



**HACKNEY CARRIAGE/  
PRIVATE HIRE DRIVER,  
VEHICLE & OPERATOR  
LICENSING POLICY**

**INCLUDING LICENCE CONDITIONS**

**Effective 7 July 2016**

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**AMENDMENT RECORD**

Amendment No.	Date of Amendment	Revision
1	8 July 2014	Amendment to the wording in paragraph 1 on page 15 which relates to the Equality Act 2010.
2	7 July 2016	Revision of policy including the addition, amendment and removal of conditions.

## **INTRODUCTION**

In carrying out its taxi and private hire licensing function, Cannock Chase District Council (The Council) seeks to promote the following objectives:

- Safety and health of drivers and the public
- High standards of vehicle safety comfort and access
- Prevention of crime and disorder and the protection of consumers
- Environmental sustainability through improved air quality
- Equality and accessibility in service provision
- Promotion of good behaviour and professional conduct

The Council expects all new applicants and existing drivers, proprietors and operators to demonstrate commitment to promoting these objectives.

The Council expects the highest standards of conduct from all its licensed Hackney Carriage/Private Hire Drivers. In particular, new applicants and existing drivers should be aware that their behaviour at any time may form part of a decision as to their fitness and propriety to become or remain a licensed driver.

All drivers of Cannock Chase Council licensed hackney carriages and private hire vehicles ('Drivers') must hold a Hackney Carriage/Private Hire Drivers' Licence (HCPHDL) issued by Cannock Chase Council.

Private hire operators must be licensed by the Council as must the driver and the private hire vehicle. The Operator must have a Base within the district and must be responsible for taking the bookings. All three licences must be issued by the same Council.

Hackney carriages (Taxis) must be licensed with the Council as must the driver. Both licences must be with the same Council.

The Council has a duty to protect the public funds it administers and, to this end, may use information provided for the prevention and detection of crime and fraud. We may also share information with other bodies responsible for auditing or administering public funds for these purposes, e.g. UK National Fraud Initiative.

Should you wish to contact the Council's Licensing Unit, the address for correspondence is:

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# **HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES**

## **1. Requirements for all new applicants prior to first licensing**

- 1.1 The Council will require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that may be used will be provided by the Council's Licensing Unit on request.
- 1.2 The Council requires that all prospective hackney carriage/ private hire drivers pass the Driving and Vehicle Standards Agency (DSA) Hackney Carriage/Private Hire Standard Test Assessment. They must then provide the original Pass Certificate to the Council's Licensing Unit prior to licensing. The test should be booked with the DVSA as early as possible and must be paid for by the applicant themselves. An alternative test or assessment such as that provided by the Institute of Advanced Motorists (IAM) or Staffordshire County Council's Road Safety Partnership will also be acceptable. Any Pass test or assessment certificate provided must be less than 5 years old.
- 1.3 The applicant shall submit to a two-part medical examination upon making first application for a Hackney Carriage/Private Hire Drivers' Licence (HCPHDL). The initial medical assessment must be by the applicant's own GP. The subsequent independent medical assessment will be carried out by the Council's Medical Advisor(s) who may thereafter determine the period for re-assessment. Applicants who wish to claim a medical dispensation to the Dress Code or exemption from carrying Assistance Dogs should make it known to their own GP, the Medical Advisor and the Licensing Unit at their earliest opportunity.
- 1.4 Where an applicant already has a valid DVLA Group 2 medical certificate from another occupational health medical provider which has been obtained in the course of their work and not as part of an application process, the Council will consider accepting the said certificate as evidence of their physical fitness to drive if the certificate complies with the Council's policy requirements on the age of the driver.
- 1.5 The Council requires that all new applicants for a HCPHDL undertake a drug test through the Council's service provider. The testing will be booked through the Council's Licensing Unit and the cost will be included in the application fee.
- 1.6 Where an applicant tests positive for drugs, the results will be considered by a qualified medical examiner nominated by the Council. The medical examiner will provide their opinion on the applicant's fitness to be granted a hackney carriage/private hire drivers licence assessed against the DVLA Group 2 medical standard. Further testing or examination may be required if recommended by the medical examiner. The application may be refused or may be referred to the Council's Licensing and Public Protection Committee (L&PPC) for determination. Each case will be judged on its own merits.
- 1.7 Upon the adoption of this policy, all new applicants will be required, wherever possible, to successfully complete appropriate training, prior to being licensed. In any case the training should be completed within 6 months of being licensed for the first time. Training may include such matters as Equality & Disability Awareness, Safeguarding, Child Sexual Exploitation (CSE) and the prevention of terrorism (Prevent). Training may also include other matters, for example health and safety, customer care, legal requirements, and handling conflict and aggression.

- 1.8 The Council requires that all new applicants for a HCPHDL pass the Council's Knowledge Test. This will determine the applicant's ability to read, write and speak English. The test will include applicants being required to read out loud a passage of the Council's Hackney Carriage/Private Hire Policy and to then answer questions upon it. Failure of this element of the test will result in an overall failure of the Knowledge Test. Where an applicant fails 3 tests then a period of at least 1 month must elapse before another test is taken. Continued failure to pass the Knowledge Test may result in the applicant being referred to the Council's L&PPC. The Council reserves the right to introduce specific requirements in relation to the assessment of applicants' ability in English and Mathematics and in relation to awareness of Equality & Disability, Safeguarding, CSE and Prevent.
- 1.9 Applicants are expected to complete the application process expediently and normally within 3 months of the initial application being submitted. Where applications are withdrawn and a refund is required it is important for applicants to be able to provide a receipt for the monies paid to the Council. Any monies which are subsequently refunded will be paid into a nominated bank account where appropriate.
- 1.10 Photographs provided by new applications must meet the criteria required by the Passport Office in respect of the background, colour, quality and size. It is recommended that photographs should be obtained from photograph machines or photographic retailers.
- 1.11 Applicants will be required to provide their DVLA Driving Licence to the Licensing Unit in order that it can be referred to an outside agency for further scrutiny and verification with the DVLA. This referral is a compulsory part of the application process and will be facilitated by the Council's Licensing Unit. Applicants are required to sign an agreement mandate which will be valid for the duration of the licence.
- 1.12 Where an applicant has previously been licensed with another authority, they will be asked to permit Cannock Chase Council's Licensing Unit access to their licence records. Where such agreement cannot be reached, then the application may not proceed.
- 1.13 An Enhanced Disclosure from the Disclosure and Barring Service (DBS) is required upon initial application. New applicants are required to subscribe to the DBS Online Update Service as part of this process. Applicants are encouraged to set up automatic renewals when first joining the service and must remain subscribed to the service for the duration of their licence. The Council will check the online DBS at 3 yearly intervals or at any time where deemed necessary in order to ensure public safety. The Council has a policy which provides guidance on the relevance of convictions which are not spent under the Rehabilitation of Offenders Act 1974. This information is reproduced within Annex 1 of this document.
- 1.14 All new applicants must inform the Council if they have ever been questioned, interviewed or arrested for any offence connected to child sexual exploitation or human trafficking
- 1.15 The determination of applications will be made by licensing officers unless they cannot be satisfied as to the applicant's fitness and propriety. Where an applicant's fitness and propriety is in question, the application will be referred to the Council's Licensing & Public Protection Committee for their determination.

## 2. Hackney carriage/private hire drivers' licences

- 2.1 **Notwithstanding the Section 1 policy requirements relating to all new applicants prior to first licensing, the following policy requirements will apply to all licensed drivers once they are licensed by the Council.**
- 2.2 The Council will normally provide drivers with three year licences. A licence may be issued for a shorter period upon driver request or at the discretion of the licensing authority dependent upon the circumstances of the case. Reimbursement will not normally be offered following the revocation of a HCPHDL prior to the licence expiring.
- 2.3 Drivers will be required to provide their DVLA Driving Licence for scrutiny by both the Licensing Unit and by an outside agency employed for that purpose. Drivers are required to sign an agreement mandate which will allow the Council to check their DVLA Licence status.

## 3. Assessment of fitness and propriety

- 3.1 There is no legal definition of "fit and proper". The central consideration for the fit and proper test is the protection of the public and it is a requirement that no licence should be granted or renewed unless the Council is satisfied that the applicant is a fit and proper person.
- 3.2 In order to assess the suitability of an applicant, or existing licence holder, the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the fitness and propriety of an applicant or licence holder, the Council will take into account several factors, including:
  - Right to work in the UK (for the full duration of the licence).
  - Criminal record (both current and spent convictions).
  - Mental and physical fitness.
  - Conduct, attitude and behaviour
  - Driving record and experience.
  - Sobriety.
  - Local knowledge test and ability to communicate in English.

## 4. Disclosure and Barring Service (DBS) Enhanced Disclosure

- 4.1 From 7 July 2016, existing drivers are required to subscribe to the DBS Online Update Service when they next make application for a DBS Enhanced Disclosure. Drivers are encouraged to set up the DBS automatic renewal when first joining the update service and must remain subscribed for the duration of their licence. The Council will check the online DBS at 3 yearly intervals (or at any time where deemed necessary in order to ensure public safety). If there are no changes recorded on the DBS certificate then a full DBS check will not be required on renewal. In all other cases, and where the Council has received no notification of such changes from the driver, a new DBS may be required and the HCPHDL may be revoked until this is received. **Drivers are reminded of the need to promptly notify the Council of convictions, cautions etc. in accordance with Section 7.**

- 4.2 Case law has determined that spent convictions can be considered as relevant to the determination of whether the applicant is fit and proper. In general, the Council will have regard to the type, age, frequency and/or seriousness of the offence and whether there is any pattern of behaviour shown. This information is also reproduced as Annex 1 to this document.

## **5. DVLA driving licences**

- 5.1 Drivers will be required to provide their DVLA Driving Licence to the Licensing Unit in order that details of it can be referred to an outside agency for further scrutiny and verification with the DVLA. This referral is a compulsory part of the licence renewal process and will be provided by the Council. Drivers will be required to sign an agreement mandate for this purpose.
- 5.2 A Driver and Vehicle Licensing Agency (DVLA) Driving Licence must be valid and in good condition. It must be legible and bear the driver's current home address. The Council's Licensing Unit will endeavor to remind drivers that their DVLA licence is about to expire.
- 5.3 Any driver who permits their DVLA Licence to expire may have their HCPHDL suspended until the Council is satisfied that the driver is in possession of a valid DVLA driving licence.
- 5.4 Drivers must notify the Council of any change of address within 7 days and then present their DVLA Driving Licence to the Council showing the new address details within 28 days of the change of address. Drivers have a statutory obligation to notify the DVLA of their new address.
- 5.5 Any driver who, at any time, has 9 or more "live" points upon their DVLA Driving Licence or has served a driving ban or has been convicted of a driving offence such as driving without due care and attention may be required to undertake a driving assessment with the Staffordshire County Council's Safer Roads Partnership. This assessment must be undertaken at the driver's own expense but the initial process and contact with service provider will be facilitated by the Council's Licensing Unit. If concerns are raised by the Driving Assessor about the proficiency of the driver during the driving assessment, the Council may require additional training or further assessments to be carried out. The driver may have their HCPHDL revoked if their driving is deemed dangerous.
- 5.6 If a driver continues to have DVLA penalty points imposed upon their licence after their driving has been assessed by the County Council, that driver may be referred to the Council's Licensing & Public Protection Committee so that their fitness and propriety can be assessed.
- 5.7 Any driver who has 12 penalty points or more upon their DVLA driving licence may be referred to the Council's Licensing & Public Protection Committee. This will be in order that the Committee can make a determination as to whether the driver remains a fit and proper person to hold a HCPHDL. This determination is separate from any determination of financial hardship made by the courts.

- 5.8 A full European Community and European Economic Area Driving Licence will be accepted on the same basis as a UK DVLA driving licence and counted as evidence of the requirement for applicants to have held a driving licence for more than 12 months.

## **6. Assessment by the council's medical advisor**

- 6.1 Drivers shall submit to a medical examination upon making first application for a HCPHDL and at such intervals thereafter as determined by any of the Council's medical advisor(s).
- 6.2 Notwithstanding that determination, Council Policy requires that in no case shall the interval between medical assessments be longer than 5 years up to the age of 45, every 3 years between ages of 45 and 60 and then annually thereafter. The Council may require a medical assessment to be undertaken at their own expense where it has reasonable cause to do so. Drivers who are required to undergo further or interim medical assessment in order to meet the DVLA group 2 criteria will be required to do so at their own expense.
- 6.3 Drivers must notify the Council's Licensing Unit of any illness, injury, medication or physical deterioration which could affect their ability to drive a Hackney Carriage and/or Private Hire Vehicle or carry out their general driver duties. If in any doubt, drivers should make enquiries with their own General Practitioner to determine whether such notification is appropriate. Failure to notify the Council as appropriate may result in the suspension or revocation of the HCPHDL.
- 6.4 Where the Council has concerns regarding the use of drugs by a licensed hackney carriage and private hire driver, the driver may be required to undertake a drugs test. This will be arranged by and paid for by the Council. Where an applicant tests positive for drugs, the results will be considered by a qualified medical examiner nominated by the Council. The medical examiner will provide their opinion on the driver's fitness to remain a hackney carriage and private hire drivers licence assessed against the DVLA Group 2 medical standard.
- 6.5 Further testing or examination may be required if recommended by the medical examiner. The driver may then be referred to the Licensing and Public Protection Committee for determination. Each case will be judged on its own individual merits.
- 6.6 Drivers who wish to claim a medical dispensation to the Dress Code or medical exemption from carrying Assistance Dogs are required to claim such an exemption through the DVLA Group 2 medical assessment procedure or through their own GP.

## **7. Disclosure of convictions, cautions and fixed penalties etc.**

- 7.1 All licence holders are required to notify the Licensing Unit as soon as possible of:
- any offence with which s/he is charged;
  - any pending court appearances;
  - all convictions;
  - the acceptance of a fixed penalty notice;
  - all endorsements for any motoring offences;
  - their acceptance of a speed or other awareness course; and,

- all cautions, including those commonly referred to as “simple” “formal” or “police” cautions issued by the police or any other prosecuting authority.

**7.2 The notification shall specify the nature of the offence, the date of the offence, the date of conviction or caution and the penalty imposed.**

7.3 Where the above information is provided to the Licensing Unit by email or letter, then no further action will be required. Where notification is made by telephone or insufficient information is provided by email or letter, then the driver shall provide the information in writing within 7 days of accepting one of the above or receiving one of the above at court. **For the avoidance of doubt the date of caution is the date on which the commission of the offence is accepted and admitted.**

7.4 It shall be the responsibility of the driver to ensure that the insurer(s) of their vehicle(s) are notified of any convictions or fixed penalty notices.

7.5 The requirement to notify the Council of the acceptance of a speed or other awareness course is necessary because the driver may have already notified the Council of the acceptance of the Notice of Intended Prosecution (NIP). Where the police offer a speed or other awareness course instead, it is important for the Licensing Unit to be aware that no points will in fact be imposed on the DVLA Driving Licence.

**7.6 Notwithstanding the above requirements to notify all offences etc. within 7 days, all licence holders must inform the Council as soon as possible and in any event within 72 hours, if they have been questioned, interviewed, arrested or charged in connection with:**

- touching a child or young person unnecessarily or inappropriately
- making offensive or inappropriate comments towards a child
- misusing or attempting to misuse personal details obtained as part of a fare or booking;
- sexual activity with a child or vulnerable person;
- inappropriate relationship with a child or vulnerable person;
- violence, coercion or intimidation of a child or vulnerable person;
- trafficking a child or vulnerable person;

**The notification shall specify the nature of the incident, the date of the incident, the date of arrest and / or questioning.**

**7.7 NOTE: failure to notify the Council of any conviction, caution or fixed penalty in accordance with 7.1 or 7.6 above may result in referral to the Licensing & Public Protection Committee for a determination of fitness and propriety.**

7.8 A guidance matrix of suspension and other penalties for offences committed by drivers over a two year rolling period is attached as Annex 2 to this document.

## **8. Driver training**

- 8.1 All drivers holding a licence on the day that this Policy is introduced, or who are issued with a licence after this date, will be required to undertake appropriate training.
- 8.2 Training will be that which the Council considers reasonably necessary to promote the objectives of the Policy and may include: Equality & Disability Awareness; Safeguarding; Child Sexual Exploitation (CSE) and the prevention of terrorism (Prevent) as well as how to report any concerns. All drivers will be required to undertake this training in accordance with an implementation scheme to be determined.
- 8.3 Some drivers may be required to undertake training on matters specific to their individual needs, for example: safe driving; understanding the requirements of Council Policy; anger management; handling conflict & aggression; health & safety and customer service.
- 8.4 Drivers who fail to successfully complete any required training may be required to undertake further training and / or be referred to the Council's Licensing & Public Protection Committee for a determination of fitness and propriety.

## **HACKNEY CARRIAGE PROPRIETORS' LICENCES**

### **9. Hackney carriage vehicle licensing**

- 9.1 Proprietors should note that planning permission may be required in order to operate a business within the Cannock Chase District. Where the general public have access to any Taxi Base then the Council requires sight of adequate public liability insurance.
- 9.2 Vehicles (which includes trailers), must be licensed by the Council and must be mechanically fit and suitable for purpose. Prior to licensing, vehicles must pass a comprehensive inspection and test, approved by the Council's Licensing Unit. A fee will be payable in relation to each vehicle test or re-test.
- 9.3 Trailers inspected separately from a vehicle will be subject to a re-test fee.
- 9.4 The Council is obliged to have regard to where any vehicle licensed by them will primarily be used. The Council may, in the proper exercise of its statutory discretion conferred upon them by section 37 of the Town Police Clauses Act 1847, refuse to grant or renew a Hackney Carriage Vehicle Licence where that vehicle is not intended to be used within the Cannock Chase administrative area or is used predominantly in another area.
- 9.5 The Proprietor should be the Registered Keeper of the licensed vehicle and the DVLA V5 registration document should reflect this. The whole V5 document, or Part 10 of it (which is to be kept by the new keeper upon purchase), must be provided to the Licensing Unit prior to the vehicle being first licensed.
- 9.6 Hackney Carriage Proprietors' licences will normally run for a twelve month period from date of issue.

## **10. Fitness & propriety of hackney carriage proprietors**

- 10.1 Where an existing or prospective Proprietor is not a licensed Hackney Carriage/Private Hire Driver and has not provided an Enhanced Disclosure through the Disclosure and Barring Service (DBS) then a Standard Disclosure must be obtained from Disclosure Scotland prior to any licence being issued and every 3 years thereafter. Online applications can be made at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk) or Phone 0870 609 6006.
- 10.2 Bankrupt persons are prohibited from becoming or remaining proprietors of licensed vehicles.

## **11. Standard of hackney carriage vehicles**

- 11.1 All vehicles (other than purpose built vehicles) which are new to licensing with the Council will be no more than 42 months old.
- 11.2 Purpose built vehicles which are new to licensing with the Council will be no more than 5 years old
- 11.3 The Council will use the national inspection standards contained within the latest edition of the Freight Transport Association's "FTA Best Practice Guide to Inspection of Hackney Carriage and Private Hire Vehicles." .
- 11.4 Applicants who wish their vehicles to be licensed beyond their 6<sup>th</sup> birthday will be required to have their vehicle inspected twice yearly at the Council's Hawks Green Depot. The cost of each test or any re-tests will need to be met by the applicant.
- 11.5 Seats that are accessed through the tailgate must not be used to carry passengers and must be removed prior to licensing.

## **12. Advertising, logos and livery on vehicles**

- 12.1 An advertising policy will be applied as follows:-
- (i) Both the promotion of the hackney carriage company and the sponsorship advertising of products and services will be allowed, provided that advertisements conform to current UK Code of Non broadcast Advertising, Sales Promotion and Direct Marketing.
  - (ii) For the avoidance of doubt, advertisements shall not offend public decency or cause offence on the grounds of race, sex, sexual orientation or disability.
  - (iii) There shall be no advertisement of tobacco and alcohol products.
  - (iv) Advertisements shall not be permitted on any glass.
  - (v) No advertising, logo emblem or similar shall be capable of illumination and holograms will not be permitted.
  - (vi) Any modification to the manufactured colour of a licensed vehicle, including the addition of company livery, must be agreed with the Council prior to any work being undertaken by the Proprietor. The V5 must then be amended where necessary to reflect any changes made.

### **13. Privacy glass in hackney carriage vehicles**

- 13.1 Where possible, officers will agree to license the vehicle where all parties agree that the darkened windows do not compromise public safety.
- 13.2 If the windows are considered to be too dark for officers to agree the grant, then the vehicle may be referred to the Council's L&PPC for their consideration.
- 13.3 Vehicles are more likely to be licensed as private hire vehicles than hackney carriages where privacy glass is fitted

### **14. Transfer of hackney carriage vehicles**

- 14.1 There are 2 types of transfer which might take place in accordance with Council policy.
- 14.2 A proprietor's licence can be transferred by the same proprietor from one Hackney Carriage Vehicle to a new to licensing Hackney Carriage Vehicle but only where the new vehicle fulfils the council's criteria for licensing. This transfer process involves a whole month pro rata reimbursement of the licence fee for the remaining period of the licence.
- 14.3 Where a vehicle already licensed to one proprietor is sold and/or transferred to another proprietor no fee is payable.

### **15. CCTV in hackney carriage vehicles**

- 15.1 Cannock Chase Council encourages the use of CCTV systems within licensed vehicles. However, no installation of a CCTV system shall take place within licensed vehicles without prior notification and agreement with the Council's Licensing Unit.
- 15.2 Notwithstanding the above, CCTV systems should only be installed with the agreement of the proprietor's insurance company. Access to the camera(s) must be restricted and the information contained upon the data card must be password protected and encrypted.
- 15.3 All CCTV systems which are installed into licensed vehicles must be compliant with the requirements of the Data Protection Act 1998. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

### **16. Wheelchair accessible and rear loading vehicles**

- 16.1 The Council will license wheelchair accessible vehicles as hackney carriages where they are capable of rear, as well as side loading. The safety and comfort of the passenger must be of paramount importance and therefore this type of vehicle must be agreed with the Licensing Unit prior to licensing. Vehicles of this type will not be considered for licensing unless purpose built and /or specifically and professionally modified to accommodate wheelchair passengers. All vehicles must be fit for their intended purpose.

## **17. Safety issues**

- 17.1 Loose articles such as DVD players, laptops, clipboards and newspapers etc. shall not be placed on vehicle dashboards. Such articles may become airborne and potentially dangerous in the event of a road traffic collision or under sharp braking.
- 17.2 Children should not be transported in pushchairs or prams placed within Wheelchair Accessible Vehicles (WAV's). To do so may be considered negligent and a breach of the duty of care that drivers must afford passengers. Drivers must take all reasonable steps to ensure passenger safety at all times.

## **18. Pre-payment of fares in hackney carriage vehicles**

- 18.1 The Council will support licensed drivers who reasonably request payment of the appropriate fare prior to the journey taking place.

## **PRIVATE HIRE VEHICLE LICENCES**

### **19. Private hire vehicle licensing**

- 19.1 Vehicles must be licensed by the Council and must be mechanically fit and suitable for purpose. A comprehensive inspection and test prior to licensing will be necessary and a fee will be payable in relation to each vehicle test or re-test.
- 19.2 Licences for private hire vehicles will normally run for a period of twelve months from date of issue unless otherwise stated.
- 19.3 The licence holder should be the Registered Keeper of the licensed vehicle and the DVLA V5 registration document should reflect this. The whole V5 document, or Part 10 of it (which is to be kept by the new keeper upon purchase), must be provided to the Licensing Unit prior to the vehicle being first licensed.
- 19.4 The advertising logos and livery permitted on private hire vehicles is specified on page 23 of this policy under "Private Hire Vehicle Conditions".

### **20. Standard of private hire vehicles**

- 20.1 All saloon vehicles which are new to licensing with the Council will be no more than 42 months old. Vintage, classic or novelty vehicles will be considered on their own merit.
- 20.2 The Council will use the national inspection standards contained within the latest edition of the Freight Transport Association's "FTA Best Practice Guide to Inspection of Hackney Carriage and Private Hire Vehicles".
- 20.3 Seats that are accessed through the tailgate must not be used to carry passengers and must be removed prior to licensing.

- 20.4 Applicants who wish vehicles to be licensed beyond their 6<sup>th</sup> birthday will be required to have their vehicle inspected twice yearly at the Council's Hawks Green Depot. The cost of each test or any re-tests will need to be met by the applicant.

## **21. Privacy glass in private hire vehicles**

- 21.1 Where possible, officers will agree to license the vehicle where all parties can agree that the darkened windows do not compromise public safety. Stretched Limousines licensed as private hire vehicles shall be exempt from the privacy glass requirements.
- 21.2 Vehicles are more likely to be licensed as private hire vehicles than hackney carriages where privacy glass is fitted

## **22. Transfer of private hire vehicle licences**

- 22.1 There are 2 types of transfer which might take place in accordance with council policy.
- 22.2 A licence can be transferred by the same person from one Private Hire Vehicle to a replacement vehicle but only where the new vehicle fulfils the Council's criteria for licensing. This transfer process involves a whole month pro rata reimbursement of the licence fee for the remaining period of the licence.
- 22.3 Where an already licensed vehicle is sold and/or transferred from one person to another, no fee is payable for this type of transfer.

## **23. CCTV in private hire vehicles**

- 23.1 Cannock Chase Council encourages the use of CCTV systems within licensed vehicles. However, no installation of a CCTV system shall take place within licensed vehicles without prior notification and agreement with the Council's Licensing Unit.
- 23.2 Notwithstanding the above, CCTV systems should only be installed with the agreement of the vehicles insurance company. Access to the camera(s) must be restricted and the information contained upon the data card must be password protected and encrypted.
- 23.3 All CCTV systems which are installed into licensed vehicles must be compliant with the requirements of the Data Protection Act 1998. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

## **24. Novelty vehicles**

- 24.1 Any type of vehicle may be considered for licensing by the Council however applicant must demonstrate to the Council that the overarching principle of public safety will not be compromised if the vehicle is licensed. Any additional testing and inspection costs must be funded by the applicant.

## **25. Safety issues**

- 25.1 Articles such as DVD players, laptops, clipboards and newspapers etc. shall not be placed on vehicle dashboards. Such articles may become airborne and potentially dangerous in the event of a road traffic collision or under sharp braking.

## **PRIVATE HIRE OPERATORS' LICENCES**

### **26. Fitness & propriety of private hire operators**

- 26.1 Where an existing or prospective Operator is not a licensed Hackney Carriage/Private Hire Driver and has not provided an Enhanced Disclosure with the Disclosure and Barring Service (DBS) then a Standard Disclosure must be obtained from Disclosure Scotland prior to any licence being issued. Proprietors will be required to sign up to the DBS update service at the same time as obtaining their DBS disclosure. Online applications can be made at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk) or Phone 0870 609 6006.
- 26.2 Fitness and Propriety will be assessed in accordance with Section 3 of this Policy. Any Operator who is not also a licensed driver shall comply with the Disclosure and Notification requirements given in Section 7 of this Policy.
- 26.3 The Operator must ensure that all staff, whether directly employed by the company or not, are suitable persons to undertake work which requires an element of propriety and confidentiality and should consider obtaining a Standard Disclosure for all of their staff from Disclosure Scotland.

### **27. Period of licence**

- 27.1 Private hire operators' licences will normally be valid for five years from the date of issue though the Council reserves the right to issue such licences for shorter periods where it is deemed appropriate to do so.
- 27.2 Private hire operators will be issued with licences to operate vehicles within the following bandings:
- one to five vehicles;
  - six to fifteen vehicles; or,
  - over fifteen vehicles.

This will allow for greater flexibility in adding vehicles to the Operators' Licence at any time.

- 27.3 It should be noted that planning permission may be required in order to operate a business within the Cannock Chase District. Where the general public have access to any Taxi Base then the Council requires sight of adequate public liability insurance.

## **HACKNEY CARRIAGE / PRIVATE HIRE DRIVER CONDITIONS**

1. The driver shall at all times, when the vehicle is available or being driven for hire and reward, be clean and respectable in his/her appearance and dress in accordance with the Council's approved Dress Code He/she shall behave in an orderly manner and conduct him/herself with civility and propriety towards every person seeking to hire or being conveyed in his/her vehicle. **Licensed drivers shall not conduct themselves in any way, or act in a manner, which might be perceived as discriminatory or infringes equality legislation. For the avoidance of doubt, no driver shall discriminate against fellow drivers, passengers, members of the public or Council employees with regard to any of the Protected Characteristics of the Equality Act 2010.**
2. The driver shall behave in a civil and orderly manner at all times and take all reasonable precautions to ensure the safety of passengers and other road users. For the avoidance of doubt this includes ensuring the proper restraint of wheelchair passengers; good standards of driving; being polite, courteous, as well as being helpful in assisting passengers to enter and alight from the vehicle and stowing/carrying luggage.
3. The driver shall not use or hold a hand held mobile phone, or eat or drink in the vehicle whilst it is moving.
4. The driver shall not, except with the express consent of the hirer, convey any other person other than the hirer in the vehicle.
5. The driver shall not allow or permit his/her vehicle to carry a greater number of passengers than the number prescribed on the licence.
6. The driver shall not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for communicating with the operator.
7. The driver shall not cause or permit the noise emitted by any radio equipment or sound reproducing equipment installed in the vehicle to be a source of nuisance or annoyance to any persons whether inside or outside of the vehicle.
8. The driver of the vehicle who has agreed or been hired to attend with a vehicle at an appointed time and place shall, unless delayed or prevented by some reasonable cause, punctually attend with a vehicle at such appointed time and place.
9. The driver shall, if requested by the hirer, provide him/her with a written receipt for the fare paid specifying the driver's name and driver's HCPHDL number.
10. The driver shall ensure that the vehicle used whilst on duty is kept clean and tidy at all times.
11. The driver shall ensure that the vehicle is roadworthy and that, as far as reasonably practicable, all lights and indicators are working correctly, tyres are in good order and licence plates are properly positioned.
12. The driver shall afford all reasonable assistance with passenger's luggage.

13. The driver shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the vehicle.
14. Drivers shall not smoke in any vehicle and shall not permit passengers to smoke within any vehicle under their control.
15. Drivers shall not sound the vehicle's horn simply in order to attract the attention of customers. E.g. where they are waiting for the hirer outside a public house etc.
16. Assistance Dogs (Guide Dogs and Hearing Dogs) must be carried free of charge.
17. The Council shall issue a badge to all drivers detailing their name and driver number. This badge shall remain the property of the Council and shall be immediately returned to the Council should the driver cease to hold a HCPHDL.
18. **The driver shall at all times when acting in accordance with their HCPHDL, wear the badge in such a position and manner so that it is plainly and distinctly visible.** If any driver contravenes this provision they shall be guilty of an offence.
19. The licence badge remains the property of the Council at all times and upon revocation, suspension, expiry or surrender of the licence, the driver shall forthwith return the badge to the Council.
20. The Driver shall deposit his/her HCPHDL with the Private Hire Operator or Hackney Carriage Proprietor for which the vehicles is being used during the time it is being used for that person's business.
21. The driver shall not leave a vehicle under his/her control or responsibility unattended in any street or public place; this includes taxi ranks.
22. The driver shall immediately after the termination of any hiring or as soon as practicable thereafter, search the vehicle for any property which may have been left therein.
23. The driver shall, if any property is accidentally left therein by any person who may have been conveyed in that vehicle and be found by or handed to him/her carry it as soon as possible and in any event within 24 hours if not sooner claimed by or on behalf of its owner, to a police station in the district in order to receive instructions from the Police regarding its custody.
24. Drivers shall successfully complete any training which may be required under Sections 1 or 8 of this Policy, and / or which is specified in their Conditions of Licence. Drivers shall also comply with the requirements in Section 7 of this Policy "Disclosure of convictions, cautions and fixed penalties etc."
25. All HCPHDL holders must be subscribed to the Disclosure and Barring Service Online Update Service and must give consent for the council to monitor their DBS status.

### **Whilst driving a private hire vehicle**

26. It is an offence to ply for hire with a Private Hire Vehicle. To do so may negate insurance cover. Every passenger journey must be pre-booked through, and recorded by a person separately licensed by the District Council as a Private Hire Operator.

For the avoidance of doubt; if there is no prior booking, there can be no 'ride' for the passenger. **A booking cannot be taken by the driver at the point of hiring.**

27. Only carry up to the maximum permitted number of passengers as specified by the Private Hire Vehicle Licence and Plate.
28. Whilst driving or in charge of a Private Hire Vehicle (PHV), the driver shall not:-
- Permit the PHV to stand or park in a manner which might suggest that the driver is plying for hire;
  - Solicit on a road or other public place any person to hire or to be carried for hire and reward in his/her PHV (or any PHV under his/her control or responsibility); or
  - Cause or procure any other person to solicit or procure on a road or other public place any person to hire or to be carried for hire and reward in any PHV under his/her control or responsibility.

### **Whilst driving a licensed hackney carriage vehicle**

29. The taximeter shall be activated in accordance with current legal requirements.
30. Ensure that the Table of Fares can be clearly seen by passengers.
31. Obey the Rules of the Rank given as Annex 4 of this document.
32. Fulfill bookings punctually and use the shortest available routes, unless directed otherwise by the hirer.
33. Only carry up to the maximum permitted number of passengers as specified by the Hackney Carriage Vehicle Licence and Plate.
34. Whilst driving or in charge of a Private Hire Vehicle (PHV), the driver shall not:-
- Tout for business or use others to do so.
  - Tamper, or allow anyone else to tamper with the taximeter or its fittings or any seal and only demand the authorised fare, giving a receipt if requested.

**NOTE:** These conditions to be read in conjunction with the Local Government (Miscellaneous Provisions) Act 1976, Part II.

Any person aggrieved by any conditions attached to the grant of a drivers licence may appeal to a Magistrates' Court. The Council reserves the right to vary these Conditions from time to time.

A guidance matrix of suspension and other penalties for contraventions of licence conditions over a two year rolling period is attached as Annex 2 to this document.

## **HACKNEY CARRIAGE PROPRIETORS' LICENCE CONDITIONS**

1. The Hackney Carriage shall be fitted with a custom lined roof sign bearing only the word 'Taxi'. A purpose built taxi with a built in illuminated taxi roof sign satisfies the Council's requirements so long as it is satisfactorily maintained.
2. During the hours of darkness the taxi sign shall be illuminated only when the carriage is standing or plying for hire within the District and shall be extinguished as soon as the vehicle is hired. For the purpose of this condition 'the hours of darkness' shall be the hours of lighting up time.
3. Before the vehicle is used as a Hackney Carriage such insurance or securities as required by Part VI of the Road Traffic Act 1988 shall be obtained in respect of the vehicle and the Certificate in respect of the policy of insurance or security shall be produced to the Council. A valid certificate of insurance, or a true copy of it, shall be kept in the vehicle at all times and once expired it must be held in the possession of the Proprietor for 12 months after its expiry date.

**NOTE:** Although only the Certificate of Insurance will normally need to be provided prior to the licensing of a vehicle, the Council reserves the right to require all insurance documents to be provided. These include the Proposal Form, the Statement of Facts, the Schedule of Endorsements, Public Liability Insurance, as well as the Insurance Certificate and/or any Cover Note issued.

4. Every Proprietor of a Hackney Carriage shall provide the carriage with a calendar controlled taxi meter so constructed, attached and maintained as to comply with the following requirements, that is to say:
  - (a) The taxi meter shall be of an approved calendar controlled type and design, capable of being operated so as to cause the word 'hired' to appear on the face of the taxi meter.
  - (b) Such taxi meter shall be capable of being rendered inoperable so that no fare is recorded on the face of the taxi meter.
  - (c) When the taxi meter is being operated, there shall be recorded on its face in clearly legible figures a fare not exceeding the rate or fare which the Proprietor or Driver is entitled to demand and take for hire of the carriage in pursuance of the Bye-Laws in that behalf.
  - (d) The word 'fare' shall be printed on the face of the taxi meter in plain letters so as clearly to apply to the fare recorded thereon.
  - (e) The taxi meter shall be positioned in such a manner 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 taxi meter and all fittings thereof should be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with

them except by breaking, damaging or permanently displacing the seals and other appliances.

5. There shall be fixed externally to the rear of the Hackney Carriage, and any trailer, a plate issued by the Council, prominently displayed on the off-side or centre of the vehicle at bumper height. The licence plate(s) shall remain the property of the Council and shall be returned to the Council in the event of the revocation, expiry or suspension of the Licence.
6. Licensees are required to issue on request a hirer's receipt in respect of fares charged for hiring.
7. A copy of the current table of fares shall be exhibited inside the vehicle in clear distinguishable letters and figures in such a position that it can be conveniently seen by hirers.
8. The Proprietor shall present the vehicle(s), and any trailer(s) and taximeter affixed thereto for inspection and testing by or on behalf of the Council within such period and at such place within the area of the Council as they may by notice reasonably require on up to three separate occasions during any period of twelve months, without prejudice to the Council's right to carry out spot checks from time to time.
9. Without prejudice to the provisions of Section 170 of the Road Traffic Act 1988 the Proprietor shall report to the Head of Environmental Health as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to the proprietor's hackney carriage vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Upon such notification to the Council, the Proprietor may be required to provide specific information about the incident and the circumstances surrounding it.
10. If the Proprietor transfers his interest in the licensed vehicle to a person other than the proprietor whose name is specified in the licence, then within fourteen days after such transfer notice in writing shall be given to the Head of Environmental Health specifying the name and address of the person to whom the vehicle has been transferred.
11. The Proprietor of a hackney carriage shall ensure that the vehicle meets the standard of fitness specified within the latest edition of the Freight Transport Association's "FTA Best Practice Guide to Inspection of Hackney Carriage and Private Hire Vehicles" and shall:
  - (a) provide sufficient means by which any person in the vehicle may communicate with the driver;
  - (b) cause the roof or covering to be kept watertight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;

- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher and suitable first aid kit which shall be carried in such a position as to be readily available for use. ( Note: there is a British Standard for both pieces of equipment.);
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress or egress for the driver;
  - (j) provide rear seat belts, for vehicles registered from April, 1987. Under the terms of the Road Vehicles (Construction and Use) Regulations 1986, these seat belts must be readily accessible to be used by the passengers in the relevant seats.
12. The licensee shall produce the licence upon request to any officer authorised by the Council or any police constable for inspection.
13. A spare wheel and tyre, in good condition, properly inflated and suitable for the vehicle, together with sufficient tools for fitting same shall be provided.
14. The Proprietor shall keep comprehensive written records of day to day fares and bookings, e.g. date, time, pick up and drop off locations, fare etc. so as to ensure that sufficient information can be retrieved from the said records in order to assist any authorised officer of the Council or police constable in any investigation they may need to undertake.
15. Proprietors must ensure that nothing within the licensed vehicle exhibits any of the following:
- Offensive language.
  - References to drunkenness or the use of recreational drugs.
  - Anything racist, sexist, discriminatory or otherwise offensive.
  - Any advertising that does not conform to the relevant codes of advertising practice.
16. A licence may be revoked, suspended or not renewed in accordance with statutory provisions.
17. The proprietor shall employ a suitable complaints procedure through which they will record and subsequently investigate all complaints made in relation to any driver or vehicle which is controlled by them. The complaints procedure must also record the outcome of any investigation. The said complaints procedure will be inspected as appropriate by the licensing authority and details of all recorded complaints and investigations shall be made immediately available on request.

**NOTE:** These conditions are to be read in conjunction with the appropriate provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 Part II and the Cannock Chase District Council Bye-Laws relating to Hackney Carriages. Any person aggrieved by any of these conditions has the right of appeal to a Magistrates' Court. The Council reserves the right to vary these conditions from time to time.

## **PRIVATE HIRE VEHICLE CONDITIONS**

1. (a) All Private Hire Vehicles shall display a sign on each side of the vehicles, on the doors, giving the following information:-
  - (i) The name of the firm.
  - (ii) The words "PRIVATE HIRE"
  - (iii) The telephone number of the firm.

These should be in plain block letters not exceeding 50mm in height and of proportionate width.

Where the words "PRIVATE HIRE" form part of the name of the firm, "PRIVATE HIRE" need not be repeated.

- (b) Private Hire Vehicles shall display at all times in the front windscreen a plate, where supplied by the Council, showing the licence number, vehicle registration and date of expiry of the licence.
  - (c) Private Hire vehicles may also display a card of a maximum size of 6" x 4", giving the name and telephone number of the Operator and the Council's licence number in respect of the vehicle, in the rear window.
  - (d) No other advertisement, notice or sign shall be displayed on any private hire vehicle, with the exception of the licence plate referred to in condition 2 below. All signs must be of a design approved by the Council. No signs, advertisements or distinguishing marks may appear on the vehicle without the written consent of the Council.
  - (e) Any modification to the manufactured colour of a licensed vehicle, including the addition of company livery, must be agreed with the Council prior to any work being undertaken by the Proprietor. The V5 must then be amended to reflect any changes made.
2. When the Private Hire vehicle is used in the Cannock Chase District the plate issued by the Council bearing the licence number and identifying the vehicle as a private hire vehicle and showing the number of passengers which the vehicle is licensed to carry shall be affixed prominently on the rear bumper or rear boot panel of the vehicle except during such period that the vehicle is used for carrying passengers for hire or reward:-
    - (i) Whilst being used solely in connection with a wedding; or,
    - (ii) Whilst being used solely in connection with a funeral.
  3. The licence plate shall remain the property of the Council and shall be returned to the Council on the sale or transfer of the licensed vehicle (or in the event of the revocation, expiry of suspension of the licence).
  4. If the licence holder transfers his interest in the licensed vehicle to a person other than the licence holder whose name is specified in the licence, then within 14 days after such

transfer notice in writing shall be given to the Council's Licensing Unit specifying the name and address of the person to whom the vehicle has been transferred.

5. Before using the vehicle for private hire such insurances or securities as are required under Part VI of the Road Traffic Act 1988, shall be obtained in respect of such vehicle and the certificate in respect of the policy of insurance or security shall be produced to the Council's Licensing Unit for inspection.
6. Although only the Certificate of Insurance will normally need to be provided prior to the licensing of vehicle, the Council reserves the right to require all insurance documents to be provided. These include the Proposal Form, the Statement of Facts, the Schedule of Endorsements, Public Liability Insurance, as well as the Insurance Certificate and/or any Cover Note issued.
7. The licence holder shall present the vehicle and any taxi meter affixed thereto for inspection and testing by or on behalf of the Council within such period and at such place within the area of the Council as they may by notice reasonably require on up to 3 separate occasions during any period of 12 months, without prejudice to the Council's right to carry out spot checks from time to time.
8. Where a taxi meter is fitted to a Private Hire Vehicle, it shall be of an approved Calendar controlled type and design.
9. Without prejudice to the provisions of Section 170 of the Road Traffic Act 1988 the operator shall report to the Head of Environmental Health as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to the operator's private hire vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Upon such notification to the Council, the Proprietor may be required to provide specific information about the incident and the circumstances surrounding it.
10. Licensees are required to issue on request a hirer's receipt in respect of fares charged for hiring.
11. The Operator of a Private Hire Vehicle shall ensure that the vehicle meets the Council's standard of fitness as specified within this policy and in particular shall:-
  - (a) Provide sufficient means by which any person in the vehicle may communicate with the driver;
  - (b) Cause the roof or covering to be kept watertight;
  - (c) Provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) Cause the seats to be properly cushioned or covered;
  - (e) Cause the floor to be provided with a proper carpet, mat or other suitable covering;

- (f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) Provide means for securing luggage if the carriage is so constructed as to carry luggage.
  - (h) Provide an efficient fire extinguisher and suitable first aid kit which shall be carried in such a position as to be readily available for use.( Note: there is a British Standard for both pieces of equipment.);
  - (i) Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress or egress for the driver;
  - (j) Provide rear seat belts, for vehicles registered from April 1987. Under the terms of the Road Vehicles (Construction and Use) Regulations 1986, these seat belts must be readily accessible to be used by the passengers in the relevant seats.
12. The licensee shall produce this licence upon request to any officer authorised by the Council or any Police Constable for inspection.
13. A spare wheel and tyre, in good condition, properly inflated and suitable for the vehicle, together with sufficient tools for fitting same shall be provided.
14. Private hire vehicle licence holders must ensure that nothing within the licensed vehicle exhibits any of the following:
- Offensive language.
  - References to drunkenness or the use of recreational drugs.
  - Anything racist, sexist, discriminatory or otherwise offensive.
  - Any advertising that does not conform to the relevant codes of advertising practice.
15. A licence may be revoked, suspended or not renewed in accordance with statutory provisions.

**NOTE:** These conditions to be read in conjunction with the Local Government (Miscellaneous Provisions) Act 1976, Part II.

Any person aggrieved by any of these conditions has the right of appeal to a Magistrates' Court.

The Council reserves the right to vary these Conditions from time to time.

## **PRIVATE HIRE OPERATORS' LICENCE CONDITIONS**

1. The Operator shall keep a record book and shall enter therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by the operator, whether by accepting the same from the hirer or by undertaking it at the request of another operator, and shall produce such record on request to any Officer authorised by the Council or to any Police Constable for inspection:-
  - (a) the name of the driver who undertakes the booking
  - (b) date and time booking made;
  - (c) date and time booking made for;
  - (d) method by which booking communicated to driver;
  - (e) private hire car licence number;
  - (f) place passenger's journey commenced;
  - (g) place passenger's journey terminated;
  - (h) name and address of person hiring car.
  
2. The Licensee shall keep a record of any private hire vehicle operated by him showing the following details:-
  - (a) owner of the vehicle;
  - (b) make of the vehicle;
  - (c) model of the vehicle;
  - (d) manufacturer of the vehicle;
  - (e) registration number of the vehicle;
  - (f) private hire vehicle licence number;
  - (g) the issuing authority of the licence;
  - (h) the date of expiry of the private hire vehicle licence;

and the Licensee shall produce this record of private hire vehicles operated upon request to any Officer authorised by the Council or to any police constable for inspection.
  
3. The Operator shall record particulars of any property accidentally left in a vehicle and reported to him by the driver of such vehicle before the driver delivers the property to a police station in the District.
  
4. The Licensee shall not assign or in any way part with the benefit of this licence.
  
5. The Licensee shall notify the Council of any change of circumstances relating to the business including changes of vehicles and the engaging or discharge of drivers.
  
6. The Licensee shall be responsible for every contract for the hire of a private hire vehicle and shall ensure that:-
  - (a) every private hire vehicle, whether or not the Licensee provides the vehicle, is in possession of a current licence granted under the provisions of the Local Government (Miscellaneous Provisions) Act 1976;
  
  - (b) every private hire driver is in possession of a current Licence granted under the provisions of the said Act of 1976.

7. The Licensee shall produce the licence upon request to any Officer authorised by the Council or any police constable for inspection. It is desirable that the licence is displayed in a prominent public position within the place of business.
8. Records of bookings taken, and of vehicles and drivers carrying out the bookings are to be kept available for inspection for not less than a period of six months.
9. Private hire vehicles may be sub contracted by the operator in accordance with the requirements of section 11 of the Deregulation Act 2015 which inserted section 55(A) & (B) into The Local Government (Miscellaneous Provisions) Act 1976.
10. The Operator shall employ a suitable complaints procedure through which they will record and subsequently investigate all complaints made in relation to any driver or vehicle which is operated by them. The complaints procedure must also record the outcome of any investigation. This complaints procedure will be inspected as appropriate by the licensing authority and details of all recorded complaints and investigations shall be made immediately available on request.
11. The Operator shall comply with the requirements in Section 7 of this Policy, "Disclosure of convictions, cautions and fixed penalties etc."
12. A licence may be revoked, suspended or not renewed in accordance with the provisions of the said Act of 1976.

NOTE: These conditions to be read in conjunction with the Local Government (Miscellaneous Provisions) Act 1976, Part II.

Any applicant who is aggrieved by any of these conditions has a right of appeal to a Magistrates' Court.

The Council reserves the right to vary these Conditions from time to time.

## **POLICY STATEMENT RELATING TO RELEVANCE OF CONVICTIONS FOR HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS**

### **Applicants**

All applicants for hackney carriage or private hire driver licences ("Licences") are required to declare any convictions or cautions, warnings, fixed penalty notices and DVLA licence endorsements - including any pending convictions and investigations. All applicants must also submit to Disclosure and Barring Service checks. The Council will deal with all information provided in strict confidence. Any information will be retained for no longer than is necessary for the purposes of processing the application for the Licence.

### **Driver's Duty to Inform the Council**

Once a Licence has been granted, drivers are required to inform the Council in writing and within 7 days of any offence with which s/he is charged; any pending court appearances; any convictions; the acceptance of a fixed penalty notice; any endorsements for motoring offences; the acceptance of a speed or other awareness course and all cautions imposed on them since the grant of the Licence. In addition Drivers are required to inform the Council in writing and within 7 days of becoming aware of any pending criminal investigation that concerns them.

### **Consideration of Applications**

Each and every case will be decided on its own merits and in accordance with this policy.

### **Public Safety is the Primary Concern**

Public safety is the primary concern for the licensing of Hackney Carriage and Private Hire Drivers ("Drivers"). The Council has a duty to ensure, so far as possible, that Drivers are "fit and proper" persons to hold Licences. The Council has to consider whether Drivers are fit and proper when they apply for Licences, and it also has to consider whether they remain fit and proper throughout the time that the Licence remains in force.

If a Driver has convictions, cautions, warnings or Fixed Penalty Notices ("Convictions") for various offences this may mean that such a Driver is not a fit and proper person, and that the Driver should not be licensed. The Council can consider current convictions and spent convictions.

A person with a conviction for a serious crime need not be automatically barred from obtaining a Licence but would normally be expected to:-

- remain free from convictions for three to five years
- show sufficient evidence that they are a "fit and proper person" to hold a Licence.
- Simply remaining free from convictions will not generally be regarded as sufficient
- evidence that a person is a "fit and proper person" to hold a Licence.

Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.

The following examples afford a general guide on the actions to be taken where convictions are admitted or discovered.

### **Offences of dishonesty**

Drivers are expected to be persons of trust. It is comparatively easy for a dishonest Driver to defraud the public by demanding more than the legal fare and in other ways. Members of the public entrust themselves to the care of Drivers for their own safety and are expected to be dealt with fairly. The Council will take a serious view of any convictions involving dishonesty. In general a period of three to five years free of convictions should be required before considering an application. In particular an application will normally be refused where an applicant has a conviction for:-

- theft
- burglary
- fraud including benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- similar offences of dishonesty where the conviction is less than three years prior to the date of application

After three years have elapsed consideration can be given to the circumstances of the offence and any evidence that the applicant has mended his/her ways and can be considered a "fit and proper person".

### **Violence**

Drivers have close contact with the public - a firm line should be taken with applicants who have convictions for this type of offence. When the commission of an offence involves loss of life, a Licence will normally be refused. In other cases, a period of three to ten years free from offences involving violence (dependent on the seriousness of the offence) will be required before an application is likely to be considered.

An application will normally be refused where the applicant has a conviction for:-

- murder
- manslaughter
- manslaughter or culpable homicide whilst driving
- similar offences which may have replaced the ones listed.

An application will normally be refused for a period of five years from the date of conviction where the applicant has convictions for:-

- arson
- malicious wounding or grievous bodily harm
- any of the above which are racially aggravated
- grievous bodily harm (GBH) with intent
- wounding with intent
- robbery

- racially aggravated offences of criminal damage
- racially aggravated public order offences (e.g. aggravated fear or provocation of violence, aggravated intentional harassment alarm or distress, aggravated fear of violence)
- riot
- violent disorder
- assaulting a police officer in execution of duty
- possession of offensive weapon or firearm
- similar offences where the conviction is less than five years prior to date of application.

An application will normally be refused for a period of three years from the date of conviction where an applicant has convictions for:-

- common assault including racially aggravated assault
- assault occasioning actual bodily harm
- affray
- racially aggravated public order offence (harassment, alarm or distress)
- obstruction
- criminal damage
- resisting arrest
- similar offences when the conviction is less than three years prior to the date of application.

### **Supply of drugs**

An application will normally be refused when an applicant has a conviction related to the supply of drugs and the conviction is less than five to ten years prior to the date of application. After five years have elapsed, consideration will be given if an applicant can provide evidence that they can be considered a “fit and proper person”.

### **Possession of drugs**

An application will generally be refused where the applicant has more than one conviction relating to the possession of drugs and the conviction is less than five years prior to the date of application. An application from an applicant who has an isolated conviction for possession of drugs within the last three to five years will require serious consideration before a decision is made regarding their suitability.

### **Sexual and indecency offences**

As Drivers often carry unaccompanied passengers, applicants with convictions for rape, indecent assault or similar offences under the Sexual Offences Act will normally be refused a Licence. Applicants with convictions for soliciting or prostitution importuning indecent exposure or like offences under the Sexual Offences Act will normally be refused a Licence until they can show a period of five to ten years free from such a conviction. After five years have elapsed consideration will be given if an applicant can provide evidence that they can be considered a “fit and proper person”.

### **Minor traffic convictions - see Table 1**

Convictions for minor traffic offences will not prevent a person from being considered for a Licence. If an applicant has six live penalty points on their DVLA licence for such offences then the applications may be granted subject to a strong written warning. If an applicant has

between six and nine penalty points on their DVLA licence then the applications will be referred to the Licensing and Public Protection Committee who may decide to refuse the application or

at the very least issue a severe warning that further convictions could lead to revocation. Where an applicant has more than nine penalty points on their DVLA licence they must normally show a period of 12 months free from convictions before their application is considered. A Driver with 12 penalty points is likely to have their Licence revoked. An isolated conviction for a minor traffic offence should normally merit a warning as to future driving standards expected of Drivers. More than one conviction for this type of offence within the last two years is likely to merit refusal and the decision that no other application should be considered until a period of one to three years free from convictions have elapsed.

In totting up cases where disqualification is considered by the court, even if the court does not disqualify (e.g. exceptional circumstances) the council may still refuse applications because different criteria apply.

### **Major traffic offences - see Table 2**

If an applicant has live endorsements or has been disqualified from driving in respect of major traffic offences then the application will be referred to the Licensing and Public Protection Committee and will normally be refused until at least five years after the most recent such convictions. In totting up cases where disqualification is considered by the court, even if the court does not disqualify (e.g. exceptional circumstances) the council may still refuse on applications because different criteria apply.

### **Drink Driving / Driving Under the Influence of Drugs**

A serious view should be taken of a person who has been convicted of driving or being in charge of a vehicle while under the influence of alcohol and / or drugs. Applicants must show at least three years free from convictions after the restoration of their DVLA driving licence before their application will be considered. More than one "live" conviction for this type of offence would require a period of at least five years free from convictions before the application would be considered. Such an applicant would also be required to pass a further medical examination, and if found to be alcoholic or addicted to drugs a further period of five years should elapse after treatment is complete before an application is considered.

### **Alcohol Related Offences Other Than Drink Driving**

An isolated conviction for drunkenness need not debar an applicant from gaining a Licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating medical examination.

### **Offences by licensed Drivers**

Any conviction which results from an offence committed by any person whilst working as a Driver (especially the offence of illegally plying for hire) is regarded as extremely serious and may lead to a Licence being suspended or revoked or an application to renew the Licence being refused. More than one conviction for the above would certainly lead to the Licence being revoked. This includes any offences against the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 or any breach of the conditions or byelaws made under the relevant legislation.

Convictions of any description listed below committed by drivers during the duration of their Licence must be declared to the Licensing Unit in writing within seven days of the conviction date.

## Spent convictions

Under the Rehabilitation of Offenders Act 1974 convictions become spent as defined below –

<b>Those 18 or over on the date of conviction</b>
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Sentence	Rehabilitation Period
Prison sentence over 48 months	Never spent
Prison sentence between 30 and 48 months	7 years from the end of the sentence (inc. time on licence)
Prison sentence between 6 and 30 months	4 years from the end of the sentence (inc. time on licence)
Prison sentence less than 6 months	2 years from the end of the sentence (inc. time on licence)
Probation order	12 months from the end of the order
Community order	12 months from the end of the order, or where the last such day is not specified, 2 years from the date of conviction
Fine	1 year from the date of conviction
Conditional Discharge Order, referral order, reparation order, action plan order, supervision order, bind over order, hospital order	The last day on which the order has effect
Compensation	Once the compensation is paid in full
Absolute Discharge	No rehabilitation period

Drivers are exempt from the provisions of The Rehabilitation of Offenders Act 1974 Exceptions) (Amendment) Order 2002, Part 1 of Schedule 1, Paragraph 12(e). **are exempt from (Exceptions) (Amendment) Order 2002, Part 1 of Schedule 1 .**

**This means that:**

**New applicants and existing licence holders must disclose all previous cautions and convictions whether they are spent or not.**

## Spent convictions

Under the Rehabilitation of Offenders Act 1974 convictions become spent as defined below –

<b>Those 17 or under on the date of conviction</b>
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<b>Sentence</b>	<b>Rehabilitation Period</b>
Custodial sentence: over 48 months	Never spent
Custodial sentence: more than 30 months up to and including 48 months	3 and a half years from the end of the complete sentence (inc. time spent on licence)
Custodial sentence: more than 6 months up to and including 30 months	2 years from the end of the complete sentence (inc. time spent on licence)
Custodial sentence: 6 months or less	1 and a half years from the end of the complete sentence (inc. time spent on licence)
Community order / Youth Rehabilitation Order	6 months from the end of the order, and where the order does not specify the last day, 2 years from the date of conviction
Referral order	The last day on which the order has effect
Fine	One year from the date of conviction
Conditional Discharge Order, referral order, reparation order, action plan order, supervision order, bind over order, hospital order	The last day on which the order has effect
Compensation	Once the compensation is paid in full
Absolute Discharge	No rehabilitation period

This table was amended in April 2014 to give effect to the changes made by the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

### **This means that:**

**New applicants and existing licence holders must disclose all previous cautions and convictions whether they are spent or not.**

### Table 1: Minor traffic offences

CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use or unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Breach of requirements as to control of the vehicle, mobile telephone etc.
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Exceeding speed limit offence
MS10	Leaving a vehicle in a dangerous position
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information as to identity of driver, etc.
MW10	Contravention of special road regulations (excluding speed limit)
PC10	Undefined contravention of pedestrian crossing regulations
PC20	Contravention of pedestrian crossing regulations with moving vehicle
PC30	Contravention of pedestrian crossing regulations with stationary vehicle
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a „stop“ sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding “stop” sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign
	<ul style="list-style-type: none"><li>• Aiding, abetting, counselling or procuring- offences as coded above.</li><li>• Causing or permitting- offences as coded above.</li><li>• Inciting- offences as coded above.</li></ul>

### Table 2: Major traffic offences

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of the court
BA30	Attempting to drive while disqualified by order of the court

- CD10 Driving without due care and attention  
 CD20 Driving without reasonable consideration for other road users  
 CD30 Driving without due care and attention or without reasonable consideration for other road users  
 CD40 Causing death through careless driving when unfit through drink  
 CD50 Causing death through careless driving when unfit through drugs  
 CD60 Causing death through careless driving with alcohol above limit  
 CD70 Causing death by careless driving then failing to supply a specimen for analysis  
 CD71 Causing death by careless driving then failing to supply a specimen for drug analysis
- DD40 Dangerous driving  
 DD60 Manslaughter or culpable homicide while driving a vehicle  
 DD80 Causing death by dangerous driving
- DR10 Driving or attempting to drive with alcohol level above limit  
 DR20 Driving or attempting to drive while unfit through drink  
 DR30 Driving or attempting to drive then failing to supply a specimen for analysis  
 DR31 Driving or attempting to drive then failing to supply a specimen for drug analysis  
 DR40 In charge of a vehicle while alcohol level above limit  
 DR50 In charge of a vehicle while unfit through drink  
 DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive  
 DR61 Failure to supply drug specimen for analysis in circumstances driving or to drive  
 DR70 Failing to provide specimen for breath test  
 DR80 Driving or attempting to drive when unfit through drugs  
 DR90 In charge of a vehicle when unfit through drugs
- IN10 Using a vehicle uninsured against third-party risks
- LC20 Driving otherwise than in accordance with a licence  
 LC30 Driving after making a false declaration about fitness when applying for a licence  
 LC40 Driving a vehicle having failed to notify a disability  
 LC50 Driving after a licence has been revoked or refused on medical grounds
- MS50 Motor racing on the highway  
 MS60 Offences not covered by other codes
- UT50 Aggravated taking of a vehicle
- Aiding, abetting, counselling or procuring offences as coded above.
  - Causing or permitting offences as coded above.
  - Inciting offences as coded above.

**GUIDANCE MATRIX OF PENALTIES FOR OFFENCES COMMITTED WITHIN TWO ROLLING LICENCE YEARS**

	<u>1<sup>st</sup> Offence following warnings (where appropriate).</u>	<u>2<sup>nd</sup> Offence</u>	<u>3<sup>rd</sup> &amp; Subsequent Offences</u>	<u>Comments</u>
1. Failure to wear badge so as to be plainly and distinctly visible	1-3 day suspension	7-10 day suspension	Referral to the L&PPC*	Additional days may be added if the badge is not being worn at night and/or is not in the vehicle and immediately available for wearing
2. Breach of dress code	3 day suspension	7 day suspension	Referral to the L&PPC*	The penalty may be increased if the breach of dress code compromises public safety. (e.g.) wearing unsuitable footwear
3. Improper use of rank/ leaving vehicles unattended	3 day suspension	7 day suspension	Referral to the L&PPC*	
4. Uncivil behaviour	3 day suspension	7 day suspension	Referral to the L&PPC*	
5. Eating, drinking or using an electronic smoking device whilst driving a licensed vehicle	3 day suspension	7 day suspension	Referral to the L&PPC*	This includes any devices which are similar to electronic smoking devices
6. Failure to notify of change of address	3day suspension	7day suspension	Referral to the L&PPC*	
7. Use of mobile phone whilst driving a licensed vehicle	7 day suspension	14 day suspension	Referral to the L&PPC*	
8. Breach of road safety legislation	7 day suspension	14 day suspension	Referral to the L&PPC*	
9. Overcharging	7 day suspension	14 day suspension	Referral to the L&PPC*	
10. Failure to notify a Conviction, Caution or Fixed Penalty Notice or other policy notification requirements.	14 day suspension / referral to L&PPC*	Referral to the L&PPC*		This includes all convictions, cautions and fixed penalty notices etc. and other policy notification requirements with the exception of the requirement in 6 above.

	<u>1<sup>st</sup> Offence following warnings (where appropriate).</u>	<u>2<sup>nd</sup> Offence</u>	<u>3<sup>rd</sup> &amp; Subsequent Offences</u>	<u>Comments</u>
11. Failure to pick up passengers on time	3 - 21 days suspension depending upon circumstances	3-21 days suspension depending upon circumstances or revocation	Referral to the L&PPC*	Each event will be considered on its own merit. Additional days may be added where the customer is disabled or otherwise vulnerable.
12 Refusal to take a fare without reasonable cause	3 - 21 days suspension depending upon circumstances	3 - 21 days suspension depending upon circumstances or revocation	Referral to the L&PPC*	Each event will be considered on its own merit. Additional days may be added where the customer is disabled or otherwise vulnerable or the matter is of a discriminatory nature
13 Failure to maintain subscription to DBS Online Update Service	Suspension / Revocation / Referral to LPPC*	Suspension / Revocation / Referral to LPPC*		It is essential that the Licensing Authority is kept fully informed and updated of all licence holders' DBS status to ensure public safety.

\*Licensing & Public Protection Committee.

Notes:

- The Council's approach for dealing with those who fail to meet the reasonable standards expected of a licensed driver and for some minor contraventions of conditions will initially be by way of a verbal warning and then written warning.
- The penalties shown are generally meant to be the maximum penalty for a particular offence. The penalty may be reduced where for example, a full and frank admission is made at the earliest opportunity. The penalty may be increased where there are aggravating factors.
- This list of penalties is not exhaustive and other offences and/or contraventions will be dealt with accordingly.
- Other offences will be dealt with in a manner which is commensurate with the above Penalty Matrix
- Referral to the Licensing and Public Protection Committee (L&PPC) remains an option at any time.
- A driver who is prosecuted for an offence may subsequently be referred to the L&PPC upon conviction of that offence.
- Significant matters may result in revocation at any time.
- Legislation allows for prosecution of some offence as an option at any time.
- Officers have delegated powers to suspend or revoke licenses as well as to refer matters to the L&PPC or for prosecution where appropriate.

**DRESS CODE****Licensed drivers are required to maintain a high standard of personal hygiene & cleanliness**

- (i) Male drivers shall, as a minimum, wear a shirt or "T" shirt and tailored shorts, trousers or denim jeans. The shirt or "T" shirt shall cover the shoulders and be capable of being worn inside the shorts or trousers. Shirts worn as open neck shirts shall have no more buttons open than the collar button and the next button. "T" shirts, sweat tops, jumpers, shall not carry any words or pictures except for any name (including any logo) of any:-
- a) Manufacturer and/or
  - b) Operator/Proprietor and/or
  - c) The name of the driver
- "Tailored" in respect of shorts and trousers shall be defined as having a fly fastening and capable of being worn with a belt on the waist. In addition, shorts and trousers shall be of one colour with the exception of contrasting detail and piping which will be allowed. To avoid any doubt, tracksuits and denim shorts shall not be permitted.
- (ii) The dress code for female drivers shall be as for male drivers with a substitution of "blouse" for "shirt" and the addition of "skirt" to "tailored shorts or trousers".
- (iii) For safety reasons footwear for all drivers shall fit around the heel by an enclosed or sling back. To avoid any doubt, mules or beach "flip flops" shall not be permitted.
- (iv) All clothing shall be clean, free from holes, rips and snags and fastenings shall be in good order.
- (v) Drivers shall not wear any item of clothing or apparel which exhibits any of the following:
- Offensive language
  - References to drunkenness or the use of recreational drugs
  - Anything racist, sexist, discriminatory or otherwise offensive
  - Any advertising that does not conform to the relevant codes of advertising practice.
- (vi) The person responsible for maintenance shall carry in the relevant vehicle an overall or similar item of protective clothing which shall be worn over clothing in the event of any vehicle maintenance being undertaken whilst away from the base.
- (vii) The use of electronic smoking devices or similar whilst driving a licensed vehicles is prohibited. Further, their use is discouraged within licensed vehicles and drivers should treat them in the same way as smoking tobacco.

Some examples of unacceptable standards of dress would include bare chests or shoulders, dirty, ripped or damaged clothing.

**RULES OF THE RANK**

The driver of a hackney carriage shall, when plying for hire in any street and not actually hired,

- (a) Proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf
- (b) If a stand, at the time of his arrival, is occupied by the full number of carriages authorized to occupy it, proceed to another stand;
- (c) On arrival at a stand not already occupied by the full number of carriages authorized to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
- (d) From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved so as to fill the place previously occupied by the carriage driven off or moved forward.
- (e) For the avoidance of doubt, private hire vehicles must not park on or near a taxi rank; it is an offence to ply for hire in a private hire vehicle.