

**NORTH LINCOLNSHIRE COUNCIL**

**LICENSING COMMITTEE**

**LICENSING POLICY  
HACKNEY CARRIAGE AND PRIVATE HIRE**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To present a Draft Licensing Policy for Hackney Carriage and Private licensing for approval prior to consultation. A copy of the draft policy is at Appendix A to this report.
- 1.2 To consult on the said policy in accordance with this report.

**2. BACKGROUND INFORMATION**

- 2.1 North Lincolnshire Council has a duty to protect the public and is authorised to carry out the statutory function of issuing Licences in relation to Hackney Carriage and Private Hire Drivers, Vehicles and Operators.
- 2.2 These Licenses are issued in accordance with the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976.
- 2.3 There is no legal requirement for the Policy, however due the increase in consultation being carried out related to these licensing functions and the need to be consistent in our approach to licensing, it is considered good practice that such a policy to be implemented.
- 2.4 Previous reports have been presented before the Licensing Committee on 8 July 2008, which looked at Hackney Carriage and Private Hire Vehicle Conditions and a review of the testing criteria. Each of these reports resulted in the start of consultation, which confused the consultees. In light of this, it was determined to bring all of the issues under one policy and start consultation afresh.
- 2.5 As a part of the proposed consultation, it is proposed to hold a working group with trade representatives and interested parties.

### **3. OPTIONS FOR CONSIDERATION**

- 3.1 Option 1 – To approve the draft policy subject to consultation.
- 3.2 Option 2 – To revise the draft policy prior to consultation.
- 3.3 Option 3 – To reject the draft policy.

### **4. ANALYSIS OF OPTIONS**

- 4.1 Option 1 – This is in line with the process normally carried out when determining Licensing Policy.
- 4.2 Option 2 – Members of this committee will have a chance to comment and change the policy once consultation has been carried out.
- 4.3 Option 3 – A rejection of this policy would result in a piecemeal implementation of the proposed changes which could cause confusion.

### **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

- 5.1 There are limited financial implications from this report, in that we will be required to publish the licensing policy. Any additional cost will be recovered through the licence fee.
- 5.2 Should the policy be agreed it will be reviewed in line with other statutory policies on a 3 yearly cycle.

### **6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

- 6.1 Local Government (Miscellaneous Provisions) Act 1976
- 6.2 Town Police Clauses Act 1847

### **7. OUTCOMES OF CONSULTATION**

- 7.1 Consultation will be carried out following approval by the Licensing Committee. The consultation will include a working group.

### **8. RECOMMENDATIONS**

- 8.1 That the licensing policy be approved, subject to consultation.

SERVICE DIRECTOR NEIGHBOURHOOD & ENVIRONMENT

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Date: 24 December 2008

**Background Papers used in the preparation of this report – N/a**



# **Licensing Policy**

## **Hackney Carriage and Private Hire**

Draft 1

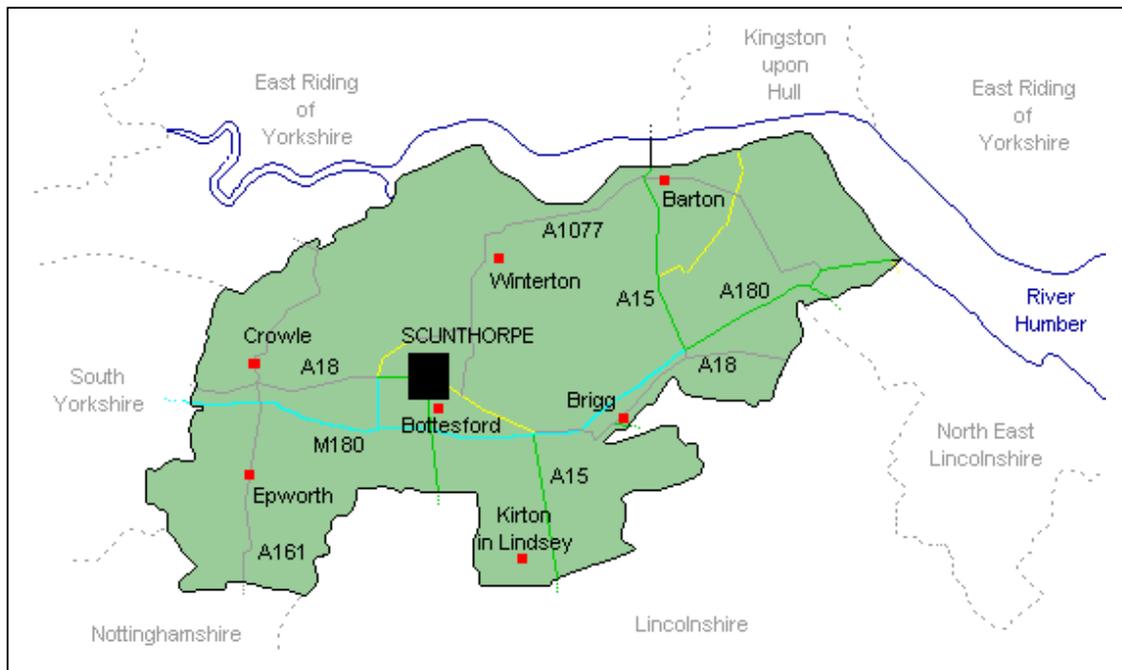
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## 1.0 Introduction

### 1 The Area of North Lincolnshire

- (1) North Lincolnshire covers a mix of urban and rural areas. It includes the towns of Scunthorpe, Barton upon Humber and Brigg. There are also several other market towns, villages and rural areas. Its total area is 328 square miles.
- (2) The 2001 Census gave the population of North Lincolnshire as 152,849. Of these, 72,106 live in Scunthorpe and Bottesford. The other 80,743 people live in the rural areas, which include the towns of Barton upon Humber and Brigg.
- (3) Large concentrations of licensable activities are located in Scunthorpe town centre, in the areas of Doncaster Road, the High Street and Frodingham Road.
- (4) Below is a map of the area.



### 2 General Information

- (1) The primary legislation relating to Hackney Carriage and Private Hire Licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

- (2) The aim of this policy is to ensure the safety and welfare of the population who live and work in North Lincolnshire, while recognising the importance of the businesses to the local economy.
- (3) This policy will provide guidance to the licensing authority when considering licence applications for
  - Hackney Carriage and Private Hire Vehicle Drivers
  - Hackney Carriage Vehicles
  - Private Hire Vehicles
  - Private Hire Operators
  - Small Bus Permits

### **3 Consultation**

- (1) In determining this Licensing Policy, North Lincolnshire Council has consulted the following persons/bodies:
  - Federation of Small Business
  - Disabled Access Groups
  - Training Providers (North Lindsey College & Hull College)
  - Scunthorpe Charter Trustees
  - Town & Parish Councils
  - Trade Associations
  - Licence Holders
  - Taxi Users
- (2) In addition, various other professional persons within North Lincolnshire Council have been consulted. These include:
  - Legal Services, including Democratic Services
  - Community Safety Partnership
  - Town Centre Manager
  - Highways
  - The Mayors Office
  - Leader of Conservative Group
  - Leader of Labour Group
  - Chair of Licensing Committee
  - Cabinet Member for Environment
- (3) The views of all the appropriate bodies and organisations have been taken into consideration and weighted appropriately.

### **4 Review of the Licensing Policy**

- (1) The Council will review this policy every three years. At the time of the review all interested parties will again be consulted. In addition to the three yearly reviews, this policy will be subject to continuous evaluation and may be updated at anytime.

## 5 **Contacts**

- (1) The Licensing function is currently part of the Neighbourhood and Environmental Service. Our address is:

Licensing Division  
Church Square House,  
PO Box 42,  
Scunthorpe,  
North Lincolnshire,  
DN15 6XQ.

Email: [licensing@northlinc.gov.uk](mailto:licensing@northlinc.gov.uk)

- (2) To ask about any licensing issue, first contact the Licensing Division on (01724) 297592. We have attached a list of useful contacts in Appendix A.

# **Part 1 – Licensing Principles, Process and Delegation**

## **Introduction**

This part of the policy will focus on the principles the Council will follow when dealing with licence applications, reviewing conditions, setting fees and setting the table of fares. It explains the roles and duties of the Licensing Committee and officers.

## Licensing Principles, Process and Delegation

### 6 Licensing Principles

- (1) The Licensing Authority aims to provide a clear consistent service to the service user. We will look to balance the needs of the applicant against the need to protect the safety of the public.
- (2) All licence applications will be considered and determined on their own merits.

### 7 Licensing Committee & Sub Committee

- (1) North Lincolnshire’s Licensing Committee is made up of 15 members of the council. The Licensing Committee will deal with policy issues, conditions, fees and fares. The Licensing (Miscellaneous) Sub-Committee is made up of 5 members who will determine applications for and review licences.
- (2) The public must be able to see that the Licensing Committee and Licensing Sub-Committee act in a fair and reasonable manner at all times. Therefore, all members of the Licensing Committee must attend in house training before they can sit on the Licensing Committee or Sub-Committee.
- (3) Members of the Licensing Committee should not hear an application or make a decision on an application where an applicant is known to them. This measure is in the interests of reducing a conflict of interest.

### 8 The Licensing Process & Delegation of Functions

- (1) The Council will delegate its licensing function to either the Licensing Committee, Licensing Sub-Committee or to an authorised officer of the council. Delegation will be as follows:

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Determine Licence Fees	All cases		
Determine Table of Fares	All cases		
Determine objections to fees or table of fares	All cases		
Determination of application for a Hackney Carriage/Private Hire Vehicle Drivers Licence		All cases where there is doubt that the applicant is a fit & proper person	If no offences are revealed on the CRB check or endorsements on the licence
Revoke a Hackney Carriage/Private Hire Vehicle Drivers Licence following a complaint, conviction, endorsement, etc		All Cases	
Suspend a Hackney Carriage/Private Hire Vehicle Drivers Licence		All other cases	If there is an urgent need in order to protect the public

Suspend a Hackney Carriage or Private Hire Vehicle			All cases
Revoke a Hackney Carriage or Private Hire Vehicle licence		All cases	
Suspend/Refuse or Revoke an operators licence		All cases	
Setting Local Knowledge Test and Pass Mark			Licensing Manager

- (2) Where an application is referred to the Licensing Sub-Committee, it will be determined on its own merits. Members of the Committee will take into consideration the information contained in the report, and hear the representations of the Applicant.

## 9 Decisions

- (1) Following the determination of an application by the Licensing Sub-Committee the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as possible after the decision has been made, or in any case within 7 days of the hearing. This will include information on the right of appeal.

## 10 Appeals

- (1) Parties aggrieved by a decision of the Licensing Authority have a right of appeal, which should be lodged with the Magistrates Court within 21 days of the notification of a decision.

## 11 Working in Partnership

- (1) We aim to work in partnership when dealing with Hackney Carriage and Private Hire Licensing issues. Such partnerships will include Humberside Police, Safer Neighbourhoods, Training Providers and the licence holders.

## 12 Licensing Forum

- (1) A Licensing Forum will be held with representatives from the Hackney Carriage and Private Hire Trade every three months. This meeting will normally be chaired by the chairperson of the Council's Licensing Committee. Representatives will be invited from other organisations to assist in the consultation process.

## **Part 2 – Licensable Activities**

### **Introduction**

This part of the Policy will focus on the licensable activities and the necessary steps required to hold such a licence. These steps will include the standards required and the conditions that applicants and licence holders will be required to attain. The scope of this policy covers Hackney Carriage, Private Hire and Small Bus Permits.

## **Hackney Carriage and Private Hire Vehicle Drivers**

### **13 Summary**

- (1) Any person who drives a Hackney Carriage Vehicle must hold the appropriate vehicle drivers licence. Hackney Carriage Vehicle drivers licences are issued in accordance with section 46 of the Town Police Clauses Act 1847.
- (2) Any person who drives a Private Hire Vehicle must hold the appropriate vehicle drivers licence. Private Hire Vehicle driver's licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
- (3) A person can apply for a licence to drive either a Hackney Carriage or Private Hire Vehicle or they can apply for both types of licence both.

### **14 Fit and Proper Person**

- (1) Licensed drivers will be required to convey vulnerable adults and/or children in their vehicles. We will not licence anyone to drive a Hackney Carriage or Private Hire vehicle unless we are satisfied that they are a "fit and proper" person. In considering the fit and proper test, applicants will be required to satisfy the application process outlined below.

### **15 Application Process**

- (1) . . Licences are issued on an annual basis and all applicants are required to undertake and produce the following:
  - Application form
  - Enhanced Criminal Records Bureau (CRB) Check
  - Local Knowledge Test (Hackney Carriage Drivers only)
  - Driver Standards Agency (DSA) test in certain circumstances
  - 2 x passport size colour photographs (the same)
  - Medical Certificate
  - DVLA Licence (if paper and card bring both) and must of held a full licence for no less than 12 months
  - Licence Fee

### **16 Application Form**

- (1) The application form must be completed. If any part of the application form is not complete, the applicant will be required to provide the information before the application can proceed.
- (2) The application form, medical certificate and photographs should be submitted at the same time, along with the applicant's original DVLA

driving licence. If any of these items are missing, the application may be delayed. A CRB check will be requested on receipt of the application form.

- (3) Guidance on the application process is provided for applicants. Although this guidance is available in languages other than English, it is essential that applicants are able to converse in English.

## **17 Criminal Records Bureau (CRB) Check**

- (1) All persons applying to drive a Hackney Carriage or Private Hire Vehicle will be required to have a CRB check on initial application and every three years thereafter. Further checks may be carried out if we have reason to think that a person has been convicted of an offence since they were last licensed.
- (2) Due to the nature of the profession, Hackney Carriage and Private Hire Vehicle Drivers are an exempt profession under the provisions of the Rehabilitation of Offenders Act 1974. As a result, convictions are deemed never to be spent. When considering convictions and endorsements, we will only take into consideration such convictions we deem to be relevant.
- (3) On the return of a CRB check where convictions have been disclosed, an assessment panel will be held. This panel will consider the conviction and should it be deemed relevant, then the application will be referred to the Licensing (Miscellaneous) Sub-Committee for consideration.
- (4) All new applicants for a licence will be required to have an interview at the time the CRB check is carried out. Documentation will be checked for authenticity at this time.

## **18 Criminal History**

- (1) A criminal record does not automatically de-bar an applicant from holding a Hackney Carriage or Private Hire Vehicle Licence. The Council has adopted guidance for members relating to a person's criminal history, which is based on the guidance issued by the Department for Transport Circular 2/92 and the Home Office Circular 13/92. This guidance is at Appendix A to this policy.

## **19 Knowledge Test**

- (1) Applicants for a licence to drive a Hackney Carriage Vehicle will be required to sit a knowledge test. This test will be in three parts covering local routes, legislation and road craft. Each applicant will be provided with a study guide. The questions in the knowledge test will be derived from the said guide.

- (2) The test will consist of 50 questions. Part A (local routes) will constitute 20 questions, part B (legislation) will have 10 questions and part C (road craft) will have 20 questions.
- (3) Applicants will be required to attain an 80% pass in part A, 100% in part B and 80% in part C. Where an applicant passes either Part A, B or C, they will not be expected to re-take that part again should they fail another part of the test.

## **20 Driver Standards Agency (DSA) Test**

- (1) Statistically young and new drivers are more likely to be involved in accidents than experienced drivers. The minimum requirement for a person to hold a Hackney Carriage or a Private Hire Vehicle Drivers Licence is that they must have held a DVLA or EU driving licence for at least 12 months.
- (2) In addition to this, it is considered necessary for younger drivers or new drivers to undertake the DSA test to determine fitness to drive a licensed hackney carriage or private hire vehicle. Therefore any person with less than 3 years driving experience or under 21 years of age who applies for a Hackney Carriage and Private Hire Vehicle Drivers Licence will be required to undertake the DSA test before a licence can be issued.
- (3) Where an applicant for a Hackney Carriage or Private Hire Vehicle Licence has 9 or more points on their DVLA driving licence, or has been banned from driving in the last 3 years for totting up, or 5 years for serious road traffic offences, that applicant will be required to undertake the DSA test before a licence will be issued.
- (4) Where a licensed Hackney Carriage or Private Hire Vehicle Driver is convicted of a driving offence, has been issued with a fixed penalty or, in the opinion of a police constable or authorised officer, has driven in a dangerous manner, the licence will be reviewed and the driver may be required to undertake a DSA driving test.

## **21 Identity**

- (1) An applicant for a Hackney Carriage or Private Hire Vehicle Drivers licence must provide two passport photographs. One of these photographs shall be endorsed by a person of professional standing to the effect that the photograph is a true likeness to the applicant. This should be dated and signed.
- (2) The person of professional standing shall not include a relative of the applicant or a prospective employer.
- (3) Photographs other than standard passport photographs will not be accepted.

- (4) The applicant should not wear headwear, other than for religious purposes, dark glasses or other items which cover the head or face.

## **22 Medical Requirements**

- (1) All applicants for a Hackney Carriage or Private Hire Vehicle Licence are required to undertake a medical examination. This medical examination should be carried out by the applicant's registered General Practitioner (GP who will have an understanding of the applicant's medical history.
- (2) Medical certificates shall be produced on application to renew a licence every 5 years up to the age of 45, every 3 years from the age of 46 to 59 and yearly for persons over 60 years of age.
- (3) Should an authorised officer have reason to believe that a licensed Hackney Carriage or Private Hire Vehicle Driver has a medical condition which renders them unfit to drive, a further medical examination will be requested. This medical examination should again be carried out by the driver's GP. If it is deemed necessary to do so, the licence may be suspended in the interests of protecting the public until the further medical examination has been carried out.

## **23 DVLA and EU Driving Licences**

- (1) A person applying for a Hackney Carriage or Private Hire Vehicle drivers licence must have held a DVLA or EU driving licence for at least 12 months. In addition to this requirement, a DSA test will be required for certain drivers in accordance with paragraph 20.
- (2) Applicants will be required to produce the original of their DVLA driving licence. Copies will not be accepted. Where a Licence has an ID card and counter-part paper licence, applicants will be required to produce both parts.

## **24 English Speaking**

- (1) Applicants for Hackney Carriage and Private Hire Vehicle licenses must be able to converse in English. Drivers may potentially be carrying vulnerable adults and children and it is important that language should not be a barrier to communication.

## **25 Licence Conditions**

- (1) Private Hire Vehicle Drivers licenses can have conditions attached to them in accordance with section of the Local Government (Miscellaneous Provisions) Act 1976.
- (2) A copy of the Private Hire Vehicle Licence conditions is appended to this policy as **Appendix B**.

- (3) The Private Hire Vehicle drivers licence conditions will be reviewed with this policy on a three yearly basis, thus ensuring that they are reasonable and fit for purpose.
- (4) Conditions cannot be added to Hackney Carriage Vehicle Drivers Licences.

## **Hackney Carriage Vehicles**

### **26 Summary**

- (1) Hackney Carriage or Public Hire Vehicles are licensed in accordance with the provisions contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- (2) Commonly known as Taxis, Hackney Carriage vehicles can be hailed in the street and may ply for hire on a stand.

### **27 Use of Vehicles**

- (1) A person applying for a licence for a Hackney Carriage Vehicle should do so with the intention of using the vehicle in the controlled district of North Lincolnshire. Where the intention is to use a licensed vehicle in another district as a private hire, then the applicant should apply to the said district for a licence.

### **28 Application Process**

- (1) In addition to completing an application form, a person wishing to license a hackney carriage vehicle will need to submit valid insurance certificate for public hire, a bill of sale to prove that they are the owner of the vehicle, the registration certificate and the licence fee. All documents shall be provided before the vehicle is tested and inspected.

### **29 Testing of Vehicles**

- (1) Vehicles will be tested and inspected at the council's MoT test station. On satisfactory completion of the test, a certificate of compliance will be issued. The test and inspection includes a number of items in addition to the normal MoT test. These elements have been deemed reasonable and necessary in order to protect the public using licensed vehicles. A copy of the testing criteria is appended to this report at **Appendix C**
- (2) The certificate of compliance once issued is only valid in conjunction with a valid Hackney Carriage Vehicle Licence.
- (3) Vehicles will be tested and inspected in accordance with **paragraph 30 of this policy**.

### **30 Standard of Vehicles to be Licensed**

- (1) Vehicles licensed to carry persons for hire and reward must be fit, safe, comfortable and suitable for the purpose for which they are licensed. To ensure that vehicles within the controlled district of North

Lincolnshire meet these criteria, the Council has specified that vehicles will be tested and inspected in accordance with the following Table.

<b>Age of Vehicle</b>	<b>Test and Inspection Requirements</b>
Under 1 year	Annually
Between 1 year and 4 years of age	Annually
Between 4 years and 8 years of age	Tested twice per annum (6 monthly intervals)
Over 8 years of age	Tested three time per annum (4 monthly intervals)

### **32 Licensing of Vehicles Over Eight Years of Age**

- (1) We would not normally licence vehicles that are over eight years of age as a Hackney Carriage. However, where a vehicle over 8 years of age is presented for licensing, it will be considered if it is deemed to be in an exceptional condition.
- (2) In defining the exceptional standard for vehicles over 8 years of age, the following criteria will be applied:
  - a) the vehicle shall pass North Lincolnshire Council's test and inspection for the certificate of compliance at the first attempt and not on re-test, and;
  - b) the vehicle must be free from body work blemishes; and
  - c) all interior and exterior accessories must be in full working order.

Where a vehicle has failed North Lincolnshire Council's test and inspection for the Certificate of Compliance at the first attempt for a non-mechanical reason, it may still be considered for licensing providing the vehicles meets criteria b) and c).

- (4) As Hackney Carriage Vehicles are carrying members of the public for hire and reward, we have a duty to ensure that they are fit, safe, comfortable and suitable for use. The vast majority of the vehicles under 8 years of age do not cause any concern, but some older vehicles need to be replaced with more suitable vehicles.

### **33 Meters & Table of Fares**

- (1) Hackney Carriage vehicles shall be fitted with a meter and display a table of fares. Such meters shall be used at all times when the vehicle is hired by a passenger.
- (2) In order to reduce the risk of over charging, from 1 January 2012 all licensed Hackney Carriage Vehicles shall be fitted with a calendar-controlled meter.

### **34 Roof Signs**

- (1) All Hackney Carriage Vehicles shall be fitted with a roof sign. The said roof sign shall display the wording "TAXI" or "For Hire" on the front of the sign, and the rear of the sign can be used to display the company or telephone number of the business.

### **35 Advertising**

- (1) Proprietors may advertise on Hackney Carriage Vehicles subject to approval from the Licensing Authority. Approval should be sought in writing. We will not normally reject an application unless it is deemed to be indecent, offensive or illegal.

### **36 Livery**

- (1) All Hackney Carriage Vehicles shall be silver in colour. A standard livery is required to protect the public.

### **37 Closed Circuit Television (CCTV)**

- (1) Hackney Carriage Vehicles may be fitted with Closed Circuit Television (CCTV) systems. Where such a system is fitted, the vehicle must display a sign/signs ensuring passengers are aware that CCTV is in use.
- (2) Recordings from such a system should be available for inspection by a Police Officer or an Authorised Officer of the Council for a period of up to 14 days.
- (3) It is the proprietor's responsibility to ensure that images from the system are held in a secure manner.

### **38 Ranks**

- (1) Hackney Carriage Ranks/Stands are provided in accordance with the Local Government (Miscellaneous Provisions) Act 1976. We will work with the Taxi trade, Highways and Humberside Police to determine where ranks/stands should be situated.

- (2) Drivers should use the ranks available to them. Where a driver is standing plying for hire and is illegally parked if, in the opinion of an authorised officer of the council or police constable, the driver is plying for hire in a dangerous location the said driver's licence may be reviewed and such conduct may be deemed reasonable cause to revoke or suspend the licence under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

### **39 Disabled Access**

- (1) In order to afford public transport for all and in accordance with the requirements of the Disability Discrimination Act 1995, all newly licensed Hackney Carriage Vehicles shall be adapted to carry a passenger in a wheelchair. Proprietors wishing to licence such vehicles will be required to produce a certificate stating that the vehicle has been produced to UK low volume production standards.
- (2) Vehicles already licensed as Hackney Carriage shall be allowed to continue being used as Hackney Carriage Vehicles for as long as a valid licence is in place. If the licence is allowed to lapse for a period of 28 days, then it will need to be replaced in accordance with the requirements of paragraph 39(1)
- (3) All licensed vehicles shall conform to the requirements of paragraph 39 (1) as from 1 January 2014.

### **40 External Plates**

The external licence plate shall be affixed securely to the vehicle on the off side rear bumper (driver's side) or adjacent to the vehicle's registration plate. Plates shall be kept clean and legible at all times.

### **41 Internal Plates**

Internal plates shall be securely fixed in the front windscreen on the passenger side of the vehicle: just above the tax disc in saloon type vehicles, and on the partition for purpose built vehicles where a partition is fitted.

### **42 Tinted Windows**

No Hackney Carriage vehicle shall be fitted with dark or tinted windows of such a degree that the driver or passengers are not visible from outside the vehicle. Any tint applied shall be to legal requirements.

### **43 Licence Conditions**

Conditions attached to Hackney Carriage and Private Hire Vehicle licences will be reviewed every three years to ensure that they are reasonable and fit for purpose.

## **Private Hire Vehicles**

### **44 Summary**

Private Hire Vehicles are licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Private Hire Vehicles must not appear to be a Hackney Carriage Vehicle.

### **45 Application Process**

In addition to completing an application form, a person wishing to license a private hire vehicle will need to submit valid insurance certificate for private hire, a bill of sale to prove that they are the owner of the vehicle, the registration certificate and the licence fee. All documents shall be provided before the vehicle is tested and inspected.

### **46 Testing of Vehicles**

- (1) Vehicles will be tested and inspected at the council's MoT test station. On satisfactory completion of the test, a certificate of compliance will be issued. The test and inspection includes a number of items in addition to the normal MoT test. These elements have been deemed reasonable and necessary in order to protect the public using licensed vehicles. A copy of the testing criteria is appended to this report at **Appendix D**
- (2) The certificate of compliance once issued is only valid in conjunction with a valid Private Hire Vehicle Licence.
- (3) Vehicles will be tested and inspected in accordance with **paragraph 47 of this policy**.

### **47 Standard of Vehicles to be Licensed**

- (1) Vehicles licensed to carry persons for hire and reward must be fit, safe, comfortable and suitable for the purpose for which they are licensed. To ensure that vehicles within the controlled district of North Lincolnshire meet these criteria, the Council has specified that vehicles will be tested and inspected in accordance with the following Table.

<b>Age of Vehicle</b>	<b>Test and Inspection Requirements</b>
Under 1 year	Annually
Between 1 year and 4 years of age	Annually
Between 4 years and 8 years of age	Tested twice per annum (6 monthly intervals)

Over 8 years of age	Tested three time per annum (4 monthly intervals)
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#### **48 Licensing of Vehicles Over Eight Years of Age**

- (1) We would not normally licence vehicles that are over eight years of age as Private Hire. However, where a vehicle over 8 years of age is presented for licensing, it will be considered if it is deemed to be in an exceptional condition.
- (2) In defining the exceptional standard for vehicles over 8 years of age, the following criteria will be applied:
  - a) the vehicle shall pass North Lincolnshire Council's test and inspection for the certificate of compliance at the first attempt and not on re-test, and;
  - b) the vehicle must be free from body work blemishes; and
  - c) all interior and exterior accessories must be in full working order.

Where a vehicle has failed North Lincolnshire Council's test and inspection for the Certificate of Compliance at the first attempt for a non-mechanical reason, it may still be considered for licensing providing the vehicle meets criteria b) and c).

- (3) As Private Vehicles are carrying members of the public for hire and reward, we have a duty to ensure that they are fit, safe, comfortable and suitable for use. The vast majority of the vehicles under 8 years of age do not cause any concern, but some older vehicles need to be replaced with more suitable vehicles.

#### **49 Meters & Table of Fares**

Where a private hire vehicle is fitted with a meter, then the proprietor shall ensure that a table of fares is displayed in the vehicle.

#### **50 Roof Signs**

Private Hire vehicles shall not be fitted with roof signs.

#### **51 Advertising**

Proprietors may advertise their business on a Private Hire Vehicle subject to approval from the Licensing Authority. Approval should be sought in writing. Such adverts shall not contain the word "TAXI".

**52 Livery**

Private Hire Vehicles can be any colour other than silver, which has been set as the livery for Hackney Carriage Vehicles in North Lincolnshire.

**53 Closed Circuit Television (CCTV)**

- (1) Private Hire Vehicles may be fitted with Closed Circuit Television (CCTV) systems. Where such a system is fitted, the vehicle must display a sign/signs ensuring passengers are aware that CCTV is in use.
- (2) Recordings from such a system should be available for inspection by a Police Officer or an Authorised Officer of the Council for a period of up to 14 days.
- (3) It is the proprietor's responsibility to ensure that images from the system are held in a secure manner.

**54 External Plates**

The external licence plate shall be affixed securely to the vehicle on the off side rear bumper (driver's side) or adjacent to the vehicles registration plate. Plates shall be kept clean and legible at all times.

**55 Exception from Displaying Licensed Plate**

A proprietor may apply for an exception from displaying the private hire licence plate on the vehicle. Such an application shall be in writing to the licensing authority.

**56 Internal Plates**

Internal plates shall be securely fixed in the front windscreen on the passenger side of the vehicle: just above the tax disc in saloon type vehicles, and on the partition for purpose built vehicles where a partition is fitted.

**57 Licence Conditions**

Conditions attached to Private Hire Vehicle licences will be reviewed every three years to ensure that they are reasonable and fit for purpose.

## **Private Hire Operators**

### **58 Summary**

Private Hire Operators are licensed in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any person who takes a booking for a private hire vehicle must hold a licence.

### **59 Record Keeping**

Operators shall keep records in accordance with the conditions attached to their licence. Such records should be available upon request from a Police Constable or Authorised Officer.

### **60 Parking of Vehicles**

Operators shall ensure that vehicles that are booked through their office/radio circuit are parked in a legal manner and do not cause an obstruction to other road users.

## **Enforcement**

### **61 Summary**

- (1) The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 contain a number of offences. Many of these offences relate to the protection of the public.
- (2) The Council's Licensing Officers will work closely with Humberside Police and the Council's Vehicle Maintenance Department in addressing such issues.
- (3) The Licensing Division will also look to work closely with other enforcement authorities when dealing with licensed and or unlicensed vehicles and drivers, especially concerning cross boundary related issues.
- (4) The Local Government (Miscellaneous Provisions) Act 1976 also gives the authority powers to serve notice on proprietors of hackney carriage and private hire vehicles to produce their vehicle for inspection to ascertain the vehicle's fitness. Where a vehicle is deemed unfit for its intended purpose the proprietor will be issued with a suspension notice in accordance with Section 68. If the vehicle is not brought up to a suitable standard within two months from the date of the notice, the licence will automatically be deemed to be revoked.
- (5) It is an offence to drive a licensed vehicle unless the driver is licensed to do so. Once a vehicle is licensed it remains so licensed until expiry, suspension or revocation of the licence.
- (6) An offence is also committed if there is a breach of the Byelaws or Conditions attached to the licences.
- (7) Such offences may result in either a prosecution or the licence being reviewed by the Licensing (Miscellaneous) Sub-Committee, who may attach additional conditions to the licence.
- (8) The Council has adopted the Concordat relating to enforcement. In dealing with enforcement issues the Council will act in a fair consistent manner and will treat all cases and people with consideration and empathy.

### **62 Complaints**

The Council will investigate all complaints. Complainants will be encouraged to raise the complaint with the licence holder or business concerned in the first instance. Failing this, the Council will arrange a meeting to try and resolve the issues of concern.

## Appendix A

The attached table includes a list of useful contacts regarding licensing. The contacts are generally available during office hours, Monday to Thursday 08.30 a.m. to 17.00 p.m. and Friday 08.30 to 16.30 p.m.

<b>Department/Contact</b>	<b>Name</b>	<b>Contact Details</b>
Application Forms; Guidance; Operating Plans	Licensing Unit	Licensing Unit Church Square House PO Box 42 SCUNTHORPE North Lincolnshire DN15 6XQ  Telephone: 01724 297592 e-mail: <a href="mailto:Licensing@northlincs.gov.uk">Licensing@northlincs.gov.uk</a>
Licensing Unit  Food & Licensing Manager Senior Licensing Officer Licensing Officer(s)  Technical Clerk (Licensing)	  (01724) 297603 (01724) 297607 (01724) 297591 or (01724) 297595 (01724) 297592	Licensing@northlincs.gov.uk
North Lincolnshire Council's - Building Control Planning Department  Legal Services Democratic Services	(01724) 297408 (01724) 297482 or (01724) 297488 (01724) 296215 (01724) 296232	
Humberside Fire Brigade	(01724) 295915	
Humberside Police Licensing	(01724) 274255	
Scunthorpe Magistrates Court	(01724) 271100	