



GUILDFORD  
BOROUGH

# Taxi and private hire licensing policy

**2015 - 2020**

## **Document information**

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<b>This document replaces:</b>	Hackney Carriage and Private Hire Licensing Policy 2011
<b>Date/detail of consultation:</b>	5 November 2014 – 6 February 2015
<b>Date of Council approval:</b>	9 December 2015
<b>Last reviewed:</b>	9 December 2015
<b>Next review:</b>	8 December 2020

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## 1. Introduction

- 1.1 This policy sets out the principles we will use when dealing with taxis, private hire vehicles, private hire operators, taxi drivers and private hire drivers.
- 1.2 We will review it at least every five years and consult on any proposed amendments. If we make any changes, we will then re-publish the policy.
- 1.3 Public consultation on this policy took place between 5 November 2014 and 6 February 2015 and followed our consultation standards (April 2014) and HM Government Consultation Principles (November 2013.)
- 1.4 The policy was approved by the Council on 9 December 2015 and is available via our website on [www.guildford.gov.uk/taxi](http://www.guildford.gov.uk/taxi) or on request to the Licensing Team, Guildford Borough Council, Millmead House, Millmead, Guildford, Surrey, GU2 4BB.
- 1.5 We have taken into account:
  - a) current legislation in respect of taxi and private hire licensing
  - b) Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance March 2010
  - c) responses from those consulted on the policy
  - d) The Law Commission's report (LAW COM No 347) Taxi and Private Hire Services (May 2014).
  - e) The views expressed by the trade, public, statutory and non-statutory partners.
  - f) An unmet demand survey carried out in 2015

## 2. Principles

- 2.1 The aim of this policy is to provide a fair, open and transparent framework to ensure that taxi and private hire services in Guildford Borough are accessible and safe for operators and the public. Its objectives are:
  - a) To protect public safety
  - b) To encourage a professional taxi and private hire trade
  - c) To provide access to an effective transport service
  - d) To protect the environment
  - e) To promote the Borough as a place to live work and visit
- 2.2 When applying the policy and guidance we will have regard to the following principles:
  - a) openness
  - b) transparency
  - c) consistency
  - d) fairness
  - e) proportionality
- 2.3 When we deal with taxi and private hire drivers and operators we will endeavour to be:
  - a) courteous
  - b) timely
  - c) responsive
  - d) fair

- 2.4 We expect drivers and operators to act similarly in their dealings with us.
- 2.5 In exercising our regulatory functions, we will have regard to this policy document and the objectives set out above.
- 2.6 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for drivers', vehicles and operators licenses,
  - Existing licensed drivers whose licences are being reviewed,
  - Licensing Officers,
  - Members of the Licensing Committee, and
  - Magistrates' hearing appeals against local authority decisions.

### 3. General application Policy guidance

- 3.1 Detailed guidance to underpin this policy framework is set out in appendices 1 - 11 as follows:

#### **Drivers Licences**

- Appendix 1** Drivers Licences: applications and renewals  
**Appendix 2** Relevance of convictions and cautions  
**Appendix 3** Standard Private Hire drivers licence conditions

#### **Vehicle Licences**

- Appendix 4** Vehicle licences: applications and renewals  
**Appendix 5** Standard Hackney Carriage vehicle licence conditions conditions  
**Appendix 6** Standard Private Hire vehicle licence conditions  
**Appendix 7** Vehicle Specifications

#### **Private Hire Operators**

- Appendix 8** Private hire operators: applications and renewals  
**Appendix 9** Standard private hire operator's licence conditions

#### **Compliance**

- Appendix 10** Byelaws  
**Appendix 11** Compliance and Enforcement

- 3.2 The appendices to this policy provide guidance and set out requirements that apply.

#### **Decision making**

- 3.3 Except where indicated in the guidance, Officers will normally make decisions under delegated authority whether to grant, refuse, suspend or revoke a licence, or grant any form of exemption.

#### **Refunds of fees**

- 3.4 You will not be entitled to a refund of any part of the licence fee if you surrender your licence or if we revoke your licence.

### **Taxi Fares**

- 3.5 We will set fares in accordance with our taxi fares procedure and we will run the fare calculator annually in June, however we may run it more frequently in appropriate circumstances such as significant increases or decreases in fuel prices.

### **Vehicle Testing**

- 3.6 All vehicles must pass the vehicle test as detailed in Appendix 7 no more than one month before the grant or renewal of the licence.
- 3.7 A second vehicle test must be passed no less than five months and no more than seven months from the commencement date of the licence.
- 3.8 If the vehicle has not passed the vehicle test it cannot be used as a licensed vehicle even during the duration of an existing licence.
- 3.9 If the vehicle is changed during the course of the licence an additional vehicle test may be required if the duration of the licence is more than six months.

### **Wheelchair accessibility**

- 3.10 We will encourage the provision of wheelchair accessible vehicles through financial incentives in vehicle application fees. There will be a separate annual fee set for wheelchair accessible taxi vehicles and published in the fees and charges book.

### **Numbers of taxis**

- 3.11 We do not limit the maximum number of taxis or private hire vehicles.

## **4. Vehicle Appearance**

- 4.1 All taxi vehicles licensed at the commencement of this policy need to fully comply with these requirements by 1 January 2018.
- 4.2 In addition, all changes of vehicle on existing taxi vehicle licences and taxi vehicles licensed for the first time after 9 December 2015 must meet the requirements.
- 4.3 All new private hire vehicles licensed after 1 March 2016 must comply with these requirements. Existing private hire vehicles must comply with these requirements from the first renewal date after 1 March 2016.

### **Hackney Carriages (Taxis)**

- 4.4 Vehicles must have a full external Pantone 321 coloured livery.
- 4.5 The words "Licensed Taxi" should be displayed on the front passenger and driver's doors.
- 4.6 The Livery must meet the specification and evidence of this must be provided with the application. The Council will issue the livery specification and graphics to livery

providers.

4.7 The dimensions and specification for the logo are:

**Guildford Borough G logo**

Colour: White

Font/Dimensions: G logo to be supplied in tiff file

**Lettering for 'Guildford Borough Council'**

Text: First letter in word capitals

Typeface: Arial

Colour: White

Font/Dimensions: 80

**Lettering for 'No: X Licensed Taxi'**

Text: First letter in word capitals

Typeface: Arial

Colour: White

Font/Dimensions: 137

**Private Hire Vehicles**

4.8 We do not prescribe the colour of private hire vehicles, however to protect public safety we want them to be clearly distinguishable from taxis. The following requirements are intended to achieve this:

4.9 The proposed vehicle must not:

- Be similar in appearance to a London style taxi or purpose built taxi.
- Be similar in colour to Pantone 321, the Guildford hackney carriage livery

4.10 A vinyl sign with a background in Pantone 321 with the Guildford Borough Council G logo in white, the words 'pre-book only private hire' and the vehicle number should be directly applied to the front passenger and driver doors in accordance with the criteria laid out below. The signage is to be provided by Guildford Borough Council and a fee is payable.

4.11 The overall dimension of the sign is 45cm in width by 30cm in height.

4.12 The dimensions and specification of the logo and text are:

**Guildford Borough G logo**

Colour: White

Font/Dimensions: G logo to be supplied in tiff file

**Lettering for 'Guildford Borough Council'**

Text: First letter in word capitals

Typeface: Arial

Colour: White

Font/Dimensions: 80

**Lettering for 'No: X Pre-Book Only Private Hire'**

Text: First letter in word in capitals

Typeface: Arial

Colour: White

Font/Dimensions: 137

## **5. Advertising**

5.1 If you wish to use your vehicle for advertising purposes you must:

- Obtain prior written approval from the Licensing Authority.
- Limit advertising to the rear doors or boot of the vehicle only.

5.2 Advertising will not be approved if it:

- Refers to illegal activities
- Is offensive
- Is discriminatory
- Substantially obscures the colour of the vehicle

## **6. Implementation and review**

6.1 This Policy will remain in existence for a period of five years from the date of adoption, but will be kept under review and where necessary revised in accordance with paragraph 1.2.

6.2 The Head of Health and Community Care Services in consultation with the Lead Member for Licensing may make minor amendments to the guidance set out in this policy to reflect administrative changes and will keep a record of those changes. When a full review or any substantive amendments are proposed, these will be considered by the Licensing Committee.

## Appendix 1- Drivers Licences: applications and renewals

- 1.1 To become a licensed taxi or private hire driver, you must normally be able to show that you:
- are 18 years of age or over
  - have held a full DVLA driver's licence for at least one year
  - have the right to live and work in the United Kingdom
  - can provide your address history for the last 5 years including the month and year of each move. If any of these addresses are outside the United Kingdom refer to paragraph 1.2
  - meet the current medical standards for [DVLA Group 2](#) licence holders
  - have not been convicted of, or cautioned for a relevant criminal or driving offence (see 1.3)
  - do not have any current or spent motoring endorsements on your DVLA driving licence (see 1.3)
  - have passed an approved driving assessment(s)
  - have passed the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver (required for all new applicants from 8 December 2015)
  - has passed an approved 'Child Sexual Exploitation' (CSE) awareness course
  - have passed the Guildford Knowledge test
- 1.2 If you have not lived permanently in the United Kingdom for the last five years, you will need to obtain a letter of good conduct from the relevant embassy or consulate based in the UK for the country in which you were living. There is an exemption for those persons who have been completing UK military service. The date of the letter must be within three months of the date of your application.
- 1.3 If you have a conviction or caution for a relevant offence or any motoring endorsements (points) on your licence this may prevent you from obtaining a licence. Appendix 2 below gives further guidance.
- 1.4 If you are unsure whether you satisfy the above requirements please contact the licensing team.

### **Driving assessment**

- 1.5 Both private hire and taxi driver's applicants must have passed a driving assessment approved by the Council. A list of assessment providers is available on the Council's website.

### **Guildford Knowledge test**

- 1.6 You must pass the relevant Guildford taxi or private hire driver's knowledge tests not more than 3 months prior to your fully completed application being submitted. The tests assess your knowledge of local byelaws, taxi law, terms and conditions of your licence, geographical knowledge of Guildford Borough, customer service and highway code. To book a test and make your payment contact the Council's Customer Service Centre.



- 1.7 The tests assess your knowledge of local byelaws, taxi law, terms and conditions of your licence, geographical knowledge of Guildford Borough, customer service and highway code. To book a test and make your payment contact the Council's Customer Service Centre.

### **Child Sexual Exploitation (CSE) Awareness Training**

- 1.8 On 7 February 2018 The Council approved a requirement for mandatory CSE awareness training for all drivers as part of the Surrey Safeguarding Children Board Child Sexual Exploitation Strategy and action plan.

From 11 April 2018, any new taxi or private hire driver must pass the Council's Approved CSE awareness training before a licence is granted.

Any driver licensed before 11 April 2018 must complete the Council's Approved CSE awareness training by 1 May 2019.

### **BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver**

- 1.9 Driver training is an essential part of ensuring drivers of licenced vehicles possess the necessary skills for their role and meet the high standards the public expect of them. You must pass the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver prior to your fully completed application being submitted. Any certificate must have been awarded not more than 3 years prior to your fully completed application being submitted. Please see the Council's website for details of course providers.
- 1.10 Alternative qualifications may be accepted if they are an equivalent standard of the BTEC Level 2 and have a comparable syllabus. Please contact the licensing team if you have any queries.
- 1.11 The Council reserves the right to refuse to accept a qualification certificate as evidence of the qualification if it is not satisfied as to the authenticity of the certificate or the quality and/or reliability of any part of the process that led to the certificate being issued.

### **Medical test**

- 1.12 You will need to complete a medical examination to the DVLA Group 2 standard. This must be carried out by your registered doctor, or a doctor in the same practice with access to your current medical records. The examination must be completed less than 3 months prior to your fully completed application being submitted.
- 1.13 A DVLA Group 2 medical report (GP) is required once up to 45th birthday then every five years up to 65th birthday then annually thereafter. Medical reports may be sent to the Licensing Authority's nominated medical practitioner to determine whether the DVLA Group 2 standard is met.

### **Making an application**

- 1.14 Information on how to make an application is available on the Council's website or from the Council's Customer Service Centre.
- 1.15 Your application will need to be accompanied by the following documents before it can be accepted:

- a) your completed application form

- b) payment of the relevant fee (we will only accept a debit or credit card)
- c) Your full DVLA driver's licence and DVLA mandate
- d) evidence of your right to live in the United Kingdom
- e) evidence of your right to work in the United Kingdom
- f) evidence of your current address and history of where you have lived for the last five years including the month and year that you started living at each address
- g) your medical form, completed less than 3 months before your application
- h) a certificate showing you have passed the relevant approved driving assessment(s).
- i) a certificate showing you have passed the BTEC Level 2 Certificate in the "Introduction to the Role of the Professional Taxi and Private Hire Driver" (required for all new applicants from 8 December 2015).
- j) if applicable, a letter of good conduct from the Embassy or Consulate for the country you were living in (outside the United Kingdom) during the last five years. The date of the letter must be within three months of the date of your application.
- k) An enhanced level DBS certificate with adult and child barred list checks issued within the past 3 months
- l) a digital photograph of you (for your driver's badge).

### Renewing a licence

- 1.16 Information on how to apply to renew your licence is available on the Council's website or from the Council's Customer Service Centre.
- 1.17 It is the driver's responsibility to apply in good time so their application can be determined before their existing licence expires. The renewal application should be submitted no less than 4 weeks but no sooner than 8 weeks before the expiry date.
- 1.18 Before you can renew your taxi or private hire driver's licence, you must be able to show that you:
- a) still have the right to live in the United Kingdom
  - b) still have the right to work in the United Kingdom
  - c) still meet the current medical standards for DVLA Group 2 licence holders
  - d) have not been convicted of a relevant criminal offence, relevant driving offence or cautioned for a relevant offence during the term of your licence
  - e) if applicable, a letter of good conduct from the Embassy or Consulate for the country you were living in (outside the United Kingdom) if you lived in another country during the period of your last licence.
  - f) have not received any motoring endorsements on your DVLA driving licence during the term of your licence
  - g) have a current enhanced level DBS certificate
  - h) you will also need to produce your hackney carriage or private hire driver's badge
  - i) a certificate showing you have passed the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver (for all renewal applications after 1 January 2019)
- 1.19 Please check our website or contact the licensing team if you are in any doubt about whether you satisfy the above requirements.

### **Making our decision**

- 1.20 Once we have received your application and the results of the various checks/tests, we will then make a decision about your application.
- 1.21 We aim to inform you of our decision within 5 working days from the date we receive all required information. In certain circumstances your application may be referred to the Licensing Regulatory Sub-Committee for determination.
- 1.22 If you have any convictions, cautions, endorsements or additional information is contained on the DBS or DVLA checks, we will consider these in line with the guidance in Appendix 2 and this may delay the decision.
- 1.23 Where there is any doubt as to the medical fitness of the applicant, the council may require the applicant to undergo and pay for a further medical examination or have the medical records reviewed by a doctor appointed by the council. The doctor's recommendation will be final.

### **Granting your application**

- 1.24 If we grant your application, we will usually issue you a licence for three years from the date of our decision. If you are subject to immigration controls as detailed below, we may issue a licence for a shorter period:
- If your current right to live or work in the UK expires during the three-year period beginning on the date your application was determined, we will issue your licence until the date your current right to live or work in the UK expires.
  - If the Home Office is currently determining your right to live or work in the UK, and you are entitled to live and work in the UK pending final determination of that application, we will issue your licence for a maximum of 6 months from the date of our decision.

### **Refusing your application**

- 1.25 If you do not satisfy all the above requirements or your application is incomplete we will generally refuse your application.
- 1.26 If you have convictions, cautions, endorsements or other adverse information is contained within your DBS check we will determine the application in accordance with the guidance in Appendix 2.
- 1.27 A Licensing Regulatory Sub-Committee or an officer with the appropriate delegation will make the decision.
- 1.28 We will make a record of the reasons for our decision and we will provide you with a copy of that document.
- 1.29 You may appeal to the Magistrates' Court within 21 days of our decision. If you intend to appeal the decision, we strongly advise you to seek legal advice.

### **Operating your licence**

- 1.30 As licences are either private hire driver or dual taxi and private hire driver we will grant all licences with the standard conditions attached in Appendix 3. All taxi drivers must comply with the Guildford byelaws set out in Appendix 10.

- 1.31 We will deal with any breach of these conditions or byelaws, in accordance with Appendix 11.
- 1.32 If we granted your licence for less than three years because your right to live or work in the UK was due to expire during the term of the licence and you want to continue to drive, then at least one month before your licence expires you must:
- provide us with written proof of your current right to live in the UK
  - provide us with written proof of your current right to work in the UK
  - make an application to renew your licence and
  - pay the relevant fee (we will only accept a debit or credit card) for a new driver's badge and licence.
- 1.33 We will then check your status with the Home Office.
- 1.34 If they confirm your right to live and work in the UK, we will renew your licence, but the expiry date of this new licence will be no more than three years from the original grant of your licence (see paragraph 1.23).

#### **Changing your name and address or operator**

- 1.35 If you change your name, address or operator during the term of your licence, you must inform the licensing team in writing within seven days and pay the fee to amend your licence. We will then make the amendments and update your licence.

#### **Interim Licences**

- 1.36 We will not issue an 'interim' licence (ie a licence pending the determination of your application) unless there are exceptional circumstances beyond your control, which cause a delay in processing your application. Any departure from this policy will be determined on a case by case basis by the Licensing team following a written submission. In all cases the licensing officers decision is final.

## Appendix 2- Relevance of convictions, cautions and endorsements

### 1. Introduction

- 1.1 This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and/or Private Hire Driver Licence. In addition to criminal convictions the Council will also take into account other factors such as demeanour, attitude, general character, non-criminal behaviour and police or other relevant records or information from a reliable source.
- 1.2 Whilst this policy primarily applies to the determination of driver licences, where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold or be granted a Private Hire Operator Licence or vehicle licence, then this policy must be referred to in the determination of that licence/application.
- 1.3 The Council is mindful that each case must be considered on its merits and where exceptional circumstances demand, the Council may depart from this policy.
- 1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
  - Applicants for a driver's, vehicle or private hire operator licence
  - Existing licensees whose licences are being reviewed or renewed
  - Licensing officers
  - Members of the licensing committee/sub-committee
  - Magistrates and Judges hearing appeals against local authority decisions
- 1.5 For renewal applications and current licence holders the policy will not be applied retrospectively. However the policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
- 1.6 It is the responsibility of Guildford Borough Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws. In exercising this duty the Council must consider the need to ensure the safety of the public its primary consideration. Licences cannot be issued unless the person is considered to be 'fit and proper'.

- 1.7 In seeking to safeguard the safety of the public. The council will be concerned to ensure:
- That a person/applicant is fit and proper in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
  - That the person does not pose a threat to the public
  - That the public are safeguarded from dishonest persons
  - The safety of children, young persons and vulnerable adults

- 1.8 There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have developed. These tend to be based on a test similar to the following:

‘Would you (as a member of the licensing committee or other person charged with the ability to a grant a hackney carriage driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get in to a vehicle with this person alone?’

If the answer to this question (or a similar test) is an unqualified ‘Yes’ then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a hackney carriage driver’s licence.

- 1.9 The Council will undertake whatever checks it considers necessary to ensure that licences are not issued to unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:
- Criminality
  - Number of endorsed DVLA driving licence penalty points
  - The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process).
  - The previous licensing history of existing / former licence holders.

In addition, the Council will also consider further information from sources such as, but not limited to, the Police (including abduction notices), Children and Adult Safeguarding Boards, Multi Agency Safeguarding Hub, Social Services other licensing authorities, other departments within the Council, and statutory agencies.

- 1.10 In this policy, the word “applicant” refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.
- 1.11 In this policy, the word “conviction” is to be defined as including convictions,

cautions, warnings, reprimands and other relevant information.

- 1.12 The Council reserves the right to overturn or annul a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.
- 1.13 As licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. A licensed PHV or taxi driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern, The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully. As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public.

## **2 General Policy**

- 2.1 Whilst the Council may consider that an applicant with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:
- a. Remain free of conviction for an appropriate period as detailed below; and
  - b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that an applicant is a fit and proper person to hold a licence.
- 2.2 The standards and criteria set out in paragraphs 4 to 18 below are those that would normally be applied to applications and licences. The Council may depart from these criteria, however it will only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

## **3. Powers**

- 3.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 allow the council to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence, of failure to comply with the provisions of

the Town Police Clauses Act 1847 or of failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or if he/she has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or for any other reasonable cause.

- 3.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the council to take into account all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage driver's licence, whether spent or not. Therefore the council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

#### **4 Consideration of disclosed criminal history**

- 4.1 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Operator or Vehicle driver's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the council will look at:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of the conviction, warning, caution etc.
- Circumstances of the individual concerned
- Any sentence imposed by the court
- The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.
- Whether they form part of a pattern of offending
- The applicant's attitude
- Any other character check considered reasonable (e.g. personal references if requested by the Council)
- Any other factors that might be relevant, for example:
  - The previous conduct of an existing or former licence holder,
  - Whether the applicant has intentionally misled the council or lied as part of the application process,
  - Information provided by other agencies/council departments.

Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

- 4.2 In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court



has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term ‘since completion of sentence’ is to be construed in a similar way.

- 4.3 Existing holders of driver’s licences are required to notify the council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 3 working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.
- 4.4 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 4.5 Any offences or behaviour not expressly covered by this Policy may still be taken into account.

## **5 Options when determining an application/licence**

- 5.1 When determining an application or reviewing an existing licence in relation to convictions or other relevant information the Council have the following options:
  - grant the licence or take no further action
  - grant the licence with additional conditions
  - refuse, revoke, or suspend the licence
  - issue a warning
- 5.2 If a licence holder’s conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

## **6. Offences involving violence**

- 6.1 Licensed drivers have close regular contact with the public. A licence will not normally be granted if the applicant has a conviction for an offence that involved the loss of life such as:
  - Murder

- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.2 A licence will not normally be granted until at least 10 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm
- Assault occasioning actual bodily harm
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Violent disorder
- Common assault
- Resisting arrest
- Any racially-aggravated offence against a person or property
- Affray
- Any offence that may be categorised as domestic violence
- Harassment, alarm or distress, intentional harassment or fear of provocation of violence
- Any offence (including attempted or conspiracy to commit offences) similar to those above.

6.3 A licence will not normally be granted until at least 5 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Obstruction
- Criminal damage
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

## **7. Offences involving a weapon (not a firearm)**

7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public. For firearms offences see 6.2.

7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 5 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

7.3 2 or more convictions for a violent offence will normally result in an application being refused.

## **8. Sexual and indecency offences**

8.1 All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will normally be refused. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) or offences which replace the above

8.2 In addition to the above the council will not normally grant a licence to any applicant who is or has ever been on the Sex Offenders Register or similar register.

## **9. Dishonesty**

9.1 A serious view is taken of any conviction involving dishonesty.

9.2 A minimum period of 5 years free of conviction or at least 5 years since the completion of sentence (whichever is longer) is required to have passed before a licence is granted. Offences involving dishonesty include:

- theft
- burglary

- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- false representation
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- fare overcharging
- or any similar offences (including attempted or conspiracy to commit) or offences which replace the above

9.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

9.4 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will normally be rejected or refused.

## **10. Alcohol and Drugs**

10.1 A serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs or where the driver has been found to be under the influence of psychoactive substances.

10.2 At least 5 years, after the restoration of the DVLA driving licence following a drink drive or driving when under the influence of drugs conviction should elapse before an application will be granted.

10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 10 years or at least 10 years have passed since the completion of any sentence and/or licence period, whichever is the greater. There will then be full consideration of the nature of the offence and the quantity /type of drugs involved.

10.4 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs.

10.5 If there is evidence of persistent drugs or alcohol use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict (drug or alcohol) then they would be required to show evidence of 8 years free from drug taking after detoxification treatment.

10.6 A licence will not normally be granted for drunkenness offences not involving

a motor vehicle for a period of one year after a single conviction and 2 years after 2 or more convictions within 2 years of each other.

## **11. Driving offences involving the loss of life**

11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

11.2 A licence will not normally be granted if an applicant has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

## **12 Other traffic offences**

12.1 Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least 1 year free of such convictions. For applicants with more than one offence this should normally be increased to 2 years.

12.2 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would be granted for a Hackney Carriage or Private Hire drivers licence.

12.3 Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal.

12.4 In cases where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

12.5 In this policy, the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

12.6 In "totting up" cases where disqualification is considered by the Court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the licensing authority is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply. An applicant will normally

be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

### **13 Outstanding Charges or Summonses**

- 13.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
- 13.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

### **14 People banned from working with children and vulnerable adults**

- 14.1 A serious view is to be taken of any applicant or licence holder who has been banned from working with children or vulnerable adults. A licence will not be normally be granted if an applicant has been found unfit to work with children or vulnerable adults.

### **15 Non-conviction information**

- 15.1 The Council will take into account intelligence which has not led to a conviction. This may include but not be limited to information regarding acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, civil penalties and complaints from the public. In considering the most appropriate action to take following the receipt of information), the credibility of both the witness / complainant and the licence holder will be taken into account.
- 15.2 If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application or revoking an existing licence.
- 15.3 In assessing the action to take, public safety will be the paramount concern. Decisions will be taken on balance of probability.
- 15.4 A licence will not normally be granted until at least 1 year has elapsed since a Criminal Behaviour Order.

### **16 Licensing Offences**

- 16.1 Offences under taxi and private hire and associated legislation such as plying for hire without a licence, overcharging and refusing to carry disabled persons will prevent a licence being granted or renewed until a period of 3

years has passed since conviction.

## **17 Insurance Offences**

- 17.1 A serious view will be taken of convictions for driving, being in charge of a vehicle without insurance, or allowing person to drive whilst uninsured. A p r e v i o u s isolated incident will not necessarily stop a licence being granted provided an individual has been free of conviction for 3 years. However strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.
- 17.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward without insurance will have his Operator's Licence r e v i e w e d w i t h a v i e w t o revocation and will not be permitted to hold a licence for a period of at least 3 years from the date of any revocation.
- 17.3 Where a specific offence is not mentioned, a suitable period of time will be determined by reference to offences described. The Council reserves the right to refuse a licence where there are aggravating circumstances, even where these guidelines would otherwise indicate that a licence might be granted.

## **18 Applicants with periods of residency outside the UK**

- 18.1 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the council will require a certificate of good conduct authenticated by the relevant embassy.
- 18.2 If an applicant has spent six continuous months or more overseas (since the age of 16) the council will expect to see evidence of a criminal record check from the country / countries visited covering the period.

## **19 Summary**

- 19.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (detailed above), before an application is likely to be successful. If there is any doubt about the suitability of an individual to be licensed, the Council will be mindful of the need to protect the public and caution will be exercised.
- 19.2 While it is possible that an applicant may have a number of convictions that, individually, do not prevent a licence from being granted, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some

discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.



## Appendix 3- Standard private hire driver's licence conditions

1. The holder of this licence shall:
  - behave in a civil, polite and orderly manner at all times;
  - be clean and tidy in appearance and dressed in a manner not to cause embarrassment or give offence to members of the public;
  - take all reasonable precautions to ensure the safety of persons conveyed in, or entering or alighting from the vehicle;
  - immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been left therein and carry it as soon as possible and in any event within 48 hours to the Council Offices, and leave it in the custody of an authorised officer on his giving a receipt for it;
  - not drive a wheelchair accessible vehicle without first passing the DVSA Wheelchair Assessment;
  - return forthwith all licences, badges and plates when the licence is revoked, suspended or expired.
  - if required, convey at least one suitcase per passenger and assist in loading and unloading luggage from the vehicle;
  - if requested by the hirer, provide him/her with a written receipt for the fare paid, including his/her badge and plate number of vehicle driven.
  
2. The holder must notify the Council's licensing team in writing within 7 days of any:
  - changes in the particulars given on the application form (e.g. change of address, name, operator);
  - illness or injury affecting his or her fitness to drive in any way;
  - charges brought against him or her in respect of any criminal offence;
  - convictions or formal Police cautions recorded against him or her, including motoring offences and endorsable fixed penalty notices. In the case of criminal convictions, a certificate of conviction should be produced.
  - any fixed penalty notice received by the licence holder.
  - warnings, reprimands, ASBOs, Criminal Behaviour Orders, cautions, community service orders and restraining orders
  
3. The driver shall not operate the horn as a means of signalling that the vehicle has arrived.
  
4. The holder of the licence must:
  - a) advise the council of any deterioration in their health that may affect their driving capabilities and which may negate their ability to pass a Group 2 medical standard examination and
  - b) cease driving any licensed vehicle immediately.

Examples of conditions that must be reported include high blood pressure, angina, diabetes, vision disorder, fainting, blackouts, drug taking or alcoholism.

## **Guidance on suitable dress**

The aim of this requirement is to ensure public confidence by presenting a professional image of you as a driver. The following guidance is not exhaustive but is intended to provide advice on what is acceptable.

### **Trousers**

Acceptable: smart plain coloured jeans or trousers.

Not acceptable: jogger bottoms, loungewear bottoms, multi coloured trouser bottoms, combat trousers.

### **Shorts**

In periods of high summer temperatures shorts may be worn.

Acceptable: Plain coloured dress shorts.

Not acceptable: Football or sports shorts

### **Shirts**

Acceptable: plain coloured work shirt, dress shirt or smart polo shirt, which are capable of covering to below the waistline.

Not acceptable: football shirts/strips or heavily patterned t-shirts.

Ripped, torn and dirty clothing is not acceptable.

## Appendix 4- Vehicle licences: applications and renewals

### Pre application requirements

- 4.1 You must normally be able to show that the vehicle meets the following key requirements:
- the vehicle is no more than 5 years old (if you are licensing it for the first time)
  - the vehicle is capable of safely carrying a minimum of 4 passengers, but no more than 8. If the vehicle has more than 8 passenger seats you may need a Public Service Vehicle (PSV) licence. Please contact the Driver and Vehicle Standards Agency (DVSA) for further advice.
  - the vehicle is right-hand drive
  - the vehicle has a minimum 1400cc engine. Any hybrid/LPG, electric or other alternatively powered vehicle must have an equal power output to a 1400cc engine
  - if the vehicle is a saloon/estate type it has four side opening doors
  - if the vehicle is a minibus, transit or people carrier type it has at least three doors, not including any tailgate or rear door
  - the vehicle has a useable seatbelt for each passenger. Each seat belt must be fully compliant with Euro NCAP standards
  - the vehicle must comply with livery requirements as specified in Section 4 of the policy
  - the vehicle's windscreen and front side windows comply with national legal tint specifications. All other windows let enough light through for a person 20 meters away to be able to see the number of passengers in the vehicle in daylight
  - the vehicle is not a category A, B or C write off
  - if the vehicle is a category D or F write off you will need an independent report, to confirm the repairs were carried out to a satisfactory standard and the vehicle must have subsequently passed an MOT test

### Making your application

- 4.1 Information on how to make an application is available on the Council's website or from the Council's Customer Service Centre.
- 4.2 Your application will need to be accompanied by the following documents before it can be accepted. You must submit the following:
- a completed application form for a new taxi or private hire vehicle licence
  - payment of the relevant fee (we will only accept a debit or credit card)
  - a written HPI check for the proposed vehicle. This check shows whether a vehicle has been stolen, written-off or has outstanding finance as well as offering a mileage check
  - a valid certificate of motor insurance or a cover note for the proposed vehicle
  - a certificate showing the vehicle has been inspected at a centre nominated by the Council and has passed our vehicle test
  - photographic identification for each proprietor. We will only accept a passport or DVLA driving licence
  - the V5C DVLA registration document (logbook) for the proposed vehicle.

At least one of the proprietors must be the registered keeper of the proposed vehicle. If you have recently bought the vehicle and you do not have a V5C, we will accept the tear off slip.

- a valid MOT certificate (if you are applying for a private hire vehicle licence and the vehicle is more than three years old) or
- a valid MOT certificate (if you are applying for a taxi vehicle licence and the vehicle is more than 12 months old).

### **Making our decision**

- 4.3 If you can show that your vehicle satisfies the requirements in Appendix 7 we will grant your licence. In certain circumstances your application may be referred to the Licensing Regulatory Sub-Committee for determination.
- 4.4 If your vehicle does not satisfy the requirements we will refuse your licence.

### **Granting your application**

- 4.5 If we grant your application, we will usually issue you a licence and plate for 12 months from the date of our decision.

### **Refusing your application**

- 4.6 If we refuse your application, we will make a record of the reasons for our decision and we will provide you with a copy of that document.
- 4.7 You may appeal to the Magistrates' Court (private hire) or Crown Court (taxi) within 21 days of our decision. If you intend to appeal the decision, we strongly advise you to seek legal advice.

### **Operating your licence**

- 4.8 We will grant licences for private hire vehicles with the standard conditions at Appendix 6.
- 4.9 We will grant vehicle licences for hackney carriages with the standard conditions at Appendix 5.
- 4.10 We will deal with any breach of these conditions in accordance with Appendix 11.

### **Renewing your licence**

- 4.11 At least one month (but no more than two months) before your licence expires, you must apply to renew your licence so that we can carry out the necessary checks. It is your responsibility to ensure you apply in good time so your application can be determined before your existing licence expires.
- 4.12 Information on how to make an application is available on the Council's website or from the Council's Customer Service Centre.
- 4.13 You must submit the following documents:
- your completed application form to renew your taxi or private hire vehicle licence signed by each proprietor listed on the existing licence
  - payment of the relevant fee (we will only accept a debit or credit card)
  - a valid certificate of motor insurance or a cover note for the vehicle covering the start date of the new licence

- a certificate showing the vehicle has passed our vehicle test no more than 8 weeks before the date of expiry of the existing licence
- the V5C DVLA registration document (logbook) for the vehicle. At least one of the proprietors must be the registered keeper of the proposed vehicle
- a valid MOT certificate (if you are applying for a taxi vehicle licence)
- a valid MOT certificate (if you are applying for a private hire vehicle licence and the vehicle is more than three years old)
- the vehicle plate

### **Making our decision (renewal)**

- 4.14 If you can show that your vehicle satisfies the requirements in Appendix 7 we will grant your licence. In certain circumstances your application may be referred to the Licensing Regulatory Sub-Committee for determination.
- 4.15 If we grant your application, we will usually issue you a licence and plate for 12 months from the date of our decision.
- 4.16 If your vehicle does not satisfy the requirements we will refuse your licence.

### **Other Types of Application**

#### **Transfer of Interest**

- 4.17 If you are buying a private hire vehicle or taxi, which currently has a licence issued by us, the existing proprietor must notify us of your name and address within 14 days of the date of sale.

#### **Change of Vehicle**

- 4.18 If you change your vehicle, please check that it complies with the pre-application requirements above before you buy it. If you are unsure, advice is available on the Council's website or from the licensing team.
- 4.19 You will then need to make an application to change your vehicle, following the above process.

#### **Accidents in vehicles – use of replacement or temporary vehicles**

- 4.20 If your vehicle is involved in an accident, you must inform us in writing within 72 hours.
- 4.21 If you cannot repair the damage, you may change the vehicle (please see 4.19-4.20 above).
- 4.22 If you want some time to repair the damage you may apply to temporarily licence a different vehicle for a period not exceeding twelve weeks. The replacement vehicle must satisfy the requirements expected of a licensed vehicle, therefore please refer to appendix 4 paragraphs 4.1 to 4.10.

#### **Lost, stolen or damaged licences**

- 4.23 If you have lost your paper licence or the vehicle plate or it has been stolen or damaged you will need to request a replacement. There is a fee which must be paid before we issue a replacement.

### **Exemption from displaying a private hire licence plate**

- 4.24 In certain circumstances, we may grant an exemption notice for private hire vehicles. This allows you not to display the standard vehicle plate on the rear of your vehicle.
- 4.25 To apply for an exemption you must supply the following documents;
- A letter explaining why you feel it is appropriate for your vehicle to be issued with an exemption certificate.
  - Evidence that an exemption is required. This should include letters from clients explaining why they want vehicles without plates e.g. a discreet service required by a well-known person seeking as much anonymity as possible.
- 4.26 We will only grant an exemption where we are satisfied that you use the vehicle exclusively or primarily for 'chauffeured' private hire work. This means that you provide the chauffeur and vehicle to a business or person, and the display of a licence plate may affect the dignity or security of the persons you are carrying. We will consider factors such as the list price of the vehicle, specification of vehicle and volume of exclusive or chauffeured work.
- 4.27 If we refuse your request and you want us to consider new relevant information, you may ask us to reconsider our decision within 21 days of that decision. We aim to reconsider your application within 3 working days of receiving your request.
- 4.28 An officer with delegated authority will consider the information before making a final decision.
- 4.29 We will make a record of the reasons for our decision and we will provide you with a copy of that document.
- 4.30 You do not have a further right of appeal to the Magistrates' Court.
- 4.31 If we grant an exemption, we will issue your licence subject to the additional conditions at Appendix 6.
- 4.32 Exemptions are subject to annual review and licence holders must reapply each year. The exemption can be removed at any time if the licence holder cannot prove that the vehicle is used exclusively or primarily for 'chauffeured' private hire work.

## Appendix 5- Standard Hackney Carriage vehicle licence conditions

5.1 The holder of a hackney carriage vehicle licence shall:

- ensure the vehicle complies with the hackney carriage livery requirement as detailed in Section 4 of the policy at all times;
- ensure the vehicle is equipped with a card payment terminal which can accept payment by credit/debit card, including contactless and issue a receipt by 1 April 2019. Ensure the device is connected, maintained and working at all times to ensure customers are able to pay by card.
- ensure that the vehicle is kept clean and tidy, free of damage and in good working order at all times;
- ensure suitable storage for passenger's luggage, ideally separated from the passenger compartment, should be provided. Luggage carried must be suitably secured in place. Estate type vehicles shall have an appropriate guard fitted between the passenger and the luggage compartments.
- inform the Council's licensing team within 72 hours of any accident involving the licensed vehicle;
- notify the Council, in writing, within 7 days, of
  - a) changes to any details provided on the application form e.g. address, name, etc
  - b) changes to insurance for the vehicle;
- notify the Council, in writing, within 14 days of the sale of a licensed vehicle
- ensure the vehicle complies with the vehicle testing requirements and vehicle inspection standard in Appendix 7;
- ensure the Council's licence plate and internal plate are displayed on the vehicle at all times;
- not display advertising on the vehicle without first obtaining the Council's written approval;
- ensure no modifications shall be made to the vehicle without consent from the Council.

## Appendix 6- Standard private hire vehicle licence conditions

6.1 The holder of a private hire vehicle licence shall:

- ensure that the vehicle is kept clean and tidy, free of damage and in good working order at all times
- Ensure suitable storage for passenger's luggage, ideally separated from the passenger compartment, should be provided. Luggage carried must be suitably secured in place. Estate type vehicles shall have an appropriate guard fitted between the passenger and the luggage compartments. Inform the Council's licensing team within 72 hours of any accident involving the licensed vehicle
- notify the Council, in writing, within 7 days of any;
  - a) changes to any details provided on the application form e.g. address, name, etc
  - b) change of private hire operator
  - c) changes to insurance for the vehicle
- notify the Council, in writing, within 14 days of any sale of a licensed vehicle
- ensure the vehicle complies with the vehicle testing requirements and vehicle inspection standard in Appendix 7;
- ensure the Council's licence plate and internal plate are displayed on the vehicle at all times (unless an exemption has been granted)
- ensure the door signs as detailed in Section 4 of the policy are displayed at all times
- not display a roof sign on the vehicle
- not display advertising on the vehicle without first obtaining the Council's written approval
- ensure no modifications shall be made to the vehicle without consent from the Council.

### **Additional private hire vehicle conditions (for vehicles with an exemption from displaying a vehicle plate)**

6.2 The holder of this licence shall ensure that:

- the private hire vehicle plate is attached to the vehicle inside the boot lid area
- the internal exemption sticker is displayed in the front windscreen in the left hand bottom corner
- the exemption notice issued by the Council is carried in the vehicle at all times and available at all times for inspection by a police officer or authorised officer



## Appendix 7- Vehicle Specifications

### 1 General Specification

1.1 In addition to all requirements of the Road Traffic legislation, which relate to all motor vehicles, all licensed vehicles shall comply with the requirements set out below as appropriate for the type of vehicle (Hackney or Private Hire including stretched limousines).

1.2 All vehicles shall:

(i) have an appropriate 'type approval' which is either:

**European Whole Vehicle Type approval; or  
Wheelchair accessible UK low volume approval** – (for specialist vehicles)\*\*

It is a recommendation that vehicles with Euro NCAP star ratings of 4 or more should be considered when purchasing a new vehicle.

(ii) be capable of carrying not less than 4 passengers but no more than 8.

(iii) comply with all construction and use/type approval requirements applicable to them.

(iv) be either a purpose built taxi, or a 4-door saloon or 5-door estate/multi-passenger vehicle. Minibuses, transits and people carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors. A purpose built style taxi will not be licensed for Private Hire.

(v) when a vehicle is first presented for licensing, the vehicle shall be not more than five (5) years old. A saloon type vehicle (saloon/estate/MPV) will remain available for licensing, subject to passing the inspection process, until it is ten (10) years old. A purpose built hackney carriage will remain available for licensing, subject to passing the inspection process, until it is fifteen (15) years old.

(vi) when the vehicle reaches the age limit referred to in (v) it may be eligible for a further licence if the Council deem it to be an 'exceptional vehicle'. This will require the vehicle to pass the vehicle inspection at first inspection and be in good condition, with a fully documented service history.

(vii) have a minimum engine capacity of 1400cc (Any hybrid/LPG, electric or other alternatively powered vehicle must have an equal power output to a 1400cc engine).

(viii) have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes listed as category A, B or C write offs at any time. Categories D & F will be considered but will require a full engineer's report to confirm repairs to the vehicle are of a high standard.

(ix) provide sufficient means by which any person in the vehicle may communicate with the driver.

- (x) not be fitted with 'bull bars' or other modification that increases the risk to passengers, pedestrians or other road users.

## **2 Doors**

- 2.1 All saloons, estates or purpose-built taxi vehicles shall have at least 4 side opening doors, which may be opened from the inside and the outside. Minibuses, transits and people carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors.
- 2.2 All vehicles shall be constructed so that the doors open sufficiently widely to allow easy access into and egress from the vehicle.
- 2.3 All vehicles, including larger passenger vehicles (multi-purpose vehicles), must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door (see 4.1 below).

## **3 Interior Dimensions**

- 3.1 Height inside: there must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.
- 3.2 Knee space: there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.

## **4 Seats**

- 4.1 Passengers need to be able to enter and exit in safety.

## **5 Seat Belts**

- 5.1 All vehicles must be fitted with fully operational seat belts, one for each passenger, except where the law specifically provides an exemption, and fully compliant with British Standards.

## **6 Passenger Capacity**

- 6.1 The carrying capacity of all vehicles shall be at the discretion of the Council having regard to manufacturer's specifications and compliance with dimensions and other safety considerations referred to previously.

## **7 Ventilation**

- 7.1 Windows must be provided at the rear and sides along with means of opening and closing not less than two windows on either side.
- 7.2 Rear passenger windows must be capable of being opened by passengers when seated, unless air conditioning is available for the comfort of the passenger.

## **8 Vehicles Powered by Liquid Propane Gas (LPG)**

- 8.1 An applicant for a licence for a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the UK LPG Association confirming satisfactory installation,

examination and testing of the vehicle in accordance with the LPG Association Code of Practice; and that the vehicle is therefore considered safe.

- 8.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

## **9 Tinted Windows**

- 9.1 The windows of any vehicle shall not have been treated so that anything other than the manufacturer's original fitted windows are in use (privacy glass is excluded).
- 9.2 The windows of any vehicle shall not have been treated with any tint other than that originally fitted to the vehicle, i.e. tinting film. All windows let enough light through for a person 20 meters away to be able to see the number of passengers in the vehicle in daylight.

## **10 Vehicle Inspection**

- 10.1 All items contained within the vehicle Inspection list, agreed by Guildford Borough Council shall be tested in accordance with the current MOT Testing Guide & Inspection Manual issued by the Vehicle & Operator Services Agency (VOSA) at premises approved by Guildford Borough Council.
- 10.2 Vehicles to be licensed by the Council shall be of the following design:
- (a) A wheeled vehicle constructed or adapted to carry not more than eight passengers exclusive of the driver.
  - (b) Fitted with at least four doors.
  - (c) The engine capacity must be a minimum of 1400cc (Any hybrid/LPG, electric or other alternatively powered vehicle must have an equal power output to a 1400cc engine)

Number	Item	Description
1-7	Lighting and Signalling Equipment	No cracks, splits, stone chips or bulls eyes shall be permitted in any lens. Tape used for the repair of such shall not be permitted.
8	Dash Panel Lights	The dash panel lights shall be capable of illuminating all instruments satisfactorily. All warning lights (including ABS and Management if fitted) must extinguish when engine is running.
10 to 17	Steering and suspension	Slight deterioration shall not be permitted in any bonded joint. Splits, cracks or deterioration of inner CV boots shall not be permitted. No fluid leaks from shock absorbers shall be permitted.
18 to 22	Brakes	Any vehicle fitted with ABS shall be deemed to fail if presented with any component obviously missing.
23 to 25	Tyres and Road Wheels including Spare	Tyres designed with a wear indicator of 16mm level with the tread pattern at the time of the test shall be deemed to fail. The spare wheel carrier shall be in such a condition as to allow the easy removal; i.e. the winding mechanism shall be free of excessive corrosion

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		and/or damage when sited under the vehicle. Wheels including the spare shall be free from defects on rims and hubs.
32, 33	Exhaust	The exhaust system shall be deemed to fail if any repair has been attempted. No leaks shall be permitted from the exhaust system including connection joints.
36	Windscreen	No splits, cracks, chips or bulls eyes shall be permitted anywhere in the swept vision.
40	Fuel Tank and Pipes	The fuel system shall be free from any leaks and excessive corrosion.
39	Battery/Wiring	Shall be securely fitted and be of a type suitable for the vehicle. All wiring including that fitted for any ancillary items such as roof signs, radios and meters shall be fitted securely and in such a manner as to be free from accidental interference.
43	Oil Leaks	Oil leaks other than an occasional drip shall not be permitted.
44	Water and/or Coolant Leaks	As for Oil Leaks.
38	Clutch and Throttle	Free from any excessive play and in good smooth working order.
46	General Condition	No defects in any seats or seat covers, carpet or other upholstery that have not been rectified suitably. Covers that have not been tailored to fit front or rear seats shall not be permitted. The use of car blankets as covers shall not be permitted. The entire interior shall be clean, tidy and free from unpleasant odours.
37	Window and Window Operations	All winding mechanisms shall allow all windows to be opened and closed normally.
42	Mirrors	All vehicles shall have three mirrors fitted in the following manner: <ul style="list-style-type: none"> <li>• One fitted internally (rear view)</li> <li>• One fitted to the offside drivers (externally) door</li> <li>• One fitted to the nearside passenger (externally) door</li> </ul> All shall be fitted so as to give the driver a good visibility to the rear and be free from cracks, blemishes or other defects. The housing holding the mirrors must also be free from damage and any mechanisms fitted to enable the positioning of the mirrors shall be in working order.
49	Seat Security	All seats must be securely fixed to the vehicle and be properly upholstered.
57	Internal Vehicle Plate	Must be displayed (in a prominent position and clearly visible to passengers) at all times [and correspond with the rear plate].
56	Fare Card HC Only	Must be displayed in a prominent position and clearly visible to passengers at all times.
	Doors	All doors including sliding doors shall open and close from inside and out without the need for excessive force.
44	Fire Extinguisher	A 1kg hand held fire extinguisher, containing no CFC gases and complying with British Standards

		(BS) EN3, must be kept in good working order either mounted in the driver's compartment or mounted in the boot in such a position to be readily available for use. The fire extinguisher must display a valid upcoming expiry date or must be fitted with a pressure gauge indicating that the pressure is still within working parameters. The extinguisher must be indelibly marked with the plate number of the vehicle prefixed by either HC/PH (Hackney Carriage/Private Hire) corresponding to the type of hire vehicle and registration number of the vehicle.
	Exterior Condition	There must be no damage, including dents and scratches. Paint and bodywork must be clean and free from rust. All trim must be securely fastened to the body.
	Advertising & Displays	<ul style="list-style-type: none"> <li>No internal or external advertisement or display shall obscure the driver's vision through any window or mirror of the vehicle.</li> <li>Any proprietor's/operator's own business cards shall be stored in a single storage area not above window level.</li> </ul> <p><b><u>Hackney Carriages</u></b></p> <ul style="list-style-type: none"> <li>May display any approved advertising that does not obscure the fact that it is a Hackney Carriage (e.g. words stating 'Private Hire' or similar) or livery signage provided it does not infringe on driving safety or the driver's vision.</li> </ul> <p><b><u>Private Hire Vehicles</u></b></p> <ul style="list-style-type: none"> <li>May display any approved advertising that does not obscure the fact that it is a private hire vehicle (e.g. words stating 'taxi' or similar) or livery signage provided it does not infringe on driving safety or the driver's vision.</li> <li>No advertisement on any Private Hire Vehicle may display any of the following words, 'TAXI', 'CAB', 'HACKNEY CARRIAGE', or 'FOR HIRE'. No other similar words (e.g. 'kab') are to be used.</li> </ul>
56	Roof Signs (See Appendix 1)	<ul style="list-style-type: none"> <li>Hackney Carriages must be fitted with an illuminated roof sign. It <u>must</u> carry the word 'TAXI' on the back. The base of the roof sign must be white and it must measure not less than 40cm long and 15cm wide and 11cm high (purpose built taxis may be excluded from this specification if a sign is part of the taxi's structure).</li> <li>The roof sign must be connected to the taximeter so that it works in conjunction with it, i.e. when the meter is not in use the sign is illuminated and when the meter is in use the sign is NOT illuminated.</li> </ul>
57	Private Hire Identification	<ul style="list-style-type: none"> <li>Permanent vinyl signs must be affixed to the front doors on each side of the car and must</li> </ul>

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		not be obscured by advertising. The information contained on the front doors must comply with the Vehicle Appearance as set out in section 4 of the Policy.
58	Vehicle Licence Plate	<ul style="list-style-type: none"> <li>• Hackney Carriage Vehicles shall be fitted with a unique white plate bearing the number allocated by Guildford Borough Council and information identifying the make and registration mark of the vehicle along with the expiry date.</li> <li>• Private Hire Vehicles shall be fitted with a unique red plate bearing the number allocated by Guildford Borough Council and information identifying the make and registration mark of the vehicle along with the expiry date.</li> <li>• In both cases the plate shall be fitted externally at the rear of the vehicle fixed by bolt or screw or on an acceptable bracket, similarly fixed. The plate shall be in a clean and easily readable condition.</li> </ul>
59	Registration Number Plates	Both back and front plates shall be clean and free from any defects including splits or cracks and delaminating.
61	Meter	<ul style="list-style-type: none"> <li>• Hackney Carriage: Must be fitted.</li> <li>• Private Hire: Need not be fitted.</li> <li>• The meter, if fitted, shall be securely fastened in a position where the face can easily be seen by passengers and in a position where it will not be dangers or obscure the driver's vision.</li> </ul>
	Items which do not comply with Licensing Authority Requirements (not an exhaustive list)	<p>Example:</p> <ul style="list-style-type: none"> <li>• Bonnet insulation hanging down onto engine.</li> <li>• Fan belt frayed or torn.</li> <li>• Fittings and fixtures not maintained in full working order (e.g. interior heater/air conditioning inoperative, windows not winding etc.)</li> <li>• Where a reversing horn/alert is fitted to the vehicle there must be an isolation switch in order to turn it off at night.</li> </ul>

**Roof Signs – Purpose Built Taxis**

- 10.3 Purpose built taxis may be excluded from carrying a separate roof sign if the taxi has a sign built in that works in conjunction with the taximeter.

**Car Payment Terminals – Hackney Carriages**

- 10.4 From 1 April 2019, all hackney carriages must be equipped with a card payment terminal which can accept payment by credit/debit card, including contactless and issue a receipt. The device must be connected, maintained and working at all times to ensure customers are able to pay by card.

## **11 Additional Specifications for Private Hire Limousines**

11.1 The vehicle must have one of the following:

- A UK Individual Vehicle Approval Certificate;
- UK Low Volume Type Approval Certificate.

11.2 Vehicles may be left or right hand drive providing that they have proof of full DETR vehicle type approval.

## Private Hire Operators

### Before making an application

- 8.1 Before we will grant your application to become a private hire operator, you must normally be able to show:
- you do not have a conviction or caution for a relevant criminal offence.
  - you have obtained appropriate planning permission or a certificate of lawful use for the intended operating base. Please contact the relevant planning authority.
  - if the intended operating base is open to the public, that you hold a valid certificate of public liability insurance for the premises.
  - the name of your operating business is not the same (or similar) to a private hire business already licensed by us.
  - the name of your business does not include any reference to 'taxis' or 'cabs'.
- 8.2 If the operating base is not located in Guildford Borough:
- you must be able to produce any operating records in an electronic format.
- 8.3 If you have a conviction or caution for a relevant offence, you should read Appendix 11 regarding relevance of convictions and cautions for further guidance on whether the offence may prevent you from obtaining a licence.
- 8.4 If you intend to open the operating base to the public, please contact the licensing team and we will arrange to visit your premises to advise you on suitability.
- 8.5 Please contact the licensing team if you are in any doubt about whether you satisfy the above requirements.
- 8.6 Information on making an application is available on the Council's website or from the Council's Customer Service Centre.
- 8.7 If you are applying for a new licence, each of the intended operators must attend the meeting in person and bring the following documents with them:
- your completed application form for a new private hire operator's licence
  - payment of the relevant fee (we will only accept a debit or credit card)
  - photographic identification for each applicant. We will only accept a passport or DVLA driver's licence
  - a basic DBS check certificate (or [Disclosure Scotland](#) basic disclosure) issued within the last 3 months
  - if the intended operating base is open to the public, a valid certificate of public liability insurance for the premises
  - written planning permission or a certificate of lawful use for the intended operating base
  - a list of vehicle and drivers that you will be operating



### **Making our decision**

8.8 We will consider the information you have provided and determine your application.  
We will normally inform you of our decision at the meeting.

8.9 If you have any convictions or cautions, we will consider these in line with Appendix 11.

### **Granting your application**

8.10 If you can show that you satisfy the requirements we will grant your licence.

8.11 If we grant your application, we will usually issue a licence for a period of 12 months.

### **Refusing your application**

8.12 If you do not satisfy the requirements we will usually refuse your application.

8.13 A Licensing Regulatory Sub-Committee or an officer with the appropriate delegation will make the decision.

8.14 We will make a record of the reasons for our decision and we will provide you with a copy of that document.

8.15 You may appeal to the Magistrates' Court within 21 days of our decision. If you intend to appeal the decision, we strongly advise you to seek legal advice.

### **Operating your licence**

8.16 We will grant private hire operator's licences with the standard conditions at Appendix 9.

8.17 We will deal with any breach of these conditions, in accordance with Appendix 11.

### **Renewing your licence**

8.18 Before you can renew your private hire operator's licence, you must be able to provide:

- a basic DBS check certificate (or [Disclosure Scotland](#) basic disclosure) issued within the last 3 months
- if the intended operating base is open to the public, a valid certificate of public liability insurance for the premises
- a list of vehicle and drivers that you will be operating
- written planning permission or a certificate of lawful use for the intended operating base

8.19 If you have a conviction for a relevant offence, you should read our convictions policy for further guidance on whether the offence may prevent you from obtaining a licence.

8.20 At least one month (but no more than two months) before your licence expires, you must apply to renew your licence so that we can carry out the necessary checks.

- 8.21 You must provide the following documents:
- completed application form to renew your private hire operator's licence
  - payment of the relevant fee (debit or credit card)
  - if you do not hold a subscription to the DBS update service, a basic DBS check certificate (or [Disclosure Scotland](#) basic disclosure) issued in the last 3 months.
  - if the intended operating base is open to the public, a valid certificate of public liability insurance for the premises
  - a list of vehicle and drivers that you will be operating

8.22 If you do not provide the above information, we will be unable to process your application.

### **Making our decision**

8.23 We will consider the information you have provided, determine your application and will inform you of our decision.

8.24 If you have any convictions or cautions, we will consider these in line with Appendix 11 (relevance of convictions and cautions).

### **Granting your application**

8.25 If you can show that you satisfy the requirements above, we will grant your licence subject to our standard conditions at Appendix 9.

8.26 If we grant your application, we will usually issue a licence for a period of 12 months.

## Standard Private Hire Operators Licence conditions

9.1 The holder of this licence shall:

- provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- ensure that when a vehicle is hired it arrives on time, unless delayed by circumstances beyond the operator's control.
- ensure that any waiting areas for customers are tidy, well lit, heated and ventilated and that there is adequate seating and working telephone facilities.
- keep copies of the current vehicle and driver licences for each driver and vehicle operated by them.
- at all times, keep a copy of the licence and conditions issued to them at any premises used for the private hire business and shall make these available for inspection by any fare-paying customer or authorised officer
- keep a record of any complaints made to them by members of the public and make this record available for inspection by any authorised officer.
- must notify the Council within 7 days, in writing, of any of the following;
  - a) change of company/trading name or addition of new names
  - b) change of telephone number (business or personal) or addition of new numbers
  - c) change of email address or addition of new email address
  - d) any vehicle or driver joining or leaving the company
  - e) a new conviction or caution
  - f) if there is more than one operator, the removal of an operator from the licence or business
- shall keep the following information in a non-erasable form in a suitable log book or electronic format
  - Vehicles:
    - a) names of proprietors/drivers of each vehicle
    - b) registration number, make, model, type, colour and engine
    - c) plate number and expiry date of current licence
    - d) number of passenger seats
    - e) insurance details
    - f) vehicle call signs
  - Drivers:
    - a) names of all drivers
    - b) badge numbers
    - c) call signs
    - d) expiry dates of current driver's licences
    - e) date each driver joined the operator and the date any driver left the operator
  - Bookings:
    - Prior to each journey, the operator shall record the following information:
      - a) date and time and location of pick-up
      - b) name of passenger
      - c) contact details of passenger
      - d) the destination
      - e) time at which the booking was made
      - f) time at which the booking was allocated to the driver

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- g) plate number and badge number of the vehicle and driver undertaking the booking
- h) price quoted for the booking
- i) time that the booking was completed

## Appendix 10



BOROUGH OF GUILDFORD

BYELAWS

MADE BY

THE COUNCIL OF THE BOROUGH OF  
GUILDFORD

WITH RESPECT TO

HACKNEY CARRIAGES

**BOROUGH OF**

**GUILDFORD BYELAWS**

**Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Council of the Borough of Guildford**

**with respect to**

**HACKNEY CARRIAGES IN THE BOROUGH OF GUILDFORD**

**Interpretation**

1. Throughout these byelaws 'the Council' means the Council of the Borough of Guildford and 'the district' means the Borough of Guildford.

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

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

**Provisions regulating how hackney carriages are to be furnished or provided.**

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

- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:
- (a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
  - (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
  - (d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges.**

5. The driver of a hackney carriage shall:
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;

- (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer;
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
- (a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
- (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
- (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
- (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. The drivers of the first two hackney carriages standing upon a stand appointed by the Council shall be in constant attendance in or near to their carriages ready to be hired at once.
9. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.



10. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
11. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
12. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
13. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage. Provided that for the purpose of this byelaw two children under the age of twelve years shall be reckoned as one person and children under the age of three years shall not be reckoned.
14. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
15. The driver of a hackney carriage so constructed as to carry luggage, shall, when requested by any person hiring or seeking to hire the carriage:
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading;
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.
- \* 16. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list:

Description of Stand	Number of Carriages
(1) High street, against the kerb of the pavement adjoining Holy Trinity Church	8
(2) High Street, against the kerb of the pavement adjoining Nos 39 to 49 High Street	5
(3) North Street, against the kerb of the pavement adjoining Quaker's Acre and No 76 North Street	3 (except Fridays and Saturdays)
(4) North Street, at the junction with Friary Street. (Extending for the additional 3 carriages against the kerb of the pavement adjoining Nos 35 to 40 North Street.)	5 (increasing to a total of 8 between the hours of 6.30 pm each day and 8.30 am on the following day)
(5) Guildford Park Road, against the kerb of the pavement from the Station Entrance to No 4 Guildford Park Road	6
(6) Guildford Main Station Yard	20

\* Provided that Stand No 6 shall be used only by those Hackney Carriage Proprietors who have obtained permission from the British Railways Board.

18. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.

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

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

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

20. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:

- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council,

whichever be the greater) but not more than five pounds.

## Penalties

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

## Repeal of Byelaws

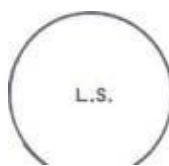
22. The byelaws relating to hackney carriages which are referred to in the Schedule hereto are hereby repealed.

### SCHEDULE

Date Byelaws Made	Authority Making Byelaws	Date of Confirmation	Confirming Authority
30 November 1964	The Mayor, Aldermen and Burgesses of the Borough of Guildford	17 May 1965	One of Her Majesty's Principal Secretaries of State
22 October	The Council of the Borough of Guildford	28 November 1974	One of Her Majesty's Principal Secretaries of State
11 November 1977	The Council of the Borough of Guildford	16 December 1977	One of Her Majesty's Principal Secretaries of State

THE COMMON SEAL of THE COUNCIL 1

OF THE BOROUGH OF GUILDFORD was  
hereunto affixed this 14th day of November  
1978 in the presence of:



signed B P TYRWHITT-DRAKE

Mayor signed DAVID WATTS Clerk & Solicitor

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 15th day of December 1978

signed R F D

SHUFFREY An Assistant Under

Secretary

of State

Home Office

LONDON

15 December 1978 signed by authority of the

Secretary of State

GUILDFORD BOROUGH COUNCIL

HACKNEY CARRIAGE STANDS

On 8 June 1981, Guildford Borough Council, Acting by the hand of David Watts, Their Clerk and Solicitor and duly authorised agent for this purpose, and in pursuance of their powers under Section 63, Local Government (Miscellaneous Provisions) Act 1976, made the following amendments to the Byelaws:

- (2) The appointment as a stand for thirteen hackney carriages that part of the north side of North Street Guildford immediately east of its junction with Onslow Street extending for a length of 43.5 metres from the said junction and within the curved traffic island provided by the highway authority.
- (1) The revocation of the deemed appointment of the stand for five hackney carriages (eight between 6.30 p.m. each day and 8.30 a.m. the following day) specified in byelaw 16(4) of the series of byelaws relating to hackney carriages made by the said Council on 14th November 1978 and confirmed by the Secretary of State for the Home Office on 15 December 1978

On 24 May 1982, Guildford Borough Council, Acting by the hand of David Watts, Their Clerk and Solicitor and duly authorised agent for this purpose, and in pursuance of their powers under Section 63, Local Government (Miscellaneous Provisions) Act 1976, made the following amendments to the Byelaws:

A reduction in the number of hackney carriage stands specified in Byelaw 16(5) of the series of Byelaws relating to Hackney Carriages made by the Council on 14 November 1978 and confirmed by the Secretary of State for the Home Office on 15 December 1978 from six stands to two in a south-easterly direction

- (2) A reduction in the number of hackney carriage stands at the stand specified in Byelaw 16(1) of the said Byelaws from eight stands to four away from the junction of High Street with North Street

The revocation of the deemed appointment of the stand for three hackney carriages specified in Byelaw 16(3) of the said Byelaws

- (4) The appointment as a stand for three hackney carriages the east side of North Square facing east.

On 13 February 1991, Guildford Borough Council, Acting by the hand of Helen B Sutherland, Their Clerk and Solicitor and duly authorised agent for this purpose, and in pursuance of their powers under Section 63, Local Government (Miscellaneous Provisions) Act 1976, made the following amendments to the Byelaws:

The appointment as a stand for three hackney carriages that part of the South side of Lower

North Street from a point in line with the western kerb line on Woodbridge Road approximately 8.5 metres west of the western building line of Swan Lane, westwards for a distance of 15 metres

(2) The appointment as a stand for six hackney carriages that part of Upper High Street, Guildford from a line being the property boundary between No. 242 and Bateman's Opticians (No. 240) westwards for a distance of 30 metres.

The appointment for a stand for five hackney carriages that part of Upper High Street at its junction with Epsom Road and London Road in the service road on the south side, west of the Odeon Cinema as follows (a) 3 stands on the south side of the service road (b) 2 stands on the north side of the service road from a line being the property boundary between Rogues, No. 8 Epsom Road and Mann and Co., No. 6 Epsom Road, westwards for a distance of 10 metres.

6/91 CSAD348A

## Compliance and enforcement

- 11.1 Public safety is paramount. We will aim to achieve compliance with the law and licence conditions by offering guidance and advice to licence holders. However, we recognise that there may be some instances where we need to take further action to protect the travelling public and others affected by a licensee's action.
- 11.2 We will follow the [Regulators Code](#) and the Health and Community Care Enforcement Policy and will base any enforcement action on the seriousness of the breach and the possible consequences arising from it. We will not take enforcement action as a punitive response to minor technical contraventions of legislation or licence conditions.
- 11.3 We may use 'mystery shoppers' to test compliance with the law and taxi and private hire licence conditions.
- 11.4 We aim to achieve and maintain a consistent approach when we make our decisions. In reaching any decision we will consider the following criteria:
- a) seriousness of any offences or breach of conditions
  - b) driver or operator's past history
  - c) consequence(s) of non-compliance
  - d) likely effectiveness of the various enforcement options
  - e) danger to the public
- 11.5 Having considered all relevant information and evidence, the normal options are one or more of:
- a) take no action
  - b) take informal action
  - c) issue statutory notices (stop notices etc.)
  - d) suspend a licence
  - e) revoke a licence
  - f) prosecution
- 11.6 It is essential that licence holders comply with reasonable requests for information or assistance from licensing and/or Police officers. Failure to do so may lead to disciplinary action being taken.

### Informal Action

- 11.7 We may take informal action to secure compliance with legislation or other requirements. This includes offering advice, and verbal or written warnings. Such informal enforcement action may be appropriate in any of the following circumstances
- a) the act or omission is not considered serious enough to warrant more formal action
  - b) from the individual driver or operator's past history it can be reasonably expected that informal action will achieve compliance
  - c) confidence in the operator's management is high
  - d) the consequences of non-compliance will not pose a significant risk to the safety of the public
- 11.8 Even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach.

### **Statutory notices**

- 11.9 If we find a defect in your taxi or private hire vehicle, we may serve notice in writing requiring you to have the vehicle (or the taximeter in the vehicle) examined at the vehicle testing station or taximeter examiner nominated by the Council.
- 11.10 We will only serve this type of notice where we believe that the condition of the vehicle poses a threat to public safety or where we have reasonable grounds to suspect the accuracy of the taximeter.

### **Suspending or revoking a licence (vehicles)**

- 11.11 We will suspend your vehicle licence where we have reasonable grounds to suspect that the condition of the vehicle is dangerous and poses a risk to passengers or other road users. For example, there is damage to the vehicle, the tyre tread is insufficient, the vehicle has been involved in a collision, or the insurance is no longer valid.
- 11.12 We may suspend your licence in addition to requiring you to have the vehicle tested as described above.
- 11.13 We will lift the suspension once we are satisfied that the condition of the taxi or private hire vehicle no longer poses an immediate danger to passengers or other road users.
- 11.14 We may revoke your licence in circumstances where it is dangerous and poses a risk to passengers or other road users and suspension of the licence is not appropriate. For example, if there is no reasonable prospect of repairing the damage, such as an accident write-off.

### **Suspending, revoking or refusing to renew a licence (drivers)**

- 11.15 We may suspend or revoke your driver's licence if:
- a) you are convicted of any offence involving dishonesty, indecency or violence
  - b) you are convicted of an offence under or have failed to comply with the relevant taxi and private hire legislation or
  - c) for any other reasonable cause
- 11.16 Before we make our decision, we will consider the seriousness of your convictions, cautions, endorsements or other information which has been provided to us. We will apply the guidelines set out in Appendix 2 when you have been convicted, cautioned for or charged with any of the offences referred to in that Appendix.
- 11.17 Any other reasonable cause can include, but is not restricted to:
- a) a suspension of your DVLA licence (either due to 'totting up' or disqualification imposed for specific offences)
  - b) other offences not included in 11.15
  - c) a culmination of minor transgressions during the course of your licence, for example breach of licence conditions
  - d) an action that presents a risk to the public
  - e) obstruction of or being abusive towards an authorised officer
  - f) touting



- 11.18 If we suspend your driver's licence, we will do so for a defined period and we will inform you of our reasons. We will only suspend your licence where the relevant behaviour can be addressed within a reasonable timescale. In other cases we will normally revoke the licence.
- 11.19 If we consider it is in the interest of public safety to suspend or revoke your licence with immediate effect, we will do so and we will inform you of our reasons.

### **Suspending, revoking or refusing to renew a licence (operators)**

- 11.20 We will usually revoke your licence if we are satisfied that you are no longer fit to be a licensed operator. For example, if you are convicted of an offence, or have demonstrated that you are using unlicensed drivers or vehicles and we are satisfied that you could be a danger to the public.

### **Prosecution**

- 11.21 We recognise that it is a significant step to prosecute, however, we will consider prosecution in appropriate cases where we have sufficient evidence and we consider it is in the public interest to do so.
- 11.22 In general, the more serious the offence, the more likely we are to consider that prosecution is appropriate. We will take into consideration:
- a) the overall seriousness of the offence and harm caused
  - b) if the offender also encouraged others to commit offences
  - c) the offence was pre-meditated
  - d) the offender showed disregard for the law
  - e) the offender stood to gain from the offence
  - f) the victim, if any, was vulnerable, suffered damage or felt threatened by the offence
  - g) there is significant environmental harm
  - h) the offence had a discriminatory element, for example on the basis of race or religion
  - i) the offender has previous convictions or cautions that are for offences that have some similarity with the current one
  - j) there is likelihood that further offences might be committed.
- 11.23 When we identify circumstances, which may warrant a prosecution, we will consider all relevant evidence and information to enable us to make a consistent, fair and objective decision.
- 11.24 The Executive Head of Governance will make the final decision on whether to prosecute.

### **Appeals**

- 11.25 If we suspend or revoke your licence we will make a record of the reasons for our decision and we will provide you with a copy of that document.
- 11.26 If we decide to suspend or revoke your licence, you may appeal to the Magistrates' Court within 21 days of our decision. If you intend to appeal the decision, we strongly advise you to seek legal advice.