



Basingstoke  
and Deane



working together

**Draft Hackney Carriage and Private Hire  
Licensing Policy 2024 - 2029**

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# 1 Glossary of Terms

Term	Description	Reference for Details
SLS	Shared Licensing Team	
Compliance testing centre	One of the designated test centres where vehicles may be tested and issued with a compliance certificate	
Compliance certificate	Test of mechanical fitness for a licensed vehicle and its compliance with the standards as set out in this policy	
Convictions and cautions	Any reference to convictions also includes, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders, traffic offences and fixed penalty notices, including those that would previously have been regarded as spent under the 1974 Act	
DBS	Disclosure and Barring Service. Formerly Criminal Records Bureau (CRB)	
DfT	The Department for Transport	
DfT guidance on stretched limousines	The Department for Transport Guidance for Operators of Stretched Limousines, published March 2013	
DVLA DVSA	Driver and Vehicle Licensing Agency Driver and Vehicle Standards Agency	
DVLA driving licence	A full original Great Britain driving licence	
EEA	European Economic Area	
GDPR	General Data Protection Regulations	
Group 2 Medical	The DVLA Group 2 standard of medical fitness for professional drivers.	
Hackney carriage	A vehicle licensed to ply for hire throughout the district.	Town Police Clauses Act 1847
HGV	Heavy Goods Vehicle	
Licensing Committee	The committee of councillors that is responsible for the council's hackney carriage and private hire licensing functions in the area.	
Licensing sub-committee	A Taxi Licensing Committee of three councillors	

Passenger	A traveler in a vehicle other than the driver.	
Private hire vehicle	A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle or a London cab or tramcar, which is provided for hire with the services of a driver for the purpose of carrying passengers	Local Government Miscellaneous Provisions Act 1976 Sec 80 (1)
Private hire operator	A person who makes provision for the acceptance of private hire bookings to undertake themselves or pass to others to undertake. 'Operate' means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle	Local Government Miscellaneous Provisions Act 1976
PSV	Passenger Service Vehicle	
Regulated occupation	The principles of the 1974 Act do not apply to applicants for hackney carriage and private hire drivers' licences. This is because the driving of taxis is listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence.	Rehabilitation of Offenders Act 1974 Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002
Taxi	This word has no meaning in law but is routinely used in government documents to describe hackney carriages.	To avoid confusion, the use is limited to instances where reference is made to other documents which have used it
UK Borders and Immigration	Previously the UK Border Agency. Provides guidance on Right to Work	
Ultra-Low emission vehicle (ULEV)	One with CO <sub>2</sub> emissions below 50 g/km	
Vehicle or licensed vehicle	Either a Hackney Carriage or private hire vehicle.	
HC	Hackney Carriage vehicle	
PH	Private hire vehicle	

## 2 Background

### 2.1 Role of Hackney Carriages and private hire vehicles

Hackney Carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide responsive services in situations where public transport is either not available (for example in rural areas, or outside 'normal' hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

### 2.2 Contact details

If you have any queries about licensing issues, please contact the licensing team at the following address:

Shared Licensing Team (SLS)  
Basingstoke and Deane Borough Relevant Council  
London Road  
Basingstoke RG21 4AH

Email : [Licensing@basingstoke.gov.uk](mailto:Licensing@basingstoke.gov.uk) or [Hartlicensing@basingstoke.gov.uk](mailto:Hartlicensing@basingstoke.gov.uk)

Website: [Licensing \(basingstoke.gov.uk\)](http://Licensing.basingstoke.gov.uk) or [Licensing and permits | Hart District Council](http://Licensing and permits | Hart District Council)

## 3 Introduction

3.1 This joint policy details the requirements that will need to be met before any Hackney Carriage or Private Hire Driver Licence, Hackney Carriage or Private Hire Vehicle Licence or Private Hire Operator licence is issued or renewed by the Shared Licensing Service.

3.2 "the relevant council" will mean when stated in this policy both Basingstoke and Deane Borough Council and Hart District Council respectively depending on the area that the licence is being applied for.

3.3 The purpose of licensing Hackney Carriages and private hire vehicles, drivers and private hire operators is to protect the public. Public protection will be the overriding consideration whenever the relevant council considers Hackney Carriage and private hire licensing matters.

3.4 As well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. It is important that the relevant council's Hackney Carriage and private hire licensing powers are used to ensure that licensed vehicles are safe, comfortable, properly insured and available where and when required.

3.5 Licences are only granted to people who satisfy the relevant council that they are fit and proper people to hold such a licence. The onus is on the applicant to demonstrate that they are a fit and proper person, and not for the relevant council to prove that they are not.

3.6 Being a fit and proper person is not simply a question at the time of the application; it is a continuing requirement, and if at any time the conduct or behaviour of the licensee falls below the acceptable standard, action may be taken against the licence.

3.7 Holding a Hackney Carriage or private hire drivers, vehicle or operator licence is a privilege and a responsibility. At all times a licensee's behaviour and conduct must be of the highest standard. The relevant Council will consider all aspects of an applicant/licensee's behaviour; not

simply when they are using their licence. Unacceptable behaviour whilst using the licence will be seen as an aggravating factor. The fact that the licence was not being used at the time will not be seen as any mitigating factor.

3.9 There are statutory rights of appeal against refusals to grant licences, conditions attached to licences, and suspensions, revocations, or refusals to renew licences. Details of any right of appeal will be contained in the written notification of the relevant council's decision.

3.10 The policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as necessary. The Regulatory Service Manager in consultation with the portfolio holder and the Head of Service / Executive Director of Place, are authorised to make minor administrative amendments to the policy where necessary.

3.11 This guidance, application forms and current fees are also available on the relevant council website. Applicants are strongly encouraged to use electronic applications where available on the relevant council's website.

**3.12 This policy statement has four main purposes, which are:**

- **to confirm to members** of the Licensing Committee the boundaries and powers of the relevant council and the parameters within which to make decisions
- **to inform licence applicants** of the parameters within which the relevant council will make licensing decisions and therefore how licensed operators, drivers and vehicles can operate within the area of the relevant council
- **to inform local residents and businesses** of the parameters within which the relevant council will make licensing decisions and therefore how their needs will be addressed
- **to support a case in a court of law** where the relevant council has to show how it arrived at its licensing decisions.

**3.13 This policy applies to the following:**

**Hackney Carriages:** A vehicle available to transport members of the public that has no more than eight seats for passengers, which is licensed to stand or ply for hire. A Hackney Carriage may stand at designated taxi ranks (referred to in legislation as a "Hackney Carriage stand") and also on the street ("standing for hire") and/or be hailed in the street by members of the public ("plying for hire"), in both cases within the relevant council's boundary. They may also undertake pre-booked journeys anywhere within the United Kingdom.

**Private Hire Vehicles:** These are licensed to carry no more than eight passengers and must be booked in advanced through a licensed private hire operator. They cannot stand or ply for hire nor use any designated taxi ranks.

**Private Hire Operators:** are required to take and record the bookings for private hire vehicles. Bookings must be recorded, and records be made available for inspection. The private hire operator is also responsible for the actions of the drivers that they use and the condition of the vehicles that they use.

**Hackney Carriage and Private Hire Drivers:** Licensed individuals who have undertaken certain tests and checks. Only a licensed driver can drive a licensed vehicle.



## 4 Legislation, Byelaws, Guidance and Best practice

4.1 The Department of Transport (DfT) has national responsibility for the Hackney Carriage and private hire legislation in England and Wales. The DfT has produced updated Statutory Taxi and Private Hire Vehicle Standards in July 2020 (hereafter the 2020 Guidance) to reflect an increasing appetite to improve safeguarding provision. The councils have taken account of the DfT guidance to shape this policy and any additional updates to this document. It was last updated in November 2023 at the time of writing this policy.

4.2 Hackney Carriage and private hire activity are governed by two principal pieces of legislation, the [Town Police Clauses Act 1847](#) and the [Local Government \(Miscellaneous Provisions\) Act 1976](#), in both cases as amended by subsequent legislation. These have been interpreted by the senior courts over the years (the High Court and the Court of Appeal, and ultimately, the Supreme Court). In addition, the Relevant Council has byelaws relating to Hackney Carriage activity. The Relevant Council will in addition have regard to guidance issued by the Department for Transport, the [Town Police Clauses Acts 1889](#), the [Public Health Act 1875](#) and the [Local Government Act 1972](#) and the [Road Traffic Act 1988](#) Part 11 (a) Construction and Use of Vehicles and Equipment in this policy. The policy also reflects changes due to the [Deregulation Act 2015](#).

4.3 Each application will be considered on its own merits, taking into account all the relevant circumstances, legislation, guidance and this policy.

4.4 Once a licence has been granted, the licensee will be subject to all the above, and the conditions attached to any licence and (in the case of drivers) the Code of Conduct.

4.5 A licence will not be issued until the appropriate fee is paid and cleared funds have been received by the relevant council.

4.6 The relevant council will comply with its duties under the [Equality Act 2010](#). In addition, licensees must comply with their duties under the relevant parts of the legislation.

**Please Note - It is a criminal offence to carry out private hire or Hackney Carriage work without the valid licences. Applicants will not be able to start working whilst their application is being processed, they must wait until the licences have actually been granted (unless it is a renewal application, and their existing licences are still in effect).**

## 5 Data Protection

5.1 All information provided by applicants or relating to licensees will be treated in accordance with the relevant council's retention and disclosure policies under the [Data Protection Act 2018](#), the [General Data Protection Regulations](#) and any other relevant legislation. The councils have data-sharing protocols with neighbouring local authorities, the police, immigration and border service, social services and other bodies. This allows information to be shared where there is a risk to public safety or criminal activity.

5.2 More Information on how personal data will be managed by the Licensing Authority can be found at [Privacy Statement \(basingstoke.gov.uk\)](#) or [Shared Licensing Service: privacy | Hart District Council](#)

5.3 Anyone who is not satisfied with the way that their personal data is being or has been processed can contact the Information Commissioner <https://ico.org.uk/concerns/handling/> or by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire,

SK9 5AF.

## 6 Limitation of numbers

6.1 No powers exist for the relevant council's to limit the number of private hire vehicles that they license. The relevant Council's takes the view that the market will determine the number of Hackney Carriage vehicles to meet demand.

6.2 If the relevant council were to take the view that a quantity restriction on the number of Hackney Carriage vehicles could be justified in principle, the DfT guidance advises that the level at which the limit should be set is addressed by means of a survey, including details on associated costs which would be funded by the trade.

## 7 Environmental considerations

7.1 Both councils encourage drivers and operators to adopt more efficient licensed vehicles, which reduce the levels of CO<sub>2</sub> and NO<sub>x</sub> emitted. The use of alternative fuels and improved technology such as fully electric vehicles will further reduce local emissions.

7.2 The councils may offer reduced licence fees for vehicles that produce lower carbon dioxide or nitrous oxide emissions. Such fees are reviewed on an annual basis and may vary.

7.3 From 31 December 2025 all vehicles being licensed for the first time must have CO<sub>2</sub> emissions of less than 50 g/km. All vehicles licensed prior to this date will be relicensed provided they have been continuously licensed before 30 December 2025.

## 8 Costs and benefits of licensing policies

8.1 The councils will ensure that this policy and its enforcement meets the objectives set out in the introduction whilst avoiding imposing undue restrictions and costs upon the drivers, proprietors and operators.

## 9 Tariff

9.1 The tariff is a maximum figure that Hackney Carriage drivers can charge based on a range of factors including time of day or night and special occasions such as bank holidays. The tariff does not apply to private hire vehicles or pre-booked journeys where the cost is agreed in advance. Drivers may charge any amount for a journey provided it does not exceed the fare on the meter. HDC Hackney Carriage vehicles must carry a tariff card within the vehicle which is readily available upon request. In BDBC Hackney Carriage vehicles the tariff card must be clearly visible and legible from the passenger area.

## 10 Enforcement

10.1 The DfT guidance is clear on the necessity of enforcement to maintain high standards of public safety. All enforcement will be proportionate and transparent. While the ultimate authority is the court, the expectation is that enforcement will be carried out by licensing officers overseen by the Licensing Committee and the associated Licensing sub-committee.

10.2 Any enforcement system needs to deal with persistent, low level breaches up to serious, possibly, criminal behaviour. There are grades of sanctions from informal advice and warnings

through to suspension and revocation of licences. The majority of enforcement will be for relatively minor offences or breaches and will be undertaken by licensing officers. The councils operate a points-based enforcement scheme. The points system does not affect the driver's or operator's rights of appeal to the magistrate's court.

## 11 Sharing of information

11.1 The councils will share all information with other enforcement bodies including other councils, the police, UK Borders and Immigration, HMRC and the Department for Work and Pensions (or their successor bodies) on enforcement related issues involving licensed drivers, operators and vehicle owners.

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# Policy in Relation to Hackney Carriage Driver and Private Hire Driver Licences

## 12 General

12.1 The relevant council issues Hackney Carriage and Private Hire drivers' licences, these licences are granted for a period of three years.

## 13 Pre-requisites to Making an Application

13.1 It is the policy of the councils that every application for a licence to drive a Hackney Carriage and/or private hire vehicle must be accompanied by satisfactory evidence of the following matters and that applications that are incomplete will not be deemed to have been valid until such time as they are complete. Applicants will need to provide evidence as stated in the driver application checklist contained within the application pack.

13.2 All applicants, aside from those who are renewing their licence, will have 4 calendar months from the initial interview to complete the application process. After this time any incomplete application will be closed, and any subsequent application will be treated as a fresh application.

***NB - This time limit may be extended to 6 months where there is an unavoidable delay in obtaining a certificate of good conduct and / or DBS. This will only be granted following a written sub mission to the Shared Service Licensing Team Leader for review.***

13.3 Hackney Carriage Driver Licensees will be required to comply with the current Hackney Carriage Byelaws in addition to the Code of Conduct detailed in this policy. A copy of these byelaws can be obtained from the relevant council's website at <https://www.basingstoke.gov.uk/taxi-driver-licensing> for Basingstoke and [https://www.hart.gov.uk/sites/default/files/2022-11/hart\\_hackney\\_carriage\\_byelaws\\_accessible.pdf](https://www.hart.gov.uk/sites/default/files/2022-11/hart_hackney_carriage_byelaws_accessible.pdf) for Hart

13.4 Where a licence is found to have been obtained using false or incomplete information the licence may be revoked with immediate effect. Anyone obtaining or attempting to obtain a licence using false or misleading information may be subject to further enforcement action including, prosecution and reporting the matter to other enforcement agencies including the police.

13.5 New applicants will be required to disclose if they have been licensed as a driver with a previous authority. The councils reserve the right to check the details of applicants with any previous licensing authorities, in accordance with the relevant data protection legislation to aid the determination of the application.

## 14 Fitness and Propriety

14.1 Before any licence is granted or renewed a driver licence, the applicant or licensee must satisfy the following requirements.

## 15 Identity

15.1 To prove their identity, all applicants must provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).

Applicants from outside the UK must provide:

- (a) a passport with a valid stamp from the Home Office to say that they have leave to remain in the country indefinitely; or
- (b) a passport with a valid UK visa, which allows the holder to work as a private hire or Hackney Carriage driver (student visas will not be accepted), and which has at least six calendar months remaining at the time of application.

15.2 A licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. The SLS reserves the right to verify, at any time, a licensee's entitlement to remain in the UK. We will not accept letters issued by the Home Office when a visa application is pending.

15.3 To comply with the [Immigration Act 2016](#), the councils are required to check eligibility to live and work in the UK for all applicants for driver and operator licences. Applicants will be required to provide evidence at time of application.

15.4 For applicants with a limited time to remain in the UK, the licence will only be granted for the period of permission to remain and may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

15.5 If an applicant has extended leave to remain (pending a decision) the licence cannot be granted for more than six months, and again may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

15.6 If a licensee loses the right to remain in the UK during the period of a licence, the licence ceases to have effect and the licence (and badge for drivers) must be returned within seven days to the relevant council.

## 16 Proof of right to work in the UK

16.1 All applicants for licensed driver badges must prove that they have a right to work in the UK. The councils will follow the guidance published by UK Borders and Immigration (or their successor bodies) on establishing proof of right to work. The right to work will normally only need to be proved once.

16.2 If an applicant is unable to provide satisfactory proof of their right to work in the UK, there will be no option other than to refuse to grant or refuse to renew the licence, or if circumstances came to light during the duration of a licence, to revoke it. To issue the licence may be regarded as condoning the offence and assisting the applicant to gain employment to which they are not entitled.

16.3 Applicants who cannot provide evidence of indefinite right to work will only have their licence granted for the period of their right to work. Licences may be extended if the period of right to work is extended. There is no discounted fee for licences of less than three years.

16.4 If after referring to UK Borders and Immigration (or their successor bodies) guidance, licensing officers are still unsure about an applicant's right to work in the UK, they will undertake further enquires with UK Borders and Immigration (or their successor bodies). If it transpires the applicant is illegally in the UK (due to illegally entering or overstaying for example) council officers will assist UK Borders and Immigration (or their successor bodies) or the Police in their enquiries as necessary.

## 17 HM Revenues and Customs (HMRC) requirements

17.1 All applicants must demonstrate that they are registered with HMRC for tax purposes. This is done by providing a tax code from the HMRC website.

## 18 Disclosure and Barring Service Checks (DBS)

18.1 New applicants must provide an Enhanced DBS Certificate which includes a check of the Adult and Child Barred Lists which is no more than one calendar month old at the date of submission of the certificate.

18.2 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, the Isle of Man and Gibraltar.

18.3 Applicant/licensees will also have to sign up to the [DBS update service](#) to enable the relevant council to make periodic checks. Any driver that does not sign up to this service will be required to complete a new DBS applications every six months for the life of the licence. The fee for this check will be paid by the applicant and will be shown on the relevant council's fees and charges.

18.4 Any licensee may be required to undertake a further DBS check at any time as directed by an officer of the SLS.

## 19 Certificate of Good Conduct

19.1 As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than six months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission. All documents used for this purpose must be presented in their original form and, if required, a certified translation into English by a qualified translator. Computerised translations will not be accepted. The relevant council may undertake checks to ensure the authenticity of any such documentation.

19.2 The [Home Office](#) has provided further guidance on applying for a certificate of good character.

## 20 Previous Convictions

20.1 In relation to the consideration of previous convictions and cautions recorded against applicants and licensees. The DfT guidance recommends that, when considering an individual's criminal record, the relevant council must consider each case on its merits, but to take a particularly cautious view of any offences involving violence, and sexual attack. It recommends that councils have a clear policy for the consideration of criminal records that must address:

- the type of offence
- the number of offences
- the number of elapsed years since the offence.

20.2 All applicants will need to demonstrate their fit and proper person status through a full disclosure of their full criminal history.

20.3 Relevant offences at the time of writing are set out in [Appendix A](#).

20.4 Where the licensing officer cannot be satisfied that either the applicant or an existing licence holder is a 'fit and proper person' the matter may be referred to a Licensing sub-committee.

## 21 Medical Examination

21.1 Each applicant, on first application and at the intervals indicated below,

Age	Frequency of Medical
On first application for a driver's licence	And thereafter from age 45*
Over 45 years and up to and including the age of 65 years	Every 5 Years*

***\*Those with relevant medical conditions, will require an annual examination. More frequent checks will be required if the medical practitioner thinks it is necessary.***

21.2 The expectation is that the medical will be undertaken by a GP at the practice where the driver is registered. If the driver's GP is unable to undertake a Group 2 medical, then the authority will allow drivers to approach a different GP to undertake the medical or use an external provider approved by the relevant council.

21.3 The applicant will be responsible for paying the fee for the examination to their GP surgery or an external provider approved by the relevant council.

21.4 All medical reports will be submitted to the relevant council's independent medical advisor for consideration prior to the issue of a driver's licence.

21.5 Licence holders must advise the licensing team within three days, in writing, of any change in their health that may affect their driving capabilities. If there is any doubt as to the medical fitness of the applicant, the relevant councils may require the applicant to produce a letter or report from their own GP or consultant confirming their fitness to drive. This will be done at the expense of the applicant.

## 22 Driving Licence

22.1 Applicants must have held a full UK, Northern Ireland, European Economic Area (EEA) or exchangeable driving licence (a person can only use an exchangeable licence for twelve months, after which it must be exchanged for a UK licence) for at least twelve months prior to application (this excludes the holding of a provisional licence).

22.2 A photo card driving licence meeting these requirements must be submitted with the application form (including renewal applications) and will be checked against the Driver and Vehicle Licensing Agency (DVLA) information issued. Any prospective applicant who does not hold a photo card driving licence must obtain one before the application is made. The address on the DVLA licence must be the same as the addresses on any other paperwork submitted with the application. The SLS may carry out spot checks on a random basis to ascertain any changes to the status of the DVLA licence.

22.3 On each renewal a DVLA check code will be required full details will be provided on the renewal form.

## 23 Age and experience

23.1 Beyond the statutory requirement of holding a full driver's licence for 12 months there is no minimum age requirement. Each applicant is assessed on their merits.

## 24 Practical Assessments for Licensed Drivers and Applicants

24.1 All applicants are required to have passed a driving assessment before their licence is issued. The test must be undertaken with an external provider approved by the relevant council. Basingstoke and Deane Hackney Carriage drivers will be required to undertake a wheelchair assessment in addition.

## 25 Knowledge (DAT) Test

25.1 In order to maintain the high standards that the councils expect of licensed drivers, new applicants will be required to undertake an assessment of competence. This will take the form of a test and will contribute to satisfying the requirement to be a 'fit and proper person'. The test is a test of the applicant's command of English as well as their knowledge of relevant legislation and for Hackney Carriage applicant's knowledge of the local area.

25.2 Applicants with a disability that may affect their ability to undertake a written test, such as dyslexia, must provide written confirmation from a suitably qualified professional such as a doctor or consultant. Based on the recommendation of the professional the applicant will be given appropriate support. The need for such support must be identified at the time of the original application.

25.3 The knowledge test will be in a form and structure determined by the relevant council and may be administered by a third party.

### 25.4 Spoken and Written English

It is essential for public safety that all licensees are able to communicate by speaking and reading in English at an appropriate level. This is equivalent to level B1 on the Common European Framework of Reference for reading, writing, speaking and listening. Licensees must have an appropriate understanding of safety, equality and the regulatory requirements that apply to them. This helps ensure public safety and will enhance levels of customer service.

Most communication between drivers and passengers is spoken so it is essential that all candidates have a reasonable standard of spoken English. The licensing officer may decide to undertake additional testing of the applicant's spoken English. Applicants who have difficulties with spoken English will be required to demonstrate their ability to converse in English in an independently administered test. Candidates will be responsible for all the costs associated with this additional testing.

### 25.5 Mathematics

All Applicants will be tested on their ability to undertake basic calculation for the taking of money and calculating change.

### 25.6 The Hackney Carriage and private hire licensing legislation and relevant council rules and policy



Applicants will be tested on their knowledge and understanding of the law as it applies to Hackney Carriage and/or private hire licensing and this licensing policy.

## 25.8 Knowledge of Area

All Hackney Carriage applicants are expected to have a good local knowledge of the area and will be tested on this knowledge.

## 25.9 Highway Code and Relevant Legislation

All Applicants are expected to have a good knowledge of the [Highway Code](#) and the relevant provisions of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) and the [Town and Police Clauses Act 1847](#).

## 26 Training in the Assistance of Disabled Persons

26.1 All applicants must be able to show that they have undergone training in the assistance of disabled persons, to a standard acceptable to the SLS. Refresher training will be required every 3 years. The councils identify training providers (which may include the relevant council itself) from time to time and applicants will be informed of the available courses and any cost at the time of application.

26.2 The form and structure of the training will be determined by the relevant council and may be administered by a third party.

## 27 Safeguarding, Child Sexual Abuse and Exploitation (CSAE) and County Lines Training

27.1 All new applicants for a driver licence must complete safeguarding, child sexual abuse and exploitation (CSAE) and county lines training prior to the issue of a licence. Existing drivers must complete refresher training every 3 years.

27.2 The form and structure of the training will be determined by the relevant council and may be administered by a third party.

27.3 Criminals may use licensed vehicles and drivers to move vulnerable people. Licensed drivers are the eyes and ears of their communities through the work they do and the contacts they have. The ability to spot the signs of human trafficking and having the knowledge of how to report their concerns can be a major help in preventing this crime.

27.4 If you think that you are carrying passengers who may be trafficked or sexually exploited then contact:

i) Hampshire Police: 101 (or if an emergency 999)

ii) Crimestoppers: 0800 555 111

## 28 Test Retakes

28.1 Applicants who fail to achieve the pass mark in the test will be invited to take a different test on another occasion. They will not be considered to be 'fit and proper' to hold a licence until

they have achieved the required pass mark. No applicant will be allowed to take no more than four times within the application period which commences at the new driver appointment.

28.2 If the applicant fails four tests their application will be returned, and they will be unable to apply for a 12-month period starting on the date of the original new driver's appointment.

## 29 The National Register of Taxi Licence Revocations and Refusals

29.1 Both councils provide information to the National Register of Taxi Licence Refusals, Suspensions and Revocations (NR3) a mechanism for licensing authorities to share details of individuals who have had a Hackney Carriage or private hire driver licence revoked, or an application for one refused. This is necessary for assessing whether an individual is a fit and proper person to hold a Hackney Carriage or private hire driver licence.

29.2 Where a Hackney Carriage or private hire driver licence is revoked or suspended, or an application for one refused, the relevant council will automatically record this decision on NR3.

29.3 The information recorded on NR3 itself will be limited to:

- Name
- Date of birth
- Address and contact details of the relevant Council who created the record
- National Insurance number
- Driving licence number
- Decision taken
- Date of decision
- Date decision effective

Information will be retained on NR3 for a period of 25 years.

29.4 This is a mandatory part of applying for a Hackney Carriage and private hire driver licence.

29.5 Information will be processed in accordance with the [Data Protection Act \(DPA\)](#) and [General Data Protection Regulation \(GDPR\)](#). Any searches, provision or receipt of information of or under NR3 are necessary for the relevant councils statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

## 30 Public Liability Insurance

30.1 The licensing authority recognises that licensed drivers often perform duties other than driving passengers from A to B as part of their daily business e.g. carriage and loading of luggage, assistance of passengers (including the elderly and wheelchair passengers) etc.

30.2 For this reason, the licensing authority will require applicants to provide and maintain a suitable policy of public liability insurance of not less than £5 million covering any damage, loss or injury to any third party (e.g. customers and other members of the public) or property that may arise during the course of a driver's day to day activities.

## 31 Test of Fitness and Propriety

31.1 Once a valid application has been made, the relevant council will make a decision as to whether or not the applicant/licensee is fit and proper person to hold a driver licence. The same test will be used in respect of any existing driver whose criminal convictions or behaviour fall below the relevant council's standards. The test used will be:

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

31.2 This will be determined on the balance of probabilities, and if the relevant council is of the view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence. The applicant or licensee will not be given the benefit of doubt. The onus is on the applicant to demonstrate that they are a fit and proper person, and not for the relevant council to prove that they are not.

31.3 If, after having considered the application or review against the criteria of the council's policy the licensing team considers that the person meets the criteria of a 'fit and proper person' the application may be approved under the relevant scheme of delegation.

31.4 Where the Shared Licensing Team Leader concludes that the person is not a 'fit and proper person' they may refuse the application or revoke or suspend the existing licence in accordance with the scheme of delegation.

31.5 If the Shared Licensing Team Leader, is required to do so by the council's policy, or for other reasons considers it necessary, they will refer the matter to a Licensing sub-committee for consideration. The applicant or licence holder will be advised of the date, time and venue of the sub-committee.

## 32 Application for the Renewal of a Licence

32.1 An application for the renewal of a licence must be made at least 15 working days before the expiry of the licence. In exceptional circumstances the licensee can apply in writing to the SLS to request permission for an application, made after the expiry of the licence, to be treated as a renewal application. However, permission will only be granted when exceptional circumstances exist, and the application has been made in writing within five working days of the expiry of the existing licence.

## 33 Licences and Badges

36.3 You have been issued with two copies of your drivers badge You must wear one driver's badge visible on your external clothing at all times when you are driving or working with a private hire vehicle or Hackney Carriage and failure to do so is a criminal offence [under s54 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#)] when using a private hire vehicle and byelaw No 13 when using a hackney carriage]. You must display the second copy (large copy of your badge) in a position which is plainly and clearly visible to your passengers at all times whilst you are working as a taxi driver.

36.4 The badges remain the property of the relevant council and must be returned immediately on expiry, suspension, or revocation of the licence.

## 34 Change of details

34.1 Drivers must notify the council in writing within seven days of any change of address, email address or telephone number during the period of the licence.

## 35 Equality Act 2010

35.1 Drivers must comply with the requirements of the [Equality Act 2010](#), [Taxi and Private Hire Vehicles \(disabled Persons\) Act 2022](#) and the [Taxi and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022](#). This includes carrying assistance dogs with their passenger and providing mobility assistance to disabled and wheelchair using passengers (in the case of a listed wheelchair accessible vehicle). This does not apply to drivers who have been granted an exemption from those requirements by the relevant council. Details of the exemption requirements and processes are available on the website.

**In addition, all drivers at all times must ensure that they do not discriminate unlawfully against any person.**

## 36 Code of Conduct

36.1 This Code of Conduct relates to you as a licensed taxi driver. It outlines the standards of behaviour which are expected of you whilst you hold a taxi driver's licence. Failure to comply with these requirements may lead to enforcement action being taken. This could be by way of penalty points attached to your taxi driver's licence, suspension, revocation or refusal to renew your licence.

36.2 You are a licensed taxi driver for the duration of the licence, and at all times you should ensure that your conduct and behaviour is that of a fit and proper person. You must ensure that you do not act in any way, at any time that might affect that. The relevant council will consider all your behaviour, and that is not limited to the times when you are driving a Hackney Carriage or private hire vehicle.

36.5 You have been issued with two copies of your drivers badge. You must wear one driver's badge visible on your external clothing at all times when you are driving or working with a private hire vehicle or Hackney Carriage and failure to do so is a criminal offence [under s54 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#)] when using a private hire vehicle and byelaw No 13 when using a hackney carriage]. You must display the second copy (large copy of your badge) in a position which is plainly and clearly visible to your passengers at all times whilst you are working as a taxi driver.

36.4 You must notify the Licensing Team within 72 hours if:

- you change your home or business address or contact details;
- you lose the right to work in the UK, or the right to remain in the UK;
- you wish to surrender your taxi driver licence;
- In the event of the loss of your licence or badge

36.5 If an authorised officer of the relevant council, an authorised officer of another council or a police officer asks you, you must produce your taxi driver badge.

36.6 All drivers are required to be familiar with all parts of the council's policy and comply with the requirements of the policy and the conditions that form a part of their licence.

36.7 Any hackney carriage or private hire driver's badge that is supplied by the council will cease to be valid on the expiry of the licence or upon suspension, surrender or revocation of the licence. Any badge supplied remains the property of the council and must be returned to the council if suspended, revoked or expired. If demanded the licence holder must return their licence and badge to the council within 7 days.

36.8 Whilst in control of a Hackney Carriage or private hire vehicle, the driver shall, if required to do so by any person, give his or her name and badge number and also the name and address of the owner/proprietor and the identification marks of the vehicle.

36.9 The driver shall give notice in writing to the council within seven working days of any convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) or change of their registered particulars, e.g. address or change of name.

36.10 If a driver is given notice to undertake a random DBS check by the council, they must do so within 28 days of the request.

36.11 The driver shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle. Drivers must ensure their appearance is smart and professional when working.

36.12 Any driver of a hackney carriage or private hire vehicle acting in a disorderly, abusive, aggressive, or violent manner towards any member of the public, other driver or officer of the council may be deemed not to be a 'fit and proper person' to hold a licence.

36.13 No driver of a hackney carriage/private hire vehicle shall at any time engage in any sexual activity in a licensed vehicle, whether consensual or otherwise, with a passenger. Any driver who contravenes this condition may be deemed not to be a 'fit and proper person' to hold a licence.

36.14 Vehicle proprietors and drivers shall ensure that licensed vehicles do not cause an obstruction or nuisance to other traffic or pedestrians when parked or collecting passengers.

36.15 To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:-

- not sound the vehicle's horn.
- keep the volume of audio and communications equipment to a reasonable level.
- switch off the engine if required to wait.
- take all reasonable additional action as is necessary to avoid disturbance to residents in the neighbourhood.

36.16 Every driver shall at all times when in charge of a licensed vehicle wear their driver's badge supplied by the council and the badge should be clearly visible on their outer clothing.

36.17 Under the Equalities Act 2010 Section 168 (Assistance Dogs), drivers will be required to carry an assistance dog accompanying a disabled person without any additional charge unless the driver has a medical exemption certificate that allows him/her not to carry dogs for medical reasons. This certificate must be displayed or readily available within the vehicle at all times.

36.18 Under the Equalities Act 2010 Sections 165 and 167 drivers will be required to carry a person using a standard wheelchair and the wheelchair without any additional charge. The only exception to this will be if a driver has a medical exemption certificate that allows him/her not to carry or assist wheelchair users for medical reasons. This certificate must be displayed or readily

available within the vehicle at all times.

36.19 A driver shall give notice in writing to the council within seven working days of any change in their medical condition. If required by the council a new medical may be required to determine if the driver is a 'fit and proper person'.

36.20 At hackney carriage ranks drivers shall:-

- queue in an orderly manner and proceed along the rank in order and promptly.
- if approached by a potential customer, direct them to the hackney carriage at the front of the rank unless the passengers specifically ask for a particular driver or company.
- assist in improving air quality by switching off vehicle engines when parked, unless there are reasonable safety or comfort grounds for not doing so, for example keeping warm in very low temperatures.
- remain in or within 30 metres of the vehicle.
- not park on the rank when not working.

36.21 Every driver of a licensed vehicle when requested by any person hiring or seeking to hire the vehicle shall:

- convey a reasonable quantity of luggage.
- afford reasonable assistance in loading and unloading.
- be polite, helpful and fair to passengers, particularly those whose mobility may be restricted.

36.22 Notwithstanding the relevant legislation, the council's conditions, the councils' Hackney Carriage and private hire driver, vehicle and operator policy and the councils' byelaws, drivers, proprietors and operators should be aware of the following criminal offences:

- failure to give assistance to wheelchair users or failure to carry them safely
- charging an additional fee/fare for carrying a passenger needing assistance or for carrying an assistance dog
- refusal to carry an assistance dog/wheelchair user without a medical exemption
- driving whilst using a handheld mobile telephone or device
- smoking in a hackney carriage or private hire vehicle
- driving whilst under the influence of alcohol, illegal or prescription drugs. Any amount of alcohol or illegal drug can affect a driver's capability to drive safely.
- exceeding the safe permitted number of working hours
- claiming benefits for which there is no entitlement
- and should always be aware of and obey traffic regulations and The Highway Code. This list is not exhaustive and the relevant enforcement agency (Police, local authority etc.) may take

action as it sees fit. This may include prosecution.

## 37 Action Against Licences

37.1 Section 61 of the [Local Government Miscellaneous Provisions Act 1976](#) allows the relevant council to suspend, revoke or refuse to renew a licence if the licensee has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the [Town Police Clauses Act 1847](#); failure to comply with the provisions of Part II of the [Local Government \(Miscellaneous Provisions\) Act 1976](#); has been convicted of an immigration offence or had to pay an immigration penalty, or any other reasonable cause.

37.2 A suspension or revocation can take immediate effect if that is necessary in the interest of public safety under section 61(2B). This will be clearly detailed in the decision notice.

37.3 Additional information can be found in the relevant councils local enforcement policy, [Basingstoke Enforcement Policy](#) or [Environmental Health and Licensing Local Enforcement Plan July 2021](#) for Hart.

37.4 The councils operate a penalty points scheme full details of which can be found in Appendix B

37.5 This statement was confirmed in discussion by Silber J. in the case of Leeds City Council v Hussain (2002) which surrounds the suspension of a driver:

***'... the purpose of the power of suspension is to protect the users of licensed vehicles and those who are driven by them and members of the public. Its purpose is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault people'***

37.6 Officers and licensing sub committees will bear the above statements in mind when determining applications, renewals and when making enforcement decisions. Other factors will also be considered on a case-by-case basis.

## 38 Licensing Committee and Licensing Sub Committee and Appeals

38.1 The Licensing Committee is responsible for administering licences. It has the power to grant licences, determine contentious applications, and also to suspend, revoke or refuse to renew licences. The committee has the delegated authority of the relevant council to determine policy matters, fee structures, contested applications, and disciplinary cases against licence holders. The committee's decisions are the relevant council's decisions as per the relevant council's constitution.

38.2 The Licensing Sub-committee consisting of three members of the Licensing committee will be chaired by a chairperson appointed on the date of the sub-committee. The Licensing Sub-committee will meet when required to determine appeals made against the Regulatory Service Manager's decisions. These meetings will also be known as Licensing Sub-committee 'hearings'.

38.3 Details of any right of appeal will be contained in the written notification of the relevant council's decision.

38.4 There is a right of appeal to the Magistrates' Court, and further right of appeal to the Crown Court in relation to any refusal to grant or renew a driver's licence, or suspension or revocation of

a licence and also imposition of any conditions on a licence. Full details about how to appeal will be contained in any decision notice.

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# Policy in Relation to Hackney Carriage and Private Hire Vehicle Licences

## 39 Single Licences

39.1 Applications will not be accepted if the vehicle is already licensed by any other licensing authority (or Transport for London).

39.2 The councils issue Hackney Carriage and private hire vehicle licences. Legislation limits hackney carriage or private hire vehicle licences to a maximum period of 12 months.

## 40 Test of Fitness and Propriety

40.1 In addition to the vehicle itself, the council's will take the character of the applicant or existing proprietor into account when determining an application for the grant or renewal of a Hackney Carriage or private hire vehicle licence. Applicants for the grant or renewal of a vehicle licence must provide details of all convictions, cautions, fixed penalty notices, parking fines, Anti-Social Behaviour Orders, Community Protection Notices, injunctions, restraining orders and any other matter affecting their character on the application form and statutory declaration.

40.2 The relevant Council will then use the following test to determine whether the applicant/licensee is a suitable person to hold a vehicle licence:

***“Without any prejudice, and based on the information before you, would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?”***

40.3 This will be determined on the balance of probabilities, and if the relevant council is of the view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence. The applicant or licensee will not be given the benefit of doubt. The onus is on the applicant to demonstrate that they are a fit and proper person, and not for the relevant council to prove that they are not.

## 41 General

41.1 Applications for a Hackney Carriage or private hire vehicle licence must be made on the prescribed application form which is available on the relevant council's website or the online application procedure. Guidance is available on the website to assist in the completion of the application.

41.2 The councils will only accept complete applications comprising all the necessary evidence as set out on the council's websites. Incomplete or missing evidence may result in the application being rejected. If an application is received late, the licence may expire before a new one can be issued. The vehicle will then be unlicensed and must not be used as a hackney carriage or private hire vehicle. Applications received after a licence has expired will be considered as new application.

41.3 Using a vehicle, as a private hire vehicle or Hackney Carriage, when it does not have a valid private hire vehicle or Hackney Carriage proprietors licence is a criminal offence.

41.3 Vehicle proprietors will be subject to a basic disclosure from the DBS, and this should be renewed annually. Any convictions disclosed on the basic disclosure would be subject to the assessment previous convictions guidance contained in this policy. There is no 'fit and proper' measure for vehicle licensing, but vehicle owners may have access to passenger details which could leave to safeguarding concerns. Any vehicle proprietor who is also a licensed a driver would not require a basic DBS as they will be covered by the 6 monthly enhanced DBS check.

41.4 As the vehicle cannot be separated from the licence, the vehicle must be owned or leased by the licensee. Proof of ownership of the vehicle must include:

- The original of the vehicle registration document (logbook/V5), certificate of registration for the vehicle (the new keeper's supplement section of the V5 document) will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required).
- Receipt for the purchase of the vehicle, or documentary evidence of any leasing arrangement with a vehicle leasing company must also be provided where the applicant does not own the vehicle. Any lease must be from a commercial leasing company, and leasing arrangements from individuals will not be accepted.
- The original insurance or insurance cover note for the vehicle. The document must state that the vehicle is insured for use as a Hackney Carriage or as a private hire vehicle (as appropriate).
- Confirmation from the relevant council appointed garages that the vehicle has passed the certificate of compliance test (Basingstoke) or current MOT certificate and Tick Test (Hart) {until the introduction of the compliance test system in HDC}.

41.5 The relevant council will consider all applications on their own merits once they are satisfied that the application is complete. An applicant should not be given the benefit of the doubt, and all decisions on the suitability of an applicant or licensee should be made on the balance of probability. Conduct that has not resulted in a criminal conviction can also be taken into account.

41.6 A valid application for the renewal of a licence, including all the required original documentation, must be made at least 15 working days prior to the expiry of the current licence. A valid application is one which is complete in all respects and can be processed immediately.

41.7 Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken. This may include taking action against the licence, prosecution of the applicant, reporting the matter to other enforcement agencies including the Police.

41.8 It should be noted that once a licence has been granted, that licence relates to that particular vehicle. The licence and the vehicle must be owned by the same person and cannot be separated. In this context, "ownership" includes leasing a vehicle from a leasing company, but not from an individual or any former or current licensee.

41.9 If a licensee wishes to change their vehicle during the currency of the licence, the existing licence must be surrendered, and a new application made for the replacement vehicle.

41.10 A licensee can transfer the licence to another person during the currency of the licence, and the relevant council will acknowledge that transfer and register the new licensee. The character of the new licensee will be considered when application is made to renew the licence and may be considered before that time. If the relevant council is not satisfied that the new licensee is a fit and proper person the licence will not be renewed or, in the case of an earlier review, action will be taken against that licence.

41.11 A 'transfer' is the sale of a licensed vehicle (including the paper licence and licence plate) from one person to another as opposed to when a proprietor wishes to license a vehicle as a hackney carriage or private hire vehicle which is not currently licensed as such, which is an application for a 'new vehicle licence'.

41.12 The council is empowered to impose such conditions as they consider reasonably necessary, in relation to the grant of hackney carriage or private hire vehicle licences. Hackney carriages and private hire vehicles provide a service to the public; the council will only license vehicles suitable for this purpose.

## 42 Vehicle Type and Design

42.1 Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a disabled person confined to a wheelchair, will be considered for licensing provided the vehicle complies with the requirements and guidelines laid down by the councils.

42.2 Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rearward facing seats shall be fitted. When carrying a wheelchair this must be included in, and not in addition to, the maximum number of seats. When the wheelchair facility is not required the vehicle may operate as a standard Hackney Carriage or private hire vehicle with seating for the number of passengers the vehicle is licensed to carry.

42.3 Prior to licensing the applicant must provide the council with written confirmation from the manufacturer or modifier that the vehicle meets the required standard. When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers the vehicle must have all modifications and adaptations, including all seats, seat belts and anchorages, retested or approved to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval (ESVA or IVA) that meets the required standard. A licensing officer may require the vehicle to be referred to one of the council's designated vehicle compliance testing centres. This inspection will be carried out at the owner's cost.

42.4 All vehicles which are the subject of a licence application must be manufactured or adapted to carry up to eight passengers not including the driver; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers. Where a vehicle has been altered, adapted or modified only Type Approval Certificates granted after alteration, adaptation or modification will be accepted.

42.5 Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a disabled person confined to a wheelchair, will be considered for licensing provided the vehicle complies with the requirements and guidelines laid down by the relevant council.

42.6 For reasons of public safety, the councils will not accept any vehicle that has been subject to such damage as to be categorised as a 'write-off' by a relevant insurance company under the Code of Practice for the Disposal of Motor Vehicle Salvage. This includes Category S (formerly C) and Category N (formerly D) vehicles. This is because the history of the reasons for a write off cannot be established.

42.7 Any vehicle with a 'Q' plate registration will not be licensed as 'Q' plates are issued for vehicles which are either not originally registered in the UK and proof of age was unavailable at registration or for vehicles that have been built using a significant proportion of used parts. 'Q' plates are also used to disguise stolen or accident damaged vehicles.

42.8 The councils will not license purpose built hackney carriage vehicles as private hire as this

can confuse members of the public.

## 43 Vehicle Specifications

### 43.1 No vehicle will be licensed unless it:

- a. the vehicle must be capable of carrying not fewer than four passengers and no more than eight.
  - b. each passenger seat shall be fitted with a seat belt. No seats may be side facing.
  - c. the seat provided for each passenger will have a minimum width of 16 inches (40.6 cm) measured across its narrowest part.
  - d. each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The council will consider vehicles that have seats that 'tilt' forward by a single operation. If this type of seat is fitted the driver must inform the passengers of the operation of the seats before a journey commences.
  - e. the vehicle, in addition to the driver's door, will have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers.
  - f. the vehicle will be right hand drive.
  - g. the vehicle will have four road wheels.
  - h. the vehicle will have an engine with a capacity of at least 900cc. including vehicles badged by the manufacturer as '1.0' models. Hybrid and electric vehicles fitted with 'range extender' technology will be exempt from this restriction.
  - i. fully electric, fuel cell and hydrogen vehicles must have a minimum stated range of 130 miles (WLTP methodology) on a full charge/tank.
  - j. the vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total passenger capacity of the vehicle.
  - k. estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment.
  - l. no alteration to the manufacturer's specification for the vehicle, including a change of, or additional, fuel type, shall be carried out except with the prior written approval of the council.
  - m. the rear windows must have a visible light transmission (VLT) of not less than 35 per cent (+/- 2%) so that the passengers can be seen from the outside of the vehicle.
- N All licensed vehicles must have the facility to accept card payments, and the facility to provide a receipt if requested by the customer.

43.2 All vehicles that are designed to accommodate wheelchair users must have all modifications and adaptations, including all seats, seat belts and anchorages, re-tested to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval in the M1 category (evidence of this must be produced). Those vehicles which have not been "type approved" to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category. Vehicles may be inspected for

suitability by an officer. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.

43.4 There must be adequate legroom in front of any passenger seat and adequate headroom above any passenger seat. Adequate means that a 182 cm (six foot) tall person can sit comfortably.

43.5 The councils do not maintain a list of acceptable vehicles but it is recommended that prior to purchasing any such vehicle, advice be sought from the Licensing Team.

43.6 The councils are committed to social inclusion and ensuring that disabled users have a variety of opportunities to enjoy a high quality of life. For this reason, the councils consider it important that disabled users have access to all forms of public transportation.

43.7 Any vehicles that have been involved in an accident, which have required repair, may have to pass a further inspection at one of the relevant council's nominated testing stations.

**43.9 Vehicles must carry:** a spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change is necessary. Or;

- Original manufacturer's tyre inflation kit with all fittings and un-used. Or
- Runflat tyres to the original manufacturer's specification.
- a jack and tools for changing the wheels including a locking wheel nut tool if security bolts are fitted to the vehicle (not required for vehicles with runflat tyres or original manufacturers inflation kit).
- a warning triangle (not for use on motorways)
- a working torch
- a first aid kit (all contents in date at time of inspection).
- no audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

## 44 Licence plates

44.1 The external licence plate supplied by the relevant council shall be securely fixed to the outside rear of the vehicle. The licence plate remains the property of the council at all times. If required to do so at any time the licence holder must return the plate to the council within seven days.

## 45 Smoking

45.1 No smoking is permitted in the vehicle by either the driver or passengers. The use of electronic cigarettes and other vapour inhaling equipment by drivers and passengers is prohibited.

## 44 Lost property

44.1 In the first instance drivers and operators are expected to take all reasonable steps to

ensure property is returned to its rightful owner within 48 hours of discovery. Drivers must check their vehicle after each hiring to identify any lost property.

44.2 Where drivers working for companies or operators cannot return items directly to the passenger, they must present the item to the booking company within 48 hours of discovery. Small items must be placed in a clear, sealed bag. Larger items may have a separate label tied to them. Care must be taken to ensure that all items are kept in the same condition as they were found.

- Every item must be labelled with the following information:
- Date and time found
- Where in the vehicle it was found
- Driver's name and badge number
- Vehicle plate number

44.3 The company or operator shall maintain a separate record sheet with the above information plus a brief description of the item. This sheet must be available to contact handling/reception staff to deal with customer enquiries.

44.4 All lost property must be retained for at least 28 days from the date of discovery. Items must be kept in a secure location to which only named staff have access. This space must be large enough to accommodate larger items such as luggage and pushchairs. There cannot be a lost property 'bin' in a public space or driver rest area. After 28 days all items can be disposed of via a suitable route (not given to staff or drivers). This may be to charity for items in good condition and with resale value. Electronic items must be disposed of in accordance with the WEE directive. This route is available at council run recycling centres. The disposal route of items must be shown against the original entry on the recording sheet.

## 44 Funeral, Stretched limousines and wedding vehicles

44.1 There is currently no requirement for a vehicle to be licensed where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.

44.2 Stretched limousines are elongated saloon cars or multi-purpose vehicles (MPVs). The vehicles are usually imported from the United States of America. They are generally used for private hire work and special occasions.

44.3 Councils are sometimes asked to licence stretched limousines as private hire vehicles. The council will assess licence applications for these vehicles on a case by case basis.

44.4 A vehicle does not need to be licensed to be used in connection with a wedding. If a licensed Hackney Carriage vehicle is used for a wedding the licence plate and roof sign must be displayed.

44.5 Where a vehicle has been imported from another country, the council may require VOSA approved certification prior to licensing approval. Due to the individual nature of stretched limousines or special vehicles, it will inevitably give rise to issues that would not apply to conventional private hire vehicles and therefore it will be necessary for the council to consider whether to include special conditions on any licence. The councils will take into consideration the guidance issued by the Government.

## 45 Insurance

45.1 The Road Traffic Act and associated Regulations require a suitable policy of insurance to be in force in relation to the use of motorised vehicles on the public highway. For this reason and similar requirements made by under Section 48(1)(b) of the LG(MP) Act 1976, the licensing authority will require evidence of a current and suitable policy of insurance on grant or renewal of any vehicle licence.

45.2 Before a vehicle licence will be issued, evidence of comprehensive insurance for either Hackney Carriage or private hire use (as appropriate) must be produced.

## 46 Age of vehicle

### ***Private Hire Vehicles***

46.1 PHVs for general PH use must be newer than 3 years of age at first licence and can be relicensed until the vehicle is 10 years old at date of licence renewal. Applications to extend licences past 10 years will only be considered on an exceptional circumstance basis.

46.2 Exceptional circumstances applications must be made in writing by the applicant giving reasons as to why the vehicle should be considered for relicensing. Financial reasons cannot be taken into consideration. All applications must contain a report from a certified independent vehicle engineer. This report must consider all aspects of the vehicle including: structural condition, interior and external condition, mechanical condition and a full vehicle electrical diagnostic.

46.3 The vehicle must also have a full-service history or documentary evidence to prove the vehicle has been maintained in accordance with the manufacturer's servicing schedule.

### ***Hackney Carriage Vehicles***

46.4 The schedule of conditions and the Byelaws for HCVs vary between the two councils. These details can be found in Appendix C and H for Hart. Basingstoke's can be see at Appendix D and I. The main difference is that there is a requirement in Basingstoke for all HCVs to be wheelchair accessible vehicles (WAV).

46.5 HCVs that are WAVs must be newer than 5 years of age at first licence and they will continue to be licenced up to 12 years old (15 years for ultra-low or zero emission vehicles) at date of licence renewal.

46.6 Applications to extend WAV licences past 12 years (15 years for ultra-low or zero emission vehicles) will only be considered on an exceptional circumstance basis.

46.7 Exceptional circumstances applications must be made in writing by the applicant giving reasons as to why the vehicle should be considered for relicensing. Financial reasons cannot be taken into consideration. All applications must contain a report from a certified independent vehicle engineer. This report must consider all aspects of the vehicle including: structural condition, interior and external condition, mechanical condition, and a full vehicle electrical diagnostic.

46.8 In Hart where there is not the requirement for the HCVs to be WAVs the age limits stated for private hire vehicles will then apply.

## 47 Condition of vehicle

47.1 The interior and exterior of the vehicle shall be kept clean at all times. The exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears, odour and the seats must function in accordance with the original manufacturer's specification. All handles and internal trim must be present, safely attached and in working order. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations.

47.1 The exterior paintwork on the vehicle must not:

- i. show signs of rusting;
- ii. be faded or show signs of mismatched paint repairs;
- iii. have any scratches, cracks or abrasions where the top layer of paint has been removed.

47.2 The vehicle must not have wheels and wheel trims that have significant damage which detracts from the overall excellent condition of the vehicle.

47.3 The engine compartment must not be in a dirty condition or have evidence of leaks including water, oil or hydraulic fluids.

47.5 Operators are permitted to display the following on the vehicle:

- a sign indicating membership of the AA, RAC or other similar motoring organisation
- a first aid kit sticker
- any other material supplied by government or a government organisation or corporation with the permission of the council.

48.1 The interior seating and carpet areas of the vehicle must not show signs of:

- i. staining;
- ii. damp;
- iii. fraying or ripping of the material;
- iv. seat covers that are loose or badly fitted.

48.2 The seats must provide sufficient support for comfortable travel and should not demonstrate excessive compression of the seating area or wear within the support mechanism.

48.3 Interior panels and fittings within the vehicle must not be damaged nor show excessive wear, or staining.

48.4 The interior of the vehicle must not have damp or other obnoxious smells.

48.5 Advertisements are not permitted on the interior or exterior of private hire vehicles.

48.5 All Licensed vehicles must have the facility to accept card payments, and the facility to



provide a receipt if requested by the customer. The card payment device must accord with the guidelines provided in this policy at Appendix J.

## 48 Trailers

48.1 Trailers may only be used with the prior written approval of the council and subject to the following requirements:

- trailers can only be used in connection with private hire bookings
- the trailer must at all times comply with all requirements of Road Traffic legislation in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078).
- the vehicle insurance must include cover for towing a trailer
- a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

## 49 Taximeters

49.1 All Hackney Carriages must be fitted with a taximeter approved by the SLS.

49.2 The taximeter must be set to a rate not exceeding that specified in the relevant Council table of fares.

49.3 Private hire vehicles may be fitted with a taximeter (at the discretion of the vehicle proprietor). Any such meter must be approved by the SLS in accordance with the above requirement for Hackney Carriages.

49.4 A private hire vehicle may be fitted with taximeter. All taximeters must be compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304). All meters must be of the 'calendar' type to automatically adjust for bank holidays. The taximeter shall be maintained in a sound working condition at all times. All meters must be sealed with a tamper evident seal. The taximeter shall be set at the tariff displayed in the vehicle.

49.5 The taximeter must:

- be of the clock calendar type and change according to the wording of the displayed fare tariff;
- show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures;
- be kept securely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times and the figures shall be illuminated for this purpose whenever necessary.

## 50 Signage and advertising

50.1 Members of the public can often confuse private hire vehicles with Hackney Carriages, without realising that private hire vehicles are not available for immediate hire or allowed to be hailed in the street. It is therefore important that the public are able to easily distinguish each type of vehicle.

50.2 For this reason private hire vehicles must not display any roof signs and Hackney Carriage vehicles must display illuminated roof signs.

50.3 Both Hackney Carriages and private hire vehicles must display a licence plate on the rear of the vehicle. The plates are different colours for hackney carriages and private hire vehicles. The external licence plate supplied by the council shall be securely fixed to the outside and rear of the vehicle either by direct fixing, e.g. adhesive, screw, bolt or rivet, or on a secure bracket, or by using the adhesive plate provided by the council. No temporary fixing such as magnets or Velcro® are allowed. An exemption for private hire vehicles from displaying the plate may be given at the discretion of the licensing officer in accordance with this policy.

50.4 Signage must be displayed identifying the payment cards/method accepted; these should be clearly visible from the exterior and interior of the vehicle. The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers after entering the vehicle.

50.5 Advertising will be permitted on hackney carriage vehicles. Complaints about unsuitable or offensive advertisements may be referred to the council's licensing team.

50.6 All licensed vehicles to display a licence plate or sign:

- a) on the exterior, at the rear of the vehicle, and
- b) in the case of PHVs permanently affixed 'No Booking No Ride' door signs on each side of the vehicle.
- c) The TX or similar vehicle (commonly referred to as a 'London cab') will not be licensed as a PHV. The minibus variants of HCV such as the Mercedes Vito can be licensed as PHV assuming they are easily distinguishable from HCVs.
- d) Vehicles are required to display signage to state what payment types they accept.
- e) Vehicles are required to display signage to state how a complaint can be made to either the operator or local relevant Council.

50.7 Any advertisements on any vehicles must be legal and comply with the [advertising standards agency code of practice](#).

## 51 Temporary Replacement Vehicle

51.1 If a licensed Hackney Carriage or private vehicle has been involved in an accident or is otherwise incapacitated, an application can be made for a replacement vehicle to be licensed on a temporary basis. The existing vehicle licence will be suspended, and the replacement vehicle will be granted the same licence number. The temporary period will be determined by the relevant council when the application is made and will be based upon the estimated time for the repair of the original vehicle.

51.2 No temporary licence will be granted for a period exceeding three months. Any replacement vehicle must meet the relevant council's specification for Hackney Carriage or private hire vehicles and where the original vehicle was wheelchair accessible, the replacement must meet the same specification.

## 52 Vehicle testing

52.1 The DfT guidance recognises that an annual MOT test for licensed vehicles of whatever age is necessary. More frequent tests are recommended for older vehicles. The DfT guidance also suggests that it is good practice for councils to consider having more than one testing

station and argues that there could be advantages in contracting out the testing work to different garages.

52.2 The councils will approve testing stations to which all Hackney Carriages and private hire vehicles must be taken when being tested in connection with licensing requirements.

52.3 The approved testing stations will be decided upon through an open application process that takes place every five years. Having taken into account the DfT guidance that best practice is to approve more than one testing station.

52.4 Hart District Council will require all vehicles licensed or renewing their licence after 31 September 2024 to have a certificate of compliance from an approved test centre.

52.5 Anyone who wishes to complain about or is in dispute with any of the approved testing stations may contact the licensing team who will investigate the complaint. Complaints concerning the part of the test that checks the council's conditions will be dealt with by the licensing team with reference to an expert if necessary. Complaints about the mechanical MOT part of the test may be referred to VOSA.

52.6 Vehicles less than one month old and with less than 1500 recorded miles will be exempt from the requirement for a compliance check. All hackney carriage vehicles must have their meter checked for consistency with the displayed tariff card and the operation of the roof sign. This check must be carried out at a compliance testing centre.

52.7 Vehicles up to the fifth anniversary of their date of registration will require an annual compliance check. Vehicles older than the fifth anniversary of their registration will require compliance checks every six months until their tenth anniversary. Vehicles older than ten years will require a compliance check every 4 months.

52.8 The test must take place in accordance with the relevant council's testing procedures. Vehicles will be required to meet the required MOT standard for their age and construction and the relevant council's standards. In addition the accuracy of the meter (if fitted) will be checked over a measured mile for two of the displayed tariffs and for waiting time.

## 53 Windows

53.1 The front windscreen must let at least 75% of light through. All remaining factory fitted glass in the vehicle shall permit a minimum of 70% light transmission. No vehicle shall be fitted with tinting film over and above that included at manufacture.

53.2 Exemptions to allow rear window tints may be considered in exceptional circumstances for vehicles working under an exemption from the requirement to display the plate (i.e. Corporate/Executive Chauffeur hire services).

53.3 In respect of hackney carriage vehicles licensed prior to the implementation of this policy, an exemption from the 70% requirement may be applied to factory fitted glass to the rear of the driver's pillar on application to the Licensing Unit.

53.4 All licensed vehicles (except for private hire vehicles which are granted a dispensation or exemption from displaying signage must meet the following requirements:

- i. Light transmitted through the windscreen must be at least 75%
- ii. All other windows (both front and rear) must allow at least 70% of light to be transmitted.

53.5 Where vehicles which are currently licensed have factory tinted/privacy glass fitted and

are able to provide documentary evidence that this was fitted at the time of manufacturing and has not been replaced since, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy.

## **54 Security and closed-circuit television (CCTV)**

54.1 The DfT recommends councils to look sympathetically on the installation of security measures, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.

54.2 The council will not require enhanced security or CCTV measures in vehicles. Operators and drivers may install such equipment, but its use must be clearly indicated by signs in the vehicle including contact details for the system manager/operator. All such equipment and images must be operated in accordance with the Data Protection Act 1998 and the 2018, GDPR and the ICO code of practice for surveillance cameras. It is the responsibility of the driver/operator to ensure compliance.

54.3 Audio recording on video equipment must not be enabled by default. Audio must only be used when the driver feels there is a threat to themselves or another person. If the audio is turned on then the driver must make the person being filmed aware that audio recording is taking place.

54.4 No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

54.5 When requested by a Licensing Officer investigating a complaint or incident drivers must release all relevant recordings within 36 hours of the request.

### **Body Worn Video**

**54.4** If a driver decides they wish to use body worn video the following conditions must be adhered to:

- 1) The driver must register with the ICO as a data controller
- 2) The any video device used must have a security protected play back system to ensure security of the data should the device be lost or stolen
- 3) Drivers wishing to operate BWV will need to display clear signage on all passenger doors to inform customers that the driver is wearing body worn video equipment. Drivers must wear a yellow or hi-vis tabard or jacket to which the camera is securely attached. The tabard or jacket must have the words 'Body worn camera in use' or similar signage clearly displayed. The camera must show a red light when in operation that is clearly visible to the customer.
- 4) Audio recording must not be enabled by default. Audio must only be used when the driver feels there is a threat to themselves or another person. If the audio is turned on then the driver must make the person being filmed aware that audio recording is taking place.
- 5) The vehicle signage must display a contact telephone number and the address/web address of the data controller.
- 6) The data must be securely stored (in an encrypted form) and destroyed in line with the ICO guidance
- 7) Any driver operating BWV must inform the relevant council in writing and provide evidence that they have registered with the ICO as a data controller.

8) When requested by a Licensing Officer investigating a complaint or incident drivers must release all relevant recordings within 36 hours of the request.

## 55 Access for wheelchair users and equipment

55.1 See Guidance at: [Wheelchair access in taxis and private hire vehicles - GOV.UK](https://www.gov.uk/guidance/wheelchair-access-in-taxis-and-private-hire-vehicles)

55.2 The relevant council are committed to social inclusion and ensuring that disabled residents have a variety of opportunities to enjoy a high quality of life. For this reason, the councils consider it important that disabled residents have access to all forms of public transportation.

55.3 All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door must be the door situated on the nearside of the vehicle, i.e. the kerbside when stopped in a normal road.

55.4 The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 1220mm (48 inches). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.

55.5 A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

### Equipment

55.6 A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:

### Ramps

55.7 Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250 kg and certified to BS6109.

55.8 A ramp for the loading of a wheelchair and occupant must be available at all times for use, as a minimum, at the nearside passenger door on all new vehicles presented for licensing. The ramp must have a safety lip, be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.

### Wheelchair lift

55.8 A purpose designed wheelchair lift shall conform to the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate. All equipment used to lift people requires inspection every six months. The LOLER regulations require that records of inspection must be kept for two years or until the next inspection as a minimum.

55.9 The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow smooth entry/exit of the wheelchair.

### Anchorage

55.10 The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion company. In the case of purpose-built vehicles i.e. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles which have been specially converted for the purpose of conveying wheelchairs, the converter's recommendations shall be followed. **Please note this will always be either facing the front or rear of the vehicle. Wheelchairs must never be carried facing sideways in a vehicle.**

55.11 A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) or the UK equivalent standard.

55.12 All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC) or the UK equivalent standard.

55.13 Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings to the position of the wheelchair. This is required by (European Directive 76/115 EEC or the UK equivalent standard and Regulations 46 and 47 Road Vehicles (Construction and Use) Regulations 1986).

55.14 A VOSA certificate of compliance following a post conversion inspection or construction to agreed standards will indicate compliance with the above standards.

55.15 The council is aware of the different demands for private hire vehicles, particularly those involved in providing transport through school contracts for disabled children. Operators also need to be aware of their liabilities under health and safety legislation in respect of staff that they employ to ensure that they provide a safe system of work for the driver.

## 56 Roof Signs and Livery

56.1 The roof sign must be affixed to Hackney Carriage vehicles at all times. The only exceptions to this are:

- when the vehicle is parked off the street at a proprietor's home or in a private taxi office car park for security reasons
- when the vehicle is undergoing maintenance work or is being cleaned.

56.2 In both cases the roof sign must be put back on the vehicle before the vehicle is used on the highway.

56.3 There is no exception to the roof sign unless the vehicle is a London style cab or other similar vehicle that has a built-in taxi roof sign.

56.4 In the event of the relevant council's Licensing Officers not being satisfied that a roof sign meets the specification, the conditions of the vehicle licence will have been breached and the proprietor requested to remedy the defect. The licensee of the vehicle may then be subject to a penalty within the [Penalty Points Scheme](#) and if not suitably rectified will then have the sanction of law imposed.

56.5 From 30 June 2024 all Hackney Carriage vehicles licensed by Hart District Council must display a fully illuminated roof-mounted sign to the specifications below:

The requirements for the roof sign are:

- the roof sign must be connected to the taximeter (or equivalent) and it must be automatically controlled.
- the roof sign must be lit when the taximeter is not active or when the vehicle is plying for hire and not lit when the taximeter is in use, or the vehicle is not available for hire

56.6 The council does not require that licensed vehicles are finished in a special livery or appearance.

## 57 Out of district hackney carriage vehicles

57.1 The council understands that hackney carriage vehicles may operate outside of the district if undertaking pre-booked journeys. Nothing in this policy prohibits this.

57.2 The relevant council will not licence hackney carriage vehicles that are to be used predominantly outside of the area of the licensing authority or any taxi licensing zones that may be established. All applicants for hackney carriage vehicle licences must declare the areas within which they intend to use the vehicle.

57.3 For the purposes of clarity the council defines 'predominantly' as a minimum of 75% of booked journeys must commence or terminate within the district.

## 58 Dispensation /Exemption Certificates

58.1 The relevant council will consider granting an exemption from the requirement for a private hire vehicle to display the plates and additional signage. If an exemption certificate is granted, the vehicle which are used for corporate/executive style contract work for at least 75 per cent of the time.

58.2 The operator's records for these vehicles must prove on every application that the required amount of contract work is being carried out and the relevant council will require written evidence as to why plate exemption is required.

58.3 Where an exemption is granted the vehicle will display a prescribed internal licence. The internal licence contains vehicle/ licence details and must be visible from the outside. The rear licence plate must be carried in the vehicle at all times, so it can be examined by an authorised officer or a police officer.

58.3 Vehicles given this exemption will normally be executive type cars. The relevant council will determine applications for exemption on a case-by-case basis. It is not possible to specify the makes and models of vehicles that will be considered for an executive hire exemption, but in general they must be luxury vehicles that provide significant amounts of space and comfort for passengers.

58.4 The plate exemption must be applied for on an annual basis on the anniversary of the renewal of the vehicle licence. Operators/drivers should not automatically assume that when licensing a new vehicle to replace an existing plate exempted vehicle or renewing an existing plate that the plate exemption will continue.

58.5 There is no right of appeal against a refusal to grant an exemption certificate.

## 59 Accidents

59.1 If at any time a licensed vehicle is involved in an accident, however minor, the driver must inform the council of this fact as soon as possible and in any event within 72 hours by letter or email.

59.2 Where damage that requires repair arises from an accident the driver is required to report the accident to the relevant council within three days. The council's primary concern is to ensure that the vehicle is in a safe and suitable condition to be used as a licensed vehicle.

59.3 If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the council of this fact and return the licence plates to the licensing team until the vehicle has been assessed by an officer as fit to use.

59.4 An approved testing station may examine the extent of the damage and determine whether or not the vehicle must be repaired to allow it to continue as a licensed vehicle. Officers will advise drivers and operators of the outcome of the inspection within a maximum of three working days.

## 59 Licensing Committee and Licensing Sub Committee and Appeals

59.1 The Licensing Committee is responsible for administering licences. It has the power to grant licences, determine contentious applications, and also to suspend, revoke or refuse to renew licences. The committee has the full delegated authority of the relevant council to determine policy matters, fee structures, contested applications, and disciplinary cases against license holders. The committee's decisions are the relevant council's decisions and do not need to be endorsed or agreed by other committees.

59.2 Hackney fares and Licensing Fees and Charges will also have to be approved by Full Council.

59.3 The Licensing Sub committee consisting of three members of the Licensing committee will be chaired by an appointed Chairperson on the date of the subcommittee. The Licensing Sub-Committee will meet when required to determine appeals made against the Regulatory Service Manager's decisions. These meetings will also be known as Licensing Sub-Committee 'hearings'.

59.4 Details of any right of appeal will be contained in the written notification of the relevant council's decision and who the applicant needs to appeal to for the decision that has been made.

59.5 There is a right of appeal to the Magistrates' Court, and further right of appeal to the Crown Court in relation to any refusal to grant or renew a vehicle licence, or suspension or revocation of a vehicle licence. Full details about how to appeal will be contained in any decision notice.



# Policy in Relation to Private Hire Operator Licences

## 60 General

60.1 All private hire operator licences will be issued for five years. Licences of a shorter duration may be issued in exceptional circumstances.

60.2 Any person who operates a private hire service (who is not a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the council for a private hire operator's licence. The objective in licensing private hire operators is the safety of the public who will be using operators' premises, and vehicles and drivers arranged through them.

60.3 A valid application including all the required original documentation, must be made at least 15 working days prior to the expiry of the current licence or it will be treated as a new application. A valid application is one which is complete in all respects and can be processed immediately.

60.4 Photocopies of documents will not be accepted. If the application is not made in time to enable all the relevant processes to be completed before the expiry of the current operator's licence, there will be a period of time during which the operator will be unlicensed and cannot make a provision for the invitation of bookings for private hire vehicle.

60.5 A private hire vehicle may only be dispatched to a customer by a licensed private hire operator. Such a licence permits the operator to invite or accept bookings for a vehicle. Private hire operators must ensure that every private hire vehicle that they operate is licensed by the same council who issued them with the operator's licence and that it is driven by a person who holds a private hire driver's licence issued by the same council.

60.6 Where a licence is found to have been obtained using false or incomplete information enforcement action will be taken.

## 61 Operator's Base

61.1 An operator's licence relates to one or more addresses (bases) within the relevant council area. Every address that is being used must be detailed on the licence.

61.2 The address used on the operator's application must be the one where the invitation and acceptance of bookings take place. This will be the premises where the records referred to above are kept and at which they may be inspected by licensing officers without notice.

61.3 An operator who has more than one operating office or base does not require a separate licence for each premises but must submit a list to the SLS containing all the addresses from which they run their business. An updated list must be sent to the relevant council whenever any of those addresses change.

61.4 Planning permission or a Certificate of Lawful Use for the use or change of use of premises, whether home or commercial is not required before an application can be made for an operator's licence. However, it may be unlawful to use those premises as an operator's base and advice, should be sought from relevant council's Planning Department.

## 62 Fitness and Propriety

62.1 Before the SLS will grant or renew an operator licence, the applicant or licensee must satisfy

the following requirements.

## 63 Identity

63.1 Please refer to section 12 of the policy.

## 64 HM Revenues and Customs (HMRC) requirements

64.1 Please refer to section 12 of the policy.

## 65 Disclosure and Barring Service Checks (DBS)

65.1 An applicant must provide a basic DBS check which is no more than one calendar month old at the time of application. In addition, the relevant Council will require the applicant to complete an application form declaration listing all criminal convictions to enable the and consider the applicant's fitness and propriety. Failure to do so will lead to the licence being suspended.

65.2 Where an application is made by a partnership, limited liability partnership or limited company, the same requirements apply to all partners, directors and secretary (if any).

65.3 This requirement will not apply to any applicant who already holds a drivers licence.

65.4 Where a licence is held by a partnership, limited liability partnership or limited company, the Relevant Council must be notified within one week of any change of partners, directors or secretary. In those circumstances a basic DBS not more than one calendar month old must be provided with that notification.

65.5 Operators must maintain and apply a previous convictions policy in the same terms as the one contained within this policy for all staff that they use. This includes obtaining and providing a basic DBS certificate not more than one month old at the point of first engagement by the operator and a requirement in the contract of employment/service to notify the operator of any subsequent arrest, charge or conviction within seven days of the event. This applies to all employees, workers and independent contractors. The operator must not engage the services of any person whose previous convictions or other matters lie outside that policy without the prior written authorisation of the Relevant Council.

## 66 Certificate of Good Conduct

66.1 Please refer to section 15 of the policy.

## 67 Previous Convictions

67.1 Please refer to section 16 of the policy.

## 68 Test of Fitness and Propriety

68.1 Once a valid application has been made, the Relevant Council will make a decision as to whether or not the applicant/licensee is a fit and proper person to hold a private hire operator's licence. The same test will be used in respect of any existing driver whose criminal convictions or behaviour fall below the Relevant Council's standards. The test used will be:

***“Without any prejudice, and based on the information before you, would you be comfortable providing sensitive information such as holiday plans, movements of your family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”***

68.2 This will be determined on the balance of probabilities, and if the Relevant Council is of the

view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence. The applicant or licensee will not be given the benefit of doubt. The onus is on the applicant to demonstrate that they are a fit and proper person, and not for the Relevant Council to prove that they are not.

## 69 Drivers and Vehicles

69.1 The operator must ensure that any private hire driver or private hire vehicle operated, employed or used by them holds a current private hire driver or vehicle licence issued by The SLS. The operator must hold the licence for the duration of the time that the driver or vehicle is being operated by that operator.

## 70 Knowledge Test

70.1 Private hire operators need a good working knowledge of the area for which they are licensed. The law requires that members of the public are transported by the most direct and therefore cheapest route.

70.2 In order to maintain the high standards expected of operators, the council will not grant an operator's licence until the applicant has passed the knowledge test. This requirement will be waived for licensed drivers and all operators licensed before 1 January 2020.

70.3 In order to determine their suitability, applicants will be required to undertake a test as to their knowledge of:

- local geography
- the Highway Code
- hackney carriage and private hire licensing law and the council's policy.
- basic mathematics for handling money

70.4 The knowledge test will be in a form and structure determined by the council and may be administered by a third party.

70.5 There is a fee to sit and re-sit the test and this is published separately together with the other council licensing fees. No applicant may sit the test more than five times in any 6-month period commencing on the date of their first test.

## 71 Enforcement and Appeals

71.1 This policy will be considered in conjunction with the Relevant Council's Enforcement Policy. The Relevant Council will ensure that all licensees comply with the law and conditions attached to their licences.

## 72 Conditions

72.1 The council has the power to impose such conditions on an operator's licence as it considers reasonably necessary.

## 73 Insurance

73.1 If premises are open to the public applicants must produce evidence that they have taken out a minimum of £5 million of public liability insurance for the premises to be licensed, before the

council will approve an application for a private hire operator's licence.

## 74 Change of details

74.1 The operator must notify the council in writing within seven days of any change of address, (whether this is a home address or the operating address) or change of telephone number or any other details during the period of the licence.

## 75 Sub-contracting

75.1 A private hire operator may sub-contract a booking to another licensed operator or hackney carriage driver. A record of whom the booking was sub-contracted to and when must be kept.

## 76 Record keeping

76.1 Section 56(2) and (3) of the Local Government (Miscellaneous Provisions) Act 1976 requires operators to record specific information. The information shall be kept in a suitable book or on a computer or any other similar device. If using a book the pages must be numbered consecutively and the operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:

- the time and date of the booking
- the name of the hirer
- the fare quoted
- how the booking was made, e.g. telephone or email and the time
- the time of the proposed pick up
- the point of pick up and drop off
- the registration or plate number of the vehicle allocated for the booking and the name of the driver.

76.2 Operators are legally required to keep records in respect of all bookings, vehicles and drivers, for a period of one year as set out in the private hire operator's conditions in Appendix B.

76.3 An additional condition of the private hire operator's licence should include a register of staff, updated regularly to reflect changes in staffing. The operator should obtain a basic DBS check on all staff and record that they have seen the check.

76.4 Operators who maintain computerised records will be required to give access to these records to licensing officers upon request in order that the licensing officers can carry out their enforcement duties.

76.5 Any data held by the PHO should be held and disposed of in accordance with the data protection legislation. Guidance is available through the Information Commission Office (ICO) website.

76.6 Operators will also be required to provide adequate instruction to licensing officers in order to enable them to interrogate the computerised records to gather the information they require to carry out their enforcement duties.

## 77 Enforcement Options

77.1 The SLS aims to maintain a consistent approach when making all decisions in relation to Hackney Carriage and private hire licensing. In order to maintain a consistent approach, this policy

is always considered, in addition to the Enforcement Policy, and followed where appropriate. In reaching any decision The SLS will also have regard to the following:

- i. the seriousness of any offences;
- ii. the licensee's past history;
- iii. the consequences of non-compliance;
- iv. likely effectiveness of the various enforcement options;
- v. danger to the public.

77.2 Once the SLS has considered all the evidence and relevant information, the following options will be considered:

- i. take no action;
- ii. impose penalty points on the licence (see [Appendix B](#));
- iii. suspend the licence;
- iv. revoke the licence;
- v. prosecute.

77.3 The DfT guidance is clear on the necessity of enforcement to maintain high standards of public safety. All enforcement will be proportionate and transparent. While the ultimate authority is the court the expectation is that enforcement will be carried out by licensing officers overseen by the Licensing Committee and the associated Licensing sub-committee.

77.4 Any enforcement system needs to deal with persistent, low level breaches up to serious, possibly, criminal behaviour. There are grades of sanctions from informal advice and warnings through to suspension and revocation of licences. The majority of enforcement will be for relatively minor offences or breaches and will be undertaken by the licensing officers. The relevant Council will operate a points-based enforcement scheme. The points system does not affect the driver's or operator's rights of appeal to the magistrate's court. The details of the system are shown in Appendix G.

## 78 Licensing Committee and Licensing Sub Committee and Appeals

78.1 If a licence application or renewal is refused or enforcement action is taken, the applicant or licensee will be informed in writing. That notification will detail the rights of appeal and the appropriate court in which an appeal should be brought.

# Appendix A - Hackney Carriage and Private Hire Licensing Guidelines relating to relevance of previous convictions.

## 1 Introduction

1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the relevant Council when determining whether or not an applicant or an existing licensee is a fit and proper person to hold a Hackney Carriage and/or private hire vehicle driver's licence or a private hire vehicle operator's licence.

1.2 Drivers and operators cannot be granted a licence unless the council is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

1.3 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor's licence.

1.4 'Fit and proper' will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

## 2 General Policy

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

2.2 "Fit and proper" means that the individual (or in the case of a private hire operator's licence, the limited company together with its directors and secretary, or all members of a partnership) is "safe and suitable" to hold the licence.

2.3 In determining safety and suitability the council is entitled to take into account all matters concerning that applicant or licensee. The relevant council is not simply concerned with that person's behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament. 38 Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows the council to consider the character of a company director or secretary, or any partner.

2.4 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.

2.5 Matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the council. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

2.6 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges

withdrawn. Where an existing licensee is charged, it will be for the council to decide what action to take in the light of this policy.

2.7 In all cases, the council will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of this policy.

2.8 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.

2.9 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

2.10 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

2.11 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their 'fit and proper' status. The council has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

2.12 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

2.13 This policy does not replace the duty of the council to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

### **3 Powers**

3.1 The [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975](#) excludes applicants or holders of a private hire vehicle or Hackney Carriage driver's licence from the provisions of the Rehabilitation of Offenders Act 1974. This means that the relevant Council can take account of all convictions, whether spent or not. Therefore, the relevant Council will have regard to all relevant convictions. As detailed below, this will be particularly important where there is a long history of offending or a recent pattern of repeat offending.

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

## 4 Consideration of Disclosed Criminal History

4.1 Applicants can discuss what effect their offending history may have on any application by contacting the Licensing Service for advice.

4.2 Applicants for the grant or renewal of a driver licence will be required to obtain an enhanced disclosure from the Disclosure and Barring Service (DBS). This must include a check of the adult and child barred lists. Drivers will then be required to sign up to the DBS update service.

4.3 Applicants for the grant of Hackney Carriage or private hire vehicle licence, where that person is not the holder of a current driver licence issued by the relevant Council, must provide a basic DBS certificate to accompany every application and renewal of the vehicle licence.

4.4 Applicants for the grant of an operator licence, where that person is not the holder of a current driver licence issued by the relevant council, must provide a basic DBS certificate annually throughout the currency of the licence.

4.5 The relevant council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the relevant Council or other licensing authorities, and information disclosed by the police.

4.6 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particularly when giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the application will be refused, and if the licence has been granted it will be revoked.

4.7 The sole purpose of Hackney Carriage and private hire licensing is to protect the public. That is the only consideration the relevant council can take into account when determining an application for a licence or whether to take action against an existing licence (suspend, revoke or refuse to renew).

4.8 Ideally, all those involved in the Hackney Carriage and private hire trades (Hackney Carriage and private hire drivers, Hackney Carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hardworking individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.

4.10 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see [Local Government \(Miscellaneous Provisions\) Act 1976](#)<sup>1</sup> ss 51 and 59 in respect of drivers; s55 in respect of operators).

4.11 There are no statutory criteria for vehicle licences, therefore the relevant council has an absolute discretion over whether to grant either a Hackney Carriage or private hire proprietor's licence.

4.12 “Fit and proper” means that the individual (or in the case of a private hire operator's licence or vehicle proprietors licence, the limited company together with its directors and secretary, or all

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<sup>1</sup> Section 57(1) and 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.



members of a partnership<sup>1</sup>) is “safe and suitable” to hold the licence.

4.22 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The Relevant Council has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

4.23 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

4.24 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.

4.25 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The relevant Council is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

## **5 Drivers**

5.1 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

5.2 A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

5.3 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a 'fit and proper' person.

5.4 In relation to single convictions, before a licence will be granted the following time periods should elapse following completion of the sentence. “Sentence” means the period of imprisonment imposed (not simply the time served), the date of conviction if a fine was imposed, completion of any disqualification from driving, or the end of whichever lasts longer if more than one penalty was imposed.

## **6 Crimes Resulting in Death**

6.1 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

## **7 Exploitation**

7.1 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery,

child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

## **8 Offences Involving Violence**

8.1 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

## **9 Possession of a Weapon**

9.1 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **10 Sex and Indecency Offences**

10.1 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

10.2 In addition to the above, the Relevant Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

10.3 Those given a jail sentence of more than 30 months for sexual offending are placed on the register indefinitely. Those imprisoned for between six and 30 months remain on the register for 10 years, or five years if they are under 18. Those sentenced to six months or less are placed on the register for seven years, or three-and-a-half years if under 18. Those cautioned for a sexual offence are put on the register for two years, or one year if under 18.

## **11 Dishonesty**

11.1 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **12 Drugs**

12.1 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

12.2 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at the time of application and every subsequent renewal at their own expense to demonstrate that they are not using controlled drugs.

## **13 Discrimination**

13.1 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **14 Motoring convictions**

14.1 Hackney Carriage and private hire drivers are professional drivers charged with the

responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence.

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

## **15 Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving**

15.1 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

15.2 Where an applicant has a conviction for using a held-hand mobile telephone or a handheld device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## **16 Other Motoring Offences**

16.1 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

16.2 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **17 Hackney Carriage and Private Hire Offences**

17.1 Where an applicant has a conviction for an offence concerned with or connected to Hackney Carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **18 Vehicle Use Offences**

18.1 Where an applicant has a conviction for any offence which involved the use of a vehicle (including Hackney Carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **19 Private Hire Operators**

19.1 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

19.2 As stated above, where an applicant has more than 1 conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

19.3 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the Relevant Council's overall criteria, that will lead to the operator's licence being revoked.

19.4 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

## **20 Vehicle Proprietors**

20.1 Vehicle proprietors (both Hackney Carriage and private hire) have two principal responsibilities.

- Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
- Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

20.2 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

20.3 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

## **21 Licences Issued by Other Licensing Authorities**

21.1 Applicants who hold a licence with another Relevant Council should not automatically assume that their application will be granted by this Relevant Council. Each case will be decided on its own merits.

21.2 Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

## **22 Protected Cautions and Convictions**

22.1 Standard and Enhanced DBS certificates will include details of convictions and cautions (excluding youth cautions, reprimands and warnings) recorded on the Police National Computer (PNC). PNC records relating to protected cautions and convictions will not automatically appear on the certificate.

22.2 The rules regarding the automatic disclosure of convictions or cautions are set out in legislation. This states that a certificate must include the following:

<b>Disposal</b>	<b>Age when given/sentenced</b>	<b>How long ago</b>
Caution for specified offence	18 or over	Any time
Caution for non-specified offence	18 or over	Less than 6 years
Conviction for specified offence	Any age	Any time
Conviction resulting in custodial sentence	Any age	Any time
Conviction for non-specified offence	18 or over	Less than 11 years
Conviction for non-specified offence	Under 18	Less than 5 and half years

22.3 A 'specified offence' is one which is on the [list of specified offences](#) agreed by Parliament which will always be disclosed on a Standard or Enhanced DBS certificate, regardless of how long ago it was given. This includes where a specified offence receives a caution (but not youth cautions, reprimands or warnings).

22.4 The list includes a range of offences which are serious, relate to sexual or violent offending or are relevant in the context of safeguarding. The specified offences list covers those committed in England and Wales, however, the legislation also covers equivalent offences committed in other jurisdictions including overseas when they are recorded on the PNC. It is not possible to capture a definitive list of all equivalent offences under the law of all other jurisdictions.

22.5 Where an individual is aware that they have committed an offence outside England and Wales which may be equivalent to an offence on the list they should seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

22.6 More information on the DBS filtering guide can be found at <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide> .

## **23 Rehabilitation**

23.1 The date of the court conviction is to be taken as the start date of the rehabilitation period, unless a sentence of imprisonment or corrective training exceeding 48 months was imposed, in which case the offence is never rehabilitated.

23.2 The following examples are for guidance only. Each application will be considered on its individual merits taking into account the person's previous history of behaviour to determine if they meet the 'fit and proper person' criteria, and it may be that, having regard to the particular circumstances of any application, it would be right to depart from the policy. Initial consideration of applications will be undertaken by the licensing officer.

23.3 A decision to refuse, revoke or suspend the licence can be appealed under the Public Health Act 1936 to the Magistrates' Court within 21 days of the date on which the relevant Council's decision was served.

23.4 Information relating to rehabilitation periods can be found at <https://www.gov.uk/guidance/rehabilitation-periods> .

## **24 Summary**

24.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime may not bar an applicant permanently from becoming licensed. However as public safety is the sole consideration, applicants with criminal convictions must recognise that the Relevant Council will give careful and serious consideration to any such application. In truly exceptional circumstances there may be occasions when an application can be allowed before the stated period free from conviction has elapsed.

24.2 It is the view of the relevant Council that any person who has criminal convictions and therefore has to wait before an application is successful is more likely to value their licence and act accordingly.

## Appendix B - Penalty Points Scheme

### 1 Penalty Points Scheme

- 1.1. Hackney Carriage and Private Hire Operators, Drivers and Vehicles are principally governed by the [Town Police Clauses Act 1847](#), [Local Government \(Miscellaneous Provisions\) Act 1976](#), Relevant Council Byelaws (in respect of Hackney Carriages) and the Policy and Conditions set by the Relevant Council.
- 1.2. The primary objective of the Penalty Points Scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.
- 1.3. The Penalty Points Scheme works in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of licensees behaviour and conduct so as to ascertain whether they remain a safe and suitable person to be a vehicle driver or operator and/or suitable to hold a vehicle licence. It does not prejudice the Relevant Council's ability to take other actions.
- 1.4. The Scheme will be used where operators, drivers or proprietors of vehicles fail to comply with any legislative requirement, commit a criminal offence (under legislation or byelaws) or breach those conditions of licence, and following complaints from the public.
- 1.5. Licensees involved will be asked to attend the offices for an interview. Once investigations are completed, letters will be sent out detailing the outcome record will be kept on the person's file. The outcome of investigations may result in officers determining that:
  - (a) no further action be taken;
  - (b) penalty points be imposed;
  - (c) a formal warning be issued,
  - (d) the licensee be referred to the Licensing Sub Committee and/or prosecution.
- 1.6. If a licensee wishes to challenge the imposition of penalty points, an appeal will be referred to the Regulatory Service Manager. A further appeal can be made to a licensing sub committee.
- 1.7. At either they can remove the penalty points, uphold the penalty points, increase or decrease the penalty points (and this includes imposing more points than displayed on the tariff), suspend or revoke the licence, or recommend prosecution.
- 1.8. Drivers must appeal any points issued by Licensing Team Leader to the Regulatory Service Manager within 21 days of receipt of the written notification of the imposition of penalty points. Details of the appeal mechanism will be contained in the written notification.
- 1.9. Appeals from the decision of the Regulatory Service Manager to the Licensing subcommittee must be made within 21 days of receipt of the written notification of the decision of the Regulatory Service Manager. Again, details of the appeal mechanism will be contained in the written notification.
- 1.10. Penalty points remain live or current for twelve months from the date the penalty points were imposed. If the decision was appealed (to the Regulatory Service Manager or the Licensing sub committee and the points were upheld or increased the penalty points will remain live for twelve months from the date of appeal decision. The twelve-month period is rolling, so

as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

- 1.11. Where a licensee accumulates more than twelve penalty points in any twelve-month period, the matter will be referred to the Licensing sub-committee to decide whether the driver remains a fit and proper person. The Licensing sub-committee may then suspend or revoke a licence, or issue a warning to the licensee, depending upon the circumstances. Periods of suspension of a licence by the sub-committee will be dependent on the nature of the breaches of the legislation/conditions/behaviour and the compliance history of the individual. Suspension periods will normally vary between 7 days to 3 months.
- 1.12. The system will operate without prejudice to the relevant Council's ability to take other action that it is entitled to take under legislation, byelaws, and conditions.
- 1.13. If points are issued to a proprietor/driver for a matter which is also a criminal offence which the relevant Council could prosecute, those persons(s) will not then be the subject of a prosecution by the relevant Council.

### List of Offences/Breach of Vehicle Licence Conditions/Byelaws

<b>Number</b>	<b>Offence / Breach</b>	<b>Maximum Points</b>
CP1	Failure to have/maintain grab handles	<b>2</b>
CP2	Failure to have a means of loading wheelchairs into the vehicle, available at all times.	<b>2</b>
CP3	Failure to maintain seat belts in a safe condition	<b>4</b>
CP4	Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent	<b>4</b>
CP5	Failure to display roof sign	<b>2</b>
CP6	Failure to maintain roof sign in working order	<b>2</b>
CP7	Failure to display No booking No ride signs PH vehicles	<b>4</b>
CP8	Failure to display "no smoking" signs in the vehicle	<b>2</b>
CP9	Incorrectly displaying licence plate	<b>4</b>
CP10	Failure to report loss or damage of a vehicle plate, following discovery of loss or damage.	<b>2</b>
CP11	Advertising on vehicle without written authorisation from the Licensing Authority	<b>4</b>
CP12	Tampering or allowing an unauthorised person to tamper with taximeter	<b>4</b>
CP13	Failure to display a statement of fares inside the HC	<b>2</b>
CP14	Failure to notify Licensing of accidents or damage affecting the safety, performance or appearance of the vehicle	<b>6</b>
CP15	Failure to have insurance for the licensed vehicle	<b>12</b>
CP16	Failure to keep copy of insurance/cover note in the vehicle	<b>2</b>



CP17	Failure to notify Licensing Authority of change of address or other contact details	<b>2</b>
CP18	Failure to carry a suitably marked approved fire extinguisher within the vehicle	<b>2</b>
CP19	Failure to carry marked first aid equipment as specified in conditions	<b>2</b>
CP20	Proprietor/Operator allowing a greater number of Persons to be conveyed than is specified on the licence	<b>12</b>
CP21	Failure to maintain a reasonable standard of behaviour	<b>4</b>
CP22	Failure to provide assistance to an authorised officer	<b>4</b>
CP23	Using CCTV equipment not in accordance with the provisions of the conditions and the data protection act	<b>4</b>
CP24	Failure by driver to take reasonable precautions to ensure the safety of passengers	<b>6</b>
CP25	Failure by driver to carry the badge provided by the Licensing Authority when plying for hire	<b>2</b>
CP26	Failure to provide when requested reasonable assistance with luggage	<b>2</b>
CP27	Driver allowing noise from radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle	<b>2</b>
CP28	Driver smoking/vaping/similar whilst in the vehicle	<b>12</b>
CP29	PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre-booking	<b>3</b>
CP30	Carrying a member of family/friend in a licensed vehicle when it is for hire/hired	<b>2</b>
CP31	Failing to take steps to ensure passenger safety	<b>6</b>
CP32	Failing to hand found property to the police	<b>2</b>
CP33	Failing to operate taxi meter correctly	<b>4</b>

CP34	Failing to use taximeter on pre-booked journey or fail to charge fee less than meter fee	<b>2</b>
CP35	Charging more than the metered fare HC	<b>4</b>
CP36	Demanding more than the previously agreed fare PH	<b>4</b>
CP37	Failure to attend at appointed time or place without sufficient cause	<b>2</b>
CP38	Unnecessarily prolonging journey in distance or time	<b>4</b>
CP39	Failure to notify Licensing Authority of change of address/telephone number within 7 days	<b>4</b>
CP40	Failure to notify Licensing Authority of motoring offences or criminal convictions during the period of licence	<b>12</b>
CP41	Failure to notify Licensing Authority of involvement in incidents which the Police are involved and may lead to a caution/conviction	<b>12</b>
CP42	Failure to notify Licensing Authority in writing within 7 days of serious injury or illness	<b>12</b>
CP43	Failure to carry assistance dog without exemption	<b>6</b>
CP44	Making additional charge for carrying assistance dog	<b>6</b>
CP45	Not using mobile phone in accordance with The Road Vehicle (construction and use) (Amendment) (No.4) Regulation 2003	<b>6</b>
CP46	Failure to notify Licensing Authority of vehicle damage within 72 hours	<b>4</b>
CP47	Failure to provide a written receipt for the fare paid if requested to do so by the passenger	<b>2</b>
CP48	Failure to co-operate with any authorised officer of the Licensing Authority, Constable or any other clearly identifiable person nominated by the Licensing Authority	<b>6</b>

CP49	Failure to keep a record of bookings in the Private Hire Vehicle. This can be computerised/electronic or written	<b>6</b>
CP50	Operating more vehicles than stated on licence	<b>6</b>
CP51	Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises	<b>2</b>
CP52	Failure to keep booking or waiting areas which the public have access to, clean, adequately heated, ventilated and lit	<b>2</b>
CP53	Failure to provide seating facilities in waiting areas	<b>2</b>
CP54	Failure to have in place planning permission if required at operators address	<b>4</b>
CP55	Failure to keep proper records for a period of not less than six months	<b>6</b>
CP56	Failure to notify Licensing Authority within seven days of the particulars of any driver who is no longer employed by the operator	<b>2</b>
CP57	Using unlicensed drivers to drive a Licensing Authority licensed vehicle	<b>12</b>
CP58	Failure to carry out or provide the required DBS checks on dispatch staff	<b>12</b>
CP59	Failure to record, maintain or provide details of checks on dispatch staff in a register	<b>12</b>
CP60	Failure to keep a written record of all complaints or failure to make available to the Licensing Authority	<b>6</b>

## Appendix C - Hackney Carriage Schedule of Conditions (Hart)

In these conditions which are imposed under the provisions of section 47 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated;

“the Proprietor” means the person who has been granted the licence by The SLS under section 37 of the [Town Police Clauses Act 1847](#)

“the Vehicle” means the vehicle that is specified on the licence granted under section 37 of the Town Police Clauses Act 1847.

The following conditions will be attached to every Hackney Carriage (proprietors) vehicle licence unless specifically altered by the relevant Council. Additional conditions that are reasonably necessary will be attached to vehicle licences on a case-by-case basis.

### Conditions applicable to hackney carriage vehicles only

1.1 Signage - The hackney carriage vehicle must carry a roof sign, capable of illumination, which must conform to a specification approved and adopted by the Council from time to time. The sign shall display “TAXI” to the front. An exception to this is purpose built vehicles fitted with permanently mounted signs.

1.2 The roof sign shall be illuminated when the vehicle is plying for hire.

1.3 Tariff Cards. Hackney Carriage vehicles are required to have the current tariff rate card displayed inside the vehicle for the guidance of passengers.

### Conditions relevant to Hackney Carriage and Private Hire Vehicles

2.1 Conditions applicable to both vehicle types.

2.2 At all times the proprietor shall during the currency of the licence keep in force in relation to the use of the vehicle a policy of insurance that complies with the requirements of the Road Traffic Act 1988 or any re-enactment thereof. The proprietor shall NOT use the vehicle without there being in force such a policy of insurance. The policy /certificate of insurance must be readily available to be inspected by one of the Licensing Enforcement Officers if required to do so.

2.3 Whilst a policy of comprehensive insurance is recommended, this will not be insisted upon, provided that there is in force in relation to the use of the vehicle a policy of insurance or such security as complied with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for hire or reward.

2.4 The proprietor of the Hackney Carriage or private hire Vehicle shall not convey or permit to convey in such vehicle any greater number of persons than the number of persons specified in the vehicle registration document or the number of passengers specified on the hackney carriage or private hire vehicle Licence identification plate.

2.5 Identification Plate - The identification plate provided by the Council bearing the number of the licence, the vehicle registration number, the maximum number of passengers to be carried, the make and model of the vehicle and expiry date shall be **securely** fixed, to the outside of the rear of the vehicle. It must be incapable of being easily removed. The use of magnets, Velcro or other non secure methods is not acceptable. The plate must be located in such a position that it shall be clearly visible from the rear of the vehicle and shall not be less than 12” nor more than 30” to

the bottom edge of the plate from the ground when the vehicle is fully laden. The plate must be clearly visible to the public and not obscure the vehicles registration number plate. In any event, the licence plate shall not be fixed below the level of the rear bumper. The licence plate shall remain the property of the council and may be removed at any time by the council's Inspector if he is of the opinion that the vehicle contains a fault of a serious nature and that the licence should be temporarily suspended or can be retained by the council where the vehicle is not currently licensed by the council.

2.6 The council shall be notified of all accidents or incidents affecting safety, performance or appearance of the vehicle or the comfort or convenience of passengers as soon as is reasonably practicable and in any event within 2 working days of the occurrence of the accident or incident.

2.7 The vehicle may be inspected by the council Licensing Officer at any time. If a serious fault is discovered the licence may be temporarily suspended, and the council's licence plate removed in accordance with paragraph 2 above.

2.8 All Licensed vehicles must have the facility to accept card payments, and the facility to provide a receipt if requested by the customer.

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## Appendix D - Hackney Carriage Schedule of Conditions (Basingstoke)

In these conditions which are imposed under the provisions of section 47 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated;

“the Proprietor” means the person who has been granted the licence by The SLS under section 37 of the [Town Police Clauses Act 1847](#)

“the Vehicle” means the vehicle that is specified on the licence granted under section 37 of the Town Police Clauses Act 1847.

The following conditions will be attached to every Hackney Carriage (proprietors) vehicle licence unless specifically altered by the relevant Council. Additional conditions that are reasonably necessary will be attached to vehicle licences on a case-by-case basis.

### Town Police Clauses Act 1847

### Local Government (Miscellaneous Provisions) Act 1976 – Part II

### Hackney Carriage Vehicle licence

#### Definitions

“Authorised officer”	means an officer of the Council authorised in writing by BDBC
“The Council”	means Basingstoke and Deane Borough Council
“Hackney Carriage”	has the same meaning as in the TPCA 1847 and the LG(MP) Act 1976 Part II
“Licence plate”	means the plate issued by the Council for the purpose of identifying the vehicle as a hackney carriage vehicle
“Proprietor”	means the person or persons or body named in the licence as the proprietors of the vehicle
“The vehicle”	means the hackney carriage vehicle in respect of which this licence is issued

“Exceptional condition” means meeting the Certificate of Compliance test standards detailed in the vehicle standard inspection manual

## **1 Licence Conditions**

The proprietor shall observe and perform the following terms and conditions in respect of Hackney Carriage licences:

- (a) The HCV to which this licence relates shall at all times during the licence period of the licence be maintained in sound mechanical condition and the coachwork and upholstery shall be kept in good and clean order and fit for public service to the satisfaction of the Council.
- (b) the licence plate displaying the licence number shall be fixed and displayed outside and on the rear of the vehicle using the fixing system supplied by the council. The HCV must display an internal sticker showing the vehicle licence number on the passenger side of the driver partition.
- (c) the licence plate shall remain the property of the Council and shall be returned to the Council within 7 days after the service of an appropriate notice by the Licensing Team Leader.
- (d) if the proprietor no longer holds a licence granted by the Council any deposit paid prior to November 2016 shall be refunded upon the plate being returned to the Council.

## **2 Fare Tariff Card**

- a) the fare card supplied by the Council shall be prominently displayed inside the vehicle and no charges greater than those specified on the fare card shall be charged for journeys beginning and ending within BDBC's controlled district.

## **3. Availability of vehicle for inspection**

- a) An authorised officer of the Council may inspect and test a HCV at all reasonable times to ascertain the fitness or condition of the vehicle or any taximeter fitted and may, if defects are found suspend the licence until the vehicle becomes roadworthy/fit for use. If the officer is not satisfied with the vehicle condition within 2 months from the date of the suspension, the licence shall be revoked;
  - (b) in the event of a vehicle licence being suspended the licence plate shall be surrendered to the authorised officer and shall be held by the council pending the reinstatement of the licence;
- without prejudice to the aforementioned conditions, the proprietor on receipt of a notice in writing from the Licensing Team Leader, shall present the HCV for inspection and testing by or on behalf of the Council.

## **4. Insurance**

- (a) the proprietor shall at all times during the licence period keep in force, in relation to the use of the vehicle as a HCV public liability insurance cover of £2m, and a policy of insurance which complies with the requirements of the Road Traffic Act 1988 or any re-enactment
- (b) An authorised officer may request a proprietor to produce for examination a certificate of insurance in respect of the HCV for the purpose of the

Road Traffic Act 1988, or any re-enactment thereof. If the proprietor fails to produce a certificate the proprietor shall within five days produce it at the Civic Offices. The council may suspend

the vehicle until satisfactory evidence of insurance is provided

## **5. Taximeter**

(a) the proprietor shall provide and affix to the HCV a Fares HC Taximeter. Such meter must comply with the requirements of the Byelaws and shall be maintained in full working order at all times;

(b) in the event of such taximeter suffering any malfunction or repair the proprietor shall immediately inform the Council in order that the taximeter may further be tested.

(c) hackney carriage fare meters may be programmed with multi-tariffs, approved by the Council, provided the meter is fitted with an automatic calendar clock. The proprietor must notify the council if the meter is inaccurate and take immediate steps to ensure this be remedied. The vehicle must not be used at any time the meter does not accord with the approved fare levels.

## **6. Roof Sign**

(a) the proprietor shall affix to the HCV a suitable roof sign connected to the meter, which is only capable of being lit when the HCV is plying for hire and must show the word "Taxi" to the front of the sign.

## **7. Fire Fighting and First Aid**

(a) the proprietor shall cause to be carried on the vehicle an appliance for extinguishing fire which must be carried in such a position as to be readily available for use

(b) the proprietor shall cause to be carried in the vehicle at all times a first aid kit containing dressings and appliances. The first aid kit shall be maintained in full and proper order and immediately available.

## **8. Vehicle Damage**

(a) the proprietor shall report to the Council as soon as reasonably practicable and in any case within 72 hours of any accident to the HCV causing damage which materially affects the safety, performance or appearance of the vehicle.

(b) the proprietor shall report to the Council any alteration in the design of the HCV which may require the proprietor to submit the vehicle for further examination.

## **9. Drivers**

(a) the proprietor shall not allow any person to drive a HCV unless that person is in possession of a current HCD licence granted by the BDBC.

## **10. Vehicle Ownership Transfer**

(a) if the proprietor of a HCV transfers his interest in the HCV to a person other than a proprietor specified in the licence, notice must be given to the Council in writing within 14 days of such transfer.

(b) the new vehicle proprietor must apply for a transfer of the HCV licence into his/her name and pay the relevant fee. After providing evidence of ownership of the transferred vehicle, the vehicle licence will be transferred to the new owner.

## **11. Replacement Vehicle (permanent)**



(a) if the HCV to which this licence relates is replaced you must make an application to transfer the licence to the new HCV. Following completion of the relevant documentation and fee and vehicle testing requirements a new licence and plate will be issued.

## **12. Replacement Vehicle (temporary)**

(a) the proprietor must notify the Council if they require a temporary HCV to cover an off road HCV due to damage. The licence will be temporarily transferred to the replacement HCV whilst it is in use. On the return of the original HCV to which this licence relates, the proprietor must notify the Council and the licence will be transferred back to the original

(b) Sub-Section (2) to (5) of Section 233 of the Local Government Act 1972, or any re-enactments thereof, are incorporated in these conditions in relation to any notice required or authorised by these conditions to be given or served on the proprietor.

## **13. Advertising on Vehicles**

(a) proprietors wishing to display advertising on a HCV must seek prior approval from BDBC before applying any advertising material to the HCV. Any unauthorised advertising may result in the suspension of the vehicle licence until such times as the advertising is approved or removed.

## **14. General Conditions**

The Council may decide to suspend, revoke or refuse to renew any licence in respect of a HCV for any reasonable cause, including:-

(a) that the HCV is unfit for use as a HCV

(b) any offence under, or non-compliance with, the provisions of the TPCA 1847, the LG(MP) Act 1976 Part II, or any re-enactments thereof, and the conditions or byelaws relating to HCV made by the Council.

## **15. Signage**

(a) Signage must be displayed identifying the payment cards/method accepted; these should be clearly visible from the exterior and interior of the vehicle.

(b) The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers after entering the vehicle.

## **Failure to Comply with Licence Conditions**

Failure to comply with any of the above HCV licence conditions, BDBC mechanical or cosmetic testing requirements and standards without reasonable cause, will result in suspension and/or revocation of the vehicle licence.

Any person aggrieved by the refusal of the Council to grant a HCV licence, or by any of the conditions attached to the grant of this licence, may appeal to the Crown Court within 21 days from the date on which notice of the councils requirement.

## **Section 301 Public Health Act 1936**

## .Appendix E – Private Hire Vehicle Schedule of Conditions (Whole Service)

In these conditions which are imposed under the provisions of section 48(2) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated;

“the Proprietor” means a person who has been granted a licence by The SLS under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

“the Vehicle” means the vehicle that is specified on the licence granted under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

The following conditions will be attached to every private hire vehicle unless specifically altered by the relevant Council. Additional conditions that are reasonably necessary will be attached to vehicle licences on a case-by-case basis.

### **S48(2) LOCAL GOVERNMENT (MISCELLANEOUS) PROVISIONS ACT, 1976 – PART II**

#### **BDBC - PRIVATE HIRE VEHICLE LICENCE CONDITIONS**

##### **Definitions**

In this licence, and in these conditions, unless the subject or context otherwise requires:

“Authorised officer”	means an officer of the Council authorised in writing by the Council for the purpose of these conditions
“The Council”	means Basingstoke and Deane Borough Council or Hart District Council whichever is the issuing authority.
“PHV”	has the same meaning as in Part II of the Local Government (Miscellaneous Provisions) Act, 1976
“Licence plate”	means the plates issued by the Council to identify the vehicle as a licensed PHV
“Proprietor”	means the person/s or body named in the licence as the proprietors of the vehicle
“Exceptional condition”	means meeting the Certificate of Compliance test standard detailed in the vehicle standard inspection manual and these conditions
“Prestige”	means a Council pre-approved vehicle of a high specification and purchase price
“Corporate style work”	means work only carried out for companies requiring a chauffeur service in a prestige vehicle to undertake client, employee’s journeys

## **Private Hire Vehicle Licence Conditions**

**Each private hire vehicle licence is issued subject to the conditions stated below:**

1. A private hire vehicle proprietor is an owner or part-owner of a vehicle, or where a vehicle is subject to a hiring agreement or hire purchase, the person in possession of the vehicle under the agreement. A private hire vehicle proprietor must obtain a private hire vehicle licence from the council within whose area he or she wishes to trade for each vehicle used for private hire. The vehicle can only be operated under a relevant operator's licence.
2. Licences can be obtained by making an application to the relevant council. Each applicant must submit an application in respect of every vehicle for which a licence is required. The following details specify the standard minimum requirements for vehicles licensed for hire or reward by the councils. They have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, by licensing officers and this should be borne in mind before a vehicle is purchased. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by a panel.

### **3. Specification**

The vehicle must meet the following specification:

- a. the vehicle must be capable of carrying not fewer than four passengers and no more than eight.
- b. each passenger seat shall be fitted with a seat belt. No seats may be side facing.
- c. the seat provided for each passenger will have a minimum width of 16 inches (40.6 cm) measured across its narrowest part.
- d. each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The council will consider vehicles that have seats that 'tilt' forward by a single operation. If this type of seat is fitted the driver must inform the passengers of the operation of the seats before a journey commences.
- e. the vehicle in addition to the driver's door, will have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers.
- f. the vehicle will be right hand drive.
- g. the vehicle will have four road wheels.
- h. the vehicle will have an engine with a capacity of at least 990cc. including vehicles badged by the manufacturer as '1.0' models. Hybrid or electric vehicles fitted with 'range extender' technology may be exempt from this restriction.
- i. fully electric vehicles must have a minimum stated range of 250 miles on a full charge
  - i. the vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle.
  - j. estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment.
  - k. no alteration to the manufacture's specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the relevant council.
  - l. the front windscreen, front and rear windows must have a visible light transmission (VLT) of not less than 75 per cent so that the passengers can be seen from the outside of the vehicle. Only vehicle manufacture tints are permitted on the vehicle.

#### **4. Licence Display and Corporate Identity (for vehicles not granted exemption)**

The proprietor shall cause the rear licence plates to be securely fixed to the vehicle. The licence plates must be displayed on the vehicle at all times whether being used for PHV work or not

- (a) the licence plates remain the property of the council and shall be returned within 7 days after service on the proprietor of an appropriate notice.
- (b) all licensed PHV's must display door signs issued by the council. These must be permanently affixed (not magnetic) on either both front driver and passenger doors or both rear passenger side doors of the PHV immediately below the windows or as close as possible to ensure the signs are attached to the top half of the door in their entirety. Where minibuses do not have rear doors on the side of the vehicle the sign must be displayed immediately below the window or in any case positioned in entirety on the top half of the door/wing side panels. The first set are issued free of charge, replacement sets shall incur a charge.

Failure to correctly apply the door signs as per this condition will result in vehicles being suspended until door signs are correctly applied. (sec 68 LG(MP) Act 1976)

- (c) no proprietor may remove the corporate identity and vehicle licence plates for any reason unless agreed by the Council.

#### **2 Availability of vehicle for Inspection**

- (a) An authorised officer may inspect and test a PHV at all reasonable times. If the officer is not satisfied as to the fitness or condition of the PHV, the licence may be suspended until such time the officer is satisfied that the vehicle is fit for purpose. If the officer is not satisfied within 2 months of the date of suspension, the licence shall be revoked.
- (b) If a vehicle licence is suspended under 2(a) above, the plate shall be immediately surrendered to the authorised officer and shall be held by them pending the testing of the vehicle;

without prejudice to these conditions, the proprietor on receipt of a notice in writing from the Licensing Team shall present the Private Hire vehicle for inspection and testing by or on behalf of the council.

#### **Vehicle Insurance**

- (a) the proprietor shall during the current licence keep in force a policy of insurance that complies with the requirements of the Road Traffic Act, 1988 or any re-enactment thereof; and shall produce that certificate to an authorised officer on request, or within 5 days at the Civic Offices London Road Basingstoke. Failure to provide satisfactory evidence of insurance will result in the vehicle being suspended until insurance position satisfied.
- (b) The proprietor of the private hire Vehicle shall not convey or permit to convey in such vehicle any greater number of persons than the number of persons specified in the vehicle registration document, or the number of passengers specified on the hackney carriage or private hire vehicle Licence identification plate.

#### **4. Advertising on Vehicles**

- (a) there shall be no advertising on any PHV, apart from the operator's business name, address and telephone number of the licensed operator's details.
- (b) there shall be no mark or sign on the PHV that shall include the word 'TAXI', 'CAB' or 'HIRE' or any words of a similar meaning that may suggest the vehicle overall is a Hackney Carriage;

## **5 Accidents and Vehicle Damage**

- (a) the proprietor shall report to the council as soon as reasonably practicable and in any case within seventy-two hours, of the occurrence thereof, any accident to a PHV causing damage materially affecting the safety, performance or appearance of the vehicle or the safety, comfort or convenience of passengers carried therein;
- (b) The Council shall be notified of all accidents or incidents affecting safety, performance or appearance of the vehicle or the comfort or convenience of passengers as soon as is reasonably practicable and in any event within 2 working days of the occurrence of the accident or incident.

## **6. Fire Fighting and First Aid**

The proprietor shall ensure that there is within the vehicle, a first-aid kit containing dressings and appliances for use in emergency. The first-aid kit to be located in such position as to be immediately available.

## **7 Vehicles Granted an Exemption Notice under S75(3) LGMPA 1976**

- (a) a specifically approved 'prestige' private hire vehicle which has been granted an exemption notice following application to the council, may only be used to carry out such work/journeys as applied for and approved at the granting of the exemption notice.(e.g., Corporate or chauffeur type work in an approved style of vehicle only).
- (b) Specifically approved vehicles are exempt from the requirement to display the corporate identity but the vehicle licence plates issued by the council must be carried inside the vehicle at all times. However the internal sticker provided must be displayed on the front windscreen.
- (c) if any vehicle issued with an exemption is found to be contravening the terms of that exemption, the vehicle will, have its exemption removed, and will be required to comply with the requirement to display the Corporate Identity and vehicle licence plates.

## **8. Passengers**

The proprietor shall not convey (or permit, cause or suffer to be conveyed) in the vehicle a greater number of persons (excluding the driver) than the number of persons specified in the licence provided.

## **9. Vehicle Transfer**

- (a) if the ownership of the vehicle changes, the council must be notified in writing within 14 days of the date of transfer of ownership.

- (b) the new vehicle proprietor must apply for a transfer of the licence into his/her name and pay the relevant fee.
- (c) the proprietor shall not assign or in any way part with the benefit of the licence without prior written consent of the council.

## 10. Signage

Signage must be displayed identifying the payment cards/method accepted; these should be clearly visible from the exterior and interior of the vehicle.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers after entering the vehicle.

## 11. Card Payments

All Licensed vehicles must have the facility to accept card payments, and the facility to provide a receipt if requested by the customer.

## 12. Smoking

It is an offence under The Smoke Free (Exemptions and Vehicles) Regulations 2007 to smoke in a hackney carriage or private hire vehicle at any time.

**Local Government (Miscellaneous Provisions) Act 1976 S48(7)**

**Public Health Act 1936, S300**

Any person aggrieved by any of the conditions attached to the grant of this licence, may appeal to the magistrates Court within 21 days from the date on which notice of the councils requirement.

### **FAILURE TO COMPLY WITH LICENCE CONDITIONS**

**Failure to comply with any of the above private hire vehicle licence conditions without reasonable cause, will result in suspension and/or revocation of the vehicle licence to which these conditions are attached. (LG(MP) Act 1976 S60)**



## Appendix F – Private Hire Driver Licence Conditions (Whole Service)

In these conditions which are imposed under the provisions of section 55(3) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated;

“the Driver” shall mean the holder of a licence issued by the SLS under section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

### **S51(2) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PART II**

#### **BDBC PRIVATE HIRE DRIVER (PHD) LICENCE CONDITIONS**

##### **Definitions**

In these conditions, unless the subject or context otherwise requires:

“authorised officer”	means an officer of the Council authorised in writing by the Council for the purpose of these conditions;
“the Council”	means Basingstoke and Deane Borough Council or Hart District Council whichever is the issuing authority.
“road”	means any highway and any other road to which the public has access and includes bridges over which a road passes. S192 RTA 1988
“Guide/assistance dog”	means a dog which is trained by a specific charity to assist a disabled person with a sensory or physical impairment.
“PHV”	Private Hire Vehicle
“Licence Vehicle”	Private Hire Vehicles

##### **Licence conditions**

The licensee shall observe and comply with the following conditions:

- 1 The licensee shall have £5 million of Personal Public Liability Insurance.
- 2 The licensee shall not while driving or in charge of a PHV
  - (a) tout or solicit on a road or other public place any person to hire or be carried for hire in any PHV;
  - (b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any PHV;
  - (c) accept an offer for the immediate hire of that PHV while the licensee or that vehicle is on a road or other public place.

- 3 The licensee shall not convey (or permit, cause or suffer to be conveyed) in the vehicle a greater number of persons (excluding the driver) than the number of persons specified in the licence plate provided.
- 4 The licensee shall, when driving a licenced vehicle, wear in a conspicuous position the driver's badge issued by the Council. The badge remains the property of the Council and must be returned to the Council immediately the driver ceases to be licensed by the Council.
- 5 The licence may be suspended, revoked or not renewed by this Council:
- (d) if the driver has since the grant of the licence been convicted of an offence involving dishonesty, indecency or violence;
  - (e) if the driver commits an offence or otherwise fails to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act, 1976 or any re-enactments thereof;
  - (f) if the driver becomes disqualified from driving under any of the Road Traffic Acts or re-enactments thereof, in which case the licence shall be automatically revoked;
  - (g) if the driver is suffering from, or has suffered, any illness or disability which in the opinion of the Council's medical advisor, renders him/her unfit to continue to act as a licenced driver
  - (h) any other reasonable cause.
- 6 During the licence period the licensee shall at the request of any authorised officer of the Council provide a valid DVLA check code (and in any event within 72 hours following such request) to allow the Licensing Team to be able to verify any driving licence details including entitlements and endorsements
- 6.1 Where offences, leading to conviction or cautions, are committed by licensed drivers it is important, in the interests of consistency and transparency that a procedure should be in place to consider what effect this should have on a HC or PH driver's licence.
- 6.2 Licence holders are required to notify the council within 48 hours of arrest and release, charge or conviction of any motoring offence. An arrest for a motoring offence should result in a review by the licensing authority as to whether the licence holder is fit and proper to hold a licence.
- 6.3 Any criminal convictions must be reported in writing within 72 hours.
- 6.4 Any breaches of the relevant legislation or conditions attached to driver, operator and vehicle licenses which may come to light following complaints, enforcement action or investigations should be dealt with following the general principles set out as shown within the Relevant Councils' Enforcement policy.
- 6.5 Notwithstanding the above requirements to notify all offences, all licence holders must inform the council as soon as possible and in any event within 24 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;
  - 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.

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

7 the driver of a PHV which has been hired to be in attendance at an appropriate time and place shall, unless delayed or prevented by some sufficient cause, punctually attend at the appointed time and place;

8 the driver shall, when requested by the hirer:

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading, including assistance in removing it to and from the entrance of any house or other place where passengers are collected or set down;

9 the driver shall immediately after the termination of any hiring carefully

- search the vehicle for any property that may have accidentally been left
- therein and, if such property is found, take the same within 24 hours if the property is not claimed by or on behalf of its owner to Police Station or to their PHO office.

10 (i) the driver shall agree to carry guide/assistance dogs at no charge to the passenger unless he/she is in possession of an exemption certificate issued by the Council.

(ii) any driver who is in possession of an exemption notice under para 12 (i) shall exhibit the exemption notice in a prominent position on the dashboard facing upwards or on the windscreen facing outwards

11 The driver shall not smoke cigarettes or any smoking substitution or vaping devices whilst located within a PHV.

12 The driver shall comply with the Councils dress code and code of good conduct policy.

13 On expiry, revocation or suspension of the licence, the driver shall return the licence and badge in good condition to the Council within seven days.

14 The driver shall notify the council of all accidents or incidents affecting safety, performance or appearance of the vehicle or the comfort or convenience of passengers as soon as is reasonably practicable and in any event within two working days of the occurrence of the accident or incident.

15 The driver of a private hire vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

16 Drivers shall notify the council of any changes to their medical fitness that could impact on their compliance with the DVLA Group 2 standard within 7 days of a diagnosis.

The Council may vary any or all of the conditions herein contained at any time. Any variations of conditions will take effect on the grant or renewal of a licence.

Any person aggrieved by any of the conditions attached to the grant of this licence, may appeal to the Magistrates Court within 21 days from the date on which notice of the council's requirement.

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## Appendix G - Private Hire Operator Conditions (Whole Service)

In these conditions which are imposed under the provisions of section 55(3) of the [Local Government \(Miscellaneous Provisions\) Act 1976](#), unless otherwise indicated;

“the Operator” shall mean the holder of a licence issued by the SLS under section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

### **S55 (3) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PART II**

#### **BDBC PRIVATE HIRE OPERATOR’S LICENCE (PHO) CONDITIONS OF LICENCE**

Private hire operator (PHO) licences granted under section 55(3) of the LG(MP) Act 1976 are issued subject to the following licence conditions:

#### **Definitions**

“authorised officer”	means an officer of the council authorised in writing by the council;
“the council”	means Basingstoke and Deane Borough Council or Hart District Council whichever is the issuing authority.
“operator”	means the person who in the course of business makes provision for the invitation or acceptance of bookings for PHV.
“Hackney Carriage”	has the same meaning as in the Town Police Clauses Act, 1847;
“PHO”	Private Hire Operator
“PHD”	Private Hire Driver
“HCD”	Hackney Carriage Driver

1. The primary premise from which an operator makes provision for the invitation and acceptance of private hire bookings must be located within the council’s boundary. (Consideration may be given to licensing a second base inside or outside the Borough subject to application to the Council. Officers must be satisfied the primary operator base is located within the council area is the primary base of the operation.)
2. The operator must have a valid insurance policy for both public liability and employer’s liability (where applicable) to the minimum value of £5,000,000.
3. The licensed operator must maintain at the operator’s licensed premise, up to date records of all licensed private hire and hackney carriage vehicles it operates including copies of their licences and details of their insurance and compliance test details.
4. The PHO shall maintain a system to prevent bookings being allocated to any vehicles which are not suitably licensed, insured and/or up to date compliance tested.
5. The PHO will maintain at the operator’s premise an up to date record of all licensed PHD and HCD’s operated under the current licence including copies of their licences.

6. The PHO shall maintain a system to ensure it does not allocate bookings to any drivers who are not suitably licensed including if their PHD/HCD licence expires.
7. If an electronic private hire booking system is used, the operator must block drivers and vehicles from being allocated bookings where any licence, insurance or compliance tests show to have expired.
8. Any records, including electronic that contain personal and confidential information shall be stored in a secure/locked location and kept for a minimum period of 12 months. All records must be made available within a reasonable timescale to an authorised officer or constable upon request.
9. The operator must provide the council with an up to date list of drivers and vehicles to any “authorised officer” of the council or any Police Officer for inspection.
10. Every contract for the hire of a private hire vehicle shall be deemed to be made with the operator who has accepted the booking for the vehicle, whether or not they themselves provide the vehicle.
11. The operator may make provision for the invitation and acceptance of bookings for private hire vehicles and drivers licensed only by the council, but may sub contract a booking to another licensed operator from outside the district making sure diligent checks are undertaken to ensure suitable licences and insurance cover are in place for any sub-contracted services prior to using those services. This includes keeping licence records of those services
12. The licensed operator shall not in the name or description of the service at the premises or on any vehicle operated in the course of business, use the words “taxi”; “cab” or “taxi cab” or any other words or combination of letters so as to lead any person to believe the operator is providing a hackney carriage service.
13. Where hackney carriages are operated the said words may not be used on any private hire vehicle operated from the premise but may be used on advertising at the operator base where it proves HCVs are operated.
14. The licensed operator shall not advertise their operation as a taxi provider unless they can demonstrate they have hackney carriage vehicle(s) working as a hackney carriage as part of their vehicle fleet at all times including records of HCVs being operated in last 3-6 month working period.
15. The following information must be recorded at the time a vehicle booking is accepted by the licensed operator:
  1. Date and time booking was made
  2. Date and time journey is required
  3. Contact details of hirer.
  4. Pick up point and final destination
  5. Number of passengers
  6. Any agreed fare
  7. Any relevant remarks related to the journey i.e. pre-agreed fare

16. This information must be recorded in exact order of receipt with no spaces between records to ensure a chronological order of bookings accepted.
17. Complete records must be kept of all bookings to include the above, driver and vehicle details who undertook the booking, and any relevant comments or issues arising out of the journey
18. Records may be held on computer or hard copy but must be recorded in a format that is to the satisfaction of the council. Records must be provided to an authorised officer or constable upon request.
19. Telephone diversions from the operator's business number are only permitted where they are diverted to either a person whose name appears on the operator's licence or to a person employed by that operator to accept such bookings.
20. The licensed operator shall ensure that vehicles booked are despatched to fulfil a booking at the appointed time and place. The hirer must where possible, be promptly advised of any unavoidable delays and updated with an estimated time of arrival.
21. The licensed operator shall not refuse a booking if it requires the carriage of a guide dog or assistance dog belonging to a passenger. There must be no charge to the passenger for the carriage of such a dog. NB; Drivers in possession of valid exemption certificate from the requirement to carry guide or assistance dogs issued by the council will not be required to undertake such bookings.
22. The licensed operator must have regard to hours worked by individual drivers and must make provision to prevent drivers being allocated bookings when excessive hours have been worked to prevent a risk to passenger safety from fatigued drivers.
23. The licensed operator shall take all reasonable steps to ensure that PHV they operate comply fully with all statutory requirements and operated under this licence comply with the relevant licence conditions for PHV licences.
24. The licensed operator shall ensure that any PHV operated under this licence does not display any mark or sign on the licensed vehicle that shall include the word 'taxi' or 'taxi's' or 'cab' or any words of a similar meaning or construction that may suggest the overall appearance of the vehicle is a hackney carriage.
25. The licensed operator shall not allow a greater number of private hire vehicles to operate from his premises than the number for which planning permission has been granted by the Council.
26. The licensed operator shall submit to the Licensing Officer a decision notice from the Planning Officer that he approves and is aware of the use of the premises for the purpose of Private Hire at the address shown on the application for an operator's licence.
27. The operator shall not cause or permit a vehicle to be used for the purposes of private hire other than in accordance with the licence granted in respect of the vehicle pursuant to the Local Government (Miscellaneous Provisions) Act 1976.
28. Licence holders who fail to renew their licences prior to the expiry of the existing licence will be treated for all purposes as a new applicant.

29. The council may issues points, suspend, revoke or refuse to renew an operator's licence for any reasonable cause including:
- a) any offence under or non-compliance with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Transport Act 1985 or any re-enactments thereof;
  - b) any conduct on the part of the operator which renders him unfit to hold an operator's licence;
  - c) a material change in the circumstances of the operator or the basis on which the Licence was granted.
  - d) Any other reasonable grounds e.g. failure to disclose on an application detail of convictions, including spent convictions.
30. Any person aggrieved by any of the conditions attached to the grant of this licence, may appeal to the Magistrates Court within 21 days from the date on which notice of the council's requirement.

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# Appendix H – Hackney Carriage Byelaws (Hart)

## BYELAWS

MADE UNDER SECTION 68 OF THE TOWN POLICE CLAUSES ACT, 1847, AND SECTION 171 OF THE PUBLIC HEALTH ACT, 1875 BY THE DISTRICT COUNCIL OF HART WITH RESPECT TO HACKNEY CARRIAGES IN THE DISTRICT OF HART

### Interpretation

1 Throughout these byelaws 'the council' means the District Council of Hart and 'the District' means the district of Hart.

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

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

Provisions regulating how hackney carriages are to be furnished or provided

- 3 The proprietor of a hackney carriage shall:-
- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept water-tight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;

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

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

5. The driver of a hackney carriage provided with a taximeter shall:-
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957, and also at any other time at the request of the hirer.



6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired,
  - (a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions being given by the hirer, proceed to that destination by the shortest available route.
12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
14. The driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage:

- (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading;
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.
15. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list:-

Description of stand	Number of carriages
Against the kerb on the north-east side of The Views Drive within the confines of the layby between the exit of Chernocke House car park and the public conveniences.	5
*Railway Station Stands	
Fleet Main Railway Station Forecourt (down side) (*Written permission to apply for hire from these stands must first be obtained from the railway Board by individual operators).	3

Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares

The proprietor or driver of a hackney carriage shall be entitled to demand and take for hire of the carriage the rate or fare prescribed by the following table, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.

Local Government (Miscellaneous Provisions) Act 1976

Part II – Hackney Carriage Fares

See current fare table

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

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

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

- (a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the Office of the council and leave it in the custody of the officer in charge on his giving a receipt for it.
- (b) Be entitled to receive from any person to whom the property shall be redelivered an amount equal to 5 pence in the pound of its estimated value (or the fare for the distance from the place of finding it to the office of the council, whichever be the greater) but not more than 5 pounds.

Penalties

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

The following Byelaws are repealed:

Date Made	By whom made	Date confirmed	By whom confirmed
7 February 1967	Urban District Council of Fleet	30 May 1967	One of her Majesty's principal Secretaries of State
24 May 1971	Urban District Council of Fleet	27 July 1971	One of her Majesty's principal Secretaries of State

THE COMMON SEAL OF THE DISTRICT COUNCIL OF HART on the first day of April one thousand nine hundred and seventy six pursuant to a Resolution of the Council passed at a meeting of the Council held on the twenty sixth day of June one thousand nine hundred and seventy five

Chairman of the Council

Director of Administration

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 25 day of June 1976

Signed by an Authority of the Secretary of State - Home Office- Whitehall 25 June 1976

# Appendix I - Hackney Carriage Byelaws (Basingstoke)

## **Town POLICE CLAUSES ACT, 1847** **HACKNEY CARRIAGE DRIVER BYELAWS**

BYELAWS - made under section 68 of the town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by THE DISTRICT COUNCIL OF BASINGSTOKE with respect to hackney carriages in THE DISTRICT OF BASINGSTOKE.

### **Interpretation**

1. Throughout these byelaws "the Council" means the DISTRICT COUNCIL OF BASINGSTOKE and "the district" means the boundary of the former BOROUGH OF BASINGSTOKE.

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

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

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

3. The proprietor of a hackney carriage shall:-
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept water-tight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say,
  - (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
  - (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) when the machinery of the taximeter is in action there should be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
  - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

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

5. The driver of a hackney carriage provided with a taximeter shall:-
  - (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired,
  - (a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions being given by the hirer, proceed to that destination by the shortest available route.
12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
14. The driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage:
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading;
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

### **Provisions fixing the stands of hackney carriages**

15. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list:-
- (a) For eight hackney carriages:  
against the kerb on the east side of Lower Wote Street from a point of 147 feet south of the southern boundary of Churchill Way southwards for a distance of 150 feet.
  - (b) For five hackney carriages:  
against the kerb on the south side of Clifton Terrace from a point of 54 feet east of the western end of Clifton Terrace eastwards for a distance of 91 feet.
  - (c) For four hackney carriages:  
against the kerb on the east side of church Street, for a distance of 69 feet northwards from the south western corner of the Town Hall.
  - (d) For four hackney carriages:  
against the kerb on the west side of Church Street from a point of 105 feet south of its junction with Church Square northwards for a distance of 75 feet.

### **Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares**

16. The proprietor or driver of a hackney carriage shall be entitled to demand and take for hire of the carriage the rate or fare prescribed by the following table, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.

### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PART II – HACKNEY CARRIAGE FARES SEE REVISED TABLE OF FARES ENCLOSED**

- 17.(a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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

18. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
19. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him, carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the Police Station in the district and leave it in the custody of the officer in charge on his giving a receipt for it.

### **Penalties**

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

### **Repeal of Byelaws**

21. The following byelaws relating to hackney carriages are hereby repealed:-

<b>Byelaws</b>	<b>Date made by the Council</b>	<b>Date confirmed by one of Her Majesty's Principal Secretaries of State</b>
1-21	14 March 1963	24 June 1963
17	2 November 1965	21 December 1965
8 & 16	16 February 1967	31 March 1967
16	1 July 1969	3 December 1969
16	22 April 1970	3 September 1970
1-21	5 February 1971	26 March 1971
1 & 16	16 May 1974	3 July 1974
16	28 February 1975	11 April 1975

THE COMMON SEAL OF THE DISTRICT COUNCIL OF BASINGSTOKE was hereunto affixed on the seventeenth day of May One thousand nine hundred and seventy seven in the presence of L.S

**CHIEF EXECUTIVE**

The Secretary of State this day confirmed the foregoing Byelaws and fixed the date on which they are to come into operation as the twelfth day of July One thousand nine hundred and seventy seven (Sgd) R S D Shuffrey. An Assistant Under Secretary of State, Home Office, Whitehall, 8 July 1977L.S

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# Appendix J - Guidelines for Electronic Payment Devices.

## 1 General Requirements

### 1.1 All payment devices must:-

- comply with the requirements of the current UK banking industry standards as stipulated by the Financial Conduct Authority (FCA).
- be listed on UK Finance (formally the UK Cards Association) website as an approved device.
- comply with latest release of the UK Finance approved guidelines relating to organisational security policies.
- meet all requirements as regards safety, technical acceptability and operational/data integrity.
- be checked regularly and maintained to operational standards, including any repairs after damage.
- be designed, constructed, installed and/or carried in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision.
- be protected from the elements, secure from tampering and theft and located such as to have the minimum intrusion into any passenger area, including designated wheelchair space, or impact on the luggage carrying capacity of the vehicle.
- be free from obscuring or interfering with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.
- comply with any legislative requirements in respect of the Motor Vehicle (Construction and Use) Regulations, 1986, in particular with regard to equipment obscuring the view of the road through the windscreen.

## 2 Automotive Electromagnetic Compatibility Requirements (EMC)

2.1 Any charging equipment used must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

2.2 Information regarding type approval of the payment device or payment system will be required. The installed equipment should be clearly e-marked. If any electrical equipment is CE marked for EMC, a certificate will be required from an appropriate authority declaring that the equipment is non 'immunity-related' and suitable for automotive use, as part of the approval process.

## 3 Payment Device Functionality

### 3.1 All payment devices must:-

- meet all requirements and standards as stipulated by the card scheme companies in terms of connections to a host such as GPRS, 3G, 4G, bluetooth or other connection



methods to complete payment transactions.

- links between a taximeter, card payment applications and other electronic devices must be in 'read only' format.
- provide functionality to protect the confidentiality of critical data (in particular PINs) whilst the card transaction is being processed.
- allow card details to be stored for the minimum amount of time required to enable the payment transaction to complete, thereafter card details must be deleted / disposed of in a secure manner.
- have the facility to produce printed receipts which comply with the current banking standards.

#### **4 Payment Device Approval/Certification**

4.1 The payment device/solution must comply with the following standards (as supplied in conjunction with UK Finance):-

- Transactional Smartcard Reader Protection Profile (TSRPP).
- Current Card Acceptor to Acquirer Interface, UK Finance Standard 70.
- Pass a security integrity evaluation process by a PCI Security Standards Council approved testing laboratory (PCI PTS Testing and Approval Programme).
- Payment Card Industry Data Security Standards (PCI DSS) - (This compliance may be provided through the services of a third party provider).
- Payment Card Industry Data Security Standards (PCI PA-DSS).
- Type approval specifications as set by EMVCo (level 1 Electromechanical, level 2 Kernel software).
- The UK Finance Common Criteria Evaluation (EAL4+). Evaluation completed against the **JIL** Terminal Evaluation Methodology Subgroup (JTEMS) POI Protection Profile or;
- Common.SECC certification and registered on the Common.SECC web site.

#### **5 Payment Transactions**

5.1 All payment transactions processes must operate in accordance with UK Finance.

5.2 All payment transactions processes must operate in accordance with Payment Card Industry Data Security Standards (PCI DSS).

5.3 All Payment applications processes must meet Data Security Standard (PA-DSS).

5.4 All payment transactions processes must operate in accordance with the Acquirer Bank regulations and standards.

5.5 From 2<sup>nd</sup> April 2016 all card payment surcharges to passengers have been removed.

#### **6 Data Protection**

6.1 You are legally obliged to comply with the requirements of privacy and data protection legislation in respect of all transaction processes, data management and storage. This includes the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. You can find out more about your obligations from the [Information Commissioner's Office \(ICO\)](#).

**Note:-**

Sending or handling personal data outside the European Economic Area (EEA) must comply with the specific principle(s) set out in GDPR to ensure an adequate level of protection is in place for the storage and processing of personal data. Compliance issues may be avoided by ensuring the any cloud data handling is restricted to servers domiciled within UK the countries that make up the EEA.

## **7 Documentation Required**

- PCI DSS certification (PCI-PTS and PCI PA-DSS where relevant to the solution configuration).
- EMC certification/documentation (where applicable).
- UK Finance Common Criteria Evaluation (EAL4+) certification/documentation, or; Common.SECC certification.
- EMVCo. Type Approval certification/documentation.
- Confirmation of registration on the public register of data controllers maintained by the Information Commissioner's Office (where applicable).

## **8 Signage**

8.1 Signage must be displayed identifying the payment cards/method accepted; these should be placed for view from the exterior and interior of the vehicle.

8.2 The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers after entering the vehicle.