

Hackney Carriage & Private Hire

Licensing Policy



Foreword

"Taxis play an important part of our community. They enhance the transport options for people who may otherwise not have the ability to travel. They facilitate young people's ability to go to and from their places of education, allow shopping trips to take place and allow us to socialise.

With the wide role that the taxi trade plays in our community we have to have policies in place to make sure that those using taxis do so in a safe way. This means the Council, which is the body responsible for licensing the trade, having appropriate controls to make sure vehicles are mechanically safe and that operators and drivers are suitable people to transport us.

The vast majority of taxis drivers and operators are responsible people who make sure that the public are protected. The policies in this document are however aimed at ensuring that every vehicle is safe and making sure that we check that every driver is a suitable person to transport you around the Borough.

There is also a wider social responsibility that the trade has. We have seen in other areas of the country that vulnerable people have been exploited, often in situations that could have been prevented had there been a greater awareness of their plight. With the contact that the taxis trade has with all sections of our community it is important that we require all involved to have had training on issues involving child sexual exploitation and safeguarding vulnerable people. These policies require all operators and drivers to have undertaken training, that we will provide, which will give greater awareness of the signs and impacts of all types of exploitation.

Working with the trade we are confident that these policies will provide the community with taxis that both transport people safely and protect people from exploitation.

Chairman of the Taxi Licensing Committee

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1. INTRODUCTION

The Licensing of hackney carriages dates back to 1847 and for private hire vehicle (outside London) to 1976.

The Local Government (Miscellaneous Provisions) Act 1976, as amended ('the 1976 Act') gives Pendle Borough Council, as the Licensing Authority ('The Council'), with the duty to carry out its licensing functions in respect of the hackney carriage and private hire trades ("taxi trade").

In carrying out its regulatory functions relating to taxi trade we will have regard to this policy document. Notwithstanding the existence of this policy, each application, or enforcement action, will be considered on its own merits.

This policy has been formed from a number of previous documents, combining them into one informative and comprehensive guide. It sets out the requirements and standards which are expected of all those involved in Pendle's hackney carriage and private hire trades.

This Policy adheres to the 'Statutory Taxi & Private Hire Vehicle Standards' published by the Department of Transport published in July 2020.

Applicants for licences are particularly encouraged to read the contents carefully.

2. OBJECTIVES

- public safety – with particular emphasis on safeguarding and prevention of child sexual exploitation
- ensuring that vehicles are safe and accessible
- ensuring drivers are safe and know what they are doing; and
- they provide a quality service to the public within the borough

3. GENERAL MATTERS

This policy shall take effect from 1st April 2022 (updated 21st March 2024) and the Council expects licence holders to comply with its terms immediately.

The Council will keep this policy under review and will, where appropriate, consult on any proposed revisions.

From the effective date this policy will override and supersede all existing policies in relation to hackney carriage and private hire licensing.

3.1 Partnership working

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

- local hackney carriage and private hire trades
- private hire and hackney carriage trade associations
- Lancashire Constabulary
- local residents
- Driver and Vehicle Standards Agency (formally VOSA)
- HM Revenues and Customs

- UK Border Agency
- Lancashire County Council
- Department for Transport
- other licensing authorities

3.2 Sharing of Information

We will share with other departments or regulatory bodies, information supplied by applicants, or acquired in the course of exercising licensing functions, where it is lawful to do so. Personal information will only be disclosed in accordance with Data Protection legislation.

Information sharing may include requests from the Audit Commission or other regulatory agencies where this is necessary for the detection or prevention of crime, or required by law, or in connection with legal proceedings. Where applicable, it will be under the relevant information sharing protocol.

In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for referrals to be made to the DBS. A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS. A decision to refer to the Disclosure and Barring Service and the Police when it is thought that:

- An individual has harmed or poses a risk of harm to a child or vulnerable adult;
- An individual has satisfied the 'harm test' or;
- Received a caution or conviction or a relevant offence and;
- The person they are referring is, has or might in future be working in regulated activity

3.3 Licensing Profile

Hackney carriage and private hire vehicles are vehicles licensed to carry no more than 8 passengers, but may be licensed to carry less.

Hackney carriages may be used to ply for hire the street, at ranks or stands and may take bookings over the telephone. Private hire vehicles must be booked in advance, by the customer, through a private hire operator; and cannot be hailed in the street or stand at a rank.

Strictly speaking a 'taxi' is a licensed hackney carriage but in this policy it is used more informally, as are the expressions the 'taxi trade' and 'taxi licensing'.

The Council currently licence 71 hackney carriage vehicles and approximately 800 private hire vehicles as well as 41 private hire operators.

It has approximately 1000 licensed hackney carriage and private hire drivers.

3.4 Application Procedure

For specific details of the application procedures for any of the licences mentioned in the policy please contact the licensing office at taxi.licensing@pendle.gov.uk or via the 'taxi and private hire' page at: www.pendle.gov.uk

3.5 Decisions and Fit and Proper Test

The safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence.

Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:

- Policies should be used as internal guidance and should be supported by a member/officer code of conduct
- Any implications of the Human Rights Act should be considered
- Decisions must be reasonable and proportionate
- Where a hearing is required, it should be fairly conducted and allow for appropriate consideration of all relevant factors
- All those making decisions should be required to have undertaken necessary training.

4. VEHICLES

4.1 Vehicle Specification

Local licensing authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriage or private hire vehicles.

The Council has differing vehicle specifications for hackney carriage vehicles, private hire vehicles, stretched limousines and adapted vehicles.

4.2 Accident Damage Vehicles

The vehicle may be insurance category S (formerly Cat C) or category N (formerly Cat D), provided the vehicle has been repaired and an MOT test passed. An independent engineer's report will be required for a category S before the vehicle is licensed. Applications from insurance category A or B will be prohibited.

4.3 Private Hire Vehicles

All private hire vehicle licences issued by the Council are subject to the Pre-Licensing Conditions at Appendix 1 and the Private Hire Vehicle Licence Conditions at Appendix 2.

4.4 Hackney Carriages

All hackney carriage vehicles licences issued by the Council are subject to the Pre-Licensing Conditions at Appendix 3, the Hackney Carriage Conditions at Appendix 4 and the Hackney Carriage Bye-Laws at Appendix 5.

4.5 Stretched Limousines

For the purposes of this policy and licence conditions a stretch limousine is defined as follows:

A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures

- that is capable of carrying up to but not exceeding 8 passengers;
- that prior to the introduction of this policy could not currently be licensed by the Council as a Private Hire Vehicle;
- that is not a decommissioned military or emergency service vehicle

All stretched limousines must comply with the licensing conditions as set out as Appendix 6

4.6 Horse Drawn Carriages (non-motorised)

The grant of a licence to drive a horse drawn carriage as a hackney carriage shall entitle the holder to drive a hackney carriage of the type specified on the licence (i.e. horse drawn carriage).

It shall not entitle the holder to drive any other type of hackney carriage or private hire vehicle.

A licence to drive a horse drawn carriage as a hackney carriage will last for one year from the date of issue.

A licence to drive a non-motorised hackney carriage will not be granted to a person who is under the age of 18 years of age.

Pre-Licensing Conditions and Horse Drawn Licence Conditions are set out at Appendix 7.

4.7 Exemptions from Control

The 1976 Act exempt the following vehicles from control under the Act;-

- vehicles while being used in conjunction with a funeral or used wholly or mainly for the purpose of funerals by a funeral director and
- vehicles while being used in connection with a wedding

4.8 Limitations of Numbers

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

In relation to hackney carriage vehicles, the current legal provision on quantity restrictions is set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriage 'if, but only if, the local authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet.'

Pendle Council is satisfied that there is no significant unmet demand for the services of hackney carriages; therefore the Council has set a limit of the number of hackney carriages it licences to 71, five of which have a condition that they are wheelchair accessible vehicles. The council will determine where there is any significant unmet demand at regular intervals.

4.9 Vehicle Age Limits

For existing licensed vehicles the Authority operates an age policy in relation to the age at which a vehicle will no longer be licensed.

The age limit for existing hackney carriage and private hire vehicles, is that the vehicle should be no more than twelve years old on renewal if the vehicle has a diesel or petrol engine.

As from 1st January 2026, the Council will only accept applications for new hackney carriage or private hire vehicles that are Euro 6 classified, hybrid, electric (EVs) or wheelchair accessible.

In order to ensure that the Council does not fetter its discretion, a vehicle proprietor retains the right to apply to licence a vehicle which falls outside the Council's age criteria.

All such applications will be delegated to the Assistant Director, Planning, Building Control & Regulatory Services in consultation with the Chairman of the Taxi Licensing Committee.

We will take into account factors in deciding whether to grant a licence including, but not restricted to:

- The make and model of the vehicle
- The exceptional condition of the vehicle, including the bodywork and interior passenger accommodation.

4.10 Duration of Licences

Hackney carriage and private hire vehicle licences will be issued for either, six or twelve months.

The Council will consider issuing a vehicle licence for a shorter period where it deems it appropriate in the individual circumstances.

4.11 Testing and Frequency

An MOT, from any MOT testing station, will be required when the vehicle is first licensed and a six-month MOT for any vehicle over 6 years old.

The MOT will not be accepted if issued more than fourteen days prior to submitting an application for the grant or renewal of a licence.

4.12 Roadworthiness and Maintenance of Vehicle

In addition to the MOT requirements for vehicles, the Council must be satisfied that vehicles it licences are safe and fit for purpose and they must also comply with the Council's vehicle standards at Appendix 8.

Any licensed vehicle will at all times be subject to test and inspection and should it be found that vehicles are not being properly maintained or that any part or fitting is not in good working order may result in a review of the licence of the private hire operator, vehicle owner or driver.

Any licensed vehicle proprietor (unless it is a rental company with the requisite agreements in place) that has three vehicle failures, on any MOT classified dangerous or major items, over the course of a rolling two-year period on either a spot check, MOT or taxi test, will be brought before the Taxi Licensing Committee to have their licence reviewed.

4.13 Vehicle Spot Checks

Unannounced spot checks may be made on any licensed vehicles to check that the vehicle is being satisfactorily maintained and fit to carry members of the public. The checks will be carried out either on the roadside or at a MOT Station garage.

A private hire or hackney carriage driver whose vehicle they are driving fails a spot check, on any MOT classified dangerous or major items, will result in them having their licence suspended for a period of 2 weeks on the first occasion; 4 weeks on the second occasion and brought before the Taxi Licensing Committee to have their licence reviewed on the third occasion, over a rolling 2 year period.

Any private hire or hackney carriage driver who fails to immediately attend a spot check, will have their licence reviewed by the Taxi Licensing Committee.

4.14 Daily Vehicle Checks

A private hire or hackney carriage driver is required to carry out a daily vehicle check of the vehicle they are driving at the start of each shift. The check must be carried out by a downloaded App. or a paper check, approved by the Council.

The paper check sheet must be carried in the vehicle at all times and there must be at least seven days' worth of checks in the vehicle.

Any driver who fails to have a paper check or record on the App. to confirm that before the start of their shift they had checked the condition of their vehicle will result in them having their licence suspended for a period of 2 weeks on the first occasion; 4 weeks on the second occasion and brought before the Taxi Licensing Committee to have their licence reviewed on the third occasion. This is over any rolling 2-year period.

The vehicle must comply with what was recorded on the paper or App. Any driver being untruthful on the vehicle check record will result in them having their licence suspended for a period of 2 weeks on the first occasion; 4 weeks on the second occasion and brought before the Taxi Licensing Committee to have their licence reviewed on the third occasion. This is over any rolling 2-year period.

Training on how to use the App. will be given if required.

4.15 Insurance

Hackney carriage and private hire vehicle proprietors must ensure that appropriate insurance is in force at all times that the vehicle is licensed. Any failure to ensure that a vehicle is not adequately insured for public hire/private hire will result in the immediate suspension or revocation of the vehicle licence.

4.16 Passenger Numbers

Hackney carriage and private hire licences will normally be issued for the carriage of between 4 and 8 passengers in reasonable comfort and have not less than three doors through which passengers may enter and leave the vehicle conveniently, safely and comfortably, and have reasonable accommodation for luggage.

Applications for vehicle licences to transport fewer than 4 passengers may be referred to the Taxi Licensing Committee for consideration.

4.17 Code of Practice on Reducing Noise

The Council has introduced a code of practice on reducing noise as set out at Appendix 8. Drivers must adhere to the code at all times.

4.18 Intended Use for Hackney Carriages

Applicants for new hackney carriage vehicle proprietor licences shall be expected to demonstrate a bona fide intention to ply for hire within the local authority area of Pendle under the terms of the licence for which application is being made as set out at Appendix 10.

There will be a presumption that applicants who do not intend to a material extent to ply for hire within the local authority area of Pendle will not be granted a hackney carriage vehicle proprietor's licence authorising them to do so. Each application will continue to be decided on its merits.

Even where the applicant intends to ply for hire to a material extent in the Pendle local authority area, if the intention is to trade in another authority's area also for a substantial amount of time and so frustrate the purpose of the legislation, then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

4.19 Hackney Carriage Ranks

The Council has provided a number of designated hackney carriage ranks throughout the Borough.

Drivers must not leave a vehicle unattended on a rank at any time.

4.20 Pre-Payment Scheme

The Council has introduced a scheme, in partnership with Lancashire Constabulary, where passengers are asked to pay the fare up front before a journey commences.

The scheme is voluntary, but it will allow drivers to ask for the fare up front, therefore reducing the risk of confrontation over a dispute with the fare or passengers making off without paying.

4.21 Fares

The Council is responsible for setting the hackney carriage tariff, which is a table of the maximum fares that may be charged for a journey.

Each hackney carriage must have its taximeter calibrated to the current tariff and in addition must display the table of fares provided by the Council where it can easily be read by a passenger.

The Council has no ability to control the fares charged by the private hire trade and it is for the hirer to negotiate an appropriate fee or method of charging for each journey.

4.22 Taximeters

All hackney carriages must be fitted with a taximeter which is sealed and maintained as to comply with the hackney carriage licence conditions. A calibration certificate for new vehicles is required with the application form.

A private hire vehicle may be fitted with a taximeter, and it should be so constructed, attached and maintained as to comply with the private hire vehicle licence conditions.

4.23 Accident and Hire Car Procedure

If a licensed hackney carriage or private hire vehicle is involved in an accident, details of such must be reported to the Council within 72 hours of the accident taking place.

An accident report form must be completed with details of the accident. If a hire car is to be used then details of the car must also be entered.

The accident vehicle will then be inspected or assessed from photos of the damage by a member of the licensing team.

If the vehicle is unfit to be used for hackney carriage or private hire purposes, the licence will be suspended and remain so until the vehicle has been re-inspected. The identification plate(s) must be returned to the Taxi Licensing Office.

Once the accident vehicle has been repaired it must be inspected by the Taxi Enforcement Officer. The identification plate(s) for the hire car must be returned to the Taxi Licensing Office before the identification plate(s) for the suspension is lifted for the accident vehicle.

The hackney carriage/private hire vehicle licence for the hire car will be then be suspended until such time as the vehicle is hired out again.

4.24 Application procedure

It is the responsibility of the proprietor to ensure that a valid application is submitted to the Council before the licence expires.

If a proprietor fails to apply to renew their hackney carriage or private hire vehicle licence before the expiry of the existing licence, for any reason, one month from expiry will be given for any subsequent application to re-licence the vehicle, after such time the vehicle would then have to meet the Council's relevant conditions for a new hackney carriage or private hire vehicle.

Applications will not be determined until the applicant is able to produce original evidence of:

- a valid, appropriate insurance policy;
- the MOT certificate issued no more than 14 days prior to the submission of the application;
- the Vehicle Registration Document (V5) in the name of the applicant. (in the case of a new vehicle then other proof of ownership such as a legal bill of sale must be produced or the V5C);
- A calibration certificate for new hackney carriages;
- the appropriate fee and
- a basic DBS certificate – no older than 1 month for new applicants or the enhanced certificate previously disclosed if a licensed hackney carriage or private hire driver.

The DBS will be required on an annual basis either by applying for a new basic disclosure or subscribing to the DBS update service.

4.25 Certificate of Conduct

Any applicant, who has lived outside the UK within the last 10 years, will be required to produce a Certificate of Conduct, translated into English, from each of the countries that they have lived in within that period.

4.26 Notification of arrest and release, charge or convictions

All licence holders must inform the Council within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope will result in a review as to whether the licence holder is fit to continue to hold a licence.

A failure by a licence holder to disclose an arrest that the Council is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

5. HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS

5.1 Duration of Driver's Licences

The Council normally issues driver's licences for 3 years. However, in some circumstances the Council may consider it appropriate to issue a licence for a shorter period.

5.2 Entitlement to Drive in the UK

Applications must have held a valid, full UK driving licence for a minimum of 12 months immediately before making their application.

Applications may also be accepted from people who have held a full driving licence, issued by a country within the European Community (EC) or in the European Economic Area (EEA) for a minimum of 12 months immediately before making their application. A DVLA GB counterpart document must also be submitted.

All applicants are required to authorise the Council to undertake checks with the DVLA to verify the existence of any motoring convictions and restrictions on their licence.

5.3 Right to Work in the UK

All applicants must have the right to work in the UK. Verifications of this right will be undertaken by the licensing section with the UK Border Agency where appropriate, before a hackney carriage or private hire driver's licence is granted.

5.4 Refusal of Application

Should a licence application for the grant or renewal of a licence be refused further applications will not normally be granted until twelve months has elapsed from the original refusal/revocation unless they are compliant with our convictions policy.

5.5 Disclosure and Barring Service Checks (DBS)

The prevention of child sexual exploitation and safeguarding people are primary goals of the Council. We need to ensure drivers are fit and proper people to hold licences.

Applicants for a hackney carriage or private hire driver licence are required to provide a DBS enhanced disclosure certificate that is no more than one month old. This must be applied through the Council's approved provider(s).

Enhanced disclosure certificates made through other organisations will not be accepted unless the application has subscribed to the DBS update service and provided proof of identity.

No licence will be issued or renewed unless there is a valid up to date DBS check in place before the licence is issued.

The Rehabilitation of Offenders Act 1974 does not apply to applicants for a hackney carriage or private hire driver licence and applicants are required to disclose all convictions, cautions and motoring offences, including those that would normally be regarded as spent.

The Council expects drivers to, to sign up to the DBS updating service and consent to the Licensing Authority checking with the DBS on a six-month basis, as to whether there has been any change to their status since the last disclosure certificate was issued. Failure to subscribe to the update service will result in a driver's licence being suspended or not renewed until such time as a new DBS disclosure certificate has been submitted.

Where there is evidence of criminal activity or motoring convictions, the applicant will be, if necessary, referred to the Taxi Licensing Committee in line with the Council's Policy on convictions which forms Appendix 11 of this policy.

5.6 Notification of arrest and release, charge or convictions

Licence holders must inform the Council within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope will result in a review as to whether the licence holder is fit to continue to hold a licence.

A failure by a licence holder to disclose an arrest that the Council is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

5.7 Certificate of Conduct

Any applicant, who has lived outside the UK within the last 10 years, will be required to produce a Certificate of Conduct, translated into English, from each of the countries that they have lived in within that period.

5.8 Medical Fitness

The Council recognises that licensed drivers should meet more stringent medical standards than is expected of people who drive a vehicle for social, domestic and pleasure purposes.

Licensed drivers are entrusted with the safety of the travelling public and may drive for much longer hours than non-professional drivers. To this end Council requires all licensed drivers to meet the Group 2 standard users by the DVLA when licensing public service vehicle drivers.

Medical certificates, completed by the driver's own GP or any qualified medical practitioner, subject to the driver providing a summary of their medical history to the medical practitioner, are required on first application and then on ages 30, 40, 50, 55, 60 and thereafter every year.

Where there is doubt as to the medical fitness of a licensed driver, including circumstances where a medical certificate has expired, the Licensing Authority reserves the right to suspend the driver's licence until such time as it can be satisfied that the driver is fit. No applicant will be issued a licence until medical fitness has been established.

A medical exemption can be applied for under the Equality Act 2010 for any driver unable to assist wheelchair bound persons or carry guide or assistance dogs. See Appendix 12

5.9 Knowledge Test

The Council acknowledges that it is important to the travelling public that the drivers it licences have a good knowledge of the English Language, the Highway Code, its policies and procedures and vehicle maintenance.

All applicants for a new driver's licence will be required to pass the knowledge test which will include all the above before they can be granted a licence. Any applicant that fails will not be granted a licence. A revision guide is provided at www.pendle.gov.uk.

The knowledge test will expire after a six-month period if an application for the grant of a driver's licence has not been submitted.

5.10 Safeguarding and Child Sexual Exploitation (CSE) Training

The prevention of child sexual exploitation and safeguarding people are primary goals of the Council. We need to ensure drivers are fit and proper to hold licences. Drivers come into contact with all sections of the community and it is essential to ensure that they are aware of the real issues and signs of child sexual exploitation

and safeguarding. Every driver must therefore have received accredited training before they are licensed.

The Council recognises that licensed drivers are an integral part of modern life and as such play an important role in providing a safe mean of transport to all members of society.

Their role within our communities places them in direct daily contact with some of the most vulnerable members of our society and as such they are ideally placed to assist all those agencies who have a statutory responsibility to safeguard vulnerable people.

In order for them to recognise the signs of CSE and to enable them to report suspicious behavior appropriately, all applicants for a hackney carriage or private hire driver's licence shall have completed basic safeguarding and CSE awareness training, provided via the Council, or a Council approved provider, before they will be granted a licence.

Training will be deemed to have lapsed 3 years from the date training took place.

As well as training for all those applying for licences Councillors on Committees must also have been trained in order to sit on those Committees.

5.11 Tax Check with HMRC

Renewal applicants will need to complete a tax check with HM Revenue and Customs (HMRC) and submit a tax code for the Council to confirm this has been done. New applicants will be asked to read HMRC guidance on what is required to be properly registered for tax in the future and sign a declaration on the application form to confirm this.

5.12 Private Hire Driver's Conditions

All private hire driver licences are issued, subject to conditions which can be found at Appendix 12.

5.13 Hackney Carriage Bye-Laws

All hackney carriage driver licences are issued, subject to the Council's hackney carriage bye-laws which can be found at Appendix 5.

5.14 Plying for Hire

All cases of unlawful plying for hire or failure to proceed with reasonable speed to a rank will proceed as follows:

- (a) In the case of a first incident, the relevant driver's licence will be suspended for a period of 4 weeks;
- (b) Where a driver's licence has been suspended in accordance with (a) above, then where there is a subsequent similar allegation prosecution proceedings in the Magistrates Court will be commenced with the intention that those proceedings will proceed to a hearing in that court.

6. PRIVATE HIRE OPERATORS

Anyone in Pendle wishing to invite private hire bookings and dispatch a licensed vehicle and driver to fulfill those bookings, must hold a private hire operator's licence.

Private hire operators are responsible for ensuring that the vehicles and drivers they dispatch hold valid, appropriate licences to undertake those journeys and will only be granted a licence if the Council is satisfied that they are fit and proper to hold such a licence.

All private hire operator licences are issued subject to conditions which can be found at Appendix 13.

6.1 Duration of Licence

The Council normally issues operators licences for 5 years, however, in some circumstances the Council may consider it appropriate to issue a licence for a shorter period.

6.2 Application procedure

All private hire operator licences clearly indicate the expiry date of the licence and it is the responsibility of the operator to ensure that a valid application is submitted to the Council before the licence expires.

Applications will not be determined until the applicant is able to produce original evidence of:

- If there is public access, valid, appropriate insurance policy for public liability
- Basic disclosure certificate for each applicant, or director(s), partner(s) of a company no older than 1 month for new applicants.
- Evidence of appropriate planning permission
- Policy on employing ex-offenders
- Payment of the appropriate fee
- A tax check code, issued by HMRC, for renewal applications or in the case of new applications a signed declaration on the application form that you have read HMRC guidance on the requirements to register for tax.

6.3 Safeguarding and Child Sexual Exploitation (CSE) training

The Council recognises that private hire operators and their dispatchers play an important role in providing access to a safe means of transport to all members of society.

Their role, alongside that of the licensed drivers they dispatch, places them in daily contact with some of the most vulnerable members of our society and as such they are ideally placed to assist all those agencies who have a statutory responsibility to safeguard the vulnerable.

In order for them to recognise the signs of CSE and to enable them to report suspicious behavior appropriately, all applicants for a private hire operator's licence

shall have completed basic safeguarding and CSE awareness training, provided via the Council, or a Council approved provider, before they will be granted a licence.

Training will be deemed to have lapsed 3 years from the date training took place.

Operators will be expected to ensure that all dispatch staff they employ undertake the online CSE training provided through the Lancashire Safeguarding Children's Board and be able to provide evidence of this. Failure for a dispatcher to have training will result in a review of their operator's licence.

6.4 Booking and Dispatch Staff

A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.

6.5 Register of Booking and Dispatch Staff

Private hire vehicle operators should be able to demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. The operator will be required to keep a register of all staff that will take bookings or dispatch vehicles.

The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records.

6.6 DBS Check for Booking and Dispatch Staff

Operators are required to evidence that they have had sight to a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders.

DBS certificate provided by the individual should be recently issued when viewed, alternatively the operator could use a 'responsible organisation' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

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

6.7 Outsourcing of Bookings

Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

6.8 Policy of Employing Ex-Offenders

Operators or applicants for a licence are required to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operator's licence, those with a conviction or offences provided in the annex to this document, other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

6.9 Disclosure and Barring Service Checks (DBS)

Private hire operators, including all directors or partners wishing to trade in Pendle are required to provide a basic disclosure certificate issued by the Disclosure and Barring Service every year.

Those applicants who also hold either a private hire or hackney carriage or private hire driver's licence are not required to provide a standard disclosure certificate, as the Licensing Authority will have already assessed their enhanced disclosure when granting a driver's licence.

6.10 Certificate of Conduct

Any applicant, who has lived outside the UK within the last 10 years, will be required to produce a Certificate of Conduct, translated into English, from each of the countries that they have lived in within that period.

6.11 Notification of arrest and release, charge or convictions

Licence holders must inform the Council within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope will result in a review as to whether the licence holder is fit to continue to hold a licence.

A failure by a licence holder to disclose an arrest that the Council is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

6.12 Insurance

Private hire operators are required to provide evidence of public liability insurance for the premises to be licensed if the public have access.

6.13 Premises

Where a private hire operator provides premises for the public they shall be maintained in a clean and tidy condition, be adequately lit, heated and ventilated and where a waiting area is provided have adequate seating facilities.

6.14 Record Keeping

Private hire operators are required to keep comprehensive records of all booking and journeys undertaken.

Section 56 of the Local Government (Miscellaneous Provisions Act) 1976 requires private hire vehicle operators to keep records of the particulars of every booking

invited or accepted, whether it is from the passenger or at the request of another operator. This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement.

The Operator must record the following information for each booking

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number
- the vehicle registration number of the vehicle
- the name of any individual that responded to the booking
- the name of any individual that dispatched the vehicle
- the charge made;

The Operator must keep records of the particulars of all private hire driver's and vehicles operated by him namely the owners, registration numbers, private hire vehicle licence numbers, drivers' call signs used.

All records kept by the Operator must be kept at his place of business for a period of not less than six months following the date of the last entry and shall be produced to any authorised officer.

6.15 Data Protection

Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

6.16 Use of Passenger Carrying Vehicles (PCV) Licensed Drivers

PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e., driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a licensed private hire vehicle and driver.

Where a private hire vehicle is unsuitable for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the operator must inform the booker that a public service vehicle (PSV) is necessary, and that a PCV licensed driver will be used who is subject to different checks and not required to have an enhanced DBS check. The booker can then consent to this.

7. REGULATION & ENFORCEMENT

The Council has a statutory duty to ensure that the vehicles, drivers and operators that it licences, carry out their functions in accordance with the legislation and any conditions that are attached to such licences.

Officers charged with the regulation of the hackney carriage and private hire industry will be appropriately trained and authorised within the Council's scheme of delegation.

8. COMPLAINTS AGAINST LICENSEES

Complaints about drivers and operators provides a source of intelligence when considering the renewal of a licence or to identify problems during the period of a licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence.

Guidance on how to make a complaint to the Council is on the website at www.pendle.gov.uk, taxi licensing category and is displayed in all licensed vehicles.

9. PENALTY POINT SCHEME

The Council operates a penalty point scheme as set out at Appendix 13. It aims is effective taxi control without having to take legal proceedings for minor infringements. It takes repeated occurrences of minor infringements before sufficient points have been accumulated causing more serious action against the licensees to be taken.

If over a three-year period the number of points accrued by a licensee reaches fifteen or more then that licensee must attend before the Taxi Licensing Committee to allow members to consider the future of their licence.

10. FEES

The Council sets and regularly reviews its fees for taxi and private hire licensing in line with the Governments requirements that fees should only cover the costs involved in the administration and regulation of licensed operators, drivers and vehicles.

A list of the current application fees can be found on the Council's website along with some miscellaneous charges to cover the cost of duplicate plates, badges and licences.

All fees are payable when a licence application is submitted.

11. REFUNDS

Licence holders who surrender a hackney carriage or private hire vehicle licence will be refunded for each calendar month remaining on the licence; for a private hire operator's licence there will be a refund for each calendar month if more than six months is remaining on the licence and for a driver for each remaining full year on the licence.

BOROUGH OF PENDLE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRE-LICENSING CONDITIONS FOR THE ISSUE OF A PRIVATE HIRE VEHICLE LICENCE

Pendle Borough Council will only accept an application to licence a private hire vehicle if the vehicle, applicant(s) or directors of a company complies with the following:

- Provides a basic DBS disclosure that is no more than one month old for new applicants or the enhanced DBS certificate if already a licensed driver.
- Any applicant, who has lived outside the UK within the last 10 years, provides a Certificate of Conduct, translated into English, from each of the countries that they have lived in within that period.

Vehicle

Satisfy the Council that the vehicle is in a suitable condition, is both safe and comfortable for passengers, and suitable in type, size and design for use as a private hire vehicle and that there is in force a policy of insurance covering it for private hire use.

Shall not be a London style hackney carriage or similar vehicle.

Accident Damage Vehicles - The vehicle may be insurance category S (formerly Cat C) or category N (formerly Cat D), provided the vehicle has been repaired and an MOT test passed. An independent engineer's report will be required for a category S before the vehicle is licensed. Applications from insurance category A or B will be prohibited.

The vehicle will be suitable in type, size and design for use as a private hire vehicle if it meets the following specification:

Be a saloon, estate or minibus capable of seating not less than four nor more than eight passengers in reasonable comfort and have not less than three doors through which passengers may enter and leave the vehicle conveniently, safely and comfortably, and have reasonable accommodation for luggage;

Not be a stretch limousine unless it can be shown to the satisfaction of the Committee by evidence from the manufacturer that the method of construction has not affected the safety of the vehicle;

From 1st January 2026, new vehicles must be Euro 6 classified, hybrid, electric (EVs) or wheelchair accessible and renewal applications not be more than twelve years old if not this type of vehicle.

Be a right hand drive vehicle;

Not be of a red or multi coloured;

Have adequate lighting for the interior of the vehicle and an adequate heating system for the driver and passengers, with means of control by the driver;

Carry a spare wheel or a tyre repair kit;

Not convey luggage by means of the roof; and

Have a clear emergency exit.

The vehicle must be type approved. You will be required to provide the necessary confirmation that the vehicle is approved – a V5 registration document (log book) indicating that the vehicle is M1 type approved (shown in the vehicle category at line J), or in the case of minibuses, that the vehicle was manufactured as an M2 vehicle, which is a minibus with more than 8 passenger seats, and the only modification is the removal of the rearmost seats to reduce the seating capacity. The V5 will show M2 in the Vehicle Category at line J.

Vehicles converted from vans or imported from outside the EU will be required to have passed a VOSA Voluntary Individual Vehicle Approval inspection. The relevant certificate will be required before such a vehicle can be licensed.

WHEELCHAIR ACCESSIBLE VEHICLES

Any vehicle that has been adapted or modified to accommodate disabled passengers shall be re-certified, after adaptation or modification, to meet the European Whole Vehicle (M1 or M2) Type Approval standard, the British National Low Volume Type (M1 or M2) Approval standard or the Voluntary Individual Single Vehicle Approval in respect of all such adaptations or modifications. The relevant certificate will be required before such a vehicle can be licensed.

Access to and egress from the wheelchair must not be obstructed in any manner, at any time, except by wheelchair loading apparatus.

Wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and comply with the M1 or M2 standards as specified in European Directive 76/115 EEC (as amended by 90/629 EEC) and should be secured in such a position as to not obstruct any emergency exit when the equipment is not in use.

A suitable, separate restraint (seat belt) must be available for the occupant of the wheelchair.

Access ramps or lifts must be securely fixed to the vehicle prior to use and be able to support the weight of any wheelchair, occupant and helper.

Ramps and lifts must be securely stored in the vehicle before driving off; such devices shall have a minimum load rating of 300kg.

The vehicle shall be fitted with a locking mechanism, or other device, that holds the wheelchair access door in the open position whilst a wheelchair is being loaded or unloaded.

Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting

Operations and Lifting Equipment Regulations 1998 (S/I 1998/2307). Any such equipment must be maintained in efficient working order so as to be available for use at all times.

A sign may be affixed to the outside of the vehicle indicating that it is able to convey passengers in wheelchairs, provided that the vehicle has been manufactured or properly adapted for that purpose.

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

The licence holder(s) or directors of a company must at all times comply with these conditions and Part II of the Local Government (Miscellaneous Provisions) Act 1976.

1. **Operators**

The Proprietor shall not use or permit the vehicle to be used as a private hire vehicle unless the vehicle's operator holds a current operator's licence issued by the Council.

2. **Drivers**

The proprietor of a private hire vehicle shall not employ as a driver any person who does not have a current driver's licence. If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle he shall, before the person commences to drive the vehicle ensure that the driver holds a current private hire driver's licence issued by the Council and shall ensure that he continues to hold such a licence during the whole period of employment.

3. **Notification of arrest and release, charge or convictions**

You must inform the Council within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope will result in a review as to whether the licence holder(s) or directors are fit to continue to hold a licence.

4. **Identification plates and display of licence number**

The plates identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle shall be securely fixed to the rear exterior of the vehicle.

A plate indicating the number of passengers allowed to be carried, as specified in the licence, the licence number of the vehicle and the expiry date shall be displayed inside the vehicle so that the information is facing the rear of the vehicle and is clearly visible to any passengers sitting in any of the seats.

You shall ensure that the identification plates are maintained and kept in such a condition that the information is clearly visible to public view at all times.

5. **Licence and return of identification plates**

You shall upon expiry, revocation or suspension of this licence, immediately return to the Council the identification plates issued when granting the licence.

If an accident to the vehicle makes it unsuitable or unsafe for use as a private hire vehicle you shall immediately return to the Council the identification plates issued when granting the licence.

6. Provision of furnishings

You must ensure that:

Sufficient means exist for any person in the vehicle to communicate with the driver during the course of the hiring.

The seats in the passenger compartment are properly cushioned and covered.

The floor in the passenger compartment is provided with a proper carpet, mat or other floor covering.

Facilities for the safe conveyance of luggage is provided and it is protected from inclement weather.

Carry a spare wheel or a tyre repair kit.

7. Use of radio equipment

You shall ensure that any radio equipment fitted in the private hire vehicle is a fixture which is in a safe place and sound condition and maintained in proper working order and that any radio microphone installed in the vehicle shall be fitted in such a position that its use by the driver does not impair his control of the vehicle when it is in motion.

8. Maintenance of the vehicle

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in a safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in the Motor Vehicles (Construction and Use) (Regulations) shall be fully complied with. The vehicle shall comply to the manufacturers specification at all times.

The vehicle will at all times be subject to test and inspection and should it be found that a vehicle is not being properly maintained or that any part or fitting is not in good working order, a notice may be served on you prohibiting the use of the vehicle until the defect has been remedied. A review of the licence holder maybe carried out if the vehicle is not being maintained to a satisfactory standard.

9. Alteration of vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made at any time while the licence is in force without the approval of the Council.

10. Damage to vehicle

Any damage to a private hire vehicle, however slight shall be reported by you to the Council within seventy-two hours of the damage taking place and the Council's accident report form shall be completed in all cases. Until the damage is repaired to the satisfaction of the Council the vehicle shall not be used for hire.

11. Insurance

You shall at the request of any authorised officer produce for inspection the excise licence and certificate of the policy of insurance or security required by Part VI of the Road Traffic Act 1972 and in respect of commercial private hire in respect of the licensed vehicle.

12. Carriage of persons and animals

You shall not permit the private hire vehicle to be used to carry more people than the licence allows.

You shall not permit any person under the age of ten years to be conveyed in the front of the vehicle.

You shall only allow one person to be conveyed in the front of the vehicle besides the driver unless the vehicle has dual passenger seats in the front.

You shall not permit any animal to ride in the vehicle except an animal in the custody or control of the hirer and which shall be conveyed in the rear of the vehicle.

Any animal belonging to or in the custody of any passenger, which at your discretion may be conveyed in the vehicle, shall only be conveyed in the rear of the vehicle.

You must, if requested, carry guide, hearing and other assistance dogs free of charge unless you are in possession of a valid exemption certificate.

13. Vehicles fitted with Taximeter

If the vehicle is fitted with a taximeter, that taximeter should be so constructed, attached and maintained as to comply with the following:

- (a) The taximeter shall be fitted with a key, flag or other device, the turning of which shall bring machinery into action and cause the word "hired" to appear on the face of the taximeter. At no time shall the words "for hire" be visible 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 is not in action and that no fare is recorded on the face of the taximeter.
- (c) When the machinery 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 operator or driver has agreed with the hirer before commencing the hiring.
- (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 are at all times plainly visible to any passenger in the vehicle and the letters and figures shall be capable of being suitably illuminated.
- (f) The taximeter and all fittings shall be so affixed to the vehicle with

seals or other appliances that it shall not be possible for any person to tamper with them except by breaking, damaging or permanently displacing them.

14. Signs, notices, etc.

There shall be displayed on either the front nearside and offside doors of the vehicle a distinctive sign incorporating the licence number, pre-booking information and how customers can make a complaint to the Council. The signs will be supplied by the Council.

Trading name door signs, may be displayed on either the rear nearside and offside doors. The signs will incorporate the telephone number and/or app logo and company trading name with the operator's trading name not to include the words "taxi" or "cab" unless otherwise agreed by the Council.

On a minibus/mpv or a wheelchair accessible vehicle information relating to a 24 hour service and airport travel, e-mail address/fax no, the disabled "wheelchair" logo and suitable informative wording about wheelchair accessible vehicles is allowed on the rear of the vehicle only, unless otherwise agreed by the Council.

No other signs, lights, advertisements or fittings which might indicate that the vehicle is a hire vehicle shall be displayed on or from the vehicle.

15. Change of address

You must inform the Council in writing of any change of address within seven days.

16. Transfer of licence

If you wish to transfer the private hire vehicle licence to another person you must, before such transfer, give notice in writing to the Council within fourteen days specifying the name and address of the person to whom the private hire will be transferred. Both parties shall submit the Council's transfer form. The licence shall be deemed to be revoked if the Council disapproved the transfer of the licence to that person and the vehicle is or has been transferred to him. The Council will only disapprove the transfer of a licence to a person on the grounds that he is not a fit and proper person to hold the licence.

A basic disclosure, no more than one month old will be required for the proposed licence holder or a current enhanced DBS certificate if already a licensed driver.

17. Variation of conditions

The Council may at any time during the period of this licence or upon renewal vary any condition.

BOROUGH OF PENDLE**PRE - LICENSING CONDITIONS FOR HACKNEY CARRIAGE VEHICLE LICENCES**

The applicant(s) or directors of a company must at all times comply with these conditions and Part II of the Local Government (Miscellaneous Provisions) Act 1976.

The Council has a limit of 71 hackney carriages.

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS OF APPLICATION

- Provides a basic DBS disclosure that is no more than one month old for new applicants or the enhanced DBS certificate if already a licensed driver.
- Any applicant, who has lived outside the UK within the last 10 years, provides a Certificate of Conduct, translated into English, from each of the countries that they have lived in within that period.

Satisfy the Council that the vehicle is in a suitable condition, is both safe and comfortable for passengers, and suitable in type, size and design for use as a hackney carriage and that there is in force a policy of insurance covering it for public hire.

The vehicle will be suitable in type, size and design for use as a hackney carriage if it is either a London style hackney carriage, or a saloon or estate car with at least four doors and reasonable accommodation for luggage and capable of seating not less than four nor more than eight passengers. The vehicle must meet the following specifications

From 1st January 2026, new vehicles must be Euro 6 classified, hybrid, electric (EVs) or wheelchair accessible and renewal applications not be more than twelve years old on renewal if not this type of vehicle.

Accident Damage Vehicles - The vehicle may be insurance category S (formerly Cat C) or category N (formerly Cat D), provided the vehicle has been repaired and an MOT test passed. An independent engineer's report will be required for a category S before the vehicle is licensed. Applications from insurance category A or B will be prohibited.

Not be a stretch limousine unless it can be shown to the satisfaction of the Committee by evidence from the manufacturer that the method of construction has not affected the safety of the vehicle.

Be a right hand drive vehicle;

A saloon or estate car of red colour approved by the Council;

Have adequate lighting for the interior of the vehicle and an adequate heating system for the driver and passengers, with means of control by the driver;

Carry a spare wheel or a tyre repair kit;

Have a clear emergency exit; and

There shall be fixed to the roof of the vehicle a sign to the satisfaction of the Council being the words "FOR HIRE" or "TAXI". The sign shall be connected to the taximeter in such a way as to ensure that when the vehicle is standing or plying for hire the sign is illuminated and when the vehicle is hired and the taximeter is in operation the sign is not illuminated and not legible.

The vehicle must be type approved. You will be required to provide the necessary confirmation that the vehicle is approved – a V5 registration document (log book) indicating that the vehicle is M1 type approved (shown in the vehicle category at line J), or in the case of minibuses, that the vehicle was manufactured as an M2 vehicle, which is a minibus with more than 8 passenger seats, and the only modification is the removal of the rearmost seats to reduce the seating capacity. The V5 will show M2 in the Vehicle Category at line J.

Vehicles converted from vans or imported from outside the EU will be required to have passed a VOSA Voluntary Individual Vehicle Approval inspection. The relevant certificate will be required before such a vehicle can be licensed.

WHEELCHAIR ACCESSIBLE VEHICLES

Any vehicle that has been adapted or modified to accommodate disabled passengers shall be re-certified, after adaptation or modification, to meet the European Whole Vehicle (M1 or M2) Type Approval standard, the British National Low Volume Type (M1 or M2) Approval standard or the Voluntary Individual Single Vehicle Approval in respect of all such adaptations or modifications. The relevant certificate will be required before such a vehicle can be licensed.

Access to and egress from the wheelchair must not be obstructed in any manner, at any time, except by wheelchair loading apparatus.

Wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and comply with the M1 or M2 standards as specified in European Directive 76/115 EEC (as amended by 90/629 EEC) and should be secured in such a position as to not obstruct any emergency exit when the equipment is not in use.

A suitable, separate restraint (seat belt) must be available for the occupant of the wheelchair.

Access ramps or lifts must be securely fixed to the vehicle prior to use and be able to support the weight of any wheelchair, occupant and helper.

Ramps and lifts must be securely stored in the vehicle before driving off; such devices shall have a minimum load rating of 300kg.

The vehicle shall be fitted with a locking mechanism, or other device, that holds the wheelchair access door in the open position whilst a wheelchair is being loaded or unloaded.

Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S/I 1998/2307). Any such

equipment must be maintained in efficient working order so as to be available for use at all times.

A sign may be affixed to the outside of the vehicle indicating that it is able to convey passengers in wheelchairs, provided that the vehicle has been manufactured or properly adapted for that purpose.

HACKNEY CARRIAGE LICENCE CONDITIONS

BOROUGH OF PENDLE

The licence holder(s) or directors of a company must at all times comply with these conditions and Part II of the Local Government (Miscellaneous Provisions) Act 1976.

The Council has a limit of 71 hackney carriages.

CONDITIONS OF LICENCE

1. Drivers

You shall not employ as a driver any person who does not have a current driver's licence and a current hackney carriage driver's licence. You shall retain the hackney carriage drivers' licences of all drivers driving your vehicles and produce them to an authorised officer on request.

2. Notification of arrest and release, charge or convictions

You must inform the Council within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope will result in a review as to whether the licence holder(s) or directors are fit to continue to hold a licence.

3. Identification plates and display of licence number

The plates identifying the vehicle as a hackney carriage and required to be exhibited on the vehicle shall be securely fixed to the front and rear exterior of the vehicle.

A plate indicating the number of passengers allowed to be carried, as specified in the Licence, the licence number of the vehicle and the expiry date shall be displayed inside the vehicle so that the information is facing the rear of the vehicle and is clearly visible to any passengers sitting in any of the seats.

There shall be displayed within the vehicle a table of fares and charges for the information of the passengers.

You shall ensure that the identification plates are maintained and kept in such a condition that the information is clearly visible to public view at all times.

4. Licence and return of identification plates

You shall upon expiry, revocation or suspension of this licence immediately return to the Council the identification plates issued when granting the licence.

If an accident to the vehicle makes it unsuitable or unsafe for use as a hackney carriage vehicle you shall immediately return to the Council the identification plates issued when granting the licence.

5. Provision of furnishings

You must ensure that

Sufficient means exist for any person in the vehicle to communicate with the driver during the course of the hiring.

The seats in the passenger compartment are properly cushioned and covered.

The floor in the passenger compartment is provided with a proper carpet, mat or other floor covering.

Facilities for the safe conveyance of luggage is provided and it is protected from inclement weather.

Carry a spare wheel or a tyre repair kit.

6. Use of radio equipment

You shall ensure that any radio equipment fitted in the hackney carriage vehicle is a fixture which is in a safe place and sound condition and maintained in proper working order and that any radio microphone installed in the vehicle shall be fitted in such a position that its use by the driver does not impair his control of the vehicle when it is in motion.

7. Maintenance of the vehicle

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in a safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in the Motor Vehicles (Construction and Use) (Regulations) shall be fully complied with. The vehicle shall comply to the manufacturers specification at all times.

The vehicle will at all times be subject to test and inspection and should it be found that a vehicle is not being properly maintained or that any part or fitting is not in good working order, a notice may be served on you prohibiting the use of the vehicle until the defect has been remedied. A review of the licence holder maybe carried out if the vehicle is not being maintained to a satisfactory standard.

8. Alteration of vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made at any time while the licence is in force without the approval of the Council.

9. Damage to vehicle

Any damage to a hackney carriage, however slight, shall be reported by you to the Council within seventy-two hours of the damage taking place and the Council's accident report form shall be completed in all cases. Until the damage is repaired to the satisfaction of the Council the vehicle shall not be used to ply for hire.

10. Insurance

You shall at the request of any authorised officer produce for inspection the excise licence and certificate of the policy of insurance or security required by Part VI of the Road Traffic Act 1972 and in respect of public hire in respect of the licensed vehicle.

11. Carriage of persons and animals

You shall not permit the hackney carriage to be used to carry more people than the licence allows.

You shall not permit any person under the age of ten years to be conveyed in the front of the vehicle or any persons whatsoever in the front of a London type cab. You shall only allow one person to be conveyed in the front of the vehicle other than a London type cab.

You shall not convey in a hackney carriage any animal belonging to or in the custody of you or the proprietor or operator of the vehicle.

Any animal belonging to or in the custody of any passenger, which at your discretion may be conveyed in the vehicle, shall only be conveyed in the rear of the vehicle.

You must, if requested, carry guide, hearing and other assistance dogs free of charge unless you are in possession of a valid exemption certificate.

12. Taximeter and fare table

You shall ensure that the vehicle has a dual tariff taximeter so constructed, attached and maintained as to comply with the following

- (a) The taximeter shall be set to correspond with the fare table displayed in the vehicle.
- (b) No taximeter shall be used that the Council has not sealed.
- (c) When the taximeter is brought into operation the permitted extras will be shown legibly on the face and shall be not more than permitted by the approved fare table.
- (d) You shall ensure that a copy of the fare table supplied by the Council is exhibited inside the vehicle at all times and that it is not concealed from view or rendered illegible.

13. Roof sign

You shall ensure that the hackney carriage is provided with a roof sign of approved pattern so constructed as to comply with the following requirements

- (a) The sign shall bear the words "FOR HIRE" or "TAXI" in plain letters not less than two inches and not more than four inches in height.
- (b) The sign shall be fixed to the roof in a proper manner and safety wired to the taximeter.

The sign shall be capable of being operated so that it indicates clearly and conveniently to persons outside the vehicle whether or not it is for hire and it shall also be capable of being illuminated.

14. Signs, notices etc.

There shall be displayed on either the front nearside and offside doors of the vehicle, a distinctive sign incorporating the licence number and how a customer can make a complaint to the Council. The signs will be supplied by the Council when first licensed.

Trading name signs, may be displayed on the either nearside and offside doors. The signs, will incorporate the telephone number and/or app logo and company trading name with the operator's trading name.

No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices shall be displayed on, in or from the vehicle except as may be required or allowed in writing by the Council.

15. Change of address

You must inform the Council in writing of any change of address within seven days.

16. Transfer of licence

If you wish to transfer the hackney carriage licence to another person you must, before such transfer, give notice in writing to the Council within fourteen days specifying the name and address of the person to whom the hackney carriage will be transferred. Both parties shall complete the Council's online transfer form. The licence shall be deemed to be revoked if the Council disapproved the transfer of the licence to that person and the vehicle is or has been transferred to him. The Council will only disapprove the transfer of a licence to a person on the grounds that he is not a fit and proper person to hold the licence.

A basic disclosure, no more than one month old will be required for the proposed licence holder or a current enhanced DBS certificate if already a licensed driver.

17. Variation of conditions

The Council may at any time during the period of this licence or upon renewal vary any condition.

Borough of Pendle Hackney Carriage Byelaws

HACKNEY CARRIAGE 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 the Borough of Pendle with respect to hackney carriages in Pendle

Interpretation

1. Throughout these byelaws “the Council” means Pendle Borough Council and “the district” means the district of Pendle.

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

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto
- (b) A proprietor or driver of a hackney carriage shall -
 - (i) not willfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; 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 any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say –

- (a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
- (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there 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 a 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. (i) 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
- (ii) 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. (i) 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.
- (ii) 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 district and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
 - (b) be entitled to receive from any person to whom the property shall be redelivered 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 office of the Council, 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 therefor.

19. Repeal of Byelaws

The byelaws relating to hackney carriages which were made by Pendle Borough Council on the 1st day of December 1976 and which were confirmed by the Secretary of State on the 1st day of December 1976 are hereby repealed.

The bye-laws came into force on 25 January 2010

Licensing of Limousines

Licensing Procedure and Conditions of Licence

Contents

1. Foreword
2. Legal Framework and Background
3. Definition of a Limousine
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1. FOREWORD

This document sets out the Council's framework and requirements for the licensing of limousines.

This document aims to provide a standard consistent framework for the licensing of limousines in the Pendle area.

The Policy was approved and adopted by Pendle Borough Council by the Executive on 12th December 2007

2. LEGAL FRAMEWORK AND BACKGROUND

Private Hire Vehicles are Licensed under the Local Government (Miscellaneous Provisions) Act 1976 which in general terms allows Councils to licence vehicles which are suitable to be used for private hire and which have less than 9 passenger seats. Historically each Council has developed its own set of Private Hire Vehicle Licence conditions, which provide a framework for determining vehicle suitability. For example licence conditions cover issues such as the accessibility of the vehicle, internal condition of the vehicle, luggage space, etc., some Councils also impose an age limit restriction on vehicles.

It has become clear that many Council's Private Hire Licence conditions effectively prohibit the licensing of limousines, issues such as tinted windows, seating capacity and side facing seats have meant that limousines cannot comply with traditional licensing conditions.

It is recognised that in recent years there has been rapid growth in demand for the hire of limousine vehicles. Prior to the introduction of this policy the industry had been

largely unlicensed and unregulated in terms of either drivers or vehicles being licensed.

This document provides a transparent and consistent framework for the Licensing of Limousines within the Pendle area and has been finalised following the publication of the Department of Transport's Taxi and Private Hire Vehicle Licensing – Best Practice Guidance.

3. DEFINITION OF A LIMOUSINE

For the purposes of this policy and licence conditions a stretch limousine is defined as follows:

A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures

- that is capable of carrying up to but not exceeding 8 passengers;
- that prior to the introduction of this policy could not currently be licensed by the Council as a Private Hire Vehicle;
- that is not a decommissioned military or emergency service vehicle

4. PRE- LICENSING REQUIREMENTS AND LICENSING CONDITIONS

	Issue	Licence Condition	Justification
1	Left Hand Drive Vehicles	Permit Left Hand Drive limousines to be considered for PHV licensing.	The majority of stretched limousines are imported from the U.S. and are left hand drive. The Department for Transport has recommended that Councils should not refuse to licence limousines simply because they have characteristics which contravene their existing policy, i.e. left hand drive.
2	Sideways Seating	Permit limousines with sideways facing seating to be considered for PHV licensing.	A main characteristic of stretched limousines is their sideways facing bench seats. In line with the Department for Transport's guidance outlined above, the Council will consider the suitability of limousines with sideways seating for licensing.
3	Signage	The signage on limousines will need to meet local requirements. In Pendle, those requirements are as follows	Signage serves to distinguish PHVs from ordinary saloon cars and to make them clearly identifiable to the public. However, the naturally distinctive appearance of stretched limousines means that they

			are very unlikely to be confused with a private road user's vehicle.
4	Tinted Glass	Permit limousines with heavily tinted glass in the rear offside/nearside windows to be considered for licensing. However, heavily tinted glass in the driver cockpit would remain prohibited in line with legal requirements.	It is recognised that the privacy provided by tinted glass in the passenger compartment is a central characteristic of a limousine. However, glass in the driver cockpit must satisfy the standards within the Road Vehicles (Construction and Use) Regulations 1986 as amended.
5.	Fare Table/ Taximeter	Limousines are not required to display a fare table or contain a taximeter.	Stretched limousines often do not operate under a fare system as journeys are generally pre-paid in advance based on the length of time they are hired for.
6	Roadworthiness	The stretched limousine must hold a valid Single Vehicle Approval (SVA) Certificate.	The SVA test comprises a visual examination of a vehicle and certifies its safety and roadworthiness.
7	Vehicle Age	Stretched limousines to be licensed in accordance with the Council's current PHV age policy.	To ensure that the limousines licensed by the Council are in a good and safe condition.
8.	Insurance	An appropriate insurance policy must be in place which covers use of the vehicle for hire and reward.	The Council has concerns that some limousines may be operating under insurance policies which do not cover use for hire and reward or take into account that the vehicle has been stretched.
9.	Tyres	The limousine must be fitted with tyres that meet both the size and weight specification.	Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times.
10	Vehicle Testing	Licensed limousines must be submitted for testing twice a year to the appropriate Class MOT standard.	To ensure that limousines licensed by the Council are maintained to high standards and remain safe.
11	Maximum Passengers	The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers.	Councils can only licence vehicles with a maximum seating capacity of 8.

		Any seats in the driver's compartment other than the driver's seat shall not be used to carry passengers	This is to ensure that passengers are not carried in the front of the vehicle to improve driver and passenger safety.
		The vehicle must not carry more than 8 passengers at any time. (A babe in arms is classed as a passenger no matter what their age).	This condition will be enforced by Council officers performing spot checks on licensed vehicles and is in line with legislative requirements.
		In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry 8 passengers.	To inform customers of the maximum carrying capacity of the vehicle.
12	Seat Belts	Seatbelts must be fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion. There is no legal requirement for seatbelts on sideways facing seats.	As per construction and use regulations.
13	Alcohol	Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale and supply of alcohol	To comply with alcohol licensing requirements and safeguard public safety.
		Alcohol shall only be served while the vehicle is stationary and afterwards, the bottle shall be placed in a secure receptacle.	
		If the occupants are below the age of 18, there should be no alcohol in the vehicle	

		for consumption or otherwise.	
		Any glassware in the vehicle must be made of either shatterproof glass or plastic.	
14	Entertainment	The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.	To safeguard child passengers from viewing unsuitable material.
		The limousine operator shall ensure that a performing rights licence is held where appropriate.	Many limousines have the capability of playing recorded media for the entertainment of customers and so the operator must ensure the appropriate royalties are paid.
		If the limousine parks to provide some form of entertainment to its passengers, an entertainment licence must be in place in accordance with the Licensing Act 2003.	Entertainment regulated under the Act includes TV, video, video games, loudspeakers, or any other activity provided for the passenger's enjoyment.
15	Council Notices	The proprietor shall when directed by the Council, display and maintain any notices in a conspicuous position.	To convey information to passengers where appropriate.
16	Advertisements	No other signs, notices or any other markings will be displayed on or in the vehicle without the written permission of the Council.	To ensure that any material displayed in the limousine is suitable for public viewing.

5. DRIVER AND OPERATOR LICENSING REQUIREMENTS

In addition to the limousine being licensed as a private hire vehicle with Pendle Borough Council, the limousine operator is required to hold a private hire operators' licence with Pendle Borough Council.

All bookings for a limousine licensed as a private hire vehicle must be booked through the licensed private hire operator.

Once licensed as a private hire vehicle the limousine can only be driven by a licensed private hire driver (this licence must also be issued by Pendle Borough Council).

Details in respect of applications for private hire drivers' licences and Private Hire Operators' Licences can be obtained from the Taxi Licensing Office.

6. RIGHTS OF APPEAL

The Local Government (Miscellaneous Provisions) Act 1976 sections 48 and 77 details an applicant's right of appeal. In general terms where an applicant is aggrieved by the Council's decision to refuse to grant a private hire vehicle licence or by any conditions imposed on a private hire vehicle licence the applicant has a right of appeal to a Magistrates Court within 21 days of the applicant being notified of the Council's decision.

7. VEHICLE TESTING STATIONS

Stretch limousines will normally be required to provide 6 monthly (ie 2 per annum) MOT certificates from a DVSA goods vehicle testing station, or alternatively a local authority DVSA approved class 5 testing station, that has appropriate facilities.

Borough of Pendle

Non-motorised hackney carriages: Horse drawn carriages

The grant of a licence to drive a horse drawn carriage as a hackney carriage shall entitle the holder to drive a hackney carriage of the type specified on the licence (i.e. horse drawn carriage).

It shall not entitle the holder to drive any other type of hackney carriage or private hire vehicle.

A licence to drive a horse drawn carriage as a hackney carriage will last for one year from the date of issue.

A licence to drive a non-motorised hackney carriage will not be granted to a person who is under the age of 18 years of age.

Driver Application procedure:

An application for a non-motorised hackney carriage driver's licence must include the following:

- (a) A completed application form
- (b) Current UK driving licence
- (c) Disclosure and Barring Service (DBS) enhanced check application form
- (d) Medical examination form to current DVLA Group 2 standard
- (f) Passport style colour photograph
- (g) Correct fee for the application
- (h) Pass the *knowledge test
- (i) Submit a suitable qualification demonstrating a knowledge of the most common horse ailments and basic knowledge of the horses general needs/requirements.
- (j) Road Driving Certificate issued by either the British Driving Society or the Heavy Horse Training Committee, passing the driver as capable of handling the horse and carriage under highway conditions.

** with the exception of the knowledge test in relation to local geography, which will be exempted due to the nature of non-motorised operation typically being localised.*

Carriage Application Procedure:

Non-motorised vehicles can only be issued with hackney carriage licences and cannot be licensed for private hire due to the fact that a private hire vehicle is defined as a 'motor vehicle'. Before a non-motorised hackney carriage licence is granted, the authority must be satisfied that the carriage is fit for purpose. In ascertaining whether the carriage is fit, the proprietor will need to produce evidence of the following:

- (a) The roadworthiness of the carriage (via a certificate issued by an inspector approved by the council)
- (b) The serviceability of the ancillary equipment (via a certificate issued by an inspector approved by the council)
- (c) The fitness and appropriateness of the horse to be used (via a certificate issued by a veterinary surgeon approved by the council)
- (d) Horse passport for each horse to be used

- (e) An insurance policy appropriate for public hire and covering third party liability both in respect of physical injury or death in respect of damage to personal belongings. A minimum sum of £2 million is required.

Carriage specification

The basic requirements for a carriage are:

- (a) Must be drawn by one or more horses
- (b) Have two or four wheels
- (c) A compartment for the passengers to be carried in
- (d) Capable of carrying a minimum of two and up to six passengers (dependent upon construction)
- (e) In the opinion of the council appointed Inspector, safe for the use as a hackney carriage on the road.

Conditions Relating to Horse Drawn Carriages

The licence holder(s) or Directors

1. The licence holder(s) or directors of a company must at all times comply with these conditions and Part II of the Local Government (Miscellaneous Provisions) Act 1976.
2. Provide a basic DBS disclosure that is no more than one month old for new applicants or the enhanced DBS certificate if already a licensed driver.
3. Any applicant, who has lived outside the UK within the last 10 years, provides a Certificate of Conduct, translated into English, from each of the countries that they have lived in within that period.
4. You shall not employ as a driver any person who does not have a current driver's licence and a current hackney carriage driver's licence. You shall retain the hackney carriage drivers' licences of all drivers driving your vehicles and produce them to an authorised officer on request.
5. You must inform the Council within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope will result in a review as to whether the licence holder(s) or directors are fit to continue to hold a licence.

The Carriage - External Construction and Markings

6. The carriage shall be purpose built and suitable for the carriage of passengers.
7. The carriage and tack shall be inspected and approved as appropriate for use as a hackney carriage prior to licensing and then at six monthly intervals by an examiner approved by the Council.
8. Licensed carriages including all its fittings and equipment must at all times be maintained in a good condition and be kept clean and tidy. This includes the following examples which are for reference only and does not constitute a definitive list of matters that may be considered to evaluate whether a carriage

is in a good condition:

- body shell/paintwork - free from rust, broken metal and other visible damage
- door hinges - shall be in good working order and to be seated correctly when closed
- the carriage/horse must be fitted with such equipment as to be able to collect and retain horse manure, water and feed for the animal all tack and fixtures must be kept in good order and be available for inspection by Authorised Officers

9. The carriage will at all times be subject to test and inspection and should it be found that a vehicle is not being properly maintained or that any part or fitting is not in good working order, a notice may be served on you prohibiting the use of the carriage until the defect has been remedied. A review of the licence holder maybe carried out if the carriage is not being maintained to a satisfactory standard.

The Carriage - Internal Construction and Markings

10. The carriage shall meet the following minimum measurements:-

- seats (length) - the shortest distance between the front and back of a seat (i.e. from the back rest to the front edge) must not be less than 450mm
- in the case of rear facing seats, the distance between the backs of facing seats shall not be less than 1520mm. In all other cases the distance between the back rest of the seat and any facing obstruction must not be less than 760mm
- seats (width) - The shortest distance between the edges of a seat shall be no less than 400 mm. Where the rear passenger seating area is divided into individual seats by way of formed cushions or other similar divide and, in the opinion of an Authorised Officer , affect the comfort of a passenger, the above measurement shall be ascertained by measuring the distance between seatbelt anchorages (if applicable)
- floor and seat coverings shall be kept in good condition and be free of holes, stains or other damage at all times
- a safe means of access and egress from the vehicle (e.g. a step and secure hand holds) shall be provided
- blankets shall be provided for the comfort of passengers

The Carriage - Additional Conditions

11. A hackney carriage licence applies solely to the carriage specified on the licence and will be valid for a period of one year.
12. Each carriage shall be fitted with a tag, mark or similar device carrying a unique identification number.

13. The licensed carriage shall display a rear licence plate as instructed by the Council.
14. You shall not permit the hackney carriage to be used to carry more people than the licence allows.
15. You must, if requested, carry guide, hearing and other assistance dogs free of charge unless you are in possession of a valid exemption certificate.
16. The licence and associated plate shall remain the property of the Council at all times.
17. You shall upon expiry, revocation or suspension of this licence immediately return to the Council the identification plate issued when granting the licence.
18. Any damage to a hackney carriage, however slight, shall be reported by you to the Council within seventy-two hours of the damage taking place and the Council's accident report form shall be completed in all cases. Until the damage is repaired to the satisfaction of the Council the carriage shall not be used to ply for hire.
19. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made at any time while the licence is in force without the approval of the Council.
20. The proprietor of a licensed carriage shall: produce the licensed carriage for inspection at the request of any Authorised Officer or Police constable comply with any reasonable request made by an Authorised Officer or Police constable in respect of that the carriage must have a valid Policy of insurance in respect of use as a hackney carriage; third party risks and a minimum of £2 million public liability insurance.

The Horse

21. The horse(s) must be a minimum of three years old.
22. A Veterinary Certificate signed by a Veterinary Surgeon approved by the Council stating that each horse is fit to carry out the work required of it, shall be submitted to the Council as part of the application process.
23. Horses must be appropriately shod at all times.
24. If a horse is considered to be lame, or in any other way unwell so as to affect the ability of the horse to carry out the function, it shall be removed from service immediately.
25. Horses must be provided with regular access to drinking water and food.
26. The horse(s), and its associated tack, must be examined and passed as fit for the task involved, by a Council appointed qualified veterinary surgeon who

may also advise the authority on the maximum number of hours that a horse may work.

27. The Local Authority shall require the horse(s) to be examined by a Council appointed qualified veterinary surgeon on an annual basis, at time of renewal of the licence and at the licence holder's expense.
28. Certified horses should be easily identified by means of microchip or permanent marking.
29. The horse(s) must have a current passport.
30. The horse(s) should be stabled in appropriate accommodation with access for inspection at all reasonable times.
31. Any horse used in any one day as a horse drawn carriage horse shall not be used during that day for any other purpose.
32. No horse(s) shall be used for drawing a carriage during the hours of darkness.
33. Sufficient horses must be provided to draw the licensed carriage for the period of intended use.

The Driver

34. The driver of the carriage must be a licensed hackney carriage driver and produce the following additional certificate before driving the carriage:
 - Road Driving Certificate issued by either the British Driving Society or the Heavy Horse Training Committee, passing the driver as capable of handling the horse and carriage under highway conditions.

Fares

35. Fares shall not be varied without prior approval of the Council
36. A table of authorised maximum fares shall be displayed in each carriage so that it is easily visible to the hire

VEHICLE STANDARDS FOR PRIVATE HIRE**AND HACKNEY CARRIAGE VEHICLES****GENERAL**

Pendle Borough Council requires Hackney Carriages and Private Hire Vehicles which are licensed for the use of fare paying passengers to maintain a high standard of presentation.

UNIFORM COLOUR

The paintwork should be uniform in colour over the whole of the vehicle. Where repairs have been carried out best practice body shop techniques should be followed to ensure that the best colour match possible is obtained using recognised automotive re-finishing products.

GLOSS FINISH

Paintwork should have a gloss finish over the whole of the vehicle. Where the paintwork has begun to fade due to age and the effects of ultra violet degradation over large areas of the vehicle and where it cannot be returned to an acceptable level of gloss by the use of cutting compounds re-finishing may be required.

POOR WORKMANSHIP

Repairs should be carried out to a very high standard. Defects which result from poor preparation or poor application of the paint finish are likely to result in the vehicle NOT reaching the required standard. Such defects including runs, orange peel, fish eyes, dust in the paint, orbital sander marks, poor paint coverage, overspray etc should not be evident when the vehicle is viewed in normal light conditions.

SMALL DENTS

Small dents will not cause the vehicle to fail the test unless the paint film has been broken and rusting is evident. Large dents on the vehicle will result in a fail. No more than 5 minor dents and scratches should be visible on the vehicle.

RUST

A single rust spot or no more than 3 rust spots will not cause the vehicle to fail the test, any vehicle which has more than 3 rust spots on the testing vehicle will result in the vehicle failing its test, any sign of poor workmanship after the repairs have been carried out will result in a fail.

FLAKING

Small areas of flaking paint or lacquer will not cause the vehicle to fail the test. Large areas of flaking on any panel of the vehicle will result in a fail.

PANELS

A panel is the roof, front wing, rear wing, front door (including A pillar), rear door (including B pillar), boot or tailgate, sill, front panel (including bumper), rear panel (including bumper).

REPLACEMENT PANELS

Vehicles which have been damaged and had replacement panels fitted are acceptable as Hackney Carriages and Private Hire Vehicles provided that the repairs have been carried out to a high standard.

ALIGNMENT

Replacement panels should be correctly aligned. They should be level with all adjacent panels and the gaps between panels should be uniform and similar to those between original panels.

TRIMS

All trims should be present, correctly aligned.

WING MIRRORS, WHEEL TRIMS ETC.

All side mirrors including wing mirror covers need to be fixed on the testing vehicle, cracked or broken mirrors, missing wheel trims, missing windscreen wipers will result in the testing vehicle failing.

SCUFFING

Minor scuffing etc of the protective trim will not result in the vehicle failing its test. Large areas of scuffing on the bumper or any trims will result in the vehicle failing its test.

MAJOR ACCIDENT DAMAGE

Vehicles which have been involved in serious accidents may be used as Hackney Carriage Vehicles or Private Hire Vehicles provided they have been professionally repaired. Poor workmanship will result in the vehicle failing the test.

INTERIOR

A vehicle which is in a dirty condition with an accumulation of dust, litter, stains on carpets and seats will result in a fail. All seats, seat coverings, upholstery must be clean and in good condition and state of repair. Any seats and coverings which are torn will result in a fail. Minor holes are acceptable. Inadequately secured rear seat bases and headrests will result in a fail. Any loose wiring in the vehicle which could cause accidents or injury to a passenger need to be securely fixed.

ASSESSMENT

Where a vehicle tester detects evidence that the vehicle has been involved in an accident which may have caused damage to the structural integrity of the vehicle of the vehicle or may have caused safety critical components to become misaligned,

the proprietor must prove to the satisfaction of the Taxi Licensing Section that repairs have been carried out to an acceptable standard.

CODE OF PRACTICE ON REDUCING NOISE

This Code applies to drivers and operators.

As a driver

(1) You shall make every effort not to make any unnecessary noise when collecting or dropping-off passengers.

(2) You shall not sound your car horn to attract the attention of a passenger to your arrival.

Section 92 Highway Code states that a car horn should be used “only while your vehicle is moving and you need to warn others of your presence. Never sound your horn aggressively. You MUST NOT use your horn

- **While stationary on the road**
- **When driving in a built up area between the hours of 11.30pm and 7.00am except when another vehicle poses a danger.”**

(3) You shall not unnecessarily raise your voice.

(4) You shall not slam car doors.

(5) You shall approach, stop and leave your destination at an appropriate speed, without breaking sharply or over-revving your engine.

(6) You shall not leave your engine idling unnecessarily

(7) Any sound from CD players, tapes or radios shall not be audible outside the vehicle even when the windows and doors of the vehicle are open.

As an operator

(1) You shall ensure that all your drivers comply with this Code.

(2) You shall have in force a disciplinary procedure with appropriate sanctions for any driver who fails to comply with this Code.

Enforcement

(1) Allegations of unnecessary noise will be fully investigated by the taxi enforcement officer.

(2) Full details of any allegation of unnecessary noise caused by a driver shall be sent to the driver and the operator.

(3) The driver and operator may make representation on the allegation within 10 days of receiving details of the allegation.

- (4) Once the taxi enforcement officer has completed his inquiries he and the taxi licensing officer shall, after taking into account any representation by the driver or operator, determine whether the allegation has been proved.
- (5) The onus of proof will be on the person making the allegation. If there is any doubt the allegation will be dismissed.
- (6) The driver and the operator will be notified of the decision in writing.
- (7) If the allegation is proved the driver will receive four penalty points.
- (8) If the allegation is proved the operator will be given 28 days to take disciplinary action against the driver. If the operator fails to take effective disciplinary action, the operator will receive 4 penalty points.
- (9) If a driver commits two offences against this Code the operator will receive 4 penalty points.

Appeal

- (10) Any driver or operator may appeal against a decision to the Legal Services Manager whose decision shall be final.

INTENDED USE POLICY FOR THE LICENSING OF HACKNEY CARRIAGES

All applications for the grant, renewal, transfer, or new vehicle that are considered not to comply with this policy will be referred to the Taxi Licensing Committee for decision.

1. Applications for the New Grant of a Hackney Carriage Licence

- 1.1 Applicants for new hackney carriage vehicle proprietor licences shall be expected to demonstrate a bona fide intention to ply for hire within the local authority area of Pendle under the terms of the licence for which application is being made.
- 1.2 There will be a presumption that applicants who do not intend to a material extent to ply for hire within the local authority area of Pendle will not be granted a hackney carriage vehicle proprietor's licence authorising them to do so. Each application will continue to be decided on its merits.
- 1.3 Even where the applicant intends to ply for hire to a material extent in the Pendle local authority area, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

2. Applications for the Renewal of a Hackney Carriage Licence

- 2.1 Applicants for the renewal of licences will be required to inform the Authority whether they have a bona fide intention to ply for hire within the Pendle local authority area under the terms of the licence for which application is being made.
- 2.2 There will be a presumption that applicants who do not intend to a material extent to ply for hire within Pendle will not be granted a hackney carriage vehicle proprietor's licence authorising them to do so. Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act") gives the authority a broad discretion to refuse to renew a licence for any reasonable cause. Each application will be decided on its merits.
- 2.3 Even where the applicant intends to ply for hire to a material extent in the Pendle local authority area, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

3. Transfer of Ownership of Hackney Carriage

- 3.1 The transferee of a licensed hackney carriage shall be asked to inform the Authority whether they have a bona fide intention to ply for hire within the Pendle local authority area. Transferees should note the obligation under Section 73 the 1976 Act to give to an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation.
- 3.2 Transferees of existing licences shall be expected to have a bona fide intention to ply for hire with the Pendle local authority area under the terms of the licence in respect of the vehicle being transferred.
- 3.3 Where the transferee of a licensed hackney carriage is found to have no intention to ply for hire to a material extent within the Pendle local authority area and/or intends to trade in another local authority area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence. Where the transferee proposes to operate remotely from Pendle there will be a presumption that his licence will be revoked. Each case will be decided on its merits.

4. Change of Vehicle – When a Proprietor Replaces a Licensed Vehicle

- 4.1 Applicants seeking the grant of a hackney carriage vehicle proprietor's licence for a vehicle intended to replace another licensed vehicle shall be asked to inform the authority of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire to a material extent within Pendle will not have the new licence granted. Even where the applicant intends to ply for hire to a material extent in Pendle, if the intention is to trade in another local authority area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.

5. Revocation of Licence

- 5.1 Where a licence has been granted under the terms that the applicant intends to ply for hire to a material extent within Pendle but is subsequently found not to be plying for hire to a material extent in Pendle and/or to be trading in another local authority area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) there will be a presumption that the licence will be reviewed by the Authority which could lead to the revocation of that licence.

6. Exceptional Circumstances

- 6.1 Each application will be decided on its merits. However, the presumptions that intended use is to ply for hire to a material extent within Pendle will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances exist will be expected to be able to satisfy the Authority that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if it were not suspended or revoked as the case may be.

7. Reasons for Policy

- 7.1 The Authority wishes to ensure that applications for the grant of hackney carriage vehicle proprietor licences are determined in accordance with the guidance given by the High Court in its judgement and the Declaration made in the case of *Newcastle City Council v Berwick upon Tweed* (2008).
- 7.2 The Authority is required to register the name of the new proprietor of a hackney carriage vehicle. Section 3 of this policy is intended to put the Authority in a position to respond responsibly to the transfer of a Pendle hackney carriage into the name of someone who operates outside Pendle or remotely from it.
- 7.3 Unless there has been a change in the vehicle proprietor's intentions with regard to plying for hire within Pendle, there should be no reason why he should not be granted a licence for a replacement vehicle. On the other hand, an applicant who obtained his first licence on the expressed intention of plying for hire to a material extent within Pendle and who on application to replace that vehicle with another discloses that he no longer so intends, effectively engages the presumption against grant that is mentioned earlier.

GUIDELINES TO DETERMINE APPLICATIONS WITH CONVICTIONS

GENERAL GUIDANCE

1. This guidance will be used by us when considering new applications, the renewal of existing licences and whether existing licences should be suspended or revoked.
2. The Council will carry out a criminal record check on anyone who applies for a licence by an Enhanced DBS check. This check will be repeated every six months.
3. If you have a criminal record it does not necessarily mean that you will not get a licence. However if you have a conviction, warning, caution or a charge awaiting trial, we will make our decision in accordance with this guidance. Conviction includes a fixed penalty offence and points endorsed on your driving licence.
4. A person will need to have remained free of conviction, caution or warning for at least the period of time shown in the guidance against the offence concerned.
5. For the purposes of these Guidelines, formal cautions and endorsable fixed penalties shall be treated as though they were convictions.
6. By “remained free of conviction, caution or warning” we mean that we will start counting the time from the end of the caution, warning or from the end of the sentence or penalty as appropriate – not from the date you were convicted or when the offence occurred. One example would be, if you have been banned from driving we will count the time from when the ban ended.
7. We will take into account the nature and seriousness of the conviction, the number of convictions, when it was committed, the age of the applicant and all other relevant factors. Each case will be decided on its own merits.
8. We will not review the merits of a conviction.
9. If you have a conviction you may be asked to appear before us to explain why you should get a licence. It is essential that you do attend if you are asked to. We may consider your application in your absence if you fail to attend without having a good reason.
10. We will listen to everything you say and we will take it all into account. We will take most account of what you say about your criminal record and your character. We will take less account of your financial circumstances or your inability to get any other job. It will help you if you can tell us that, apart from being free of conviction, there are other grounds that make you fit and proper person to hold a licence.
11. We will take spent offences into account if they are relevant to whether you are a fit and proper person to hold a licence.

12. The safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee will be made on the balance of probability. This means that an applicant or licensee will not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', you should not hold a licence.
13. In the interests of public safety, a licence will not be issued to any individual that appears on the barred list for working with children or vulnerable adults.

If there are exceptional circumstances which means that, based on the balance of probabilities you are considered 'fit and proper' reasons for this decision will be recorded.

14. The offences listed in the guidelines are not a complete list and all convictions will be taken into account so far as they are relevant and relate to whether you are a fit and proper person to hold a license.
15. We will follow and apply these guidelines. We will only depart from them if we are satisfied there are compelling reasons to do so.
16. If we think there are compelling grounds to do so we may
 - (i) issue the licence but with a warning to improve;
 - (ii) suspend a licence for up to six months;
 - (iii) ask you to attend a driver improvement or other appropriate course.

CONVICTIONS

Crimes resulting in death

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.

Exploitation

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 abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, 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.

Possession of a weapon

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 seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. 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.

Dishonesty

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

Drugs

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

Discrimination

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

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

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 seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

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 five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

PRIVATE HIRE DRIVER LICENCE CONDITIONS

You must at all times comply with the provisions of Part 11 of the Local Government (Miscellaneous Provisions) Act 1976.

PRIVATE HIRE DRIVER CONDITIONS OF APPLICATION

Before a driver's licence is granted the applicant must:-

1. Complete and submit to the Council an application in the form prescribed by the Council along with all stated documents and licence fee.
2. Satisfy the Council that you are a fit and proper person to hold a licence.

CONDITIONS OF LICENCE

3. Licence and change of address

You must not assign or in any way part with the licence which is issued to you only.

You must notify the Council in writing of any change of address within seven days.

4. Notification of arrest and release, charge or convictions

You must inform the Council within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope will result in a review as to whether the licence holder is fit to continue to hold a licence.

5. Disclosure and Barring Service (DBS)

The Council expects drivers to sign up to the DBS updating service and consent to the Licensing Authority checking with the DBS on a six month basis, as to whether there has been any change to their status since the last disclosure certificate was issued. Failure to subscribe to the update service will result in a driver's licence being suspended or not renewed until such time as a new DBS disclosure certificate has been submitted.

6. Prohibition of plying for hire

The driver shall not while driving or in charge of a private hire vehicle:-

- (a) tout or solicit on a road or other public place any person to hire or to be carried for hire in any private hire vehicle; or
- (b) accept an offer for the immediate hire of that vehicle while the driver of that vehicle is on a road or other public place except where such offer is first communicated to the licensed operator by telephone or by radio apparatus fitted to that vehicle.

7. Driving of vehicle

The driver shall not permit any other person to drive a vehicle for hire except with the consent of the vehicle operator.

8. Carriage of passengers

- (a) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (b) The driver shall not allow there to be conveyed in the front of a private hire vehicle:
 - (i) any child below the age of ten years; or
 - (ii) more than one person above that age
- (c) The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

9. Carriage of animals

You shall not convey in a private hire vehicle any animal belonging to or in the custody of you or the proprietor or operator of the vehicle.

Any animal belonging to or in the custody of any passenger, which at your discretion may be conveyed in the vehicle, shall only be conveyed in the rear of the vehicle.

You must, if requested, carry guide, hearing and other assistance dogs free of charge unless you are in possession of a valid exemption certificate.

10. Behaviour of driver

You shall be clean and respectable in your dress and behave in a civil and orderly manner.

You shall take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by you.

You shall help your passengers with their luggage.

You shall not, without the express consent of the hirer, drink or eat in the vehicle.

You shall not smoke or allow any passenger to smoke in the vehicle.

You shall not, without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.

You shall at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person either inside or outside the vehicle.

11. Punctual attendance

You shall punctually attend at the appointed time and place, unless delayed or prevented by sufficient cause.

12. Route

You shall when hired drive to any particular destination, subject to any direction given by the hirer, by the shortest practicable route.

13. Lost property

You shall immediately after the hiring carefully search the vehicle for any property which may have been accidentally left there.

14. Badge

You shall at all times when driving a private hire vehicle wear or place in a prominent position within the vehicle the driver's badge issued to you by the Council.

15. Return of badge

You shall upon expiry, revocation or suspension of the licence immediately return to the Council the driver's badge issued to you.

16. Maintenance of Vehicle

The vehicle will at all times be subject to test and inspection and should it be found that a vehicle is not being properly maintained or that any part or fitting is not in good working order, a notice may be served on the vehicle owner prohibiting the use of the vehicle until the defect has been remedied. A review of the driver's licence holder maybe carried out if the vehicle is not being maintained to a satisfactory standard.

17. Vehicle identification plate

You shall not conceal from public view either the exterior or interior identification plates displaying the private hire vehicle licence number.

18. Taximeter

You shall not wilfully or negligently cause any fare recorded on the taximeter to be concealed from public view while the vehicle is being used for the purpose of public hire.

19. Tampering with taximeter

You shall not tamper or permit any other person to tamper with the taximeter or its fittings, connections or seals after it has been fitted to the vehicle and sealed by an authorised officer.

20. Amount of fare

You shall not demand a fare in excess of any previously agreed.

21. Receipt for fare

You shall, if requested by the hirer, provide him/her with a written receipt for the fare paid.

22. Availability of licence conditions

You shall at all times when driving a private hire vehicle carry with you a copy of these conditions and the byelaws and shall make them available for inspection by the hirer or any passenger on request.

23. Health

You shall inform the Council without delay about the onset or worsening of any health condition likely to cause you to be a source of danger to the public either now or in the future. Temporary conditions, other than recurrent ones, not expected to last more than three months need not be reported. If you are in any doubt about whether or not your health condition is one which should be reported you should consult your doctor.

24. Suspension or revocation of licence

The Council may at any time suspend, for such period as it thinks fit, or revoke this licence if you are in breach of any of the conditions, taxi licensing policy, byelaws or if you are convicted of any offence which, in the opinion of the Council, renders you no longer a fit and proper person to hold the licence.

25. Production of driving licence

You shall, within forty-eight hours of receiving written notice requiring you to do so, produce to the Council your current Department of Transport driving licence for inspection.

26. Variation of conditions

The Council may at any time during the period of this licence or upon renewal vary any condition.

Equality Act 2010 Taxi and Private Hire Medical Exemption Policy

1. Introduction

- 1.1 This policy applies to all drivers who possess a current hackney carriage, private hire or dual hackney carriage/private hire drivers Licence issued by Pendle Borough Council.
- 1.2 The policy applies where a licensed driver wishes to be exempt from the requirements placed upon them under the Equality Act 2010 with respect to the carriage of passengers in wheelchairs and/or assistance dogs.
- 1.3 The policy is to be read in conjunction with the Council's general requirements regards driver medicals. All drivers **MUST** meet DVLA group 2 medical standards and should be aware of this requirement before making an application to be exempt from their duties under the Equality Act 2010.

2. Equality Act 2010 – Relevant Sections

- 2.1 Section 165 places certain duties on drivers of designated wheelchair accessible hackney carriages and private hire vehicles. Those duties include:
 - To carry the passenger whilst in the wheelchair.
 - Not to make any charge for doing so.
 - Should the passenger choose to sit in a passenger seat, to carry their wheelchair:
 - To take such necessary steps to ensure that the passenger is carried in safety and reasonable comfort.
 - To give the passenger such mobility assistance as is reasonably required.
- 2.2 Sections 168 & 170 place the following duties on drivers of hackney carriage and private hire drivers:
 - To carry the passenger's (guide, hearing or assistance) dog
 - Allowing the dog to remain with the passenger
 - Not to make any additional charge for doing so.
- 2.3 Section 168 applies to all hackney carriage drivers or dual hackney carriage drivers (acting in the capacity of a hackney carriage driver)
- 2.4 Section 170 applies to all private hire drivers or dual private hire drivers (acting in the capacity of a private hire vehicle driver)
- 2.5 Section 166 of the Act allows The Council to exempt drivers from the duties under section 165 where it is appropriate to do so, on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply.
- 2.6 Section 169 of the Act allows The Council to exempt hackney carriage drivers from the duties under Section 168 if satisfied that it is appropriate to do so, on medical grounds or because of the physical characteristics of the taxi which the person drives or those of any kind of taxi in relation to which the person requires the certificate.
- 2.7 Section 171 of the Act allows The Council to exempt private hire vehicle drivers from the duties under Section 170 if satisfied that it is appropriate to do

so, on medical grounds or because of the physical characteristics of the private hire vehicle which the person drives or those of any kind of private hire vehicle in relation to which the person requires the certificate.

3. Equality Act 2010 - Offences

- 3.1 Under Section 165 of the Act, it is an offence for a driver of a designated wheelchair accessible hackney carriage or private hire vehicle to refuse to carry a passenger in a wheelchair in the circumstances defined in paragraph 2.1 of this document.
- 3.2 Under Section 168 of the Act, It is an offence for the driver of a hackney carriage that has been hired by or for a disabled person who is accompanied by an assistance dog (or by another person who wishes to be accompanied by a disabled person with an assistance dog) to fail to carry the disabled person's dog and allow it to remain with that person or to make any additional charge for doing so, unless an exemption certificate has been issued by the Council and that certificate is displayed within the vehicle.
- 3.3 Under Section 170 of the Act, It is an offence for the operator of a private hire vehicle to fail or refuse to accept a booking for the vehicle if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog. The operator also commits an offence if they make an additional charge for carrying an assistance dog which is accompanying a disabled person.
- 3.4 Under Section 170, it is an offence for the driver of a private hire vehicle to fail or refuse to carry out a booking accepted by the operator of the vehicle if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog, unless an exemption certificate from the requirement to carry assistance dogs has been issued by the Council and that certificate is displayed within the vehicle.

4. Exemptions from the requirements

- 4.1 In some circumstances a driver of a hackney carriage or private hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, short or long term.
- 4.2 Section 166 allows the Council to grant an exemption to drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so, on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.
- 4.3 Sections 169 & 171 allows the Council to grant exemption to drivers from the duties to transport assistance dogs if they are satisfied that it is appropriate to do so, on medical grounds.

5. Obtaining an exemption

- 5.1 For those drivers considering applying for an Exemptions under Sections 169 & 171 from the duties to transport assistance dogs, the licensed driver must

obtain a medical letter or report from their own G.P explaining what duties the driver:

- Cannot undertake
- Why the duties cannot be undertaken
- For how long the duties cannot be undertaken for

Guide dogs and other assistance dogs should not be refused on religious grounds.

- 5.2 For those drivers considering applying for an Exemption under Section 165 (carriage of passengers in wheelchairs) you may wish to first determine whether the vehicle you drive (or may drive in the future) has been designated as wheelchair accessible?
- 5.3 To check which vehicles have been designated as wheelchair accessible go to www.pendle.gov.uk.
- 5.4 If the vehicle you drive is not designated as wheelchair accessible then you do not need to apply for an exemption under Section 165. You can however choose to apply for an exemption regardless of whether the vehicle you drive or may drive in the future is going to be designated as wheelchair accessible.
- 5.5 The licensed driver must obtain a medical letter or report from their own G.P. explaining to the Council what duties the driver:
 - Cannot undertake
 - Why the duties cannot be undertaken
 - For how long the duties cannot be undertaken for.
- 5.6 If the driver's G.P. states that the driver is unfit to carry passengers in wheelchairs for a specified period of time (up to a maximum of six months), an 'Exemption Notice' will be issued with an expiry date in line with the information provided on the G.P's letter or report. If the applicant's G.P does not specify a period of time then the authority will reject the application.
- 5.7 If the period of time is long-term for the driver to carry passengers in wheelchairs the applicant may be required to be assessed by the Council's approved medical assessor with the cost to be paid by the applicant.
- 5.8 If the exemption application is successful then an exemption certificate and an exemption notice will be issued for the driver to display in their vehicle.
- 5.9 Upon the expiry of the 'Exemption Notice', the Council will deem drivers fit to undertake all duties and the 'Exemption Notice' must be returned to the Taxi Licensing Office within 7 days.
- 5.10 If the 'Exemption Notice' is not returned to the Taxi Licensing Office, within the specified period, the driver's licence could be suspended until such time as the Notice is returned.
- 5.11 If the driver expects that the 'Exemption Notice' to be extended beyond the period of six months, then prior to the expiry date of the notice the driver will need to contact the Taxi Licensing Office to discuss the next steps and timescales. The driver is strongly advised to make contact at the earliest

opportunity; it will not be possible to extend the 'Exemption Notice' outside of this process.

6. Dispute resolution

- 6.1 If a driver disagrees with the refusal of a medical exemption they are able to appeal the decision to the Magistrates' court. The driver has 28 days from the date of refusal to appeal.

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

BOROUGH OF PENDLE

The applicant(s) or directors of a company must at all times comply with these conditions and Part II of the Local Government (Miscellaneous Provisions) Act 1976.

CONDITIONS OF APPLICATION

Before an application is considered you must:

1. Complete the Council's application form,
2. Satisfy the Council that you are a fit and proper person to hold such a licence and carry on the business of operating a private hire business,
3. Pay the licence fee, and
4. Satisfy the Council that it is your intention to operate only vehicles licensed by the Council.

CONDITIONS OF LICENCE

1. Vehicle and drivers' licences

The operator must not operate any vehicle as a private hire vehicle unless that vehicle has a private hire vehicle licence issued by the council, which is in force.

The driver of any private hire vehicle must hold a current private hire driving licence issued by the Council.

2. Number of passengers

The Operator shall not knowingly convey or permit to be conveyed in a vehicle more people than the licence allows.

3. Standard of service

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

- (a) Ensure that when a private hire vehicle has been hired for a particular time and place, the vehicle shall, unless delayed or prevented by the sufficient cause, punctually attend at the appointed time and place,
- (b) Any private hire vehicle or hackney carriage provided by the operator will at all times be subject to test and inspection and should it be found that vehicles are not being properly maintained or that any part or fitting is not in good working order may result in a review of the private hire operator's licence.

- (c) Keep clean, adequately heated, ventilated and lit, any premises which the public have access, whether for booking or waiting,
- (d) Ensure that any waiting area has adequate seating,
- (e) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

4. Operator's premises

The Operator must obtain the necessary planning permission required for the premises and shall comply with any conditions attached.

The Operator must not operate any vehicle under this licence from an address other than that shown on his application form and licence without the prior approval in writing of the Council.

The Operator must not operate any vehicle from any premises unless planning permission is in force for those premises to be used for the purpose of operating private hire vehicles and no vehicle shall be operated otherwise than in accordance with planning permission.

5. Operator's trading name

The Operator must obtain the Council's permission to use additional trading names, other than those shown on the private hire operator's licence by submitting a new application to vary the licence.

6. Display of licence

Where the Operator occupies premises to which the public have access whether for booking or waiting the licence and conditions (or a legible photocopy) must be displayed in such a position to be readily visible.

7. Fare

When the operator accepts a hiring he must specify to the hirer the fare or the rate of fare for the journey and shall immediately enter all the details of the hiring legibly in ink in the manner prescribed in Condition 8.

8. Record Keeping

Private hire operators are required to keep comprehensive records of all booking and journeys undertaken.

The Operator must record the following information for each booking

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number
- the vehicle registration number of the vehicle
- the name of any individual that responded to the booking

- the name of any individual that dispatched the vehicle
- the charge made;

The Operator must keep records of the particulars of all private hire driver's and vehicles operated by him namely the owners, registration numbers, private hire vehicle licence numbers, drivers' call signs used.

All records kept by the Operator must be kept at his place of business for a period of not less than six months following the date of the last entry and shall be produced to any authorised officer.

9. Receipt for fare

The Operator must require the driver of the private hire vehicle to produce a written receipt, for the fare paid to any passenger if so requested.

10. Signs

The Operator must not cause or permit to be displayed in, on or from any vehicle or the premises or to be published in relation to the business any sign, notice or advertisement which consists of or includes the words "taxi" or "cab" without consent from the Council.

11. Change of address

The Operator must notify the Council of any change of home or business address within seven days by submitting a new application to vary the licence.

12. Insurance

(a) Vehicles

The Operator must ensure that ALL vehicles, including those of which he is not the owner or proprietor, are at all times when in use as a private hire vehicle under his operation properly insured for commercial private hire in addition to such insurance as may be required by the Road Traffic Acts.

(b) Premises

Where the Operator occupies premises to which the public have access, whether for the purpose of booking or waiting, he must insure against occupiers and public liability in a sum not less than £250,000.

13. Notification of Arrest and Release, Charge or Convictions

You must inform the Council within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope will result in a review as to whether the licence holder(s) or directors are fit to continue to hold a licence.

14. Booking and Dispatch Staff

The operator will keep and provide to an authorised officer of the Council when requested:

- i. A register of all booking and dispatch staff
- ii. A policy on employing ex-offenders
- iii. Evidence that they have had sight to a Basic DBS check on all individuals listed in their register and is compatible with their policy on employing ex-offenders
- iv. Evidence that the vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.

15. Outsourcing of Bookings

Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

16. Policy of Employing Ex-Offenders

Operators or applicants for a licence are required to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operator's licence, those with a conviction or offences provided in the annex to this document, other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

17. Suspension or revocation of licence

The Council may at any time suspend, for such period as it thinks fit, or revoke the licence if the Operator is in breach of any of the conditions or is convicted of any offence which in the opinion of the Council renders him no longer a fit and proper person to hold the licence.

18. Return of licence to the Council

In the event of the Operator being given written notice that the licence has been suspended or revoked he must immediately return the licence to the Council.

19. Variation of conditions

The Council may at any time during the period of the licence or upon renewal vary any condition.

BOROUGH OF PENDLE - PENALTY POINT SCHEME

Offence/Breach	Maximum No of Penalty Points
Offences under the Local Government (Miscellaneous Provisions) Act 1976	
Proprietor of any vehicle, not being a hackney carriage in respect of which a vehicle licence is in force, shall use or permit the same to be used in a controlled district as a private hire vehicle without having a vehicle licence under Section 48	15
Act as a driver of any private hire vehicle without having a current licence under section 51 (Section 46).	15
Proprietor of a private hire vehicle licensed under this act employing a driver who does not have a current licence under section 51 (Section 46).	15
Operating in a controlled district a vehicle as a private hire vehicle without having a current licence under section 55 (Section 46)	15
Operator licensed under Section 55 operate a vehicle as a private hire vehicle if the vehicle (Section 48) or driver (Section 51) without a current licence (Section 46).	15
Permitting a Private Hire Vehicle to be used without a plate or disc displayed on that vehicle in accordance with the Council's Conditions (Section 48).	10
Failing to inform the Council of transfer of interest in Hackney Carriage or Private Hire Vehicle Licence within 14 days (Section 49).	10
Failing to present Hackney Carriage or Private Hire Vehicle for inspection and testing (Section 50)	15
Failing to state in writing the address of every place where such Hackney Carriage or Private Hire Vehicle is kept when not in use when requested to do so and failing to provide such facilities as may be reasonably necessary to enable them to cause such Private Hire Vehicle to be inspected and tested there (Section 50).	10
Failing to report to the Council within 72 hours of the occurrence thereof, any accident to a Hackney Carriage or Private Hire Vehicle causing damage materially affecting the safety, performance or appearance of the Private Hire Vehicle or the comfort or convenience of persons carried therein (Section 50).	10
Failing to have or to provide the policy of insurance in respect of Hackney Carriage or Private Hire Vehicle (Section 50).	15
Failing to produce a Driver's Licence to the Council within 5 days of being requested to do so (Section 53).	8
Failure to return driver's licence and badge after ceasing to be in force for immigration reasons. (Section 53)	15
Failing to wear the badge issued by the Council in such a position and such manner as to be plainly and distinctly visible (Section 54).	8
Failing to keep a record of all bookings in accordance with the Council's requirements or failing to produce that record on request by an authorised Officer of the Council or any Constable (Section 56).	8

Failing to keep a record of all Private Hire Vehicles operated by him or failing to produce this record on request, to any authorised Officer of the Council or any Constable (Section 56).	8
Failing to produce his Private Hire Operator's Licence on request to any authorised Officer of the Council or any Constable (Section 56).	8
Making false statement or withholding information to obtain a private hire or hackney carriage driver's licence.(Sec.57)	15
Making false statement or withholding information (Section 57)	15
Failing to return identification plate or disc upon the revocation, suspension or expiry of a Hackney Carriage or Private Hire Vehicle Licence (Section 58).	8
Failing to return the Driver's Badge when the licence has been suspended or revoked (Section 61).	8
Causing or permitting a vehicle other than a hackney carriage to wait on Hackney Carriage Stand (Section 64).	8
Charging more than was agreed for a long journey or charging more than is indicated on the taximeter (Section 66).	15
Charging more than the meter fare for a journey ending outside the district without prior agreement (Sec.66)	15
Charging more than the fares fixed by the byelaws when using hackney carriage under contract or purported contract for private hire (Section 67).	15
Prolonging a journey in distance or in time (Section 69).	15
Use a private hire vehicle with a taximeter not tested and approved by the Council (Section 71)	8
Tamper/ or altering any taximeter in a Hackney Carriage or Private Hire Vehicle with intent to mislead or failing to bring into action (Section 71)	8
Wilfully obstructing an authorised Officer of the Council or Constable acting in pursuance of this Act (Section 73).	12
Without reasonable excuse failing to comply with any requirement properly made by any authorised Officer of the Council or any Constable (Section 73).	12
Offences under the Town Police Clauses Act 1847 – Hackney Carriage	
Giving false information on application for hackney carriage proprietor's licence (Section 40)	15
Failure to notify change of address of hackney carriage proprietor (Section 44)	8
Plying for hire without a hackney carriage proprietor's licence (Section 45) - See taxi licensing policy re suspension	N/A
Driving a hackney carriage without a hackney carriage driver's licence (Section 47)	15
Lending or parting with a hackney carriage driver's licence (Section 47)	15
Hackney carriage proprietor employing unlicensed driver (Section 47)	15
Failure by hackney carriage proprietor to hold a copy of HC driver licences of persons who use the vehicle (Section 48)	8
Failure to display hackney carriage plate (Section 52)	8
Refusal to take a fare (Section 53).	10
Charging more than the agreed fare (Section 54)	15
Obtaining more than the legal fare (Section 55)	15
Travelling less than the lawful distance for an agreed fare (Section 56)	15
Failure to wait after a deposit to wait has been paid (Section 57)	15
Charging more than the legal fare (Section 58)	15
Carrying other person than the hirer without consent (Section 59)	10

Driving a hackney carriage without proprietor's consent (Section 60)	15
Person allowing another to drive a hackney carriage without proprietor's consent (Section 60)	15
Driver leaving hackney carriage unattended (Section 62)	8
Hackney carriage driver obstructing other hackney carriages (Section 64)	8
Offences under the Transport Act 1980 – Private Hire Provisions	
Driving a private hire vehicle with a roof sign, displaying taxi or cab which contravenes section 64(1).	8
Causing or permitting a private hire vehicle to be driven with a roof sign which contravenes section 64(1)	8
For any breach of the Taxi Licensing Policy, Byelaws and Licence Conditions not outlined above	8