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**REVIEW OF CONDITIONS AND POLICIES RELATING TO  
HACKNEY CARRIAGES, PRIVATE HIRE VEHICLES AND  
THEIR DRIVERS AND OPERATORS**

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**Responsible Cabinet Member(s) - Councillor Stephen Harker,  
Consumer and Environmental Services Portfolio**

**Responsible Cabinet Member(s) – Councillor Nick Wallis,  
Highways and Transport Portfolio**

**Responsible Director(s) - John Buxton, Director of Development and Environment**

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**Purpose of Report**

1. To invite Members to approve the revised Policies and Conditions relating to the licensing of Hackney Carriages and Private Hire Vehicles, their drivers and operators.
2. To invite Members to confirm all remaining Policies and Conditions.

**Information and Analysis**

3. Currently, hackney carriages and private hire are controlled by a mixture of Council policies, licence conditions and byelaws. The Local Government (Miscellaneous Provisions) Act 1976 (The 1976 Act) permits the Council to attach **conditions** to the grant of Private Hire Driver and Operator Licences and Private Hire and Hackney Carriage Vehicle Licences “as it may consider reasonably necessary”. The Town Police Clauses Act 1847 (The 1847 Act) permits the Council to make **Byelaws** to regulate the conduct of Hackney Carriage Drivers. **Policies** are umbrella conditions which usually act as a pre-requirement to the making of an application. NB Conditions cannot be attached to Hackney Carriage Driver Licences with the current legislation.
4. The 1976 Act also gives a right of appeal to the Magistrates’ Courts to any person who is aggrieved by any of the conditions placed on a licence. Such appeal must be made within 21 days of receipt of licence.
5. The entire policies and conditions relating to the taxi trade were last reviewed and approved by the Highways and Transport Committee on 15 May 2000. Since that date a new policy was approved by Cabinet on 17 September 2002, which requires the undertaking of the Driving Standards Agency (DSA) test prior to the granting of a licence to drive either hackney carriages or private hire vehicles. This policy was not restricted to new applicants but also applied to current trade members. The latter part of this policy was challenged by

the trade in 2004 and resulted in a High Court Decision in November 2004 that the Council was acting lawfully in making this requirement. The opportunity has also been taken to bring limousines within the licensing regime.

6. Following the consultation process detailed at sections 9 and 10 of this report, all policies and conditions have been thoroughly reviewed. **Appendices A to F** of this report details the policies and conditions and consist of some new proposals, detailed in italics, the removal of some conditions and the retention of the majority of current policies and conditions. In addition specific pieces of the legislation are reproduced to ensure that the trade has a comprehensive understanding of the main legislative requirements. All of the conditions and policies have, however, been rewritten into plain language which can be easily understood by the trade.
7. For a detailed analysis of the proposals Members are referred to **Appendix G** to this report which provides the rationale for new conditions or the removal of a particular condition and also the trade objections on specific conditions or proposals.
8. If Members are minded to approve the introduction of new conditions these must be phased in when a renewal licence is granted. It is therefore proposed that the new conditions will apply to licences due for renewal from 1 October 2005. This will mean that all of the new conditions will apply to the current trade within a 12-month period, ending 30 September 2006. The new conditions will however apply to all new applicants from 1 October 2005.

### **Outcome of Consultation**

9. The taxi trade was initially invited, on 18 April 2005, to write to the Licensing Section in relation to the current policies and conditions. Responses were requested by 9 May 2005. No responses were received. However at a meeting of the Taxi Liaison Group on 7 June 2005 the issue of locking mechanisms on sliding doors was raised with a verbal request from the trade that the current condition be removed.
10. On 24 June 2005 a copy of the proposed policies and conditions was circulated to the trade asking for written comments to be submitted no later than 14 July 2005. As a result of this consultation, 3 responses were received, one of which was out of time. One response requested a reduction in the 12-month period required for drivers to hold a full DVLA/EU driving licence. Officers have responded and advised the trade member that this is a legislative requirement, detailed in Section 51 of the 1976 Act and Darlington Borough Council does not have any discretion to amend this requirement. Another (out of time) requested a change to the requirement that licensed drivers be required to wear their badges and suggested, as an alternative, that they be allowed to display them from within the vehicle. Once again the trade member has been advised by officers that it is a requirement of section 54 the 1976 Act (also reflected in the Byelaws for hackney carriage drivers to ensure consistency) that the badge is worn. The final respondent made several comments, all of which are reproduced in **Appendix H** to this report.
11. On 16 August 2005 this report was considered by the Public Protection and Community Partnership's Scrutiny Committee who thoroughly examined the proposals and recommend to Council that they be approved.

## **Legal Implications**

12. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

## **Section 17 of the Crime and Disorder Act 1998**

13. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is considered that the contents of this report may have such effect, as it provides a framework to protect the safety of the public.

## **Council Policy Framework**

14. The issues contained within this report are required to be considered by Council.

## **Conclusion**

15. The current controls in relation to private hire and hackney carriages are in need to revision, consolidation and clarification. These have been reviewed, consultations have been held with the trade and a revised set of policies and conditions have been prepared.

## **Recommendation**

16. It is recommended that:
  - (a) The objections and officer comments in **Appendices G and H** to this report are noted.
  - (b) The proposals for new and/or amended conditions and policies as detailed in **Appendices A to D** and **Appendix F** to this report be approved.
  - (c) The introduction of additional conditions and policies to enable the licensing of limousines, as detailed at **Appendix E** to this report be approved.
  - (d) The issue of a new front plate to all current licensed vehicles, at no direct cost to the trade be approved.
  - (e) The retention of the current conditions and policies detailed in **Appendices A to F** to this report, in the plain language format be confirmed.
  - (f) The retention of all remaining policies and conditions pertaining to applications for driver, vehicle and operator licences which are not subject of this report be confirmed.
  - (g) To date the introduction of the phasing in period for the current trade commencing with licences due for renewal from 1 October 2005 to 30 September 2006 and for new applicants be approved with immediate effect.

## **Reasons**

17. The recommendations are supported by the following reasons:

- (a) New conditions cannot be applied to current licences and therefore need to be attached at renewal of licence.
- (b) The proposed conditions and policies provide for a higher level of safety and comfort for the travelling public and also provide clarity for the taxi trade.

**John Buxton**  
**Director of Development and Environment**

## **Background Papers**

The Local Government (Miscellaneous Provisions) Act 1976

The Town Police Clauses Act 1847

The Council's conditions and policies relating to the licensing of vehicles, drivers and operators

Trade responses to consultation

## **Appendices**

- (i) Private Hire Drivers – Standard Conditions, Legislation and Policy
- (ii) Hackney Carriage Drivers – Legislation, Byelaws and Policy
- (iii) Hackney Carriage Vehicles – Standard Conditions, Legislation and Policy
- (iv) Private Hire Vehicles – Standard Conditions, Legislation and Policy
- (v) Additional Standard Conditions relating to Limousines
- (vi) Private Hire Operators – Standard Conditions, Legislation and Policy
- (vii) Guide to Appendices
- (viii) Letter from A J Bowlby

Pam Ross: Extension 388647



## PRIVATE HIRE DRIVERS

### STANDARD CONDITIONS, LEGISLATION AND POLICY

The Local Government (Miscellaneous Provisions) Act 1976 at Section 51(2) permits the Council to attach conditions to the grant of a Private Hire driver Licence as it may consider reasonably necessary.

Section 52(2) of the same Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the **conditions** attached to the grant of a private hire driver licence. Such appeal must be made within 21 days of receipt of licence.

Failure to comply with the Council's conditions may result in your Private Hire Driver licence being suspended or revoked.

Failure to comply with any legislation is an offence. You may be prosecuted.

### COUNCIL POLICIES:

#### 1. CRIMINAL RECORD CHECKS

All new applicants will be required to undertake a Criminal Records Bureau enhanced taxi driver check, at their own expense, as part of the application process. You will be required to repeat this check at 3 yearly intervals while licensed with the Council.

#### 2. DSA TEST

All applicants for Private Hire Driver licences are required to successfully undertake the DSA taxi test prior to being considered for a licence. This policy also applies retrospectively to all licensed drivers. A High Court decision in November 2004 confirmed the legality of this requirement.

#### 1. MEDICALS

Medicals to Group II standard are required for every driver on first application and then every 5 years from the age of 45 years. After the age of 65 years they are required annually.

## CONDITIONS:

### 1 ANIMALS (Condition PD 1)

- (a) You must not carry any animals in your vehicle other than those belonging to or in the care of your passenger(s).
- (b) Any animal belonging to or in the care of any passenger, (except dogs described in 16 below), should be carried in the rear of the vehicle only.
- (c) *You shall not refuse to carry, free of charge, any guide, hearing or other assistance dog, travelling with a person with disabilities, in your vehicle. These dogs will not be restricted to the rear of the vehicle. If you have been granted an exemption from carrying such dogs you must display the notice of exemption on the windscreen or dashboard of the vehicle. ( also Legislation - Section 37 Disability Discrimination Act 1995)*

### 2. CHANGE OF ADDRESS (Condition PD 2)

*You must notify the Council in writing, of any change of his address during the period of the licence within 7 days of such a change taking place.*

### 3. CONDUCT OF DRIVER (Condition PD 3)

You must always:

- (a) Assist your passengers with their luggage. This includes picking it up from the point of booking, removing it from your vehicle at the end of the journey and, if requested, setting it down at the passenger's request.
- (b) Be clean and respectable in your dress (*as a **minimum standard** males will wear either long legged trousers or knee length style shorts and tee shirts which have a full body and short sleeves, females will wear either long legged trousers, or knee length style shorts or skirt or dress and tee shirts which have a full body and short sleeves*).
- (c) Be polite and behave in a civil and orderly manner.
- (d) Take all reasonable steps to ensure the safety of your passengers while they are entering, travelling in or leaving the vehicle.
- (e) Offer assistance to elderly, infirm or disabled passengers.

You must **not**

- (i) *Smoke in the vehicle at anytime.*

## ***CONDITIONS cont:***

You must **not**:

- (ii) *Drink or eat in the vehicle at any time while carrying passengers (best practice is for rest periods to be taken away from the vehicle).*
- (iii) 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 without the consent of the passenger.
- (iv) Cause or allow the noise emitted by any radio or other previously mentioned equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle (windows should remain closed if you are engaged in this activity).

### **4. CONVICTIONS (Condition PD 4)**

You must notify the Council in writing of any conviction or caution, either criminal or motoring (including a fixed penalty), within 7 days of such a conviction or caution being imposed.

### **5. DEPOSIT OF LICENCE (Condition PD 5)**

You must give your private hire driver licence to the owner of the private hire vehicle which you will be driving. (S)he will keep your licence while you are employed by him/her.

### **6. EQUAL OPPORTUNITIES (Condition PD 6)**

*You must at all times treat your passengers or any potential passenger with courtesy and respect. You must not discriminate against any person because of their race, colour, creed, gender or disability (also Legislation: Equal Opportunities Act)*

### **7. FARE TO BE DEMANDED (Condition PD 7)**

You must not demand a fare greater than previously agreed for with your passenger and the operator. If a taximeter is in use only the fare displayed may be charged.

### **8. LOST PROPERTY (Condition PD 8)**

When you have dropped your passengers off you must check your vehicle for any property accidentally left there. If you find any you must return it to the passenger or hand it into your operating base or Police Station as soon as possible and no later than the end of your shift.

## **CONDITIONS cont:**

### **9. MEDICAL CONDITION (Condition PD 9)**

*You must notify the Council, in writing, within 28 days of any deterioration in your medical condition that may affect your ability to drive private hire vehicles.*

### **10. PASSENGERS (Condition PD 10)**

- (a) You must not carry more passengers in your vehicle than is permitted by your licence.
- (b) You must not carry more than one person in the front seat unless the vehicle is furnished with a bench type front seat 1270 mm or more in length between the doors and provided with seat belts for all front seat passengers. In this case no more than 2 passengers may be carried.
- (c) You must not, without the consent of the hirer, carry any additional person in the vehicle.
- (d) *No child aged 10 years or less is permitted to travel in the front seat of a Hackney Carriage unless an infant of two years or less is conveyed in a child safety cot approved for this purpose by the British Standards Institute (or such body which succeeds to and carries out the functions of the aforesaid Institute) securely affixed to the front passenger seat.*

### **11. PROMPT ATTENDANCE (Condition PD 11)**

You must always pick up your passengers on time unless unavoidably delayed.

### **12. RECEIPTS (Condition PD 12)**

You must, if requested, provide you passenger(s) with a written receipt for the fare paid including the amount of VAT (if applicable) shown separately if so requested. *You should provide details of the journey including the date, fare, vehicle, operator and driver. You should then sign the receipt*

### **13. TAXIMETERS IN PHVs (Condition PD 13)**

If the private hire vehicle is fitted with a meter:

- (a) You must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).



## **CONDITIONS cont:**

- (b) You must ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.
- (c) You must ensure that the meter is sufficiently illuminated when in use and is visible to all passengers.
- (d) You must ensure that the meter is only brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.
- (e) You must not tamper with any seal on the meter without lawful excuse or alter any meter with the intent to mislead (**Legislation – Section 71 LG (MP) Act 1976**).
- (f) You must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.

## **LEGISLATION:**

**Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Local Government (Miscellaneous provisions) Act 1976 and all other relevant legislation.**

### **1. AUTHORISED OFFICERS (Legislation - Section 73 LG(MP)Act 1976)**

You must not obstruct any Authorised Officer. You must provide any assistance or information (s)he may reasonably require.

### **2. DRIVER BADGE (Legislation - Section 54, LG (MP)Act 1976)**

#### **(a) Wearing of badge**

You must, at all times, when driving a private hire vehicle, **WEAR** the badge provided by the Council in a position which is plainly and clearly visible to your passengers.

#### **(b) Return of badge**

You must, upon the expiry revocation or suspension of your licence return to the Council the driver's badge and the licence issued to the driver by the Council when granting the licence

### **1. MOBILE PHONES (Legislation, Road Vehicles (Construction & Use) Amendment (no 4,) Regulations 2003, Statutory Instrument 2695**

It is an offence to hold & use a mobile phone while driving. You may be prosecuted.

## **LEGISLATION cont:**

### **4. PLYING FOR HIRE (Legislation Section 45 TPCA 1847)**

- (a) *You must NOT pick up passengers who have not pre-booked with your operator. Only Hackney Carriages may pick up un-booked fares.*
- (b) *You must NOT offer or accept an offer for the immediate hire of a vehicle while it is being used.*
- (c) *You must NOT “rank up” outside of nightclubs, public houses, in lay-bys, in residential areas or anywhere where you are likely to attract un-booked fares.*
- (d) *You must NOT park or wait on any Hackney Carriage Rank.*

### **5. SEATBELTS (Legislation – M/V (wearing of seat belt Regs 1993))**

You must at all times conform to the Motor Vehicle (Wearing of Seat Belt) Regulations, 1993 and any other legislation regarding the carriage of children, use of appropriate restraints/seatbelts for the age and weight of any child and where in the vehicle the child can be carried.

### **6. TOUTING (Legislation – Section 167 Criminal Justice and Public Order Act 1994)**

*Touting means approaching the public and inviting them to be carried for hire in your vehicle. No one must tout on any road or public place. It is a criminal offence to do so.*

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## HACKNEY CARRIAGE DRIVERS

### LEGISLATION, BYELAWS AND POLICY

Section 68 of the town Police Clauses Act (TPCA) 1847 allows the Council to make Byelaws to regulate the conduct of hackney carriage drivers including the wearing of badges and return of left luggage

Parts of the Local Government (Miscellaneous Provisions) Act (LG(MP)Act) 1976 also apply to hackney carriage drivers.

Failure to comply with any legislation is an offence. You may be prosecuted.

### **COUNCIL POLICIES:**

#### **1. CRIMINAL RECORD CHECKS**

All new applicants will be required to undertake a Criminal Records Bureau enhanced taxi driver check, at their own expense, as part of the application process. You will be required to repeat this check at 3 yearly intervals while licensed with the Council.

#### **2. DSA TEST**

All applicants for Private Hire Driver licences are required to successfully undertake the DSA taxi test prior to being considered for a licence. This policy also applies retrospectively to all licensed drivers. A High Court decision in November 2004 confirmed the legality of this requirement.

#### **1. MEDICALS**

Medicals to Group II standard are required for every driver on first application and then every 5 years from the age of 45 years. After the age of 65 years they are required annually.

## **BYELAWS:**

### **ANIMALS**

- (a) You must not carry any animals in your vehicle other than those belonging to or in the care of your passenger(s).
- (b) Any animal belonging to or in the care of any passenger, (except dogs described in 16 below), should be carried in the rear of the vehicle only

### **2. CHANGE OF ADDRESS**

You must inform the Council, in writing, within 7 days if you change your address

### **3. CONDUCT OF DRIVER ( Also Legislation: Section 61 TPCA 1847)**

You must always:

- (a) Assist your passengers with their luggage. (This includes picking it up from the point of booking, removing it from your vehicle at the end of the journey and, if requested, setting it down at the passenger's request.
- (b) Be clean and respectable in your dress (*as a **minimum standard** the Council suggests that males wear either long legged trousers or knee length style shorts and tee shirts which have a full body and short sleeves, females wear either long legged trousers, or knee length style shorts or skirt or dress and tee shirts which have a full body and short sleeves*).
- (c) Be polite and behave in a civil and orderly manner.
- (d) Take all reasonable steps to ensure the safety of your passengers while they are entering, travelling in or leaving the vehicle.
- (e) Offer assistance to elderly, infirm or disabled passengers.

You must **not**:

- (a) Smoke in the vehicle at anytime without the consent of the passenger(s).
- (b) Drink or eat in the vehicle at any time while carrying passengers without their consent. (best practice is for rest periods to be taken away from the vehicle).
- (c) 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 without the consent of the passenger.

## **BYELAWS cont:**

- (d) Cause or allow the noise emitted by any radio or other previously mentioned equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle. (Windows should remain closed if you are engaged in this activity).

### **4. CONVICTIONS**

. If you are convicted of any criminal or motoring offence (including fixed penalties) you must notify the Council, in writing, within 7 days.

### **5. DRIVER'S BADGE**

You shall, at all times when driving a Hackney Carriage while carrying passengers or while plying for hire, wear your driver's badge provided by the Council on the breast of the outer clothing and in such position and manner as to be plainly and distinctly visible

### **6. HORSE DRAWN VEHICLES**

The proprietor or driver of a horse drawn Hackney Carriage shall:

- (a) Shall not whilst standing or plying for hire, not drive or allow to be driven or harnessed to the carriage any animal in such a condition as to expose passenger or pedestrian to risk of injury
- (b) Whilst standing or plying for hire, cause every part of the harness of the animal or animals to be properly and securely attached to the carriage and under due control.
- (c) Shall not in any street, feed or allow to be fed, an animal harnessed or otherwise attached to such a carriage, except with food contained in the proper bag or other receptacle suspended from the head of such animal or from the centre pole of the carriage or which is held in and delivered with the hand of the person feeding such horse.

### **7. INSURANCE**

The proprietor or driver of the Hackney Carriage shall ensure that all times when the Hackney Carriage is available for hire or hired it is insured for public use hire.

### **8. LOST PROPERTY (Legislation, Byelaws)**

When you have dropped your passengers off you must check your vehicle for any property accidentally left there. If you find any you must return it to the passenger or hand it into your operating base or police station as soon as possible and no later than the end of your shift

## **BYELAWS cont:**

### **9. METERS/FARES (Also Legislation: TPCA 1847)**

- As soon as your hackney carriage is hired you must **always** bring into action the machinery of the taximeter.
- You must ensure that the meter shows the rate of fare approved by the Council.
- You must ensure that the fare recorded on the meter is clearly visible to your passenger(s).
- You must **never** charge more than the fare shown on the meter. You may charge less than this rate by agreement with the passenger(s). If a fare has been pre-arranged you must compare it to the metered fare and charge the lesser of the two.

### **10. PASSENGERS**

- (a) You must not carry more passengers in your vehicle than is permitted by your licence.
- (b) You must not, without the consent of the hirer, carry any additional person in the vehicle.
- (c) No child aged 10 years or less is permitted to travel in the front seat of a Hackney Carriage unless an infant of two years or less is conveyed in a child safety cot approved for this purpose by the British Standards Institute (or such body which succeeds to and carries out the functions of the aforesaid Institute) securely affixed to the front passenger seat.

### **11. PROMPT ATTENDANCE**

If you have a pre-booked fare arranged you must always pick up your passengers on time unless unavoidably delayed.

### **12. RECEIPTS**

You must, if requested, provide you passenger(s) with a written receipt for the fare paid including the amount of VAT (if applicable) shown separately if so requested. You should provide details of the journey including the date, fare, vehicle, operator and driver. You should then sign the receipt.

### **13. TAXI RANKS**

When plying for hire in any street you must:

- (a) Proceed with reasonable speed to one of the ranks.

## **BYELAWS cont:**

- (b) On arrival at a rank which is occupied by the maximum permitted number of vehicles to occupy it, you must proceed to another stand.
- (c) On arrival at a rank which is **not** occupied by the maximum permitted number of vehicles to occupy it, you must place your vehicle immediately behind the carriage or carriages on the rank, facing in the direction designated by the Byelaw for that rank.
- (d) From time to time when the hackney carriage in front is driven off or moved forward, you must move forward so as to fill the place previously occupied by the vehicle in front.
- (e) Never leave a hackney carriage unattended on a rank

## **LEGISLATION:**

**Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.**

### **1. ANIMALS *Legislation - Section 37 Disability Discrimination Act 1995***

You shall not refuse to carry, free of charge, any guide, hearing or other assistance dog, travelling with a person with disabilities, in your vehicle. These dogs will not be restricted to the rear of the vehicle. If you have been granted an exemption from carrying such dogs you must display the notice of exemption on the windscreen or dashboard of the vehicle.

### **2. AUTHORISED OFFICERS ( Section 73 LG(MP)Act 1976)**

You must not obstruct any Authorised Officer or police officer. You must provide any assistance or information (s)he may reasonably require.

### **3. EQUAL OPPORTUNITIES ( *Equal Opportunities Act*)**

You must at all times treat your passengers or any potential passenger with courtesy and respect. You must not discriminate against any person because of their race, colour, creed, gender or disability. .

## **LEGISLATION cont:**

### **4. CONVICTIONS (*Section 50 TPCA 1847, also see Byelaws*)**

A second conviction against a driver or proprietor for any hackney carriage or byelaws offence is grounds for the Council to suspend or revoke a licence.

### **5. MOBILE PHONES (Road Vehicles (Construction & Use) Amendment (no 4,) Regulations 2003, Statutory Instrument 2695**

It is an offence to hold & use a mobile phone while driving. You may be prosecuted.

### **6. OBSTRUCTING OTHER DRIVERS (Section 64 TPCA 1847)**

You must not obstruct or hinder any other hackney carriage driver from picking up, carrying or setting down a fare.

### **7. SEATBELTS (Motor Vehicle (wearing of seat belt Regulations 1993)**

You must at all times conform to the Motor Vehicle (Wearing of Seat Belt) Regulations, 1993 and any other legislation regarding the carriage of children, use of appropriate restraints/seatbelts for the age and weight of any child and where in the vehicle the child can be carried

### **8.. TOUTING (*Section 167 Criminal Justice and Public Order Act 1994*)**

Touting means approaching the public and inviting them to be carried for hire in your vehicle. No one must tout on any road or public place. It is a criminal offence to do so.

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## HACKNEY CARRIAGE VEHICLES

### STANDARD CONDITIONS, LEGISLATION AND POLICY

The Local Government (Miscellaneous Provisions) Act 1976 at Section 47(1) permits the Council to attach conditions to the grant of a Hackney Carriage Vehicle Licence as it may consider reasonably necessary.

Section 47 (2) of the same Act permits the Council to require the vehicle to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a Hackney Carriage.

Section 47(3) of the same Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the **conditions** attached to the grant of a private hire driver licence. Such appeal must be made within 21 days of receipt of licence.

Failure to comply with the Council's conditions may result in your H C vehicle licence being suspended or revoked.

Failure to comply with any legislation is an offence. You may be prosecuted.

### COUNCIL POLICIES:

#### 1. AGE OF VEHICLE

Darlington Borough Council places a limit on the age of vehicles that may be licensed. Licences will only be issued to vehicles which are less than 3 years of age when first presented for licensing. The age of the vehicle will be determined by reference to its date of first registration. The licence of any vehicle will terminate not more than 6 years from the date of first registration (10 years for London style cabs). If a vehicle is determined to be in exceptional condition an extended licence may be granted. Full details of the definition "exceptional condition" may be obtained from the Licensing Section.

NB This policy does not apply to limousines and vintage cars.

#### 2. DOCUMENTS

A vehicle Licence will only be issued where the vehicle has evidence of **valid:**

- (a) Road Fund Tax.
- (b) Vehicle insurance certificate.

## **COUNCIL POLICIES cont:**

- (c) *Public Liability insurance certificate.*
- (d) *Employer liability insurance where you employ someone else to drive your hackney carriage (NB this will apply unless there is evidence of a formal leasing arrangement).*
- (e) Certificate of mechanical compliance test from the garage nominated by the Council.
- (f) *MOT certificate (where the vehicle does not have a compliance certificate).*
- (g) V5 vehicle registration document\* (\*in the case of a new vehicle the sales invoice which must show engine and chassis numbers, shall be produced at the time of application and the registration document when it is received from DVLA. The registration document must in all cases be produced within 6 weeks of licence issue).

*All documentation produced must be originals.*

Before or on the date of expiry, each certificate shall be produced together with the relevant renewal certificate to an Authorised Officer.

### **3.. ENGINE/CHASSIS NUMBERS**

*The Chassis/Vehicle Identification Number plate and engine numbers must match the numbers recorded with the DVLA. Vehicle applications cannot be accepted without a copy of the vehicle registration document or, in the case of a new vehicle purchase, sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police vehicle identification section who will undertake checks to ensure the vehicle is not stolen.*

### **4. SURRENDER AND GRANT OF LICENCES (Policy)**

*Vehicle licences are granted to vehicles, not to people. This means that a vehicle licence CANNOT be transferred from one vehicle to another. If you wish to change the vehicle on your licence the following procedures must be followed:*

- (a) *You must complete an application form for the “new” vehicle.*
- (b) *You must pay the stated fee for a 12-month period.*
- (c) *You must surrender the original licence.*
- (d) *Your new vehicle must be presented for test and subsequently pass.*
- (e) *You must produce evidence of insurance and all other required documentation.*

*NB If the original licence had at least 6 months un-expired term a reduced fee will be permitted for the cost of the “new” licence if the original licence was surrendered for one of these reasons only:*

## **COUNCIL POLICIES cont:**

- i. The vehicle had been damaged beyond economical repair (a “write off”).
- ii The vehicle had been stolen, not recovered and any claim had been agreed by the insurer.

*In both instances the “old” vehicle CAN NEVER be presented to this Council at a future date for re-licensing.*

## **CONDITIONS:**

### **1. ADVERTISEMENTS (Condition HC 1)**

Any advertisement upon a hackney carriage requires the prior written approval of the Council. Approved advertisements may be placed on the rear doors and rear quarter panel only and be of a stick-on plastic film type material (magnetic panels will not be allowed). The following types of advertisement will be excluded:

- (a) Any advertisement that it is felt likely to give rise to public offence will be refused.
- (b) Any advertising of alcohol or tobacco.
- (c) Any approved advertisement that is later found to give rise to justifiable public offence. This shall immediately be removed upon the instruction of an authorised officer.

No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices shall be displayed in, on, or from the vehicle except as may be required by any statutory provision (including bylaws) or required or permitted by these conditions.

### **2.. ALTERATION OF VEHICLE (Condition HC 2)**

*You must not change the design, condition or appearance of your vehicle without first obtaining the written approval of the council.*

### **3. APPEARANCE OF A HACKNEY CARRIAGE (Condition HC 3)**

The vehicle must be approved by the Council and shall:

- (a) Have at least four doors that can be opened from both inside and outside the vehicle.
- (b) Be right-hand drive.
- (c) Have an engine capacity of not less than 1500 cc.
- (d) Have minimum seating capacity for at least four adult passengers.
- (e) Luggage must be properly secured in a vehicle which does not have a boot.
- (f) Be wind and watertight.

## **CONDITIONS cont:**

- (g) Have windows that can open on both sides of the vehicle.
- (h) Have seats properly cushioned and covered.
- (i) Have a floor properly covered with carpet or other suitable covering.
- (j) Have an adequate internal light to enable passengers to enter and leave the vehicle safely.
- (k) Have a spare wheel to fit the vehicle and equipment to change a wheel on the vehicle with that wheel eg a jack and wheel brace.
- (l) Be properly fitted with seat belts of approved design for every passenger the vehicle is licensed to carry.
- (m) Be fitted with glass which is in accordance with current vehicle construction and use regulations prescribed in respect of the *normal zone of vision* ie the front windscreen 75 per cent light transmittance and the front door windows 70 per cent light transmittance. In addition the remaining glass within the vehicle shall have a minimum light transmittance of not less than 70 per cent. No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass (**policy**).
- (n) Where the vehicle is a rear loading wheelchair accessible vehicle a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement.
- (o) Not be a convertible.
- (p) Not be fitted with a roof rack.
- (q) Not draw a trailer.
- (r) Be coloured red, and all of the painted body panels shall be the same colour of red (ral 3020) or equivalent (a full list of colours is available at the licensing section. Proprietors are advised that they should consult with the Licensing Department, before purchasing a new vehicle, if they are in any doubt about the colour of the vehicle) (**policy**).
- (s) Wheelchair accessible vehicles must be purpose built or converted at the point of manufacture (that is prior to first registration) rather than vehicles that have been later converted for access.

*NB These requirements do not apply to limousines for which special conditions have been produced.*

### **4. CHANGE OF ENGINE (Condition HC 4)**

*You must inform the Council, in writing, within 48 hours if you change the engine in your hackney carriage.*

### **5. CLEANLINESS (Condition HC 5)**

*You must ensure that your hackney carriage is in a safe, clean and tidy condition both inside and out to ensure the safety and comfort of your passengers.*

## **CONDITIONS cont:**

### **6. CONVICTIONS (Condition HC 6)**

. If you are convicted of any criminal or motoring offence (including fixed penalties) you must notify the Council, in writing, within 7 days.

### **7. LETTING/LEASING OF VEHICLES (Condition HC 7)**

*You must not lease or let or hire a licensed hackney carriage to any other person, other than a fare paying passenger, without first notifying the Council in writing. Should you enter into a leasing arrangement you will remain on the vehicle licence as a person with a beneficial interest in the vehicle and will still be jointly responsible for the vehicle.*

### **8. LICENCE PLATES (Condition HC 8)**

The rear identification plate, supplied by the Council, shall be securely fixed to the rear of the vehicle; in a conspicuous position approved by an authorised officer of the Council, using bolts or screws, or other method with written approval of the Council, in such a manner as to be easily removable by an authorised officer or constable.

*The front identification plate shall be securely fixed to the front of the vehicle in a conspicuous position approved by an authorised officer of the Council, using bolts or screws, or other method with written approval of the Council, in such a manner as to be easily removable by an authorised officer or constable.*

### **9. LOSS/THEFT OF PLATE OR LICENCE (Condition HC 9)**

You must report the loss/theft of your licence or identification plate(s) to the Licensing Section as soon as the loss becomes known and in any case, within 2 working days. You must obtain a lost property/crime number from the Police and give details of this to the Council.

### **10. RECORDS (Condition HC 10)**

*You must keep records, in a form approved by the Council, of all drivers employed by you and the hours worked by such drivers.*

### **11. SAFETY EQUIPMENT (Condition HC 11)**

The vehicle must always carry in a conveniently and readily accessible position:

- (a) A suitable and efficient multi purpose dry powder fire extinguisher or FFF aqueous foam fire extinguisher should be secured in the boot of the vehicle as recommended by the Fire Authority (where the extinguisher is to be used in an eight-passenger seat vehicle, which does not have a boot it is recommended that a

## CONDITIONS cont:

- (b) FFF fire extinguisher is used. If a dry powder extinguisher is activated in a vehicle the powder may cause loss of vision).
- (c) *The Hackney Carriage Proprietors licence number shall be painted upon the extinguisher, using indelible black ink, in letters at least 10 mm high.*
- (c) A first aid box, suitable for passenger carrying vehicles, must be available in the vehicle for use by a suitably trained person to provide emergency aid at an incident, (there is no expectation that a licensed driver without a first aid training would do this). The first aid kit should be in a suitable airtight container marked with a white cross on a green background. The container must be clearly marked in indelible black ink with the vehicle licence number and must contain the following:
  - 1 first aid guidance leaflet
  - 24 assorted adhesive dressings
  - 2 sterile eye pads
  - 2 triangular bandages non-woven
  - 3 sterile ambulance dressings
  - 1 sterile wound dressing (7.5cm x 4.5cm)
  - 2 pairs disposable gloves
  - 10 antiseptic wipes (alcohol free)
  - 12 safety pins
  - 1 pair rust free blunt ended scissors

## 12. SIGNS AND NOTICES (Condition HC 12)

- (a) The plastic disc approved and supplied by the Council shall be securely fixed in a central position on the nearside and offside front doors of the vehicle, using the adhesive backing provided. This sign must remain legible at all times. This disc carries the licence number for the vehicle and must remain legible at all times.  
**NB Magnetic discs are not permitted.**
- (b) The vehicle shall display a taxi roof sign (except where the vehicle has an integrated roof sign) approved by the Council, which shall be maintained and capable of being operated in such a manner as to indicate clearly and conveniently to persons outside the vehicle whether or not the vehicle is for hire. The sign shall have only the word “**Taxi**” painted or printed in the colour black upon a white background. The rear of the sign should not show a white light at night.
- (c) Where a hackney carriage is being operated through a private hire business, the name of that operator shall be displayed on the outside of the rear doors of the vehicle.

## **CONDITIONS cont:**

### **13. SLIDING DOORS (Condition HC 13)**

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

### **14. SWIVEL SEATS (Condition HC 14)**

Where a swivel seat is fitted as a passenger seat, a certificate of fitting from an authorised fitter must be obtained and produced to the Council before a vehicle can be tested and/or licensed.

## **LEGISLATION:**

**Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation**

### **1. ACCIDENTS AND DAMAGE TO VEHICLES (Section 50 LG(MP)Act 1976)**

If your vehicle is involved in an accident which results in damage which may affect its appearance or the safety of your passengers you **must** report this to the Council within 72 hours

### **2. AUTHORISED OFFICERS ( Section 73 LG(MP)Act 1976)**

You must not obstruct any Authorised Officer or police officer. You must provide any assistance or information (s)he may reasonably require.

### **3. CHANGE OF ADDRESS (Section 44 TPCA 1847)**

You must inform the Council, in writing, within 7 days if you change your address

### **4. CONVICTIONS (Section 50 TPCA 1847and Condition HC 6)**

A second conviction against a driver or proprietor for any hackney carriage or byelaws offence is grounds for the Council to suspend or revoke a licence.

### **5. COPY OF LICENCE - (Sections 46, 48 and 49 TPCA 1847)**

You must keep the hackney carriage driver licences or all drivers employed by you in your possession. When a driver leaves your employment you must return the licence to

## **LEGISLATION cont:**

him/her. Any driver of a Hackney Carriage must be licensed even if the vehicle is not being used for public hire.

### **6. INSURANCE (Section 50 LG(MP)Act 1976)**

You must provide, when asked by an Authorised Officer, a valid certificate of insurance or cover note.

### **7. LICENCE PLATES ( Byelaw and Section 58 LG(MP)Act 1976)**

You must ensure that you always display the Council's identification plate(s) in a way that they are not defaced or concealed from public view.

If the Council suspends or revokes a hackney carriage licence or the licence expires and is not renewed you will be asked to return your identification plate(s) within 7 days.

### **8. METER /TABLE OF FARES ( Byelaw)**

- (a) The vehicle must be fitted with an accurate meter capable of showing that the vehicle is or is not hired, registering the charge if hired and positioned in clear view of the passengers
- (b) The meter must be linked to a sign bearing the word TAXI which shall be illuminated where the meter is not in use and cease to be illuminated when hiring has begun.
- (c) A Notice showing the tariff of fares set by the Council must be displayed inside the vehicle in a position where any passengers can easily read it.

### **9. TRANSFER OF OWNERSHIP OF LICENSED HACKNEY CARRIAGE (Section 49 LG(MP)Act 1976).**

If you transfer the ownership of your licensed hackney carriage you must inform the Council in writing in 14 days of this change and also provide the Council with the name and address of the new owner.

On the transfer of a licensed vehicle to a new owner the new owner must complete all documentation required by the Council and produce evidence of insurance. Until the relevant documentation is accepted by the Council, the vehicle licence will be suspended.

\*\*\*\*\*





## PRIVATE HIRE VEHICLES

### STANDARD CONDITIONS/LEGISLATION and POLICY

The Local Government (Miscellaneous Provisions) Act 1976 at Section 48(2) permits the Council to attach conditions to the grant of a Private Hire Vehicle Licence as it may consider reasonably necessary.

Section 48 (2) of the 1976 Act also permits the Council to attach conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

Section 48(7) of the same Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the **conditions** attached to the grant of a private hire driver licence. Such appeal must be made within 21 days of receipt of licence.

Failure to comply with the Council's conditions may result in your Private Hire vehicle licence being suspended or revoked.

Failure to comply with any legislation is an offence. You may be prosecuted.

### COUNCIL POLICIES:

#### 1. AGE OF VEHICLE

Darlington Borough Council places a limit on the age of vehicles that may be licensed. Licences will only be issued to vehicles which are less than 3 years of age when first presented for licensing. The age of the vehicle will be determined by reference to its date of first registration. The licence of any vehicle will terminate not more than 6 years from the date of first registration (10 years for London style cabs). If a vehicle is determined to be in exceptional condition an extended licence may be granted. Full details of the definition "exceptional condition" may be obtained from the Licensing Section.

NB This policy does not apply to limousines and vintage cars.

## **COUNCIL POLICIES cont:**

### **2. DOCUMENTS**

A vehicle Licence will only be issued where the vehicle has evidence of **valid:**

- (a) Road Fund Tax.
- (b) Vehicle insurance certificate.
- (c) *Public Liability insurance certificate.*
- (d) *Employer liability insurance where you employ someone else to drive your hackney carriage (NB this will apply unless there is evidence of a formal leasing arrangement).*
- (e) Certificate of mechanical compliance test from the garage nominated by the Council.
- (f) *MOT certificate (where the vehicle does not have a compliance certificate).*
- (g) V5 vehicle registration document\* (\*in the case of a new vehicle the sales invoice which must show engine and chassis numbers, shall be produced at the time of application and the registration document when it is received from DVLA. The registration document must in all cases be produced within 6 weeks of licence issue).

*All documentation produced must be originals.*

Before or on the date of expiry, each certificate shall be produced together with the relevant renewal certificate to an Authorised Officer.

### **3.. ENGINE/CHASSIS NUMBERS**

*The Chassis/Vehicle Identification Number plate and engine numbers must match the numbers recorded with the DVLA. Vehicle applications cannot be accepted without a copy of the vehicle registration document or, in the case of a new vehicle purchase, sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police vehicle identification section who will undertake checks to ensure the vehicle is not stolen.*

### **4. SURRENDER AND GRANT OF LICENCES**

*Vehicle licences are granted to vehicles, not to people. This means that a vehicle licence CANNOT be transferred from one vehicle to another. If you wish to change the vehicle on your licence the following procedures must be followed:*

- (a) *You must complete an application form for the “new” vehicle.*
- (b) *You must pay the stated fee for a 12-month period.*
- (c) *You must surrender the original licence.*
- (d) *Your new vehicle must be presented for test and subsequently pass.*
- (e) *You must produce evidence of insurance and all other required documentation.*

## **COUNCIL POLICIES cont:**

*NB If the original licence had at least 6 months un-expired term a reduced fee will be permitted for the cost of the “new” licence if the original licence was surrendered for one of these reasons only:*

- i. The vehicle had been damaged beyond economical repair (a “write off”).
- ii The vehicle had been stolen, not recovered and any claim had been agreed by the insurer.

*In both instances the “old” vehicle CAN NEVER be presented to this Council at a future date for re-licensing.*

## **CONDITIONS:**

### **1. ADVERTISEMENTS (Condition PV 1)**

Private Hire Vehicles must not display signs using the words “TAXI”, “CAB”, or “FOR HIRE”.

No other signs notices, adverts or any other markings will be displayed on or in the vehicle without the prior written permission of the Council.

### **2. ALTERATION OF VEHICLE (Condition PV 2)**

*You must not change the design, condition or appearance of your vehicle without first obtaining the written approval of the council.*

### **3 .APPEARANCE OF A PRIVATE HIRE VEHICLE (Condition PV 3)**

Private Hire vehicles must **NOT** be red.

The vehicle must be approved by the Council and shall:

- (a) Have at least four doors that can be opened from both inside and outside the vehicle.
- (b) Be right-hand drive.
- (c) Have an engine capacity of not less than 1500 cc.
- (d) Have minimum seating capacity for at least four adult passengers.
- (e) Luggage must be properly secured in a vehicle which does not have a boot.
- (f) Be wind and watertight.
- (g) Have windows that can open on both sides of the vehicle.
- (h) Have seats properly cushioned and covered.
- (i) Have a floor properly covered with carpet or other suitable covering.
- (j) Have an adequate internal light to enable passengers to enter and leave the vehicle safely.

## **CONDITIONS cont:**

- (k) Have a spare wheel to fit the vehicle and equipment to change a wheel on the vehicle with that wheel eg a jack and wheel brace.
- (l) Be properly fitted with seat belts of approved design for every passenger the vehicle is licensed to carry.
- (m) Be fitted with glass which is in accordance with current Vehicle Construction and Use Regulations prescribed in respect of the normal zone of vision i.e. the front windscreen 75 per cent light transmittance and the front door windows 70 per cent light transmittance. In addition the remaining glass within the vehicle shall have a minimum light transmittance of not less than 70 per cent. No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass.
- (n) Where the vehicle is a rear loading wheelchair accessible vehicle a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement.
- (o) Not be a convertible.
- (p) Not be fitted with a roof rack;
- (q) Not draw a trailer.

NB These requirements do not apply to limousines for which special conditions have been produced.

### **4.. CHANGE OF ADDRESS (Condition PV 4)**

You must inform the Council, in writing, within 7 days if you change your address

### **5. CHANGE OF ENGINE (Condition PV 5)**

*You must inform the Council, in writing, within 48 hours if you change the engine in your Private Hire Vehicle.*

### **6. CHANGE OF PRIVATE HIRE OPERATOR (Condition PV 6)**

A Private Hire vehicle may only be operated under provisions of one Private Hire Operator's licence at any moment in time. If you change your Private Hire Operator you must be notify the Licensing Section in writing, using the Council's approved forms, within 48 hours. The name of the "new" operator shall then be displayed on the outside of the rear doors of the vehicle.

### **7. CLEANLINESS (Condition PV 7)**

*You must ensure that your private hire vehicle is in a safe, clean and tidy condition both inside and out to ensure the safety and comfort of your passengers.*

## **CONDITIONS cont:**

### **8. CONVICTIONS (Condition PV 8)**

If you are convicted of, or cautioned for any criminal or motoring offence (including fixed penalties) you must notify the Council, in writing, within 7 days.

### **9. DEPOSIT OF DRIVER OF LICENCE (Condition PV 9)**

Before you allow anyone to drive your private hire vehicle you must ask that person for his/her private hire driver licence and keep it in your possession until that person no longer works for you. Any person driving a private hire vehicle must be licensed, even if the vehicle is not being used for private hire purposes **(Section 46 (b) and (c) LG(MP)Act 1976.**

### **10. LETTING/LEASING OF VEHICLES (Condition PV 10)**

*You must not lease or let or hire a licensed private hire vehicle to any other person, other than a fare paying passenger, without first notifying the Council in writing. Should you enter into a leasing arrangement you will remain on the vehicle licence as a person with a beneficial interest in the vehicle and will still be jointly responsible for the vehicle.*

### **11. LICENCE PLATES - (Condition PV 11)**

- (a) The rear identification plate, supplied by the Council, shall be securely fixed to the rear of the vehicle; in a conspicuous position approved by an authorised officer of the Council, using bolts or screws, or other method with written approval of the Council, in such a manner as to be easily removable by an authorised officer or constable.
- b) *The front identification plate shall be securely fixed to the front of the vehicle in a conspicuous position approved by an authorised officer of the Council, using bolts or screws, or other method with written approval of the Council, in such a manner as to be easily removable by an authorised officer or constable.*

### **12. LOSS/THEFT OF PLATE OR LICENCE - (Condition PV 12)**

Plus you must report the loss/theft of your licence or identification plate(s) to the Licensing Section as soon as the loss becomes known and in any case, within 2 working days. You must obtain a lost property/crime number from the Police and give details of this to the Council.

## **CONDITIONS cont:**

### **13. METER /TABLE OF FARES - (Condition PV 13)**

If a meter is fitted in a private hire vehicle it must :

- (a) Be accurate, be capable of showing that the vehicle is or is not hired, register the charge if hired and be positioned in clear view of the passengers*
- (b) A Notice showing the Tariff of fares must be displayed inside the vehicle in a position where any passengers can easily read it.*
- (c) when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.*
- (d) They must be sufficiently illuminated when in use visible to all passengers.*
- (e) The meter must only be brought into action and the fare or charge must only commence from the point at which at which the hirer starts his/her journey*
- (f) The fare charged must not exceed the fare displayed on the meter at the end of the journey*

### **14. SAFETY EQUIPMENT (Condition PV 14)**

The vehicle must always carry in a conveniently and readily accessible position:

- (a)** A suitable and efficient multi purpose dry powder fire extinguisher or FFF aqueous foam fire extinguisher should be secured in the boot of the vehicle as recommended by the Fire Authority (where the extinguisher is to be used in an eight-passenger seat vehicle, which does not have a boot it is recommended that a FFF fire extinguisher is used. If a dry powder extinguisher is activated in a vehicle the powder may cause loss of vision).
- (b)** The Private Hire Proprietors licence number shall be painted upon the extinguisher, using indelible black ink, in letters at least 10 mm high.
- (c)** A first aid box, suitable for passenger carrying vehicles, must be available in the vehicle for use by a suitably trained person to provide emergency aid at an incident, (there is no expectation that a licensed driver without first aid training would do this). The first aid kit should be in a suitable airtight container marked with a white cross on a green background. The container must be clearly marked in indelible black ink with the vehicle licence number and must contain the following:

1 first aid guidance leaflet  
24 assorted adhesive dressings

## CONDITIONS cont:

- 2 sterile eye pads
- 2 triangular bandages non-woven
- 3 sterile ambulance dressings
- 1 sterile wound dressing (7.5cm x 4.5cm)
- 2 pairs disposable gloves
- 10 antiseptic wipes (alcohol free)
- 12 safety pins
- 1 pair rust free blunt ended scissors

### 15. SIGNS AND NOTICES - (Condition PV 15)

- No illuminated or fluorescent sign or advertisement shall be displayed on the inside or outside the vehicle.
- No sign or advertisement shall be placed on, or above, the roof level.
- For the purpose of identification of **8 passenger seat vehicles** as licensed Private Hire vehicles the proprietor may:
  - (a) With the written approval of the Council fix to the top inside corner of the passenger side front windscreen a self-adhesive notice no larger than 100mm high and 460 mm wide. The notice shall have a white background and include only the name of the operator of the business in black letters of a maximum size 60 mm in height and also the words “PRIVATE HIRE VEHICLE” or “PRIVATE HIRE ONLY ” in black letters of a minimum 25 mm in height.
  - (b) With the written approval of the Council you may display notices upon the external bodywork of 8 seated minibuses giving the trade name and telephone number of the operator on the front, rear and sides of the vehicle, with the following specification:
    - i. all letters and numbers shall be, all black or all white in colour and no greater than 75 mm high and painted directly upon the vehicle, or printed on self adhesive plastic film;
    - ii. the area of display for the words and number must be limited in size;
    - iii. front and rear - 630 mm wide x 75mm high;
    - iv. sides - 2000 mm x 300 mm;
    - v. each separate notice shall include the words “PRIVATE HIRE ONLY” in a prominent position in capital letters 25 mm high.

NB: The design for each of these notices (a) and (b) above must not be used until a sample has been submitted to the Council and approved in writing.

## **CONDITIONS cont:**

- For the purpose of identification of Private Hire vehicles (saloon type) the proprietor:
  - (a) Must fix to both rear doors a notice that has the words “PRIVATE HIRE ONLY” in capital letters 25 mm high. The letters shall be coloured black or white. The background colour of the notice shall contrast with both the lettering printed upon it and the vehicle colour. This notice shall be a maximum size 630 mm x 300 mm, and be designed to include the name of the operator and telephone number
  - (b) May fix to the top inside corner of the passenger side front windscreen of the vehicle a notice no larger than 100mm high and 460 mm wide. The notice shall have a white background and only include the name of the operator of the business in black letters of a maximum size 60 mm in height and the words “PRIVATE HIRE ONLY” or “PRIVATE HIRE VEHICLE” in black capital letters minimum size 25 mm in height.

*Note: The design for each of these notices (a) and (b) above must not be used until a sample has been submitted to the Council and approved in writing.*

**NB Magnetic fixing of any signage is not permitted.**

### **16. SLIDING DOORS (Condition PV16)**

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

### **17. SWIVEL SEATS (Condition PV 17)**

Where a swivel seat is fitted as a passenger seat, a certificate of fitting from an authorised fitter must be obtained and produced to the Council before a vehicle can be tested and/or licensed



## **LEGISLATION:**

**Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation**

### **1. ACCIDENTS and DAMAGE TO VEHICLES (Section 50 LG(MP)Act 1976**

If your vehicle is involved in an accident which results in damage which may affect its appearance or the safety of your passengers you **must** report this to the Council within 72 hours

### **2. APPEARANCE OF A PRIVATE HIRE VEHICLE (Section 48 (1) (ii) of LG(MP)Act 1976)**

Private Hire vehicles must not be of such design and appearance so as to lead any person to believe that the vehicle is a hackney carriage.

### **3 AUTHORISED OFFICERS - (Legislation, Section 73 LG(MP)Act 1976)**

You must not obstruct any Authorised Officer or police officer. You must provide any assistance or information (s)he may reasonably require.

### **4. EMPLOYMENT OF DRIVERS (Section 46 (b) and (c) LG(MP)Act 1976**

Before you allow anyone to drive your private hire vehicle you must ensure that person holds a valid private hire driver licence. Any person driving a private hire vehicle must be licensed, even if the vehicle is not being used for private hire purposes.

### **5. INSURANCE (Legislation - Section 50 LG(MP)Act 1976)**

You must provide, when asked by an Authorised Officer, a valid certificate of insurance or cover note.

### **6. LICENCE PLATES - (Legislation - section 48 (5) and (6) and Section 58 LG(MP)Act1976)**

- (a) You must ensure that you always display the Council's identification plate(s) in a way that they are not defaced or concealed from public view. The Plate(s) must be affixed in accordance with the Council's requirements. (**see also PV11**)
- (b) If the Council suspends or revokes a private hire vehicle or the licence expires and is not renewed you will be asked to return your identification plate(s) within 7 days.

## **LEGISLATION cont:**

### **7. METER /TABLE OF FARES - (Section 71 LG(MP)Act 1976. See also Condition PV 13)**

Any meter fitted in a private hire vehicle must be tested and approved by the Council.

You must not tamper with any seal on the meter without lawful excuse or alter any meter with the intent to mislead

### **8. TRANSFER OF OWNERSHIP OF LICENSED PRIVATE HIRE VEHICLE - (Section 49 LG(MP)Act 1976)**

If you transfer the ownership of your Private Hire Vehicle you must inform the Council in writing in 14 days of this change and also provide the Council with the name and address of the new owner.

On the transfer of a licensed vehicle to a new owner the new owner must complete all documentation required by the Council and produce evidence of insurance. Until the relevant documentation has been accepted by the Council, the vehicle licence will be suspended.



## ADDITIONAL STANDARD CONDITIONS RELATING TO LIMOUSINES

**Please note that these conditions are IN ADDITION to the standard Private Hire Vehicle conditions except where stated.**

The Local Government (Miscellaneous Provisions) Act 1976 at Section 48(2) permits the Council to attach conditions to the grant of a Private Hire Vehicle Licence as it may consider reasonably necessary.

Section 48 (2) of the 1976 Act also permits the Council to attach conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

Section 48(7) of the same Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the **conditions** attached to the grant of a private hire driver licence. Such appeal must be made within 21 days of receipt of licence.

Failure to comply with the Council's conditions may result in your Private Hire vehicle licence being suspended or revoked.

Failure to comply with any legislation is an offence. You may be prosecuted.

### INTERPRETATION

For the purpose of licensing of a limousine by the Council a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres (120 inches) to extend the length of the vehicle. The vehicle shall be capable of carrying up to, but not exceeding eight seated passengers. Each passenger seating area will be at least 400 millimetres wide.

The nature of a limousine is such that it is unlikely it will comply with the Council's age policy and will therefore be deemed to be exempt from the policy.

## COUNCIL POLICIES:

### 1. DOCUMENTATION

*The following documentation in original form or certified copies (not photocopies) shall be produced prior to licensing:*

- (a) Completed importation documentation – Single Vehicle Approval (SVA) or*
- (b) A Qualified Vehicle Modifier certificate – (QVM). This is issued by the Coach Builder.*
- (c) DVLA registration document (V5).*
- (d) Insurance documents covering Hire and Reward, Public Liability insurance and, where drivers other than the proprietor are used, Employer Liability insurance.*
- (e) Vehicle compliance certificate (compliance inspection carried out and certificate issued by VOSA, Banks Road, Darlington).  
NB The compliance inspection is carried out at **six** monthly intervals.*
- (f) Vehicles converted to run on LPG must produce an installation certificate from a LPGA approved UK vehicle conversion company.*
- (g) Documentation to show the overall weight of the vehicle (as displayed on the vehicle).*

## CONDITIONS:

### 1. APPEARANCE OF VEHICLE (Condition Lim 1)

*(NB this replaces condition 3 of PH Vehicles)*

*The proprietor shall ensure that the limousine is of a type approved by the Council.*

- *The maximum length of the vehicle “stretch” shall not exceed 120 inches [3048 millimetres].*
- *The vehicle should be equipped with a minimum of four road wheels and one full sized spare wheel. The tyres shall be of an approved rating as specified by the manufacturer ie 235/75R 15 108S (BF Goodrich Extra Load or equivalent). Vehicles produced since 1998 should be fitted with 225/70R 16 107T (Reinforced).*
- *The front windscreen shall allow 75% light transmittance and the front driver and passenger windows shall allow 70% light transmittance (**Construction and Use Regulations 1986**).*
- *No self-adhesive material (tinted or clear) shall be affixed to any part of the glass without the prior written approval of the Council.*

## **CONDITIONS cont:**

- *The interior of the vehicle must be kept wind and watertight.*
- *The seats in the passenger compartment must be kept properly cushioned and covered.*
- *The floor in the passenger compartment must be provided with a proper carpet, mat or other suitable covering.*
- *There must be adequate internal light to enable passengers to enter and leave the vehicle safely.*
- *The internal fittings and furniture of the limousine must be kept in a clean, well-maintained condition and in every way fit and safe for public use.*
- *Facilities must be provided for the conveyance of luggage safely and protected from inclement weather.*
- *The vehicle must have at least two doors for use of persons conveyed in limousine and a separate means of ingress and egress for the driver.*
- *The exterior of the limousine must be kept in a clean condition especially during inclement weather.*
- *Facilities must be provided to ensure that any person travelling in the limousine can communicate with the driver.*

### **2. EXEMPTION NOTICE (Legislation - Section 75(3) LG(MP)Act 1976 and Condition Lim 2)**

*The Council will issue a written notice that exempts the vehicle from having to display identification plate(s). This notice must be carried in the vehicle at all times and be available for inspection on request by an Authorised officer of the Council or a Police Officer.*

### **3. LICENCE PLATES (Condition Lim 3)**

***NB replaces (a) to (c) of condition 11 for PH Vehicles***

- *The proprietor of the limousine shall ensure the identification plate(s) is maintained and kept in such condition so that the information contained on the identification plate is clearly visible at all times.*
- *The identification plate shall remain the property of the Council at all times and shall be carried in the limousine so as to be easily removed or inspected by an Authorised Officer of the Council or Police Constable.*

## **CONDITIONS cont:**

- *The vehicle will display the licence disc, issued by the Council, in the windscreen of the vehicle, where it can be easily seen by persons outside of the vehicle.*
- *The vehicle will display the laminated card, issued by the Council, inside the vehicle, where it can be easily be seen by passengers in the vehicle.*

### **4. PASSENGERS (Condition Lim 4)**

- *The limousine shall not carry a greater number of passengers than the number prescribed in the licence (NB A babe in arms is classed as a person whatever age).*
- *The vehicle shall not carry less than two passengers at any one time.*
- *Where the passengers in the vehicle consist of persons under the age of 14 years they must be accompanied by a responsible adult, other than the driver, who is over the age of 18 years.*
- *All passengers must remain seated at all times when the vehicle is in motion.*
- *Passengers will not be carried in the front of the vehicle.*
- *In accordance with Construction and Use Regulations, where seat belts are fitted they must be used by all passengers*

### **5. SAFETY EQUIPMENT (Condition Lim 5)**

#### ***NB replaces part (a) of condition 14 for PH Vehicles***

*The proprietor of the private hire vehicle shall provide and maintain to the satisfaction of the Authorised Officer an efficient fire extinguisher containing BCF (Bromochloro Difluoromethane) which shall be securely fixed to the vehicle and within easy reach of the driver at all times. The extinguisher shall be manufactured to British Standards and shall show the BS number.*

## **LEGISLATION:**

**Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation**

### **1. EXEMPTION NOTICE (Section 75(3) LG(MP)Act 1976. See also Condition Lim 2)**

The Council will issue a written notice that exempts the vehicle from having to display identification plate(s). This notice must be carried in the vehicle at all times.



## PRIVATE HIRE OPERATORS

### STANDARD CONDITIONS, LEGISLATION AND POLICY

The Local Government (Miscellaneous Provisions) Act 1976 at Section 55(3) permits the Council to attach conditions to the grant of a Private Hire Operator Licence as it may consider reasonably necessary.

Section 55(4) of the same Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the **conditions** attached to the grant of a private hire driver licence. Such appeal must be made within 21 days of receipt of licence.

Failure to comply with the Council's conditions may result in your Private Hire Operator Licence being suspended or revoked.

Failure to comply with any legislation is an offence. You may be prosecuted.

### COUNCIL POLICIES:

#### 1. CRIMINAL RECORD CHECKS

*The 1976 Act requires Private Hire Operators to be "fit and proper" persons. If you apply for a PH Operator licence and are not a current licensed driver you will be required to produce a basic Criminal Records Bureau check which is less than 3 months old at the time of your initial application. This will not apply to current drivers who are checked every 3 years*

#### 2. LOCATION OF OPERATING PREMISES

*Anyone licensed as a Private Hire Operator with this Council must have operating premises within the controlled district of this Council and must operate vehicles from these premises only. The premises must have Planning permission for private hire use.*

### CONDITIONS:

#### 1. BOOKING RECORDS ( Condition PO1)

Every licensed private hire operator must keep a record of every booking of every private hire vehicle operated by him/her. The record must be kept in the form described in the following **condition**:



- (a) Records must be kept in a suitable book, approved by the Council the pages of which are consecutively numbered.
- (b) On a computer which keeps backup records and is capable of producing a hard copy.
- (c) The operator or his/her agent/employee must enter, before the commencement of each journey, the following particulars of every booking of every private hire vehicle operated by him/her:
  - (i) The name and address of the hirer.
  - (ii) The date, time and pickup point of the booking.
  - (iii) The destination.
  - (iv) The number of passengers to be carried.
  - (v) When and how the booking was made i.e. telephone, personal call.
  - (vi) The plate number of the vehicle allocated.
  - (vii) The name of the driver allocated to the booking and call sign of the vehicle.
  - (viii) The amount to be charged.
  - (ix) Remarks (including details of any sub-contract).
- (d) You must also keep records of the particulars of all private hire vehicles and drivers operated by you. These must include the owner of the vehicle, registration number, private hire vehicle licence number, any radio call sign used and all driver licence numbers.
- (e) All records are to be kept for a period of not less than **12** months following the date of the last entry and to be produced for inspection on the request of an Authorised Officer of the Council or a Police Officer.
- (f) *You must **not** enter into your booking records details of any fare that has not been pre-booked by the hirer through your operating base, either by telephone or personal caller (NB It is an offence to enter details of any illegal plying for hire in an attempt to make such activity appear to be a legitimate booking).*

## **2. CHANGE OF HOME ADDRESS (Condition PO 2)**

You must notify the Council, in writing, within 7 days of any change of you personal address.

## **3. CHANGE OF BUSINESS ADDRESS (Condition PO 3)**

A Private Hire Operator licence is granted to you for the premises detailed at the time of application. It is not transferable to other persons or premises. *Any change from the original application will be dealt with as a new application. You will be required to make a new application accordingly.*

## **CONDITIONS cont:**

### **4. COMPLAINTS (Condition PO 4)**

*You must immediately upon receipt notify the Council, in writing, of any complaints concerning a contract for hire or intended contract for hire relating to or resulting from his business and of the action (if any), which you have taken or propose to take.*

### **5. CONVICTIONS (Condition PO 5)**

If you are cautioned for or convicted of any motoring or criminal offence you must notify the Council, in writing, within 7 days. If the licence is in the name of a Company or Partnership the cautions/convictions of any Directors or Partners must be disclosed.

### **6. DISPLAY OF LICENCE (Condition PO 6)**

*If the public has access to your operating premises you are required to display your Private Hire operator Licence in your operating premises together with a copy of your licence conditions and the Local government (Miscellaneous Provisions) Act 1976.*

### **7. DTI LICENCES (Condition PO 7)**

*If you have two-way radios fitted to the vehicles you operate you must produce evidence of a DTI radio Licence to the Council and provide all details of radio frequencies, together with call signs/numbers of all vehicles using two-way radios.*

### **8. EQUAL OPPORTUNITIES (Condition PO 8)**

You must at all times treat your passengers or any potential passenger with courtesy and respect. You and your employees must not discriminate against any person because of their race, colour, creed, gender or disability.

### **9. PLANNING PERMISSION (Condition PO 9)**

*You must have Planning permission for private hire use at your operating premises. You must comply on every respect with the requirements of the current planning legislation*

### **10. RIGHT OF ACCESS (Condition PO 10)**

You must permit any Authorised Officer of the Council onto your operating premises at all times when acting as a Private Hire Operator and provide him/her with access to all records which (s)he may reasonably require.

## **CONDITIONS cont:**

### **11. STANDARD OF SERVICE (Condition PO 11)**

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

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle must, unless delayed or prevented from attending due to an unforeseeable or preventable matter, attend at the appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit any premises which you provide and to which the public have access, whether for the purpose of booking or waiting.
- (c) Ensure that any telephone facilities and radio equipment provided are, at all times, kept in good working order and that any defects are repaired promptly.
- (d) Ensure that you do not describe the private hire service offered by the use of advertising signs, printed words, broadcast or by any other media which use the words "Hackney Carriage" or "Taxi".

## **LEGISLATION:**

**Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation**

### **1. AUTHORISED OFFICERS (Section 73 LG(MP)Act 1976)**

You must not obstruct any Authorised Officer or police officer. You must provide any assistance or information (s)he may reasonably require.

### **2. BOOKING RECORDS (Section 56 (2)-(4) LG(MP)Act 1976. See also Condition PO1)**

Every licensed private hire operator must keep a record of every booking of every private hire vehicle operated by him/her. The record must be kept in the form described in **Condition PO1**. All records are to be produced for inspection on the request of an Authorised Officer of the Council or a Police Officer.

## **LEGISLATION cont:**

(NB It is an offence to enter details of any illegal plying for hire in an attempt to make such activity appear to be a legitimate booking).

### **3. CRIME & DISORDER ACT 1998**

The Council has a duty under Section 17 of the Crime & Disorder Act to do all that it Reasonably can to prevent crime and disorder in its area. In relation to passenger bookings, information should not be given freely over the radio airwaves, that allows other persons to know details of addresses which will be empty (e.g. an airport fare). Best practice for Private Hire Operators and their desk operators is to ensure that only the road/street is given to the driver over the radio and that the driver, on arriving in the vicinity, should only then ask for the house number and drop off point. This will ensure that other passengers do not overhear details of the booking.

### **4. PRODUCTION OF LICENCE (Section 56(4) LG(MP)Act 1976)**

You must produce your Private Hire operator Licence when asked to do so by an Authorised Officer or Police Officer.

For simplification each appendix will be dealt with in turn, with comments in relation to any changes to the current conditions and policies.

**Appendix A: Private Hire Drivers**

**Policy 1.** Medical condition italics reflect the latest Council Policy on periods of time for medicals (approved by Cabinet in June 2005) and also place a requirement on drivers to inform the Council of any change to medical health. The purpose of this is to ensure that drivers are medically fit to drive licensed vehicles.

**Conditions:**

**PD 1** Animals: italics reflect the Disability Discrimination Act 1995

**PD 3** Conduct of driver italics at b) set down a minimum dress standard. The purpose of this is to ensure that drivers are appropriately dressed, particularly in summer. This is to avoid drivers being dressed in brief shorts and vest tops, given that they are ambassadors for Darlington (**see Appendix H for a Trade comment**).

**PD 3 (cont)**

Italics at (i) amend the current condition that drivers must not smoke in their vehicles without the consent of their passenger to a complete embargo on smoking in the vehicle at all times. The purpose of this is to ensure that passengers may always enter a smoke free environment and never be subjected to passive smoking. It is usual for passengers to be forbidden from smoking while in a licensed vehicle.

Italics at (ii) amend the current condition that drivers must not eat or drink without the consent of their passengers to an embargo while carrying passengers. The purpose of this is to improve public perception of Taxi driving as a professional career and to improve the comfort of passengers in vehicles by the avoidance of crumbs, smells etc. Drivers are also reminded that it is best practice to take meal breaks outside of their vehicles.

**PD 6:** Equal Opportunities italics enforce the Equal opportunities legislative requirements and make the driver responsibilities clear.

**PD 12:** Receipts italics tighten up the current condition to specify what should be included in the receipt. This is to assist passengers who may require a receipt for their employers etc.

## **Appendix B Hackney Carriage Drivers**

There is no provision in the legislation to place conditions on hackney carriage driver licences. The only way to regulate the conduct of hackney carriage drivers is by Byelaws and existing legislation. This appendix therefore advises drivers of the requirements of such legislation as the Disability Discrimination Act (Carriage of Animals), Equal Opportunities Act (in relation to passengers) and gives advice re minimum standard of dress. The issue of smoking in the vehicle is already subject to a Byelaw requiring the consent of the passenger and cannot therefore be easily changed.

## **Appendix C Hackney Carriage Vehicles**

**Policy 2** Documents italics at c) reflect a new addition to the condition requiring public liability insurance to be produced. Normal motor insurance does not cover damage to passengers/ property away from the vehicle so if for example a driver was assisting a passenger with luggage to their door and broke something valuable the normal motor insurance would not indemnify. Similarly if a wheelchair bound passenger was injured away from the vehicle but while in the charge of the driver the same would apply. Public liability insurance is a standard business requirement (**see also Policy 2, Appendix D: Private Hire Vehicles**).

Italics at d) reflect a new condition requiring employer liability insurance whenever someone other than the proprietor is employed to drive the vehicle. Once again this is a standard business requirement (**see also Policy 2, Appendix D: Private Hire Vehicles**).

Italics at f) make provision for the production of an MOT certificate as an alternative to a compliance certificate and give the proprietor the option between the two certificates (**see also Policy 2, Appendix D: Private Hire Vehicles**).

### **Conditions:**

**HC 3:** Alteration of vehicle italics reflect a new condition requiring the written approval of the Council to any change in the appearance of the vehicle. This is to ensure that the vehicle is always appropriate for use as a licensed vehicle (**see also PV 2, Appendix D: Private Hire Vehicles**).

**HC 4:** Change of engine italics reflects a new condition requiring notification of engine change to the Council within 48 hours. This is to ensure that all paperwork relating to the vehicle is at all times accurate. It is also to ensure that stolen engines are not introduced into licensed vehicles (**see also PV 5, Appendix D: Private Hire Vehicles**).

**HC 5:** Cleanliness italics reflect a new condition to ensure that licensed vehicles are smart and clean inside and out for passenger safety and comfort (**see also PV 7, Appendix D: Private Hire Vehicles**).

- HC 7:** Letting/Leasing italics reflects a tightening up of the current requirement to notify the Council of all leasing arrangements and clarifies the position of the proprietor regarding liability. The purpose of this is to ensure the Council is fully aware of such arrangements (particularly in the event of complaints/queries etc) and to ensure that they have been properly arranged. Proprietors who enter into such arrangements are required, by law, to have a proper credit licence (see also **PV 10, Appendix D: Private Hire Vehicles**).
- HC 8** Licence Plates italics indicate the introduction of a front identification plate for licensed vehicles. Such a plate is required by all of the other Tees Valley Authorities (Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton Councils). The rationale of introducing such a plate is to make identification simpler for passengers. When the public flag down a hackney carriage it is usually from the front. To check if the vehicle is currently licensed means having to walk to the rear of the vehicle to check whether a plate is being displayed. Similarly when a private hire vehicle attends to collect a pre-booked fare it is more likely that passengers will approach from the front. Darlington Borough Council currently licences 225 hackney carriages and 81 private hire vehicles. In the interests of passenger safety it is proposed that this condition is introduced swiftly for the Trade and to facilitate this it is further proposed that all current licensed vehicles be issued with a front plate free of charge. It is estimated that this will cost somewhere in the region of £3500-£4,600 which will have to come out of the Taxi Licensing budget. The front plate will not display an expiry date and therefore will ensure no annual financial burden is placed on the trade. It will, however, require an additional payment for the licensing of future vehicles (See also **PV 11, Appendix D: Private Hire Vehicles**)
- HC 10** Records italics indicate a new condition requiring records to be kept of all drivers employed and details of the hours worked. The purpose of this is to ensure that, in the event of a complaint or enquiry, the proprietor can easily identify who was driving a specific vehicle on a given date.
- HC 13** Sliding Doors italics indicate the substitution of an earlier condition requiring that vehicles fitted with sliding doors must have locking mechanisms fitted to sliding doors with a condition which allows for vehicles where such mechanism is not available (eg Fiat Doblo and similar) to use the child lock system as an alternative. This has been requested by the Trade following confirmation by one manufacturer that the Fiat Doblo does not have such a locking mechanism and currently the Trade has to request individual exemption from the standard condition at Licensing Committee. The amended condition will make provision for such vehicles in the future without the need for individual exemptions (see also **PV 16, Appendix D: Private Hire Vehicles**).

## **Appendix D Private Hire Vehicles**

Full details of any changes have been dealt with in the section above.

## **Appendix E Limousines**

This appendix details special conditions/requirements, in addition to (or where appropriate, as an alternative to) those specifically designed for private hire vehicles. Darlington Borough Council has not yet licensed any limousines and by the nature of their design it is clear that such vehicles could not meet the standard Council requirements such as the age policy, requirement to be right hand drive etc. Legal advice from the Institute of Licensing advises that wherever possible such vehicles should be brought into the licensing regime to ensure that drivers are properly vetted, particularly through criminal record checks and also that the vehicles are safe to carry passengers. Limousines and vehicles of a similar nature are extremely popular with children and it is of concern that they are at present outside of the strict licensing regime set by the Council. By creating an opportunity and requirement to bring these vehicles and their drivers/operators into our regime we are ensuring the safety of all passengers who choose to use such a mode of transport.

## **Appendix F Private Hire Operators**

**Policy 1:** Criminal Records Check *italics indicate a new proposed policy to bring Private hire Operators into line with drivers when determining whether they are “fit and proper” to hold a licence. This requirement will not apply to existing drivers who are already subject to an enhanced criminal record check every 3 years.*

**Policy 2:** Location of operating Premises *italics indicate a proposed new policy requiring licensed PH Operators to have operating premises within the borough of Darlington. This ensures that authorised officers of the Council can freely enforce the legislation within the controlled district. This matter has also been raised by the trade at a Taxi Liaison meeting on 7 June 2005 as a sensible requirement*

### **Conditions:**

**PO 1** Booking Records *italics indicate the inclusion of a requirement not to adopt un-booked fares in an attempt to make the fare appear legitimate. This clarifies the position for Operators and reminds them that it is a criminal offence to falsify records for this purpose.*

**PO 3** Change of Business Address *italics indicate that any change in the business address will require a new application. This is because the original application was determined on a range of things including the suitability of premises and any change to the address needs to be considered in the same vein.*

**PO 6** Display of Licence *italics indicate a new condition requiring display of the Council’s licence, its conditions and the legislation at premises where the public have access. This is to ensure public confidence in the licensing regime.*

**PO 7** DTI Licences *italics indicate a new condition requiring the production of DTI licence and associated information to the Council. The purpose is to ensure proper compliance with all associated legislation, given that Operators are approved as “fit and proper” by the Council.*



- PO 8** Equal Opportunities italics indicate a new condition which reinforces the Equal Opportunities legislation.
- PO 9** Planning Consent italics indicate a proposed new condition requiring planning consent and compliance. The purpose of this is to ensure the premises have adequate facilities for their intended business activities.
- PO 10** Right of Access italics indicate a proposed new condition giving authorised officers reasonable rights of access to premises. This may be crucial in the event of illegal licensing activities being carried out which come to light, particularly during enforcement activities.

Dear Ms Ross

With reference to the draft of the proposed policies and conditions which I received today.

Appendix C; Hackney Carriage Vehicles item 16, license plates:

I strongly disagree with the introduction of a front plate. A hackney taxi is already clearly identifiable by all the signs now in place and making the life of a taxi owner more difficult appears to be the object of this and most of the other rules laid down by the council.

When not being used as a taxi, my vehicle is also my private car, as the cost of having a separate car is out of the question.

D.S.A. test:

Why does Darlington council insist on making all drivers sit this test and make them pay for it themselves? Surely it is sensible to allow long term drivers with a safe driving record to forgo this test as they have already proved that they can drive to the required standard and putting them through the stress of possibly becoming unemployed is unacceptable. Why do we pay so much for the questionable privilege of being allowed to own a taxi and receive little in return?

There is no mention of the behaviour of passengers in taxis. Every night in Darlington town centre, and especially Friday and Saturday nights, drunkenness, violence, bad language and abusive behaviour are rife. Isn't it time the council followed the example of other towns and banned the drinking of alcohol in the streets?

Finally, dress code: Drivers wearing short trousers and tee- shirts? I can understand that this is probably all that they can afford to wear after paying huge amounts to the council for badges licenses etc. and extortionate insurance charges. Clean and respectable perhaps but not smart! Maybe a nice slogan on the tee-shirt would complete the outfit, such as has been suggested – 'Darlington Council Stinks'.

Yours sincerely,