. The fire extinguisher must have been properly maintained in accordance with BS 5306: Part 3 and be secured in such a position in the vehicle as to be fit for immediate use in an emergency.
- m) The vehicle must carry a first aid kit in a suitable container, with the licence number on it.
- n) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Council.
- o) The minimum unobstructed distance between the uncompressed seat cushion and the roof must be 0.9 metres (measured 0.25 metres from and parallel with the seat back) in relation to the front passenger and driver seats, and 0.84 metres in relation to any other passenger seats.
- p) The minimum unobstructed distance between the seat back and the footwell bulkhead/facing seat back must be 0.95 metres in relation to the front passenger and driver seats, and 0.6 metres in relation to any other passenger seats.
- q) The minimum unobstructed interior width of the vehicle must be 1.3 metres (excluding any armrests).

4.47 In addition, in all types of hackney carriage the following requirements must be met.

Seating

4.48 In any vehicle all exits must be easily accessible and not obstructed by another seat. Seats which are intended to move out of an exit way are acceptable. Access to all doors must be free from obstruction. The seating configuration and number of passengers that can be carried is subject to scrutiny by the Council.

Documents

4.49 A vehicle licence will only be issued where the vehicle has evidence of:

- A valid vehicle insurance certificate specifically stating that the vehicle is to be used for public hire/hackney carriage use. Where appropriate this should include £2m public liability insurance cover.
- A current MOT Certificate which is less than 12 months old.
- A V5 vehicle registration document. In case of a new vehicle the sales invoice which must show engine and chassis numbers, shall be produced at the time of application and the registration document when it is received from DVLA. The registration document must in all cases be produced within 6 weeks of the licence being issued.
- The service history for the vehicle, if requested by the Council.

4.50 Before or on the date of expiry of any certificate, the certificate about to expire must be produced together with the relevant renewal certificate to the Council.

4.51 All documentation must be originals.

Engine/Chassis Numbers

4.52 The Chassis/Vehicle Identification Number Plates and engine numbers must match the numbers recorded with the DVLA as detailed on the V5 Document. Vehicle applications cannot be accepted without a copy of the vehicle registration document, or in the case of new vehicle purchase, the sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police who may undertake checks to ensure the vehicle is not stolen. If the engine is changed at any time whilst the vehicle is a licensed hackney carriage, the Council must be notified within 72 hours of that change and the updated V5 must be produced as soon as it is received from DVLA.

Maintenance and servicing

4.53 Vehicles must be maintained correctly and serviced in accordance with the manufacturers recommendations. The service history of the vehicle will be inspected at first application and on every renewal of the licence.

Vehicle tests

4.54 A licence will be granted or renewed only if the vehicle is considered by the Council to be roadworthy, fit for purpose and meets the criteria specified.

4.55 Vehicles will be tested before the licence is initially granted, then annually for vehicles up to 6 years old and every 6 months for vehicles older than that.

4.56 Tests are carried out at: Portway Depot, Test Valley Borough Council, Unit 37 Macadam Way, Andover SP10 3XW.

4.57 The vehicle must have an MOT certificate which is less than 12 months old.

4.58 The applicant or licensee must make an appointment for the vehicle to be tested as part of the application process. It is the responsibility of the applicant/licensee to do this and then to ensure that the vehicle is presented at the

specified location and time. If the vehicle is presented late, there is no guarantee that the test will be able to be conducted on that day and a further test must be arranged. In that case the initial test fee will be forfeited and a second fee must be paid for the rearranged test.

4.59 A test appointment can be cancelled only if at least two clear working days notice (excluding Saturday, Sunday and Bank Holidays, the day on which notice is given and the day of the test) is given to the Council.

4.60 If the consequence of missing the test means that the licence cannot be renewed before expiry, this will prevent the vehicle being used until such time as the licence is renewed, with loss of income to the licensee. If the delay is considerable, this may result in the renewal application being treated as a new application for a hackney carriage proprietors licence, in which case any acquired rights will be lost.

“Dual Plating”

4.61 Once a vehicle has been licensed as a hackney carriage by Test Valley Borough Council, it cannot be licensed as a hackney carriage (or private hire vehicle) by any other local authority or Transport for London during the duration of the Test Valley Borough Council licence.

4.62 The council will not licence a vehicle that is licensed as a hackney carriage or private hire vehicle by another local authority or Transport for London.

Insurance “write-offs”

4.63 The council will not license any vehicle as a hackney carriage that has been written off by an insurance company in categories A and B. Vehicles in categories S (formerly C) and N (formerly D) will be licensed provided the vehicle is no more than five and a half years old¹², all damage repairs are supported by a full repair report and all requirements set by the DVLA are met.

Vehicle Use

4.64 You must maintain a policy of insurance for your licensed vehicle in accordance with Section 143 of the Road Traffic Act 1988.

4.65 If your vehicle has an accident which results in damage which may affect its safety, performance, appearance or the comfort or convenience of your passengers, you must report this to the Council within 72 hours (including weekends and bank holidays). (Section 50)(3) of the Local Government (Miscellaneous Provisions) Act 1976).

4.66 You must not obstruct any Authorised Officer or Police Officer. You must provide any assistance or information they may reasonably require. (Section 73) Local Government (Miscellaneous Provisions) Act 1976).

¹² This does NOT apply to new Wheelchair Accessible Vehicles which must be no more than 12 months old. See section 4.43-45.

- 4.67 Any person driving a Hackney Carriage Vehicle at any time, for any purpose and anywhere in the United Kingdom, must be licensed to drive a Hackney Carriage under Section 46 Town Police Clauses Act 1847, even if the vehicle is not being used for hackney carriage or pre-booked purposes. Any person driving a hackney carriage without the required Hackney carriage driver's licence will be committing an offence under section 47 of the Town Police Clauses Act 1847. The only exceptions to this are when the vehicle is being tested by the Council or a mechanic in connection with vehicle maintenance, and driving the vehicle to and from any such test.
- 4.68 If any hackney carriage proprietor permits a person who does not hold a hackney carriage drivers licence to drive the vehicle at any time (other than in accordance with the exceptions detailed above) the proprietor commits an offence and the council will consider this a serious matter and action may be taken against the hackney carriage proprietors (vehicle) licence (whether or not a criminal prosecution or conviction ensued).
- 4.69 Once a vehicle has been licensed as a hackney carriage by the Council, it retains that status at all times for the duration of the licence (24 hours a day, 7 days a week). In addition to the requirement that it is only driven by a hackney carriage driver licensed by the Council (see above) the proprietor must ensure that it all times and wherever it may be located it complies with all requirements contained within the legislation and conditions. This includes the cleanliness of the vehicle, display of licence plates and additional signage.
- 4.70 If the hackney carriage proprietor (vehicle) licence is suspended, revoked or not renewed, the proprietor must return the licence plates and any additional signage to the council. This must be done immediately after the end of the appeal period (21 days from the written notification of the decision, or after any such appeal is determined or abandoned). If the suspension is immediate (under section 68 Local Government (Miscellaneous Provisions) Act 1976) this requirement must be complied with immediately.
- 4.71 If you refuse to surrender the vehicle plates and any additional signage, tamperproof "Vehicle Licence Suspended" stickers will be affixed to the vehicle plates. These will destroy the plates, and replacements must be purchased from the Council if and when the suspension is lifted.

WARNING NOTICE

- 4.72 If there is anything in the design, construction, form or working appearance of a vehicle which, in the opinion of the Council or its authorised officers or testers renders the vehicle unfit for hackney carriage use (which includes pre-booked work), then the Council will not license that vehicle.
- 4.73 The Council is not liable for any expense incurred in preparing or testing a vehicle, which cannot be licensed for whatever reason.
- 4.74 Any unauthorised modifications made since a previous licence was issued may lead to the suspension, revocation or refusal to renew a licence.

Taximeters

4.75

All vehicles must be fitted with a Council approved taximeter.

Duration and renewal of the licence

4.76

The licence expires a maximum of twelve months from the date of issue. Any application for renewal must be made at least one month before the licence expires. If you do not apply to renew the vehicle licence in time there may be a period when you will be unable to use the vehicle as a Hackney carriage. If the renewal application is not received before the expiry of the current hackney carriage proprietor (vehicle) licence, it will be treated as a new application rather than a renewal and you will have to provide all the information that is required for renewal application. In that case any acquired rights will be lost.

4.77

Renewals are generally dealt with by officers under delegated powers, and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (e.g. if the vehicle's age exceeds the policy or you or any of your joint proprietors (or directors or secretary in the case of a limited company) have been convicted of any offence, or there have been complaints or causes for concern about your behaviour) the renewal application may need to be considered in more detail. If this is the case, then a 2 month temporary licence may be issued, without prejudice to any decision the Council might make.

4.78

The licence is issued to you but it can be transferred to another individual, partnership or limited company. Notification of any transfer must be made in writing and indicate the consent of all interested parties. A specific application form is available to notify the Council of any transfer. The Council will then issue a revised licence identifying the new licensee(s).

4.79

Following any transfer of licence to another person, on expiry of that licence, renewal will be at the Council's discretion.

Plates and Additional Signage

4.80

The licence plates and any other additional signage provided to you by the Council must be displayed on the vehicle at all times in accordance with any instructions provided by the Council. In addition, wheelchair accessible hackney carriages will be required to always display appropriate signage indicating the vehicle is wheelchair accessible.

4.81

If you lose or damage the plates or additional signage, replacements must be purchased from the Council.

Vehicle substitution

4.82

If you wish to change the vehicle that is licensed the following procedures must be followed:

- You must complete an application form for the "replacement" vehicle.

- You must pay the stated fee.
- You must surrender the original licence.
- Your replacement vehicle must be presented for test and subsequently pass.
- Written proof of consent to the change of vehicle must be provided from all interested parties.
- You must maintain and produce evidence of a continuous policy of insurance, which clearly states that the vehicle is to be used as a hackney carriage. All such policies must be in the name of the licensee of the vehicle.

Letting/leasing of vehicles

- 4.83 You must not lease or let or hire a licensed Hackney Carriage to any other person, other than a fare paying passenger, without first notifying the Council in writing. If you do enter into a leasing arrangement you will remain the licensee and will still be responsible for the vehicle.
- 4.84 You must notify the Council in writing of anyone no longer having an interest in the vehicle within 72 hours of the event.

Advertisements

- 4.85 Advertisements may be displayed in or from the vehicle provided any advertising complies with legislation, the British Code of Advertising Practice and the approval of the Council has been obtained before the advertisement is placed on the vehicle.

Maps and navigational devices

- 4.86 Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is moving. No handheld devices can be used unless they are securely located in a suitable cradle or other mounting device.

The taximeter and table of fares

- 4.87 The vehicle must be fitted with a calendar controlled and sealed taximeter that has been approved by the Council. It must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all letters and figures displayed on the meter are clearly visible to any passenger. The letters and figures must therefore be illuminated when in use.
- 4.88 The Council must approve the location and fixing and test the meter before the vehicle can be used as a hackney carriage.
- 4.89 The meter must be set to ensure that the charge will never exceed the amount specified in the Council's Hackney Carriage Table of Fares.
- 4.90 The meter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a key or other device that, when turned, will operate

the meter and display the word “HIRED”. This key or device must be capable of locking the meter so it does not work and no fare is recorded on it.

4.91 When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and must not exceed the fare permitted by the Council’s Hackney Carriage Table of Fares.

4.92 The word “FARE” must be clearly printed on the meter so it clearly indicates the fare displayed.

4.93 A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passengers can easily read it.

Signs

4.94 No sign or advertisement is permitted on the vehicle unless required by law or has been agreed by the Council in writing (see above in relation to advertisements).

4.95 The vehicle must be fitted with a sign with either the word “TAXI” or “FOR HIRE” (suggested minimum size 35 cm wide and 10 cm high) on its roof. This can be combined with a “For Hire” sign, but that can be a separate sign, in a conspicuous position on the vehicle. The sign(s) must be illuminated when the vehicle is available for hire and switch off automatically when the meter is operating.

4.96 You may display the name and telephone number of the company operating your vehicle in its front and rear windows. However, the display must be no more than 10 cm high, must not contravene the Road Traffic (Construction and Use) Regulations, and must not be illuminated.

Seating Arrangements

4.97 Any seating arrangement other than the manufacturers original specification, or as approved by the Council will result in the suspension of the licence until such time as either the original or approved arrangement is restored, or the new arrangement is approved by the Council.

Incident logs

4.98 The proprietor must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). This must be used to record all incidents affecting the use of the hackney carriage including, but not limited to,

- collisions or accidents;
- damage to the vehicle;
- problems with the meter;
- refusals by any driver to carry a passenger (including the date, time, location, and reason for the refusal);
- any events, circumstances or incidents which lead the driver or proprietor to suspect that a passenger or passengers is involved in or is a victim of child sexual exploitation or any other abuse, modern slavery or trafficking of people, abuse or supply of drugs, involvement in terrorism or any other criminal activity.

4.99 Incidents must be recorded immediately, or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.

4.100 This log must be available for inspection by an authorised officer of the council or a police constable at all times on request.

CONDITIONS

4.101 The following Conditions are attached to your Hackney Carriage Vehicle Licence and must be complied with at all times. Failure to comply with conditions may lead to suspension, revocation or refusal to renew the hackney carriage proprietors (vehicle) licence.

4.102 You must return your licence (and the plates and any additional signage if provided by the Council) to the Council immediately if

- a) You change your home or business address (to allow it to be updated)
- b) If the licence expires, or is suspended or revoked
- c) You wish to surrender your Hackney Carriage Licence
- d) When required to do so by an Authorised Officer of the Council.

4.103 You must notify the Council if you or anybody named on the licence as a joint proprietor is arrested in connection with, charged with or convicted of any criminal offence; that must be reported to the council within 72 hours (including weekends and bank holidays). The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that you receive or have to attend.

4.104 If your vehicle has an accident which results in damage which may affect its safety, performance or appearance or the comfort or convenience of your passengers, you must report this to the Council within 72 hours (including weekends and bank holidays). If you are in doubt as to whether the vehicle is affected you must notify the Council.

4.105 You must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). In this you must record all incidents affecting the use of the hackney carriage including, but not limited to,

- collisions or accidents;
- damage to the vehicle;
- problems with the meter;
- refusals by any driver to carry a passenger (including the date, time, location, and reason for the refusal);
- any events, circumstances or incidents which lead the driver or proprietor to suspect that a passenger or passengers is involved in or is a victim of child sexual exploitation or any other abuse, modern slavery or trafficking of people, abuse or supply of drugs, involvement in terrorism or any other criminal activity.

- 4.106 Incidents must be recorded immediately, or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.
- 4.107 This log must be available for inspection by an authorised officer of the council or a police constable at all times on request.

Drivers

- 4.108 You must notify the Council of the details (name, address and taxi drivers licence number) of any person who is permitted by you to drive your hackney carriage for any purpose (this does not include mechanics undertaking vehicle maintenance). This notification must be made as soon as possible and in any event within 72 hours of that permission being given. If you no longer permit that person to drive your hackney carriage you must notify the Licensing Section in writing, within 72 hours.
- 4.109 Before you allow anyone to drive your Hackney Carriage you must ask that person for their Hackney Carriage Driver Licence and keep it or a copy of it in your possession whilst that person is permitted to drive your vehicle. You must ensure that they understand and will observe the law and byelaws that regulate their conduct and the conditions attached to the vehicle licence.
- 4.110 Note- No person may drive a Hackney Carriage unless they hold a Hackney Carriage Driver Licence issued by the Council. Anyone found driving a Hackney Carriage without a Hackney Carriage Driver Licence may be prosecuted.

Insurance

- 4.111 You must ensure that a valid policy of comprehensive insurance for hackney carriage work/public hire is in place for the vehicle and covers anyone who drives your Hackney Carriage.

Production of Documents

- 4.112 You must not obstruct any Authorised Officer or Police Officer. You must provide any assistance or information they may reasonably require.
- 4.113 If an Authorised Officer of the Council (or another Council with whom a reciprocal arrangement is in place) or a police officer asks you, you must produce:
- Your licence
 - The Hackney Carriage Driver Licence of any person authorised to drive your Hackney Carriage
 - The vehicle registration document
 - A valid certificate of insurance
- within five days of the request being made.

Licence Plates

- 4.114 The licence plates and any additional signage remain the property of the Council and must be returned to the Council whenever the vehicle is not licensed as a Hackney Carriage.

- 4.115 You must secure and display the exterior licence plate permanently to the outmost rear part of the vehicle. The method of fixing must prevent the plate being removed without the need for tools. The plate must at all times be displayed so that it can be clearly read by pedestrians and road users. The licence plate must not be displayed in any window of the vehicle.
- 4.116 You must display any additional signage in accordance with the instructions issued by the Council and any internal signs issued by the Council inside the vehicle so that they are visible to front and rear passengers at all times.
- 4.117 You must report the theft or loss of the licence plates or additional signage to the Police immediately and as soon as possible, and in any event within 24 hours of becoming aware of the theft or loss, to the Council by email. You must also obtain a crime or lost property number from the police and present this to the council. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made.
- 4.118 You must not wilfully or negligently cause or suffer any plates or additional signage on your vehicle to be concealed from public view at any time.
- 4.119 You must return the licence plates and additional signage to the council If the hackney carriage proprietor (vehicle) licence is suspended, revoked or not renewed.

Vehicle inspection

- 4.120 You must allow an Authorised Officer of the Council, or Police Officer, to inspect your vehicle at any reasonable time.
- 4.121 You must ensure the vehicle is presented for test in accordance with instructions from the Council.
- 4.122 You should be prepared to produce the vehicle registration document and last MOT, and certificate of insurance to the Council Officer at the test.

Specification for a Hackney Carriage

- 4.123 No change in the specification, design, condition or appearance, or any modification, conversion or alteration of the vehicle can be made unless prior written approval has been given by the Council.
- 4.124 The vehicle must fully comply with all relevant Road Traffic legislation and in addition:
- 4.125 All doors must function correctly and be capable of being opened from outside and within the vehicle.
- 4.126 All opening windows must function correctly and be capable of being opened from within the vehicle.

- 4.127 All luggage must be properly secured inside a vehicle that does not have a separate and self-contained boot.
- 4.128 If a roof rack (or roof box) is being used it must be securely fitted to the roof in accordance with the manufacturer's instructions. The additional signs must be correctly fitted to the front and rear of the roof rack (or roof box). All luggage must be properly secured and in the case of a roof rack a waterproof cover must be fitted. Any roof box must be correctly closed before moving off.
- 4.129 Passengers must be able to communicate with the driver via a sliding screen, mesh or hole in any division which may be fitted between the drivers and passenger compartments.
- 4.130 If the vehicle is a convertible, the driver must close the roof and raise the side Windows if requested to do so by any passenger.
- 4.131 The vehicle and all seats, door handles and trim, and all internal and external parts of the vehicle must be maintained at all times in a clean, comfortable, safe, and mechanically sound condition and be in every way suitable for public service.
- 4.132 The floor covering must not be torn or frayed.
- 4.133 The vehicle must have an adequate functioning internal light to enable passengers to enter and leave the vehicle safely.
- 4.134 The vehicle's bodywork and paintwork must be maintained to an acceptable standard free of dents or rust.
- 4.135 The vehicle must carry a spare wheel to fit the vehicle, and the wheel together with equipment to change the wheel, jack and wheel brace must be securely stored. This does not apply if the manufacturers specification when new did not include a spare wheel, in which case the manufacturers alternative (e.g. spray can) will be acceptable.
- 4.136 The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. All tyres must have at least 2 mm of tread across the entire contact surface.
- 4.137 The vehicle must be fitted with nearside and offside exterior rear view mirrors which must be maintained in a serviceable condition.
- 4.138 The glass in the vehicle must not be replaced with glass that is different from the glass fitted when the vehicle passed the Council's vehicle test. Any unapproved (by the Council) self-adhesive material (tinted or clear) must not be affixed to any part of the glass.
- 4.139 The vehicle's power output must not be less than the power output when the vehicle was new, and any replacement engine must be of the same or greater power output. In the case of a replacement engine, the Council must be notified of that

within 72 hours of the fitting, and the revised V5 must be presented to the council as soon as it is received.

- 4.140 At all times the vehicle must carry a 1 kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number painted on it. The fire extinguisher must be properly maintained in accordance with BS 5306: Part 3 and be secured in such a position in the vehicle as to be fit for immediate use in an emergency.
- 4.141 At all times the vehicle must carry a first aid kit in a suitable container, with the licence number painted on it.
- 4.142 The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Council.

Additional Conditions for wheelchair accessible Hackney Carriages:

- 4.143 At all times, the vehicle must carry in a safe, usable condition suitable ramps for a wheelchair user. If the alternative tail lift or some other mechanical means of access is fitted it must be maintained in a safe, functioning condition.
- 4.144 The driver must ensure before the commencement of the journey that the passenger is correctly seated and the wheelchair is correctly secured and the passenger is correctly restrained, and at the end of the journey must ensure that the passenger is delivered safely onto the pavement.
- 4.145 The door entrance and any steps must always be conspicuously marked where appropriate, to help visually impaired passengers.
- 4.146 All grab handles or rails must always be conspicuously marked to help visually impaired passengers.

Sliding doors

- 4.147 Where sliding doors are an integral part of a vehicle and a locking device has not been fitted, the child locking systems must be engaged by the driver at all times when the vehicle is in motion and carrying passengers.

Lost property

- 4.148 The driver must search the vehicle after each hiring has been completed, and any lost property found must be recorded. If the driver knows the identity and/or whereabouts of the last passenger, they can return the property to them. If not it must be delivered to the Council within 48 hours.

The meter / table of fares

- 4.149 The vehicle must be fitted with a calendar controlled and sealed taximeter that has been approved by the Council. It must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all

letters and figures displayed on the meter are clearly visible to any passenger. The letters and figures must therefore be illuminated when in use.

- 4.150 The meter must be set to ensure that the charge will never exceed the amount specified in the Council's Hackney Carriage Table of Fares.
- 4.151 The meter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a key or other device that, when turned, will operate the meter and display the word "HIRED". This key or device must be capable of locking the meter so it does not work and no fare is recorded on it.
- 4.152 When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and must not exceed the fare permitted by the Council's Hackney Carriage table of Fares.
- 4.153 The word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.
- 4.154 The meter must only be brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.
- 4.155 If the meter fails or does not comply with the conditions, you must ensure the vehicle is not used as a hackney carriage.
- 4.156 A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passengers can easily read it.

Maps and navigational devices

- 4.157 Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is moving. No handheld devices can be used unless they are securely located in a suitable cradle or other mounting device.

Signage

- 4.158 No sign or advertisement can be displayed on (or flown from or otherwise be attached to) the vehicle unless it is required by law or has been agreed by the Council in writing.
- 4.159 The vehicle must at all times be fitted with a sign with the word "TAXI" or "FOR HIRE" (suggested minimum size 35 cm wide and 10 cm high) on its roof. This can be combined with a "For Hire" sign, but that can be a separate sign, in a conspicuous position on the vehicle. The sign(s) must be illuminated when the vehicle is available for hire and switch off automatically when the meter is operating.

No Smoking

- 4.160 The vehicle must have at least 1 "no smoking" sign displayed inside the vehicle clearly visible to passengers.

List of hackney carriage stands

Name	Address	Times operational	Notes
High Street	Lower High Street, Andover outside the Star & Garter Hotel	Night-time only (2000 to 0600 hours)	For 2-3 vehicles
Winchester Street	Junction of Winchester Street/London Street, Andover outside Chickoland	Night-time only (2000 to 0600 hours)	For 2-3 vehicles
West Street	West Street, Andover at rear of Chantry Centre	24 hours	For 4-5 vehicles
Waterloo Court	Western side of Waterloo Court, Andover adjacent Pocket Park	24 hours	For 3 vehicles
Bridge Street	Southern side of Bridge Street opposite Hollywood Bowl and former Post Office	24 hours	For 6-7 vehicles
Andover Railway Station forecourt	Station Approach, Andover	24 hours	For 6 vehicles. This rank is on railway property and can only be used by obtaining a permit from South Western Railways
Station Approach feeder rank	Station Approach, Andover	24 hours	Intended as overflow for station rank
Romsey Bus Station	Broadwater Road, Romsey	24 hours	For 2 vehicles

Table of Fares

DISTANCE	TARIFF 1 07.00 am-midnight (Except as shown in Tariffs 2 & 3)	TARIFF 2 a) Midnight-07.00am b) Bank Holidays - all day. c) Christmas Eve and New Year's Eve from 2 p.m. until Midnight (Except as shown in Tariff 3)	TARIFF 3 Christmas day-all day New Years Day-all day From midnight 31 st December - 07.00 am 2 nd January
First 10/12 th mile (1467 yards)	£4.80	£7.20	£9.60
Thereafter each 1/12 th mile (147 yards)	20 pence	30 pence	40 pence

Waiting time each 40 seconds (or part)	20 pence	30 pence	40 pence
Hiring by time First hour or part	£18	£27	£36
Each ¼ hour or part	£4.50	£6.75	£9
Extra charges – Each person in excess of four	50 pence	75 pence	£1
Soiling charge	£50	£75	£100

LEGAL REQUIREMENTS (contained in national legislation) relating to a Hackney carriage

- 4.161 It is an offence to provide false information when applying for hackney carriage proprietors licence (s40 Town Police Clauses Act 1847).
- 4.162 You must notify the Council of any change of address of yourself or any other hackney carriage proprietor (s44 Town Police Clauses Act 1847).
- 4.163 The proprietor of a hackney carriage commits an offence if the vehicle is used to ply or stand for hire other than in the zone or district in which it is licensed (s45 Town Police Clauses Act 1847).
- 4.164 You must not employ an unlicensed driver (s47 Town Police Clauses Act 1847).
- 4.165 You must hold [a copy of] the drivers licence of those driving the vehicle, and produce it if requested to do so by a magistrates court (s48 Town Police Clauses Act 1847).
- 4.166 You must ensure that all times the vehicle displays the hackney carriage plate (s52 Town Police Clauses Act 1847).
- 4.167 You must notify any transfer of the vehicle licence to another proprietor within 14 days (s49 Local Government (Miscellaneous Provisions) Act 1976).
- 4.168 You must present the hackney carriage for inspection as required by the Council (s50(1) Local Government (Miscellaneous Provisions) Act 1976).
- 4.169 You must inform the council where the hackney carriage is stored if requested to do so (s50(1) Local Government (Miscellaneous Provisions) Act 1976).

- 4.170 You must report any collision that has caused damage to the safety performance or appearance of the vehicle to the council within 72 hours (s50(3) Local Government (Miscellaneous Provisions) Act 1976).
- 4.171 You must produce the vehicle licence and insurance if requested to do so by the Council (s50(4) Local Government (Miscellaneous Provisions) Act 1976).
- 4.172 You must return the plate to the council once you receive notice to do so after expiry revocation or suspension of the proprietors licence (s58(2) Local Government (Miscellaneous Provisions) Act 1976).
- 4.173 It is an offence to interfere with a taximeter (s71 Local Government (Miscellaneous Provisions) Act 1976).
- 4.174 You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976).
- 4.175 You must not conceal, obscure the number of the hackney carriage whilst standing or plying for hire, or use the vehicle with a defaced or damaged plate (Hackney Carriage Bylaw 2).
- 4.176 You must provide a means of communication between passengers and drivers (Hackney Carriage Bylaw 3).
- 4.177 You must ensure that the vehicle is watertight (Hackney Carriage Bylaw 3).
- 4.178 You must ensure that the windows open and close (Hackney Carriage Bylaw 3).
- 4.179 You must ensure that the seats are properly covered (Hackney Carriage Bylaw 3).
- 4.180 You must ensure that the floor is properly covered (Hackney Carriage Bylaw 3).
- 4.181 You must ensure that the vehicle is clean well maintained and fit for public service (Hackney Carriage Bylaw 3).
- 4.182 You must ensure that there is a means for securing luggage if required (Hackney Carriage Bylaw 3).
- 4.183 You must ensure that the fire extinguisher is a readily available location (Hackney Carriage Bylaw 3).
- 4.184 You must ensure that the taximeter is plainly visible to passengers and illuminated (Hackney Carriage Bylaw 4).

- 4.185 You must not tamper with the taximeter (Hackney Carriage Bylaw 6).
- 4.186 You must display the table of fares and not conceal it or render it illegible (Hackney Carriage Bylaw 15).
- 4.187 You must search the vehicle after every hiring (usually the responsibility of the driver, but also applies to the proprietor) (Hackney Carriage Bylaw 16).
- 4.188 You must deliver any lost property to the Council or a police station within 48 hours of finding it (Hackney Carriage Bylaw 17).

PRIVATE HIRE VEHICLE (PROPRIETOR) LICENCES

Local Government (Miscellaneous Provisions) Act 1976

This document contains the policy, conditions and legislation relating to your Private Hire Vehicle (proprietor) licence. The legislation uses both of the terms “vehicle” and “proprietor” in relation to private hire vehicle licences, but as these are often referred to as private hire vehicle licences, for the avoidance of doubt the term “Private Hire Vehicle (proprietor)” will be used throughout this policy.

As Private Hire Vehicle (proprietor) licences can be held by limited companies, limited liability partnerships (LLP) and conventional partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a “person”, “you”, “licensee” or “proprietor” is taken to mean the proprietor of the private hire vehicle.

There is a power to attach conditions to Private Hire Vehicle (proprietor) licences, and the Council has standard conditions which attach to these licences. These are contained within this document.

There is also a list of the main legislation that applies to Private Hire Vehicle proprietors.

Introduction

5.1 The purpose of licensing private hire vehicles is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous vehicles.

5.2 It is a privilege to hold a Private Hire Vehicle (proprietor) licence and licensees have responsibilities to their drivers, passengers and customers, other road users and the public generally. The Council has been satisfied that when you applied for your licence the vehicle was suitable and safe for use as a private hire vehicle and that you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account the type of the vehicle, the condition of the vehicle and your entire character and behaviour.

5.3 As a vehicle proprietor this assessment of your character not only includes times when you are working within the private hire trade, but it all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence. If at any time the standard of the vehicle or your behaviour falls below the standards expected for new applications, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the Private Hire trade. You should appreciate that under the Previous Convictions Policy, if the unacceptable or criminal behaviour took place whilst you were working within the private hire trade that will be viewed as an aggravating feature by the Council.

- 5.4 In many cases a private hire vehicle is the first vehicle that a visitor to the Borough will encounter following arrival at a railway station or bus station. As a consequence, the appearance of private hire vehicles can affect a person for their entire visit. Private hire vehicle proprietors should be aware of this and ensure that their vehicle is maintained to the highest standard at all times.
- 5.5 Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
- 5.6 The Council has decided to attach conditions to Private Hire Vehicle (proprietor) licences that it considers reasonably necessary under the powers contained in section 48(2) of the 1976 Act. The conditions are in addition to the statutory requirements of the legislation. Section 48(7) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.
- 5.7 You must understand and comply with the legal requirements relating to the private hire vehicle licensed in your name, a limited company in which you are a director or secretary, a limited liability partnership in which you are a partner, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your Private Hire Vehicle (proprietor) licence being suspended or revoked.
- 5.8 The Council office for private hire licensing purposes is the Licensing Section, Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ.
- 5.9 This is the address to which all applications, notices, reports of incidents and any other communications with the Council must be sent.

Sanctions against the Private Hire Vehicle (proprietor) licence

- 5.10 Where a proprietor breaches any legislation or condition of the licence, they may be referred to the Head of Legal and Democratic Services or the Licensing Committee.
- 5.11 Whenever, and in what circumstances a proprietor is brought before either of the above, they will decide each case on its merits, after hearing the facts.
- 5.12 They may decide to suspend, revoke or refuse to renew the Private Hire Vehicle (proprietor) licence (see below).

Power to take action against a Private Hire Vehicle (proprietor) licence

- 5.13 Under section 60 of the 1976 Act, the Council may suspend, revoke or refuse to renew a Private Hire Vehicle (proprietors) licence on the following grounds:
- a. that the private hire vehicle is unfit for use as a private hire vehicle;
 - b. any offence under, or non-compliance with, this Part of this Act by the operator or driver; or
 - c. any other reasonable cause.
- 5.14 An Authorised Officer of the Council, an authorised officer of another council where there is a reciprocal arrangement, or a police constable can immediately suspend a Private Hire Vehicle (proprietor) licence under section 68 of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds of
- a. the vehicle is unfit
 - b. the taximeter is inaccurate.
- 5.15 Failure to comply with any private hire vehicle legislation or other road traffic legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which could lead to your Private Hire Vehicle (proprietor) licence being suspended, revoked or the renewal refused.
- 5.16 Failure to comply with the Council's conditions may result in your Private Hire Vehicle (proprietor) licence being suspended, revoked or the renewal refused.
- 5.17 If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under section 57(3) of the 1976 Act.
- 5.18 The Private Hire Vehicle (proprietor) licence remains the property of the Council.
- 5.19 In the event that you lose your proprietor licence, Private Hire Vehicle (proprietor) licence plates or any additional signage, or if they are damaged or defaced, you must get a replacement licence or plates on payment of a fee determined by the Council, and you cannot use the private hire vehicle until such replacements are obtained and fitted.
- 5.20 It must be understood that a decision to grant a Private Hire Vehicle (proprietor) licence is made on the basis of the condition and suitability of the vehicle and the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that the condition of your vehicle and your behaviour remains of the highest standard to protect your vehicle licence and therefore your livelihood.

POLICY - General

Applicants

- 5.21 Private Hire Vehicle (proprietor) licences can be held by individuals, limited liability partnerships (LLP), conventional partnerships (two or more people in business together) or limited companies. Usually the vehicle must be registered to one of those, but there will be occasions where the vehicle is leased or hired. In all cases the applicant(s) must demonstrate that they have ownership of the vehicle, a financial interest in the vehicle or permission to use the vehicle on an extended basis (in the case of a lease or hire). A V5 registration document is not proof of ownership and other documentation will be required. This can include, but is not limited to
- a. Receipt for the purchase of the vehicle
 - b. Lease/hire contract
 - c. Partnership agreement between 2 or more individuals.

Character of the applicant

- 5.22 The licensee of a private hire vehicle can exert control over those who drive that vehicle, and as a consequence it is essential that they satisfy the Council that they are a suitable person to hold a Private Hire Vehicle (proprietor) licence.
- 5.23 All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service check at their own expense, as part of the application process (unless they are already licensed by the Council as a driver or operator). The same will be required of all partners in a limited liability or conventional partnership and all directors and secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company.
- 5.24 The application will then be considered in the light of the Council's Convictions Policy.
- 5.25 In addition, the Council will take into account the compliance and maintenance history of previous and existing vehicles licensed by the applicant. The Council does not regard licensees whose vehicles fail regular tests as being a safe and suitable person to have responsibility for private hire vehicles. All vehicles must be maintained to a satisfactory standard at all times and should pass any test at any point.

Convictions

- 5.26 If you or anybody else with an interest in the vehicle or who is named on the licence is arrested in connection with, charged with or convicted of any criminal

offence, that must be reported to the Council within 72 hours (including weekends and bank holidays). The same requirement applies in relation to any fixed penalty notices, speed awareness courses, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you receive or have to attend.

Vehicles

- 5.27 It is the applicant's responsibility to ensure that any vehicle presented for licensing as a private hire vehicle meets the Council's criteria which are detailed below. As the Council will not be liable for any loss as a result of a vehicle not being licensed, it is vital that applicants ensure that any vehicle that they are considering purchasing meets these criteria.

Licensed Vehicle Type, Age and Emissions

- 5.28 Any vehicle submitted to be licensed as a private hire vehicle must be of Category M1 (as shown on the registration document) unless the following applies: Category M2 or N1 vehicles (as shown on the registration document) will be acceptable provided the vehicle has passed a DVSA Individual Vehicle Approval (IVA) test and there is evidence to show that no modification has been made to that vehicle since the date of that test.
- 5.29 Vehicles are constantly being improved by manufacturers, and improved standards are imposed by the Government. Newer vehicles are safer, less environmentally damaging and less likely to break down. Vehicles deteriorate due to a combination of age and use.
- 5.30 In order to reduce emissions it is important to set standards that are common to all within the private hire vehicle fleet, to ensure consistency and a level playing field for proprietors. The age of vehicles and the exhaust emissions are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the private hire vehicle fleet, the following standards will apply
- 5.31 From 1st January 2025 new licences will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 6 years prior to the date that the application was made. All such vehicles will therefore meet or exceed Euro 6 emission standards.
- 5.32 From 1st January 2025 licences will not be renewed in respect of any licensed vehicle that was first registered (or, in the case of imported vehicles, manufactured) more than 12 years prior to the date of renewal. This applies to the renewal of licences only. All such vehicles will therefore meet Euro 5 standards.

- 5.33 A vehicle that does not comply with these emissions requirements may be considered for licensing if it is in 'exceptional condition'. The criteria for 'exceptional condition' are set out below.

Exceptional Condition Criteria

- 5.34 A vehicle will be considered to be in 'exceptional condition' if **all** of the following apply:
- a. The mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes.
 - b. The vehicle passes the Council's vehicle inspection.
 - c. The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
 - d. The general paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
 - e. The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
 - f. The boot or luggage compartment is in good condition, clean and undamaged.
 - g. Passenger areas are free from damp or any other odours that may cause passenger discomfort.
 - h. The vehicle is in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or bodywork.
 - i. The vehicle must have a service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification.

Low Emission Vehicles

- 5.35 The Council aims to encourage the uptake of low emission vehicles in the Borough, and will examine the feasibility of introducing differential licensing fees for electric, hybrid and ultra-low emission vehicles.
- 5.36 It is hoped that more Electric Vehicle charging points for use by the public will be available at various locations within Test Valley Borough over the coming years.

Vehicle specification

- 5.37 There are 3 different types of vehicles that can be licensed as private hire vehicles: those which are Wheelchair Accessible Vehicles (WAV), those which are not and stretched limousines.
- 5.38 The Council maintains a list of all WAV (both private hire vehicles and hackney carriages). Drivers of those vehicles must then provide mobility assistance to wheelchair-bound passengers, and drivers of any type of vehicle must provide mobility assistance to any disabled passenger (please see the dual drivers licence documentation for details).
- 5.39 The following specifications detail the minimum requirements for each type of vehicle, together with the requirements for all private hire vehicles.

Non-Wheelchair accessible vehicles

- 5.40 If the vehicle is to be licensed as a non-WAV (saloons, estate cars, people carriers (MPV), sports utility vehicles (SUV) and any other vehicle that cannot carry a passenger whilst they remain in their wheelchair excluding stretched limousines) it must be approved by the Council and comply with the following specification:
- a. Be a right-hand drive vehicle.
 - b. Have at least four doors that can be opened from both inside and outside the vehicle. Each door (except the driver's door) must be capable of being opened by passengers.
 - c. Have a minimum seating capacity for one adult passenger, and vehicles that seat more passengers must provide at least four adult passengers based on a width of not less than 400 mm per person across the rear seat.
 - d. Must be so constructed as to provide adequate space within its structure for the safe carriage of each passenger's luggage or any equipment. If that is not possible or practical, then e. below will apply
 - e. Roof racks will be permitted. Any luggage carried on the roof rack must be protected from the elements by a waterproof cover and properly secured. A properly fitted roof box is an acceptable alternative.
 - f. Passengers must be able to communicate with the driver via a sliding screen, mesh or hole in any division between the drivers and passenger compartments.
 - g. Any vehicle which is a convertible must meet all other requirements and have a waterproof roof and side windows which must be raised at the request of any passenger.

Additional requirements for minibus and MPV type vehicles

- 5.41 In order to be licensed as a private hire vehicle, any Minibus/MPV-type vehicles must be fitted, in addition to the front driver and passenger doors, with at least:

- a. one other side loading door plus a rear door/doors or tailgate that can be opened from inside the vehicle; or
- b. two side loading doors that can be opened from the inside.

Wheelchair Accessible Vehicles (WAV)

5.42 The vehicle must be capable of carrying a wheelchair bound passenger which meets the following specification. It cannot look like a hackney carriage.

5.43 Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have either UK/EU Whole Vehicle Type Approval, or UK/EU Small Series Type Approval or an Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as **a minimum standard:**

- a. The interior of the vehicle must be able to accommodate a wheelchair and its user riding seated within the wheelchair itself.
- b. The passenger compartment must have a minimum unobstructed available width of 0.74 metres (including at the point of entry).
- c. The passenger compartment must have a minimum unobstructed available length of 1.2 metres for a wheelchair and user.
- d. The passenger compartment must have a minimum unobstructed available height for a wheelchair and user of 1.3 metres at the point of entry and 1.4 metres when in the travelling position.
- e. The passenger compartment must be fitted with suitable wheelchair anchorages, either chassis or floor linked.
- f. The passenger compartment must be fitted with a suitable 3-point belt or harness, either chassis or floor linked, for a wheelchair and its user. The belt/harness must be independent of the wheelchair anchorages.
- g. The vehicle must have suitable ramps for a wheelchair user. The vehicle must have a secure and safe place for the ramps to be stored when they are not being used. Alternatively, the vehicle may be fitted with a tail lift or some other mechanical means of access, approved by the Council.
- h. Where the vehicle is a rear loading wheelchair accessible vehicle a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement.
- i. At least one door entrance must be designed and constructed to help elderly and disabled passengers get in and out of the vehicle. The door entrance and any steps must be conspicuously marked where appropriate, to help visually impaired passengers.

- j. All passenger door entrances must have grab handles or rails suitably located to help elderly and disabled passengers. All handles/rails must be conspicuously marked to help visually impaired passengers.

Stretched Limousines

- 5.44 The term “stretched limousine” in this policy will be taken to mean any vehicle that has been modified after manufacture with an additional body section, extending the vehicle length.
- 5.45 Any vehicle, before it can be considered to be licensed as a stretched limousine, must have either UK/EU Whole Vehicle Type Approval, or UK/EU Small Series Type Approval or an Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as a minimum standard.
- 5.46 Stretched limousines will only be licensed to carry a maximum of 8 passengers.
- 5.47 All passenger seats must be equipped with a 3-point seat belt.

All vehicles

- 5.48 The following are the minimum requirements for all Private Hire Vehicles, irrespective of their type:
 - a) The vehicle must be wind and water-tight (with the roof raised and properly secured and fastened in the case of a convertible vehicle).
 - b) The vehicle must have a floor properly covered with carpet or other suitable covering.
 - c) The vehicle must have an adequate internal light to enable passengers to enter and leave the vehicle safely.
 - d) The vehicle’s bodywork and paintwork must be in good condition, free from dents or other damage or rust.
 - e) The vehicle must not be fitted with any additional external accident protection devices (e.g. bull bars or additional bumpers).
 - f) The vehicle must carry a spare wheel and tyre of the correct size to fit the vehicle, together with equipment to change the wheel including a spare wheel and tyre, jack and wheel brace, all of which must be securely stored. If the manufacturer’s specification when the vehicle was new did not include a spare wheel, the manufacturers alternative (e.g. spray can) will be acceptable.

- g) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. They must have at least 2 mm of tread across the entire contact surface.
- h) The vehicle must be fitted with nearside and offside exterior rear view mirrors.
- i) The vehicle must have at least one window on each side of the passenger compartment which is capable of being opened and closed.
- j) All seats must be permanently fixed to the vehicle and must be factory fitted with a 3-point seat belt or, where that was not a manufacturer's option when the vehicle was manufactured, a factory fitted lap belt. Any retrospectively fitted seat belts must be approved by the Council.
- k) The vehicle must be fitted with glass which complies with current Construction and Use Regulations (the Road Vehicles (Construction and Use) Regulations 1986 as amended). These regulations require that the front windscreen allows 75% of light to be transmitted and the front door windows allow 70% of light to be transmitted. In addition, the remaining glass within the vehicle must have a minimum light transmittance of not less than 70%. The rear of the vehicle must be fitted with at least one window (or one window per rear door fitted), the light transmission capacity of which must be a minimum of 70%. No self-adhesive material (tinted or clear) can be affixed to any part of the glass without the approval of the council.
- l) The vehicle's power output must not be less than 100 bhp or 74.5 kw.
- m) The vehicle must carry a 1kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number on it. The fire extinguisher must have been properly maintained in accordance with BS 5306: Part 3 and be secured in such a position in the vehicle as to be accessible for immediate use in an emergency. There must also be adequate signage visible to all passengers to identify the location of the fire extinguisher.
- n) The vehicle must carry a first aid kit in a suitable container, with the licence number on it. There must also be adequate signage visible to all passengers to identify the location of the first aid kit.
- o) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Council.
- p) The minimum unobstructed distance between the uncompressed seat cushion and the roof must be 0.9 metres (measured 0.25 metres from and parallel with the seat back) in relation to the front passenger and driver seats, and 0.84 metres in relation to any other passenger seats.
- q) The minimum unobstructed distance between the seat back and the footwell bulkhead/facing seat back must be 0.95 metres in relation to the front passenger and driver seats, and 0.6 metres in relation to any other passenger seats.

- r) The minimum unobstructed interior width of the vehicle must be 1.3 metres (excluding any arm rests).
- s) Any vehicle that has been converted to run on liquid petroleum gas (LPG) must be accompanied by a certificate stating that the conversion was undertaken in accordance with the LPG Gas Association's code of practice, and if the conversion was undertaken more than one month before the application for the licence, an annual installation check which is not more than one month old.

5.49 In addition, in all types of Private Hire Vehicle the following requirements must be met.

Seating

5.50 In any vehicle all exits must be easily accessible and not obstructed by another seat. Seats which are intended to move out of an exit way are acceptable. Access to all doors must be free from obstruction. The seating configuration and number of passengers that can be carried is subject to assessment by the Council.

Documents

- 5.51 A vehicle licence will only be issued where the vehicle has evidence of:
- a. A valid vehicle insurance certificate specifically stating that the vehicle is to be used for private hire use. Where appropriate this should include £2m public liability insurance cover.
 - b. A current MOT Certificate which is less than 12 months old.
 - c. A V5 vehicle registration document. In case of a new vehicle, the sales invoice, which must show engine and chassis numbers, shall be produced at the time of application and the registration document when it is received from DVLA. The registration document must in all cases be produced within 6 weeks of the licence being issued.
 - d. The service history for the vehicle, if requested by the Council.
- 5.52 Before or on the date of expiry of any certificate, the certificate about to expire must be produced together with the relevant renewal certificate to the Council.

5.53 All documentation must be originals.

Engine/Chassis Numbers

5.54 The Chassis/Vehicle Identification Number Plates and engine numbers must match the numbers recorded with the DVLA as detailed on the V5 Document. Vehicle applications cannot be accepted without a copy of the vehicle registration document, or in the case of new vehicle purchase, the sales documentation

indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police who may undertake checks to ensure the vehicle is not stolen. If the engine is changed at any time whilst the vehicle is a licensed private hire vehicle, the Council must be notified within 72 hours of that change and the updated V5 must be produced as soon as it is received from DVLA.

Maintenance and servicing

- 5.55 Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations. The service history of the vehicle will be inspected at first application and on every renewal of the licence.

Vehicle tests

- 5.56 A licence will be granted or renewed only if the vehicle is considered by the Council to be roadworthy, fit for purpose and meets the criteria specified.
- 5.57 Vehicles will be tested before the licence is initially granted, then annually for vehicles up to 6 years old and every 6 months for vehicles older than that.
- 5.58 Tests in relation to new applications, renewals and replacements are carried out at the Council's testing Centre at Portway Depot, Test Valley Borough Council, Unit 37 Macadam Way, Andover SP10 3XW.
- 5.59 The vehicle must have an MOT which is less than 12 months old.
- 5.60 The applicant or licensee must make an appointment for the vehicle to be tested as part of the application process. It is the responsibility of the applicant/licensee to do this and then to ensure that the vehicle is presented at the specified location and time. If the vehicle is presented late, there is no guarantee that the test will be able to be conducted on that day and a further test must be arranged. In that case the initial test fee will be forfeited and a second fee must be paid for the rearranged test.
- 5.61 A test appointment can be cancelled only if at least two clear working days notice (excluding Saturday, Sunday and Bank Holidays, the day on which notice is given and the day of the test) is given to the Council.
- 5.62 If the consequence of missing the test means that the licence cannot be renewed before expiry, this will prevent the vehicle being used until such time as the licence is renewed, with loss of income to the licensee. If the delay is considerable, this may result in the renewal application being treated as a new application for a Private Hire Vehicle (proprietor) licence.

Dual Plating

- 5.63 Once a vehicle has been licensed as a private hire vehicle by Test Valley Borough Council, it cannot be licensed as a private hire vehicle (or hackney carriage) by any other local authority or Transport for London during the duration of the Test Valley Borough Council licence.
- 5.64 The council will not licence a vehicle that is licensed as a private hire vehicle or hackney carriage by another local authority or Transport for London.

Insurance “write-offs”

- 5.65 The council will not license any vehicle as a private hire vehicle that has been written off by an insurance company in categories A and B. Vehicles in categories S (formerly C) and N (formerly D) will be licensed provided the vehicle is no more than five and a half years old, all damage repairs are supported by a full repair report and all requirements set by the DVLA are met.

Vehicle Use

- 5.66 You must maintain a policy of insurance for your licensed vehicle in accordance with section 143 of the Road Traffic Act 1988.
- 5.67 If your vehicle has an accident which results in damage which may affect its safety, performance, appearance or the comfort or convenience of your passengers, you must report this to the Council within 72 hours (including weekends and bank holidays) (section 50)(3) of the 1976 Act).
- 5.68 You must not obstruct any Authorised Officer of the Council or police officer. You must provide any assistance or information they may reasonably require (section 73 of the 1976 Act).
- 5.69 Any person driving a private hire vehicle at any time, for any purpose and anywhere in the United Kingdom, must be licensed to drive a private hire vehicle under section 51 of the 1976 Act, even if the vehicle is not being used for private hire purposes. Any person driving a private hire vehicle without the required private hire driver's licence will be committing an offence under section 46(1)(b) of the 1976 Act. There are no exceptions to this even in relation to testing the vehicle.
- 5.70 If any private hire vehicle proprietor permits a person who does not hold a private hire vehicle driver licence to drive the vehicle for any hiring the proprietor commits an offence under s46(1)(c) of the 1976 Act and the Council will consider this a serious matter and action may be taken against the Private Hire Vehicle (proprietor) licence (whether or not a criminal prosecution or conviction ensued).

- 5.71 Once a vehicle has been licensed as a private hire vehicle by the Council, it retains that status at all times for the duration of the licence (24 hours a day, 7 days a week). In addition to the requirement that it is only driven by a private hire driver licensed by the Council (see above) the proprietor must ensure that at all times and wherever it may be located it complies with all requirements contained within the legislation and conditions. This includes the cleanliness of the vehicle, display of licence plates and additional signage.
- 5.72 If the Private Hire Vehicle (proprietor) licence is suspended, revoked or not renewed, the proprietor must return the licence plates and any additional signage to the Council. This must be done immediately after the end of the appeal period (21 days from the written notification of the decision, or after any such appeal is determined or abandoned). If the suspension is immediate (under section 68 of the 1976 Act) this requirement must be complied with immediately.
- 5.73 If the proprietor refuses to surrender the vehicle plates and additional signage, tamperproof "Vehicle Licence Suspended" stickers will be affixed to the vehicle plates. These will destroy the plates, and replacements must be purchased from the Council if and when the suspension is lifted.

WARNING NOTICE

- 5.74 If there is anything in the design, construction, form or working appearance of a vehicle which, in the opinion of the Council or its authorised officers or testers, renders the vehicle unfit for use as a private hire vehicle then the Council will not license that vehicle.
- 5.75 The Council is not liable for any expense incurred in preparing or testing a vehicle which cannot be licensed for whatever reason.
- 5.76 Any unauthorised modifications made since a previous licence was issued may lead to the suspension, revocation or refusal to renew a licence.

Taximeters

- 5.77 There is no requirement for a private hire vehicle to be fitted with a taximeter. As there is equally no prohibition on meters being fitted to private hire vehicles, any meter that is fitted must be approved and tested by the Council.

Duration and renewal of the licence

- 5.78 The licence expires a maximum of 12 months from the date of issue. Any application for renewal must be made at least one month before the licence expires. If you do not apply to renew the vehicle licence in time there may be a period when you will be unable to use the vehicle as a private hire vehicle. If the renewal

application is not received before the expiry of the current Private Hire Vehicle (proprietor) licence, it will be treated as a new application rather than a renewal and you will have to provide all the information that is required for a new application.

- 5.79 Renewals are generally dealt with by officers under delegated powers, and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (e.g. if the vehicle's age or emissions exceed the policy or you or any of your joint proprietors (or directors or secretary in the case of a limited company) have been convicted of any offence, or there have been complaints or causes for concern about your behaviour) the renewal application may need to be considered in more detail. If this is the case, then a 2 month temporary licence may be issued, without prejudice to any decision the Council might make.
- 5.80 The licence is issued to you but it can be transferred to another individual, partnership or limited company. Notification of any transfer must be made in writing and indicate the consent of all interested parties. The Council has a specific form to use for notification of vehicle transfer. The Council will then issue a revised licence identifying the new licensee(s).
- 5.81 Following any transfer of licence to another person, on expiry of that licence, renewal will be at the Council's discretion.

Plates and Additional Signage

- 5.82 The licence plates and any other additional signage required by the Council must be displayed on the vehicle at all times. In addition, it is recommended that wheelchair accessible Private Hire Vehicles be required to always display appropriate signage indicating the vehicle may take a wheelchair user.
- 5.83 The Council may grant exemption from the display of the external licence plate on private hire vehicles used only for corporate bookings to transport employees and clients on corporate business journeys and/or airport and other 'special' journeys.
- 5.84 If you lose or damage the plates or additional signage, replacements must be purchased from the Council.

Vehicle substitution

- 5.85 If you wish to change the vehicle that is licensed the following procedures must be followed:
- a. You must complete an application form for the "replacement" vehicle.
 - b. You must pay the stated fee.

- c. You must surrender the original licence.
- d. Your replacement vehicle must be presented for test and subsequently pass.
- e. Written proof of consent to the change of vehicle must be provided from all interested parties (joint proprietors).
- f. You must maintain and produce evidence of a continuous policy of insurance, which clearly states that the vehicle is to be used as a private hire vehicle. All such policies must be in the name of the licensee of the vehicle.

Letting/leasing of vehicles

5.86 You must not lease or let or hire a licensed private hire vehicle to any other person, other than a fare paying passenger, without first notifying the Council in writing. If you do enter into a leasing arrangement you will remain the licensee and will still be responsible for the vehicle.

5.87 You must notify the Council in writing of anyone no longer having an interest in the vehicle within 72 hours of the event.

Advertisements

5.88 No advertisements may be displayed in or from the vehicle unless prior written approval of the Council has been obtained. Any advertising must comply with all legislation and the British Code of Advertising Practice. No commercial third-party advertising may be displayed on or from within a licensed private hire vehicle.

Maps and navigational devices

5.89 Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is moving. No handheld devices can be used unless they are securely located in a suitable cradle or other mounting device.

The taximeter (if fitted)

5.90 The meter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a key or other device that, when turned, will operate the meter and display the word "HIRED". This key or device must be capable of locking the meter so it does not work and no fare is recorded on it.

5.91 When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous.

5.92 The word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.

Radios and other equipment

- 5.93 Any radio, booking systems/data heads and/or GPS equipment provided must be maintained in a safe condition and any defects must be repaired promptly. The licensed operator/booking agent must ensure that the licence issued by Ofcom for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the Ofcom licence and the licensed operator/booking agent must allow the Council access to inspect all equipment and Ofcom licenses.
- 5.94 Any radio, booking systems/data heads and/or GPS equipment provided must not interfere with any other radio or telecommunication equipment.
- 5.95 Where apparatus for the operation of a two-way radio, booking system/data heads and/or GPS systems are fitted, no part of the apparatus can be situated in a way which could cause accident or injury to a passenger, nor can it be placed in the rear boot compartment if LPG tanks are situated in there.

Signs

- 5.96 No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing (see above in relation to advertisements).
- 5.97 The vehicle must not be fitted with any sign on the roof of the vehicle.
- 5.98 In due course, the Council may require signs to be permanently fixed to both front doors. Full details will be provided when this policy is introduced.
- 5.99 You may display the name, telephone number and other business-related details of the company operating your vehicle in either its front and rear windows or vehicle sides. However, the display must be no more than 10 cm high, must not contravene the Road Traffic (Construction and Use) Regulations, and must not be illuminated. Any signage must include the words “pre-booked only” (unless contained within Council issued signage as per 5.98 above). The signage must not include the words “taxi” or “cab” in whole or in part unless hackney carriages are offered for hire by the operator.

Seating Arrangements

- 5.100 Any seating arrangement other than the manufacturers original specification, or as approved by the Council will result in the suspension of the licence until such time as either the original or approved arrangement is restored, or the new arrangement is approved by the Council.

Incident logs

- 5.101 The proprietor must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). This must be used to record all incidents affecting the use of the Private Hire Vehicle including, but not limited to:
- a. collisions or accidents.
 - b. damage to the vehicle.
 - c. problems with the meter.
 - d. refusals by any driver to carry a passenger (including the date, time, location, and reason for the refusal).
 - e. any events, circumstances or incidents which lead the driver or proprietor to suspect that a passenger is involved in or is a victim of child sexual abuse or exploitation or any other abuse, modern slavery or trafficking of people, County Lines movements of drugs, any other abuse or supply of drugs, involvement in terrorism or any other criminal activity.
- 5.102 Incidents must be recorded immediately, or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.
- 5.103 This log must be available for inspection by an Authorised Officer of the Council or a police constable at all times on request.

Stretched limousines

- 5.104 Any stretched limousine (any vehicle which has been modified to be longer than the manufacturer's original specification) which is presented for licensing as a private hire vehicle must be covered by:
- a. An Individual Vehicle Approval Certificate; or
 - b. A UK/EU Whole Vehicle Type Approval Certificate; or
 - c. A UK/EU Small Series Type Approval Certificate.

CONDITIONS

- 5.105 The following Conditions are attached to your Private Hire Vehicle (Proprietor) licence and must be complied with at all times. Failure to comply with conditions may lead to suspension, revocation or refusal to renew the Private Hire Vehicle (Proprietor) licence.
- 5.106 You must return your licence (and the plates and additional signage if requested by the Council) to the Council immediately if:

- a. You change your home or business address (to allow it to be updated)
- b. If the licence expires, or is suspended or revoked
- c. You wish to surrender your licence
- d. When required to do so by an Authorised Officer of the Council.

5.107 You must notify the Council within 72 hours of the event (including weekends and bank holidays) if you or anybody named on the licence as a joint proprietor (or any director or secretary of a limited company, or partner in a Limited Liability Partnership when the licence is held by such a body) is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that you receive or have to attend.

5.108 If your vehicle has an accident which results in damage which may affect its safety, performance or appearance or the comfort or convenience of your passengers, you must report this to the Council within 72 hours (including weekends and bank holidays). If you are in doubt as to whether the vehicle is affected you must notify the Council.

5.109 You must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). In this you must record all incidents affecting the use of the private hire vehicle including, but not limited to:

- a. collisions or accidents.
- b. damage to the vehicle.
- c. problems with the meter.
- d. refusals by any driver to carry a passenger (including the date, time, location, and reason for the refusal).
- e. any events, circumstances or incidents which lead the driver or proprietor to suspect that a passenger or passengers is involved in or is a victim of child sexual abuse or exploitation, or any other abuse, modern slavery or trafficking of people, County Lines movements of drugs, any other abuse or supply of drugs, involvement in terrorism or any other criminal activity.

5.110 Incidents must be recorded immediately, or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.

- 5.111 This log must be available for inspection by an Authorised Officer of the Council or a police constable at all times on request.

Drivers

- 5.112 You must notify the Council of the details (name, address and taxi driver licence number) of any person who is permitted by you to drive your private hire vehicle for any purpose (this does not include mechanics undertaking vehicle maintenance). This notification must be made as soon as possible and in any event within 72 hours of that permission being given. If you no longer permit that person to drive your private hire vehicle you must notify the Licensing Section in writing, within 72 hours.
- 5.113 Before you allow anyone to drive your private hire vehicle you must ask that person for their taxi driver licence and keep [a copy of] it in your possession whilst that person is permitted to drive your vehicle. You must ensure that they understand and will observe the law, conditions and Code of Conduct that regulate their conduct and the conditions attached to the vehicle licence.
- 5.114 Note - No person may drive a private hire vehicle, unless they hold a taxi driver licence issued by the Council. Anyone found driving a private hire vehicle without a taxi driver licence, may be prosecuted.

Insurance

- 5.115 You must ensure that a valid policy of comprehensive insurance for private hire work is in place for the vehicle and covers anyone who drives your private hire vehicle.

Production of Documents

- 5.116 You must not obstruct any Authorised Officer of the Council or police officer. You must provide any assistance or information they may reasonably require.
- 5.117 If an Authorised Officer of the Council (or another council with whom a reciprocal arrangement is in place) or a police officer asks you, you must produce:
- a. Your licence
 - b. The taxi driver licence of any person authorised to drive your private hire vehicle
 - c. The vehicle registration document
 - d. A valid certificate of insurance
- within 5 days of the request being made.

Licence Plates

- 5.118 The licence plates and any additional signage remain the property of the Council and must be returned to the Council whenever the vehicle is not licensed as a private hire vehicle.
- 5.119 You must secure and display the exterior licence plate permanently to the outmost rear part of the vehicle using the fittings provided by the Council. The method of fixing must prevent the plate being removed without the need for tools. The plate must at all times must be displayed so that it can be clearly read by pedestrians and road users. The licence plate must not be displayed in any window of the vehicle. Vehicles granted exemption from displaying the plate are required to carry the plate together with a paper exemption certificate in the vehicle at all times.
- 5.120 If issued to you by the Council, you must display any additional signage on the near side and offside front doors and any internal signs issued by the Council inside the vehicle so that they are always visible to front and rear passengers.
- 5.121 You must report the theft or loss of the licence plates or additional signage to the Police immediately and as soon as possible, and in any event within 24 hours of becoming aware of the theft or loss, to the Council by email. You must also obtain a crime or lost property number from the police and present this to the Council. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made.
- 5.122 You must not wilfully or negligently cause or suffer any plates or additional signage on your vehicle to be concealed from public view at any time.
- 5.123 You must return the licence plates and any additional signage to the Council if the Private Hire Vehicle (Proprietor) licence is suspended, revoked or not renewed.

Vehicle inspection

- 5.124 You must allow an Authorised Officer of the Council, or police officer, to inspect your vehicle at any reasonable time.
- 5.125 You must ensure the vehicle is presented for test in accordance with instructions from the Council
- 5.126 You must be prepared to produce the vehicle registration document and last MOT, and certificate of insurance to the Council Officer at the test.

Specification to be maintained during the currency of a licence for a Private Hire Vehicle

- 5.127 No change in the specification, design, condition or appearance, or any modification, conversion or alteration of the vehicle can be made unless prior written approval has been given by the Council.
- 5.128 The vehicle must fully comply with all relevant road traffic legislation and in addition:
- a. All doors must function correctly and be capable of being opened from the outside and within the vehicle.
 - b. All opening windows must function correctly and be capable of being opened from within the vehicle.
 - c. All luggage must be properly secured inside a vehicle that does not have a separate and self-contained boot.
 - d. If a roof rack (or roof box) is being it must be securely fitted to the roof in accordance with the manufacturer's instructions. All luggage must be properly secured and in the case of a roof rack a waterproof cover must be fitted. Any roof box must be correctly closed before moving off.
 - e. Passengers must be able to communicate with the driver via a sliding screen, mesh or hole in any division which may be fitted between the drivers and passenger compartments.
 - f. If the vehicle is a convertible, the driver must close the roof and raise the side windows if requested to do so by any passenger.
 - g. The vehicle and all seats, door handles and trim, and all internal and external parts of the vehicle must be maintained at all times in a clean, comfortable, safe, and mechanically sound condition and be in every way suitable for public service.
 - h. The floor covering must not be torn or frayed.
 - i. The vehicle must have an adequate functioning internal light to enable passengers to enter and leave the vehicle safely.
 - j. The vehicle's bodywork and paintwork must be maintained to an acceptable standard free of dents or rust.
 - k. The vehicle must carry a spare wheel to fit the vehicle, and the wheel together with equipment to change the wheel, jack and wheel brace must be securely stored. This does not apply if the manufacturers specification when new did not include a spare wheel, in which case the manufacturer's alternative (e.g. spray can) will be acceptable.

- l. The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. All tyres must have at least 2 mm of tread across the entire contact surface.
- m. The vehicle must be fitted with nearside and offside exterior rear-view mirrors which must be maintained in a serviceable condition
- n. The glass in the vehicle must not be replaced with glass that is different from the glass fitted when the vehicle passed the Council's vehicle test. Any unapproved (by the Council) self-adhesive material (tinted or clear) must not be affixed to any part of the glass
- o. The vehicle's power output must not be less than power output when the vehicle was new, and any replacement engine must be of the same or greater power output. In the case of a replacement engine, the Council must be notified of that within 72 hours of the fitting, and the revised V5 must be presented to the Council as soon as it is received.
- p. At all times the vehicle must carry a 1 kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number on it. The fire extinguisher must be properly maintained in accordance with BS 5306: Part 3 and be secured in such a position in the vehicle as to be fit for immediate use in an emergency.
- q. At all times the vehicle must carry a first aid kit in a suitable container, with the licence number on it.
- r. The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Council.

Additional Conditions for wheelchair accessible Private Hire Vehicles

- 5.129 At all times, the vehicle must carry in a safe, usable condition suitable ramps for a wheelchair user. If the alternative tail lift or some other mechanical means of access is fitted it must be maintained in a safe, functioning condition.
- 5.130 The driver must ensure before the commencement of the journey that the passenger is correctly seated and the wheelchair is correctly secured and the passenger is correctly restrained, and at the end of the journey must ensure that the passenger is delivered safely onto the pavement
- 5.131 The door entrance and any steps must always be conspicuously marked where appropriate, to help visually impaired passengers.
- 5.132 All grab handles or rails must always be conspicuously marked to help visually impaired passengers.

Sliding doors

- 5.133 Where sliding doors are an integral part of a vehicle and a locking device has not been fitted, the child locking systems must be engaged by the driver at all times when the vehicle is in motion and carrying passengers.

Lost property

- 5.134 The driver must search the vehicle after each hiring has been completed, and any lost property found must be recorded. If the driver knows the identity and/or whereabouts of the last passenger, they can return the property to them. If not it must be delivered to the operator within 24 hours.

The meter

- 5.135 Any taximeter that is fitted to the vehicle must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all letters and figures displayed on the meter are clearly visible to any passenger. The letters and figures must therefore be illuminated when in use.
- 5.136 The meter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a key or other device that, when turned, will operate the meter and display the word "HIRED". This key or device must be capable of locking the meter so it does not work and no fare is recorded on it.
- 5.137 When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and the word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.
- 5.138 If this is the arrangement for charging for a private hire journey (as agreed between the operator and the hirer), the meter must only be brought into action and the fare or charge must only commence from the point at which the hirer starts their journey.
- 5.139 If the meter fails or does not comply with the conditions, the meter must be removed from the vehicle before it is used as a private hire vehicle.

Maps and navigational devices

- 5.140 Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is

moving. No handheld devices can be used unless they are securely located in a suitable cradle or other mounting device.

Signage

- 5.141 No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing.
- 5.142 You may display the name, telephone number and other business-related details of the company operating your vehicle in either its front and rear windows or vehicle sides. However, the display must be no more than 10 cm high, must not contravene the Road Traffic (Construction and Use) Regulations, and must not be illuminated. Any signage must include the words “pre-booked only” (unless contained within Council issued signage as per 5.98 above). The signage must not include the words “taxi” or “cab” in whole or in part unless hackney carriages are offered for hire by the operator.
- 5.143 No sign can be displayed on or above the roof of the vehicle.

No Smoking

- 5.144 The vehicle must have at least 1 “no smoking” sign displayed inside the vehicle clearly visible to passengers.

LEGAL REQUIREMENTS (contained in national legislation) relating to a Private Hire Vehicle

- 5.145 The private hire vehicle proprietor must ensure that the vehicle is always displaying the plate in accordance with the conditions (section 48 (6) of the 1976 Act).
- 5.146 The private hire vehicle proprietor must notify any transfer of the vehicle licence to another proprietor within 14 days (section 49 of the 1976 Act).
- 5.147 The private hire vehicle proprietor must present the private hire vehicle for inspection as required by the Council (section 50(1) of the 1976 Act).
- 5.148 The private hire vehicle proprietor must inform the Council where the private hire vehicle is stored if requested to do so (section 50(1) of the 1976 Act).
- 5.149 The Private Hire Vehicle proprietor must report any collision that has caused damage to the safety performance or appearance of the vehicle to the Council within 72 hours (section 50(3) Local Government (Miscellaneous Provisions) Act 1976).

- 5.150 The private hire vehicle proprietor must produce the vehicle licence and insurance if requested to do so by an Authorised Officer of the Council (section 50(4) of the 1976 Act).
- 5.151 The private hire vehicle proprietor must return the plate to the Council once you receive notice to do so after expiry revocation or suspension of the proprietors licence (section 58(2) of the 1976 Act).
- 5.152 The private hire vehicle proprietor must ensure that the vehicle is not permitted to stop or wait on any hackney carriage stand (section 64 of the 1976 Act).
- 5.153 It is an offence to interfere with a taximeter (section 71 of the 1976 Act).
- 5.154 The private hire vehicle proprietor must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an Authorised Officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (section 73 of the 1976 Act).

ADDITIONAL CONDITION ONLY TO BE APPLIED TO RESTRICTED PRIVATE HIRE DRIVER'S LICENCE

- 5.155 The driver is restricted to only perform prearranged school, special educational needs or social services transport. The licence holder may only conduct regular pre-booked operator work other than that detailed above when they have completed a local area knowledge test, at which point the licensing authority will lift the restriction on their licence.

PRIVATE HIRE OPERATOR LICENCES

Local Government (Miscellaneous Provisions) Act 1976

1. This document contains the policy, conditions and legislation relating to your Private Hire Operator licence.
2. As Private Hire Operator licences can be held by limited companies, limited liability partnerships (LLP) and conventional partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a “person”, “you”, “licensee” or “operator” is taken to mean the Private Hire operator.
3. There is a power to attach conditions to Private Hire Operator licences, and the Council has standard conditions which are attached to these licences. These are contained within this document.
4. There is also a list of the main legislation that applies to Private Hire Operators.

Introduction

- 6.1 The purpose of licensing Private Hire Operators is to protect the public, ensuring that passengers are not exploited, abused or otherwise affected by unlicensed and potentially unscrupulous or dangerous booking agents.
- 6.2 It is a privilege to hold a Private Hire Operator licence and licensees have responsibilities to their passengers and customers, drivers, vehicle proprietors and the public generally. The Council has been satisfied that when you applied for your Private Hire Operator licence you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account your entire character and behaviour.
- 6.3 As a private operator this assessment of your character not only includes times when you are working within the private hire trade, but at all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence. If at any time your behaviour falls below the standards expected for new applications, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the private hire trade. You should appreciate that under the Council’s Convictions Policy, if the unacceptable or criminal behaviour took place whilst you were working within the private hire trade that will be viewed as an aggravating feature by the Council.
- 6.4 In many cases a Private Hire Operator is almost the first person that a visitor to the Test Valley Borough Council area will encounter following arrival at a railway station or bus station. As a consequence, the experience of booking a private hire vehicle via the operator can affect a person for their entire visit. Private Hire Operators should be aware of this and ensure that their business is conducted to the highest standard at all times.

- 6.5 Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
- 6.6 The Council has decided to attach conditions to Private Hire Operator licences that it considers reasonably necessary under the powers contained in section 55(3) of 1976 Act. The conditions are in addition to the statutory requirements of the legislation. Section 55(4) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.
- 6.7 You must understand and comply with the legal requirements relating to the Private Hire Operator licence in your name, a limited company in which you are a director or secretary, a limited liability partnership in which you are a partner, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your Private Hire Operator licence being suspended or revoked.
- 6.8 The Council office for private hire and hackney carriage licensing purposes is Licensing Section, Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ. This is the address to which all applications, notices, reports of incidents and any other communications with the Council must be sent.

Sanctions against the Private Hire Operator Licence

- 6.9 Where a Private Hire Operator breaches any legislation or condition of the licence, they may be referred to the Head of Legal and Democratic Services or the Licensing Committee.
- 6.10 Whenever, and in what circumstances a Private Hire Operator is brought before either of the above, each case will be decided on its merits, after hearing the facts.
- 6.11 They may also suspend or revoke or decide not to renew the Private Hire Operator licence (see below).

Power to take action against a Private Hire Operator licence

- 6.12 Under section 62 of the 1976 Act, the Council may suspend, revoke or refuse to renew a Private Hire Operator licence on the following grounds:
- a) any offence under, or non-compliance with, the provisions of this Part of this Act;
 - b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;
 - c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
 - d) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
 - e) any other reasonable cause.

- 6.13 Failure to comply with most Private Hire Operator legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which could lead to your Private Hire Operator licence being suspended, revoked or the renewal refused.
- 6.14 Failure to comply with the Council's conditions may result in your Private Hire Operator licence being suspended, revoked or the renewal refused.
- 6.15 If any information given by you on the application form for a Private Hire Operator licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under section 57(3) of the 1976 Act.
- 6.16 The Private Hire Operator licence remains the property of the Council.
- 6.17 It must be understood that a decision to grant a Private Hire Operator licence is made on the basis of the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that your behaviour remains of the highest standard to protect your Private Hire Operator licence and therefore your livelihood.

POLICY

General

Applicants

- 6.18 Private Hire Operator licences can be held by individuals, limited liability partnerships (LLP), conventional partnerships (two or more people in business together) or limited companies.

Character of the applicant

- 6.19 A Private Hire Operator will receive personal information from those who book a private hire vehicle through that operator. That information may be sensitive or relate to people's movements or activities and as a consequence it is essential that a Private Hire Operator satisfies the Council that they are a suitable person to hold a Private Hire Operator licence.
- 6.20 All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service check at their own expense, as part of the application process unless they are already licensed by the Council as a driver. The check must be dated within 1 month of the date of application. The same will be required of all partners in a limited liability or conventional partnership and all directors and the secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company. If any new or replacement partner, director or secretary or is appointed or joins, you must notify the Council within 7 days, and that notification must be accompanied by a Basic DBS Certificate in relation to that person dated within 2 months of the date of notification.

- 6.21 The application will then be considered in the light of the Council's Convictions Policy.
- 6.22 In addition, the Council will take into account the compliance history in relation to previous hackney carriage or private hire licences held by the applicant or any partners in a partnership, all directors and secretary of a limited company and any limited company itself.
- 6.23 Every year for the duration of your licence, you must provide a new Basic DBS certificate, dated within 1 month, for yourself (if a sole operator) or all partners in a limited liability or conventional partnership and all directors and the secretary of a limited company if the licence is held, by a limited liability or conventional partnership or limited company. This/These must be provided to the Council within 2 weeks of the anniversary of the grant of your licence. Failure to do so will lead to your licence being suspended until the certificate(s) are provided.

Certificate of Good Conduct

- 6.24 As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than 6 months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The Council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided, then the application will be refused.
- 6.25 Note - Nothing in this policy precludes a licence holder from being required to undergo a further DBS check at any time as directed by the Council.

Convictions

- 6.26 If you, any partner in a limited liability partnership or conventional partnership, or any director or secretary of a limited company is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence, that must be reported to the Council within 72 hours (including weekends and bank holidays). The same requirement applies in relation to any fixed penalty notices, speed awareness courses, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you receive or have to attend.

Maintenance of the Licence and Renewals

- 6.27 Once the licence has been granted, you (including all partners in any form of partnership and all directors and secretary of a limited company) will be required to provide a Basic Disclosure and Barring Service Certificate annually.
- 6.28 A valid application for the renewal of a licence, including all the required original documentation, must be made at least 30 days prior to the expiry of the current licence or it will be treated as a new application. A valid application is one which is complete in all respects and can be processed immediately. Photocopies of documents will not be accepted. If the application is not made in time to enable all the relevant processes to be completed before the expiry of the current Private Hire Operator licence, there will be a period of time during which you will be unlicensed and cannot make provision for the invitation of bookings for a private hire vehicle. If

the application is not made before the expiry of the current Private Hire Operator licence, but is made within 5 working days after the expiry, the licence will only be renewed in exceptional circumstances. Operating Private Hire drivers and vehicles without a valid licence is a criminal offence.

- 6.29 Where a Private Hire Operator licence is found to have been obtained using false or incomplete information enforcement action may be taken.

Identity

- 6.30 To prove their identity, all applicants (including all partners in a partnership and all directors and secretary of a limited company) must be prepared to provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).
- 6.31 Applicants from outside the UK must provide:
- a) a passport with a valid stamp from the Home Office to say that they have leave to remain in the Country indefinitely; or
 - b) a passport with a valid UK visa, which allows the holder to work as a Private Hire Operator (student visas will not be accepted) and which has at least six calendar months remaining at the time of application.
- 6.32 A Private Hire Operator licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. The Council reserves the right to verify, at any time, a Licensee's entitlement to remain in the UK. The Council will not accept letters issued by the Home Office when a visa application is pending.
- 6.33 To comply with the Immigration Act 2016, the Council is required to check eligibility to live and work in the UK for all applicants for driver and operator licences. Applicants will be required to provide evidence of this on request. Examples of acceptable documentation include a British passport, EU passport with the right to stay and work in the UK, permanent residence permit, work permit with a passport with correct authorisations, a UK birth certificate together with an official document giving the NI number such as a P45 or P60, or a biometric immigration document indicating a right to stay indefinitely in the UK or a right to do the work in question.
- 6.34 For applicants with a limited time to remain in the UK, the Private Hire Operator's licence will only be granted for the period of permission to remain, and may be granted for a shorter period. The Private Hire Operator licence may be extended should the applicant's right to remain in the UK be made permanent.
- 6.35 If an applicant has extended leave to remain (pending a decision) the Private Hire Operator licence cannot be granted for more than six months, and again may only be granted for a shorter period. The Private Hire Operator licence may be extended should the applicant's right to remain in the UK be made permanent.
- 6.36 If a Private Hire Operator licence holder loses the right to remain in the UK during the currency of a licence, the Private Hire Operator licence ceases to have effect and the Private Hire Operator licence (and badge for drivers) must be returned within 7 days.

Tax Conditionality

- 6.37 Existing licensees applying for the renewal of a licence must obtain their unique 9 character code from His Majesty's Revenue and Customs (HMRC) and provide this to the council. If this cannot be provided the application cannot proceed.
- 6.38 The council will advise new applicants of the need to register with HMRC for tax and must sign an acknowledgement that they have received this information.

Use of the Licence

Operator's Base

- 6.39 Your Private Hire Operator licence relates to one or more addresses (bases) within the Council area. Every address that is being used will be detailed on the Private Hire Operator licence, and if a Private Hire Operator licence does not relate to the address or addresses being used, that licence is void. Continued use of that Private Hire Operator licence will be a criminal offence.
- 6.40 If you have more than one operating office or base within the Borough that does not mean that you require a separate Private Hire Operator licence for each premises, but you must submit a list to the Council containing all the addresses from which you run your business, and all addresses will be detailed on the Private Hire Operator licence. You must inform the Council within 24 hours of any change of any address (ceasing to use an address, moving to a new address or adding an additional address).
- 6.41 Planning permission or a Certificate of Lawful Existing Use or Development for the use or change of use of premises, whether home or commercial, is not required before an application can be made for a Private Hire Operator licence. However, it may be unlawful to use those premises as an operator's base and advice should be sought from the Council's Planning Service if required.
- 6.42 Anyone who is making a provision for the invitation of bookings (evidenced by a private hire office or base) in more than one local authority area will be required to hold a Private Hire Operator licence with the local authority in each of those areas.

Manager

- 6.43 As a Private Hire Operator, you (unless you are an individual) must identify a person as the manager who has day-to-day responsibility for the private hire operation. There must also be a nominated deputy to act as holiday cover etc. You will have to ensure that one individual is responsible at any particular time.

Drivers and Vehicles

- 6.44 As a Private Hire Operator, you must ensure that any private hire driver or private hire vehicle operated, employed or used by you holds a current private hire driver or vehicle licence issued by the Council. You must hold the Private Hire Operator licence for the duration of the time that you operate that driver or vehicle.

- 6.45 If at any stage you propose dispatching a public service vehicle (PSV) to fulfil a booking, you must make the customer aware that the driver of that vehicle may only hold a PCV driver's licence and therefore not have been subjected to the same checks (criminal records and character) as a private hire driver.

Staff

- 6.46 As a Private Hire Operator, you must maintain a record of all staff (employees, independent contractors and others engaged by or utilised by you as a Private Hire Operator).
- 6.47 You must create, maintain and apply a policy in relation to previous convictions of your staff. This should be the same as the Council's Convictions Policy. You should apply this policy to all staff who are involved in making bookings for or dispatching private hire vehicles, or who have access to your operator's records, and you should not engage any person in contravention of that policy unless there are truly exceptional circumstances. The reasons for such a decision must be recorded in your staff records.
- 6.48 You must require all staff to notify you within 48 hours (including weekends and bank holidays) if they are arrested in connection with, being investigated for, charged with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that they receive or have to attend. You must then determine what action to take in relation to that staff member. You must also notify the Council of the event and the action that you have taken within 48 hours of your decision and record that in the staff records.
- 6.49 All such records of staff must be available for inspection by an Authorised Officer of the Council or police constable at any reasonable time.

Booking Records

- 6.50 You must create and maintain records of all bookings received for private hire vehicles as detailed in the conditions of licence. These records must be maintained for 12 months and must be available for inspection by an Authorised Officer or police constable at any reasonable time. You must inform the Council of the method that you intend to use to record this information. Depending on the scale of your operation this could be handwritten records (in a bound book with sequentially numbered pages) or a computerised system. In either case the records must not be capable of being altered after they have been compiled.

Standards of service

- 6.51 You must provide a professional and reliable service to customers at all reasonable times.

Complaints

- 6.52 You must maintain and utilise a comprehensive complaints process.

Insurance

- 6.53 You must maintain public liability insurance for all premises that are open to the public.

CONDITIONS

- 6.54 In these conditions, which are imposed under the provisions of section 55(3) of the 1976 Act, unless otherwise indicated;

“the Council” means Test Valley Borough Council

“You” means the operator as holder of Private Hire Operator licence issued by the Council under section 55 of the 1976 Act.

- 6.55 The following Conditions are attached to your Private Hire Operator licence and must be complied with at all times. Failure to comply with conditions may lead to penalty points being imposed on your Private Hire Operator licence, suspension, revocation or refusal to renew the Private Hire Operator licence.

- 6.56 You must return your Private Hire Operator licence to the Council immediately if:

- a) You change your home or business address (to allow it to be updated).
- b) You add or alter any addresses detailed on the Private Hire Operator licence.
- c) If the Private Hire Operator licence expires, or is suspended or revoked.
- d) You wish to surrender your licence.
- e) When required to do so by an Authorised Officer of the Council.

- 6.57 You must notify the Council within 72 hours of the event (including weekends and bank holidays) if you (or any partner in the case of a partnership or director or secretary of a limited company) is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that you receive or have to attend.

General

- 6.58 You (unless you are a single person operator) must identify a person as the individual with day-to-day managerial responsibility (referred to in these conditions as “the manager”), and notify the Council of their identity and contact details, including a mobile telephone number. The manager will be the first point of contact between the Council and the Private Hire Operator. You must identify another person as a deputy for holiday and sickness cover and the identity of the deputy, together with their contact details including a mobile telephone number must also be provided to the Council. You must ensure that it is clear to all managers and deputies who is responsible for discharging that responsibility at any particular time. All references to the manager include references to the deputy when they are acting in that capacity.

DBS Checks

- 6.59 You (where the operator is a partnership or limited company, all partners or directors and secretary of the company) must submit a Disclosure & Barring Service basic

disclosure (dated within one month of the submission) on or before the anniversary of the granting of the Private Hire Operator licence. Failure to do so will result in the Private Hire Operator licence being suspended until such time as the DBS certificate is provided.

6.60 The cost of these checks will be covered by you.

6.61 Where you (or any partners or directors and secretary of the company where the operator is a partnership or limited company) hold a dual driver licence or private hire driver licence you are not required to submit a yearly basic disclosure, but the requirement will continue to apply to any partners or directors of a company who do not hold a driver's licence.

Staff Policy

6.62 Where you employ or intend to employ persons involved in taking bookings or the dispatch of vehicles, you must produce and apply a policy on the employment of ex-offenders in those roles. This policy must be based on the Council's Convictions Policy. The policy must be available for inspection on request of an Authorised Officer of the Council. Failure to act in accordance with this requirement, and any subsequent engagement of a person who falls outside the Council's Previous Convictions Policy standards will lead to consideration by the Council as to whether you as operator remain a fit and proper person.

6.63 The Private Hire Operator must require that all staff employed in taking bookings or dispatching vehicles to report to them within 72 hours of any conviction, binding over, caution, warning, reprimand, fixed penalty notice, civil injunction or arrest for any criminal matter whilst they are employed in this role.

6.64 You must view a basic DBS certificate (dated within one month of the check) of any staff that have access to booking records or dispatch vehicles.

6.65 You must maintain a register of all such staff which must include a record of when each DBS check has been undertaken. This register must be available for inspection by an Authorised Officer of the Council upon request. The register should include the following:

- a) the date that person's employment in that role commenced.
- b) the date the Private Hire Operator checked the DBS certificate.
- c) the name of the person that checked the DBS certificate.
- d) the date the person ceased to perform that role.

6.66 The register must be retained for 12 months in line with the booking records.

6.67 Should an employee cease to be on the register and later re-enter the register, a new basic DBS certificate (or use of the Update Service) must be provided to the Private Hire Operator.

6.68 You must require all staff to notify you within 72 hours (including weekends and bank holidays) if they are arrested in connection with, being investigated for, charged with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil

injunctions that they receive or have to attend. You must then determine what action to take in relation to that staff member. You must also notify the Council of the event and the action that you have taken within 72 hours of your decision and record that in the staff records.

- 6.69 You must ensure that any outsourced booking and dispatch functions have adequate safeguarding measures in place for the protection of children and vulnerable adults. You must have obtained evidence of this from the outsourced firm/company before outsourcing these functions.

Vehicle and driver licences

- 6.70 You must inspect and retain copies of all the private hire vehicle licences and driver licences of vehicles and drivers operated, engaged or otherwise utilised by you. Where a driver works for more than one operator or the vehicle is utilised by more than one operator a copy of those licences must be made by the operator and then retained. Those licences and any copies must be stored securely and retained for as long as you operate the vehicle or driver. At the end of that, they must be returned to the vehicle proprietor or driver as appropriate (or securely destroyed).

Records

- 6.71 You are required to keep records of bookings received and journeys undertaken under section 56(2) of the 1976 Act (referred to hereafter as the “booking records”) and the following are the conditions relating to those records,
- 6.72 Booking records must be recorded in English and kept in a suitable book or in any other manner as approved by the Council.
- 6.73 You must ensure that, the following details of every private hire booking that you invite or accept are recorded before the commencement of each journey:
- a) the name of the passenger or other identifying features; e.g. hotel room number
 - b) the time of the request
 - c) the time the vehicle is required
 - d) the pick-up point
 - e) the destination (if known at that time)
 - f) the name of the driver
 - g) the driver’s licence number
 - h) the vehicle registration number of the vehicle
 - i) the vehicle licence number
 - j) the name of any individual that responded to the booking request
 - k) the name of any individual that dispatched the vehicle.
- 6.74 You must keep these records for a period of not less than 12 calendar months from the date of the entry.

- 6.75 You must also keep records of all vehicles that you operate. These details must include:
- a) details of the proprietor(s)/licensee.
 - b) registration number.
 - c) any (radio) call sign used.
 - d) maintenance history of the vehicle.
- 6.76 You must keep these records for a period of not less than 6 calendar months from the date that you cease operating that vehicle.
- 6.77 You must also keep records of the names and addresses of all licensed drivers that you use. You must notify the Council of the following:
- a) when any driver begins working for, or being available to be operated by you.
 - b) when any driver's activity above detailed ceases.
 - c) any change of address of any driver in service.
 - d) if you become aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out their duties.
- 6.78 If at any time you become aware of any reason which would or may prevent a driver from safely carrying out their duties (including but not limited to illness or disability) you must immediately cease using that driver until such time as the driver can demonstrate that they can drive a private hire vehicle without risk to the public.
- 6.79 You must keep these records for a period of not less than 12 calendar months from the date when you cease to be engaged or otherwise use the driver to drive private hire vehicles.
- 6.80 All records and retained licences must be available for inspection at any reasonable time by an Authorised Officer of the Council or a police constable.

Standards of Service

- 6.81 You must provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- 6.82 In particular you must (but this is not an exhaustive list):
- a) Ensure that all private hire vehicles that have been booked, attend at the appointed time and place unless delayed or prevented by reasonable cause.
 - b) Ensure the vehicle dispatched is a Council licensed private hire vehicle and the driver of the vehicle is a Council licensed private hire driver.
 - c) Keep any premises which you control and which are open to the public clean, adequately heated, ventilated and lit.
 - d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
 - e) Ensure that the correct licences are in place for any radio equipment.
 - f) Ensure that it is established at the time of booking how many passengers are to be carried and that the vehicle dispatched to fulfil the booking has an adequate number of passenger seats.

Ride Sharing/Car-pooling

- 6.83 If you arrange ridesharing/carpooling journeys you must offer the option to hirers to only share with other passengers of the same sex. If hirers select this option passengers of the opposite sex may not be added to the same booking.
- 6.84 If the journey is to be part of a ride sharing/carpooling journey, that must be made clear to the hirer before the booking is accepted, and you must ensure that individual hirers explicitly consent to that ridesharing/carpooling arrangement.

Public Service Vehicles

- 6.85 Public Service Vehicles (PSVs) may not be used to undertake a private hire vehicle booking, unless with the informed consent of the hirer. To obtain such informed consent you must make the customer aware that the driver of that vehicle may only hold a PCV driver's licence and therefore not have been subjected to the same checks (criminal records and character) as a private hire driver.

Complaints

- 6.86 You or the manager must initiate an investigation into any complaint received from the public within 48 hours from receipt of the complaint.
- 6.87 You must maintain a register of complaints (digital or hard copy), which must include the following information:
- Complainant's name, address/email address
 - Details of the complaint
 - Time and date of the alleged incident
 - Time and date the complaint was received by you or the manager
 - How the complaint was received e.g. phone, email, etc.
 - Name of person that received the complaint
 - Name of the alleged perpetrator
 - If the complaint was referred to the Council – time and date of when it was referred and by whom
 - Details of the action taken to resolve the complaint and by whom
 - Date the complaint was resolved.
- 6.88 A copy of the complaints register must be available for inspection upon request of an Authorised Officer of the Council. The records must be retained for a period of 12 months.
- 6.89 You must, on receipt of a complaint concerning a licensed driver, immediately notify the complainant of their right to direct their complaint to the Council.
- 6.90 You must ensure that details of how a customer can contact yourself as the Private Hire Operator in the event of any complaint relating to a booking or other contract, are displayed on your website, booking app and (in the absence of online booking platform), at any booking office.

- 6.91 Where a complaint is received by the Council, you must comply with any reasonable request for information and/or follow any reasonable directions/instructions made by an Authorised Officer or police officer in respect of the complaint.
- 6.92 You must notify the Council within 48 hours if you receive a complaint about a driver operated by you when it has been identified that the complaint relates to any of the following:
- a) allegations of sexual misconduct (including the use of sexualised language).
 - b) racist behaviour.
 - c) violence (including verbal aggression).
 - d) dishonesty including theft.
 - e) Equality breaches.
 - f) any other serious misconduct (including motoring related for example dangerous driving or drink driving).

Change of Address

- 6.93 You must notify the Council in writing of any change of address (including any address or addresses from you operate or otherwise conduct your business as a Private Hire Operator) within 7 days of such change taking place.

Convictions

- 6.94 You must notify the Council in writing if you have been convicted or cautioned for any offence, been arrested or are under investigation for any offence, received a fixed penalty notice, Community Protection Notice (CPN), Criminal Behaviour Order (CBO), been required to attend a speed awareness course or there have been a complaint or concerns about your behaviour or other matter imposed on you, which might affect your continuing safety within 72 hours. The same requirement applies to any partners in the case of a partnership holding an operator's licence and to any directors and secretary of any limited company in the case of a limited company holding a Private Hire Operator licence. The same requirement applies to any manager or deputy manager.

Advertising

- 6.95 You must not display or permit to be displayed on or from your premises or from any other place, any sign or notice which consists of or includes the word "Taxi" or "Cab" whether in the singular or plural or any word of a similar meaning unless you also take bookings for hackney carriages.

Insurance

- 6.96 Any premises that you control and are open to the public must be covered by Public Liability Insurance.
- 6.97 This insurance policy (or a summary) must be clearly displayed at the premises where it can be seen by the public.
- 6.98 You must ensure that at all times there is in force a policy of insurance covering private hire use or such security as complies with the requirements of Part VI of the Road Traffic Act 1988 for all private hire vehicles operated.

- 6.99 You must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. You must keep a record, signed by the driver, within each individual's record file when this has been completed. A copy of any individual's records must be produced, on request, to any Authorised Officer of the Council.

Personal data

- 6.100 You must be registered with the Information Commissioner's Office as you will be holding personal data for customers and any staff that you engage.
- 6.101 You must report any loss of personal data, whether by theft or otherwise, to the Council in writing within 24 hours of the loss or discovery of the loss (whichever is sooner), and also immediately to the police in the event of suspected theft. You may also need to report any such incident to the Information Commissioner's Office, for more information see [here](#).

Working hours

- 6.102 You must take steps to ensure that drivers do not work excessively long hours. You must not permit drivers to drive for more than 10 hours per day and must have a break lasting at least 30 minutes after driving for 5½ hours. The driver must also have a break at the end of this period unless it is the end of the working day. The above limits must also take account of any other vocational driving undertaken by that driver.

Display of Conditions

- 6.103 You must display a copy of these conditions in any premises which you control and are open to the public. In addition, a copy of the conditions attached to vehicle and driver licences must be available for inspection on request by a member of the public.

Subcontracting

- 6.104 If you subcontract any booking to another Private Hire Operator licensed in England (including Greater London), Wales or Scotland, you, as the operator who initially accepted the booking, remain liable under the contract.
- 6.105 If you do subcontract any booking, you must inform the hirer of the subcontract before the hiring commences.

Information

- 6.106 You must understand that a booking that has been accepted by whatever means, is a contract and failure to uphold that (whether by non-attendance by the vehicle, late attendance or any other shortfall in performance) may lead to a claim for breach of

contract. The accurate recording of booking details is a means of protecting you if such circumstances arise.

6.107 FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICIES.

LEGAL REQUIREMENTS (contained in national legislation) relating to a Private Hire operator

6.108 A Private Hire Operator must only operate private hire vehicles and private hire drivers licensed by the same council as the operator (section 46(1) (e) of the 1976 Act).

6.109 A Private Hire Operator can subcontract a booking to another private hire operator licensed in England (including Greater London but excluding Plymouth), Wales or Scotland but remains liable to the hirer under the contract (section 55A of the 1976 Act).

6.110 A Private Hire Operator who initially accepted a booking from a hirer remains liable under that contract even if they do not ultimately fulfil that contract as a result of a subcontract (section 56(1) of the 1976 Act).

6.111 A Private Hire Operator who accepted a booking must maintain records of that booking in accordance with the conditions attached to the Private Hire Operator's licence and must produce those records if requested to do so by an Authorised Officer of the Council or police constable (section 56(2) of the 1976 Act).

6.112 A Private Hire Operator must maintain a record of all vehicles operated by him and must produce those records if requested to do so by an Authorised Officer of the Council or police constable (section 56(3) of the 1976 Act).

6.113 A Private Hire Operator must produce their Private Hire Operator licence if requested to do so by an Authorised Officer of the Council or police constable (section 56(4) of the 1976 Act).

6.114 A Private Hire Operator must not refuse to accept a booking for a private hire vehicle because the passenger will be accompanied by an assistance dog and no additional charge can be made for any such booking (section 170 (1) & (2) of the Equality Act 2010).