



**Private Hire and Hackney Carriage Drivers, Vehicles and Operators  
Handbook: WDC approach, Policies and Procedures**

Draft

## Contents

<b>Introduction</b>	5
Contacting the Team	5
Licence Requirements	6
How to Apply	6
Review of Policies, Procedures and Guidance	6
Further Information	7
 <b>Section 1: Hackney Carriage and Private Hire Driver Licences</b>	 8
Applicants from Outside the UK	10
Medical Requirements	11
Diabetes	12
Disclosure and Barring Service	12
Rehabilitation of Offenders	12
Non Convictions (Warnings, Fixed Penalties, Arrests etc)	13
A Fit and Proper Person	13
Application Processing Procedure	15
Conditions	16
Conduct of Driver	16
Use of Mobile Phones	17
Disability Awareness	17
Guide and Assistance Dogs	18
Prevention of Child Sexual Exploitation	18
Driver's identification Badge	19
Loss of Driver's Licence or Badge	19
Licence Renewal Reminders	19
 <b>Section 2: Hackney Carriage and Private Hire Vehicle Licences</b>	 21
Application Processing Procedure	22
Condition	23
Licence Type Required	23
Age of Vehicle	25
Type of Vehicle	25
Alternative Fuelled Vehicles	27
Minibuses	27
Wedding and Funeral Cars	27
Horse Drawn Hackney Carriages	28
Wheelchair Accessibility	28
Hackney Carriage Number Limit	28
Frequency of MOT	29
MOT/Garage inspection	29
Compliance, Fleet, Enforcement and other Types of Inspection	31
Insurance	32

Private Hire Dispensation	32
Displaying of Licence Plates	34
Displaying of Passenger Information	34
Prohibition of Smoking	34
Hackney Carriage Ranks	34
Authorised Fare	35
Cross Border Fares	37
Warwick University	37
Plying for Hire	37
Wearing of Seatbelts	38
Carriage of Goods and Packages	40
Authorised and Unauthorised Drivers	40
Advertisements	40
Use of CCTV	42
Dash Cameras	43
Accident Data Recording Devices	44
Loss and theft of Licence and Plates	44
Intended Use	45
Changing Vehicle or Transfers	45
Licence Renewal Reminders	46
Surrendering Plate and Licence	47
Conduct of Vehicle	48
<b>Section 3: Private Hire Operators licences</b>	49
A Fit and Proper Person	50
Application Procedure	51
Conditions	53
Guide and Assistance Dogs	53
Sub Contracting	53
Compliance Inspections	53
Renewal Licence Reminders	54
Surrendering a Licence	55
Conduct of Private Hire Operator	55
Prevention of Child Sexual Exploitation	56
<b>Section 4: Information for all licence types</b>	57
Fees	57
Multiple application submissions	57
Declarations on Application	57
Compliments	57
Sharing of Information	58
<b>Section 5: Compliance and Enforcement</b>	59
Complaints	59
Appropriate Course of Action	60

Informal Action	60
Prosecution and Caution	60
Vehicle Suspension Notice	60
Immediate Suspension or Revocation of Driver Licence	61
Appearance before the Licensing and Regulatory Committee	61
Appeal to Magistrates	61
Interventions	62
Obstruction of an Officer	62
<b>Appendix A – Diabetes Policy</b>	63
<b>Appendix B – DBS Policy Statement</b>	66
<b>Appendix C – Relevant Convictions and Cautions Policy</b>	67
<b>Appendix D – Conditions: Hackney Carriage and Private Hire Drivers licence.</b>	75
<b>Appendix E – Law and Good Practice Guide for Drivers</b>	81
<b>Appendix F – Licence Holders Conduct Scheme</b>	84
<b>Appendix G- Providing the Best Customer Experience for Passengers with Disabilities</b>	93
<b>Appendix H – Vehicles Currently Approved as Wheelchair Accessible</b>	96
<b>Appendix I – Conditions: Hackney Carriage Vehicle Licence</b>	97
<b>Appendix J – Conditions: Private Hire Vehicle Licence</b>	101
<b>Appendix K – Conditions: Horse Drawn Hackney Carriage Licence</b>	103
<b>Appendix L – Licence Plate and Passenger Information Display</b>	108
<b>Appendix M – Conditions: Private Hire Operator Licence</b>	109
<b>Glossary</b>	115

## **Introduction**

Warwick District Council licences Hackney Carriage and Private Hire Drivers, Vehicles and Operators. The relevant legislation includes:

- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847
- Transport Act 1985
- Road Traffic Act 1991
- Road Safety Act 2006

Warwick District Council will, at all times, take into account the rights of an individual, under the European Convention on Human Rights, and ensure that taxi licensing is carried out with transparency and consistency in accordance with the relevant Regulatory Compliance Codes.

This document is intended to assist and advise both new applicants and current licence holders.

This guide is not a definitive statement of law relating to Hackney Carriage and Private Hire Private Hire licensing. It does, however, set out Warwick District Council's approach and policies to vehicle testing, renewal of licences and the issue of various types of licence. It also sets out the administrative procedures involved in applying for a licence.

## **Contacting the Team**

If after reading this booklet you require further information you are welcome to seek assistance of the Regulatory (Licensing) Team.

Email: [Licensing@warwickdc.gov.uk](mailto:Licensing@warwickdc.gov.uk)

Address: Regulatory (Licensing) Team, Health and Community Protection Department, Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, CV32 5HZ.

Personal Visit: Reception is open Monday to Thursday 8:45 – 17:15, Friday 8:45 -16:45. Officers may not always be available to assist you. Therefore, to enable you to have a discussion with an officer, we would advise you to make an appointment.

## Licence Requirements

A licence is required by:

1. Any person acting as a driver of a Private Hire Private Hire vehicle or Hackney Carriage vehicle in the district (combined Hackney Carriage and Private Hire Private Hire driver's licence).
2. Any vehicle which plies for hire in the district (Hackney Carriage/taxi vehicle licence).
3. Any vehicle used within the district as a Private Hire Private Hire vehicle (Private Hire Private Hire vehicle licence).
4. Any person who makes provision for the invitation or acceptance of bookings for a Private Hire Private Hire vehicle or vehicles (Private Hire Private Hire operator's licence).

## How to apply

Application forms for all licences may be obtained by:

- Downloading from the Website link
- Visiting the reception at Riverside House
- Contacting the Regulatory (Licensing) Section.

Warwick District Council does not permit a person to apply for a Hackney Carriage or Private Hire Private Hire licence until they have held a DVLA or equivalent driving licence for a minimum of 2 years.

***Applicants are strongly advised to read this guidance thoroughly before starting the application procedure.***

***All licence holders are expected to read and follow this guidance.***

***Failure to comply with the requirements may result in a licence being refused, suspended or revoked and in certain circumstances may lead to prosecution.***

## Review of the Policies, Procedures and Guidance.

The policies, procedures and guidance contained within this document will be reviewed formally every three years. However, it will be the subject of continuous evaluation and if necessary, formally reviewed at any time.

When a policy is reviewed, stakeholders will be formally consulted. For other matters contained within the document, the consultation process will take place through the Drivers and Operators Forum, as appropriate.

#### Further information

Please do not hesitate to contact Warwick District Council Regulatory (Licensing) Section should you require any further information on your licence or for clarification of any matter contained within this guidance.

DRAFT

## **Section 1:**

### **HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE**

#### **PRINCIPLES, PROCESSES AND POLICIES.**

All persons driving a licensed Private Hire or Hackney Carriage Vehicle must be in possession of a current Hackney Carriage Private Hire Drivers Licence, issued by Warwick District Council. The licence allows the holder to work in both capacities, as a Hackney Carriage or a Private Hire Driver.

Before a licence will be issued to an applicant, the following standards must be met and documentation provided with a completed application form:

- a) Have held a full DVLA driving licence for at least two years prior to application. DVLA licences must be produced in initial application and on renewal of the driver's licences.

Consideration will be given to the Driving Licences (Community Driving Licence) Regulations 1996 and current DVLA Guidance regarding equivalent driving licences. However, due to DVLA methodology of road traffic offence recording for non UK licences, all applicants will be required, at the point of licence grant, to have converted to a full UK driving licence.

Original documents must be presented in person. Photocopies will not be accepted.

- b) Have passed the Driving Standards Agency (DSA) driving test for Hackney Carriage/Private Hire Drivers (at initial application).

Applicants must make their own arrangements with the DSA to sit the test and pay the fee direct to them.

- c) Have completed the online Disclosure and Barring Service Full Disclosure Application Form to enable checks to be made for any criminal convictions recorded against them.

Existing drivers will be required to complete this every 3 years or as required by the Council.



In both cases, a licence will not be issued until the disclosure certificate has been provided to the authority, or notification has been received from the DBS umbrella service that the DBS is satisfactory.

Applicants will be required to attend the Licensing I.D. Checking Service in person, to provide their identification documents and evidence of receipt of payment.

- d) Have completed a DVLA Drivers Licence Mandate Form.

A licence will not be issued until the results of the mandate check have been returned to the team. The cost of the mandate check is included in the application fee.

- e) Have taken and passed a medical examination.
- f) Have passed a written Knowledge Test. The test includes an English and Numeracy test and questions on the geographical make up of the local area (at initial application).

If the applicant fails their first test it may only be taken twice more within the 6 month period. If three tests are failed, the application will be refused and the applicant will be unable to reapply for a licence, for 12 months from the date of refusal.

A fee is payable for the test and any subsequent retest. Cancelling the test at short notice (after close of office hours the day before) or upon two occasions, for any reason, will result in the loss of the fee.

- g) In addition to the above, if not resident in UK for the past 5 years, an officially translated DBS equivalent from each country of residence over the last five years and, if the country was not in the European Union, a document showing permission to work in the UK must be provided.
- h) All drivers must take a Disability Awareness Course, with the nominated Council Provider (paid for directly by the applicant to the provider) (at initial application).
- i) Have attended the Prevention of Child Sexual Exploitation Course with the nominated Council Provider (paid for directly by the applicant to the provider) (at initial application).

**Failure to provide all of the documents on application will result in a delay in processing and the possible failure of your application. Please**

**see the section called 'All Licences: General Points' for further information.**

**If the relevant documents are not received within 8 weeks of the start of your application, your application will be considered to have failed. This includes the DBS online application but excludes your DBS certificate.**

**Your DBS certificate must be provided to the Regulatory (Licensing) Team within 14 days of receipt.**

#### Applicants from outside the UK

Drivers from the European Union, on making an application, must show their Passports or National Identity Cards, equivalent DBS from their home countries (with an appropriate translation), an EU Driving Licence and submit a recent medical conducted in the UK.

Applicants from outside the EU will be subject to an Immigration Status Check. The results of the check may take some time to be finalised and the applicant may not be permitted to work until it is concluded.

The Licensing Authority requires a five year background check for all applicants, if an applicant has lived abroad for any period in the last five years or is from an EU Member State or overseas then a Certificate of Good Conduct, authenticated and translated by the relevant embassy, is required.

The disclosure and barring service website [www.dbs.gov.uk](http://www.dbs.gov.uk) provides information on how to obtain Certificates of Good Conduct or similar documents from relevant countries.

## Medical Requirements

New and renewing drivers are required to undergo a medical and submit a report with their application. This must be undertaken once every three years, or when requested to do so by officers. The medical assessment must be carried out at one of the three nominated locations:

- Applicant's own doctor
- Croft Medical Centre, Sydenham, Leamington Spa (01926 310404)
- Driver Medicals, Coventry (0870 609 1540)

Once a licensee has reached 65, an Annual Medical is required in order for the licence to remain valid. There is a charge for the processing and assessment of the Annual Medical Forms by Licensing Officers.

If further medical tests are required, for instance where in depth sight tests are required by the Medical Practitioners, then the applicant must meet the additional costs.

**If the medical condition changes at any time during the period of the licence, the Licensing Authority must be notified immediately, or as soon as reasonably practicable.**

All applicants are required to pass the group 2 medical standards as set by the DVLA. Further information can be found at [www.gov.uk/health-conditions-and-driving](http://www.gov.uk/health-conditions-and-driving)

Any applicant for a new licence or renewal of a licence who has had their driving licence revoked or refused on medical grounds by the DVLA within the last 5 years; or has received a conviction for driving a vehicle after failing to notify a disability; or made a false declaration about fitness and medical health, should expect their application to be rejected by the Regulatory Manager, until medical proof of current fitness can be provided.

The onus is on the applicant to provide appropriate medical proof from their GP/consultant or nominated practitioner at their own expense. The Regulatory Manager/Committee may consider issuing a licence if they are satisfied that the report shows a clean bill of health, and that the applicant is a fit person to recommence driving and is deemed to be of no danger to the public.

## Diabetes

All drivers with insulin or tablet controlled diabetes will be subject to the councils policy on Diabetes. The policies can be found in Appendix A.

## Disclosure and Barring Service

Applicants should be aware the Regulatory (Licensing) Team are empowered by the law to check with the Police for the existence and contents of any criminal record held in the name of an applicant. Information received from the police will be kept in the strictest confidence, whilst the licensing process takes its course and will be retained for no longer than is necessary.

A certificate from the Disclosure and Barring Service will be required on a three year basis. The cost of the DBS is a separate fee payable through the Council to the third party nominated Service Provider. The enhanced DBS check For applicants must be applied for through the nominated Council Provider.

The Council's Policy for the Disclosure and Barring Service Information can be found in Appendix B.

Once the online application is completed, applicants will be required to make an online payment through the council website. Applicants will also be required to attend the Licensing I.D. Checking Surgery, held in Riverside House, in person with their identification documents. Surgery times are detailed on the Council website.

Until officers have verified your identification your online DBS application will not be authorised for submission. Delay in attending and presenting your Identification Documents will delay your application.

## Rehabilitation of Offenders

The Rehabilitation of Offenders Act 1974 provides that after a certain period of time, convictions for certain offences are regarded as 'spent'. However, the Act also specifies that there are certain occupations for which effectively some previous convictions are never spent. The occupation of Hackney Carriage and Private Hire Vehicle Drivers is one of these.

The disclosure of a criminal record or other information will not necessarily prevent an applicant from gaining a licence with Warwick District Council, unless the Council does not believe the applicant to be 'fit and proper'.

#### Non –Convictions (Warnings, Fixed Penalties, Arrests etc.)

In addition to a Conviction/Caution Information, applicants are expected to provide details, within 7 days of all Warnings, Driving Endorsements/Disqualification Periods relating to Traffic Offences, Fixed Penalties, Penalty Charge Notices and any other similar sanctions, together with any charges or arrests that they are the subject of, in connection with criminal offences, whether or not actually charged with the offence; and details of any allegations of involvement in criminal activity, or where they have been questioned in connection with any alleged criminal activity or inappropriate/unacceptable behaviour, or any other relevant pending matter.

Where an applicant is the subject of an outstanding charge or Summons, their application may continue to be processed; however, depending on the circumstances, it is unlikely that a decision on the application will be made until the conclusion of the criminal proceedings. Where the outstanding charge or Summons involves a serious offence and/or the individual's offending history and behaviour/conduct indicates a pattern of unlawful or unacceptable behaviour/character traits, then the application is likely to be refused.

Where there is evidence/information that an applicant has been arrested or charged but not convicted of offences but the nature of this evidence/information suggests the applicant may not be a fit and proper person, the Council will give serious consideration to refusing an application or revoking an existing licence.

#### A Fit and Proper Person

**This section is also applicable to Private Hire Operators.**

The Council will ONLY grant or renew a drivers or operator's licence where they are satisfied that the individual is a fit and proper person to hold such a licence. The onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.

There is no absolute definition as to what constitutes a "fit and proper person". The Council's primary concern is the protection of the public and licensees have to be

relied upon to provide safe and reliable transport. The Council also has to consider that passengers will include vulnerable people, for example; elderly people, unaccompanied children, people with disabilities, those who have had too much to drink, lone women and foreign visitors; the Council will need to have confidence that such people would be able to rely on the driver. In addition drivers and operators may have access to sensitive information, such as where an individual may live or work and whether their home is empty.

It is important that driver's, operators and proprietors licensed by the Council are honest and open in their dealings with the Council. The Council expects individuals to provide information that is accurate and complete and to notify the Council immediately when an issue arises that may affect a licence. Failure to notify the Council about convictions, cautions and related matters or relevant medical conditions will be viewed seriously and will be taken into account when judging the suitability of an individual to hold a licence.

In addition the Council expects licensed individuals to act with courtesy and conduct themselves in a professional and polite manner at all times. Aggressive, rude and insulting behaviour towards customers or council employees is not acceptable and will be taken into account when judging whether an individual is fit and proper to hold a licence.

Some important areas that will be considered by the Council are:

- Convictions and cautions and related matters (see policy at Appendix B)
- Length of driving record and evidence of consistently good and safe driving
- Complaints and/or compliments from customers. Record of co-operation with Licensing Authorities
- Honesty and trustworthiness.
- Physical and mental health
- Knowledge of the area
- Ability to read, speak and understand English
- Working knowledge of arithmetic (ability to give correct change)
- Good knowledge and awareness of any special requirements that disabled passengers may have by attending the prescribed Disability Awareness Course

Where the Council does not judge that an individual is a fit and proper person to hold a licence then the application for a licence will be refused.

Where an existing licence holder is found not to be fit and proper then their licence will be revoked or suspended.

If an applicant has convictions, cautions or related matters, they may wish to provide further details of the circumstances and any mitigating factors with their application. All Applicants should read the Council's policy on convictions and cautions at Appendix C before submitting their application.

#### Application Processing Procedure

1. The complete application and associated documents will be considered.
2. The Regulatory Manager will then grant the licence or renewal where the Applicant is deemed to be fit and proper in accordance with the policy.
3. Where the policy indicates that an application should be refused the Regulatory Manager will write to the Applicant (via email and post) and advise that refusal is proposed and indicate the reason why.
4. The Applicant will then be given the chance to make representations to the Councils Licensing and Regulatory Committee or Sub Committee ("the Committee") before a decision is made. Representations can be made in person or in writing.
5. The Applicant will need to notify the Council within 21 days at the contact address shown above if they want their application to be considered by the Committee.
  - 5.1. When this notification is received a hearing before the Committee will be arranged and the Applicant notified of the date.
  - 5.2. A report will be prepared and submitted to the Committee which will contain details of why the application has been refused and include any evidence that the Applicant has already submitted. The Applicant will be given a copy of the report and the opportunity to submit further evidence in advance of the hearing.
  - 5.3. The Applicant may attend the hearing and address the Members of the Committee. The Applicant may choose to attend with a legal representative or a friend who may speak on their behalf. The Applicant may choose not to attend but to send in written representations for the Committee to consider.
  - 5.4. The Committee will then decide whether to grant or refuse the application based on whether they believe that the applicant is fit and proper to hold a licence. The Applicant will be notified of the decision in writing. If the decision is to refuse the application then the written notification will include reasons for the refusal and details of how to appeal.
6. If an Applicant indicates that they do not want their application or renewal to be considered by the Committee or does not respond then the Regulatory Manager will review the application after 21 days and decide whether to grant or refuse the licence. The Applicant will then be informed of the decision and reasons in writing along with the right of appeal.

**Please be aware that you are unable to drive a Hackney Carriage or Private Hire vehicle for hire and reward, until you have completed all of the licensing procedures and been granted a driver's licence.**

### Conditions

Failure to comply with the conditions of the licence described in Appendix D may result in suspension, revocation or refusal to renew, a licence. In certain circumstances, formal action such as Prosecution may be the most appropriate course of action.

### Conduct of the Driver

The conditions of the driver's licence requires a driver to be clean and respectable in his dress. Warwick District Council in consultation with the Drivers and Operators Forum have agreed that this means:

- Professional looking, respectable in their dress and person.
- Clean in their dress and person, maintaining a high standard of personal hygiene.
- Religious or traditional dress is acceptable.

Drivers with dirty, scruffy and inappropriate clothing for driving, i.e. slippers, cut-off jeans, football shorts, hooded tops or headwear i.e. baseball caps which conceal the face, football/sports jerseys/tops that may offend other persons and vests, will not be considered to have met this requirement.

A driver is also required to behave in a civil and orderly manner at all times. Warwick District Council, in consultation with the Drivers and Operators Forum, have agreed that a driver will be considered to not be meeting this standard if they verbally abuse or behave aggressively with passengers, the general public or officers of the Council. This extends to all dealing with Council Reception Staff, Approved Garages, Police Officers and VOSA Inspectors. A driver must be polite at all times.

Warwick District Council expects drivers to be aware of and operate in accordance with, Appendix D and Appendix E.



Warwick District Council uses a Licence Holder Conduct Scheme. This scheme applies to all Hackney Carriage and Private Hire Licences issued. Further information on the scheme can be found in Appendix F.

### Use of Mobile Phones

It is contrary to Road Traffic Law to use a mobile telephone when the vehicle is in motion. When in motion, drivers should only use the telephone using a hands free kit attached to the car, or a voice activated hard-wired or Bluetooth connection. To maintain maximum concentration on the road, the Council advise drivers to offer to call the person back, when the vehicle is stationary.

### Disability Awareness

Since December 2014, as part of the application to become a Warwick District Council Hackney Carriage Private Hire Driver, you are required to undertake a Disability Awareness Course with the nominated Training Provider before your licence is granted.

Before this date, all drivers had 12 months from the date of first issue of their driver's licence to undertake the Disability Awareness Course. All drivers, who have failed to meet this requirement, can expect to be sent before the committee to explain their lack of attendance, or have their licence refused by the Regulatory Manager upon renewal.

The Disabilities Awareness Course Syllabus covers:

- Ambulant Disabled
- Non Ambulant Disabled
- Hearing Impairments
- Visual Impairments
- Autism
- Mental Health
- Dementia
- How to correctly secure a wheelchair
- The Law

By the end of the course, a driver will be MY Guide Level 1 qualified, Dementia Friendly and receive a Certificate in Disability Awareness.

Applications for the Disability Awareness Course can be downloaded from the council website. The cost of this course is not included in the application or licence fee and must be paid to the provider directly.

Guidance that we expect drivers to follow in order to provide a good customer experience for passengers with disabilities, can be found in Appendix G.

### Guide and Assistance Dogs

It is an offence for a Hackney Carriage or Private Hire driver to refuse to carry guide and assistance dogs, unless they have a medical exemption certificate. These certificates are issued by the Council and a fee is payable. Drivers making an application will need to provide medical evidence in support. This must be provided by a Medical Practitioner. If the exemption is being applied for on the grounds of a chronic phobia to dogs, the report must be provided by a Psychiatrist or Clinical Psychologist.

### Prevention of Child Sexual Exploitation

From 1<sup>st</sup> April 2015, all new applicants for a Hackney Carriage Private Hire Licence must attend a Prevention of Child Sexual Exploitation Course with the council's Nominated Provider before a licence will be granted.

Any current licence holders will be required to attend the same training event, by the date of 1<sup>st</sup> July 2016. All drivers, who have failed to meet this requirement, can expect to be sent before the committee to explain their lack of attendance, or have their licence refused by the Regulatory Manager upon renewal.

The Prevention of Child Sexual Exploitation syllabus covers:

- Identification & Signs of CSE
- Signs
- Legislating and Trafficking
- Who to report it to
- What happens when you do

Applications for the courses can be made by telephoning the licensing team.

This course is aimed at a different level to the course run by Warwickshire County Council for drivers employed in schools contracts. Upon the advice of Warwickshire County Council, their course will not be accepted as an alternative to attending with Warwick District's Nominated Provider.

### Driver's Identity Badges

When granted a licence, drivers are issued with a badge. The driver must wear the badge at all times when they are working. The driver's badge should be visible at all times to passengers.

The Hackney Carriage/Private Hire Driver's badge shall at all times remain the property of the Warwick District Council and upon the Council suspending, revoking or refusing to renew this licence, the licensee shall, on demand, return the badge to the Council.

A large format driver's Identification Card (which is a copy of the driver's badge) should be securely fixed and visible to passengers at all times, to inform the passenger who is the driver of the vehicle. The driver's Identification Card must correspond with the driver and be affixed in the manner outlined in Appendix L.

### Loss and Theft of Licence or Driver badge

This is a serious matter as this could allow a person who is not 'fit and proper' to operate in a manner that would mislead a member of the public and put their safety at risk.

Any loss should be reported to the licensing section immediately. A charge will be made for a replacement. Continuing to operate in the capacity as a Licensed Driver or in a Licensed Vehicle, without these items, will be viewed extremely seriously.

If you suspect a theft to have taken place you must also contact the Police.

### Licence Renewal Reminders

All Licence Holders will be sent a reminder and a link to the necessary renewal forms online, to the address that is held on file, well in advance of the expiry of the Licence. However, please note the **responsibility for renewal rests with the Licensee**. You can renew your licence immediately upon receipt of your reminder.

***If you allow your licence to expire, no matter what the reason it cannot be renewed. A licence that has expired does not exist and therefore cannot be renewed.***

Driver's Applications should be received by Warwick District Council at least six to eight weeks prior to the old Licence expiring, in order that the DBS checks can be made. Whilst every effort will be made to issue every Licence, within the time scales mentioned in the Timescales Guidance Document (available on the Council website) and those specifics mentioned above, the Authority cannot be held responsible for delays experienced, through failure by outside agencies to respond within the time frames.

Officers will take 10 days to process a valid application. The Authority will **not** issue Licences on demand, or without an up to date DBS certificate but will, in exceptional circumstances, make every effort to ensure the continuity of service.

***If a Warwick District Council Licence lapses for any reason, any subsequent application will be treated as a new application. Therefore, please note, a new licence will not be granted immediately and the full process may take several weeks.***

**You will no longer be a Licensed Driver and therefore will not be allowed to drive a Hackney Carriage or Private Hire Vehicle, until your application has been determined. Continuing to drive a Hackney Carriage or Private Hire Vehicle is a criminal offence, for which you may be prosecuted.**

If the lapse is less than six months, you will not be required to retake the DSA. However, you will be required to undertake the Disability Awareness Course, Knowledge Test and Prevention of Child Sexual Exploitation again, at your own expense.

## **Section 2:**

### **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE**

#### **PRINCIPLES, PROCESSES AND POLICES**

Councils are given the responsibility of licensing Hackney Carriages and Private Hire vehicles to ensure that the vehicles are safe and suitable for use as a Hackney Carriage or Private Hire vehicle.

All vehicles are to be used as a Hackney Carriage or Private Hire vehicle must be in possessions of a current Hackney Carriage or Private Hire Vehicle Licence as appropriate. The driver of the vehicle and Private Hire operator must also be licensed by the same Local Authority.

A Hackney Carriage Licence allows the vehicle to operate as a Hackney Carriage and the Private Hire Licence permits the vehicle to operate as a Private Hire Vehicle under the direction of a Licensed Private Hire Operator.

**Vehicles that do not comply with the Council's Policies are likely to be refused. Therefore, you are strongly advised to read all of the applicable guidance, procedures and policies prior to purchasing, leasing or renting a vehicle or applying for a licence.**

Before a licence will be issued, the applicant must demonstrate that the vehicle has met the required standard and that all documentation has been provided with a completed Application Form:

- a) Meet the age and vehicle specification requirement for the vehicle licence type that is being applied for
- b) Vehicle must pass an MOT within 4 weeks of the date of the renewal submission at one of the nominated garages.
- c) The vehicle must undertake a vehicle inspection at one of the nominated garages. Please note that the garages give an indication of pass or fail but the determination is made by the Licensing Officers, as to whether the condition of the vehicle is adequate.
- d) Demonstrate that the vehicle is correctly insured for the licence which is being applied for.
- e) Provide a copy of the Meter Test Certificate (New Hackney Carriages).

**Failure to provide all of the necessary documents, on application, will result in a delay in processing and the possible failure of your application.**

**If the relevant documents are not received within 8 weeks of the start of your application, your application will be considered to have failed. In addition, if during this period the vehicle exceeds the age limit requirement, then your application will be considered to have failed.**

#### Application Processing Procedure

1. The complete application and associated documents will be considered.
2. The Regulatory Manager will then grant the licence or renewal in accordance with the Council requirements.
3. Where the requirements indicate that an application should be refused, the Regulatory Manager will write to the Applicant (via email and post) and advise that a refusal is proposed and indicate the reason why.
4. The Applicant will then be given the chance to make representations to the Council's Licensing and Regulatory Committee or Sub Committee ("the Committee") before a decision is made. Representations can be made in person or in writing.
5. The Applicant will need to notify the Council within 21 days at the contact address shown above, if they want their application to be considered by the Committee.
  - 5.1. When this notification is received, a hearing before the Committee will be arranged and the Applicant notified of the date.
  - 5.2. A report will be prepared and submitted to the Committee which will contain details of why the application has been refused and include any evidence that the Applicant has already submitted. The Applicant will be given a copy of the report and the opportunity to submit further evidence, in advance of the hearing.
  - 5.3. The Applicant may attend the hearing and address the Members of the Committee. The Applicant may choose to attend with a legal representative or a friend, who may speak on their behalf. The Applicant may choose not to attend but to send in written representations for the Committee to consider.
  - 5.4. The Committee will then decide whether to grant or refuse the application based on whether they believe that the vehicle is appropriate. The

Applicant will be notified of the decision in writing. If the decision is to refuse the application, then the written notification will include reasons for the refusal and details of how to appeal.

6. If an Applicant indicates that they do not want their application or renewal to be considered by the Committee, or does not respond, then the Regulatory Manager will review the application after 21 days and decide whether to grant or refuse the licence. The Applicant will then be informed of the decision and given reasons in writing, along with the Right of Appeal.

**Please be aware that you are unable to use the vehicle as a Hackney Carriage or Private Hire vehicle for hire and reward, until you have completed all of the licensing procedures and been granted a licence as a Hackney Carriage or Private Hire Vehicle.**

**You also cannot drive a Warwick District Council Licensed Hackney Carriage for hire and reward or a Private Hire Vehicle for any reason including hire and reward until you have a Driver's Licence and Identification Badge, issued by this authority.**

#### Conditions

Failure to comply with the conditions of the licence, described in Appendix I (Hackney Carriage) and Appendix J (Private Hire Vehicle) may result in suspension, revocation or refusal to renew a licence. In certain circumstances, formal action such as Prosecution may be the most appropriate course of action.

Should the application be for a horse and carriage, the licence conditions outlined in Appendix K are applicable.

#### Licence Type Required.

The following table may assist you in determining which type of licence you require, as there are legal and policy differences between a Hackney Carriage and Private Hire Vehicle.

If you undertake any journey where you take persons by a prebooking directly or through a third party, then you should contact the licensing section to discuss whether a Licence is required. i.e. transport service for persons.

**Please note that it is your responsibility as the applicant and licence holder to ensure that they are aware of the differences.**

Table 1 outlines the differences between a Hackney Carriage and Private Hire Vehicle.

*Table 1.*

<b>Type of work/business/vehicle</b>	<b>Hackney Carriage</b>	<b>Private Hire Vehicle</b>
Picking up people from a rank		×
Picking up people who hail (flag down) on the street		×
Accept prebooked journeys from licensed Private Hire operator		Tick
Accept pre booked journeys from an unlicensed business acting like a Private Hire operator (call centre)		×
Take bookings using a mobile phone directly from the public		×
Wedding or Funeral cars	×	×
Executive Hire/ Chauffeur Work	Tick	
Vehicle seating 8 or less passengers (a total of 9 including the driver) where vehicle and driver are hired for a single fare.		
Vehicle seating more than 9 passenger (10 including the driver)	× (May need a PSV/PCV* licence)	× (May need a PSV/PCV* licence)

\* PSV – Public Service Vehicle, PCV – Passenger Carrying vehicle.



### Age of Vehicles

Warwick District Council requires all Private Hire vehicles to be less than 5 years old from the date of first registration, when the vehicle is submitted for licensing. Once licensed, the vehicle can remain licensed subject to the vehicle continuing to meet the required standards and the licence not being allowed to expire.

The council requires that all new licence applications for Hackney Carriage vehicles must be for a brand new, side loading wheelchair accessible vehicle.

If a licensed vehicle is being replaced, the replacement vehicle must be newer than the vehicle that it replaces but no older than 5 years. If the vehicle is wheelchair accessible, then the replacement vehicle must also be wheelchair accessible.

The age of the vehicle will be calculated from the full date of first registration, not just the year.

### Type of vehicle

A Hackney Carriage must be:

- Right hand drive
- Four or five door vehicle
- Roof light stating 'Taxi'
- Same specification as manufacturers with no modifications or additions, unless express written approval has been granted by Licensing. An acceptance is made for vehicles that have been adapted to carry wheelchair passengers. These vehicles must carry a European Whole Vehicle Type Approval or a Vehicle and Operator Service Agency Individual Vehicle Approval
- Tinted windows must permit at least 75% light transmittance (for all new and vehicles to which a licence is transferred)
- Must be clearly identifiable as a Hackney Carriage
- Capable of carrying not less than four nor more than eight passengers and their luggage. (If they carry more than eight passengers, they will need to be licensed as a PCV)
- Capable of carrying a wheelchair using passenger safely. Rear loading wheelchair accessible vehicles will not be acceptable.
- Suitable type, size and design

- Suitable mechanical condition, safe, comfortable and in excellent condition
- No unauthorised signs or advertisements
- Have a taxi meter which has been fitted correctly, working and calibrated to the current fare structure
- A minimum of 4 road wheels
- May also be a horse and carriage (for applicable details, please speak with Licensing Officers)

Note: That a number of existing licensed saloon vehicles are exempt from the requirement of being wheelchair accessible.

There is currently no fleet colour requirement for Hackney Carriages licensed by Warwick District. However, this is under review. Prior to any implementation, there will be a public consultation.

A Private Hire Vehicle must be:

- Right hand drive
- Four-door saloon/ five door estate type/ mini people carrier (there must be a driver's door, a front passenger door and two other doors)
- Same specification as manufacturers, with no modifications or additions, unless express written approval granted by Licensing. An exception is made for vehicles that have been adapted to carry wheelchair passengers. These vehicles must carry a European Whole Vehicle Type Approval or a Vehicle and Operator Service Agency Individual Vehicle Approval
- The windscreen must permit 75% light transmittance, driver's and passenger windows must permit at least 70% light transmittance; the rear screen must permit 40% light transmittance (for all new and vehicles to which a licence is transferred)
- Capable of carrying not less than 4 nor more than 8 passengers and their luggage. (If they carry more than 8 passengers, they will need to be licensed as a PCV)
- Not of such design or appearance as to lead any person to believe it is a Hackney Carriage, such as having a roof sign, for example
- Suitable type, size and design including adequate leg room and luggage space
- Suitable mechanical condition, safe, comfortable and in excellent condition
- A minimum of 4 road wheels
- No equipment fitted which obstructs the driver's view of the road
- No unauthorised signs or advertisements

Where a vehicle is carrying luggage, the luggage must be stored in a manner that does not allow the luggage to enter the passenger compartment, in an emergency stop.

### Alternative Fuel Vehicles

If you wish to licence a vehicle which is not fuelled by petrol or diesel, please contact the Regulatory (Licensing) Team for more information.

If you wish to licence a vehicle, which has been produced by a manufacturer to run on an alternative fuel, you should be able to follow the normal licensing procedure for a vehicle. However, if your vehicle has been converted or you intend to convert it, you may be asked to supply additional documentation.

This may include:

- Certificate of Conversion from the company who converted the vehicle. This should include information which is specific to the vehicle, the parts and the company. There must also be a declaration that the vehicle has been converted to the current standards, specifications and or legislation required.
- Details of all of the alterations made to the vehicle. These must not impact on the passenger compartment, the ability to carry a wheelchair using passenger, the necessary ramps etc. to allow such a person to safely use the vehicle if applicable and the spare wheel.
- Additional inspection and examination at an approved garage nominated by the Council.

### Minibuses

The Council does not licence any vehicle where there is a capacity to carry **nine or more** passengers. Such vehicles are required to obtain a Public Service Vehicle Licence from the Regional Traffic Commissioners.

### Wedding and Funeral Cars

A licence is not required for a vehicle while it is being used in connection with a funeral or used wholly or mainly by a person carrying on the business of a Funeral Director, for the purpose of funerals.

A licence is not needed for a vehicle while it is being used in connection with a wedding.

### Horse Drawn Hackney Carriages

Both the horse and carriage will be subject to inspection to ensure their fitness to work as a Hackney Carriage. The horse(s) must be inspected by the Council's Nominated Veterinary Surgeon at the cost of the applicant.

The conditions associated with the operation of a horse drawn carriage are contained within Appendix K.

Should you require more information please contact the Regulatory (Licensing) Team.

### Wheelchair Accessibility

The list of example acceptable vehicles which the Council considers wheelchair accessible is outlined in Appendix H. This list is not exhaustive and consideration will be given to any vehicle for which an M1 Certificate can be demonstrated.

**If seat(s) have to be removed to allow the wheelchair to be carried, the seat(s) must remain permanently removed from the vehicle.**

New or replacement vehicles that load wheelchairs from the rear are not permitted.

### Hackney Carriage Number Limit

There is currently no limit on the number of vehicles that can be licensed as Hackney Carriages within the district. However, there is a Needs Assessment Survey being undertaken in accordance with the petition received from 75% of the Licensed Hackney Carriage Drivers.

Once the report is received from the assessment survey, consideration will be given to its findings and an assessment will be undertaken as to whether a limit of the number of licensed Hackney Carriages is required.

### Frequency of MOT & Garage Vehicle Inspection

Once a vehicle is licensed it must receive at least one MOT and inspection per year, at one of the nominated garages. This must occur within 4 weeks of the date of signature on the renewal application. This requirement is also applicable to new vehicles.

Due to distances that licensed vehicles travel, any vehicle over 5 years old will require 6 monthly MOT and inspections.

Any vehicle with significant paintwork, bodywork, interior, structural, mechanical defects or faults will not be determined to have been maintained in a safe condition and therefore may not be suitable for licensing.

### MOT & Garage Vehicle Inspection

Vehicles are subject to both an MOT and a nominated garage vehicle inspection. The MOT covers aspects of safety and road worthiness. The vehicle inspection covers additional areas, namely vehicle reliability, general condition equipment and vehicle alterations. It is possible to pass the MOT but fail the inspection. See table 2.

**All vehicles must be prepared and in a condition to pass. The inspection is an inspection of the vehicle's suitability to be licensed and not a maintenance check to identify what is wrong. If no attempt has been made to prepare the vehicle, the inspection may be stopped and the vehicle licence suspended by Licensing Officers.**

For vehicles standards, requirements and conditions please refer to the Wear and Tear Guide which is available on the Council website.

Applicants must make their own arrangements with the nominated garages in order to have a MOT and vehicle inspection undertaken. There is a fee payable to the garage and is paid directly at the time of inspection.

Please note that an MOT is required for all licensed vehicles, or vehicles wishing to be licensed despite the age of the vehicle.

All vehicles must have a current MOT certificate, which must be produced to the Council's Officers when it is issued and upon the vehicle licence renewal. Failure to do so will result in suspension of the licence until such time as a current test certificate is produced

The chart below lists the different aspects of the inspection:

Table 2:

<b>Aspects of MOT and Garage Vehicle Inspection</b>	<b>Result if fault is found</b>	
	<b>MOT test</b>	<b>Vehicle Inspection</b>
MOT testable items to the standard set for the MOT test	Fail	Fail
MOT testable items likely to wear based upon the licensed vehicle being likely to travel more than 5 times the average distance of a domestic car, to a higher standard than that set for MOT *	N/A	Fail
Aspects of vehicle reliability i.e. fault that could affect the reliability of the vehicle e.g. oil /water leaks	N/A	Fail
General condition e.g. interior and exterior trim, body, paint, cleanliness	N/A	Fail
Equipment e.g. fire extinguishers, first aid kit, wheelchair equipment (if applicable)	N/A	Fail
Changes to the vehicle without written authorisation	N/A	Fail

\*Further information in the Wear and Tear Guide.

A vehicle, which is in the opinion of the inspecting officer, considered to be dangerous or a hazard to others, will be suspended until the vehicle is presented to officers, by appointment, with the hazards corrected.

If the MOT and/or garage vehicle inspection is failed by an applicant for a 'new', Transfer or Temporary Plated Hackney Carriage or Private Hire Vehicle, the application will be refused.

If the garage vehicle inspection is failed by an existing licence holder, within the date of the existing licence, the vehicle will be asked to attend for a second inspection by appointment with a Licensing Officer. The licence holder will be given a set time period in order to rectify the matters identified. Failure to do so within that time period, will result in the suspension of the vehicle licence. Consideration will be given to previous history to assess if other courses of action are also required.

If the MOT is failed by an existing licence holder within the date of the existing licence, the vehicle will be expected to pass an MOT before the existing licence expires. Failure to do so will result in the application for the licensing of the vehicle being refused.

If the MOT and/or garage vehicle inspection is failed by an existing licence holder after the expiry of the licence, the application for licensing the vehicle will be refused.

#### Compliance, Fleet, Enforcement and other Types of Inspection

A Compliance, Fleet or Enforcement Inspection can be given to any vehicle which is licensed. The inspection will be all or part of the normal inspection made by the garage vehicle inspection.

These inspections may be conducted by appointment or at the roadside. If an owner of a licensed vehicle is asked to attend by appointment at a set time and set date, it is expected that they bring that vehicle to that appointment. Alternative appointments will only be made in exceptional circumstances.

Failure to attend an appointment will not be looked upon favourably.

Failure to meet the requirements of the inspection will result in a set time period being given, in order to rectify the matters identified. Failure to do so, within that time period will result in the suspension of the vehicle licence.

Any vehicle, which is in the opinion of the inspecting officer, considered to be dangerous or a hazard to others, will have its licence suspended until the vehicle is presented to Officers, by appointment, with the hazards corrected or sent before committee to determine the suitability of the licence continuing

Several agencies may be present at these inspections. E.g. Licensing Enforcement Officers, Police, Vehicle and Operator Standards Agency, Inland Revenue, HM Customs and Excise, Benefits Agency and other Council Departments such as Council Tax and Housing Benefits.

### Insurance

All vehicles must be fully insured to carry out the activity in which they are involved, including full passenger liability. Proof of adequate insurance must be provided with applications for new licences and for renewals. Failure to provide evidence of insurance will delay your application, or cause your application to fail.

A Hackney Carriage vehicle must provide proof of continuous insurance that only a person with a Hackney Carriage Private Hire Driver's Licence may drive the vehicle. The vehicle must be insured for hire and reward and for use of carriage of passengers for hire and reward. The insurance may also mention Private Hire or pre bookings or prior appointment as a Hackney Carriage can undertake these journeys.

A Private Hire vehicle must provide proof of continuous insurance that only a person with a Hackney Carriage Private Hire driver may drive the vehicle. There is no exception to this requirement. The insurance policy may also identify that the vehicle is insured for Private Hire, by prior appointment, from the policy holder's place of business or for pre booked journeys including the carriage of passengers; and good for hire and reward or for hire or reward by prior arrangement to the commencement of the period of hire.

If the insurance is covered under a fleet insurance, where both Private Hire and Hackney Carriages are licensed the Insurance Policy must not mention public hire and reward, unless it specifies the pre booking arrangements as above and/or for the use of the carriage for passengers for hire and reward.

### Private Hire Dispensation

The Council may grant dispensations to certain vehicles from displaying their rear Private Hire Vehicle Licence Plate. These dispensations will only be granted to vehicles meeting the following criteria.

- Private Hire Vehicle
- Engaged solely in chauffeur/corporate work



- Four doors
- Recognised Executive/prestige model or specification of model or recognised vintage or classical model (e.g. Rolls Royce, Bentley, jaguar, Daimler, Cadillac and certain models of BMW/Mercedes. A standard model of vehicle would not normally be acceptable)
- Engine capacity of a minimum 1950cc
- Internal seat measurement of 52"/132cm across the narrowest part of the rear seat

Any vehicle wishing to be granted a dispensation must apply, pay the appropriate fee and supply evidence that the vehicle can be solely engaged in chauffeur activities. i.e. evidence of contracts with organisations and details of the number of miles or journeys undertaken on each contract.

Please note:

- A school's contract through the Warwickshire County Council will not be accepted. **Any vehicle undertaking school's contracts must display their plates.**
- Evidence must be submitted to demonstrate that the vehicle in question is engaged in chauffeur activities. Therefore, it is expected that different evidence will be provided for each vehicle.

Upon the receipt of an application, Officers will assess the information provided, in order to determine if the vehicle is eligible. A reassessment will occur at each renewal, to determine if the vehicle remains eligible.

If a dispensation is granted, the vehicle will not be required to affix the rear plate to the vehicle or display the passenger information stickers (with the exception of the 'non-smoking' sign as required by legislation). The letter of dispensation and rear plate must be carried in a suitable location within the vehicle at all times. i.e. glove box. The front plate must be displayed at all times.

Any failure to comply with these requirements will result in consideration being given to the continuation of the dispensation.

**If a dispensation is not granted by the Council, the licence plates must be affixed to the vehicle. Failure to do so is a criminal offence. In addition, consideration may need to be given to the suitability of the licence holder to hold a licence.**

### Display of Licence Plates

There are two licence plates (front and rear plate) that are issued for each licensed vehicle. These must be displayed in accordance with Appendix L, at all times.

They must be affixed using the sticky rear surface of the plate to the vehicle directly. They must be maintained in clean, legible and good condition.

### Display of passenger information (including fare guide and tariff guide)

There are a number of passenger information stickers issued for each licensed vehicle. These must be displayed in accordance with Appendix L.

**The table of fares and fare guide are to be displayed at all times in a location that is visible to the passengers (Hackney Carriages)**

They must be affixed using the sticky rear surface of the plate to the vehicle directly. They must be maintained in clean, legible and good condition.

**The large driver's identification card should be securely fixed and visible to passengers at all times, to inform the passenger who is the driver of the vehicle. The driver's identification card must correspond with the driver.**

### Prohibition of Smoking

In accordance with the Health Act 2006, no persons (including the driver) are permitted to smoke in a Licensed vehicle. This requirement is applicable throughout the duration of a licence and not just when there are passengers in the vehicle.

A 'No smoking sticker' must be displayed within the vehicle. The Regulatory (Licensing) Team have a limited number of stickers available, free of charge.

E Cigarettes should also not be smoked within the vehicle to prevent confusion and complaints of smoking, odour or unpleasant travelling environments.

### Hackney Carriage Ranks

Only Hackney Carriages may use the authorised ranks on which they can stand and wait for passengers. The rank is a temporary waiting point which is marked on the road and allows a Hackney Carriage to wait only temporarily.

It is not a parking space for domestic vehicles or Hackney Carriages that have been left unattended.

**If the rank is full, a vehicle must continue to the next rank with available space. All vehicles within the rank must face the direction of the traffic.**

Private Hire Vehicles cannot wait in ranks or park in locations which form an authorised rank, or are contrary to the Highway Code or traffic laws. A Private Hire vehicle may only wait for a passenger at a prearranged point of collection.

**A list of Hackney Carriage Ranks is available on the Council website.**

The location and size of the Hackney Carriage ranks are under review. The outcomes of the review and any suggestions for alteration, will be subject to consultation, prior to any changes.

### Authorised Fares and Taxi Meters

All Hackney Carriage Vehicles must be fitted with a calendar controlled taxi meter, which should be calibrated in accordance with the Council's approved scale of fares. A Hackney Carriage cannot operate without one.

A licence will not be issued to a Hackney Carriage unless a meter is fitted, programmed, calibrated, tested and found to be accurate and issued with a Meter Test Certificate. A Test and Calibration Certificate will be required upon application for a new Hackney Carriage or upon the change or tariff.

If a taxi meter is not working correctly, you should inform Licensing Officers and arrange for the meter to be repaired immediately.

Any vehicle with a meter that is incorrect or not working correctly can be suspended from use, until it is found to be accurate and issued with a new Certificate of Accuracy.

It is the responsibility of the vehicle licence holder to ensure that the meter is programmed correctly and calibrated. The Test and Calibration Certificate must be kept in the vehicle at all times.

A Private Hire vehicle must not be fitted with a taxi meter. The price of a journey should be agreed with a passenger prior to the journey commencing. This agreement can be with the driver or the operator.

The level of fares for Hackney Carriage Vehicles will be reviewed by the Council from time to time. It is the responsibility of the vehicle licence holder to have the meter reprogrammed and calibrated after the introduction of the updated fare structure.

Licensing Officers will inform Hackney Carriage licence holders in advance of the introduction of updated fares. All licence holders will be expected to have had their vehicles' meters recalibrated within 7 days of the updated fares introduction.

A licence holder may not charge updated fares if the meter has not been calibrated to reflect the change.

**The meter should be used at all times** subject to the cross border journeys information below.

**A Hackney Carriage Driver may offer an on the spot discount to a passenger but cannot charge more than fare shown on the taxi meter.**

### Cross Border Journeys

In the case of Hackney Carriage Journeys ending outside the Council's area, a prior agreement must be reached with the passenger, to either use the meter or pay an agreed fare. This agreement must be made prior to the commencement of the journey.

**If there is no prior agreement made then the meter must be used and the amount shown charged.**

If a Hackney Carriage is being used under contract for a Private Hire, it must still use the meter and not charge more than the fixed rate in the authorised fare table.

The charge is to be calculated from the point within Warwick District where the **hirer commences** their journey. **No additional fees can be added.** i.e. attending, in order to collect the passenger from a specified location.

### Warwick University

The boundary of the Council's District passes through Warwick University Campus (Gibbet Hill Road). If a fare is dropped on the Warwick District side of the boundary all journeys must be on the meter and are not subject to an agreed fare, as in the case of cross border journeys. I.e. Cryfield Village.

### Plying for Hire

Plying for hire means standing at a duly authorised rank in a street, railway station or on a railway premises, on private property or driving within the areas exhibiting to the public that the vehicle is available to hire.

**Only Hackney Carriages may 'ply for hire'. It is an offence for which you may be prosecuted, for a Private Hire vehicle to ply for hire.**

**It is also a criminal offence to take Private Hire bookings from a vehicle.** All bookings must be made via a licensed operator.

## Wearing of Seatbelts

The information contained in this section does not present the full requirements of this complex legislation but attempts to focus on the elements relevant to the taxi and Private Hire trade.

When driving a licensed Hackney Carriage, the driver is required to wear a seatbelt when not plying for hire, answering a call for hire or carrying passengers.

When driving a Private Hire Vehicle, the driver is required to wear a seatbelt when not carrying passengers for hire.

Adult passengers must wear a seatbelt when seated in the front of the vehicle, or where available in the rear of the vehicle. It is the passenger's responsibility to comply with the legislation.

Taxis and Private Hire vehicles are not required to provide child restraints and there are qualified exemptions in the legislation to allow children to travel unrestrained in those vehicles. As outlined in Table 3.

A child restraint is considered appropriate when it is suitable for the weight and height of the child and that restraint marked as complying with the relevant British or European Standard.

It is the driver's responsibility to ensure that seatbelts are worn, in order to comply with the legislation, unless otherwise stated.

Table 3 outlines the requirements for the wearing of seatbelts and whose responsibility it is, to ensure that seatbelts are worn.

Table 3:

	Front Seat	Rear Seat	Who is responsible?
<b>Child up to 3 years</b>	Correct child restraints must be used	Correct child restraint must be used. If a restraint is not available in a licensed Hackney Carriage or Private Hire vehicle, the child may travel unrestrained.	Driver**
<b>Child from 3rd birthday up to 135 cm in height or 12th birthday, whichever they reach first</b>	Correct child restraints must be used	Where seatbelts are fitted, the correct child restraint must be used. The child must use adult belt if the correct child restraint is not available as follows: in a licensed Hackney Carriage or Private Hire vehicle; or for a short distance in an unexpected necessity; or Two occupied child restraints prevent fitting of a third. A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seatbelts are not fitted in the rear.	Driver**
<b>Child over 135 cm in height or 12 or 13 years old</b>	Seatbelt must be worn if available*	Seatbelt must be worn if available.	Driver**
<b>Passengers aged 14 years and over</b>	Seatbelt must be worn if available*	Seatbelt must be worn if available.	Passenger

\*Vehicles built before 1965 are not required to have fitted seatbelts.

\*\*Drivers must inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children and not with the driver of the vehicle.

### Carriage of Goods or Packages

The driver of a licensed vehicle is under a duty of care to the passengers to ensure that they travel safely. The carriage of goods or packages in the interior of the vehicle can put passengers at risk and, in some instances, drivers, if they are not properly secured.

Ideally, they should be located in an area outside the passenger compartment, i.e. the boot, or in a vehicle with a separate driver area, in the foot well adjacent to the driver.

Drivers are strongly advised to avoid carrying any loose goods in the passenger compartment and to clearly make known to passengers the risk they face, in having such goods in the compartment.

### Unauthorised/Non Licensed Drivers

It is an offence to allow an unlicensed driver to drive a Hackney Carriage or Private Hire Vehicle. A licensed vehicle is licensed for 365 days of the year and can only be driven by a licensed driver.

Therefore, if a driver allows their Hackney Carriage Private Hire Driver's Licence to expire, a criminal offence is committed if they use the vehicle for **any** purpose. In addition, a non-licensed driver, i.e. a licensed driver's partner, is unable to use the vehicle for **any** purpose.

Please be advised that insurance cover may allow the use of the vehicle for social, domestic and pleasure. However, if the vehicle is not being driven by a Hackney Carriage Private Hire Licensed Driver, a criminal offence is being committed.

The Council will give consideration to the appropriate course of action to each applicable licence in each circumstance.

### Advertisements

No advertising is allowed on the inside or outside of a licensed Hackney Carriage or Private Hire vehicle, other than the stickers, guides etc. approved/required by Warwick District Council.



The following matters will be taken into account, if a request for permission to advertise is sought. Permission must be sought and granted before advertisements are applied to vehicles.

- Advertisements of a form and quality that cannot be easily soiled, defaced or detached
- Advertisements that affix directly to the bodywork or initially attach to an approved magnetic panel, which is then attached to the vehicle
- Where full livery advertising is proposed or where advertisement runs across more than one panel, provision must be made for the immediate replacement of any damaged panels. Hackney Carriages will not be permitted to work with damaged or mismatched panels, nor will they be accepted for relicensing in this condition
- Location of advertisements so as not to obscure or make a licence plate difficult to identify
- Advertisements containing name and telephone number of company for which the vehicle is working. i.e. A single side window advert, of suitable size, displaying the name of the company and telephone number for bookings. A single rear window advert of suitable size, which must be constructed of approved material (e.g. dot matrix style) visible only from the outside; and must not obstruct vision
- Any advertisement material must not allow for vision to be obscured or impede an inspection
- Advertisements only to be placed on the base of occasional (flip up) seats. (Occasional seat advertising must be encapsulated in clear non-flammable plastic and maintained in a condition that does not cause a risk of injury)
- Stickers advertising the use of CCTV in the vehicle
- Advertisements must comply with UK Advertising Standards Authority's Advertising Codes. It is the responsibility of the proprietor of the vehicle to ensure that it does
- Each proposal will be considered on its own merit

The following types of advertisements will not be approved:

- Those of political, racial, religious, sexist or controversial nature
- Those for adult sexual recreation, entertainment or gaming establishments
- Those displaying nude or semi-nude figures
- Those promoting drugs or the consumptions of alcoholic drinks
- Those promoting the use of tobacco or other smoking related products
- Those likely to offend public taste
- Those depicting men, women or children as sex objects
- Those depicting direct or immediate violence

- Those which may be considered as promoting any racist individual, group, organisation or any racist message or activity
- If the advertising alters the shape of the vehicle through the fixing of a structure or other means
- Advertisements or materials placed on the passenger/driver's partition, other than the approved notices issued by the licensing team

Should advertisements be applied to vehicles without the consent of the Regulatory Manager, the vehicle proprietor will be required to remove the advertisement and ensure that the vehicle continues to meet the conditions of its licence and the Wear and Tear Guide.

### Use of CCTV

CCTV prevents and detects crime, reduces the fear of crime, enhances the health and safety of drivers and passengers, assists enforcement agencies to investigate incidents of alleged crime and civil offences. Any images and audio recordings should only be used for these purposes.

If equipment is fitted, it must comply with the legislation including the Road Vehicles (Construction and Use) Regulations 1986. The equipment must be constructed and installed in such a way as to present no danger to passengers, or the driver, at any time. The CCTV equipment must not interfere with any other system in the vehicle. I.e. radio, safety controls, navigation etc.

The CCTV equipment must be CE marked and confirmed by the equipment manufacturer as being suitable for use in motor vehicles. The equipment shall be checked for compliance on a regular basis and maintained. These checks should include the quality of the image, time and date etc.

Viewing screens to see the captured images are not permitted within the vehicle and all wiring must be fitted in accordance with the manufacturer's specifications.

Activation of the CCTV equipment can be made in a number of ways e.g. panic buttons, door switches etc. At no time should the information captured on CCTV be accessible other than by approved encryption software, which meets or is higher than the current Information commissioners processing standard. In addition, the system should have access codes to enhance security.

CCTV images must be stored either within its own hard drive or where a service provider is providing facilities, transferring in real time and using fully secured and appropriately encrypted GPRS (GSM telephone) signalling, to a secure server within the service provider's own monitoring system.

Storing images and sounds outside the vehicle is not allowed via any type of portable media device (e.g. CDs or memory sticks etc.)

Regardless of which system is used to store the data and sound, it should be stored for a maximum of 31 days only. All systems must have an automatic override device, with a turnaround time of 31 days.

If data is to be removed from the CCTV system, it must be undertaken by the service provider, a contract must be in place to cover matters such as security arrangements, keeping deleting data, access requests and arrangements to end the contract. A copy of this contract may be requested by Licensing at any time.

The Information Commissioner's Office is responsible for regulating matters relating to CCTV. Responsibility for informing the ICO applies to a specified company, organisation, individual vehicle owner (data controller). The reason for this is that the information captured on CCTV is regarded as personal data.

The data controller is required to register and renew yearly with the ICO, if they have a CCTV system installed in a vehicle. Documentary proof is required showing that this has occurred and must be produced within 30 days of the initial written permission to install CCTV by Licensing and upon renewal.

**Regardless of who processes the CCTV footage the data controller remains responsible.**

Requests may be made by the Police or other enforcement agencies entitled to access the footage. These requests should be made in writing, stating the legislation that permits access and the reason why disclosure is required.

Requests may also be made by any people who have been subject to recording on CCTV.

Signage must be displayed that informs persons that there is CCTV recording in operation. These must be displayed on both the off and near side windows of the vehicle. The signage must include the name and address of the data controller.

### Dash Cameras

License holders are permitted to use dash cameras. These must not record the conversation or images inside the vehicle.

The Council must be notified in writing that there is a dash camera in operation within the vehicle.

### Accident Data Recording Devices (ADRA)

Licence holders are permitted to install Accident Data Recording Devices (ADRA) into their vehicles. An ADRA is a journey recorder which is concealed discretely in the front or rear of a vehicle. It records digitally onto a media card. The card will hold data which consists of speed, breaking and collision G force.

No personal data, words or images are permitted to be recorded either inside or outside of the vehicle.

Such devices should be fitted and maintained in accordance with the guidelines provided by the ADRA supplier and those in this document. It should take account of:

- Any requirement in respect of the Motor Vehicle Construction and Use Regulations
- Safety requirements including the manufacturer's installation requirements
- Passenger and driver safety. The equipment must be designed and installed in such a way as to present no danger to the passenger or driver
- The risk of interference to any existing safety, electrical, computer, navigation, satellite or radio system in the vehicle

You must declare on the application form that an ADRA is fitted when renewing a licence or seek written authorisation for its installation, prior to installing the ADRA.

In the event of a collision, you must report, as soon as practicable, the incident to the Insurance Company or appropriate person. In addition, as part of the licence conditions, you must inform the Regulatory (Licensing) Team in writing of the incident and the damage sustained, within 72 hours.

### Loss or Theft of Licence or Plate

This is a serious matter as it could allow another vehicle to operate in a manner that would mislead a member of the public and put their safety at risk.

Any loss should be reported to the Regulatory (Licensing) Team immediately. A charge will be made for a replacement. Continuing to operate in the capacity as a Licensed Vehicle without these items will be viewed extremely seriously.

If you suspect a theft to have taken place, you must also contact the Police.

### Intended Use of Vehicles

It is the Council's position that a suitable licence should be sought for the work that is intended to be undertaken. The Council also prefers to only licence vehicles which intend to primarily operate within the Warwick District Boundary.

### Changing Vehicle or Temporary Plate Transfers

**Possession of a licence document does not guarantee that the licence is in force, nor does it mean that the vehicle is roadworthy or fit for use as a Private Hire Vehicle or Hackney Carriage.**

**The licence is not transferable without the consent of the Council. If the person named on the licence wishes to no longer own the vehicle, the Council must be notified in writing within 14 days, otherwise an offence may be committed.**

If, following an accident you are provided with a vehicle by your insurance company, it must comply with the requirements of the Council's Policy and you must arrange for the licence to temporarily be transferred to the temporary vehicle. You will be required to pay a fee for the transfer of the licence to the temporary vehicle and to return the licence to the original vehicle.

The temporary vehicle or replacement vehicle will require an MOT and an Inspection Certificate, issued by one of the nominated garages. If the existing vehicle is wheelchair accessible it must be replaced with a wheelchair accessible vehicle.

If you have changed vehicle, registration number or ownership, complete the Transfer Vehicle Application Form and return to the office with the required fee.

If you are transferring to a different vehicle, copies of the following documents are required.

- MOT
- Vehicle Inspection
- Insurance
- V5
- The Hackney Carriage or Private Hire licence Plate issued to the vehicle being replaced

The Regulatory (Licensing) Team reserve the right to refuse the transfer of any vehicle, which does not meet the requirements of the Council Policy or the standards expected, as outlined in this document, or the Wear and Tear Guide, or where a licence plate has not been returned.

#### Licence Renewal Reminders

All Licence holders will be sent a reminder and a link to the necessary renewal forms online, to the address that is held on file, well in advance of the expiry of the Licence. However, please note the ***responsibility for renewal rests with the Licensee***. You can renew your licence immediately you receive your reminder.

***If you allow your licence to expire, no matter what the reason, it cannot be renewed. A licence that has expired does not exist and therefore cannot be renewed.***

A vehicle application should be received by Warwick District Council at least three to four weeks prior to the old Licence expiring. Whilst every effort will be made to issue every Licence, within the time scales mentioned in the Timescales Indications Document and those specifics mentioned above, the Authority cannot be held responsible for delays experienced through an applicant's failure to provide appropriate documentation.

It will take up to 10 days to process a valid application. The authority will **not** issue Licences on demand but will, in exceptional circumstances, make every effort to ensure the continuity of service.

***If a Warwick District Council Licence lapses for any reason, then any subsequent application will be treated as a new application. Therefore please note, a new licence will not be granted immediately and the full process may take several weeks.***

**The vehicle will no longer be a Licensed Vehicle and therefore will not be allowed to operate as a Hackney Carriage or Private Hire Vehicle until your application has been determined. Continuing to drive and operate as a Hackney Carriage or Private Hire Vehicle is a criminal offence, for which you may be prosecuted.**

If the lapse is less than two weeks, consideration will be given to your condition of the vehicle. If the condition of your vehicle is acceptable, yet the requirements of the vehicle are no longer met, consideration will be given to granting your licence.

However, if the vehicle is not being maintained in an appropriate condition and is outside of the requirements for your vehicle licence type, namely; major failures as determined by the vehicle inspection or MOT, your application will be refused.

If there is a history of allowing the licence to lapse before submitting renewal applications, this will be taken into account and will influence whether a licence will be issued in such a situation.

#### Surrendering a Plate and Licence.

A vehicle proprietor may surrender the Hackney Carriage or Private Hire Vehicle Licence.

In order to surrender your plate and licence, the Regulatory (Licensing) Team must receive in writing an expression of the wish to surrender the plate, by the proprietor. This must be accompanied by the licence documents and Warwick District Council's Licence Plates which have been affixed to the rear and front windows.

If you are unable to provide these documents, you will be required to provide a satisfactory explanation.

You will also be required to remove passenger information stickers, fare distance guides and tariff guides from the vehicle.

If the licence holder is unavailable (e.g. incapacitated, deceased etc.) the above procedure can be undertaken by a person authorised to act on their behalf. However, evidence must be provided to the Regulatory (Licensing) Team, that shows the authority of any person acting in this capacity.

#### Conduct of the Vehicle

Warwick District Council uses a Licence Holder Conduct Scheme. This scheme applies to all Hackney Carriage and Private Hire Licences issued. Further information on the scheme can be found in Appendix E.

DRAFT



### **Section 3:**

#### **PRIVATE HIRE OPERATOR'S LICENCE** **PRINCIPLES, PROCESSES AND POLICES**

This licence is required to run a Private Hire Business. This licence is for the operation of the business only. Separate licences for vehicles and drivers must also be obtained.

**The base should normally be located within the Warwick District Council. Persons who wish to operate a business from outside the District would ordinarily be expected to apply to the Licensing Authority in which their operating premises are based.**

This licence allows the direction, taking of bookings and dispatching of Private Hire vehicles to hirings, in advance. The vehicles dispatched and the licensed drivers of those vehicles must also be licensed, with Warwick District Council.

**Operators that do not comply with the Councils' Policies are likely to be refused. Therefore, you are strongly advised to read all of the applicable guidance, procedures and policies prior to commencing a Private Hire Operators Business or applying for a licence.**

Before a licence will be issued, the applicant must demonstrate that the business and named applicant (both individual and company if applicable) has met the required standards and that all documentation has been provided, with a completed application form:

- a) All applicants for Private Hire operator licences will be required to submit a Disclosure and Barring Service Check Basic Disclosure (unless they are a Licensed Hackney Carriage Private Hire Driver with Warwick District council)
- b) Evidence of Public Liability Insurance (if the public have access to the operating base)
- c) Completed application form and fee
- d) Submit 1 colour passport size photograph of yourself, to the same standards required for a passport
- e) Submit copies of your business stationery (if available)/business cards
- f) Submit proof of planning permission or proof of exemption from planning permission, for the proposed operating base
- g) Submit proof of your approved radio system/radio frequency, from the Radio Communications Agency (if applicable)
- h) Your business premises will need to be inspected

- i) Be interviewed regarding licensing conditions & requirements;
- j) They will also be required to state on the application form where their vehicles will normally be parked, when not in use.

**Failure to provide all of the necessary documents, on application, will result in a delay in processing and the possible failure of your application.**

**If the relevant documents are not received within 8 weeks of the start of your application, your application will be considered to have failed.**

#### A Fit and Proper Person

**This section is also applicable to Hackney Carriage Private Hire drivers.**

The Council will ONLY grant or renew a drivers or operator's licence where they are satisfied that the individual is a fit and proper person to hold such a licence. The onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.

There is no absolute definition as to what constitutes a "fit and proper person". The Council's primary concern is the protection of the public and licensees have to be relied upon to provide safe and reliable transport. The Council also has to consider that passengers will include vulnerable people, for example; elderly people, unaccompanied children, people with disabilities, those who have had too much to drink, lone women and foreign visitors; the Council will need to have confidence that such people would be able to rely on the driver. In addition drivers and operators may have access to sensitive information, such as where an individual may live or work and whether their home is empty.

It is important that drivers, operators and proprietors licensed by the Council are honest and open in their dealings with the Council. The Council expects individuals to provide information that is accurate and complete and to notify the Council immediately when an issue arises that may affect a licence. Failure to notify the Council about convictions, cautions and related matters or relevant medical conditions will be viewed seriously and will be taken into account when judging the suitability of an individual to hold a licence.

In addition the Council expects licensed individuals to act with courtesy and conduct themselves in a professional and polite manner at all times. Aggressive, rude and insulting behaviour towards customers or council employees is not acceptable and will be taken into account when judging whether an individual is fit and proper to hold a licence.

Some important areas that will be considered by the Council are:

- Convictions and cautions and related matters (see policy at Appendix C)
- Length of driving record and evidence of consistently good and safe driving
- Complaints and/or compliments from customers. Record of co-operation with Licensing Authorities
- Honesty and trustworthiness
- Physical and mental health
- Knowledge of the area
- Ability to read, speak and understand English
- Working knowledge of arithmetic (ability to give correct change)
- Good knowledge and awareness of any special requirements that disabled passengers may have by attending the prescribed Disability Awareness Course

Where the Council does not judge that an individual is a fit and proper person to hold a licence then the application for a licence will be refused.

Where an existing licence holder is found not to be fit and proper then their licence will be revoked or suspended.

If an applicant has convictions, cautions or related matters, they may wish to provide further details of the circumstances and any mitigating factors with their application. All Applicants should read the Council's policy on convictions and cautions at Appendix C before submitting their application.

#### Application Processing Procedure

1. The complete application and associated documents will be considered.
2. The Regulatory Manager will then grant the licence or renewal in accordance with the Council requirements.
3. Where the requirements indicate that an application should be refused, the Regulatory Manager will write to the Applicant (via email and post) and advise that refusal is proposed and indicate the reasons why.

4. The Applicant will then be given the chance to make representations to the Council's Licensing and Regulatory Committee or Sub Committee ("The Committee") before a decision is made. Representations can be made in person or in writing.
5. The Applicant will need to notify the Council within 21 days, at the contact address shown above, if they want their application to be considered by the Committee.
  - 5.1. When this notification is received, a hearing before the Committee will be arranged and the Applicant notified of the date.
  - 5.2. A report will be prepared and submitted to the Committee, which will contain details of why the application has been refused and include any evidence that the Applicant has already submitted. The Applicant will be given a copy of the report and the opportunity to submit further evidence in advance of the hearing.
  - 5.3. The Applicant may attend the hearing and address the Members of the Committee. The Applicant may choose to attend with a legal representative or a friend who may speak on their behalf. The Applicant may choose not to attend but to send in written representations for the Committee to consider.
  - 5.4. The Committee will then decide whether to grant or refuse the application based on whether they believe that the vehicle is appropriate. The Applicant will be notified of the decision in writing. If the decision is to refuse the application, then the written notification will include reasons for the refusal and details of how to appeal.
6. If an Applicant indicates that they do not want their application or renewal to be considered by the Committee or does not respond, then the Regulatory Manager will review the application after 21 days and decide whether to grant or refuse the licence. The Applicant will then be informed of the decision and reasons given in writing, along with the Right of Appeal.

**Please be aware that you are unable to operate as a Private Hire Operator, taking bookings or dispatching Private Hire vehicles for hire, until you have completed all of the licensing procedures and been granted a licence as a Private Hire Operator.**

### Conditions

Failure to comply with the conditions of the licence, described in Appendix M, may result in suspension, revocation or refusal to renew a licence. In certain circumstances formal action such as Prosecution may be the most appropriate course of action.

### Guide and Assistance Dogs

An operator cannot refuse a booking made by, or on behalf of, a disabled person who is accompanied by a guide, hearing or other assistance dog. It is also unacceptable to make an additional charge for the carrying of the dog.

An operator may be prosecuted for these offences and if found guilty, face a fine of up to £1000.

### Sub Contracted Hirings

Warwick District Council's Licensed Operators can sub-contract pre booked work to another operator. It is the operator's responsibility to ensure that the pre booking is subcontracted to an appropriately licensed operator, vehicle and driver.

If an operator subcontracts a booking to an operator, driver or vehicle that is not appropriately licensed, an offence may be committed for which you can be prosecuted.

It is advisable to inform the client making the booking that there has been a subcontracting of the journey, to ensure that the client is aware. The client is not required to give permission for the sub-contracting.

It is also advisable to subcontract to another operator, who operates to the same licensing standards and has received the same level of assessment, in regard to vehicle and driver suitability.

### Compliance Inspection

An inspection will be conducted of the business premises named on your application form. This inspection will be carried out when you are a new applicant and at least once, in each licensing period.

Officers will expect the premises to be clean and in good order. If members of the public are to be allowed to wait on the premises, it must be in a satisfactory condition for their comfort and safety.

Public Liability Insurance is a core requirement for businesses. It protects you for your actions whilst at work. It covers any damages that a member of the public may be awarded, as a result of injury or damage to them or their property, caused by your business. It also covers legal fees and other expenses to do with defending any claim. It is the responsibility of the licence holder to take out insurance cover adequate for the size of the operating premises named on the Private Hire Operating Licence. It is advisable that a risk assessment is undertaken to establish what would constitute adequate cover.

#### Licence Renewal Reminders

All Licence Holders will be sent a reminder and a link to the necessary renewal forms online, to the address that is held on file, well in advance of the expiry of the Licence. However, please note, the **responsibility for renewal rests with the Licensee**. You can renew your licence immediately you receive your reminder.

***If you allow your licence to expire, no matter what the reason, it cannot be renewed. A licence that has expired does not exist and therefore cannot be renewed.***

A Private Hire Operator's Licence Application should be received by Warwick District Council at least three to four weeks prior to the old Licence expiring. Whilst every effort will be made to issue every Licence within the time scales mentioned in the Timescales Indications Document, and those specifics mentioned above, the Authority cannot be held responsible for delays experienced through an applicant's failure to provide appropriate documentation.

Officers will take 10 days to process a valid application. The authority will **not** issue Licences on demand but will, in exceptional circumstances, make every effort to ensure the continuity of service.

***If a Warwick District Council Licence lapses for any reason then any subsequent application will be treated as a new application. Therefore,***

***please note, a new licence will not be granted immediately and the full process may take several weeks.***

**The business/proprietor will no longer be a Licensed Private Hire Operator and therefore, will not be allowed to operate until the application has been determined. Continuing to operate, take bookings or dispatch vehicles for hire is a criminal offence, for which you may be prosecuted.**

If the lapse is less than two weeks, consideration will be given to the history of the operator with the licensing authority. If there is a history of allowing the licence to lapse before submitting renewal applications, or failure to conduct the business in accordance with licence conditions, this will be taken into account and will influence whether a licence will be issued in such a situation.

#### Surrendering a Licence.

A operator may surrender the Private Hire Operator Licence. In order to surrender the licence, the licensing office must receive in writing an expression of the wish to surrender, by the licence holder. This must be accompanied by the licence documents.

If you are unable to provide these documents you will be required to provide a satisfactory explanation.

If the licence holder is unavailable (e.g. incapacitated, deceased etc.) the above procedure can be undertaken by a person authorised to act on their behalf. However, evidence must be provided to the Regulatory (Licensing) Team that shows the authority of any person acting in this capacity.

#### Conduct of a Private Hire Operator

Warwick District Council uses a Licence Holder Conduct Scheme. This scheme applies to all Hackney Carriage and Private Hire Licences issued. Further information on the scheme can be found in Appendix F.

## Prevention of Child Sexual Exploitation

From 1<sup>st</sup> July 2015, all Private Hire Operator Licence holders must ensure that they and their call handling staff must be trained in the Prevention of Child Sexual Exploitation Course for a licence to be granted.

All operators, who fail to meet this requirement, can expect to be sent before the committee to explain their non-compliance with their licence conditions, or have their licence refused by the Regulatory Manager upon renewal.

The Prevention of Child Sexual Exploitation training must cover:

- Identification & Signs of CSE
- Signs
- Legislating and Trafficking
- Who to report it to
- What happens when you do

Applications for the courses with the nominated training provider can be made by telephoning the licensing team.



## **Section 4:**

### **INFORMATION APPLICABLE TO ALL LICENCES**

#### **PRINCIPLES, PROCESSES AND POLICIES**

##### Fees

The fees are advertised and Licensing fees are detailed separately to this guidance.

##### Multiple Application Submissions

Warwick District Council reserves the right to process multiple applications which are submitted for a driver, vehicle and operator by the same applicant, in a specific order. This is to prevent applicants from incurring significant costs, if their application cannot be processed to conclusion or are refused.

The order of processing will be:

- Hackney Carriage Private Hire Driver
- Hackney Carriage or Private Hire Vehicle (as applicable)
- Private Hire Operator

Routinely a vehicle licence will not be granted until a named licensed driver can be identified and a Private Hire Operator's licence will not be granted until a licensed Private Hire Vehicle can be associated with the Private Hire Operator Application.

##### Declarations

All applicants will be asked to make a number of declarations upon the forms, that are provided for the administration of the Licensing Scheme. False declarations will not be looked upon favourably. They may be taken into account in future application assessments and may be forwarded to the Police or other agency for investigation in order to determine if a criminal offence has been committed.

##### Compliments

The Council expects all Licensees to display the utmost care in all their dealings with the public and therefore, are pleased to receive any complimentary reports of service provided by traders. These will always be passed onto the Licence holder and placed upon their record.

### Sharing of Information

Information on applications may be shared with Department of Works and Pensions, Warwickshire Police or neighbouring Licensing Authorities upon request.

Any applications for new Hackney Carriage Private Hire Drivers, Hackney Carriages; Private Hire Vehicles and Private Hire Operators will be shared with neighbouring authorities. Any information received through this process will be used to assist in the determination of an application.

In addition, details of any licence holders or applicants who are suspended, revoked or refused will be shared with neighbouring Licensing Authorities.

Details of all applications for Private Hire Operator Licences will be supplied to the Council's Planning Department, to ensure that the relevant planning permission is in place for the premises.

## **Section 5:**

### **ENFORCEMENT AND COMPLIANCE**

#### **PRINCIPLES, PROCESSES AND POLICES**

Enforcement of the Hackney Carriage and Private Hire licensing provisions is essential to ensure the protection of the travelling public. Enforcement action will be undertaken in accordance with the Councils enforcement policy which can be found on the licensing pages at [www.warwickdc.gov.uk](http://www.warwickdc.gov.uk)

#### **Complaints**

All complaints will be thoroughly investigated by the Regulatory (Licensing) Section. The licensee will be advised of the substance of the complaint and will be given the opportunity to respond. The licensee will also be informed in writing of the outcome of the investigation and any action that they are required to take together with any relevant timescales.

Any written documentation issued or sent will:-

- Contain all the information necessary to understand the offence and what needs to be done to rectify it. Where works are required, the period allowed for them to be completed will be indicated;
- indicate the legislation or conditions contravened and measures which will enable compliance with the legal requirements and point out, where appropriate, that other means of achieving the same effect may be chosen; and
- Clearly indicate any recommendations of good practice under an appropriate heading, to show that they are not a legal requirement.

A clear distinction will be made between requirements and matters which are recommended as good practice.

#### **Appropriated course of action**

The Council will abide by the principles set out in the Enforcement Policy and ensure that any enforcement is proportionate, consistent, targeted, and transparent. In addition the Council will be accountable for its actions.

The Council may consider the following action:

1. Informal Action

Including offering advice, giving verbal and written warnings. Issuing points in accordance with the licence holder conduct scheme.

A record will be kept of the informal action taken and could be referred to in order to assist which course of action would be appropriate in the future or in order to assist in the determination of an application.

2. Prosecution and Simple Cautions

The decision to prosecute or administer a formal caution is a very significant one. This type of action will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Council are not followed and / or the public is put at serious risk.

Where the offer of a Simple Caution is not accepted the licence holder will be prosecuted.

3. Vehicle Suspension Notices under section 68 of the Local Government (Miscellaneous Provisions) Act 1976

An authorised officer may serve notice in writing for a Hackney Carriage or Private Hire vehicle or the taxi meter affixed to such vehicle to be examined at the Council's appointed garage at a time specified in the notice.

This notice can only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the taxi meter. An authorised officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as he is satisfied with the condition of the Hackney Carriage or Private Hire vehicle. Where the officer is not satisfied within a period of 2 months then the licence shall be deemed to be revoked. Written notice will then be given to the proprietor along with details of the right of appeal against the revocation to the magistrate's court.

This action will only be taken when the officer has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passengers and/or other road users.

4. Immediate Suspension or Revocation of a Driver Licence under section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976

In some cases where the Council considers that public safety is at risk it may decide to suspend or revoke a drivers licence with immediate effect. This decision will be made by the Head of Health and Community Protection in consultation with the Chair of the Licensing and Regulatory Committee and a legal representative.

Attempts will be made to contact the licensee to advise them of the situation and give them a chance to make representations prior to any decision being made. Licensees should be aware that the Council will not be able to delay taking action where there is a risk to public safety and it is possible that a decision will have to be made without a licensee having had the opportunity to make representations or attend a hearing.

The licensee has the right of appeal against the decision to the Magistrates Court but in this case the suspension or revocation will not be stayed pending appeal.

#### Appearances before the Licensing and Regulatory Committee

The Committee will consider suspension, revocation and refusal to renew licences and licence applications where the applicant has indicated that they want to be heard by the Committee as outlined above.

Anyone appearing before the Committee will have the opportunity to submit documentary evidence in advance and has the right to address the committee or nominate someone else to do this on their behalf.

Before appearing before the Committee an individual will have a copy of a report prepared by the Licensing Officer outlining the issues and the Committees powers.

#### Appeal to the Magistrates Court

If the applicant/licence holder is not satisfied with the decision of the Committee he/she may appeal to the Magistrates Court. The appeal needs to be made within 21 days of notification of the Council's decision.

## Interventions

We will conduct enforcement and compliance interventions.

**Enforcement interventions will be focused and targeted on operators, drivers and vehicles that do not comply with the legislation and the conditions of their Licence.**

Interventions include but are not limited to:

- Spot checks/roadside checks
- Test purchasing activities. i.e. taking a journey, making a booking etc. Please note test purchasers may or may not make themselves known to licence holders at the time.
- Inspections.

**An authorised officer of the council has the power at all reasonable times to inspect and test for fitness any vehicle licensed by the council or any taxi meter affixed to the vehicle.**

## Obstruction of an Officer

A licensed vehicle hailed by a duly authorised officer shall stop to allow such examination to take place. Officers will have regard to any fare being carried at the time.

It is an offence to obstruct an authorised officer or fail to give such assistance or information as may be required, or to comply with any reasonable requirement. It is also an offence to provide false information.

## **Appendix A:**

### **APPLICANTS WITH DIABETES**

#### **Policy for Private Hire and Hackney Carriage Driver Applicants and Licence Holders with Diabetes treated with insulin or tablets**

Warwick District Council has determined that the following criteria will have to be met by all Hackney Carriage and Private Hire Driver current licence holders and all applicants with insulin or tablet treated diabetes.

Licence holders and applicants are reminded that the requirements of the declaration signed on the issue of licence remain an obligation. Medical declaration forms are available upon request for either insulin or tablet. These may be obtained by post to the offices of Warwick District Council, on the Council's website or by email from [licensing@warwickdc.gov.uk](mailto:licensing@warwickdc.gov.uk).

All current applications involving individuals with insulin/tablet treated diabetes will be dealt with under the following requirements.

#### **Applicant being treated with insulin**

##### **It is a requirement that the applicant:**

- Has undergone treatment with insulin for at least four weeks
- Has full awareness of hypoglycaemia
- Has not, during the immediately preceding year, had an episode of severe hypoglycaemia
- Regularly monitors his or her condition and, in particular, undertakes blood glucose monitoring at least twice daily and at times relevant to driving, using a device that incorporates an electronic memory function to measure and record blood glucose levels, and undertakes to continue so to monitor

##### **It is a requirement that the applicant has attended an examination by a hospital consultant specialising in the treatment of diabetes, who has provided a report confirming that:**

- The applicant has a history of responsible diabetic control
- Currently has a minimal risk of impairment due to hypoglycaemia
- Has undergone treatment with insulin for at least four weeks
- Has full awareness of hypoglycaemia

- Has not, during the immediately preceding year, had an episode of severe hypoglycaemia
- Regularly monitors his or her condition and, in particular, undertakes blood glucose monitoring at least twice daily and at times relevant to driving, using a device that incorporates an electronic memory function to measure and record blood glucose levels, and undertakes to continue so to monitor
- The applicant will continue to have annual reviews with a hospital specialist

**The applicant must provide a signed declaration that he or she:**

- Understands the risk of hypoglycaemia and will comply with such directions regarding treatment for diabetes as may from time to time be given by the registered medical practitioner overseeing that treatment, or one of the clinical team working under the supervision of that registered medical practitioner
- Regularly monitors his or her condition and, in particular, undertakes blood glucose monitoring at least twice daily and at times relevant to driving, using a device that incorporates an electronic memory function to measure and record blood glucose levels, and undertakes to continue so to monitor
- Will immediately report to [the Secretary of State] in writing any significant change in his or her condition and will follow the advice of his or her registered medical practitioner, or one of the clinical team working under the supervision of that registered medical practitioner, concerning fitness to drive.

**Applicants being treated with a medication which carries a risk of inducing hypoglycaemia, other than insulin**

**Sulphonylureas, including the following:**

Chlorpropamide, Glibenclamide, Gliclazide, Glimepiride, Glipizide, Glibense, Tolbutamide

**Glinides, which include the following tablets**

Nateglinide also known as Starlix  
Repaglinide also known as Prandin

**It is a requirement that the applicant:**

- Has full awareness of hypoglycaemia
- Has not, during the period of one year immediately preceding the date when the licence is granted, had an episode of severe hypoglycaemia; and
- Regularly monitors his or her condition and, in particular, undertakes blood glucose monitoring at least twice daily and at times relevant to driving



**It is a requirement that the applicant has attended an examination by a registered medical practitioner, who has provided a report confirming that**

- The applicant has a history of responsible diabetic control and currently has a minimal risk of impairment due to hypoglycaemia
- Has full awareness of hypoglycaemia
- Has not, during the period of one year immediately preceding the date when the licence is granted, had an episode of severe hypoglycaemia; and regularly monitors his or her condition and, in particular, undertakes blood glucose monitoring at least twice daily and at times relevant to driving

**Provides a signed declaration that he or she:**

- Understands the risk of hypoglycaemia and will comply with such directions regarding treatment for diabetes as may from time to time be given by the registered medical practitioner overseeing that treatment, or one of the clinical team working under the supervision of that registered medical practitioner
- Will immediately report to [the Secretary of State] in writing any significant change in his or her condition and will follow the advice of his or her registered medical practitioner, or one of the clinical team working under the supervision of that registered Medical Practitioners, concerning fitness to drive

## **Appendix B:**

### **DBS POLICY STATEMENT**

#### **General principles**

As an organisation using the Disclosure and Barring Service to help assess the suitability of Hackney Carriage and Private Hire Drivers, WDC complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

#### **Storage and Access**

Disclosure information is kept securely, in a lockable, non-portable, storage container with access strictly controlled and limited to those who are entitled to see it as part of their duties.

#### **Handling**

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. When it is necessary to present the Disclosure to members of the Council's Regulatory Committee, 15 numbered copies will be distributed to members before being collected and shredded after the meeting.

#### **Usage**

Disclosure information is only used for the specific purpose for which it was requested.

#### **Retention**

Once a decision has been made on whether it is necessary to use the information on the Disclosure, it will not be kept for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any appeals or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, the DBS will be consulted and full consideration will be

given to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and controlled access will prevail.

## **Disposal**

Once the retention period has elapsed, WDC will ensure that any Disclosure information is immediately destroyed by shredding. No photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure will be made, save for the requirements shown above regarding the Council's Regulatory Committee. However, notwithstanding the above, a record of the date of issue of a Disclosure, the name of the subject, the unique reference number of the Disclosure and the details of the Regulatory Committee decision taken will be kept.

## **Acting as an Umbrella Body**

Before acting as an Umbrella Body (one which countersigns applications and receives Disclosure information on behalf of Hackney Carriage and Private Hire drivers), WDC has taken all reasonable steps to satisfy itself that it will handle, use, store, retain and dispose of Disclosure information in full compliance with the CRB Code and in full accordance with this policy.

## **Appendix C:**

### **RELEVANT CONVICTIONS AND CAUTIONS POLICY**

In order to hold a Hackney Carriage/Private Hire driver's licence or operator's licence. The Council must be satisfied that an individual is a fit and proper person to hold such a licence.

In addition the Council has the power to suspend, revoke or refuse to renew vehicle licences where the operator or driver has committed an offence under Part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847 or for any other reasonable cause.

The purpose of this policy is to provide guidance on one aspect of whether a person is a fit and proper person; namely the relevance of convictions and cautions and related matters including where a person is or has been the subject of criminal investigation.

This guidance will be taken into account when dealing with new applications, renewal applications and where revocation of a licence is being considered.

It aims to assist all parties with an interest in Hackney Carriage and Private Hire licensing and to ensure transparency and consistency. The guidance will be of particular relevance to:

1. Applicants for drivers and operators licences
2. Existing licensed drivers and operators
3. Proprietors of vehicle licences
4. Members of the Licensing and Regulatory Committee/Sub-Committee (or any other relevant decision making body)
5. Magistrates hearing appeals against Warwick District Council decisions

#### **Disclosure Requirements**

The licence application form requires the applicant to disclose all convictions, cautions and details of any arrests. Convictions include any spent convictions under the Rehabilitation of Offenders Act 1974 and Rehabilitation of Offenders Act (Exceptions) Order 2003. It is an offence under section 57 of the Local Government (Miscellaneous Provisions) Act 1976 to knowingly or recklessly make a false statement on the licence application form.

An existing licence holder must report any new arrest or new convictions or cautions within seven days to the Council. Further information about the procedure can be found in the notification section of the Guidance notes and conditions documents available on the WDC webpages.

The applicant/licence holder must also comply with the Disclosure and Barring Service (Enhanced Disclosure) Requirements as detailed in the application section of the Guidance Notes.

### **General Principles**

1. Each case will be judged individually on its own merits.
2. The overriding aim is to protect the public. Members of the public entrust themselves to the care of Drivers and Passengers may include especially vulnerable people. Drivers need to be persons of trust. The Council considers that as part of the decision making process the following question should be applied:

*"Would I allow my daughter or son, granddaughter or grandson, spouse, mother or father, or any other person I care for or any vulnerable person I know, to get into a vehicle with this person alone?"*

*"Would I trust this person with sensitive information? i.e. that my house is empty, that I am on holiday for the next two weeks, that children are alone in the house?"*

All other considerations, including the personal circumstances of the individual are secondary to public safety.

3. It is recognised that different considerations apply to operator and vehicle licensees to that of drivers.
  - 3.1 It is important that operators are fit and proper and they can be trusted to keep accurate records, maintain vehicles in a good condition, promote and enforce good standards of driving and co-operate at all times with the Council and other authorities. Previous convictions, cautions and other related matters will be taken into account when deciding whether an individual is fit and proper to hold an operator's licence.
  - 3.2 Holders of vehicle licences need to be trusted to maintain vehicles in a good and safe condition and keep accurate records. Previous convictions, cautions and related matters will therefore be taken into account when considering revocation or suspension of a vehicle licence.
4. Previous convictions and cautions may indicate that a person is not fit and proper. In addition the Council recognises that where an applicant or licensee has been investigated for a serious criminal offence but not convicted this may also need to be taken into consideration when determining whether that person

is fit and proper to hold a licence. In cases where a criminal prosecution does not proceed or there is a finding of not guilty the Council may still conclude that an individual is not fit and proper.

5. Whilst it is acknowledged that a caution is not a criminal conviction the acceptance of a caution does mean that the individual has admitted the offence. It is for this reason that cautions will be considered in a similar way to convictions.
6. The Council acknowledges that the police increasingly use methods such as restorative justice as alternatives to the criminal court system and it may be appropriate for the Council to take this type of action into consideration when deciding whether an individual is fit to hold a licence.
7. Where an individual has been convicted of an offence but the conviction is subject to appeal the Council may decide it is appropriate to suspend/revoke the licence pending the outcome of the appeal on the grounds that the individual is not fit and proper until the issue of whether or not the conviction will be upheld has been decided. A finding of not guilty may still result in the Council deciding that an individual is not a fit and proper person to hold a licence.
8. There may be situations where it would be appropriate to depart from the guidelines. The Council will consider whether the offence is an isolated one and any mitigating circumstances surrounding the offence. Similarly multiple offences or a pattern of offences over time may demonstrate that an individual is not a fit and proper person.
9. Convictions and cautions may not automatically prevent a person obtaining a licence or mean that a current licence is revoked, suspended or not renewed. However, certain offences are viewed particularly seriously and it may not be appropriate for an individual to ever be licensed.
10. The Council considers that offences committed by licensees should be regarded more seriously than offences committed by unlicensed individuals. This is because a licensee has been judged to be fit and proper to hold a licence and should be aware of the standards required of them. Offences committed when a licensee is working as a taxi driver or operator or where a passenger is a victim will be viewed as particularly serious.

## Specific Guidelines relating to Drivers/Operators

The following specific guidelines provide an indication of how particular cases involving the consideration of cautions or convictions are likely to be dealt with. They do not attempt to include all possible offences but give an indication of how the most common offences will be dealt with.

Where an individual has more than one conviction or caution recorded against them the authority may not regard the period of time that has elapsed since the last conviction as sufficient to demonstrate the individuals fitness to be licensed. These guidelines are not binding on the Council and it may depart from them where the particular circumstances of an individual case make it appropriate to do so.

The minimum period of time specified is guidance a person with a single conviction only.

### Offences of Dishonesty

Offence	Minimum period free from conviction
Burglary	Not suitable to be licensed
Fraud (sentence of imprisonment)	10 years
Fraud (no sentence of imprisonment)	5 years
Theft (sentence of imprisonment)	Not suitable to be licensed
Theft (no sentence of imprisonment)	10 years
Vehicle Taking	5 years

### Offences of Violence Public Order Offences and Offences against Property

Offence	Minimum period free from conviction
Murder	Not suitable to be licensed
Manslaughter	Not suitable to be licensed
Grievous Bodily Harm/ Unlawful Wounding	Not suitable to be licensed
Robbery	Not suitable to be licensed
Arson with intent to endanger life	Not suitable to be licensed
Arson	10 years
Riot or Violent Disorder	10 years
Possession of a Firearm	Not suitable to be licensed
Assault occasioning ABH	10 years
Assaulting a Police Officer	10 years
Threats to Kill	Not suitable to be licensed
Witness Intimidation	10 years
Affray	10 years

<b>Offence</b>	<b>Minimum period free from conviction</b>
Possession of Offensive weapon or Bladed Article	Not suitable to be licensed
Harassment with fear of violence	Not suitable to be licensed
Harassment	10 years
Criminal Damage (value over £5000)	5 years
Threatening Behaviour Section 4 & 4A Public Order Act	7 years
Common Assault	7 years
Drunk and Disorderly in a Public Place	5 years
Disorderly Behaviour Section 5 Public Order Act	5 years
Criminal Damage (value under £5000)	3 years

If any of the above offences are racially or religiously aggravated they will be treated more seriously.

### **Sexual Offences**

<b>Offence</b>	<b>Minimum period free from conviction</b>
Rape	Not suitable to be licensed
Assault by Penetration	Not suitable to be licensed
Sexual Assault	Not suitable to be licensed
Sexual offences involving a child or Young Person	Not suitable to be licensed
Indecent Exposure	Not suitable to be licensed
Prostitution - Soliciting	Not suitable to be licensed
Soliciting prostitutes from a motor vehicle or Kerb crawling	Not suitable to be licensed

### **Drugs Offences**

<b>Offence</b>	<b>Minimum period free from conviction</b>
Supply controlled drugs/ Possession with intent to supply	Not suitable to be licensed
Possession of a controlled drug	5 years



## Traffic Offences

Offence	Offence Code	Minimum period free from conviction
Death/serious injury by dangerous driving	DD10/DD80	Not suitable to be licensed
Manslaughter or Culpable Homicide whilst driving a vehicle	DD60	Not suitable to be licensed
Death by careless driving	CD40/CD50/CD60 CD70/CD80/CD90	Not suitable to be licensed
Dangerous/Furious Driving	DD40/DD90/MR09	Not suitable to be licensed
Careless Driving	CD10/CD20/CD30	10 years
Driving/Attempting to drive under the influence of alcohol or drugs	DR10/DR20/DR80 MR29	10 years
Failing to stop/report an accident/accident offences	AC10/AC20 AC30/MR19	10 years
In charge of vehicle under the influence of alcohol/drugs	DR40/DR50/DR90	7 years
Failing to provide a specimen for analysis/refusing to give permission for specimen analysis	DR30/DR31/DR61 DR60/DR70	10 years
Driving without insurance	IN10	5 years
Driving or attempting to drive whilst disqualified	BA10/BA30/MR49	10 years
Driving other than in accordance with a licence	LC20/LC50	5 years
Driving having failed to notify a disability/false declaration about fitness	LC30/LC40	10 years
Driving whilst using a mobile Phone	CU80	5 years
Disqualification following totting up		4 years from end of disqualification period

## Penalty Points on Driving Licence

Number of Points	
7 or more current penalty points on Licence	Not suitable to be licensed whilst the penalty points limit is exceeded.

## Hackney Carriage/Private Hires Offences

Offence	Minimum period free from conviction
Providing false information on licence Application	5 years
Using an unlicensed vehicle	5 years
Driving a licensed vehicle without a licence/Operating a vehicle without an operator's licence/Proprietor using an unlicensed driver	5 years
Not wearing identity badge	2 years
Obstruction of an authorised officer or constable/failing to comply with requirement of authorised officer or Constable.	2 years
Overcharging/Unnecessarily prolonging Journey	5 years
Failing to produce records/documents on Request	5 years
Failing to notify change of details including address, convictions, cautions, accidents	5 years

These minimum periods are following conviction by a court or where a driver has accepted a Simple Caution. Officers will prosecute for these offences in accordance with the Enforcement Policy which is available on the WDC Licensing Web pages.

## **Appendix D:**

### **HACKNEY CARRIAGE PRIVATE HIRE DRIVERS LICENCE** **CONDITIONS OF LICENCE**

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976; and TOWN POLICE CLAUSES ACT 1847**

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

The driver must:

- (a) Convey a passenger's luggage and afford all reasonable assistance with such luggage;
- (b) At all times be clean and respectable in his dress and person and behave in a civil and orderly manner;
- (c) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
- (d) Not without the express consent of the hirer, drink or eat in the vehicle;
- (e) 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;
- (f) At no time, cause or permit the noise emitted by any radio or other previously mentioned equipment, on the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;

##### **2. Condition of vehicle**

- (a) The driver must ensure that any licensed vehicle, to be driven by him is in a roadworthy condition, and thoroughly cleaned before the commencement of his journey;
- (b) The driver shall not drive any vehicle failing to display its front and rear plates.
- (c) The driver must ensure that for every journey there is appropriate insurance cover in the event of passenger injuries.

##### **3. Wearing of badges**

The driver must wear the identity badge supplied by the Council in a prominent position at all times and ensure that it is visible to customers.

#### **4. Safety Equipment**

- (a) The driver must ensure that every vehicle he drives is fitted with a 1kg BC Dry Powder Type Fire Extinguisher BSEN3 (European Standard), which must be kept full and pressurised.
- (b) The driver must ensure that every vehicle he drives carries a basic first aid kit with suitable contents, in order to treat themselves.

#### **5. Shortest Possible Route**

The driver must, when hired to drive to a destination, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

#### **6. Hackney Carriage Driver plying for Hire**

- (a) The driver of a Hackney Carriage must, when plying for hire in any street and not actually hired:-
  - Proceed with reasonable speed to one of the stands appointed by the Council
  - 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
  - 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
  - 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
- (b) The driver of a Hackney Carriage, when standing or plying for hire, must not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

#### **7. When acting as a Private Hire Driver**

A licence holder shall not, whilst driving and in charge of a Private Hire vehicle:

- Tout or solicit on the road or other public place any person to hire or be carried for hire, in any Private Hire vehicle.
- Cause or procure any other person to do the above.
- Accept an offer for the immediate hire of that vehicle whilst the driver of that vehicle is on the road or other public place, except where first communicated to the driver by a Private Hire operator.

## 8. Passengers

- (a) The driver must not convey or permit to be conveyed in a licensed vehicle, a greater number of persons than that prescribed in the licence for the vehicle.
- (b) The driver must not, without the consent of the hirer of a licensed vehicle convey or permit to be conveyed any other person in that vehicle.
- (c) Shall not allow there to be conveyed, in the front of the vehicle, any child under the age of 10 or more than 1 person.
- (d) At all times shall ensure compliance with any relevant regulations regarding seatbelts and restraints.

## 9. Lost Property

- (a) The driver must immediately, after the termination of any hiring of a licensed vehicle or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
- (b) If any property accidentally left in the vehicle by any person who may have hired the vehicle is found by, or handed to the driver, the driver must hand the property into a police station and obtain a receipt for it.

## 10. Smoking

It is an offence for the driver of a licensed vehicle to smoke, or permit anyone else to smoke in the vehicle. This is at any time. Once licensed, the vehicle is always licensed. This included holidays, days off etc. In other words, from the moment the vehicle becomes licensed, no one, driver or passenger, **must ever smoke in the vehicle**. This includes the use of e-cigarettes.

## 11. Written Receipts

The driver must, if requested by the hirer of a licensed vehicle, provide him with a written receipt for the fare paid.

## 12. Prompt Attendance

The driver of a licensed vehicle must, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place, or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless unavoidably delayed or prevented by sufficient cause.

### **13. Use of meter**

The driver of a Hackney Carriage shall –

- (a) When standing or plying for hire, keep the key, flag or other device locked in the position in which no fare is recorded on the face of the taxi meter;
- (b) Before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taxi meter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taxi meter and
- (c) Keep the machinery of the taxi meter in action until the termination of the hiring; and
- (d) Ensure that the dial of the taxi meter is 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. The driver must not tamper with or permit any person to tamper with any taxi meter fitted in the vehicle.

### **14. Fare to be demanded**

- (a) The driver must not demand from any hirer of a Private Hire vehicle, a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taxi meter and there has been no previous agreement as to the fare, the fare shown on the face of the taxi meter.
- (b) The driver must not demand from any hirer of a Hackney Carriage vehicle any fare in excess of that shown on the meter, plus any legitimate extra. (The meter must be set in accordance with the table of fares set by the Council.)
- (c) The driver must be able to demonstrate the legitimate charging of a soiling charge.

### **15. Change of Address**

The driver must notify Regulatory (Licensing) Services at Riverside House, Milverton Hill, Leamington Spa, in writing, of any change of his address during the period of the licence, within seven days of such change taking place.

### **16. Accidents and Convictions**

The proprietor shall, within seven days, disclose to the Council in writing details of any accidents, convictions, caution or restraining order imposed on him (or, if

the proprietor is a company or partnership, on any of the directions or partners) during the period of the licence.

#### **17. Plate Number and Details**

The driver of a licensed vehicle must ensure that the details on any plate provided by the Council is visible, legible from the outside of the vehicle to the general public and are displayed in accordance with the Vehicle Licence Conditions.

#### **18. Passenger Information**

- (a) The driver of a Hackney Carriage must ensure that the fare card and fare guide is exhibited in the vehicle at all times
- (b) The driver must ensure that the passenger information stickers are displayed at all times.

#### **19. Return of Badge**

The driver must upon the expiry (without immediate renewal), revocation or suspension of this licence, immediately return to the Council, the driver's badge issued to him by the Council when granting this licence.

#### **20. Animals, Guide and Assistance Dogs**

- (a) The driver shall not convey, in any licensed vehicle, any animal belonging to or in the custody of himself or the proprietor or operator of that vehicle.
- (b) Ensure that any animal, belonging to or in custody of any passenger, is adequately restrained and kept in such position so as not to distract the driver, or otherwise be a cause of danger or nuisance.
- (c) Guide Dogs shall be carried free of charge and allowed to remain with the passenger. Note: Refusal to carry a guide, hearing or assistance dog is prohibited unless a valid medical exemption certificate has been provided for assessment by Regulatory (Licensing) Team.

#### **21. Notifications, Licence Conditions & Renewals**

- (a) The driver shall at all times, when driving carry, with him a copy of these conditions and make them available for inspection by hirer, any other passenger, Police, Licensing Officer or other agent of the Council upon request.
- (b) The driver shall, prior to the date of licence expiry, make an application to the authority for renewal in good time. If any application is not received by the authority by the renewal date, then the licence will lapse.

- (c) The driver will disclose within 7 days, or as soon as practicable, in writing any medical condition which would adversely affect his/her ability to drive.

## **22. Mobile Phones, Radios, MP3/Ipods etc.**

- (a) Driver must not make use of a personal radio, MP3 player/ipod, DVD player etc. whilst carrying passengers without the permission of the hirer. The relay of video images is only permitted in the rear of the vehicle.
- (b) Drivers will not use mobile phones whilst driving. The use of a mobile phone is restricted to hands free with the permission of the passenger and for business purposes only. The use of radio equipment between vehicle and base is not permitted whilst passengers are on board without their permission, save for confirmation and in an emergency.



## **Appendix E:**

### **LAW AND GOOD PRACTICE GUIDE FOR DRIVERS**

#### **All drivers:**

- Read and be aware of the legislation which governs Hackney Carriage and Private Hire Licensing, Warwick District Council Policies, Approach and Procedures
- Wear and have your driver's identification badge in a position where it is plainly visible, at all times, when working as a Hackney Carriage Private Hire Driver
- Do not leave your driver's identification badge in a location where it could be used by other people. i.e. in the vehicle
- Be considerate to residents near where you are working, especially at night and keep noise levels down
- Behave politely and properly towards your passengers, the public and other road users
- Follow the rules of the road and adhere to the Highway Code
- You should not use your horn to let passenger know that you have arrived. Telephone the customer, knock on the door or ring the bell
- You should speak and understand English sufficiently to communicate with your passengers, the public and Licensing Officers
- You must not hold a passenger against their will. i.e. lock doors in order to obtain payment or to take them to a Police Station
- You should understand the law and conditions applicable to the licences that you hold
- You are responsible for the safety of the vehicle that you are driving; Including the tyres and lights
- You are responsible for ensuring that the vehicle you are driving is correctly taxed, insured and licensed by Warwick District Council
- You must not drive a Hackney Carriage or Private Hire Vehicle if you do not currently hold a Hackney Carriage Private Hire Drivers Licence with Warwick District Council, if your licence has expired or if it has not yet been granted
- Any babies or children count towards the total number of passengers that you can legally carry. The maximum number of passenger that you can legally carry is shown on the rear licence plate of the vehicle
- You must notify the licensing officers of your change of address within 7 days. Failure to notify us will result in reminders or letters being sent to the wrong address. This office takes no responsibility for information that you miss or consequences thereof as a result
- You must notify the licensing officers of a change of name or the order of use of names immediately

- It is a criminal offence to refuse to carry or charge extra for a guide/assistance dog unless you have a medical condition and you have applied for and been granted a Medical Exemption by Regulatory (Licensing) Team.
- You, or another occupant, of the vehicle must not smoke in a Hackney Carriage or Private Hire Vehicle at any time. This includes when you or the vehicle is not working in that capacity.
- It is an offence to use a hand held mobile phone or device whilst the vehicle is moving or stationary in traffic.
- It is not acceptable to use a mobile phone/ hands free mobile phone when you have a passenger on board except for emergency and business purposes with the permission of the passenger.
- You must not carry another person in the Hackney Carriage or Private Hire Vehicle without the passenger's permission
- You must tell the Regulatory (Licensing) Team of any convictions, cautions, restraining orders etc; including driving offences, as soon as possible after you have received it.
- Encourage lone passengers to sit in the rear seat of the vehicle.
- You should encourage passengers to wear seatbelt and give the passengers time to fasten them before you drive off.
- You should report all unlicensed vehicles and drivers to Regulatory (Licensing) and provide a Voluntary Witness Statement to assist officers.

#### **When driving a Hackney Carriage:**

- You must not attempt to get on to the rank that is already occupied by the number of taxis shown on the rank sign.
- You can charge less than the fare chart shows
- You cannot charge more than is shown on the fare chart, even if agreed by the passenger, unless your journey ends outside the Warwick District Boundary. (The Warwick University Halls of Residence are inside the Warwick Boundary)
- If a journey will end outside of the Warwick District Boundary you must agree a fare or method of calculating the fare (meter or meter + extra charge) with the passenger before the journey begins. To agree a fare a conversation must take place between you and the passenger. Displaying a notice in the vehicle is not an indication of agreement and therefore is not adequate.
- You cannot refuse a fare unless you have reasonable cause to do so. Refusing because the journey is short, long, inconvenient or the passenger has disabilities is not reasonable cause
- It may be considered acceptable to refuse a fare if the passenger is violent or excessively under the influence of drugs or alcohol

- Each time you pick up or drop off a wheelchair passenger, you must follow the correct procedure, always use the ramps, secure the chair and passenger using the correct equipment
- If there is a partition between the driver and the passenger you are not responsible for ensuring that passengers wear seatbelts

### **When driving a Private Hire Vehicle:**

- If you take a fare that is not pre-booked by a customer with a Warwick District Licensed Private Hire Operator you will be committing a criminal offence (plying for hire) and may be prosecuted. You will also be breaking the terms of your vehicle insurance and your passengers, other road users, you or your vehicle may not be fully covered by insurance
- You may not take a booking yourself from a customer and then pass it onto an operator (by radio or telephone). If you do, then you may be acting as an unlicensed operator and illegally plying for hire, both of which are offences for which you can be prosecuted
- You must not stop on, or pickup from, a taxi rank
- You should supply to your operator, with the information that they require under the conditions of their licence, a copy of your Hackney Carriage Private Hire Drivers Licence and a copy of your identity badge
- You are responsible for ensuring that children under the age of 14 are wearing a seatbelt, unless an appropriate belt is not available

## **Appendix F:**

### **LICENCE HOLDERS CONDUCT SCHEME.**

This documents outlines the Council Policy for the issuing of points against a licence for the following licences.

- Hackney Carriage Private Hire Driver
- Hackney Carriage Vehicle
- Private Hire Vehicle
- Private Hire Operator

Hackney Carriage and Private Hire Operators, Drivers and Vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Council's Byelaws and the Rules, Regulations and Conditions set by the Licensing and Regulatory Committee.

Should Operators, Drivers or Proprietors of Vehicles commit an offence or breach those rules, regulations or conditions of licence, persons involved are asked to attend the offices for an interview and then, once investigations are completed, letters are sent out detailing the outcome and a permanent record kept on the persons' file. The outcome of investigations may result in no further action being taken, points being awarded under the Licence Holders Conduct Scheme, a formal warning, referral to the Licensing and Regulatory Committee and/or Prosecution.

The aim of a Licence Holders Conduct Scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan which is transparent, fair and proportionate.

The purpose of the scheme is to record misdemeanours and to act as a record of driver's behaviour and conduct, so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.

The primary objective of the scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.

Any points awarded remain upon a licence for twelve months. The period is on a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee and the trigger for referral to committee.

For the avoidance of doubt, the full conduct of a licence holder over the full duration of their licence holding history will be considered by committee in their determination of the appropriate course of action.

### **Issuing of points under the Licence Holder Conduct Scheme.**

1. Complaints from the public concerning significant breaches of conduct will be subject to investigation by Officers and may be reported to the Licensing and Regulatory Committee, for the issue of discretionary points.
2. The number of points will be issued by the Licensing Officers and in agreement with the Regulatory Manager, in accordance with the table below. The licence holder will be informed in writing.
3. Where a licensee accumulates more than 12 points in any 12 month period, the matter will be referred to the Licensing and Regulatory Committee. It will be for the Committee to decide whether the driver is a fit and proper person. The Committee may then suspend or revoke a licence, or issue a warning to the licensee or take no further action, depending upon the circumstances. Periods of suspension of a licence by a Committee will be dependent on the nature of the breaches of the legislation/conditions and the compliance history of the individual.
4. Points will remain current for 12 months from the date the points were issued. Points issued to either the proprietor of a vehicle or a driver will be confirmed in writing, normally within 10 working days from the discovery of the contravention.
5. The system will operate without prejudice to the Council's ability to take other action that it is entitled to take, under legislation, byelaws and regulations.
6. The imposition of points against a driver, who is working on behalf of a proprietor, will not necessarily result in the imposition of points against the employer or operator.
7. The imposition of points is at the discretion of Officers of the Council and are not negotiable. Any disputes regarding the issuing of penalty points will be referred to the Licensing and Regulatory Committee who will have the

discretion to award a fewer or greater number of points than displayed on the tariff, if the complaint is upheld. Drivers must appeal any points issued by Officers within 21 days.

8. The list of offences/breaches of condition are shown below.

Please note that ` ` indicates potential recipients of points for infringements. Certain infringements may result in both drivers and vehicle proprietors or operators receiving points. Points may be awarded to one or several persons depending upon the nature of the infringement, however, each case must be determined on its own merits. Certain matters are specific to Hackney Carriages, Private Hire Drivers Or Private Hire Operators.

The Maximum points applicable refers to points issued by Officers. If the matter is referred to the Licensing Sub-Committee, the Sub-Committee may impose up to 12 points.

In appropriate cases, where a criminal offence has been committed, the Council may choose to prosecute instead of awarding points. In all such cases, licence holders will be brought before the committee who will determine what action to take, in accordance with the Council's Policy on relevant convictions and cautions (Appendix C)

Offence/Breach of Condition	Maximum Points applicable	Drivers	Vehicle Owner or Operator
<b>Notification Matters</b>			
Failure to notify the council of change of address in writing within 7 calendar days 1 <sup>st</sup> occasion 2 <sup>nd</sup> occasion	3* 9*		
Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence	4*		
Failure to attend punctually at appointed time and place without sufficient cause	4		
Failure to produce relevant documents within timescale when requested by an Authorised Officer	4*		

<b>Offence/Breach of Condition</b>	<b>Maximum Points applicable</b>	<b>Drivers</b>	<b>Vehicle Owner or Operator</b>
Failure to maintain records in a suitable form of the commencement and cessation, of work of each driver, each day	5*		
Failure to produce on request records of drivers' work activity	5*		
Failure to notify, in writing, a change in medical circumstances	6		
Providing false or misleading information on licence application form / failing to provide relevant information or the relevant fee (including dishonoured cheques)	6		
Failure to provide proof of insurance cover when requested	6		
Failure to notify the Council, in writing, of any motoring or criminal convictions within 21 days of conviction or cautions during period of current licence	6		
Failure to report, in writing, within 7 days hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence condition	6*		
Failure to submit licence renewal application prior to expiry, including documents and attendance at a vehicle inspection	6		
Failure to notify transfer of Private Hire or Hackney Carriage Vehicle Licence	6		
Failure to maintain proper records of Private Hire Vehicle	6*		
Failure to keep or produce records of Private Hire Bookings, or other documents, required to be kept or produced	6*		
Driver not holding a current appropriate Licence	P*		

Offence/Breach of Condition	Maximum Points applicable	Drivers	Vehicle Owner or Operator
<b>Behaviour Matters</b>			
Drinking or eating without the express permission of the hirer	3		
Playing of music, radio or other sound producing equipment, without the express permission of the hirer	3		
Causing excessive noise from the playing of music, radio or other sound producing equipment, which annoys anyone inside or outside of the vehicle	3		
Unsatisfactory appearance of driver or not conforming to dress code	3		
Failure to give assistance with the reasonable loading/unloading luggage	3		
Evidence of smoking in the vehicle (includes electronic cigarettes) /operators premises or allowing smoking			
1st occasion	3		
2 <sup>nd</sup> occasion	9		
3 <sup>rd</sup> occasion	12 P*		
Refusal to accept hiring without reasonable cause	4*		
Failure to issue receipt on request	4		
Failure to wear driver's badge	4*		
Failure to observe rank discipline	4*		
Failing to comply with statutory road signs, speeding or illegal parking	4		
Parking or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer	4		
Illegal ranking	6		
Unreasonable prolongation of journeys, or any misconduct regarding the charging of fares	6*		

Offence/Breach of Condition	Maximum Points applicable	Drivers	Vehicle Owner or Operator
Failing to deal with lost property in the			



appropriate manner 1 <sup>st</sup> occasion 2 <sup>nd</sup> occasion	6 12		
Unsatisfactory behaviour or conduct of driver / failure to behave in a civil and orderly manner 1 <sup>st</sup> Occasion 2 <sup>nd</sup> Occasion	8* 12*		
Obstruction of an Authorised Officer or Police Officer wishing to examine a licensed vehicle.	9*		
Driving whilst using a mobile phone.	9		
Plying for hire by Private Hire Drivers (touting/specking) 1st occasion 2nd occasion	9* P*		
Carrying an offensive weapon in the vehicle	12		
Failure to carry an Assistance Dog without requisite medical exemption certificate	12		
Driver not holding a current DVLA Licence	12 P*		
<b>Vehicle Matters</b>			
Failure to carry an appropriate first aid kit	3		
Failure to carry a fire extinguisher	3		
Displaying unsuitable or inappropriate sited signs or unauthorised advertisements in or on the vehicle	3		
Misleading use of the words 'Taxi' or 'Cab' on advertising materials	3		
Failure to display a correct fare card and tariff guide	3		
Failure to carry legal spare wheel and tools (where appropriate for vehicle)	4		
Unsatisfactory condition of vehicle, interior or exterior	4		
Failure to use authorised roof light	4		

Offence/Breach of Condition	Maximum Points applicable	Drivers	Vehicle Owner or Operator
Failure to produce Hackney Carriage or	4*		

Private Hire Vehicle for testing when required			
Failure to display passenger information signs as required	4		
A licensed vehicle with a bald tyre	4 (per tyre)		
Driving a licensed vehicle with missing/broken/out lights	4		
Overloading/Carrying more passengers than stated on the vehicle licence	6*		
Failing to correct secure a wheelchair using passenger	6		
Using a non-approved or non-calibrated taxi meter (HC)	6*		
Failure to display external/internal licence plate or signs as required	6*		
Displaying any feature on Private Hire Vehicle that may suggest that it is a Taxi (Private Hire)	6		
Using a vehicle, the appearance of which suggests that it is a Taxi	6		
Driving a vehicle which is not properly maintained.			
1 <sup>st</sup> occasion	6		
2 <sup>nd</sup> occasion	12		
Driving without insurance cover	12		
Using a vehicle subject to a suspension order issued by an Authorised Officer or a Police Officer	12		
Using unlicensed vehicle or vehicle without insurance	12 P*		
Using a vehicle for which the licence has been suspended or revoked	12 P*		
<b>Other Matters</b>			
Failure to comply with any other condition.	3		
Appeal of points by way of Licensing Sub-Committee	12		

'P' - Consideration given to formal action i.e. Prosecution.

'\*' – Direct contraventions of the Town Police Clauses Act 1847 or Local Government (Miscellaneous Provisions) Act 1976 or other statutory legislation and may result in formal action in addition to any points incurred

## **Action levels**

9. On the accumulation of 12 or more points in a 12 month rolling period a driver will be sent before the committee to answer questions regarding their licence holding conduct.
10. On the accumulation of 12 or more points in a 12 month rolling period a proprietor/owner will be sent before the committee to answer questions regarding their licence holding conduct. It will be recommended to the committee that the licence in question is suspended.
11. On the accumulation of 24 or more points in a 12 month rolling period a Private Hire operator will be sent before the committee to answer questions regarding their licence holding conduct. It will be recommended to the committee that the licence in question is suspended.
12. Officers will advise any licence holder to which this scheme is applicable in writing when they reach or exceed 50% of their action level points.

## **Committee Process**

13. All appropriate action against a licence will be determined by the Licensing and Regulatory Committee.
14. The licence holder will be informed of the accrued total of points and the specific infringements identified.
15. Should the committee determine that suspension is appropriate, six points will become spent at the conclusion of any period of suspension of a driver or proprietor for the purposes of automatic referral to committee. Twelve points at the conclusion of a suspension period of an operator.
16. Should a licence holder not be satisfied with the decision of the Licensing and Regulatory Committee they may appeal to the magistrates court against a suspension or revocation and must do so with 21 days of the date of notification of the suspension or revocation.
17. Where an appeal has been made, the implementation of any suspension or revocation will be held until its determination.

## **Record availability.**

18. A driver, proprietor or operator may see their Licence Holder Conduct Points Scheme Record at any time.

19. A proprietor or Private Hire operator may view their employed drivers record subject to a written request stating their reasons for doing so. Such request will only be granted subject to the agreement of the regulatory manager.

DRAFT

## **Appendix G:**

### **PROVIDING THE BEST CUSTOMER EXPERIENCE FOR ELDERLY PASSENGERS OR THOSE WITH DISABILITIES.**

Taxis are an important, and sometimes the only, means of transportation for many people with disabilities. It may be that you drive or operate a vehicle designed to make travelling easier for disabled people but an accessible vehicle is only part of the answer.

Your attitude and understanding of the problems that may be faced by people with disabilities, is very important.

Disability comes in many forms – not always visible. Never make assumptions, always ask what help, if any, a passenger may need from you.

**Make sure that you are familiar with any access and safety equipment in your vehicle.**

The following is some basic advice to assist you in giving the best service to your passenger.

#### **General Advice:**

- Be ready to help but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist. Listen to the passenger response and only act as advised
- Leave the passenger in a safe, convenient place which enables them to move away independently and in the direction they want to go
- Avoid sudden braking or acceleration

#### **Wheelchair Users**

If you drive a saloon car, you may still be able to take a wheelchair user provided that the passenger is able and willing to transfer to a seat.

Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile. Some wheelchairs are collapsible and some parts, such as handles

and plates may come away easily, so care needs to be taken when folding or loading collapsible wheelchairs.

- Take advice on how to correctly collapse and reassemble the wheelchair from the passenger
- Always ask the customer to make sure that the brakes of the wheelchair are on
- Secure the wheelchair and suggest that the passenger use the seatbelt provided

### **Ambulant Disabled People**

Whilst some ambulant disabled customers may use crutches or sticks, many people who have mobility difficulties will not. For example, people, with arthritis in particular, may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always: -

- Offer to fit the additional step, if there is one – this reduces the first step and makes it easier to get into vehicles. If in an MPV, ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars, this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey.

### **Visually Impaired Passengers**

If a passenger is blind or partially sighted, ask what assistance they require and always: -

- Look out for the "TAXI" sign which may be held out by some visually impaired people in order to hail a cab
- If your customer would like to be accompanied to or from the entrance of a building, offer them your arm (gripping just above the elbow will enable them to be guided more easily)
- Tell your passenger whether they are entering a saloon car or purpose-built cab
- Demonstrate which way the doors open where appropriate
- If possible, place a visually impaired person's hand on the open door and indicate the position of the roof
- Make sure the passengers know which way the vehicle is facing
- Make sure the passengers are seated and have secured the seatbelt (where applicable) before you move off. They may require assistance with the belt

- Tell passenger(s) if you are taking a different route from that which they might expect, or if there is a hold-up or diversion
- Tell passenger(s) the fare and count out the change
- Remember guide dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry a guide dog without a medical exemption is an offence under the Disability Discrimination Act and is in contravention of the conditions of your licence. In saloon cars, there is more room for the dog on the floor in the front of the vehicle

### **Hearing Impaired Passengers**

If a passenger's hearing is impaired, always: -

- Look at them when you are speaking. Speak clearly – but do not shout and do not use your hands to gesticulate in front of your face
- Have a pad of paper and pen handy, as it is sometimes easier to communicate in writing
- Make sure that they are aware that you have understood their instructions and that you know where you are going

## **Appendix H: Vehicles currently approved as wheelchair accessible**

This is not an exhaustive list.

London type cab

Metro Cab

Mercedes Vito

Mercedes Eurocab

Fiat Eurocab

Peugeot Euro Taxi

Peugeot E& Citroen Le Can Noir HDI - (Provided that the strapping system allows the wheelchair to face forward)

Fiat Freedom

Mercedes Unique Cab

Peugeot Expert Eurobus

Citroen Sentinel

Nissan Voyager

VW City 7 tdi

Ford Torneo



## **Appendix I:**

### **HACKNEY CARRAIGE VEHICLE LICENCE**

#### **CONDITIONS OF LICENCE**

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976; and TOWN POLICE CLAUSES ACT 1847 and 1899**

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

- a) The proprietor must keep the licensed Hackney Carriage in an efficient, safe, fit, roadworthy, tidy and clean condition at all times.
- b) A regular maintenance regime must be carried out at a reputable garage or at their own workshops provide it is suitable; and records and receipts kept for inspection by an authorised officer. In order to be suitable, the garage must have ability to inspect the car from below and necessary equipment for essential maintenance and repairs.

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

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

##### **3. Signs and Notices**

The vehicle **must** display a **fixed** roof sign with the word **TAXI**, which **must be illuminated only when plying for hire**.

The roof sign may only be removed with the permission of the Council

##### **4. Meters**

- a. The proprietor of the vehicle must ensure that the vehicle is fitted with a taxi meter so constructed, attached and maintained as to comply with the following requirements:
  - i. The taxi meter must be fitted with a key, flag or other device, the operation of which brings the machinery into action and causes the word HIRED to appear on the face of the taxi meter.
  - ii. Such a key, flag or other device must be capable of being locked into position, so that when the taxi meter is not in action no fare is recorded on the face of the taxi meter.
  - iii. When the taxi meter is in operation, there must be recorded on the face of the taxi meter in clear 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 distance, in pursuance of the tariff fixed by the Council.

- iv. The word 'fare' must be printed on the fare of the taxi meter in plain letters, so as to clearly apply to the fare recorded thereon.
  - v. The taxi meter must be placed so that all letters and figures on the face of 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.
  - vi. The taxi meter and all of the fittings thereof must be so affixed to the carriage, with seals or other appliances, that it must not be practical for any person to tamper with them, except by breaking, damaging or permanently displaying the seals or other appliances.
- b. The proprietor must not tamper with or permit any person to tamper with any taxi meter, with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
  - c. All meters must be programmed where technologically possible to change tariff, by time and date and not be manual operation.

## **5. Fare Card and Fare Distance Guide**

The proprietor of the vehicle must exhibit inside the carriage at all times, a current statement of fares, in clearly distinguishable letters and figures, and the fare distance guide.

## **6. Accidents and Convictions**

The proprietor shall, within seven days, disclose to the council in writing, details of any accidents or convictions imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

## **7. Transfers**

In the event of an application for the transfer of this licence to another vehicle, a fee as may be from time to time be approved by the Council, will be payable.

The licence is not transferable to another vehicle without the permission of the Council.

## **8. Safety equipment**

Every licensed vehicle must be fitted with a BC Dry Powder type of fire extinguishers, which must be kept full and ready for immediate use and accessible to the driver. The extinguisher must comply with BSEN3 (European Standard). It must be serviced in accordance with BS5306 on an annual basis and a record kept for inspection.

Every licensed vehicle must carry a first aid kit, in a position which is available for immediate use in case of emergency. The first aid kit must contain sufficient contents in order to provide the driver with treatment as requires by the Health and Safety at Work Etc Act 1974.

## **9. Radios**

Only one two-way radio, with a single frequency may be operational at any one time and this shall be an approved radio used exclusively for the Hackney Carriage/Private Hire trade and properly licensed, with an effective radio power (ERP) NOT exceeding 25 watts.

The operator must not allow the use of citizen band radios in licensed Private Hire vehicle.

## **10. Business Names**

Any Hackney Carriage Proprietor who, together with other proprietors, sets up a named business, must inform the Council of the name of the business and list the names of the persons involved, together with their contact telephone numbers.

Any Hackney Carriage Proprietor, who names his business by any other name than his own, must notify the Council of his intention.

## **11. Change of Address**

The proprietor of the vehicle must notify the Regulatory (Licensing) Team of any change to his address during the period of the licence, within seven days of such change taking place.

## **12. Records**

A proprietor has to keep proper records of the drivers using the vehicle and conduct suitable checks, to ensure that they are appropriately licensed. The proprietor of the vehicle will ensure that a driver using the vehicle, or ceasing to use the vehicle, is informed to the Council within 7 days.

## **13. Advertisements**

Advertisements shall not be displayed on any Hackney Carriage internally or externally (including upon a window) without written approval of the Regulatory (Licensing) Team. This includes temporary replacement vehicles.

Where approval for advertisements is granted, they must be kept displayed in the manner prescribed and maintained in a clean and tidy condition.

#### **14. Passenger Information**

Passenger information stickers must be affixed to the vehicle in accordance with the display instructions. No other stickers must be affixed to the vehicle, without prior written approval of the Regulatory (Licensing) Team.

#### **15. Licence Plate**

The licence plate supplied by the Council must be securely fixed to the rear of the vehicle, as near as possible to vertical but not on any rear window and must remain legible at all times.

The front screen plate must be displayed in the windscreen

(It is an offence, under section 48(6) Of the Local Government Act 1976, not to exhibit the licence plate and screen sticker).

**Information to assist proprietors and drivers of a Hackney Carriage. This information does not form part of the licence conditions unless otherwise stated.**

- You must be aware of the legislation governing Hackneys Carriages and Private Hire Licensing
- You should be familiar with the contents of this handbook and other associated documents relevant to your licence
- You should understand the laws and conditions that are relevant to your licence
- When you are unavailable for a period of time, it is important that you nominate a person to look after your vehicle in your absence. The licensing office must be informed of your nominated person
- No modifications or additions are allowed until you have been given express permission by the licensing officers
- You are responsible for your vehicle condition and its safety
- You are responsible for ensuring that the vehicle is taxed and insured correctly
- You must not drive your Hackney Carriage or Private Hire Vehicle if you do not hold a current Hackney Carriage Private Hire Drivers Licence. (e.g. if your licence has not yet been granted or your licence has expired)
- You should always keep within the law
- You must report any accident that causes damage to your vehicle within 7 days to the Regulatory (Licensing) Team, in writing
- You must notify the Regulatory (Licensing) Team of a change of address within 7 days, in writing

- a meter must be of an approved type and be fitted correctly. It must be programmed to the correct fares
- Passenger information stickers, fare distance guide and tariff guide must be displayed at all times within the vehicle
- The plate must be affixed to the rear of the vehicle using the adhesive on the rear of the plate
- The plate must not be obscured and must be in a clean condition

DRAFT

## **Appendix J:**

### **PRIVATE HIRE VEHICLE LICENCE**

#### **CONDITIONS OF LICENCE**

##### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

##### **1. Maintenance of vehicle**

- a) The proprietor shall keep the licensed Private Hire Vehicle in an efficient, safe, tidy and clean condition at all times.
- b) A regular maintenance regime **MUST** be carried out at a reputable garage, or at their own workshops, provided it is suitable; and records and receipts kept for inspection by an authorised officer.
- c) Suitability would include a ramp and other equipment necessary for essential maintenance and repairs. Maintenance may not be carried out at the operator's base, unless it is suitable as described above.

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

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

##### **3. Signs, Notices, etc**

Under no circumstances may the vehicle be fitted with a roof sign.

##### **4. Accidents and Convictions**

The proprietor shall within seven days disclose to the Council in writing details of any accidents, convictions or cautions imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

##### **5. Transfers**

- a) In the event of an application for the transfer of this licence to another vehicle, a fee as may from time to time be approved by the Council shall be payable.
- b) The licence is not transferable to another vehicle without the permission of the council.

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

Every licensed vehicle must be fitted with a BC Dry Powder type of fire extinguisher, which must be kept full and ready for immediate use accessible to the driver. The extinguisher must comply with BSEN3 (European Standard). It must be serviced in accordance with BS5306 on an annual basis and a record kept for inspection.

Every licensed vehicle must carry a first aid kit in a position which is available for immediate use in case of emergency. The first aid kit must contain sufficient contents, in order to provide the driver with treatment as requires by the Health and Safety at Work Etc Act 1974.

#### **7. Radios**

Only one two-way radio with a single frequency may be operational at any one time and this shall be an approved radio used exclusively for the Hackney Carriage/Private Hire Trade and properly licensed, with an effective radio power (ERP) NOT exceeding 25 watts. The operator shall not allow the use of citizen band radios in the licensed Private Hire Vehicle.

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

The proprietor of the vehicle shall notify the Council, in writing, of any change of his address, during the period of the licence, within seven days of such change taking place.

#### **9. Identification Plates/Screen Stickers**

- a) The licence plate supplied by the Council must be securely fixed to the rear of the vehicle, as near as possible to vertical but not on any rear window and must remain legible at all times.
- b) The front screen plate must be displayed in the windscreen

(It is an offence, under section 48(6) of the Local Government Act 1976, not to exhibit the licence plate and screen sticker).

#### **10. Records**

A proprietor has to keep proper records of the drivers using the vehicle and conduct suitable checks to ensure that they are appropriately licensed. The proprietor of the vehicle will ensure that an driver using the vehicle or ceasing to use the vehicle is informed to the council, within 7 days.

#### **11. Advertisements**

- a) Advertisements shall not be displayed on any Private Hire Vehicle internally or externally (including upon a window) without written approval of the Regulatory (Licensing) Team. This includes temporary replacement vehicles.
- b) Where approval for advertisements is granted, they must be kept displayed in the manner prescribed and maintained in a clean and tidy condition.

## **12. Passenger information**

Passenger information stickers must be affixed to the vehicle in accordance with the display instructions. No other stickers must be affixed to the vehicle without prior written approval of the Regulatory (Licensing) Team.

**Information to assist proprietors and drivers of a Private Hire Vehicle. This information does not form part of the licence conditions unless otherwise stated.**

- You must be aware of the legislation governing Hackney Carriages and Private Hire Licensing
- You should be familiar with the contents of this handbook and other associated documents relevant to your licence
- You should understand the laws and conditions that are relevant to your licence
- When you are unavailable for a period of time, it is important that you nominate a person to look after your vehicle in your absence. The Regulatory (Licensing) Team must be informed of your nominated person
- No modifications or additions are allowed unless you have been given express permission by the Licensing Officers
- You are responsible for your vehicle condition and its safety
- You are responsible for ensuring that the vehicle is taxed and insured correctly
- You must not drive your Hackney Carriage or Private Hire Vehicle if you do not hold a current Hackney Carriage Private Hire Drivers Licence. (e.g. if your licence has not yet been granted or your licence has expired)
- You should always keep within the law
- You must report any accident that causes damage to your vehicle, within 7 days, in writing to the Regulatory (Licensing) Team
- You must notify the Regulatory (Licensing) Team of a change of address within 7 days in writing
- Passenger information stickers, must be displayed at all times within the vehicle
- The plate must be affixed to the rear of the vehicle using the adhesive on the rear of the plate
- The plate must not be obscured and must be in a clean condition



## **Appendix K:**

### **HORSE DRAWN HACKNEY CARRIAGE VEHICLE LICENCE**

#### **CONDITIONS OF LICENCE**

Only vehicles meeting the following specifications will be considered for licensing.

#### **Construction or type of carriage permitted.**

A landau of traditional construction and appearance having spoked wheels and solid rubber tyres, with at least one door on each side of the carriage. A drop down hood in two sections, which meets in the middle when closed.

1. The vehicle shall be produced for examination and inspection by an Authorised Officer of the Council at such times and at such places as may be required.
2. The Council shall be notified if any alteration is proposed to any part of the vehicle, **before** such alteration is carried out.
3. The vehicle shall be fitted with a sufficient braking system.
4. The vehicle shall be kept in good order, the inside and outside clean and braking machinery efficient.
5. The floor of the vehicle shall be covered with mats of a suitable material.
6. The vehicle shall have a watertight roof and if windows are fitted, there shall be a means of opening and closing the windows.
7. The seats of the vehicle shall be properly cushioned or covered; fittings and furniture shall be kept clean and adequate for the convenience of persons travelling in the vehicle.
8. The vehicle shall at all times display the plate showing the Hackney Carriage Licence Number.
9. The number of passengers carried in the vehicle shall not exceed the number on the Hackney Carriage Licence and no passenger under ten years of age, shall be allowed to travel at the front beside the driver.

10. The licensee is to indemnify the Council from and against all claims by third parties arising from or in connection with the exercise of these rights hereby granted.
11. The Council will require the licensee to obtain Road and Public Liability Insurance Policies. The Council shall inspect and approve the policies before the licence is granted.
12. The licensee shall observe and comply with such byelaws and safety regulations recommended or imposed by law, and the bylaws and conditions from time to time in force within the District, which relate to the operating of horse-drawn vehicles.
13. The licensee shall not permit any person to mount, ride, drive, otherwise use, or treat any horse or the animal in their charge, in such a manner as to cause suffering to the animal.
14. The licensee shall not cause or permit any horse or other animal in their charge to be ill-treated in any manner.
15. The maximum hours of working for any horse shall be six (6) hours per day. The horse shall be rested after three (3) hours for at least half an hour, during which time harnesses, shackles, bridles and other such items must be removed from the horse, except for a head collar. A sufficient quantity of palatable and fresh food and water shall always be available to all animals. Food and water being contained in a proper bag or receptacle.
16. Every part of the harness of animals drawing a Hackney Carriage shall be kept in order, so that the animal is properly and securely attached to the carriage and under due control.
17. In the event of an Authorised Officer of the Council having reason to suspect that an animal being used in the operation of a Hackney Carriage is unfit to fulfil its function, that animal shall be subjected to immediate inspection by a qualified veterinary surgeon.
18. All horses engaged in pulling second class Hackney Carriage must be at least fifteen (15) hands high.
19. The licensee shall ensure that any excreta from the horses, etc., is removed from the street immediately.
20. The current Council Table of Fares shall be exhibited on the exterior of both sides of the carriage so as to be in full view of the public at all times.

- 21.No person shall be charged more than the fares set out in the current Council Table of Fares.
- 22.The licence shall be revocable, in case of the Council being reasonably satisfied that a breach of the foregoing conditions, or any Act or Bylaw relating to Hackney Carriage, has occurred.
- 23.Excessive use of the whip is strictly prohibited and its use shall be restricted to controlling the horse.
- 24.No horse less than three years of age; mare in foal or within three months of foaling shall be used to pull a landau.
- 25.A veterinary certificate, on the Council's official form, indicating the suitability of any horse to be used to pull a landau, must be supplied prior to initial licensing and a new certificate will be required for each subsequent licence renewal.
- 26.A veterinary certificate relating to the horse in use shall be carried on the carriage at all times and shall be produced to a Police Officer or other Authorised Officer on demand.
- 27.All horses used to pull landaus must be ear tagged and have a horse passport.
- 28.A Hackney Carriage shall not be used unless a dung catcher is fitted, which has the effect of preventing at least 50% of the horse dung from being deposited on the highway.
- 29.The person in charge of a horse drawn Hackney Carriage shall be exempted from the conditions that relate to mechanically propelled vehicles.
- 30.The driver shall undertake a road driving assessment with the vehicle.
- 31.All legislation, codes and byelaws apply equally to horse drawn Hackney Carriage Drivers, as it does to drivers of mechanically propelled vehicles.
- 32.All other conditions relating to Hackney Carriage and Private Hire Drivers and Hackney Carriage Vehicles apply, except where they relate to mechanically propelled vehicles. In which case the spirit of the condition applies.

## **Appendix L:**

### **PLATES AND PASSENGER INFORMATION DISPLAY**

#### **Hackney Carriage**

Signage, identifying the vehicle as a licensed Hackney Carriage and issued by Warwick District Council, shall be adhered directly to the vehicle to which they relate, as follows:

- One licence plate affixed to the rear of the vehicle and in location approved by the manufacture, if applicable.
- A front plate located in the front bottom left corner of the windscreen.
- A tariff guide located in view of the passengers.
- A fare distance guide located in view of the passengers and near to the tariff guide.
- Two passenger information stickers located one on the windows either side of the vehicle, in the passenger area.
- If the information on the signage is inaccurate or not clearly readable the vehicle must not be used for hire until replacements have been issued by the Council and adhered to the vehicle.
- The signage must not be obscured, altered or obliterated other than by Officers of the Council.
- They must not be located in any other location without prior written approval from the Council.
- In order to meet the requirements of the Health Act 2006, 'no smoking signs' must be displayed within the vehicle. They must be visible to passengers and driver of the vehicle. Stickers are available upon request from The Regulatory (Licensing) Team.
- Large driver's licence visible to passengers all times. i.e. affixed to the dashboard of a saloon vehicle or to the portion between driver and passenger.

#### **Private Hire Vehicles**

Signage, identifying the vehicle as a licensed Private Hire Vehicle and issued by Warwick District Council, shall be adhered directly to the vehicle to which they relate, as follows:

- One licence plate affixed to the rear of the vehicle and in location approved by the manufacture if applicable.
- A front plate located in the front bottom left corner of the windscreen.
- Two passenger information stickers located one on the windows either side of the vehicle, in the passenger area.

- If the information on the signage is inaccurate or not clearly readable, the vehicle must not be used for hire until replacements have been issued by the Council and adhered to the vehicle.
- The signage must not be obscured, altered or obliterated other than by Officers of the Council.
- They must not be located in any other location without prior written approval from the Council.
- In order to meet the requirements of the Health Act 2006, 'no smoking signs' must be displayed within the vehicle. They must be visible to passengers and driver of the vehicle. Stickers are available upon request from The Regulatory (Licensing) Team.
- Large driver's licence visible to passengers all times. i.e. affixed to the dashboard of a saloon vehicle, or to the partition between driver and passenger.

DRAFT

## **Appendix M:**

### **PRIVATE HIRE OPERATOR LICENCE**

#### **CONDITIONS OF LICENCE**

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

##### **1. Records**

- a) The records required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 must be in a manner, whether written (**bound book with consecutively numbered pages**) or on a computer, which enables them to be examined or audited.
- b) The operator must record, before the commencement of each journey, the following particulars of every booking of a Private Hire vehicle invited or accepted by him:
  - The time and date of booking
  - The time and date of pick up
  - The name and telephone number of the hirer
  - How the booking was made (i.e. telephone, personal call, etc).
  - Price quoted for booking
  - The point of pick-up
  - The destination
  - The registration and or plate number of the vehicle allocated for the booking
  - The driver's badge number of the driver allocated to the booking
  - Remarks (including full details of any sub-contract)
- c) All entries shall be made and maintained in a coherent and legible way using clear written English.
- d) Alterations to paper records shall be made with one line through the data to ensure legibility. All data shall be immediately accessible and be recorded in permanent ink.
- e) Data inputted into a computer record must not be altered in any way unless there is a clear indication of the original entry. Provisions should be in place, to immediately produce a clear paper print out of all bookings received, upon request.

- f) Journey bookings may only be accepted from the business address stipulated on the operator's licence.
- g) All types of journey records shall be held and secured at the operator's business address and shall be made immediately accessible at all reasonable times to an authorised Council Officer or Police Constable.
- h) All records kept by the operator must be preserved for a period of not less than 12 months, following the date of the last entry.

## **2. Standards Of Service**

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

- Ensure that, when a Private Hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually arrive at that appointed time and place
- In the event of a delay, the hirer should be informed of the estimated impact upon the fulfilling the hiring
- Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly

## **3. Change of Address or other material change**

- a) The operator must notify the Council in writing, of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence, within seven days of such change taking place.
- b) Any material change to your business must be communicated to the Council in writing, prior to the change taking place. A material change may be defined as a change in any of the particulars disclosed on your current Operator's Licence Application Form.

## **4. Drivers and Vehicles Employed**

- a) The operator must also keep the following records of the particulars of all Private Hire Vehicles operated by him:
  - Owner and all drivers of vehicle
  - Name and address of driver
  - Driver's contact telephone number
  - Driver's unique call signs
  - Registration and plate number
  - Colour make and model of the vehicle

- Name and address of proprietor
  - The date on which the vehicle became available to the operator
  - The date on which the vehicle ceased to be available
  - Licence expiry date
  - Current and continuous Certificate Of Insurance or cover note relating to vehicle (copy to be held at operating base)
  - MOT expiry date (copy to be held at operating base)
  - Road Fund expiry date
  - Inspection Date
- b) The operator must provide the Council with a list of drivers and vehicles employed or used by him. Any changes to the list must be notified to the Council immediately
- c) The operator must keep a copy of the driver's identification badge showing a true likeness, and paper part of the Hackney Carriage Private Hire Driver's Licence, in his possession, whilst employing a driver.
- d) All records kept by the operator must be preserved for a period of not less than 12 months, following the date of the last entry

#### **5. Convictions**

The operator must within seven days disclose to the Council, in writing, details of any Convictions, Cautions or Restraining Orders etc imposed on him (or if the operator is a company or partnership, on any of the Directors or Partners) during the period of the licence.

#### **6. Transfers**

- a) This licence may not be transferred to another named individual, partnership or company.
- b) In the event of the death or bankruptcy of a personal licence holder or the insolvency, winding up or dissolution of a company or partnership licence holder, this licence shall immediately become null and void. Any change in a named operator may only be effected by an application for a fresh operator's licence.

#### **7. Call Signs**

The operator shall allocate one call sign only to each driver operated by him/her. The call sign shall be unique to the driver.



## **8. Complaints Record**

- a) The operator, on receipt of a complaint, shall document in a suitably bound book or on any other approved system, the following information:
  - Name of driver(s) implicated in the complaint
  - Badge number of driver
  - Vehicle registration number
  - Facts of allegation including complaints of dissatisfaction with service delivery or any alleged breach of contract with the operator
  - Date complaint made
  - Date investigation was completed
  - Action taken
  - Contact details of complainant
- b) Prior to obtaining the above mentioned complaint details, the operator shall inform the complainant that, on the request of an authorised Council Officer, or Police Constable, all relevant information may be made available for inspection and may be used as evidence at a later date.
- c) The complaint records referred to above shall be held and secured at the operator's business address and shall be immediately available at the request of an authorised Council Officer or Police Constable, at all reasonable times.

## **9. Managers**

- a) Operators shall be required to inform the Council, in writing, of the name, home address and contact telephone number of a manager prior to him or her commencing duties or as soon as is practicable thereafter. This person shall be available to be contacted at all reasonable times.
- b) A manager shall be over the age of 18 years and be fully conversant with the conditions attached to an Operator's Licence, Private Hire Vehicle and Hackney Carriage Private Hire Driver's Licence.

## **10. Premises**

- a) Public waiting areas and booking rooms shall be clean, adequately heated, lit and ventilated during the hours of business and at all times shall comply with relevant health and safety requirements.
- b) The operator shall ensure, where a waiting area is provided for the use of prospective passengers, that adequate seating is available.
- c) The operator shall only operate from that business address disclosed on his or her current Operator's Licence Application Form.

- d) The operator shall act within the terms of any deemed or express planning permission relating to the address he or she operates from.
- e) Appropriate Public Liability Insurance is required for premises which are open to the public.

#### **11. Lost Property**

The operator shall make every effort to return lost property, which is found at either the operating premises or in any vehicle used to carry out a booking accepted by him/her; or hand lost property to the nearest Police Station as, soon as is practicable thereafter.

#### **12. Appropriate Training of Staff on their Duties & Responsibilities**

All staff working for operators taking Private Hire Bookings must undertake training in order to understand:

- Their duties and responsibilities
- The legislation relevant to both Private Hire Operators and Vehicles
- The legislation relevant to Hackney Carriage Private Hire Drivers
- The guidance, policies and procedures associated with holding licences associated with the trade in Warwick District.
- Have awareness of assisting passengers with disabilities

The Private Hire operator and call handling staff must be trained in the prevention of the prevention of child sexual exploitation.

#### **Information to assist Private Hire operators. This information does not form part of the licence conditions, unless otherwise stated.**

- You must be aware of the legislation governing Hackney Carriages and Private Hire Licensing.
- You should be familiar with the contents of this handbook and other associated documents relevant to your licence.
- You should understand the laws and conditions that are relevant to your licence.
- When you are unavailable for a period of time it is important that you nominate a person to look after your business in your absence. The Regulatory (Licensing) Team must be informed of your nominated person.
- You are responsible for ensuring that you use licensed vehicles and drivers
- You should always keep within the law.
- You must notify the Regulatory (Licensing) Team of a change of address in writing within 7 days.
- A meter must be of an approved type and be fitted correctly. It must be calibrated and tested. A copy of the certificate must be kept in the vehicle at all times.

## **GLOSSARY**

Appeal	A means by which a Committee hearing decision can be reviewed by the Magistrates Court or the Crown Court. The decision of the Committee may be up held or overturned.
Caution	A signed admittance of guilt of committing an offence where no further action is taken at the time. It may be taken into account in the case of re-offending.
Committee	Local Councillors gathered together to consider the suitability of a person to hold a taxi related licence.
Conviction	Judicial determination that someone is guilty of a criminal offence.
Hackney Carriage	A vehicle that can carry passengers for hire or reward, can be hailed by a prospective passenger and can park on a taxi rank to await the approach of passengers; a car available for public hire.
Private Hire Vehicles	A car which must be pre booked with a Private Hire Operator. This type of vehicle cannot stand in a taxi rank or ply for hire.
Proprietor	The person in possession of a vehicle which is the subject of a hiring agreement or hire purchase agreement.
Revoke	To take back something.
Suspend	To hold something away from its owner for a period of time.