

## **A policy on determining the suitability of applicants and licensees as Drivers and Operators in taxi & private hire licensing.**

### **1. Fit and Proper Test**

- 1.1. The West Yorkshire and York licensing authorities, which consists of Bradford, Calderdale, Leeds, Kirklees, Wakefield and York, recognises that the role of Hackney Carriage and Private Hire Drivers is a professional one. Hackney Carriage and Private Hire Drivers transport our most vulnerable persons and are often the first point of contact for visitors to each authority.
- 1.2. The reason for this policy is to ensure that the travelling public within West Yorkshire and York can be confident that the drivers licensed by each authority are suitable for this role, that the standards applied are consistent across each Authority area and that the requirements will be the same for whichever authority they choose to apply to.
- 1.3. It is a function of the Council to issue Hackney Carriage and Private Hire licences under the Local Government Miscellaneous Provisions Act 1976.
- 1.4. The overriding requirement of the Council when carrying out this function is the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services. The aim of this policy is to ensure that public safety is not compromised.
- 1.5. The Council must ensure that applicants/licence holders are and remain “fit and proper” to hold a licence. This policy will apply to all new applicants and to existing licensees. This requirement is contained within Sections 51 and 59 of the Local Government Miscellaneous Provisions Act 1976. The Statutory Taxi & Private Hire Vehicle Standards (June 2020) defines the test by which the Council will determine “fit and proper” as:

**“Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night”**

- 1.6. This policy categorises the types of issues including, crime and driving convictions, that form part of the “fit and proper” test to facilitate the assessment of the potential risk to the public. As part of this assessment the Council is concerned to ensure that:
  - An individual does not pose a threat to the public.
  - The Council’s obligations to safeguard children and vulnerable adults are met.
  - The public are protected from dishonest persons.
- 1.7. The standards of safety and suitability are not set as a base minimum. They are set high to give the public the assurance it requires when using taxi services. The Council does not have to strike a balance between the driver’s right to work and the public’s right to protection. The public are entitled to be protected. This means that the Council is entitled and bound to treat the safety of the public as the paramount consideration.

- 1.8. Taxis are used by almost everyone but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated. A taxi driver has significant power over a passenger who places themselves, and their personal safety, in the driver's hands.
- 1.9. As part of the assessment referred to in paragraph 1.5 above the Council can consider convictions and cautions but also other outcomes of actions taken by the Police, other agencies and the Civil Courts.
- 1.10. Reference to convictions in this policy also includes cautions, warnings, reprimands, all forms of fixed penalty notices, restrictive type orders and any other relevant information. These must be reported to the Council in the format and timescales stated in the relevant policy. In addition any circumstances relating to the licensee is potentially relevant if it is relevant to their safety and suitability to hold a licence.
- 1.11. Matters which have not resulted in a criminal conviction (whether as a result of an acquittal, a conviction being quashed, a decision not to prosecute or an investigation which is continuing where the individual has been bailed) will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered.
- 1.12. In the case of a new applicant who has been charged with any offences and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn.
- 1.13. In all cases, the Council will consider a conviction or behaviour and what weight should be attached to it, and each case will be decided on its own merits and in line with this policy.
- 1.14. The licensing process places a duty on the Council to protect the public. Therefore it is essential that those seeking a living as a driver meet the required standards. As previous offending and other behaviour can be considered as a predictor in determining future behaviour, it is important that the Council considers all relevant factors including previous convictions, cautions, complaints, failures to comply with licence conditions, and the time elapsed since these were committed.

## **2. Applying the Guidance**

- 2.1. One of the purposes of this policy is to provide guidance to an applicant or existing licence holder on the criteria to be taken into account by the Council when determining whether or not an applicant, or an existing licensee on renewal, is fit and proper to hold a hackney carriage or private hire driver's licence.
- 2.2. When determining whether or not a person is "fit and proper" to become or remain a licensed driver each case will be decided on its own merits and the Council shall only depart from this Policy in exceptional circumstances.
- 2.3. There must be clear and compelling reasons for the Council to depart from this policy. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered exceptional circumstances nor will the impact of losing (or not being granted) a licence on the applicant and/or his family.

- 2.4. The granting of a licence places an individual in a unique position of trust and they are expected to act with integrity and demonstrate conduct befitting of the trust placed in them. For this reason, whilst it is possible for an applicant or existing licence holder to have convictions that individually comply with the policy, the overall offending history and conduct of the applicant/licence holder will be considered. Appropriate weight will be applied where a series of convictions/incidents have been incurred over a period of time.
- 2.5. The Policy will also be applied if any additional issue arises that would call into question a person's suitability to continue to hold a licence. If an existing licence holder's conduct falls short of the "fit and proper" standard of behaviour at any time, their licence will be revoked.
- 2.6. Where a licence would normally be granted after an elapsed period, there may be circumstances where the elapsed period will be extended.
- 2.7. Any foreign offence disclosed by the applicant/licence holder or revealed on an enhanced Disclosure & Barring Service Disclosure will be dealt with in line with this Policy.
- 2.8. Any concerns, issues, incidents or convictions/offences not covered by this Policy will not prevent the Council from taking them into account.
- 2.9. Any wilful inaccuracies, or if an applicant knowingly withholds information will be taken into account when determining the application. To knowingly withhold or submit misleading information may demonstrate a person's dishonesty. For that reason the applicant would not be considered 'fit and proper'.

### **3. Disclosure and Barring Service**

- 3.1. Applicants need to be aware that as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, they are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions and that ALL convictions (including minor motoring convictions and fixed penalty notices) must be declared. The Secretary of State made this exemption because it is necessary to put public safety as the first consideration and to enable the Councils to take a wider view of the applicant over a longer timescale.
- 3.2. The Council conducts enhanced disclosures from the Disclosure and Barring Service ("DBS") of any applicant for a drivers licence. Applicants will be required to obtain an enhanced disclosure at their own expense and to subscribe to the Disclosure and Barring Update Service. Failure to subscribe or lapsed subscription to the Update Service could result in refusal or revocation of a driver licence.
- 3.3. Any information contained in the Enhanced DBS Certificate that identifies an individual as not suitable to work with children or vulnerable adults will result in the refusal of or revocation of a driver licence..

### **4. Working with the Police and other Authorities**

- 4.1. The Council is also entitled to use other records and information including any complaints history that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council, other local authorities and information disclosed by the police under Common Law Police Disclosure which focuses on providing timely and relevant information which might indicate a public protection risk. This information can include intelligence passed on at arrest or charge prior to trial allowing measures to be put in place to mitigate risk and protect the public. Applicants and licensees are required to disclose if they hold or have previously held a licence with another authority. An applicant and licensee are also required to disclose if they have had an application refused, revoked or suspended by any other licensing authority.
- 4.2. In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. This includes not only their behaviour whilst working in the hackney carriage or private hire trade, but also their entire character including, but not limited to, their attitude and temperament.
- 4.3. Any applicant who has resided outside the UK for any period longer than 6 months within the preceding 3 years will be required to produce a "Certificate of Good Character" dated in the last 3 months which details any convictions or cautions recorded against the individual. It is the applicant's responsibility to obtain this evidence at his cost. This will be in addition to the Enhanced DBS. Alternatively you may be required to produce a Statutory Declaration dated in the last 3 months.
- 4.4. Where an applicant is aware they have committed an offence overseas, applicants should seek independent expert or legal advice to ensure that they provide information which is truthful and accurate.
- 4.5. It is the responsibility of the applicant/licence holder to satisfy the Council that they are a "fit and proper person" to hold a licence. Therefore the applicant/licence holder must ensure that all convictions, cautions, warnings, reprimands, fixed penalties, arrests and summonses are disclosed to the Council, including any incurred outside the UK. A failure to report such convictions, cautions, warnings, reprimands, fixed penalties, arrests and summonses will be given significant weighting.
- 4.6. Once a licence has been granted there is a continuing requirement on the part of a licensee to maintain their safety and suitability to meet the "fit and proper" test. The Council has the powers to take action against licence holders and any behaviour, incidents, convictions or other actions on the part of the licensee which would have prevented them from being granted a licence will lead to the licence being revoked.
- 4.7. Any dishonesty by any applicant or other person acting on the applicant's behalf which occurs in any part of the application process will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.8. An applicant must hold a full DVLA drivers licence, have the right to remain and work in the UK and be a "fit and proper" person.
- 4.9. Under the Local Government (Miscellaneous Provisions) Act 1976 section 57, the Council has the power to require an applicant to provide:

“such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to such licence.”

The provision of this information can help to satisfy the Council that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of “fit and proper” and “safety and suitability” go beyond this. There is the character of the person to be considered as well.

- 4.10. The character of the applicant in its entirety is the paramount consideration when considering whether they should be licensed. The Council is not imposing an additional punishment in relation to previous convictions or behaviours. The information available to them is used to make an informed decision as to whether or not the applicant is a safe and suitable person.
- 4.11. The fact that an offence was not committed when the applicant was driving a taxi or when passengers were aboard is irrelevant. Speeding, drink driving and bald tyres are all dangerous, irrespective of the situation. Violence is always serious. A person who has a propensity to violence has that potential in any situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.
- 4.12. Licensees are expected to demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 4.13. There are those who seek to take advantage of vulnerable people by providing services they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. The Council expects licensees to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers must feel able to check that the person offering a service is entitled to do so. Licensees must be willing to demonstrate that they are entitled to provide the service offered by, for example, showing their badge. Any applicant or licensee who does not comply with the requirements set out in this paragraph will not meet the “fit and proper” test.

## **5. Criminal and Driving Convictions**

- 5.1. The Council considers that a period of time must elapse after a crime before a person can no longer be considered to be at risk of re-offending. The timescales set out in Table A are to reduce the risk to the public to an acceptable level.
- 5.2. In relation to single convictions Table A sets out the time periods that should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.
- 5.3. The Council will look at the entirety of the individual and in some cases the suitability will not be determined simply by a specified period of time having elapsed following a

conviction or the completion of a sentence. The time periods are a relevant and weighty consideration but they are not the only determining factor.

- 5.4. In addition to the nature of the offence or other behaviour, the Council will also consider the quantity of matters and the period of time over which they were committed. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 5.5. This policy does not replace the Council's duty to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this policy the Council must consider the matter from first principles and determine the fitness of the individual.
- 5.6. Once a licence has been granted there is a continuing requirement on the part of the licensee to maintain their safety and suitability to meet the "fit and proper" test.
- 5.7. Some offences on their own are serious enough for a licence not to be granted and these identified Table A. In the case of an existing licence "refused" in the Table means "revoked".
- 5.8. Applicants and licensees should be aware that where they have been convicted of a crime which has resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.
- 5.9. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological or financial abuse.
- 5.10. The Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any "barred" list. Existing licensees who are placed on the Sex Offenders Register or on any "barred" list will have their licence revoked.
- 5.11. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as convictions.
- 5.12. Road Safety is a major priority to the Council. A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in their vehicle. As those passengers may be alone, and may also be vulnerable, any driving convictions or unacceptable behaviour whilst driving will weigh heavily against a licence being granted or retained.
- 5.13. Taxi drivers are professional drivers charged with the responsibility of carrying the public. Any motoring convictions demonstrate a lack of professionalism and will be considered seriously. Whilst it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action taken against an existing licence, subsequent convictions would

indicate that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

## 6. Private Hire Vehicle Operator Licensing

- 6.1. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed. The Council will consider whether the applicant or licence holder with previous convictions, other than those relating to driving, meets the “fit and proper” threshold.
- 6.2. Enhanced DBS and barred list checks are not available for private hire vehicle operators so the Council will request a basic disclosure from the DBS both on application, renewal and on an annual basis through the DBS update service.
- 6.3. If the operator licence holder is already licensed as a hackney carriage or private hire driver then no additional checks are required. A refusal, suspension, revocation of a driver licence does not necessarily mean that the individual is not suitable to hold a vehicle operator licence.
- 6.4. A company or partnership may apply for a vehicle operator licence but the “fit and proper” test should be applied to each of the partners or directors of that partnership or company.

## 7. Decision and Right of Appeal

- 7.1. Where the Council is minded to refuse an application or suspend or revoke an existing licence in line with this policy the applicant or existing licence holder will be informed and be given an opportunity to provide any additional written evidence in support of their application or retention of their licence.
- 7.2. The Council, at its absolute discretion, may determine to meet with the applicant or existing licence holder for the purpose of clarifying information provided or received. The applicant can be accompanied by one individual at the meeting who is not permitted to make comment or enter into any part of the discussion.
- 7.3. The Applicant or existing licence holder will be notified in writing of the Council’s final decision within 14 days of completion of the procedures set out above.
- 7.4. Any person whose application is refused or licence suspended or revoked by the Council has a right of appeal to the Magistrates’ Court. An Appeal must be lodged within 21 days of the decision at the appropriate Magistrates’ Court. Appeal rights are contained in Section 77 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II) and Section 300 of the Public Health Act 1936.

**TABLE A**

Offence	Period Elapsed since the completion of any sentence
Crimes resulting in death of another person or was intended to cause the death or serious injury to another person.	No period is thought sufficient to have elapsed and the application will be refused.

Exploitation – any crimes involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victims were adults or children including, for example: slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse.	No period is thought sufficient to have elapsed and the application will be refused.
Offences involving violence (including arson, riot, terrorism offences, harassment, common assault & criminal damage) or connected with any offence of violence.	10 years
Possession of a weapon or any other weapon related offence.	7 years
Sex and indecency offences – any offence involving or connected with illegal sexual activity or any form of indecency.	No period is thought sufficient to have elapsed and the application will be refused. In addition to the above an application will not be granted to any applicant currently on the Sex Offenders Register or any barred list.
Dishonesty – any offence of dishonesty, or any offence where dishonesty is an element of the offence.	7 years
Drugs supply – any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply.	10 years
Drugs use – any conviction for possession of drugs, or related to possession of drugs.	5 years
Discrimination – any conviction involving or connected with discrimination in any form.	7 years
Drink driving/driving under the influence of drugs.	7 years
Driving whilst using a hand-held telephone or other device.	5 years



Minor traffic or vehicle related offences – offences which <b><u>do not involve</u></b> loss of life, driving under the influence of drink or drugs, driving whilst using a hand held telephone or other device and has not resulted in injury to any person or damage to any property (including vehicles) resulting in 7 or more points on a DVLA licence.	3 years
Major traffic or vehicle related offences – offences not covered under minor traffic or vehicle related offences and also any offence which resulted in injury to a person or damage to any property (including vehicles), driving without insurance or any offence relating to motor insurance.	7 years
Hackney carriage and private hire offences.	7 years
Vehicle use offences, for example being carried in vehicle without the owner's consent.	7 years.

#### **Local Authority powers to Renew/Suspend or Revoke a licence**

Under the provision of Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 a Local Authority may suspend, revoke or refuse to renew the licence of a vehicle, on any of the following grounds:

- i. That the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle
- ii. Any offence under, or non-compliance with the provisions of the Act of 1847 or of this Part of the Act by the operator or driver; or
- iii. Any other reasonable cause.

Under the provision of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 a Local Authority may suspend, revoke or refuse to renew the licence of a driver of a hackney carriage or private hire vehicle on any of the following grounds.

That since the grant of the licence:

- i. The driver has been convicted of an offence involving dishonesty, indecency or violence
- ii. Been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or this Part of this Act
- iii. Any other reasonable cause

Again under the provisions of S62 of the Act, a Local Authority may suspend, revoke or refuse to renew an operators' licence on any of the following grounds:

- i. Any offence under or non-compliance with, the provisions of this part of this Act

- ii. Any conduct on the part of the operator which appears to the Local Authority to render him/her unfit to hold an Operators' Licence
- iii. Any material change since the licence was granted in any of the circumstances of the operator on the basis which the licence was granted
- iv. Any other reasonable cause

Legislation allows the Council to place conditions on licences and also to consider a much wider range of events under 'any other reasonable cause'. This means that you do not necessarily have to be convicted of an offence but the Council may still make decisions which affect your licence.

## **PRIVATE HIRE DRIVERS' LICENCE CONDITIONS & HACKNEY CARRIAGE DRIVERS' CODE OF CONDUCT**

These conditions should be read in conjunction with the provisions of the Town Police Clauses Acts 1847 & 1889, the Byelaws made thereunder, and the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 in relation to hackney carriages and private hire.

**Failure to comply with the following conditions may result in the suspension or revocation of your licence. Driver licence duration ~~one or~~ three years. It is an offence for a person to drive a Private Hire Vehicle until a Driver's Licence is granted. It is an offence for the Operator to employ any person to drive such a vehicle who is not the holder of a current Private Hire Driver Licence. All journeys undertaken by a Private Hire Driver MUST be pre-booked through an Operator.**

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

The driver shall:

- 1.1. Afford all reasonable assistance with passengers' luggage.
- 1.2. At all times be clean and respectable in his dress and person, behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
- 1.3. Take all reasonable steps to ensure the safety of passengers conveyed in, or entering or alighting from, the vehicle driven by him.
- 1.4. Not without the express consent of the hirer, drink or eat in the vehicle.
- 1.5. Not without the express consent of the hirer, play any radio or sound reproducing instruments or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- 1.6. At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- 1.7. Display the driver's badge provided to him by the Council in a conspicuous position on the outer part of his clothing at all times whilst driving a private hire vehicle.
- 1.8. Irrespective of the hour of the day, proprietors or drivers shall not sound horns outside any premises where they are picking up passengers, except in emergencies.
- 1.9. Drivers of licensed vehicles must not use a mobile handheld telecommunications device whilst driving.
- 1.10. Drivers or proprietors shall not smoke or allow a passenger to smoke in the vehicle.

### **2. Passengers**

- 2.1. The driver shall not convey or permit to be conveyed in the vehicle a greater number of persons (exclusive of the driver) than the number of persons authorised by the private hire vehicle licence to be carried therein.
- 2.2. Except where otherwise necessary in the interest of safety, children under 10 years of age shall not be conveyed in a front seat of the vehicle.

- 2.3. Except where otherwise necessary in the interests of safety, the driver shall not allow there to be conveyed in the front of a private hire vehicle more than one person.
- 2.4. The driver shall not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.

### **3. Lost Property**

- 3.1. The driver shall immediately after the termination of any hiring of a private hire vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
- 3.2. If any property, accidentally left in a private hire vehicle, is found or handed to the driver, he shall take it as soon as possible and in any event within 48 hours, to the Licensing Unit, Battinson Road, Halifax and leave the same in the custody of a member of the staff.

### **4. Written Receipts**

- 4.1. The driver shall, if requested, by the hirer of a private hire vehicle, provide him with a written receipt for the fare paid. All receipts shall bear the name and address of the proprietor of the vehicle.

### **5. Animals**

- 5.1. The driver shall not refuse to carry a guide, hearing or other assistance dog accompanying a passenger.
- 5.2. The driver shall carry free of charge that guide, hearing or other assistance dog accompanying a passenger.

### **6. Prompt Attendance**

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

### **7. Taxi Meter**

- 7.1. If a private hire vehicle is fitted with a taxi meter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

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

- 8.1. The driver shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

### **9. Convictions**

9.1. The driver shall within seven days, excluding a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Unit is closed, disclose to the Council, in writing, if the following has been imposed upon the driver during the period of the licence:

- convicted of any offence
- received a summons to court
- on police bail
- charged with any offence but not yet convicted
- received any caution (criminal or driving matter)
- issue of any fixed penalty notice for any matter
- any harassment or other form of warning or order within the criminal law including Anti-Social behaviour orders or similar.

The driver shall, within 48 hours, notify the council in writing of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest of any of the offences within this scope will result in a review of their licence.

9.2. Failure to declare within the time scales above together with the nature of the matter will be taken into account in deciding whether a licence holder is a fit and proper person to hold a licence. This may result in the suspension, revocation or refusal to renew the hackney carriage or private hire driver licence.

Note: A Bank Holiday means a day which is a Bank Holiday under The Banking and Financial Dealings Act 1971 in England and Wales.

## 10. Fit and Proper Person

- 10.1. If at any time the conduct of the driver leads to concerns by the Council as to whether they remain a fit and proper to hold a licence, the Council will investigate the conduct and if satisfied that the driver is no longer a fit and proper person the driver licence may be suspended and subsequently revoked.
- 10.2. Failure to declare any conviction within the timescales above together with the nature of the conviction will be taken into account in deciding whether a licence holder is a fit and proper person to hold a driver licence. This may result in the suspension, revocation or refusal to renew the private hire driver licence.

## 11. Return of Badge

- 11.1. The driver shall, upon expiry revocation or suspension of this licence, forthwith return to the Council the driver's badge issued to him by the Council when granting his licence.

## 12. Concealing of a Sign or Plate

- 12.1. The driver of a private hire vehicle whilst on duty shall not cause or suffer (a) the licence number marked on the inside of the vehicle; or (b) on the licence plate affixed to the rear outside of the vehicle, to become concealed from public view, or to be so damaged or defaced that any figure or material particular is rendered illegible, except under such

circumstances as are described in Section 75 of the Local Government (Miscellaneous Provisions) Act 1976, or except where the vehicle is not available for hire.

### **13. Licences not Transferable**

- 13.1. A private hire driver's licence is not transferable and the person to whom a licence is issued shall retain such licence in his control and possession during the currency of the licence, and deliver the same to the Council on its expiration, suspension or revocation.

### **14. Cleanliness of Vehicle**

- 14.1. The driver shall at all times when driving a private hire vehicle for hire or reward, ensure that such vehicle is maintained in a roadworthy and clean condition.

### **15. Fitness of Driver**

- 15.1. The driver shall at any time, or at such intervals as the Council may reasonably require, produce a Certificate in the form prescribed by the Council signed by their own Registered Medical Practitioner to the effect that he is or continues to be physically fit to be the driver of a Private Hire or Hackney Carriage Vehicle. Whether or not such Certificate is produced the person shall, if required by the Council, at any time undergo a medical examination by their own Registered Medical Practitioner to be selected by the Council.
- 15.2. If the surgery at which the driver is registered does not undertake medicals, the driver may attend an alternative GP to issue a medical certificate, subject to receiving written confirmation from the driver's surgery that it does not undertake such medicals and the driver obtains the approval of the Head of Customer Services.

### **16. Duration of Licence**

- 16.1. A private hire driver's licence shall remain in force for a period of three year unless the Council shall specify a lesser period on the face of the licence or if the licence is suspended or revoked prior to the expiration of such period.

### **17. Working Hours**

- 17.1. Licensed drivers will not drive when their ability to do so is impaired by having worked excessive hours or when under the influence of drink or drugs.

### **18. Fare to be demanded**

- 18.1. The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taxi meter and there has been no previous agreement as to the fare, the fare shown on the face of the taxi meter.

### **19. Operation of Vehicle**

- 19.1. The driver shall not whilst driving or in charge of a private hire vehicle:

- a) stand or ply for hire or solicit on a road or other public place, any person to hire, or be carried for hire in a private hire vehicle;
- b) cause or procure any other person to tout or solicit on a road or other public place, any person to hire or be carried for hire in a private hire vehicle;
- c) accept an offer for the hire of that vehicle whilst the driver of that vehicle is on the road or other public place, except where such an offer is first communicated to the driver by telephone or by radio telephone installed in that vehicle.

## **BYELAWS – To Accompany the Hackney Carriage Code of Conduct**

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the Borough Council of Calderdale

### **Interpretation**

1. Throughout these byelaws “the Council” means Calderdale Metropolitan Borough Council and “the district” means the former Urban District of Halifax, Ripponden & Hepton, Brighouse, Hebden Royd, Elland, Todmorden, Shelf and Sowerby Bridge.

### **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 marked on the outside of the carriage, on a plate affixed thereto, of a design approved by the Council.
2. b) A proprietor or driver of a hackney carriage shall:
  - i Not wilfully or negligently cause or suffer any 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 plate so defaced that any figure or material particular is illegible;
  - iii Ensure any exterior plate shall be fixed at the rear of the vehicle in such manner that it is clearly visible and in accordance with the fitting instructions supplied by the council;
  - iv Ensure any interior plate is fixed to the dashboard in such a position as to be clearly visible to all passengers and in accordance with guidance issued by the council;
  - v Ensure that the drivers badge provided to him by the Council is displayed in a conspicuous position on the outer part of his clothing at all times whilst driving a hackney carriage;
  - vi Ensure that the self-adhesive door signs provided by the Council shall be directly affixed and maintained on both front doors of the vehicle.

### **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 proper carpet, mat or other suitable covering;



- f Cause the fittings and furniture to be kept in a clean condition, well maintained and in every way fit for public service;
- g Provide means of securing luggage;
- h Provide a fire extinguisher which complies with the current British and European standards (BS EN 3-10:2009) for fire extinguishers for vehicle use;
- i Ensure the hackney carriage has the facility for quickly replacing any punctured or damaged tyre;
- j Ensure no advertisement is displayed either internally or externally on the vehicle without the written consent of the Council;
- k Ensure no material alteration or change in the specification, design, condition, colour or appearance of the vehicle shall be made subsequent to the Councils' inspection of the vehicle, without the approval of the Council.
- l Ensure that a minimum light transmission value of 70% shall be maintained in all windows of the hackney carriage except for the windscreen which shall have a minimum light transmission of 75%.
- m Ensure that a roof sign, of a type and design approved by the Council, displaying the word "Taxi", be provided, maintained and permanently affixed to the roof of the vehicle at all times and to be illuminated when the vehicle is plying for hire.

**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**

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 operation of which will bring the machinery on the taximeter into action;
  - 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 fare which the proprietor or driver is entitled to demand and take for the hire of the carriage as set out in the current table of fares issued by the Council;
  - d The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - e The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - f The taximeter shall be fitted to the carriage in such a manner that it shall not be practicable for any person to tamper with it.
  - g The taximeter shall be properly sealed at all times.

5. The driver of a hackney carriage provided with a taximeter shall:
  - a When standing or plying for hire, make sure no fare is recorded on the face of the taximeter;
  - b At the point of hire of the carriage and before beginning the journey, bring the machinery of the taximeter into action and keep the machinery of the taximeter in action until the termination of the hiring;
  - c Cause the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Traffic Act 1972, and also at any other time at the request of the hirer;
  - d When standing or plying for hire, cause any sign, approved by the Council and affixed to the roof of the hackney carriage, to be kept properly illuminated;
  - e When the carriage is hired (whether by distance or time) ensure the sign referred to in the immediately preceding sub-paragraph of the byelaw is not illuminated;
  - f Ensure that the fare recorded on the taximeter is not cancelled or concealed until such time as the hirer has had reasonable opportunity to examine it and has paid the fare, which shall not be in excess of that recorded on the meter.
  - f No person shall tamper with the taximeter with which the carriage is provided.
  - g Unless arrangements have been made with the proprietor of a vehicle to pay the fare on account no driver shall seek to have the fare paid in any way other than cash, cheque, credit card or debit card.
  
6. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
  - a Proceed with reasonable speed to one of the stands appointed by the Council;
  - b If a stand, at the time of his arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - c On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - d From time to time when any other carriage immediately on 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;
  - e The drivers of the first two carriages on a stand shall remain with their vehicles.
  
7. 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.
  
8. A proprietor or driver of a hackney carriage shall not:
  - a 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;

- b Without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.
- 9. The driver of a hackney carriage shall behave in a civil and orderly manner at all times.
- 10. The driver of a hackney carriage shall take responsibility for ensuring the safety of persons conveyed, in or entering or alighting from the vehicle, including providing all necessary assistance, especially the needs of any passengers with a disability.
- 11. The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the carriage:
  - a Convey a reasonable quantity of luggage;
  - b Convey any mobility aids;
  - c Afford reasonable assistance in loading and unloading;
  - d Afford reasonable assistance in removing it to or from the entrance of any building, station, hotel or place at where he may take up or set down such person(s);
  - e Carry, free of charge, a guide, hearing or other assistance animal accompanying a passenger.
- 12. The driver of a hackney carriage shall not at any time when driving on hire smoke tobacco or like substance.
- 13. The driver of a hackney carriage shall not at any time when driving on hire play a radio, a cassette tape, a cd player, or similar audio equipment except with the consent of the hirer.
- 14. The proprietor or driver of a hackney carriage shall not install a DVD player or similar equipment for showing moving pictures without the written consent of the Council.
- 15. The driver of a hackney carriage shall at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- 16. The proprietor and driver of a hackney carriage adapted to carry disabled persons shall ensure that all necessary equipment is carried at all times and that all equipment and vehicle fittings are kept maintained and in working order at all times.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages**

- 17. 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.
- 18. The proprietor or driver of a hackney carriage shall ensure that any property left therein by any passenger found by or handed to him:

- a Be carried as soon as possible and in any event within 24 hours, if not sooner claimed by or on behalf of its owner, to the nearest available police station.
- b The proprietor or driver of a hackney carriage, shall not tamper with, make use of, copy, damage or otherwise interfere with any property so found.

#### **General provisions regulating the hackney carriage licence**

1. Every driver of a hackney carriage shall at all times when standing, plying or driving for hire when required by an police constable, authorised officer, or any other person being conveyed in such a carriage, produce a copy of these Byelaws for the perusal and inspection of such constable or person.
2. The Proprietor of a hackney carriage shall ensure that the fare card issued by the Council shall be clearly exhibited inside the carriage so as to be plainly visible to any person being conveyed in the hackney carriage.
3. Every proprietor or driver shall report, in writing, to the Council any of the following processes against them:
  - any conviction (criminal or driving matter);
  - any caution (issued by the Police or any other agency);
  - issue of any summons against them;
  - issue of any fixed penalty notice for any matter;
  - any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
  - their arrest for any offence (whether or not charged, summoned).

This information must be received within 7 days of the event.

The driver shall, within 48 hours, notify the council in writing of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest of any of the offences within this scope will result in a review of their licence.

4. The proprietor of a hackney carriage vehicle shall at all times during the currency of the vehicle licence ensure that there shall be in force for the vehicle a current Certificate of Compliance indicating that the vehicle has been tested and complies with the regulations made under Section 43 of the Road Traffic Act 1988 and the standards laid down by the Council.
5. The proprietor shall maintain in force for the duration of the licence an insurance policy for the vehicle providing cover sufficient to satisfy the requirements of Part VI of the Road Traffic Act 1988 and public hire use.
6. The driver shall at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council signed by a Registered Medical Practitioner to the effect that he is or continues to be physically fit to be the driver of a hackney carriage vehicle. Whether or not such certificate is produced the person shall, if required by the Council,

at any time undergo a medical examination by a Registered Medical Practitioner to be selected by the Council.

7. The driver shall comply with the Councils requirement to undertake and successfully pass the approved driving test carried out by the Driver Standards Agency in the following circumstances:
  - Their DVLA driving licence being endorsed with 9 or more penalty points, or
  - Following any period of disqualification from driving, or
  - Following an investigation and substantiation of a complaint concerning driver attitude, disposition and/or ability.

Failure to pass the driving test will result in immediate suspension of the drivers licence. The drivers' licence will remain suspended until such time as the driving test is successfully passed.

8. The driver of a hackney carriage shall comply with the Councils requirement in relation to minimum age and experience:

Held a full DVLA driving licence for at least two years and be at least 21 years of age at the date of application.

9. The proprietor of a hackney carriage vehicle shall ensure the vehicle is less than:

6 years old – saloon vehicles, or

8 years old – wheelchair accessible vehicles

The age is determined from the date of registration shown on the vehicle registration document and the vehicle can continue to be licensed until the vehicle is ten years old for all 4-passenger seated internal combustion engine saloon or hatchback vehicles and 12 years for multi seater (5-8 passenger seats), wheelchair accessible vehicles and Ultra Low Emission Vehicles (ULEVs) which includes Plugin Hybrid Electric Vehicles (PHEVs) and Electric Vehicles (EVs), after which they must be removed from the fleet.

### **Penalties**

10. Every person who shall offend against any of these Byelaws shall be liable, upon summary conviction, to a fine not exceeding level 2 on the standard scale. In the case of a continuing offence, to a further fine not exceeding two pounds for each day during which the offence continues after conviction.

### **Repeal of Byelaws**

11. The byelaws relating to hackney carriages which were made by Calderdale Metropolitan Borough Council on 31 August 1982 and which were confirmed by the Secretary of State of Home Office on 1 November 1982 are hereby repealed.

## PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

### 1. Records

1.1. The records required to be kept by the operator under section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept:

- in a bound book, the pages of which are numbered consecutively; or
- on a computer-based system from which a hard copy can be printed on demand; and
- the operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:

- i. The name of any individual that responded to the booking request
- ii. The name of any individual that dispatched the vehicle
- iii. The time and date of the booking
- iv. The name of the hirer
- v. How the booking was made (i.e. by telephone, personal call, etc.)
- vi. The time of pick up
- vii. The point of pick up
- viii. Destination
- ix. The time at which a driver was allocated the booking
- x. The plate number of the vehicle allocated for the booking
- xi. The badge number of the driver of the vehicle used
- xii. Remarks (including details of any sub contract)

1.2. Separate records must be kept at each premise from which the operator carries out his business.

1.3. The operator shall also keep a record of the particulars of each private hire vehicle operated by him as follows:

- i. The name and address of the proprietor to whom the private hire vehicle licence has been issued
- ii. The private hire vehicle licence number together with the date of the expiry of the licence
- iii. The registration number
- iv. Any radio call sign used

1.4. The operator shall keep a register of all staff taking bookings or dispatching vehicles and are required to evidence that they have had sight of a Basic DBS check for all individuals on or added to the register and that this is compatible to with their policy on employing ex-offenders. When individuals start taking bookings and dispatching vehicles for an operator they must, as part of their employment contract, advise the operator of any previous convictions, arrests or investigations while they are employed in this role.

1.5. All records kept by the operator shall be kept in English, in ink, legible and preserved for a minimum period of three years following the date of the last entry.

1.6. All records shall be maintained and kept up to date at all times. The records shall be available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers shall be empowered to remove such records from the premises if so required.

1.7. The operator shall notify the Council of any change in the number of private hire vehicles operated by him.

## **2. Standard of Service**

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

- i. Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
- ii. Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- iii. Ensure that any waiting area provided has adequate seating facilities.
- iv. Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- v. Behave in an orderly and civil manner and shall take all reasonable precautions to ensure the safety of all persons conveyed in licensed vehicles operating from his office premises.

## **3. Complaints**

3.1. The operator shall permanently display, in a prominent position inside his premises, a properly printed notice which can be easily read by any persons seeking to hire any private hire vehicle.

3.2. The notice must state that any complaints regarding a contract for hire relating to his business should be addressed to Calderdale Metropolitan Borough Council, Licensing Unit, Town Hall, Crossley Street, Halifax. HX1 1UJ.

## **4. Premises**

4.1. The operator shall notify the Council, in writing, of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) within 7 days of such change being made.

4.2. The operator shall not use any premises in which he operates or otherwise conducts his business as an operator, unless there is in force for such premises, a valid planning consent for such purpose so far as may lawfully be required.

4.3. The operator shall not use any premises in which he operates or otherwise conducts his business as an operator, unless there is available to him adequate off street parking facilities in the vicinity of his premises. This parking must be able to accommodate the number of vehicles operating and requiring such facilities at any one time. There must also

be in force for such parking facilities a valid planning consent for such purposes so far as may be lawfully required.

- 4.4. The operator shall not permit or suffer the premises to be used, or frequented or resorted to, by any person except for the purpose of arranging the hiring of a private hire vehicle. The operator shall take all possible steps to exclude persons who are drunk, violent, quarrelsome or disorderly.
- 4.5. The operator shall not cause or permit to be displayed on his premises any sign, notice or advertisement containing the words “cab”, “taxis” or “for hire” implying that vehicles are immediately available for hire.

## **5. Animals**

- 5.1. The operator shall accept bookings from or from a party including a disabled person where the disabled person will be accompanied by a guide, hearing or other assistance dog. No additional charge shall be made for the carriage of a guide, hearing or other assistance dog.

## **6. Convictions**

- 6.1. The operator shall, within 7 days, disclose to the Council in writing details of any conviction imposed on him or, (if the operator is a company or partnership) on any of the directors, secretary or partners.

## **7. Rates of Fare**

- 7.1. A properly printed notice showing the rates of fares and charges must be permanently fixed in a prominent position inside the premises. The notice must be able to be easily read by any person seeking to hire any private hire vehicle. This notice shall include the words, “Fares and charges for private hire vehicles are not controlled by Calderdale Metropolitan Borough Council”.

## **8. Signs and Advertisements**

- 8.1. The operator shall not display, or permit to be displayed, on a private hire vehicle any advertisement or sign of any nature other than the signs and plates required or authorised by the private hire vehicle licence.

## **9. Touting**

- 9.1. The operator shall not, by himself, his agents, or any other person importune, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of the licensed vehicles under his control.

## **10. Signs and Plates**

- 10.1. The operator shall not cause or permit the private hire vehicle licence plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:
  - Concealed from public view
  - Defaced



- Disfigured

**10.2.** The operator shall also ensure that the licence plate and notices are always legible and displayed in accordance with the conditions of the private hire vehicle licence.

## **PRIVATE HIRE VEHICLE LICENCE CONDITIONS AND GUIDANCE NOTES**

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

#### **PRIVATE HIRE VEHICLE LICENCE CONDITIONS**

##### **1. Maintenance of Vehicles**

The vehicle, fittings and equipment shall at all times be kept in an efficient, safe, clean and tidy condition. The vehicle must comply with all statutory requirements including those contained in Motor Vehicles (Construction and Use) Regulations.

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

No material alteration or change in the specification, design, condition, colour or appearance of the vehicle shall be made without the prior approval of the Council, following the vehicle undergoing the Council's mechanical test or at anytime whilst the vehicle is a licensed private hire vehicle. The vehicle shall at all times comply with the specifications of the Council for a licensed private hire vehicle.

##### **3. Tinting of Vehicle Windows and Window Blinds**

Heavily tinted glazing and window blinds are not permitted. Tinted films applied to the vehicle windows are not permitted. Glazing to the windscreen and front passenger windows shall comply with Regulation 32, the Road Vehicle (Construction and Use) Regulations 1986, with a minimum light transmission value of 75% for the windscreen and 70% for the front two passenger windows. All other windows which offer a view of passengers shall have a minimum light transmission value of 65% to allow a clear view of passengers.

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

A fire extinguisher compliant with British and European standards (BS EN 3-10:2009), should be **securely affixed** and fully maintained in working order shall be kept in the vehicle at all times.

##### **5. Interior and Exterior Signs and Plates**

- 5.1 The proprietor of the vehicle shall cause to be affixed and maintained inside the vehicle in such a position and in such a manner as may be prescribed by the Council any sign provided by the Council indicating the licence details for that vehicle. Such details include the licence number of the vehicle, the expiry date of the licence, the maximum number of passengers which the vehicle is authorised to carry, the vehicle registration number, the operator's number where applicable and the address for complaints.
- 5.2 The proprietor of the vehicle shall cause to be affixed and maintained in a vertical position on the rear and on the outside of the vehicle, the plate provided

by the Council in respect of the vehicle so as to be clearly visible from behind the vehicle, and shall keep the plate in a clean and easily read condition.

- 5.3 The vehicle shall not be used for hire unless the plate and sign, issued by the Council, are exhibited on the vehicle in the manner prescribed in this section, excepting under such circumstances as are described in Section 75 of the Local Government (Miscellaneous Provisions) Act 1976.
- 5.4 The plate and sign referred to in this condition shall remain the property of the Council and shall be returned forthwith to the Council on the surrender of the licence or in the event of the licence expiring, being suspended or revoked.

## **6. Advertising Notices**

- 6.1 A sign approved and supplied by the Council shall be displayed on each of the front doors of the vehicle which states "ADVANCE BOOKINGS ONLY" and include the licence number for that vehicle which must be affixed to the vehicle either permanently or by means of magnetic backing plate.
- 6.2 In addition, private hire operator details must be displayed which will include the name of the operator's business and the operator's business including either telephone number, app or web address.
- 6.3 The proprietor shall cause to be affixed and maintained in the vehicle in accordance with the direction of the Council any sign or notice relating to private hire vehicles which the Council may from time to time require.
- 6.4 No other signs or advertisement shall be displayed on the vehicle without prior approval of the Council.

## **7. Roof Racks**

No roof rack shall be affixed to the vehicle at any time.

## **8. Private Hire Vehicle Driver's Licences**

The proprietor shall, before a driver commences to drive the vehicle satisfy himself that the driver has a valid private hire vehicle driver's licence.

## **9. Insurance**

- 9.1 The proprietor shall maintain in force for the duration of the licence an insurance policy for the vehicle providing cover sufficient to satisfy the requirements of Part VI of the Road Traffic Act 1988 and public hire use. The proprietor shall be required to produce to the Council a valid, original certificate of insurance or cover note in respect of the licensed vehicle when the vehicle licence is being renewed or transferred or when an MOT test is being booked. Failure to produce a valid, original insurance certificate or cover note will result in the application or request for MOT/Compliance Check being rejected.

- 9.2 The proprietor shall ensure that the original or certified copy of the insurance certificate or cover note is kept in the vehicle at all times.
- 9.3 A valid insurance document or cover note shall be produced at any time on demand to an Authorised Officer of the Council. Failure to do this will result in the licence being suspended.

## **10. Change of Address**

The proprietor shall notify the Council, in writing of any change of his address during the period of the licence within 7 days of such change taking place.

## **11. Drivers**

The proprietor of the vehicle shall notify the Council of the name and address of all licensed drivers engaged and employed by him and of any such driver seeking to be so employed within 7 days of the date of appointment or termination as the case may be.

## **12. Transfer of Vehicles**

The proprietor of the vehicle shall notify the Council in writing within fourteen days of the transfer of the vehicle to any other person, specifying the name and address of the person to whom the vehicle has been transferred.

## **13. Overloading**

The proprietor shall not convey or permit to be conveyed in the vehicle a greater number of persons (exclusive of the driver) than the number of persons authorised by the licence to be carried therein.

Except where otherwise necessary in the interest of safety, children under 10 years of age shall not be conveyed in a front seat of the vehicle

## **14. Vehicle Checks**

The proprietor, or the driver, of the vehicle as the case may be, shall, at the request of an Authorised Officer of the Council, stop the vehicle to enable a check to be made for the purpose of preventing or detecting any contravention of any statutory requirements or of any conditions applicable to the vehicle and its use as a private hire vehicle, whether or not passengers are carried at that time, and shall not proceed until the Authorised Officer is satisfied that all such requirements or conditions are being observed and complied with. This can include a request from the Authorised Officer for the vehicle being presented for a full Vehicle Compliance Test.

## **15. Duration of Licence**

The licence shall remain in force for a period of one year unless otherwise suspended or revoked, or unless a lesser period shall appear on the face of the licence.

## 16. Testing of Vehicles

- 16.1 For a vehicle to be licensed by the Council a Certificate of Compliance is required indicating that the vehicle has been tested and complies with the regulations made under Section 43 of the Road Traffic Act 1988 and the standards laid down by the Council.
- 16.2 On completion of an initial compliance test, a vehicle under the age of three years from registration must pass an annual MOT and is subject to either a roadside spot check by an Authorised Officer or being called in to undergo a full Compliance Test if either there is a concern from the roadside inspection that needs further investigation or a public complaint is received by the Authority.
- 16.3 All existing vehicles tested before their 6th anniversary of the date of first registration will receive a 12 month Certificate of Compliance.
- 16.4 Any vehicle first licensed after its 5th anniversary of the date of first registration will be given a 12 month Certificate of Compliance unless it exceeds 6 years and 6 months, in this situation a vehicle will only receive compliance until 6 years 6 months from the date of first registration.
- 16.5 All vehicles tested after the 6th anniversary of first registration will receive a 6 month Certificate of Compliance.
- 16.6 If a vehicle, on reaching its 6th anniversary or at any time thereafter shall fail the Council's vehicle test then any private hire vehicle licence in respect of that vehicle shall be suspended and the vehicle withdrawn from service until such time as the vehicle is re-tested by the Council and it has been determined that the vehicle is roadworthy and suitable for use as a private hire vehicle.
- 16.7 Where a vehicle fails a re-test then any private hire vehicle licence in respect of that vehicle shall remain suspended. The Council's Transport Services Department will provide a technical report upon the vehicle after the failed re-test in order that a decision can be made as to whether or not the vehicle licence should be revoked.
- 16.8 In the case of a vehicle which has been used overseas prior to the date of first registration in Great Britain the 6 year period shall be calculated from the date of first registration overseas if known, otherwise from the first day of January following the declared year of manufacture or the date of first registration in the UK, if earlier.
- 16.9 The licensed proprietor of the vehicle shall bear the Council's costs in the testing and where necessary retesting of the vehicle and the preparation of any technical reports.

## **17. Accidents**

In accordance with the provisions of S.50 (3) Local Government (Miscellaneous Provisions) Act 1976 Part II, the proprietor shall report to the Council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof any accident. Where the damage to the vehicle is higher than that shown in the handbook the vehicle is also to be presented to Battinson Road.

## **18. Radio Equipment**

Any radio equipment and related wiring, within a licensed vehicle must be securely affixed and stored in such a manner that it does not impede on the safety of the vehicles operation.

## **19. Conditions of advertising third party or otherwise on licensed vehicles**

Advertising on private hire vehicles is not permitted without prior consent from the Council.

## **20. Insurance damaged vehicles**

No vehicle which has been classified as an insurance total loss within category A-C or S will be licensed by the Council. The licence for any vehicle that is currently licensed that becomes classified as such will be immediately revoked.

## **21. Transportation of child buggies in wheelchair accessible vehicles with child**

Children's pushchairs/prams may not be transported in the vehicle unless they are folded and stored within the luggage compartment of the vehicle.

## **22. Estate cars**

Estate cars must be fitted with a rear partition between the rear passenger area and the luggage area.

## **23. Age of Vehicle**

Vehicles are subject to an upper age limit of 10 years for all 4-passenger seated internal combustion engine saloon or hatchback vehicles and 12 years for multi seater (5-8 passenger seats), wheelchair accessible vehicles and Ultra Low Emission Vehicles (ULEVs) which includes Plugin Hybrid Electric Vehicles (PHEVs) and Electric Vehicles (EVs), after which they must be removed from the fleet. Mild or self-charging hybrid vehicles will be subject to meeting the emission requirements of a ULEV.

### **PRIVATE HIRE VEHICLE LICENCES (EXECUTIVE TYPE USE ONLY)**

Vehicles will only be licensed as an Executive Use private hire vehicle if:

- It is used solely for to take passengers to and from airports and/or
- It is used for solely executive use i.e. company clients and bookings made under a contract.

There are certain exemptions from some vehicle conditions, if the executive use licence is granted, these are:

- tinted windows
- doors signs
- rear plates

**Please note that you will be required to produce documentation to the Licensing Unit to demonstrate that your vehicle is being used solely for executive use. Failure to demonstrate this type of use will require the vehicle to be licensed as a private hire vehicle and comply with the current private hire vehicle licence conditions.**

Submission of supporting documentary evidence:

- On the seventh day following the date of the initial grant of a private hire vehicle licence, the licence holder shall submit to the Council, copies of private hire operator records which demonstrates the Executive (type) use of the licensed vehicle throughout that period.
- In addition, the licence holder will submit further relevant operator records on the twenty-first day following the aforementioned initial submission, continuing for the three months thereafter. (First set 7 days after grant, second set 21 days later, then on a monthly basis for next three months. Five sets in all)
- From then on, copies of the supportive operator records will be submitted at the time that the licence is renewed.
- The licence holder must submit any additional documents to the Council that may from time to time be required.

Should any of the required records fail to be submitted within the requisite time limit, or if it is found that 'executive type hire' is not clearly demonstrated then the vehicle licence will be immediately suspended and may be subsequently revoked.

## **GUIDANCE NOTES FOR APPLICANTS FOR PRIVATE HIRE VEHICLE LICENCES**

If your vehicle is not currently licensed as a private hire vehicle then the council will only licence the vehicle if it is:

- **NOT white in colour**
- **NOT a category A, B, C & S insurance write off - a HPI check can be done on request (fee payable)**
- **Less than 6 years old** (The age is determined from the date of registration shown on the vehicle registration document)
- **Does not have heavily tinted windows or window blinds**  
Heavily tinted glazing and window blinds are not permitted. Tinted films applied to the vehicle windows are not permitted. Glazing to the windscreen and front passenger windows shall comply with Regulation 32, the Road Vehicle (Construction and Use) Regulations 1986, with a minimum light transmission value of 75% for the windscreen and 70% for the front two passenger windows. All other windows which offer a view of passengers shall have a minimum light transmission value of 65% to allow a clear view of passengers.

## **GUIDANCE NOTES FOR APPLICANTS FOR HACKNEY CARRIAGE LICENCES**

A vehicle will only be licensed as a hackney carriage if it is:

- **White in colour**
- **Not a category A, B, C & S insurance write off**
- **Less than:**
  - 6 years old – saloon vehicles – Only when using an existing saloon vehicle number**
  - 8 years old – wheelchair accessible vehicles – *Please note that:***  
*A wheelchair accessible vehicle is one which is either based on a purpose-built "London style" taxi design or a modified vehicle which has been inspected and approved by the Council's Transport Manager for use as a wheelchair accessible vehicle. It must also have an IVA or Stage 2 Certificate.*

(The age is determined from the date of registration shown on the vehicle registration document.)

- **Does not have heavily tinted windows or window blinds**  
Heavily tinted glazing and window blinds are not permitted. Tinted films applied to the vehicle windows are not permitted. Glazing to the windscreen and front passenger windows shall comply with Regulation 32, the Road Vehicle (Construction and Use) Regulations 1986, with a minimum light transmission value of 75% for the windscreen and 70% for the front two passenger windows. All other windows which offer a view of passengers shall have a minimum light transmission value of 65% to allow a clear view of passengers.



**PLEASE NOTE THAT WHEN YOUR VEHICLE HAS BEEN LICENSED AS A PRIVATE HIRE VEHICLE IT CAN ONLY BE DRIVEN BY A LICENSED PRIVATE HIRE DRIVER**

1. All licence applications must be made online on the Council website together with the appropriate fee(s). Please note vehicle licence and test fees are non-refundable.
2. Appointments for vehicle tests or re-tests must be made by 01422 288001
3. The vehicle registration document must be produced at the time of the application together with the appropriate fee. The V5 (logbook) must be produced prior to being sent to the DVLA and a letter headed bill of sale from the authorised dealer. The new log book must be produced within 6 weeks. Failure to do produce the V5 (logbook) within the six weeks may result in the suspension of your vehicle licence.
4. A valid original certificate of insurance must be produced before any vehicle licence can be issued. The insurance certificate produced must show cover for private hire use. The original or certified copy of the insurance must be kept in the licensed vehicle at all times and be available to an Authorised Officer upon request.
5. The vehicle will be required to have door signs fitted.

# **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE COMPLIANCE TESTING STANDARDS**



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## 1. Introduction

1.1 All hackney carriage and private hire vehicles licensed with Calderdale Council are subject to pass an initial compliance test at Calderdale Council's testing station before it is first licenced. Vehicles 3 years and under must pass an annual MOT thereafter and are subject to either a roadside spot check or being called in to undergo a full Compliance Test at Calderdale Council's Testing Station (if either there is a concern from the roadside inspection that needs further investigation or a public complaint is received by the Authority).

1.2 Licenced vehicles aged from 4 to 6 years are required to pass the Compliance Test at Calderdale Council's Testing Station annually. Vehicles over 6 years old are required to pass the Compliance Test at Calderdale Council's Testing Station every 6 months.

1.3 Hackney carriages and private hire vehicles are subject to much higher annual mileage and more arduous driving than the majority of privately owned vehicles. To ensure the safety of passengers and other road users a more stringent maintenance and testing regime is required to that of the standard MOT test, as such all licenced vehicles will be tested in accordance with:

- MOT standards issued by DVSA.
- The Council's testing standards as prescribed in this policy.

A vehicle must meet the above standards in order to be granted a licence.

This policy provides a working guide for proprietors, those involved in the maintenance of vehicles and for vehicle inspectors.

In developing these standards, Calderdale Council has had regard to the following:

- National Best Practice Guide for the Inspection of Hackney Carriage and Private Hire Vehicles 2012, published by the Freight Trade Association and the Public Authority Transport Network Technical Officer Group.
- Taxi and Private Hire Vehicle Licensing Best Practice guidance 2010, issued by the Department for Transport.

1.4 All licenced vehicles can be subject to a roadside inspection by an Authorised Council or Police Officer at any time without notice.

1.5 The licence plate at all times remains the property of Calderdale Council and removed plates must be surrendered to the Council on renewal, suspension, revocation, transfer or at the request of a council officer.

- 1.6 The proprietor of the vehicle shall notify the Council in writing within fourteen days of the transfer of the vehicle to any other person, specifying the name and address of the person to whom the vehicle has been transferred.
- 1.7 The vehicle licence should not be transferred to another vehicle except in exceptional circumstances (eg. Accident) and only once the vehicle receiving the licence has passed a Calderdale Council compliance test. Grandfather rights (below) cannot be transferred.

## **2. Grandfather Rights**

- 2.1 Any vehicle licensed before this policy comes into force may be eligible for grandfather rights which provide an exemption from changes to the policy relating to the age of the vehicle..

## **3. Types of vehicle that may be licensed**

- 3.1 The following standards require that all licensed private hire and hackney carriage vehicles are of a prescribed type and achieve levels of roadworthiness, comfort and appearance approved by Calderdale Council.

In summary, all vehicles must have:

- A minimum of four road wheels.
- Four doors (excluding rear doors/tailgate)
- Capacity to carry at least four, but not more than eight, passengers, in addition to the driver.
- The vehicle must be right hand drive.
- All seating must face either forwards or backwards.

## **4. Vehicle Modifications**

- 4.1 No change in the vehicle manufacturers (or their approved convertors) specification, design, condition or appearance of a vehicle can be made without prior written approval from the Licensing Authority.

## **5. Vehicle Age**

- 5.1 Vehicles are subject to an upper age limit of 10 years for all 4-passenger seated internal combustion engine saloon or hatchback vehicles and 12 years for multi seater (5-8 passenger seats), wheelchair accessible vehicles and Ultra Low Emission Vehicles (ULEVs) which includes Plugin Hybrid Electric Vehicles (PHEVs) and Electric Vehicles (EVs), after which they must be removed from the fleet. Mild or self-charging hybrid vehicles will be subject to meeting the emission requirements of a ULEV (See sect 6.2).

All vehicles must be less than 6 years of age at the first issue of a vehicle licence. Wheelchair accessible Hackney Carriage vehicles, with an IVA or Stage 2 Certificate must be less than 8 years of age at the first issue of a licence.

## **6. Emissions**

- 6.1 Calderdale Council has signed up to the West Yorkshire Low Emission Strategy which targets air quality problems across the region.

The policy promotes a transition to low emission vehicles across the taxi trade.

6.2 Vehicles must comply with the following emissions standards:

Petrol vehicles – Euro 5 petrol vehicle class. Applies to vehicles registered from 1<sup>st</sup> January 2011 onwards

Diesel vehicles – Euro 6 diesel vehicle class. Applies to vehicles registered from 1<sup>st</sup> September 2015 onwards

Petrol hybrid vehicles – Euro 4 petrol vehicle class. Applies to vehicles registered from 1<sup>st</sup> January 2006 onwards.

Ultra-low emission vehicles – 75g CO<sub>2</sub>/km and under

## **7. Engine Size**

7.1 Calderdale does not require licensed vehicles to have a minimum engine capacity. Vehicles, instead, must comply with the emissions standards above.

## **8. Imported Vehicles**

8.1 A wide range of vehicles are suitable for use as hackney carriage or private hire, Best Practice guidance suggests that those that have been imported independently (i.e. by somebody other than the manufacturer) must meet 'type approval' rules. This means that passenger vehicles at the time of first registration in the United Kingdom must meet the technical standards of either:

- European Community Whole Vehicle Type Approval (ECWVTA)
- National Small Series Type Approval (NSSTA)
- Individual Vehicle Approval (IVA)

## **9. Conversions**

9.1 Vehicles that have been converted by the vehicle manufacturers (or their approved convertors) or had certain modifications since original registration must be approved, to ensure that they meet the European Community Directives and Construction and Use Regulations.

9.2 Therefore, they must undergo an Individual Vehicle Approval (IVA) test at a Driver and Vehicle Standards Agency (DVSA) test station. If the vehicle is found to meet the requirements, a letter of compliance with the technical standards will be issued.

9.3 On successfully passing the IVA test the "IVA letter of compliance" must be presented with the vehicle licence application. Further information about these requirements can be obtained at: [www.gov.uk](http://www.gov.uk)

9.4 Seating capacities will be determined by the number of passengers authorised on either the V5C document or the IVA letter.

## **10. Multi Seater Vehicles**

10.1 Vehicles carrying more than 4 passengers but no more than 8 will be licensed provided they are either a manufacturer's purpose built multi seater vehicle or a manufacturers' approved conversion.

10.2 The number of passengers such a vehicle will be licensed to carry will be determined by the number approved on the V5C document.

## **11. Wheelchair Accessible Vehicles**

11.1 Wheelchair accessible vehicles are either purpose built, London style taxis or modified vehicles that have been approved by DVSA and possess an IVA.

11.2 Capacities will be determined by the number of passengers authorised on either the V5C document or the IVA letter. Where the wheelchair passenger is situated in the same area as the other seated passengers, the Licensing Authority may restrict the number of authorised seated passengers to ensure the safe access and egress of all passengers. See section 18 for details on Wheelchair Accessible Vehicles.

## **12. Appearance of the Vehicle**

### **12.1 Digital Media Screens and Advertising**

In vehicle digital media technology may be installed to vehicles for advertising and live feed material purposes subject to the conditions at Annex A. Vehicle Advertising is subject to the Guidance at Annex B

### **12.2 Signage and Livery**

A valid licence plate must be displayed on the vehicle at all times. The plate must be securely fitted on the lower rear of the vehicle with the whole of the plate visible at all times.

At least one no smoking sign must be clearly displayed in the vehicle.

No other signs or advertisement shall be displayed on the vehicle without prior approval of the Council

### **12.3 Private Hire Vehicles**

The vehicle must be a single colour and not white.

As part of the door livery, the following will be included on each door sticker:

- Operator's name
- telephone number, website or App (Mobile phone numbers are not permitted)
- The wording 'Advance bookings only'

A coloured background to the sign is permitted.

### **12.4 Hackney Carriage Vehicles**

Vehicles must be white in colour.

Multi seater vehicles may display the word 'Taxi' on the side and/or rear panels of the vehicle either in black letters where the background is white or white letters where the background is black.

The use of magnetic or temporary stickers is prohibited.

A white roof mounted sign (or built-in sign) with the word 'TAXI' to the front and rear of the sign in black letters must be displayed.

## **13. The Vehicle Test**

### **13.1 Presenting a vehicle for test**

The following will apply when a vehicle is presented for test:



- To allow a thorough examination, the vehicle must be presented for test in a clean condition. The vehicle will fail the test if, in the opinion of the vehicle examiner, the vehicle is so dirty that it would be unreasonable for the test to be carried out
- A vehicle must be presented for test with the licence plate correctly displayed on the vehicle (unless it is a new application or if the licence plate has been removed by an Authorised Council or Police Officer)
- The person producing the vehicle for inspection should arrive with their vehicle at Calderdale Council's testing station 10 minutes before their test appointment – a vehicle will not be tested if presented after the appointment time and a refund will not be given
- Cancellation of a test must be made by contacting the Licensing Office at least 24 hours before the test appointment time. A full test fee will be charged if a test appointment is cancelled without giving at least 24 hours' notice before the test appointment time. Cancellation of a test on a Monday must be made by contacting the Licensing Office by 4.00pm on the previous Friday
- Calderdale Council reserves the right to take photographs and/or make video recordings of any vehicle presented for test in order to be able to ascertain if any physical changes as a result of modification, structural repairs or maintenance have been made to the vehicle

### 13.2 Documents to be produced at the test

Where applicable, the documents below must be presented at the testing station when your vehicle is presented for a test

Valid documentation will need to be produced if the vehicle has any of the following:	Documentation	For further details refer to page no:
Lift	LOLER Certificate (Certified within 6 months of the date of compliance test)	42
Modification to vehicle	DVSA Approved Certification (IVA Certificate)	5
Alternative fuel conversion	Safety Certificate from approved installer	26

### 13.3 Fire extinguishers and first aid kits

All licensed vehicles are required to carry a foam fire extinguisher, solely for the purpose of exiting the vehicle by extinguishing upholstery fires; it is not to fight a vehicle fire.

First aid kits are carried at the discretion of the driver/owner of the vehicle. Should the licence holder wish to carry a first aid kit. It is recommended that they comply with BS8599-2 as recommended by St John's Ambulance as suitable for cars, taxis and commercial vehicles.

#### 14. Procedures and standards of inspection

The following standards and methods of inspection are additional to that required to pass an MOT test and includes the requirements not covered by the MOT manual.

#### STANDARDS APPLICABLE TO ALL VEHICLES

*(These standards apply to all licence vehicles and are additional to the DVSA MOT standards)*

##### 14.1 Interior of Vehicle

<b>General condition:</b>	
<ul style="list-style-type: none"><li>• All vehicles to be presented for inspection in a clean condition</li><li>• Floor coverings (including mats) and upholstery inside the vehicle should be clean, not be excessively worn or damaged and free of dust and litter</li><li>• Roof linings should be clean and free of damage</li><li>• There should be no unpleasant odours within the vehicle</li></ul>	Customer Experience

##### 14.2 Seats

<b>All seats should:</b>	
<ul style="list-style-type: none"><li>• Provide adequate support to the back and base</li><li>• Be clean, stain free, not ripped or torn and not be unduly worn</li></ul>	Customer Experience

##### 14.3 Seat Covers

<b>All seat covers (if fitted) should:</b>	
<ul style="list-style-type: none"><li>• Be compatible with seats they are covering</li><li>• Be clean, in good condition and securely fitted to the seat</li><li>• Not impede, restrict or interfere the deployment of air bags in emergency situations</li></ul>	Customer Experience/Safety

#### 14.4 Head Rests

<b>Headrests to all seats should:</b>	
<ul style="list-style-type: none"><li>• Be fitted and operate as designed</li><li>• Be present on all seats</li></ul>	Customer Experience / Safety

#### 14.5 Interior Lighting

<b>Interior lighting shall:</b>	
<ul style="list-style-type: none"><li>• Be fitted within the passenger area saloon sufficient to illuminate the whole area</li><li>• Be switched such that they may be turned on and off from both the driving and passenger compartments</li><li>• Operate automatically when the doors are opened</li></ul>	Customer Experience / Safety

#### 14.6 Heating, Demisting and Air Condition Controls

<b>All heating, demisting and air condition systems should:</b>	
<ul style="list-style-type: none"><li>• Be fully operational and capable of being operated in accordance with manufacturer's instructions</li><li>• Be not missing any parts, including vents, controls and switches</li></ul>	Customer Experience

#### 14.7 Window Glass

<b>All windows should:</b>	
<ul style="list-style-type: none"><li>• Be free from cracks, surface damage and discoloration</li><li>• Be secure</li><li>• Be capable of operating correctly and allow lowering and rising easily</li><li>• Not have any missing or broke mechanisms/handles</li></ul>	Customer Experience

#### 14.8 Window Tints

<b>In terms of the windscreen, front driver and passenger windows the following applies:</b>	
<ul style="list-style-type: none"> <li>The Construction and use Regulations 1986 as a minimum standard that is glazing to the windscreen and front passenger windows shall comply with Regulation 32, the Road Vehicle (Construction and Use) Regulations 1986, with a minimum light transmission value of 75% for the windscreen and 70% for the front two passenger windows</li> </ul> <p>Additionally, the following applies to all other windows; namely:</p> <ul style="list-style-type: none"> <li>Heavily tinted glazing is not permitted</li> <li>Tinted films applied to the vehicle windows are not permitted</li> <li>All other windows which offer a view of passengers shall have a minimum light transmission value of 65% to allow a clear view of passengers</li> </ul> <p>Window tints for executive licensed vehicles</p> <ul style="list-style-type: none"> <li>Only the Construction and use Regulations apply; not the Council policy as outlined above</li> </ul>	<p>Part Legal Requirement / Customer Experience</p>

#### 14.9 Window Blinds

<b>Window Blinds</b>	
<ul style="list-style-type: none"> <li>Window blinds will not be permitted</li> </ul>	<p>Customer Experience</p>

#### 14.10 Door Locks

<b>Door Locks</b>	
<ul style="list-style-type: none"> <li>All door locks and door release catches should be operational including motion door locks for easy opening from within the vehicle</li> <li>Driver operated passenger door locks must allow the passenger door release catch to override the central locking system.</li> </ul>	<p>Safety</p>

#### 14.11 Grab Handles

<b>Grab Handles</b>	
<ul style="list-style-type: none"><li>• Sufficient number of interior grab handles should be provided in the vehicle (minimum of one at each entrance/exit)</li><li>• All grab handles should be secure and in good condition with no sharp edges</li></ul>	<b>Safety / Customer Experience</b>

#### 14.12 Grills and Partitions

<b>Grills and Partitions</b>	
<ul style="list-style-type: none"><li>• Grills and partitions between driver and customers (where provided) should be secure and have no sharp edges which may cause personal injury</li><li>•</li></ul>	<b>H / C / Customer Experience Driver Safety</b>

#### 14.13 Taxi Meters

<b>Taxi Meters</b>	
<ul style="list-style-type: none"><li>• Taxi meters (if fitted) should be securely fitted to the vehicle in a position where it can be clearly seen by the customer</li><li>• The figures on the meter must be clearly illuminated</li><li>• All seals on the meter and drives to the meter should be in good condition and show no signs of damage</li><li>• They must be clearly signed, explaining their use on how to switch them off</li><li>• Check the meter/radio mounting for security</li><li>• The table of fares should be displayed in the vehicle where it can be clearly seen. The table to be in a format as laid down by the Licensing Authority</li><li>• Be secure with no loose or trailing cable</li><li>• Should be appropriately routed to avoid trip hazards</li><li>• Have terminals that are appropriately shielded, and cables should not be capable of being easily disconnected</li></ul>	<b>Licensing / Customer Experience</b>

#### 14.14 No Smoking Signs

<b>No Smoking Signs</b>	
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<ul style="list-style-type: none"> <li>No smoking signs should be clearly displayed in the vehicle</li> </ul>	Customer Experience
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#### 14.15 Fire Extinguisher

<b>A fire extinguisher should be provided and must:</b>	
<ul style="list-style-type: none"> <li>Be compliant with British and European standards (BS EN 3-10:2009) not be out of date or have any missing or broken seal</li> <li>Be the correct type (water or foam)</li> <li>Be in good working condition</li> <li>Be fitted in an accessible position and clearly marked</li> <li>It must be securely fitted to the vehicle. It is acceptable to have it located in the glove compartment provided there is a clear sign on the dashboard stating its location</li> </ul>	Customer Experience

#### 14.16 Exterior Appearance and Body Work

<b>Exterior Appearance and Body Work</b>	
<p>The body work of the vehicle should have a good general overall appearance. The exterior, underside and engine compartment should be in a clean condition to allow the vehicle to be thoroughly inspected.</p> <p>Reasons for rejection:</p> <ul style="list-style-type: none"> <li><b>Body Panels/Fittings</b> - Insecure, missing, badly aligned or damaged body panels, trim, step or accessory/fittings</li> <li><b>Sharp Edges</b> – Any sharp edges which may cause injury</li> <li><b>Bumper Bars</b> – Which have jagged edges, cracks, splits, projections, dents or scratches. Heavy abrasions/scuffing or deformed/distortion to front and or rear bumpers</li> <li><b>Taped Repairs</b> – Tape repairs to bumpers, door mirror and light lenses and/or parts improperly secure e.g., wire/cable tie/taped items</li> <li><b>Dents</b> – A single of more than 120mm (4 3/4in) or more than 4 dents of not more than 30mm (1in) in any one body panel</li> <li><b>Paintwork</b> – Dull or faded paintwork or paint mismatch to a panel(s) or fittings to such an extent that it significantly differs from the rest of the vehicle</li> <li><b>Poor Repairs</b> – Evidence of and/or paint finish to a panel(s) or fittings, including runs and overspray to adjoining panels/trims that detract from the overall appearance of the vehicle</li> <li><b>Rust/Corrosion</b> – Of any size including any covered by signage</li> <li><b>Door Alignment</b> – Open/Closed and gaps are equal</li> <li><b>Door Hinges</b>- Check the door, all the doors should be held in a 90-degree position</li> </ul>	Safety, Customer Experience and Good Repute.

<ul style="list-style-type: none"> <li>• <b>Door Mirror</b> – Wing mirrors should be fitted in the correct position and working, no broken glass</li> <li>• <b>Door/Window Seals</b> – Should be examined for damage, looseness or absence</li> <li>• <b>Boot Floor</b> – Should be in good condition and offer adequate protection to the passenger's luggage that is stored in the boot</li> <li>• <b>Underside of the Vehicle</b> – Should be no excess wear of any mounting that does not fall within the scope of the MOT testers manual safety</li> </ul>	
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#### 14.17 Tyres

<b>Tyres</b>	
<ul style="list-style-type: none"> <li>• All tyres fitted to the vehicle must meet the DVSA MOT standard as a minimum</li> <li>• Tyres should not be damaged or show signs of excessive wear</li> <li>• Where a spare wheel is fitted it must meet the DVSA standard as a minimum</li> <li>• It is advised that there should be at least 2mm tread on all tyres</li> <li>• No repairs to side walls are permitted</li> </ul>	<b>Safety</b>

#### 14.18 Licence Plates

<b>Licence Plates</b>	
<ul style="list-style-type: none"> <li>• The licence backing plate must be supplied by the Council</li> <li>• The licence backing plate shall be securely fixed with a minimum of two screws and maintained in a vertical position on the outside rear of the vehicle</li> <li>• The use of string, suckers, elastic straps or any other unsatisfactory method to affix the licence backing plate will not be accepted</li> <li>• The licence should be securely fitted in the holder with four Harpoon buttons. Two yellow seal type buttons located to the top right and bottom left</li> <li>• Two clear type buttons shall be fitted to the two opposite corners</li> <li>• The plate shall be kept in a clean and easily read condition and legible</li> </ul>	<b>Customer Experience</b>

## 15. EXECUTIVE LICENCED VEHICLES

*(These standards apply to all licensed vehicles and are additional to the DVSA MOT standards)*

### 15.1 Window Tints

<b>Window Tints</b>	
<ul style="list-style-type: none"><li>Only the Construction and use Regulations apply to Executive licensed vehicles. The compliance test conditions do not apply</li></ul>	Compliance Policy

### 15.2 Licence Plates

<b>Licence Plates</b>	
<ul style="list-style-type: none"><li>Are not required to be displayed</li></ul>	Compliance Policy

### 15.3 Door Signs

<b>Door Signs</b>	
<ul style="list-style-type: none"><li>Are not required to be displayed</li></ul>	Compliance Policy

## 16. VEHICLES LICENSED AS PRIVATE HIRE

*(These standards apply to all licensed vehicles and are additional to the DVSA MOT standards)*

### 16.1 Colour of Bodywork

<b>Colour of Bodywork</b>	
<ul style="list-style-type: none"><li>A single colour is required but it must not be white</li></ul>	Compliance Policy

## 17. VEHICLES LICENSED AS A HACKNEY CARRIAGE

*(These standards apply to all licensed vehicles and are additional to the DVSA MOT standards)*



### 17.1 Colour of Hackney Carriage Bodywork

<b>Colour of Hackney Carriage Bodywork</b>	
<ul style="list-style-type: none"><li>A single white colour is required</li></ul>	Compliance Policy

### 17.2 Side Sliding Doors and Catches

<b>Side Sliding Doors and Catches</b>	
<ul style="list-style-type: none"><li>Should easily slide open/close</li><li>Should safely lock in the open position</li></ul>	Safety

### 17.3 Taxi Signs (Hackney Carriage)

<b>Taxi Signs (Hackney Carriage)</b>	
<ul style="list-style-type: none"><li>Sign to be securely fixed to the roof</li><li>Wiring should be fused and be securely routed through the vehicle's bulkhead</li><li>Roof mounted signs to be capable of being illuminated, have no damage and be clearly legible</li><li>Sign must display the word "TAXI" or "CAB" or "FOR HIRE"</li><li>There should be no unauthorised signage (no advertising stickers displayed on the windows or interior)</li><li>On the rear passenger doors (upper half panel) a notice should be displayed which has been approved by the Council relating to the hire of the vehicle</li><li>No signs to be displayed that are not approved by the Council</li></ul>	Policy

## 18. WHEELCHAIR ACCESSIBLE VEHICLES. (Hackney Carriage and Private Hire Vehicles)

*(These standards apply to all licensed vehicles and are additional to the DVSA MOT standards)*

### 18.1 Vehicle Specification

The vehicle shall:

- Be less than **8 years of age** upon its first licensing with this Authority from the first date of registration
- Be right hand drive vehicles only
- Have at least **four side opening doors** including the driver's door, which can be opened from the inside and the outside
- Have doors which can be either hinged or sliding doors
- Have doors that are capable of being opened outwards from the near and offside of the vehicle to an angle of at least 90 degrees or slide open to their fullest extent.

### 18.2 Seating

- **Numbers of seats** - there should be at least four adult size passenger seats, but not more than eight passengers in addition to the driver
- **Sideway mounted seats** and bench type seating will not be permitted
- **Size** requirements - each seat should be at least **400mm** (approximately 16") wide, measured between the closest points or the arm rests
- **Height** - all seats shall have a minimum cushion height of **305mm** (approximately 12") measured from the floor of the vehicle to the top of the seat cushion at its forward edge
- **Legroom** - there must be a minimum of **430mm** (approximately 17") legroom for all passengers measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front
- **Headroom** - there must be a minimum of **860mm** (approximately 34") headroom for all passengers measured from the rear of the seat cushion to the roof lining
- **Headrest** – all seats must be fitted with a headrest
- **Installation of seats** - any additional / modified seats or seat tracking must comply with the seat installation regulations in force at the time of inspection

- **Seat belts** - 3-point inertia seat belts fitted should be fitted to all forward & rear facing seat
- **Access** to every seat must be unobstructed and be easily accessible to all passengers and without the need to tip forward, fold or remove seats when the vehicle is fully occupied
- Purpose made **removable seats** shall be permitted to allow for wheelchair access but must not be stowed on the vehicle
- **Conference seating** - shall have no less than **1300mm** (approximately 51") between the opposing backrests and the gap between the front edges of opposing seat cushions shall be not less than **430mm** (approximately 17")
- **Installation of seats** - any additional / modified seats or seat tracking must comply with the seatbelt installation regulation in force at the time of inspection

### 18.3 Steps

These requirements are for all doorways used for passenger access and egress

- Steps are normally installed when the distance between the ground level exceeds **250mm** (approximately 10") as measured from the surface of the tread to the ground.
- **The height** of the first step from the ground at all entrances and exits must not exceed **250mm** (10in approximately)
- **All steps** must be at least **400mm** (approximately 16") wide and **200mm** (approximately 8") deep
- **Surface** - the surface of all steps must be slip resistant
- **Step nosing** must be designed to minimise risk of tripping and must be in a contrasting tone and colour(s)
- If **retractable steps** are installed on the vehicle then when they are in the retractable position (closed position) they must not extend beyond the contour of the widest point of the vehicle
- **Any retractable** steps must be capable of being permanently secured to the vehicle when in the closed position

#### 18.4 Ramps for wheelchair access

Both single and dual ramps are acceptable provided they meet the conditions below:

- Ramps must be suitable for the vehicles it is being used for
- Ramps should provide a minimum **width of 700mm** (approximately 28"), to allow the easy passage of a wheelchair
- Ramps must not exceed **1900mm** (approximately 75") **in length** when fully deployed
- **Slope** - when the ramps are deployed onto the road the slope must not exceed **1 in 4** (25%)
- Where this gradient cannot be met then the Licensing Manager is authorised to grant an exemption in exceptional cases if the safety standards are complied with and the ramp is part of the manufacturer's specification for the vehicle
- Deployment of ramps - in all cases it must be possible to deploy the ramp/s onto both a level road and a **125mm** (approximately 5") **high kerb**
- When in use the ramps must be securely located at the point of wheelchair entry
- The surface of all ramps must have a slip resistant finish. All outer edges must be clearly marked in a contrasting tone and colour
- The ramps shall have a minimum **safe working load of 300kg** and be tested to 10% overload and a certificate obtained from the manufacturer/installer
- Ramps and fittings shall comply with British standards BS EN 1756-2:2:2004 +A1
- When ramps are not in use they should be securely stored in the vehicle

#### 18.5 Powered access lifts for wheelchair access

- All access lifts should have a valid safety certificate
- The lift platform must be not less than **750mm** (approximately 30") **wide**, and not less than **1200mm** (approximately 47") **long**

- When raising and lowering the platform and while the platform is in the raised position, a device not less than **100mm** (approximately 4") in **height** must come into operation to prevent the wheelchair from rolling off
- The vertical **operating speed** of the platform must not exceed **0.15m/s**
- The lift must be capable of reaching the ground
- The controls must allow the driver to operate the lift while travelling on the lift platform with the passenger
- The lift must have a minimum **safe working load of 300kg** and operate under normal conditions without undue deflection and comply with current legislation i.e. "Lifting Operations and Lifting Equipment Regulations (LOLER)"

#### **18.6 Wheelchair restraint(s) / Passenger safety equipment**

- A system for the effective anchoring of wheelchairs shall be provided within the vehicle for all spaces designated as a wheelchair space
- The system and the devices used to secure the wheelchair to the vehicle shall comply with the strength requirements for M1 standards laid down in the European Directive 76/115 EC
- Ensure that all belts and karabiners used are in a sound condition free from any defects and work with the floor anchorage system
- Wheelchair(s) must only face forward or rearward when the vehicle is in motion
- A full set of restrains shall be available in the vehicle for each wheelchair capable of being carried as permitted by the vehicle licence

#### **18.7 Wheelchair space**

- Vehicles shall have a designated floor space for wheelchair(s) of at least **1200mm** (approximately 47") by **700mm** (approximately 28") (measured front to back and side to side) with a minimum headroom of **1350mm** (approximately 53") (measured from the floor of the vehicle for each wheelchair user)
- The floor area shall be immediately adjacent to a vehicle door fitted with the wheelchair access equipment to allow a wheelchair user to enter the vehicle with minimum manoeuvring, whilst maintaining safe access / egress for other users

## 18.8 Access & Egress

- The wheelchair access equipment shall be fitted to the nearside doorway or rear doorway
- **Rear access doorway** will also require suitable independent warning signs and markers requesting a minimum distance is kept to allow access and egress
- The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow for a smooth entry & exit without the need to negotiate any step etc
- The **door entrance** into which access equipment is fitted shall have a minimum clear **headroom** in its central third of **1200mm** (approximately 47"). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised lift platform or the upper face of the ramp when fully deployed on level ground
- The **door entrance** into which the access equipment is fitted shall have a minimum clear unobstructed opening **width** of **750mm** (approximately 30") at and below window height
- Passenger entrance and exit doors must be capable of being opened from within the vehicle when locked externally and installed with a mechanism that holds the door(s) open
- There shall be a minimum of **two side opening doors to provide a means of exit from the passenger saloon behind the driver** for use in emergency situations (excluding the rear doors)
- The means of exit shall be free of any obstructions (**including the wheelchair**) reachable from all parts of the rear passenger compartment. Any gap through which a passenger can be expected to pass shall be of a **minimum width of 400mm** (approximately 16"), through which an adult can pass freely in a normal manner without undue difficulty. High visibility handrails shall be fitted in appropriate positions in all passenger access doorways

## 18.9 Passenger bulkhead / Driver's safety screen

- A bulkhead / drivers safety screens are acceptable and if fitted it shall be full width & height and installed directly behind the driver's seat. The upper section of the screen shall consist of a clear vision panel sufficient for the driver to see a substantial amount of the passenger saloon which must include vision of all access doors

- An identifiable means of payment shall be incorporated into the screen to enable payment to be made from within the vehicle
- The bulkhead / safety screen shall be complete and prevent access into the driver's compartment from the passenger saloon
- The vision panel of the screen shall be constructed of safety glass without tint to the standard required for windscreens. Or any clear material with at least the same impact resistance and safety qualities as that of safety glass
- Where seats are mounted onto the bulkhead or a wheelchair is secured against it a seatbelt installation check will be carried out
- A safety screen must allow verbal communication between the driver and passenger by way of an intercom system which can be operated by the passenger and an induction loop facility must also be installed and clearly signed for the use of passengers with hearing difficulties
- Where a bulkhead screen is fitted there must be an adequate means of heating the saloon area to ensure passenger comfort at all times

**HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

**ADDITIONAL CONDITIONS FOR ADVERTISING INTERNALLY WITHIN THE VEHICLE VIA SCREENS - DIGITAL MEDIA TECHNOLOGY**

Hackney carriage and private hire vehicles may install in-vehicle digital media technology to be used for advertising purposes and/or live feed material subject to compliance with these conditions.

1. Only systems approved in writing by the Council can be installed. Systems currently approved by the Council are:-  
DigiCab Media.
2. All broadcast material must comply with the OFCOM Broadcasting Code.
3. All films/video material must be classified by the BBFC as U or exempted from classification.
4. The only live feed material must be national or local news and weather.
5. All equipment must comply with Construction and Use Regulations.
6. All equipment must be designed, constructed and installed in such a way and in such material as to present no danger to passengers, or the driver. This includes impact with the equipment in the event of an accident, or damage through vandalism, misuse, or wear and tear.
7. The equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite or radio system in the vehicle.
8. The intensity of any screen should not be visually intrusive or dazzling. The screen must not obstruct the passenger's view of any meter.
9. Any screen shall be no larger than 15".
10. Screens may be installed in the driver and front passenger seat headrests, or in other suitable locations as agreed by the Council.
11. The installation must not weaken the structure or any other component part of the vehicle or interfere with the integrity of the manufacturers' original equipment.
12. The design must be discreet and complement the interior furnishing of the vehicle.
13. The system must include safeguards to maintain the integrity of the system and prevent the display of unapproved material.
14. Passengers must be able to turn the screen off.
15. All equipment must be protected from the elements, secure from tampering and located so as to have no impact on the seating and luggage capacity of the vehicle.



## Annex B

### CALDERDALE METROPOLITAN BOROUGH COUNCIL

#### HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

#### GUIDANCE FOR PRIVATE HIRE VEHICLE/HACKNEY CARRIAGE LICENSED VEHICLE ADVERTISING

##### **Approval**

The holder of a private hire or hackney carriage licence wishing to display advertisements on their vehicle(s) must first apply to have the proposed advert approved by the Council. Once the advert has Council approval the advert can be displayed on the vehicle(s).

##### **Do I need approval?**

Yes, if you wish to display an advert on your licensed vehicle.

This is subject to renewal annually

##### **Are you eligible to apply?**

Any vehicle licensed by Calderdale Council can apply for vehicle advert approval.

##### **What conditions apply to private hire adverts?**

All advertisements must comply with The CAP Code: The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing issued by the Committee of Advertising Practice ([www.cap.org.uk/The-Codes/CAP-Code.aspx](http://www.cap.org.uk/The-Codes/CAP-Code.aspx)) and must be legal, decent, honest and truthful. Each application will be considered on its own merits but advertisements will not be approved if:

- (a) The advertisement may cause offence to members of the public
- (b) The advertisement is racist in nature
- (c) The advertisement contains sexual or controversial texts, advertises tobacco products, displays nude or semi-nude figures, depicts men, women or children as sex objects, depicts violence towards people or animals
- (d) Any other reasonable grounds the Council sees fit

##### **What does it cost?**

Applications for each approval cost £20.00 every year.

If the licence is refused the application fee is non refundable.

##### **How do I apply?**

Applicants must submit the completed application form and enclose a copy of the proposed advert in full colour. An application for full livery advertising must be accompanied by full colour, five view and art work. Applications for approval of advertisements will be considered by the Head of Customer Services and Communications who if satisfied as to the non-contentious nature of any advert, shall grant the application together with an approval number.

##### **What if my application is refused?**

If your application is refused there is a right of appeal to the Licence and Regulatory Committee.

### **Display**

Once an application for approval of an advertisement has been granted, the approval must be kept in the licensed vehicle at all times and to be made available to Authorised Officers on request.

### **Conditions of Advertising third party or otherwise on Hackney Carriage and Private Hire Vehicles**

For the purpose of these Conditions, the words sign and advertisement shall apply to any sign, advertisement, notice, mark, illumination or similar feature.

1. Before any advertisement is displayed on a licensed vehicle consent must be sought from the Council.
2. Applications for consent must be made in writing and accompanied with the following :-
  - (a) Application fee of £20.00 per licensed vehicle
  - (b) A detailed graphical representation including dimensions of the proposed advertisement and a representation of where the proposed advertisement is to be placed.
  - (c) A contact name and telephone number of the organisation to be represented in any sign or advertisement.
3. All advertisements must comply with the British Code of Advertising Practice.
4. Consent to the advertisement may be refused on any of the following grounds :-
  - (e) The advertisement may cause offence to members of the public
  - (f) The advertisement is racist in nature
  - (g) The advertisement contains sexual or controversial texts, advertises tobacco products, displays nude or semi-nude figures, depicts men, women or children as sex objects, depicts violence towards people or animals
  - (h) Any other reasonable grounds the Council sees fit
5. The Head of Customer Services and Communications will consider each application on its own merits and determine accordingly.
6. Any approved advertisements should either:
  - (a) Incorporate the entire bodywork of the vehicle (wrap around advertisement)
  - or
  - (b) Be displayed on the rear doors of the licensed vehicle and must not exceed 495mm wide and 130mm high (the same dimensions as the Council approved door-sign)

7. Interior advertisements may only be displayed in Hackney Carriage Vehicles, on the underside of the tip-up seats.
8. No advertisements may be placed on any glass including the dividing partition, other than notices approved by the Council
9. The licence holder of a vehicle carrying any advertisement, shall ensure that the letter of approval from the Council to display the advertisement on the vehicle, shall be kept at all times within the particular vehicle and shall be available for inspection by an Authorised Officer or any Constable on request.
10. No vehicle shall be permitted to bear any sign or advertisement in any form that might cause offence to members of the public.
11. No vehicle is permitted to bear any sign or advertisement in any form that may cause any degree of confusion as to the standing of the vehicle.
12. A Private Hire Vehicle shall not be permitted to bear any sign or advertisement that may innocently or otherwise lead any person to believe or assume that it is a Hackney Carriage
13. A vehicle shall not be permitted to bear any sign or advertisement of any business to such an extent that the vehicle might reasonably be mistaken for a courtesy vehicle provided by that business.
14. No sign or advertisement shall be located on, or next to any sign or advertisement required by law or local conditions or in such a close proximity that the sign or advertisement required by law or local condition is obscured for example, the rear Council licence plate or door-signs.
15. All signs and advertisements, if written in any foreign language, must be exactly reproduced in all aspects with the exception of the language, which must be English. The English version must be displayed in an area with equal prominence and visibility as the foreign version.
16. Materials used for advertisements must be of a quality not easily defaced or damaged. Advertisements must be affixed directly to the body of the vehicle or initially attached to an approved magnetic panel which is then attached to the vehicle.
17. The holder of a vehicle licence shall not remove or obscure any warning signs, safety messages or any other information or signage displayed on a licensed vehicle that is present when it is supplied by the manufacturer and that is aimed at assisting passengers to identify the type or features of the vehicle.
18. The Council shall have no responsibility to either the organisation represented or the vehicle owner, operator, proprietor, driver or any other person should any situation

occur whereby the display of the advertisement has a detrimental effect on that person, or on that person's good name or reputation.

19. The Council may order the removal of an advertisement or sign for any of the following reasons:-

- (a) It would not be proper for the Council to be associated with the advertisement or advertised organisation
- (b) If the association with the advertisement or advertised organisation would bring the Council into disrepute
- (c) Consent for the advertisement has not been granted or no consent has been sought for the advertisement from the Council
- (d) Any of the advertising conditions have not been complied with

20. Failure to comply with an order made under condition 19 may lead to the vehicle's licence being suspended until such time as the sign or advertisement is removed.

21. Advertisements are subject to renewal annually, but if a vehicle licence holder wishes to change an advertisement during the course of a year, a further application fee of £20.00 will be payable.

## **Licensing Enforcement**

### **1.0 Introduction**

**1.1** The purpose of these guidelines is to set out the Enforcement Strategy for the Licensing Section, on behalf of Calderdale Metropolitan Borough Council (CMBC). The guidelines sets out what you can expect from CMBC's Licensing Department for investigating and resolving breaches of licensing control.

**1.2** The guidelines are in place to ensure that Enforcement decisions are always consistent, impartial, fair and relate to common standards to ensure that the general public of the Borough are equally protected whilst ensuring the best possible level of service.

**1.3** There are two main strands to licensing enforcement:

**Reactive Enforcement** – Investigating complaints about alleged breaches of licensing conditions and breaches of licensing legislation

**Pro-active Enforcement** – Monitoring licensed premises/people to ensure compliance with existing licences and attached conditions.

**1.4** The Licensing Enforcement team deal with unauthorised licensable activities as well as breaches of existing licences and conditions. Proactive monitoring of licences also takes place. As part of investigations and proactive work officers will work in co-operation with other relevant council officers for example, Environmental Health Officers, Building Control Surveyors, Highways Engineers as well as working with other external agencies such as The Police, Fire brigade, community groups, etc.

### **2.0 The Legal Context**

**2.1** The Government has implemented various pieces of licensing related legislation which Calderdale MBC Licensing Section follows, these are:

- Part 1 Chapter 1 Health Act 2006 (the restriction of smoking in enclosed public premises, enclosed public places and work vehicles in England)
- The Smoke-free (Exemptions and Vehicles) Regulations 2007
- The Smoke-free (vehicle Operators and Penalty Notices) Regulations 2007
- Licensing Act 2003
- Gambling Act 2005
- Miscellaneous Provisions Act 1982
- Town Police Clauses Act 1847
- Police and Criminal Evidence Act 1984
- Human Rights Act 1998
- Regulatory and Investigative Powers Act 2000
- Rehabilitation of Offenders Act 1974
- Freedom of Information Act 2000

- House to House collections Act 1939
- Marriage Act 1949, 1954, 1986, 1994
- Hypnotism Act 1952
- Charities Act 1992
- Vehicles (Crime) Act 2001
- Scrap Metal Dealers Act 2013
- Local Government Act 1972
- Police, Factories (Misc.) provisions Act 1916 and any other regulations made under the Health Act 2006 covered by the Officers duties and delegated to the Head of Customer Services and Communications
- Animal Boarding Establishments Act 1963
- Animal Health Act 1981
- Animal Welfare Act 2006
- Breeding of Dogs Acts 1973 and 1991
- Breeding and Sale of Dogs Acts 1973 and 1991
- Breeding and Sale of Dogs (Welfare) Act 1999
- Caravan Sites Act 1968
- Caravan Sites and Control of Development Act 1960
- Clean Air Act 1993
- Dangerous Wild Animals Act 1976
- Performing Animals (Regulations) Act 1925
- Pet Animals Act 1951
- Zoo Licensing Act 1981
- Data Protection Act 1998

### **3.0 The Principles of Enforcement**

**3.1** The principles that the Authority will work to are:

- i. **Proportionality**
- ii. **Consistency**
- iii. **Transparency**
- iv. **Targeting**

**3.2 Proportionality** – the Licensing Authority will ensure that any action required is proportionate to the risks. As far as the law allows the Authority will take account of the circumstances of the case when considering action. Some incidents or breaches of the regulatory requirements may cause or have the potential to place health and safety at serious risk. Other breaches may interfere with people's enjoyments or rights and/or the Authorities ability to carry out its activities. The Licensing Authority's initial response must be to prevent that risk from occurring or continuing. Therefore, the enforcement action taken will be proportionate to the risks posed and to the seriousness of any breach of the legislation.

**3.3 Consistency** – the Licensing Authority will take a similar approach in similar circumstances to achieve similar ends. The aim is to provide consistency in advice given, the response to alleged offences and the use of powers and decisions to take formal enforcement action. Things that will be considered are; the history and seriousness of previous incidents or breaches. The Authority will continue to develop consistency, including effective arrangements for liaison with other council services and enforcement authorities.

**3.4 Transparency** – this is important in maintaining public confidence in the service and its ability to regulate. It is about helping those regulated and others, to understand what is expected of them and why; as well as what they should expect from the Licensing Section. It includes making it clear why an officer intends to take or has taken enforcement action, or why enforcement action may not be necessary. It also means distinguishing between statutory requirements and advice/guidance about what is desirable/good practice but not compulsory.

Transparency is an integral part of the role of Enforcement and liaison officers. Staff are trained and procedures are in place to ensure that:-

- i. Where action is required, it is clearly explained (either verbally or in writing) why that decision has been made and why the action is necessary.
- ii. Written explanation is given of any rights of appeal against any formal enforcement action at the time the action is being taken.

**3.5 Targeting** – this means ensuring that the regulatory effort is directed mainly towards those activities that give rise to the most serious risk or where risks are less well controlled. Action will be focused on those directly responsible for the risk, i.e. the licence holders.

Repeated incidents or breaches of licensing control which are related may be an indication of an unwillingness to change behaviours or cooperate.

## **4.0 Enforcement and Prosecution Guidelines**

**4.1** Within the Licensing Section there are 4 possible outcomes of an investigation or inspection these are:-

- i. To take no action
- ii. To take informal action
- iii. To use a formal caution
- iv. To prosecute

**4.2 No Action** – the decision to taken no action can only be considered when full compliance of current legislation has been achieved, or when the breach is considered minor and does not warrant further investigation.

**4.3 Informal Action** – this includes issuing warnings in writing, giving advice and requests for action to be completed to ensure compliance with the legislation to be completed in a reasonable period of time. There are circumstances where the use of informal action may be appropriate, however, the list below is not exhaustive and each case should be considered on its own individual merits:-

- i. From the licensees/individuals/organisations past history it can be reasonably expected that informal action will achieve compliance
- ii. The issue is not serious enough to warrant any type of formal action
- iii. Circumstances may dictate whether informal action would be more appropriate or effective than taking a formal approach.

When it is established that an informal approach is used to ensure compliance it is important that any written documentation sent contains:-

- i. Information necessary to understand what work is required and the reason why it is necessary
- ii. Indicate the legislation or regulations that are being breached and to specify what is needed to ensure that compliance is achieved
- iii. A clear definition between the legal requirements and the recommendations of good practice in verbal and/or written advice.

**4.4 Cautions** – these may in certain circumstances be issued as an alternative to prosecution. They should only be considered if there is sufficient evidence for the matter to proceed by way of prosecution. The following conditions must be fulfilled before a caution is administered and must be approved by an officer with delegated authority:-

- i. There must be a realistic prospect of conviction if the matter was to proceed to prosecution.
- ii. The suspected offender must admit the offence
- iii. The suspected offender must understand the significance of a caution then give an informed consent to being cautioned
- iv. If there is insufficient evidence to consider prosecution then the conditions will not satisfy a caution. It is inappropriate to use a caution if an offender does not make a clear reliable admission of the offence.
- v. There is no legal obligation for any person/organisation to accept a caution

**4.5 Prosecutions** – there are two main factors that are taken into consideration when deciding whether a prosecution should be pursued by the Licensing Authority:-

- i. The evidential test - a prosecutor must be satisfied that there is enough evidence to provide a 'realistic prospect of a conviction', the defence case must be considered and how this is likely to affect the prosecution case. It must be considered whether the evidence can be use and that it is reliable.



- ii. The public interest test – a prosecution will only take place when it is in the interest of the public to do so. Listed below are some common factors in favour of prosecution. The more serious the offence the more likely it is that a prosecution will be needed in the public interest. A prosecution is likely to be needed if:-
- The defendant's previous convictions or cautions are relevant to the present offence
  - There are grounds to believe that the offence is likely to be continued or repeated, for example the history of recurring breaches of the terms and conditions of his/her licence.
  - The defendant was in a position of authority and trust
  - There is evidence that the offence was premeditated
  - The evidence clearly shows that the defendant was a ringleader or organiser of the offence
  - There is evidence that the offence was carried out by a group
  - If the offence, although not serious in itself, is widespread in the area where it was committed
  - A weapon was used or violence was threatened during the commission of the offence
  - The offence had the potential to endanger public safety
  - The offence is serious

This list is not exhaustive and each case should be assessed on its own merits.

Listed below are some common interest factors against prosecution. A prosecution is less likely needed if:-

- The court is likely to impose a nominal penalty
- The harm can be described as minor and was the result of a single incident, particularly if it was caused by misjudgement
- A lengthy delay between the offence taking place and the date of trial
- A prosecution is likely to have a detrimental effect on the victims physical/mental health, always bearing in mind the seriousness of the offence
- The defendant has put right the harm that was caused
- The defendant is elderly or is/was at the time of the offence suffering from significant mental or physical ill health, unless the offence is serious and there is a real possibility that it may be repeated

Again this list is not exhaustive and each case must be judged on its own merits.

Deciding on the public interest is not simply a matter of adding up the number of factors on each side. The investigating officer must decide how

important each factor is in the circumstances of each individual case and proceed to make an overall assessment and recommendation to the delegated officer who will make decision to refer the matter to the Local Authority's prosecution solicitor.

## **5.0 The Decision to Pursue Formal Enforcement Action**

**5.1** The decision to pursue formal Enforcement Action will generally be against those who blatantly disregard the legislation, refuse to take advice or fail to communicate with the Authority, who refuse to achieve even the most basic legal standard even after previous contact with the Authority and those who put people at risk.

**5.2** When taking the decision on the appropriateness for legal proceedings there are a number of criteria that the breach of licensing control should fall in to:-

- i. Flagrant Breach of the Legislation – a blatant breach of the law that could cause harm.
- ii. Failure to comply with lawful requirements – when a licensee fails to comply with the conditions of their licence, having been advised on previous occasions.
- iii. History of non-compliance
- iv. Public Benefit and sufficient evidence gathered to seek the prosecution.

## **6.0 Compliance with the Policy**

**6.1** All staff working within the Licensing team will be responsible for ensuring that the requirements of the policy and additional procedure guidelines have been followed. The post holder with delegated authority will then be authorised to recommend that the appropriate course of action be implemented in accordance with these guidelines.

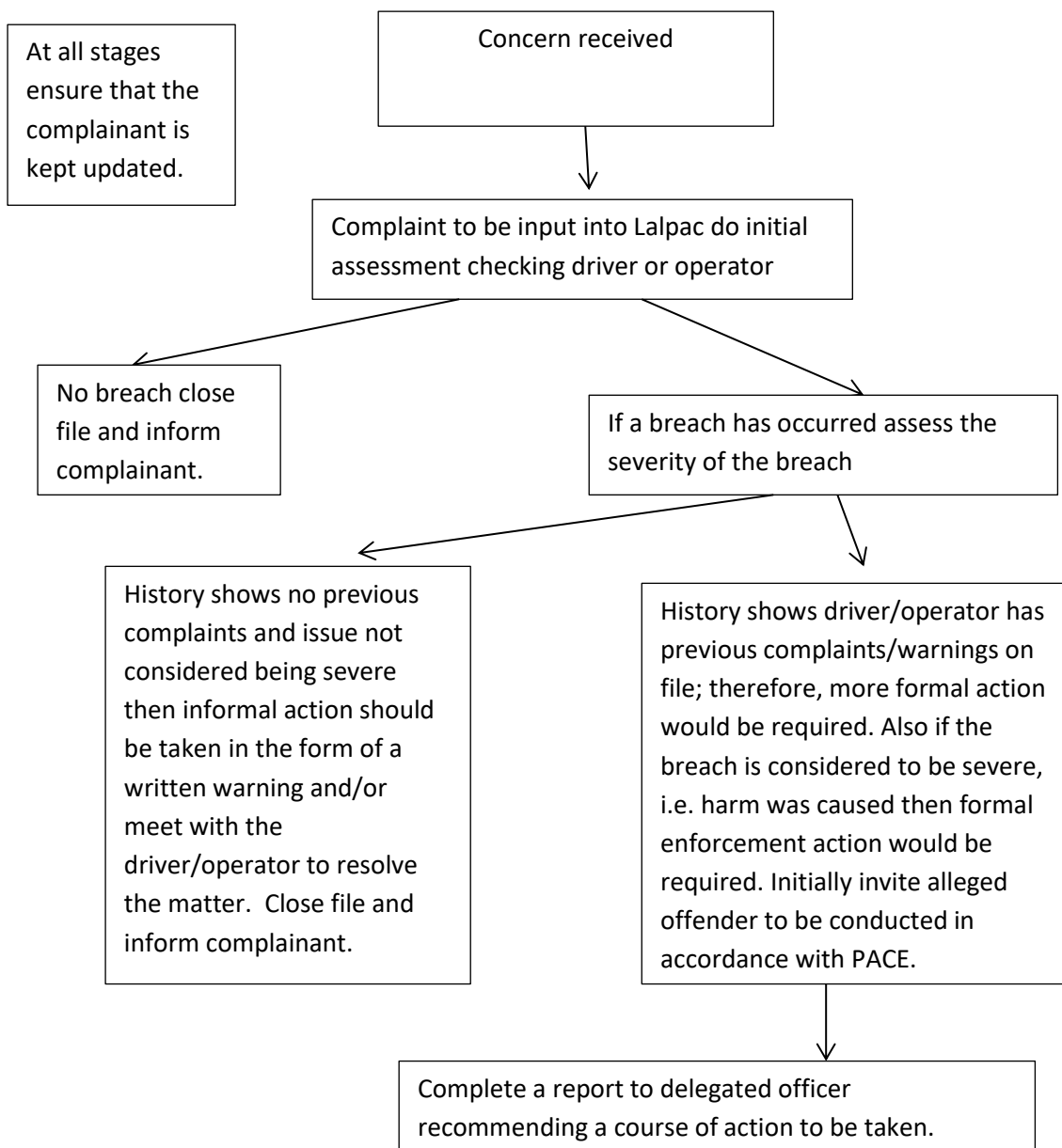
## **7.0 Complaints**

**7.1** All complaints received about the service will be investigated by the internal complaints department in accordance with their adopted policy and procedures and they will report their findings to the complainant.

## **Licensing Enforcement Processes**

### **Reactive Enforcement:-**

#### **Complaints**



#### **Proactive Enforcement**

All licences issued are to be proactively monitored following a timetable which is agreed by the manager at the beginning of the year. To monitor licences the officer must use the conditions attached to the licence to ensure compliance. If the licence holder is not complying with one or more of the conditions attached an Enforcement Investigation will commence regarding the non-compliance of the conditions and the Enforcement Process will be followed.

**If a Licence is revoked due to an ongoing Police Investigation**

If a licence is revoked due to the licence holder being arrested and charged for an offence and the licence holder is subsequently found not guilty for the offence that he/she is charged with. The licensing authority **may** allow for a fast track application to issue a new license for the same term as the revoked license. The fast track application would mean that the applicant would not be required to fulfil all of the requirements of a new application, and will not be required to:-

- Have another medical examination
- Provide another Photograph (1 x without a hat)
- Retake the DSA Driving Test
- Retake the DSA wheelchair test (if driving hackney carriage accessible vehicle) - Pass
- Redo the Professional Standards Training

However applicants will be required to submit an online Disclosure and Barring Service Enhanced Disclosure only.

If the licence that had been revoked had expired then the former licence holder will have to follow the new application process.

## **Procedure for Non-Compliance of the Conditions of a Licence**

This is a general procedure and each case will be considered on its own merits, and the local authority may still revoke a licence when considering what course of action to take.

A driver / proprietor / operator who has incurred 2 warning letters of non-compliance within 2 years shall be called to Interview by Enforcement Officers. Consideration will be given to revocation of an existing 3 year licence with a 1 year licence granted, subject to conditions e.g. training.

A driver / proprietor / operator who has incurred 3 or more warning letters of non-compliance within 2 years shall be called to Interview by Enforcement Officers. Consideration will be given to revocation of licence.

The following list of non-compliance and subsequent actions and outcomes is not an exhaustive list and where the driver / proprietor has incurred other issues of noncompliance in relation to the Local Government (Miscellaneous Provisions) Act 1976, these shall be investigated and appropriate consequences invoked.

The table below is a guidance for officers when considering breaches of the Licensing Regulations, however, it is only guidance and each case will be considered on its own merits.

Non - Compliance	Action	Predicted Outcome
<b>Driver (PH) - Private Hire (HC) - Hackney Carriage</b>		
Poor standard of driving	<i>Officer Interview</i>	Warning Letter. If 2 warning letters are issued for poor standards of driving, or one warning letter resulting from a single instance of a serious nature, the driver will be required to complete a DSA Test and Driver Training Module within 3 months. If not completed within three months, driver will be suspended until the test and training have been successfully completed.
Plying for Hire (PH)	<i>Officer Interview</i>	Prosecution

Forming a rank	<i>Officer Interview</i>	Warning Letter
Parking in a Hackney Carriage Rank (PH)	<i>Officer Interview</i>	Warning Letter
Failure to comply with requests from authorised officer, police, VOSA	<i>Suspension Delegated powers to Assistant Director of Neighbourhoods</i>	Suspension or Revocation
Failure to notify the Hackney Carriage and Private Hire Service of change of operator (PH) within 7 days	<i>Officer Interview</i>	Warning Letter
Failure to notify the Hackney Carriage and Private Hire Service of convictions, police cautions or motoring offences within 7 days	<i>Delegated powers to Assistant Director of Neighbourhoods</i>	Warning Letter (Offences dealt with in line with Guidelines to Convictions, Police Cautions and Motoring Offences)
Failure to notify the Hackney Carriage and Private Hire Service of medical conditions within 7 days	<i>Officer Interview</i>	Medical to be completed within one month, if not completed within one month suspension until completion
Failure to supply a medical certificate when required	<i>Officer Interview</i>	Suspension / refusal to grant a new licence until report provided. Warning Letter
Incorrect driving licence details	<i>Officer Interview</i>	One month to change details, suspension until completed if not changed within one month. Warning Letter

Failure to report an accident within 72 hours	<i>Officer Interview</i>	Warning Letter
Inconsiderate / disorderly conduct	<i>Delegated powers to Assistant Director of Neighbourhoods</i>	(First occasion) Warning Letter (Second occasion) Warning Letter and revocation of existing 3 year licence, consideration to a one year licence with conditions, e.g. Training
Refusing a guide dog / assistance animal without valid exemption	<i>Suspension Delegated powers to Assistant Director of Neighbourhoods</i>	Revocation
Failure to display an exemption certificate relating to assistance animals	<i>Officer Interview</i>	Warning Letter
Not assisting passengers with luggage	<i>Officer Interview</i>	Warning Letter
Not following lost property procedure	<i>Officer Interview</i>	Warning Letter
Failure to attend / lateness for hire without justifiable cause	<i>Officer Interview</i>	Warning Letter
Not conspicuously wearing driver's licence Badge	<i>Officer Interview</i>	Warning Letter or Prosecution

Carrying more passengers than allowed	<i>Delegated powers to Assistant Director of Neighbourhoods</i>	(First occasion) Warning Letter (Second occasion) Warning Letter and revocation of existing 3 year licence, consideration to a one year licence with conditions, e.g. Training
Carrying more wheelchairs than allowed	<i>Delegated powers to Assistant Director of Neighbourhoods</i>	(First occasion) Warning Letter (Second occasion) Warning Letter and revocation of existing 3 year licence, consideration to a one year licence with conditions, e.g. Training
Carrying passengers not in the approved seating configuration	<i>Delegated powers to Assistant Director of Neighbourhoods</i>	(First occasion) Warning Letter (Second occasion) Warning Letter and revocation of existing 3 year licence, consideration to a one year licence with conditions, e.g. Training
Incorrect operation of a fare meter	<i>Delegated powers to Assistant Director of Neighbourhoods</i>	(First occasion) Warning Letter (Second occasion) Warning Letter and revocation of existing 3 year licence, consideration to a one year licence with conditions, e.g. Training



Tampering with fare meter	<i>Delegated powers to Assistant Director of Neighbourhoods</i>	(First occasion) Warning Letter (Second occasion) Warning Letter and revocation of existing 3 year licence, consideration to a one year licence with conditions, e.g. Training
Charging more than displayed on fare meter	<i>Officer Interview</i>	(First occasion) Warning Letter (Second occasion) Warning Letter and revocation of existing 3 year licence, consideration to a one year licence with conditions, e.g. Training
Charging more than displayed on table of fares	<i>Delegated powers to Assistant Director of Neighbourhoods</i>	(First occasion) Warning Letter (Second occasion) Warning Letter and revocation of existing 3 year licence, consideration to a one year licence with conditions, e.g. Training
Non-use of a fare meter (HC)	<i>Officer Interview</i>	Warning letter
Charging more than agreed before the journey (PH)	<i>Delegated powers to Assistant Director of Neighbourhoods</i>	Revocation
Not supplying a receipt when requested to do so	<i>Officer Interview</i>	Warning letter
<b>Vehicle (PH) – Private Hire (HC) – Hackney Carriage</b>		

Non - compliance with requirement for vehicle colour	<i>Officer Interview</i>	Warning Letter Vehicle suspension until rectified / refusal to grant a licence
Failure to comply with obligatory vehicle signs and livery	<i>Officer Interview</i>	Warning Letter Vehicle suspension until rectified / refusal to grant a licence
Unauthorised signs / stickers	<i>Officer Interview</i>	Warning Letter Vehicle suspension until rectified / refusal to grant a licence
Dirty or unkempt vehicle	<i>Officer Interview</i>	Warning Letter and/or Vehicle suspension until rectified / refusal to grant a licence
Vehicle body / mechanical defects (when vehicle in use)	<i>Officer Interview</i>	Warning Letter Vehicle suspension until rectified / refusal to grant a licence
Non-compliance of VOSA and Council certification requirements	<i>Officer Interview</i>	Warning Letter/suspend
Failure to comply with vehicle sale / transfer procedure	<i>Officer Interview(both seller and buyer)</i>	Warning Letter
Vehicle exchange procedure not completed	<i>Officer Interview</i>	Warning Letter Suspension of vehicle until procedure completed
Unauthorised modifications	<i>Officer Interview</i>	Warning Letter and/or Suspension of vehicle until procedure completed
<b>Operators (PH) - Private Hire (HC) - Hackney Carriage</b>		

Failure to notify the Hackney Carriage and Private Hire Service of convictions, police cautions or motoring offences within 7 days. Operators, and Directors or Partners of Limited Companies	<i>Delegated powers to Assistant Director of Neighbourhoods</i>	Warning Letter
Condoning or contributing to driver / vehicle non-compliance	<i>Delegated powers to Assistant Director of Neighbourhoods</i>	Suspension or Revocation
Not keeping adequate records	<i>Officer Interview</i>	Warning Letter, suspension or revocation
Not making records available for inspection as required	<i>Officer Interview</i>	Warning Letter, suspension or revocation
Premises not clean	<i>Officer Interview</i>	Warning Letter
Failure to keep order in premises	<i>Officer Interview</i>	Warning Letter
Not renewing Operator Licence in time	<i>Officer Interview</i>	Warning Letter or prosecution
Failure to comply with an authorised officer, Police or VOSA	<i>Officer Interview</i>	Warning Letter, Suspension or Revocation
Failure to notify the Hackney Carriage and Private Hire Service of change of operator details within 7 days	<i>Officer Interview</i>	Prosecution
Invalid communication radio licences	<i>Officer Interview</i>	Warning Letter

Failure to display obligatory notices and licences	<i>Officer Interview</i>	Warning Letter
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