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Worthing Hackney Carriage & Private Hire Licensing Handbook 2027

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Amendments & Additions

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- Statutory taxi and private hire vehicle standards 25 November 2022
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1. Executive Summary

1.1 This document contains the Council's policy on procedures and standards relevant to the licensing of the Hackney Carriage & Private Hire trade within the Borough of Worthing.

1.2 In drafting this document, the Council has had regard to the Department for Transport Guidance, Statutory taxi and private hire vehicle standards and Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England and relevant legislation including the Equality Act 2010.

2. Definitions

Throughout this document:

- “the Council” or “the Authority” means Worthing Borough Council
- “Authorised Officer**”** means an officer of the Licensing Authority authorised to administer the licensing function under the 1847 Act and 1976 Act
- “Driver” or “Licensed Driver” means drivers of Hackney Carriage or Private Hire vehicles, unless the context indicates otherwise.
- “Vehicle” or “Licensed Vehicle” means all vehicles Hackney Carriage & Private Hire.
- “Hackney Carriage” means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council.
- “Private Hire vehicle” means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward with the services of a driver.
- “Private Hire operator” means a person who in the course of business makes provision for the invitation or acceptance of bookings for Private Hire vehicles.
- “DfT” means the Department for Transport, including previous names under which that Department has been known.
- “DfT Guidance” means The Department for Transport – Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, first published in March 2010 and updated November 2023.
- “The Committee” will mean the Licensing Committee of the Council.
- The word “Taxi” has no meaning in law and is often used generically to describe vehicles
- The term “DVLA driving licence” means a full original GB driving licence issued by the Driver and Vehicle Licensing Agency
- Any reference to “proprietor” is a reference to the proprietor of either a Hackney Carriage or a Private Hire vehicle, unless the context indicates otherwise.

3. Introduction

3.1 The Borough of Worthing is situated in the County of West Sussex which contains seven local councils in total; Worthing is a compact urban seaside borough. It is one of the largest towns in West Sussex with a population of around 112,000, covering an area of 3300 hectares. Worthing Borough Council and Adur District Council are served by a single officer structure but remain separate Authorities.

3.2 Worthing Borough Council (The Council) is the Licensing Authority under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976. The Council is responsible for the administration and enforcement of taxi legislation within the borough and includes, among other duties, the granting of Hackney Carriage and Private Hire licences. This handbook has been prepared in accordance with the relevant legislation and best practice. The handbook sets out the policies and conditions the Council will generally apply to promote public safety when making decisions and dealing with Hackney Carriage & Private Hire matters.

3.3 As the Licensing Authority the Council's primary function is protection of the public whilst providing businesses with the relevant licences & permits necessary to carry out a legitimate business. Licensing is the tool used by the Government to ensure the safety of the public and enforce standards. It is recognised that a duty of care is owed by the council to all licensed drivers.

3.4 The Council has responsibility for the licensing of vehicles, drivers and operators within the borough of Worthing.

3.5 In exercising its discretion in carrying out these regulatory functions, the Council will have regard to this document.

3.6 Notwithstanding the existence of this handbook, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy, reasons will be given for doing so.

3.7 This policy will take effect on ***date*** and will remain in existence for a period of 5 years, during which it shall be kept under review and revised as appropriate.

4. Vehicles - Hackney Carriage & Private Hire

Limitation of Hackney Carriage Vehicles

4.1 The Council has a limited number of Hackney Carriage Saloon type vehicles licensed. There is no limitation on the number of Hackney Carriage vehicle licences the council may issue. However, any new Hackney Carriage licence application will only be considered for wheelchair accessible type vehicles. The Council is seeking to maintain a mixed fleet.

Specifications and Conditions

4.2 The Council has adopted minimum specification standards for Hackney Carriage and Private Hire vehicles and these are set out in Appendix A for Hackney Carriages and Appendix E for Private Hire vehicles.

4.3 Once a licence is granted, the Council will attach conditions to a vehicle licence. A set of standard conditions for Hackney Carriage vehicle licences is set out at Appendix B, and a set of standard conditions for Private Hire vehicles is set out at Appendix F. The Council considers that it is reasonable and necessary that these conditions be attached to the grant of most licences, however, these may be amended or additional conditions attached as may be considered appropriate in individual cases.

4.4 Vehicles will, in general, be licensed for the carriage of up to 4 passengers, but applications in relation to larger vehicles that can accommodate up to 8 passengers will be considered, provided that there is compliance with the specifications applicable to such vehicles. Purpose-built vehicles are amongst those which the Council will licence only as Hackney Carriages in view of the possible confusion in the minds of the travelling public between the 2 types of vehicle.

Environmental considerations

4.5 The UK is committed to a 2050 net zero target. This puts the UK on track to end our contribution to climate change, becoming one of the first major economies to legislate for net zero emissions. On transport, the government is phasing out the sale of new petrol and diesel cars and vans, from 2035 all new cars and vans must be zero emissions at the tailpipe.

4.6 Combustion engines will not be licensed in line with the Government target **currently at 2035.** We actively encourage the use of alternative fuel vehicles such as electric.

Accessibility

4.7 The Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society.

4.8 Licensed drivers are reminded that they are placed under certain duties by law to provide assistance to people in wheelchairs, to carry them safely and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution and a maximum fine of £1,000.

4.9 All licensed Hackney Carriage & Private Hire drivers will be required to undertake disability awareness training as prescribed in this policy. This will take effect as of the renewal date in respect of drivers already holding a licence who have not undertaken disability training before the date of the policy's adoption.

Maximum Age of Vehicles

4.10 The Council has an age restriction on licensed vehicles, (see Appendices A and E), but all applications for the licensing of vehicles will be treated on their individual merits. The conditions set out in Appendices B and F have been placed on the licensing of vehicles.

4.11 Applicants wishing to licence vehicles outside the scope of this policy must demonstrate an exceptional reason for the Council to deviate from the agreed policy
(1) there must be an exceptional reason for deviating from the policy
(2) the vehicle must meet the specified exceptional conditions. and satisfy the Council that the vehicle meets all of the exceptional conditions set out in Appendices A and E.

Vehicle Testing

4.12 No vehicle may be used as a Hackney Carriage or Private Hire vehicle unless it has passed the Council's Garage Inspection and the Council has appropriately licensed it. Responsibility for ensuring the vehicle is tested and licensed remains with the proprietor. Vehicle inspections are to be carried out by MOT approved garages within the Borough of Worthing or at the Councils' Commerce Way workshops.

4.13 Vehicles presented with an MOT that includes a 'repair as soon as possible (minor defects)' or 'monitor and repair if necessary (advisories)' may require repairs to be carried out before licensing. This will also include windscreen damage and tyres close to the legal limit.

4.14 Vehicle condition check:
The driver of a vehicle is always legally responsible for its condition while in use. Licensing authorities require drivers to conduct a walkaround check as part of a driver's core role.

The driver should undertake a walkaround check before a vehicle is used. Where more than one driver will use the vehicle during the day's running, the driver taking charge of a vehicle should make sure it is roadworthy and safe to drive by carrying out their own walkaround check. Drivers shall retain the completed vehicle checklists for 6 months as proof that they have undertaken the required vehicle check.

Drivers should be made aware that they may be subject to sanctions if they are unable to produce this or it is clear that while the form has been completed, the check has not. Further sanctions may result against them, as well as vehicle proprietors, if they are found using a defective vehicle, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over several days.

The checklist can be found at the end of this handbook on page 76.

Signage & Advertising

4.15 Members of the public can often confuse Hackney Carriages and Private Hire vehicles. Often not realising that Private Hire vehicles are not available for immediate hire and cannot be hailed in the street. It is, therefore, important that members of the public are able to distinguish each type of vehicle easily.

4.16 Within the Council's area both Hackney Carriage and Private Hire vehicles are required to display a licence plate on the rear of the vehicle. The plates are different colours to distinguish one class of licensed vehicle from another. This is a key feature in helping to

identify vehicles that are properly licensed. There are some exceptions to this requirement which are set out in Appendix G.

4.17 The Council recognises that advertising on licensed vehicles can benefit the trade as it can generate income for the proprietor. As such, the Council permits advertising on its licensed vehicles provided that the advertising for Hackney Carriage vehicles complies with the criteria set out in Appendix B and F.

Security & Closed Circuit Television (CCTV)

4.18 CCTV facilities were made compulsory in a licensed vehicle from 30 September 2019. The proprietor will be responsible for ensuring the system conforms to the Data Protection Act, General Data Protection Regulations and other relevant legislation, and displays the necessary informative notice for passengers.

4.19 CCTV equipment in the vehicles must follow the guidance as set out in Appendices A, B, E or F as appropriate to their licence. All decisions regarding safety issues relating to a CCTV installation are delegated to Authorised Officers in consultation with the Licensing & Control Committee Chair.

Personal security

4.20 For the personal security of taxi and private hire vehicle drivers and the vehicles used by the trade that are not purpose built are unlikely to have a partition between the front and rear of the vehicle which may provide protection for the driver from assault. Partitions can be made from materials that withstand a knife attack or hard body impact and can be fitted and taken out easily.

4.21 The fitting of in-vehicle partitions must not cause the vehicle to be a danger to anyone in the vehicle or on the road, in compliance with regulation 100 of the Road Vehicles (Construction and Use) Regulations 1986. In order that the partition is effective in providing a means to separate drivers and passengers, the front passenger seat should not be included in the seating capacity of the vehicle licence where a partition is fitted. The department has published guidance on the design and fitting of screens to taxis and private hire vehicles not originally designed to have a screen.

4.22 The licensing authority may wish to ensure that such modifications are present when the vehicle is tested and not made after the testing stage.

Application Procedures

4.23 The application process for Hackney Carriage licences are set out in Appendix C, and the application process for Private Hire vehicle licences are set out in Appendix H. All applications must be submitted together with supporting documentation and the relevant application fee.

Consideration of Applications

4.24 The Council will consider each application on its own merits once it is satisfied that the appropriate criteria have been met, the application is complete and supporting documents have been submitted.

Grant and Renewal of Licences

4.25 Hackney Carriage and Private Hire vehicle licences will usually be granted for 12 months. However, the Council may licence for a shorter period, should this be appropriate in the circumstances.

4.26 The Council sends reminder letters to taxi proprietors 6 to 8 weeks before an existing licence expires in order to assist proprietors in their prompt submission of renewal applications, however, the responsibility to ensure renewal applications are submitted on time remains with the proprietor.

4.27 The Council will only accept complete applications consisting of all the necessary documents. If an application is received late and if the Diesel or Petrol vehicle is more than 7 years old the Council, except in exceptional circumstances, will not renew the licence and the licence plate must be returned to the Council.

4.28 The Council will only accept complete applications consisting of all the necessary documents. If an application is received late and if the Hybrid, Fully Electric or Wheelchair accessible vehicle is more than 10 years old the Council, except in exceptional circumstances, will not renew the licence and the licence plate must be returned to the Council.

4.29 The application fees payable are subject to annual review.

Stretched Limousines & Specialty Vehicles

4.30 The licensing of limousines and specialty vehicles will be approached on the basis that these vehicles have a legitimate role to play in the trade, meeting a public demand. Therefore, licence applications for such vehicles will not be automatically rejected because they do not meet the standard licensing conditions (for example Limousines are often left-hand drive) and each application will be considered on its own merit. However, in considering any application for these types of vehicles, the Council will have regard to any relevant guidance issued by the government, such as by the Driver and Vehicle Standard Agency (DVSA).

4.31 As these vehicles may not meet the usual vehicle specification, additional documentation and inspection may be required as part of the application process so that the Council can be satisfied as to the safety and suitability of any individual vehicle. This is set out further in Appendix G.

4.32 The Council strongly recommends that anyone who wishes to licence a limousine (or any other non-standard specialty vehicle) contacts the Council's Licensing section before purchasing a vehicle to ensure that advice can be provided as to whether the vehicle is likely to meet the required standards, as each vehicle will be considered on its own merit.

Contract Vehicles and Courtesy Vehicles

4.33 The Council will have regard to the DfT's Vehicle Licensing note dated 17 November 2023 (and any supplementary DfT guidance notes) when considering whether any particular contract vehicle requires a vehicle licence.

4.34 All vehicles with 8 or fewer seats that carry passengers for hire and reward must be licensed with the Council. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as "courtesy cars", i.e. for transporting customers to and from hotels, night-clubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or

not a charge is made for such service. They should, accordingly, be licensed with the Council, as should their “operator”.

4.35 Those operating “courtesy cars”, i.e. for transporting customers to and from hotels, nightclubs, etc. should have an operator’s licence, and the vehicle and driver must be appropriately licensed.

5. Drivers - Hackney Carriage and Private Hire driver licence

Testing

5.1 The procedures for Hackney Carriage & Private Hire drivers are broadly parallel. Drivers will be required to undertake testing as part of the application procedure. Details of the tests are available in Appendix I and in the application packs.

Drivers of Executive Plated Vehicles, Stretched Limousine and Specialty Vehicles

5.2 Again the procedures are broadly parallel to the standard requirements for Hackney Carriage and Private Hire driver licences. The statutory requirements, the practical criteria and qualifications for all licensed drivers are broadly similar. The sections below, therefore, apply equally to all drivers.

Driving Proficiency and Qualifications

5.3 The Council requires that all new applicants successfully pass a driving assessment carried out with its approved assessors. This test is mandatory in order to be considered for a Hackney Carriage or Private Hire driver's licence.

Medical Examination

5.4 All applicants are required to meet the DVLA Group 2 medical standard or equivalent. This requires all applicants to undergo a medical examination by their own GP or the council's approved medical GP.

5.5 A request form for a medical examination, must be presented to the applicant's GP or the council's approved medical GP. The applicant will be responsible for paying the fee for the examination to the GP and to ensure all sections are completed. On completion of the examination, the report must be submitted to the Council with any other documentation that is required to accompany an application.

5.6 All medicals and patient summaries will be reviewed by the Councils independent medical advisor and where there is any doubt as to the medical fitness of an applicant, the Council may require the applicant to undergo and pay for further medical examination by a medical specialist. Where there remains any doubt about the fitness of any applicant, the Council will review the medical evidence and make any final decision.

5.7 Licensed drivers are required to meet the DVLA Group 2 standard every 5 years until the age of 65. Thereafter the Council will require an annual medical report. The Council may also require a licensed driver to undergo more frequent checks if, in the opinion of a medical practitioner or advisor, this is necessary.

5.8 Licensed drivers must advise the Council of any deterioration in their health that may affect their driving capabilities within the DVSA group 2 Assessing Fitness to drive guidance.

Criminal Record Checks

5.9 The legislation requires the Council ensures that all licensed drivers are 'fit & proper' persons. A criminal record check on a driver is an important safety measure. The Council requires applicants to submit an enhanced criminal records disclosure report with our approved provider, the documentation must accompany their application. All drivers licensed by the Council will then be required to obtain a further report every 6 months and where possible sign up to the DBS update service.

5.10 If an applicant has not lived continuously in the UK for 5 years, then in addition to submitting an enhanced DBS report with their application, they must submit an original authenticated certificate of good conduct or police certificate (together with a translation into English if the document is in another language) obtained from the embassy for the country in which the applicant was living immediately before arriving in the UK. If the driver has lived in more than one country prior to arriving in the UK, then a report from each country in which they lived for 3 months or more during the 5 years immediately prior to their arrival in the UK is required to be submitted with their application. To be clear, any translation of the document must be from the embassy or police authority which issued the original document.

5.11 Licensed drivers who have lived in another country for 3 months or more since their last enhanced DBS report will also be required to submit an original authenticated certificate of good conduct from the embassy or Police authority of that country with their next application to renew their licence.

Relevance of Convictions and Cautions

5.12 The Council has chosen to substantially adopt Annex D of the Home Office Circular 13/92 Guidance as part of its policy as to the relevance of certain convictions and cautions in its consideration of whether an applicant or existing driver is fit and proper to hold a licence. The parts adopted by the Council are replicated in Appendix L.

5.13 Guidance in relation to the relevance of offences is given in Appendix L. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.

5.14 Applicants for new licences and to renew existing licences will be required to provide authorisation to the Council to conduct a DVLA driver endorsement check code, so the Council can ensure that the information held by the DVLA is in accordance with the information submitted by the applicant. The check will be made on an annual basis and or when applicable.

5.15 Licence holders are required to notify the licensing authority immediately or by the next day of any arrest, release, bail conditions, charge or conviction of any offence by telephone or email.

5.16 Failure by a licence holder to not disclose an arrest, any offence involving dishonesty or violence and any motoring offence, and the licensing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Disability Awareness, Child Exploitation (CE) and Other Training

5.17 All applicants and existing drivers will be required to undertake training in Disability Awareness & Handling, Child Exploitation and any other legislation that the Council may require.

5.18 Training in Child Exploitation will be undertaken every 3 years. Drivers and new applicants will be required to pay a fee as approved on the Council’s scale of fees. The training will be provided by the councils approved training providers.

5.19 Training in Disability Awareness & Handling will be undertaken every 3 years with the Council's approved training providers. Drivers and new applicants will be required to pay a fee. The training may be internet based or on a local training site. Applicants and existing drivers will be issued a certificate on successful completion of the training.

English Assessment

5.20 All existing licence holders must undertake and pass an English assessment within 6 months to maintain their licence. Alternatively licence holders can provide proof of a Grade C or higher or equivalent, in a GCSE English Language exam or an English language qualification like CEFR Level B certificate.

5.21 If you demonstrate an English test failure, or fail to pass after 6 months from the date of notification, it may result in a decision to review your current licence which may result in suspension, revocation or refusal to renew the driver licence.

5.22 The cost of the English assessment is charged to the applicant by the Council's approved provider.

Tax Conditionality

5.23 Applicant must confirm they are aware of their tax responsibilities if they are applying for a licence:

- For the first time
- If they already hold a licence but this has not been valid for a year or more

Applicants should provide a tax check code from https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence If they:

- Already have a licence of the same type that is still valid
- Have a licence of the same type that stopped being valid less than a year ago

Application Procedure

5.24 An application for a driver's licence must be made in accordance with the procedure set out in Appendix I and must be accompanied by the relevant supporting documentation and application fee.

Consideration of Applications

5.25 The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met, the application form is complete and supporting documents have been submitted.

5.26 The Council will usually send a reminder letter to drivers around 6 - 8 weeks before their existing licence expires in order to assist applicants in the prompt submission of their renewal applications. However, the responsibility to submit a renewal application in good time prior to the expiry of any existing licence is always the responsibility of the licence holder. Drivers should ensure renewal application forms, together with any supporting documents, are received by the Council before their existing licence expires as this will ensure that in most cases applications are processed and new licences issued before expiry of the existing licence.

5.27 Where a driver does not submit their application to renew their licence before their existing licence expires, and in the absence of providing evidence of exceptional circumstances, in most cases the Council will require they undergo the new licence procedure as set out at Appendix I.

Duration of Licences

5.28 Applicants for new and renewed licences will apply for a 3 year licence. Any licence surrendered before the expiry date will receive a refund for each whole year unused. The Licensing Authority may in special circumstances grant a licence for a shorter duration where this is considered appropriate in a particular case.

Conditions of Licence

5.29 The Council is not permitted to attach conditions to a Hackney Carriage driver's licence. However, drivers are subject to the Council's byelaws which are replicated in Appendix D.

5.30 A set of standard conditions for Private Hire driver licences is set out at Appendix J and the Council considers that it is reasonable and necessary that these be attached to the grant of most licences. However, these may be amended or additional conditions attached as may be considered reasonably necessary in any individual case.

Fares - prescribed rates

5.31 The Hackney Carriage tariff is set by the Council. Private Hire fares are not set by the council but are at the discretion of the Private Hire Operator.

5.32 The driver of a Hackney Carriage vehicle, whether by agreement or otherwise, must not charge any fare greater than the rate prescribed by the Council.

5.33 Fares rates are reviewed no more than once per year, usually around October time with any change agreed by the Licensing Committee, and new rates are usually implemented on 1st December each year subject to any objections received during the objection period.

Receipts

5.34 A driver must, if requested by the passenger, provide them with a written receipt for the fare paid.

6. Operators – Private Hire

Requirements and Obligations

6.1 Any person who operates a service must apply to the Council for an operator's licence.

6.2 A vehicle may only be dispatched to a customer by an operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a vehicle with a driver. Operators must ensure that every vehicle is driven by a person who holds a valid driver's licence.

6.3 An application for an operator's licence must be made in accordance with the procedure set out below and accompanied by the relevant supporting document and application fee.

Criminal Record Checks

6.4 A criminal record check on operators is an important safety measure. It will depend on the individual applicant as to what criminal record checks will be required. These are set out below.

6.5 Where the applicant is an individual person, the Council requires the applicant to submit on the following as part of the application process:

- A Basic DBS certificate from the Disclosure and Barring Services ('standard DBS report') relating to the applicant; and
- A declaration as to whether any company of which they have been a director or secretary has been convicted of any offences.

6.6 Where the applicant is a company, the Council requires the applicant to submit following documentation as part of the application process:

- A declaration as to whether the company has been convicted of any offences at any time; and
- A Basic DBS certificate for each director and secretary of the company.
- The operator must provide a register of staff taking bookings and dispatching vehicles monthly to the Council.
- All staff taking bookings and dispatching vehicles must be DBS checked every 12 months.

6.7 Where the applicant is a partnership, the Council requires a Basic DBS report for each partner to be submitted as part of the application process.

6.8 Further declarations and standard DBS reports will be required annually.

6.9 If an applicant has not lived continuously in the UK for 5 years, then in addition to submitting a Basic DBS report with their application, they must submit an original authenticated certificate of good conduct or Police authority (together with a translation into English if the document is in another language) obtained from the embassy for the country in which the applicant was living immediately before arriving in the UK. To be clear, any translation of the document must be from the embassy or Police authority which issued the original document. This will also apply to individual applicants, each partner of a partnership applicant and the directors and secretaries of company applicants.

Conditions

6.10 A set of standard conditions for operator's licence is set out at Appendix K. The Council considers it reasonable and necessary that these be attached to an Operator's licence. However, these may be amended or additional conditions attached as may be considered reasonably necessary in any individual case.

Licence Duration

6.11 Operators' licences are granted for 5 years, however, the Council may grant a licence for a shorter period should this be considered appropriate in the circumstances.

6.12 An operator can apply for a licence for the number of vehicles that they have at the time of application. An operator's licence authorises vehicles up to the number stated on the licence. If an operator wishes to add to their fleet above that number then the operator must apply for a variation to the licence before they start operating more than the number of vehicles as is specified in their existing licence.

6.13 The Council will send a reminder letter/email to licensed operators around 6-8 weeks before their existing licence expires in order to assist them in their prompt submission of renewal applications; however the responsibility to submit a renewal application in good time prior to the expiry of any existing licence is solely the responsibility of the applicant. Licensed operators should ensure renewal application forms, together with any supporting documents, are received by the Council before their existing licence expires as this will ensure that in most cases applications are processed and new licences issued before expiry of the existing licence.

Operating address

6.14 The Council will only grant an Operator's licence if the applicant proposes to operate from an address within the Borough of Worthing. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

6.15 Upon the grant of an Operator's licence, the Council will specify the address from which the operator may operate. This will be the premises where the booking records are kept and where bookings are made.

6.16 The operator must notify the Council, in writing by email or handwritten letter, with a new application of any change of their address, (whether this is a home address or the address from where they operates) during the period of the licence, within 7 days of such a change taking place or, preferably, before this takes place.

6.17 It will be the responsibility of the operator to ensure that appropriate planning consent exists for the operational address to be used for that purpose. Any licence granted cannot override any planning restrictions on a premise nor any restrictions that may be attached to the lease of a premise. Accordingly the applicant should address all planning considerations.

6.18 Operators are required to only use licensed private hire vehicles that have been licensed by the Borough Council or they may pass bookings on to another licensed operator. When using Hackney Carriages to meet their bookings such vehicles must meet the council's Private Hire Vehicle Licence conditions. Private Hire vehicles that have been licensed outside the district cannot legally work directly for the operator under the Borough Council's Operator's licence.

7. Disciplinary and Enforcement Measures

Enforcement

7.1 With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Council will only intervene where it is appropriate and proportionate to do so.

7.2 The Council's General Enforcement Policy and the Environmental Health & Licensing Enforcement Policy will be used to ensure that the Council's enforcement effort is proportionate, transparent and well directed.

Disciplinary

7.3 Disciplinary matters, except in the case of breaches of vehicle requirements, will ordinarily be referred. Within the council's scheme of delegation for the determination of licence applications, reviews and renewals, the consideration may be delegated to the authorised officer, committee or a sub-committee.

Appendix A

Hackney Carriage Vehicle Specification

1. Vehicle Specification

1.1 When licensing vehicles the Council has to consider the need for safety, convenience, and comfort of passengers in vehicles that operate in rural, urban and motorway environments. The size and engine capacity have also to be considered given that all vehicles are required to carry their licensed number of passengers together with their luggage. The Council considers that a vehicle should be of manufacturers' original specification and shall be as constructed and designed:

a) For the Carriage of not more than 8 passengers with the provision of a seatbelt for each passenger.
b) Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking manoeuvre.
c) To have windows to the side and rear providing natural light to the passenger compartment.

1.2 In the interest of safety each vehicle should have a minimum of 4 doors, which are capable of being opened from the inside.

1.3 Vehicles licensed to carry 5 or more passengers must be fitted with a glass hammer.

1.4 Vehicles licensed to carry 5 or passengers must carry a cargo net to secure luggage.

1.5 The passenger carrying capacity will be at the discretion of the Council.

1.6 The vehicle seats must have these specifications:

a) The rear seat of the vehicle must be a minimum of 1.22 metres meters long (405 millimetres) or (48 inches) with no mouldings restricting the seating capacity. All other seats must individually measure 0.4064 (406.4 millimetres) or (16 inches).
b) The driver's seat fully pushed back there must be a minimum gap of 0.1524 metres (152.4 millimetres or (6 inches) between the front of the rear seat and the back of the front seat.
c) Height from the lowest part of the seat pad to the roof 0.8128 metre gap (812.8 millimetres) or (32 inches).
d) All seats must be fitted with fully operational seat belts.
e) The number of passenger seats must remain as stated on the vehicle licence.
f) There must be no alteration to the seating configuration without notifying the Council.
g) All seats must be forward or rear facing.
h) All vehicles must be able to seat all passengers in comfort with sufficient legroom for all passengers.
i) The seat covering must be clean and in a good state of repair.
j) Passengers must be able to enter and leave the vehicle with ease, taking into consideration the height of steps and the positioning of seats.
k) The space available for assistance dogs to remain with their owner in the vehicle.
l) The space available for folded mobility aids in addition to other items of luggage.
m) The comfort and safety with which disabled people can use them.

1.7 If the vehicle is imported, it must meet the following requirements:

a. Evidence of a normal individual vehicle approval (IVA)
b. MOT certificate since the vehicle arrived in the UK
c. Evidence that the notification of vehicle arrivals application has been processed
d. Evidence of a thorough vehicle inspection to ensure that the vehicle has not been involved in a collision that may not be recorded on the import declaration.
e. Import declaration

2. Age of vehicle

2.1 In the case of first application for a Diesel and Petrol vehicle licence must not be more than 7 years old from the first date of registration and thereafter not more than 10 years in the case of a renewal application.

2.2 In the case of first application for a Hybrid, Fully Electric and Wheelchair accessible vehicle licence must not be more than 10 years old from the first date of registration and thereafter not more than 15 years in the case of a renewal application.

2.3 The maximum age limits described may only be exceeded if the vehicle is presented in an exceptional condition.

2.4 A vehicle will be considered to be in exceptional condition if all of the following apply:

a) The vehicle has been maintained to a high standard during the licence and in accordance with the manufacturers maintenance plan that outlines when a vehicle needs to be serviced, based on both mileage and time, typically recommending a service every 12,000 miles or 12 months, whichever comes first.
b) The vehicle service book must be stamped and dated by the servicing garage.
c) The vehicle passes the Council's vehicle garage inspection with no faults identified.
d) Bodywork is in perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
e) General bodywork paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
f) Interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
g) The boot or luggage compartment is in good condition, clean and undamaged.
h) The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of faults or corrosion to the mechanical parts, chassis, underside or body work and with no MOT failures
i) The vehicle must be of a single manufacture.

2.5 The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:

- Be safe
- Be tidy
- Be clean
- 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 which currently apply.

2.6 The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.

2.7 The licensed vehicle shall be coloured white and no other colour.

2.8 All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.

2.9 The Councils Garage test must be carried out by an approved MOT testing station within the Borough or at the Councils' Commerce Way Workshops.

2.10 In the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on vehicles which are presented for licensing. Where a vehicle is licensed and subsequently the proprietor wants to affix tinting to the windows, one of the standard conditions of licence provides that they must first apply for and be given written approval by the Council to affix the tinting. The Council has approved a maximum level of tinting permissible see below.

2.11 Tinted glass where fitted to a vehicle must be light enough to allow Enforcement Officers & the Public to have clear view of the passengers and the light transmission of the glazing must meet the following criteria:

- Front windscreen at least 75% light transmission
- Front side door glass at least 70% light transmission
- All remaining glass on the rear passenger seating areas must be at least 23% light transmission

These transmissions can be measured using Taxi Licensing Team's 'tint meter' when presented for testing for their initial vehicle application. Vehicles can be presented for an informal test with the tint meter at no cost by appointment.

3. Vehicle maintenance

3.1 The vehicle must be mechanically safe and roadworthy.

Tyres:

a) Must not be worn close to the legal limit of 1.6mm
b) No signs of damage: Cuts, bulges or tears that expose the tyres internal cords.
c) Must not be over 10 years old

Windscreen:

a) Must be free from any chips or cracks

3.2 The driver of a vehicle is always legally responsible for its condition while in use and should undertake a walkaround check before a vehicle is used. Where more than one driver will use the vehicle during the day's running, the driver taking charge of a vehicle should make sure it is roadworthy and safe to drive by carrying out their own walkaround check. Drivers shall retain the completed vehicle checklists for 6 months as proof that they have undertaken the required vehicle check.

3.3 The checklist can be found at the end of this handbook on page 76.

4. Wheelchair Accessible Vehicles

4.1 In the case of all Hackney vehicles that are built or adapted for disabled passengers, the design of the vehicle should ensure that any wheelchair is loaded from the side or rear of the vehicle.

4.2 If a vehicle is off the road due to an accident or damage and a replacement vehicle is supplied, this vehicle must also comply with all conditions above.

4.3 The Council will only consider licensing vehicles converted or adapted to carry wheelchairs if the conversion is approved by an Institute of Automotive Engineers Assessor. The licence applicant must produce the original certificate from the approved Institute of Automotive Engineers Assessor as part of their licence application.

4.4 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Licensing Office as part of the licence application.

5. Roof signage

5.1 Roof signs must comply with the following criteria. The sign must be:

a) 18” Streamline White roof sign
b) Include the Borough Council logo in black on the left hand side of the front face of the sign.
c) The logo must measure not less than 4 inches in height by 4 inches in width.
d) Display in the middle of the front face of the sign the following words in Black Hackney Carriages the word TAXI.
e) The rear face of the sign there shall be clearly displayed only the telephone number of the operator or proprietor of the vehicle. The rear face of the sign may be left blank if the operator or proprietor does not wish to display their telephone number.
f) All letters and numbers displayed must be solid black in colour.
g) The sign must be white with black lettering that can be illuminated when available for hire.
h) No words or numbers may be displayed on the sign except as set out above.

5.2 Vehicles which have a built-in roof sign or light may be exempt from displaying the standard roof light if the Licensing Officer is satisfied that the built-in roof light is an acceptable alternative.

6. Door signage

6.1 The front door panels of the vehicle may display the words Hackney Carriage and below the operator name and telephone number.

6.2 The external plate number issued by the council will be displayed on the rear door panels of the vehicle by the door handle.

6.3 The door plate number will be applied by the Licensing Office.

6.4 No other signage must be displayed on the body of the vehicle unless submitted for a decision by the authorised officer.

7. Advertising

7.1 One of the standard conditions of licence for Private Hire vehicles is that the proprietor may affix advertising if they have first applied for and obtained the Council's permission. The Council will generally require that advertising complies with the following specifications before approval will be given for it to be affixed to the vehicle:

a) Display screens on the rear of headrests is permitted
b) Advertising may be displayed on the external sides of the rear wing panels providing the advertisement complies with the following criteria:
c) Any advertisements shall not exceed 30 inches by 15 inches.
d) Advertisements must be of such a form as not to become easily soiled or detached.
e) Advertisements shall not contain matters relating to alcohol, smoking, or products or services likely to give offence to the public.
f) Where an exclusive relationship exists between the vehicle proprietor, driver and operator, the licensing authority may consider permitting the display of operator details in a discreet manner through small branding on the rear body of the vehicle. The branding must not exceed 30 cm in width and 20 cm in height, must fit within the available space on the rear of the vehicle, and must receive prior written consent from the licensing office before being applied.

8. CCTV

8.1 All equipment must be designed, constructed and installed in such a way and from such materials as to present no danger to the driver or passengers, including any impact against the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

Specifications:

- The equipment must be permanently wired to the vehicle power supply;
- The equipment to have a clear serial or other unique identification number;
- The equipment must not obstruct the driver's view of the road ahead;
- The camera(s) must record both forward and rear facing images;
- The installation must have a viewing screen or indicator light fitted and placed within the cabin of the vehicle and checked daily to ensure it is in full working order when the vehicle is being used for hire.
- Images to be clear, date and time stamped, in colour and in high definition;
- There must be no facility to view previously recorded images from within the vehicle;
- The equipment must be tamper proof;
- The equipment must have a built in battery backup;
- There must be an auto record function whether by ignition switch turn, door opening, person motion sensor or vehicle in motion sensor and NOT just activated by the driver alone;
- The equipment to have a minimum of 28 days image recording and storage capacity;
- The equipment must have a minimum 15 minutes shutdown delay. This also applies if the kill switch, if fitted, is activated.
- If an audio function is provided - this must be set in the default OFF position and only activated by trigger or panic button function;
- All equipment shall be installed, maintained and serviced by a competent and/or authorised person;
- A simple operator user manual shall be provided on demand;
- All stored images to be protected with no unauthorised access and all images shall be encrypted;
- Any requested images shall be capable of viewing and playback using industry standard software;

- Clear and prominent signs within the vehicle giving details of the organisation/person/purpose and contact details must be displayed.
- If the driver requires; an On / Off switch may be placed in the boot of the vehicle to allow the driver to turn the CCTV off whilst the vehicle is being used for personal use. If such a system is fitted a warning indicator light must be fitted in the cabin to warn that the system is off
- The CCTV must be turned on when the vehicle is operating as a licensed Private Hire or Hackney Carriage vehicle. This means during the period the vehicle is being used for the carriage of passengers that are pre-booked or when plying for hire.
- Failure to operate the 'On switch' whilst the vehicle is operating as a licensed Private Hire or Hackney Carriage vehicle may result in the driver's licence being suspended or revoked.
- Any material recorded on the equipment shall only be used as evidence in court proceedings or deterring and preventing the occurrence of crime; reducing the fear of crime; assisting the police in investigating incidents of crime; assisting insurance companies in investigating motor vehicle accidents and to confirm, rebut complaints made against the driver or to confirm functionality of the system.
- Annual testing of all equipment must be conducted by the approved CCTV supplier for full functionality, to calibrate metadata and cameras. Proprietors are required to provide a test certificate, confirming the CCTV in the licensed vehicle meets the council's standards, prior to the vehicle being relicensed.

9. Partitions in vehicles

9.1 Vehicles used by the trade that are not purpose built are unlikely to have a partition between the front and rear of the vehicle which may provide protection for the driver from assault. Partitions can be made from materials that withstand a knife attack or hard body impact and can be fitted and taken out easily.

9.2 The fitting of in-vehicle partitions must not cause the vehicle to be a danger to anyone in the vehicle or on the road, in compliance with regulation 100 of the Road Vehicles (Construction and Use) Regulations 1986.

9.3 In order that the partition is effective in providing a means to separate drivers and passengers, the front passenger seat should not be included in the seating capacity of the vehicle licence where a partition is fitted.

9.4 Such modifications must be present when the vehicle is tested and not made after the testing stage. If modified after licensing further testing will be required.

9.5 Where a partition is installed, the installation of hearing loops in vehicles will be required, to support passengers who are deaf or hard of hearing to communicate with drivers.

Appendix B

Hackney Carriage Vehicle Licence Conditions

Where the proprietor permits another person to drive the licensed vehicle, they must ensure that that person has a valid Hackney Carriage driver's licence and they must draw the following conditions of the vehicle licence to that person's attention. The proprietor is responsible for ensuring that any person who drives their licensed vehicle complies with these licence conditions.

1. Internal and External Licence Plates

1.1 The proprietor must ensure that the external licence plate and the door plates provided by the Council are maintained in a clear and legible condition and are securely affixed to the outside of the Carriage. The licence plate on or adjacent to the rear bumper and the door plates on the rear passenger doors near or adjacent to the door handles. Easily removable licence plates and door plates using magnets, double sided tape or Velcro are not acceptable.

1.2 The Council must be informed as soon as practicable should the external licence plate or door plates be lost, stolen, broken or defaced.

1.3 The proprietor shall not cause or permit the vehicle to be used or operated with the external licence plate so defaced that any figure or material particular is illegible.

1.4 The internal licence plate issued by the Council must be affixed to the nearside part of the windscreen in such a position where the telephone number on the rear of the plate can be clearly seen by passengers and must be displayed at all times.

1.5 Licence plates must not be removed without prior consent from the Council.

2. Change of Use

2.1 The proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements immediately and shall not use the vehicle for the purposes of carrying fare paying passengers until approved by the Council. The notification must be made in writing by email or handwritten letter.

3. Vehicle Licence

3.1 In the event of loss or damage to any licence the Council must be informed immediately, in writing by email or handwritten letter, during office hours so that a replacement can be issued at a cost to the licence holder.

3.2 On revocation, expiry, or suspension of the licence, the licence and the plate issued in respect of the vehicle must be returned to the Council forthwith upon the Council giving such a demand in writing to the proprietor.

3.3 A proprietor shall advise the Council in writing by email or handwritten letter within 7 days of any change of their home address, contact telephone number or email address.

3.4 The proprietor shall give 14 days' notice of their intention to transfer the licence to another vehicle and shall not permit that vehicle to be used as a licensed vehicle until the licence has been endorsed by the Council.

3.5 Vehicle proprietors, are responsible to ensure vehicle checks are carried out by vehicles leased to licensed drivers. if they are found using a defective vehicle, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over several days.

4. Insurance

4.1 The proprietor shall ensure that there is in force a policy of insurance complying with the requirements of the Road Traffic Acts and which covers the vehicle for the carriage of passengers for public hire during the currency of the licence.

4.2 If, during the duration of this licence a new policy of insurance is obtained in relation to the licensed vehicle, a copy of the new policy or insurance cover note must be lodged with the Council, via email or post within 7 days of the new insurance policy coming into effect.

5. Vehicle maintenance

5.1 The vehicle must be mechanically safe and roadworthy.

Tyres:

a) Must not be worn close to the legal limit 1.6mm.
b) No signs of damage: Cuts, bulges, or tears that expose the tyre's internal cords.
c) Must not be over 10 years old.

Windscreen:

a) Should be free from any chips or cracks.

6. Interior Appearance

6.1 The interior of the vehicle should always be in a clean and tidy state.

a) Carpets, upholstery and cloth trim are to be kept clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour coordinating with the vehicle and kept in good condition.
b) All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage.
c) All interior lights and fascia illumination are to be in full working order and in good condition.
d) Boot space/luggage areas are to be kept clean and any vehicle equipment properly stowed.

6.2 All doors, locks and windows are to be in full working order and in good condition.

6.3 All windows are to be kept free of dirt, grime and marks.

7. Tinted Windows

7.1 A proprietor must not affix, or allow to be affixed, window tinting to the licensed vehicle without first applying for and obtaining permission from the Council to do so.

7.2 Tinted glass where fitted to all non wheelchair accessible vehicles must be light enough to allow Enforcement Officers & the Public to have clear view of the passengers and the light transmission of the glazing must meet the following criteria:

- Front windscreen at least 75% light transmission
- Front side door glass at least 70% light transmission
- All the rear passenger seating areas must be 23% light transmission

These transmissions can be measured using the Taxi Licensing Team's 'tint meter' when presented for testing for their initial vehicle application. Vehicles can be presented for an informal test with the tint meter at no cost by appointment.

8. Partitions in vehicles

8.1 Vehicles used by the trade that are not purpose built are unlikely to have a partition between the front and rear of the vehicle which may provide protection for the driver from assault. Partitions can be made from materials that withstand a knife attack or hard body impact and can be fitted and taken out easily.

8.2 The fitting of in-vehicle partitions must not cause the vehicle to be a danger to anyone in the vehicle or on the road, in compliance with regulation 100 of the Road Vehicles (Construction and Use) Regulations 1986.

8.3 In order that the partition is effective in providing a means to separate drivers and passengers, the front passenger seat should not be included in the seating capacity of the vehicle licence where a partition is fitted.

8.4 Such modifications must be present when the vehicle is tested and not made after the testing stage. If modified after licensing further testing will be required.

8.5 Where a partition is installed, the installation of hearing loops in vehicles will be required, to support passengers who are deaf or hard of hearing to communicate with drivers.

9. First Aid Kit

9.1 The proprietor must ensure that a sterile standard motorist's first aid kit is carried in the vehicle at all times.

9.2 Your attention is drawn to your liability if rendering first aid. The kit if carried is to enable ONLY those trained in its use to render assistance to third parties. If the need for its use should arise it should only be used by a person who holds a current recognised first aid certificate. If a passenger requested the equipment then it may be provided for self-administration by the customer in the interest of customer care. The First Aid Kit should be kept in a clean dry area of the vehicle.

10. Accidents

10.1 The proprietor must inform the Council within 72 hours, in writing by email or handwritten letter, of any accident or vehicle damage (whether fault or non-fault) that affects the safety, performance or appearance of the vehicle, or that may affect the comfort or convenience of passengers.

10.2 The vehicle must be restored to a roadworthy and original condition.

11. Luggage in Estate Cars and Multi-Purpose Vehicles

11.1 Luggage stowed in the boot should not be stacked above the height of the rear seats unless the vehicle is fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment.

12. Taximeters

12.1 The proprietor must ensure the vehicle is fitted with a taximeter approved by the Council at all times the vehicle is available for hire. The meter must be maintained and kept in a good working order at all times.

12.2 The taximeter must be set for up to the current maximum tariff agreed by the Council and the proprietor must ensure that no adjustment to the meter is made without the Council's prior permission.

12.3 The proprietor must ensure the "For Hire" sign or other illuminated sign on the roof of the vehicle is linked to the taximeter or a means is provided to switch off the for hire sign so that when the meter is switched on at the commencement of any individual hire, the roof sign is extinguished.

12.4 The taximeter must be kept clean and in good working order and positioned so that the fare recorded on the taximeter is plainly visible to passengers in the vehicle.

12.5 The taximeter must be sealed at all times and if a seal is broken the proprietor must notify the Council's Licensing Office on the next available working day.

13. Fare Table

13.1 The proprietor must ensure that a copy of the current fare table supplied by the Council is on display inside the Hackney Carriage at all times and that the table is kept clean and undamaged and is positioned so that it is plainly visible to passengers in the vehicle.

13.2 A driver must, if requested by the passenger, provide them with a written receipt for the fare paid.

14. Smoking

14.1 The proprietor must ensure that the prescribed 'no smoking' signage required to be displayed under the relevant legislation (the Health Act 2006 and the Smoke-free (Signs) Regulations 2007 – or any subsequent enactment), is affixed to the interior of the vehicle.

14.2 E-Cigarettes and other similar must not be used within the licensed vehicle in line with the requirements of other public transport.

15. Roof Sign

15.1 Each Hackney Carriage vehicle (with the exception of those vehicles with a built-in roof light) shall display at all times an illuminated white roof sign approved by the Council, regardless whether the vehicle is working for public hire or personal use.

15.2 A proprietor must not alter the sign without first applying for and obtaining permission from the Council to do so.

15.3 The illumination mechanism of the roof sign shall not be operated during any period for which the vehicle is hired.

16. Plates

16.1 If at any time the plates become damaged or lost, the proprietor must notify the Council, in writing by email or handwritten letter, as soon as possible so that the Council can order replacement plates. The cost of the replacement door plates is the responsibility of the proprietor.

16.2 If at any time the plates become damaged or lost, the proprietor must ensure that the vehicle is not used for hire until the replacement door plates are affixed.

16.3 The plate number will be allocated by the Licensing Office.

16.4 The position of the licence plates is at the officers discretion.

17. Pre-Booked Fares

A Hackney Carriage may be used for a pre-booked shared journey providing they comply with the criteria below:

17.1 The vehicle's proprietor must notify the Council in writing that the vehicle is to be used for pre-booked shared journeys prior to commencement.

17.2 The taximeter must be calibrated for the calculation of separate fees for separate journeys and has been tested and sealed by the Council.

17.3 The proprietor must ensure that a record of all pre-booked shared journeys undertaken in the vehicle shall be kept by the proprietor and stored for a period of 6 months.

17.4 A Hackney Carriage may be used for a pre-booked shared journey only where the hirers have consented to the journey when booking in advance and where the consent of the hirer has been recorded as to the conditions in **appendix K** (*3. Records*).

18. Garage Inspection Report and MOT

18.1 Upon notification from the council that a garage inspection test must be carried out, the proprietor must ensure that the vehicle is submitted for a garage vehicle test and provide the garage inspection report to the Council by the date required.

18.2 Petrol and Diesel vehicle garage inspection test is required every 12 months for vehicles under 10 years old and every 6 months for vehicles more than 10 years old.

18.3 Hybrid,fully electric and Wheelchair accessible vehicle garage inspection is required every 12 months for vehicles under 15 years old and every 6 months for vehicles more than 15 years old.

18.4 The proprietor must ensure the vehicle has a current Garage Inspection Report from a MOT approved garage at all times whilst the vehicle is licensed.

18.5 If a vehicle fails its Garage Inspection Report or its Garage Inspection Report expires the vehicle cannot be used as a licensed Private Hire vehicle (irrespective of whether it still has a valid MOT Certificate) until a valid Garage Inspection Report has been issued.

18.6 If a vehicle fails the MOT and is not repaired immediately the licensing authority must be notified in writing by email or handwritten letter.

19. Advertising

19.1 The approval of the Council must be sought and obtained before any adverts (or modifications to existing advertising) are affixed to the vehicle.

19.2 There must be no stickers, notices, advertisements, plates, marks, letters, figures, symbols, flags or emblems affixed to the vehicle without prior consent from the licensing office.

20. CCTV Installation in Hackney Carriage Vehicles

20.1 When CCTV has been installed in the vehicle with the Council's approval, the following conditions apply to the licence:

a) The proprietor shall cause the vehicle to be fitted with a working and secure digital CCTV system (to capture both forward and rear facing colour images in high definition) and to retain such data for a period of 28 days;
b) The installation must have a viewing screen or indicator light fitted and placed within the cabin of the vehicle and checked daily to ensure it is in full working order when the vehicle is being used for hire.
c) The installed CCTV to comply with any code(s) of practice issued by the Information Commissioner, the requirements of the Data Protection Act 2018 and any technical specifications approved by the committee for the time being in force;
d) The installation of the CCTV system must be carried out by an approved installer registered with the Council
e) The proprietor shall, within 7 days, give written notice to the Council of the installation of any CCTV system in the vehicle to include the details of the installer, make, model and serial number of the equipment.
f) The proprietor shall check the system for malfunction at least once a month and, if a repair or download is required, the vehicle may continue to be used provided any malfunction is rectified within 24 hours;
g) As far as the Council is concerned any material recorded on the equipment shall only be used as evidence in court proceedings or deterring and preventing the occurrence of crime; reducing the fear of crime; assisting the police in investigating incidents of crime; assisting insurance companies in investigating motor vehicle accidents and to confirm, rebut complaints made against the driver or to confirm functionality of the system.
h) Annually test all equipment for full functionality, calibrate metadata and cameras. Provide a test certificate, confirming the CCTV in the licensed vehicle meets the council's standards, prior to the vehicle being relicensed.
i) It is an offence to obstruct or not give assistance or information to any such Officer or Police Constable in relation to the performance of their duties for the purpose of the licensing of Private Hire or Hackney Carriages.

21. Disability Access

21.1 If a proprietor transfers their interest in a vehicle to somebody else they must within 14 days give notice of the transfer in writing by email or handwritten letter to the authorised officer, giving the name and address of the transferee. In no circumstances may the vehicle be used as a licensed vehicle by the new owner until a new licence has been issued to that person and all documentation completed and any necessary fees paid. Any vehicle transferred to another person, including transfer by the proprietor to themselves and another person, for registration under the Town Police Clauses Act 1847 s42 will be required to become wheelchair accessible at renewal or replacement following transfer.

21.2 Where the interest of an existing proprietor's hackney carriage vehicle licence registration is amended to a beneficiary following the death of a proprietor or at the discretion of the Authorised Officer. Where the change of registration is required for reasons such as the incapacity of a proprietor or following a legal separation from a partner, and is not for financial gain, the vehicle is exempt from becoming wheelchair accessible at renewal unless previously required by licence conditions.

21.3 Where a vehicle is designed or adapted for the carriage of passengers in a wheelchair, the following conditions shall apply:

21.4 Loading of the wheelchair must be undertaken through the side or rear of the vehicle.

21.5 Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.

21.6 Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.

21.7 If, after the licence is granted the vehicle is converted or adapted to carry wheelchairs, the proprietor must: within 7 days of the conversion/adaptation provide a Certificate from an approved converter, and notify their insurance company of the fact that the vehicle has been so adapted/converted.

21.8 A suitable restraint must be available for the occupant of a wheelchair at all times and kept in good working order.

21.9 If, after the licence is granted any equipment is fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle, this must tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Council's Licensing Office before the lifting equipment is used in respect of any passenger. A copy of the certificate should also be kept in the vehicle at all times and be presented to any Licensing Officer or police officer upon request.

21.10 There must be kept in the vehicle at all times either access ramps or a lift so assist the wheelchair into the vehicle. Any access ramps or lifts must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.

21.11 Ramps and lifts must be securely stored in the vehicle before it may move off. Any such equipment must be maintained in good working order.

21.12 The proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair-bound passengers.

21.13 There must be no alteration to the seating configuration without further approval from the Licensing Officer.

22. Lost Property

22.1 Where any property is left in the vehicle by a passenger the licence holder must, in all cases, take reasonable steps to trace the owner and should report all unclaimed lost property on line to Sussex Police within 48 hours at:
https://www.sussex.police.uk/ro/report/lp/lost-or-found-property/

Appendix C

Hackney Carriage Vehicle Licensing Procedure

1. Application Process for Hackney Carriage Vehicles

1.1 Applications for renewal should be submitted at a minimum 10 days prior to the vehicle licence expiring. Applicants must either telephone the licensing office to make an appointment or submit the application on the licensing digital portal https://www.adur-worthing.gov.uk/licensing-and-permits/taxis/licence-new-vehicle-or-renewing-existing-licence/#application to have their licence renewed.

1.2 All other Hackney Carriage Vehicle applications will require an appointment with the licensing office. Applicants must either telephone the licensing office to make an appointment or submit the application on the licensing digital portal https://www.adur-worthing.gov.uk/licensing-and-permits/taxis/licence-new-vehicle-or-renewing-existing-licence/#application

1.3 Applicants making application must provide all documents relating to the vehicle, which include:-

- Insurance for Hire and Reward
- Vehicle Registration Document (v5) or Bill of Sale
- Proof of Road Fund Tax
- MOT
- Garage inspection form
- Conditions of licence agreement (COLA) signed
- CCTV installation certificate
- Applicants must pay the appropriate fee before the licence can be issued.

1.4 Applicants must ensure that they bring the vehicle to the appointment.

1.5 An internal licence plate will be issued and placed in the holder provided on the windscreen. This will clearly display the expiry date so it can be seen from the outside of the vehicle.

1.6 External licence plates will be issued and fixed to the rear of the vehicle and rear doors by the Council. The position of the licence plates is at the officers discretion.

1.7 Applicants who fail to renew their vehicle licence on time will be required to submit a new application and will also be required to comply with the conditions set out in Appendix A. Licence holders should note that depending on the age of the vehicle it could be deemed to be too old to re-licence.

Appendix D

Hackney Carriage Byelaws

1. Hackney Carriage Byelaws

1.1 Byelaws made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Borough Council of Worthing with respect to hackney carriages in the Borough.

2. Interpretation

2.1. Throughout these byelaws "the Council" means the Borough of Worthing and "the Borough" or "the District" means the Borough of Worthing.

2.2 Provisions regulating the manner in which the number of each Hackney Carriage, corresponding with the number of its licence, shall be displayed.

a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to they/them in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
b) A proprietor or driver of a Hackney Carriage shall 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;
   - 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.

3. Provisions regulating how Hackney Carriages are to be furnished or provided.

3.1 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; **(NO longer required)**
i) provide at least 2 doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

3.2 The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say,

a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;

b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taxi meter is not in action and that no fare is recorded on the face of the taximeter;
c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of 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.

4. Conduct

Provisions regulating the conduct of the proprietors and drivers of Hackney Carriages plying within the Borough in their several employments, and determining whether such drivers shall wear any and what badges.

4.1 The driver of a Hackney Carriage shall
a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
b) 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 a 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.

4.2 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.

4.3 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; (or rank designated under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976)
b) if a stand, at the time of their 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 causes their carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

4.4 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.

4.5 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.

4.6 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.

4.7 The driver of a Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

4.8 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.

4.9 If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage they shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

4.10 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 they may take up or set down such a person.

5. Provisions fixing the stands of Hackney Carriages

5.1 No longer applicable (replaced by section 63 of the Local Government (Miscellaneous Provisions) Act 1976

6. Fares

Provisions fixing the rates of fares to be paid for Hackney Carriages within the borough and securing the due publication of such fares.

6.1 No longer applicable (replaced by section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

7. Lost Property

Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages and fixing the charges to be made in respect thereof.

7.1 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.

7.2 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 they/them:

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 a police station in the Borough and leave it in the custody of the officer in charge of the office on their giving a receipt for it.
b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to 5p in the pound of its estimated value, (or the fare for the distance from the place of finding to the Police Station, whichever be the greater) but not more than £5.

8. Penalties

8.1 Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine.

Appendix E

Private Hire Vehicle Specifications

1. Vehicle Specification

1.1 When licensing vehicles the Council has to consider the need for safety, convenience, and comfort of passengers in vehicles that operate in rural, urban and motorway environments. The size and engine capacity have also to be considered given that all vehicles are required to carry their licensed number of passengers together with their luggage. The Council considers that a vehicle should be of manufacturers' original specification and shall be as constructed and designed:

a) For the Carriage of not more than 8 passengers with the provision of a seatbelt for each passenger.
b) Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking manoeuvre.
d) To have windows to the side and rear providing natural light to the passenger compartment.

1.2 In the interest of safety each vehicle should have a minimum of 4 doors, which are capable of being opened from the inside.

1.3 Vehicles licensed to carry 5 or more passengers must be fitted with a glass hammer.

1.4 Vehicles licensed to carry 5 or passengers must carry a cargo net to secure luggage.

1.5 The passenger carrying capacity will be at the discretion of the Council.

1.6 The vehicle seats must have these specifications:

a) The rear seat of the vehicle must be a minimum of 1.22 metres meters long (405 millimetres) or (48 inches) with no mouldings restricting the seating capacity. All other seats must individually measure 0.4064 (406.4 millimetres) or(16 inches).
b) The driver's seat fully pushed back there must be a minimum gap of 0.1524 metres (152.4 millimetres or (6 inches) between the front of the rear seat and the back of the front seat.
c) Height from the lowest part of the seat pad to the roof 0.8128 metre gap (812.8 millimetres) or (32 inches).
d) All seats must be fitted with fully operational seat belts.
e) The number of passenger seats must remain as stated on the vehicle licence.
f) There must be no alteration to the seating configuration without notifying the Council.
g) All seats must be forward or rear facing.
h) All vehicles must be able to seat all passengers in comfort with sufficient legroom for all passengers.
i) The seat covering must be clean and in a good state of repair.
j) Passengers must be able to enter and leave the vehicle with ease, taking into consideration the height of steps and the positioning of seats.
k) The space available for assistance dogs to remain with their owner in the vehicle.
l) The space available for folded mobility aids in addition to other items of luggage.
m) The comfort and safety with which disabled people can use them.

1.7 If the vehicle is imported, it must meet the following requirements:

a.Evidence of a normal individual vehicle approval (IVA)
b.MOT certificate since the vehicle arrived in the UK
c. Evidence that the notification of vehicle arrivals application has been processed
d. Evidence of a thorough vehicle inspection to ensure that the vehicle has not been involved in a collision that may not be recorded on the import declaration.
e. Import declaration

2. Age of vehicle

2.1 In the case of first application for a Diesel and Petrol vehicle licence must not be more than 7 years old from the first date of registration and thereafter not more than 10 years in the case of a renewal application.

2.2 In the case of first application for a Hybrid, Fully Electric and Wheelchair accessible vehicle licence must not be more than 10 years old from the first date of registration and thereafter not more than 15 years in the case of a renewal application.

2.3 The maximum age limits described may only be exceeded if the vehicle is presented in an exceptional condition.

2.4 A vehicle will be considered to be in exceptional condition if all of the following apply:

a) The vehicle has been maintained to a high standard during the licence and in accordance with the manufacturer's maintenance plan that outlines when a vehicle needs to be serviced, based on both mileage and time, typically recommending a service every 12,000 miles or 12 months, whichever comes first.
b) The vehicle service book must be stamped and dated by the servicing garage.
c) The vehicle passes the Council's vehicle garage inspection with no faults identified.
d) Bodywork is in perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
e) General bodywork paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
f) Interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
g) The boot or luggage compartment is in good condition, clean and undamaged.
h) The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of faults or corrosion to the mechanical parts, chassis, underside or body work and with no MOT failures.
i) The vehicle must be of a single manufacture.

2.5 The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:

- Be safe
- Be tidy
- Be clean
- 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 which currently apply.

2.6 The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.

2.7 All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.

2.8 The Councils Garage test must be carried out by an approved MOT testing station within the Borough or at the Councils' Commerce Way Workshops.

2.9 In the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on vehicles which are presented for licensing. Where a vehicle is licensed and subsequently the proprietor wants to affix tinting to the windows, one of the standard conditions of licence provides that they must first apply for and be given written approval by the Council to affix the tinting. The Council has approved a maximum level of tinting permissible see below.

2.10 Tinted glass where fitted to a vehicle must be light enough to allow Enforcement Officers & the Public to have clear view of the passengers and the light transmission of the glazing must meet the following criteria:

- Front windscreen at least 75% light transmission
- Front side door glass at least 70% light transmission
- All remaining glass on the rear passenger seating areas must be at least 23% light transmission

These transmissions can be measured using Taxi Licensing Team's 'tint meter' when presented for testing for their initial vehicle application. Vehicles can be presented for an informal test with the tint meter at no cost by appointment.

2.11 Discretionary tint measurement may be applied for vehicles that are not used for normal fares or circuit work. i.e Specific disabled access or special needs home to school Transport. Each request must be presented to the licensing office and will be decided on its own merits.

3. Vehicle maintenance

3.1 The vehicle must be mechanically safe and roadworthy.

Tyres:

d) Must not be worn close to the legal limit 1.6mm.
e) No signs of damage: Cuts, bulges, or tears that expose the tyres internal cords.
f) Must not be over 10 years old.

Windscreen:

b) Must be free from any chips or cracks.

3.2 Vehicle proprietors, are responsible to ensure vehicle checks are carried out for vehicles leased to licensed drivers. If they are found leasing out a defective vehicle, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over several days, the licence may be reviewed.

4. Wheelchair Accessible Vehicles

4.1 In the case of all Private Hire vehicles that are built or adapted for disabled passengers, the design of the vehicle should ensure that any wheelchair is loaded from the side or rear of the vehicle.

4.2 If a vehicle is off the road due to accident or damage and a replacement vehicle is supplied, this vehicle must also comply with 2.9 above.

4.3 The Council will only consider licensing vehicles converted or adapted to carry wheelchairs if the conversion is approved by an Institute of Automotive Engineers Assessor. The licence applicant must produce the original certificate from the approved Institute of Automotive Engineers Assessor as part of their licence application.

4.4 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Licensing Office as part of the licence application.

4.5 Discretionary tint measurement may be applied for vehicles that are not used for normal fares or circuit work.

5. Door signage

5.1 The external plate number issued by the council will be displayed on the rear door panels of the vehicle by the door handle.

5.2 The door plate number will be applied by the Licensing Office.

5.3 The proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.

5.4 No other signage must be displayed on the body of the vehicle unless submitted for a decision by the authorised officer.

6. Advertising on Private Hire Vehicles

6.1 One of the standard conditions of licence for Private Hire vehicles is that the proprietor may affix advertising if they have first applied for and obtained the Council's permission. The Council will generally require that advertising complies with the following specifications before approval will be given for it to be affixed to the vehicle:

a) Display screens on the rear of headrests is permitted.
b) Advertising may be displayed on the external sides of the rear wing panels providing the advertisement complies with the following criteria:
c) Any advertisements shall not exceed 30 inches by 15 inches.
d) Advertisements must be of such a form as not to become easily soiled or detached.
e) Advertisements shall not contain matters relating to alcohol, smoking, or products or services likely to give offence to the public.
f) Where an exclusive relationship exists between the vehicle proprietor, driver and operator, the licensing authority may consider permitting the display of operator details in a discreet manner through small branding on the rear body of the vehicle. The branding must not exceed 30 cm in width and 20 cm in height, must fit within the available space on the rear of the vehicle, and must receive prior written consent from the licensing office before being applied.

7. CCTV Installation in Private Hire Vehicles

7.1 All equipment must be designed, constructed and installed in such a way and from such materials as to present no danger to the driver or passengers, including any

impact against the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

Specifications:

- The equipment must be permanently wired to the vehicle power supply;
- The equipment to have a clear serial or other unique identification number;
- The equipment must not obstruct the driver's view of the road ahead;
- The camera(s) must record both forward and rear facing images;
- The installation must have a viewing screen or indicator light fitted and placed within the cabin of the vehicle and checked daily to ensure it is in full working order when the vehicle is being used for hire.
- Images to be clear, date and time stamped, in colour and in high definition;
- There must be no facility to view previously recorded images from within the vehicle;
- The equipment must be tamper proof;
- The equipment must have a built in battery backup;
- There must be an auto record function whether by ignition switch turn, door opening, person motion sensor or vehicle in motion sensor and NOT just activated by the driver alone;
- The equipment to have a minimum of 28 days image recording and storage capacity;
- The equipment must have a minimum 15 minutes shutdown delay. This also applies if the kill switch, if fitted, is activated.
- If an audio function is provided - this must be set in the default OFF position and only activated by trigger or panic button function;
- All equipment shall be installed, maintained and serviced by a competent and/or authorised person;
- A simple operator user manual shall be provided on demand;
- All stored images to be protected with no unauthorised access and all images shall be encrypted;
- Any requested images shall be capable of viewing and playback using industry standard software;
- Clear and prominent signs within the vehicle giving details of the organisation/person/purpose and contact details must be displayed.
- If the driver requires; an On / Off switch may be placed in the boot of the vehicle to allow the driver to turn the CCTV off whilst the vehicle is being used for personal use. If such a system is fitted a warning indicator light must be fitted in the cabin to warn that the system is off
- The CCTV must be turned on when the vehicle is operating as a licensed Private Hire or Hackney Carriage vehicle. This means during the period the vehicle is being used for the carriage of passengers that are pre-booked or when plying for hire.
- Failure to operate the ‘On switch’ whilst the vehicle is operating as a licensed Private Hire or Hackney Carriage vehicle may result in the driver’s licence being suspended or revoked.
- Any material recorded on the equipment shall only be used as evidence in court proceedings or deterring and preventing the occurrence of crime; reducing the fear of crime; assisting the police in investigating incidents of crime; assisting insurance companies in investigating motor vehicle accidents and to confirm, rebut complaints made against the driver or to confirm functionality of the system.
- Annual testing of all equipment must be conducted by the approved CCTV supplier for full functionality, to calibrate metadata and cameras. Proprietors are required to provide a test certificate, confirming the CCTV in the licensed vehicle meets the council’s standards, prior to the vehicle being relicensed.

- It is an offence to obstruct or not give assistance or information to any such Officer or Police Constable in relation to the performance of their duties for the purpose of the licensing of Private Hire or Hackney Carriages.

8. Partitions in vehicles

8.1 Vehicles used by the trade that are not purpose built are unlikely to have a partition between the front and rear of the vehicle which may provide protection for the driver from assault. Partitions can be made from materials that withstand a knife attack or hard body impact and can be fitted and taken out easily.

8.2 The fitting of in-vehicle partitions must not cause the vehicle to be a danger to anyone in the vehicle or on the road, in compliance with regulation 100 of the Road Vehicles (Construction and Use) Regulations 1986.

8.3 In order that the partition is effective in providing a means to separate drivers and passengers, the front passenger seat should not be included in the seating capacity of the vehicle licence where a partition is fitted.

8.4 Such modifications must be present when the vehicle is tested and not made after the testing stage. If modified after licensing further testing will be required.

8.5 Where a partition is installed, the installation of hearing loops in vehicles will be required, to support passengers who are deaf or hard of hearing to communicate with drivers.

Appendix F

Private Hire Vehicle Conditions of Licence

1. Licence Plate

1.1 The proprietor must ensure that the external licence plate and the door plates provided by the Council are maintained in a clear and legible condition and are securely affixed to the outside of the Vehicle. The licence plate on or adjacent to the rear bumper and the door plates on the rear passenger doors near or adjacent to the door handles. Easily removable licence plates and door plates using magnets, double sided tape or Velcro are not acceptable.

1.2 The Council must be informed as soon as practicable should the licence plate be lost, broken or defaced.

1.3 The proprietor shall not cause or permit the vehicle to be used or operated with the said plate so defaced that any figure or material particular is illegible.

1.4 The internal licence plate issued by the Council must be affixed to the nearside part of the windscreen in such a position where the telephone number on the rear of the internal licence plate can be clearly seen by passengers and must be displayed at all times.

1.5 Licence plates must not be removed without prior consent from the Council.

2. Vehicle Change of Use

2.1 The proprietor must notify the Council, by email or handwritten letter of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements immediately and shall not use the vehicle for the purposes of carrying fare paying passengers until approved by the Council.

3. Vehicle Licence

3.1 In the event of loss of or damage to this licence the Council must be informed immediately during office hours so that a replacement can be issued.

3.2 On revocation, expiry, or suspension of the licence, the licence and the plate issued in respect of the vehicle must be returned to the Council forthwith upon the Council giving such a demand in writing to the proprietor.

3.3 The proprietor shall advise the Council in writing by email or handwritten letter, within 7 days, of any change of their home address, contact telephone number or email address.

3.4 The proprietor shall give 14 days' notice of their intention to transfer the licence to another vehicle and shall not permit that vehicle to be used as a licensed vehicle until the licence has been endorsed by the Council.

4. Insurance

4.1 The proprietor shall ensure that there is in force a policy of insurance with the requirements of the Road Traffic Acts and which covers the vehicle for the carriage of passengers for private hire during the currency of the licence.

4.2 If, during the duration of this licence, a new policy of insurance is obtained in relation to the licensed vehicle, a copy of the new policy or insurance cover note must be lodged with the Council within 7 days of the new insurance policy coming into effect.

5. Vehicle maintenance

5.1 The vehicle must be mechanically safe and roadworthy.

Tyres:

a) Must not be worn close to the legal limit 1.6mm.
b) No signs of damage: Cuts, bulges, or tears that expose the tyres internal cords.
c) Must not be over 10 years old.

Windscreen:

d) Must be free from any chips or cracks.

5.2 Vehicle proprietors, are responsible to ensure vehicle checks are carried out by vehicles leased to licensed drivers. if they are found using a defective vehicle, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over several days.

6. Interior Appearance

6.1 The interior of the vehicle should always be in a clean and tidy state.

- Carpets, upholstery and cloth trim are to be kept clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour coordinating with the vehicle and kept in good condition.
- All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage.
- All interior lights and fascia illumination are to be in full working order and in good condition.
- Boot space/luggage areas are to be kept clean and any vehicle equipment properly stowed.

6.2 All doors, locks and windows are to be in full working order and in good condition.

6.3 All windows are to be kept free of dirt, grime and marks.

7. Tinted Windows

7.1 A proprietor must not affix, or allow to be affixed, window tinting to the licensed vehicle without first applying for and obtaining permission from the Council to do so.

7.2 Tinted glass where fitted to all non wheelchair accessible vehicles must be light enough to allow Enforcement Officers & the Public to have clear view of the passengers and the light transmission of the glazing must meet the following criteria:

- Front windscreen at least 75% light transmission
- Front side door glass at least 70% light transmission
- All the rear passenger seating areas must be 23% light transmission

These transmissions can be measured using the Taxi Licensing Team's 'tint meter' when presented for testing for their initial vehicle application. Vehicles can be presented for an informal test with the tint meter at no cost by appointment.

8. Partitions in vehicles

8.1 Vehicles used by the trade that are not purpose built are unlikely to have a partition between the front and rear of the vehicle which may provide protection for the driver from assault. Partitions can be made from materials that withstand a knife attack or hard body impact and can be fitted and taken out easily.

8.2 The fitting of in-vehicle partitions must not cause the vehicle to be a danger to anyone in the vehicle or on the road, in compliance with regulation 100 of the Road Vehicles (Construction and Use) Regulations 1986.

8.3 In order that the partition is effective in providing a means to separate drivers and passengers, the front passenger seat should not be included in the seating capacity of the vehicle licence where a partition is fitted.

8.4 Such modifications must be present when the vehicle is tested and not made after the testing stage. If modified after licensing further testing will be required.

8.5 Where a partition is installed, the installation of hearing loops in vehicles will be required, to support passengers who are deaf or hard of hearing to communicate with drivers.

9. First Aid Kit

9.1 The proprietor must ensure that a sterile standard motorist's first aid kit is carried in the vehicle at all times.

9.2 Your attention is drawn to your liability if rendering first aid. The kit if carried is to enable ONLY those trained in its use to render assistance to third parties. If the need for its use should arise it should only be used by a person who holds a current recognised first aid certificate. If a passenger requested the equipment then it may be provided for self-administration by the customer in the interest of customer care. The First Aid Kit should be kept in a clean dry area of the vehicle.

10. Accidents

10.1 The proprietor must inform the Council, in writing by email or handwritten letter, within 72 hours of any accident or vehicle damage (whether fault or non-fault) that affects the safety, performance or appearance of the vehicle, or that may affect the comfort or convenience of passengers.

10.2 The vehicle must be restored to a roadworthy and original condition.

11. Luggage in Estate Cars and Multi-Purpose Vehicles

11.1 Luggage stowed in the boot should not be stacked above the height of the rear seats unless the vehicle is fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment.

12. Personal Digital Assistance (PDA)

12.1 A PDA can be used and must be approved by the Council, the proprietor of a Private Hire vehicle which has been fitted with a taximeter or PDA must ensure that equipment is maintained in a sound working condition at all times.

12.2 Only a PDA device must be used in the vehicle.

12.3 PDA in plainly legible figures and the word “FARE” shall be clearly displayed.

13. Smoking

13.1 The proprietor must ensure that the prescribed ‘no smoking’ signage required to be displayed under the relevant legislation (the Health Act 2006 and the Smoke-free (Signs) Regulations 2007 – or any subsequent enactment), is affixed to the interior of the vehicle.

13.2 E-Cigarettes and other similar must not be used within the licensed vehicle in line with the requirements of other public transport.

14. Plates

14.1 If at any time the plates become damaged or lost, the proprietor must notify the Council as soon as possible so that the Council can order replacement plates. The cost of the replacement door plates is the responsibility of the proprietor.

14.2 If at any time the plates become damaged or lost, the proprietor must ensure that the vehicle is not used for hire until the replacement door plates are affixed.

14.3 The plate number will be allocated by the Licensing Office.

14.4 The position of the licence plates is at the officers discretion.

15. Garage Inspection Report and MOT

15.1 Upon notification from the council that a garage inspection test must be carried out, the proprietor must ensure that the vehicle is submitted for a garage vehicle test and provide the garage inspection report to the Council by the date required.

15.2 Petrol and Diesel vehicle garage inspection test is required every 12 months for vehicles under 10 years old and every 6 months for vehicles more than 10 years old.

15.3 Hybrid,fully electric and Wheelchair accessible vehicle garage inspection is required every 12 months for vehicles under 15 years old and every 6 months for vehicles more than 15 years old.

15.4 The proprietor must ensure the vehicle has a current Garage Inspection Report from a MOT approved garage at all times whilst the vehicle is licensed.

15.5 If a vehicle fails its Garage Inspection Report or its Garage Inspection Report expires the vehicle cannot be used as a licensed Private Hire vehicle (irrespective of whether it still has a valid MOT Certificate) until a valid Garage Inspection Report has been issued.

15.6 If a vehicle fails the MOT and is not repaired immediately the licensing authority must be Notified.

16. Advertising

16.1 The approval of the Council must be sought and obtained before any advertising (or modifications to existing advertising) is affixed to the vehicle.

16.2 There must be no stickers, notices, advertisements, plates, marks, letters, figures, symbols, flags or emblems affixed to the vehicle without prior consent from the licensing office.

17. CCTV Installation in Private Hire Vehicles

17.1 When CCTV has been installed in the vehicle with the Council's approval, the following conditions apply to the licence:

a) The proprietor shall cause the vehicle to be fitted with a working and secure digital CCTV system (to capture both forward and rear facing colour images in high definition) and to retain such data for a period of 28 days;

b) The installation must have a viewing screen or indicator light fitted and placed within the cabin of the vehicle and checked daily to ensure it is in full working order when the vehicle is being used for hire.

c) The installed CCTV to comply with any code(s) of practice issued by the Information Commissioner, the requirements of the Data Protection Act 2018 and any technical specifications approved by the committee for the time being in Force;

d) The installation of the CCTV system must be carried out by an approved installer registered with the Council

e) The proprietor shall, within 7 days, give written notice to the Council of the installation of any CCTV system in the vehicle to include the details of the installer, make, model and serial number of the equipment.

f) The proprietor shall check the system for malfunction at least once a month and, if a repair or download is required, the vehicle may continue to be used provided any malfunction is rectified within 24 hours;

g) As far as the Council is concerned any material recorded on the equipment shall only be used as evidence in court proceedings or deterring and preventing the occurrence of crime; reducing the fear of crime; assisting the police in investigating incidents of crime; assisting insurance companies in investigating motor vehicle accidents and to confirm, rebut complaints made against the driver or to confirm functionality of the system.

h) Annually the CCTV system equipment must be checked that it is installed and working correctly in accordance with the licence renewal.

18. Disability Access

The following conditions will apply to vehicles adapted or carry wheelchairs:

18.1 Where a vehicle is designed or adapted for the carriage of passengers in a wheelchair, the following conditions shall apply:

18.2 Loading of the wheelchair must be undertaken through the side or rear of the vehicle.

18.3 Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.

18.4 Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.

18.5 If, after the licence is granted the vehicle is converted or adapted to carry wheelchairs, the proprietor must: within 7 days of the conversion/adaptation provide a Certificate from an approved converter, and notify their insurance company of the fact that the vehicle has been so adapted/converted.

18.6 A suitable restraint must be available for the occupant of a wheelchair at all times and kept in good working order.

18.7 If, after the licence is granted any equipment is fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle, this must tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Council's Licensing Office before the lifting equipment is used in respect of any passenger. A copy of the certificate should also be kept in the vehicle at all times and be presented to any Licensing Officer or police officer upon request.

18.8 There must be kept in the vehicle at all times either access ramps or a lift so assist the wheelchair into the vehicle. Any access ramps or lifts must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.

18.9 Ramps and lifts must be securely stored in the vehicle before it may move off. Any such equipment must be maintained in good working order.

18.10 The proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair-bound passengers.

18.11 There must be no alteration to the seating configuration without further approval from the Licensing Officer.

Appendix G

Private Hire Executive Plated Vehicles, Limousines & Speciality Vehicles Additional Conditions

The following are a pool of standard conditions relating to speciality vehicles. The Council may decide to attach all or any of the following standard conditions (which may be in addition to the conditions in Appendix F) to the grant of a Private Hire vehicle licence in respect of a speciality vehicle, as may be considered appropriate in any individual case.

1. Additional Conditions for Private Hire Executive Plated Vehicles, Limousines & Speciality Vehicles

1.1 An Executive vehicle or Limousine to be exempted has to be of a high quality both in terms of brand and condition.

a) Vehicles will normally be the accepted as luxury or premium brands such as Audi, Tesla, Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus.
b) The vehicle must have no visible defects, dents or blemishes to the external bodywork or internal trim.

2. Types of Vehicles

2.1 The vehicle must have one of the following:

a) A UK Single Vehicle Approval Certificate
b) A European Whole Vehicle Approval Certificate
c) UK Low Volume Type Approval Certificate Specification

2.2 If the vehicle has a UK Single Vehicle Approval Certificate, the Council will expect that the vehicle will have been modified in accordance with a program approved by the original vehicle manufacturer and have appropriate documentary proof. The licensee must produce a copy of the IVA certificate at time of licensing.

2.3 If the vehicle is imported, it must meet the following requirements:

a. Evidence of a normal individual vehicle approval (IVA)
b. MOT certificate since the vehicle arrived in the UK
c. Evidence that the notification of vehicle arrivals application has been processed
d. Evidence of a thorough vehicle inspection to ensure that the vehicle has not been involved in a collision that may not be recorded on the import declaration.
e. Import declaration

3. Vehicle and Safety Equipment

3.1 The proprietor of a vehicle shall:

a) Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, safe and clean condition.
b) Ensure the vehicle is fitted with tyres that meet both the manufacturer's size and weight specification for that vehicle.

3.2 Vehicles may be granted an exemption from the requirement under the conditions of licence for Private Hire vehicles to be right hand drive.

3.3 Vehicles with sideways facing seating may be considered for Private Hire licensing.

4. Use of Vehicle

4.1 The proprietor of a vehicle shall:

a) Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers. Ensure that in any advertisement publicising their business, the vehicle is not stated to carry any more than 8 passengers.

b) Not convey any passengers in the front compartment with the driver of a limousine or similar vehicle.

c) Not supply alcohol to passengers unless there is in force an appropriate authorisation under the Licensing Act 2003 permitting the sale or supply of the same.

4.2 If all occupants are below the age of 18, there should be no alcohol carried in the passenger compartment.

4.3 Any glassware in the vehicle must be made of either shatterproof glass or plastic.

4.4 The driver shall not play or permit the performance of any film, video or similar media where any passenger in the vehicle is below the age permitted by the age classification to view the particular film etc.

Appendix H

Private Hire Vehicle Licence Procedures

1. Application Process for New Private Hire Vehicle

1.1 The vehicle must accord with the specifications in Appendix E & G for speciality vehicles.

1.2 New Applications should be submitted by appointment or submit the application on the licensing digital portal https://www.adur-worthing.gov.uk/licensing-and-permits/taxis/licence-new-vehicle-or-renewing-existing-licence/#application

1.3 Applicants making application must provide all documents relating to the vehicle, which include:-

- Insurance for Hire and Reward
- Vehicle Registration Document (v5) or Bill of Sale
- Proof of Road Fund Tax
- MOT
- Garage inspection form
- Conditions of licence agreement (COLA) signed
- CCTV installation certificate
- Applicants must pay the appropriate fee before the licence can be issued.

1.4 Applicants must ensure that they bring the vehicle to the appointment.

1.5 A rear licence plate, rear door plates and internal licence plate will be issued and placed on and in the vehicle at the discretion of the licensing officer.

2. Application Process for Private Hire Vehicle - Licence Renewal

2.1 Applications for renewal should be submitted at minimum 10 days prior to the vehicle licence expiring. Applicants must email or telephone the licensing office to make an appointment or submit the application on the licensing digital portal https://www.adur-worthing.gov.uk/licensing-and-permits/taxis/licence-new-vehicle-or-renewing-existing-licence/#application to have their licence renewed.

2.2 Applicants making application must provide all documents relating to the vehicle, which include:-

- Insurance for Hire and Reward
- Vehicle Registration Document (v5) or Bill of Sale
- Proof of Road Fund Tax
- MOT
- Garage inspection form
- Conditions of licence agreement (COLA) signed
- CCTV installation certificate
- Applicants must pay the appropriate fee before the licence can be issued.

2.3 An internal licence plate will be issued and placed in the holder provided on the windscreen. This will clearly display the expiry date so it can be seen from the outside of the vehicle.

2.4 Applicants who fail to renew their vehicle licence on time will be required to submit a new application and will be also be required to comply with the conditions set out in Appendix D. Licence holders should note that depending on the age of the vehicle it could be deemed to be too old to re-licence.

3. Application Process for Private Hire Vehicle Licence - Transfer of vehicle

3.1 Applicants must telephone or email the licensing office to make an appointment to transfer the licence to another vehicle.

3.2 Vehicles must comply with the conditions of licence outlined in Appendix D.

3.3 Applications for a Private Hire vehicle licence transfer must be submitted on the designated form.

3.4 Applicants making application must provide all documents relating to the vehicle, which include:-

- Insurance for Hire and Reward
- Vehicle Registration Document (v5) or Bill of Sale
- Proof of Road Fund Tax
- MOT
- Garage inspection form
- Conditions of licence agreement (COLA) signed
- CCTV installation certificate
- Applicants must pay the appropriate fee before the licence can be issued.

3.5 An internal licence plate will be issued and placed in the holder provided on the windscreen. This will clearly display the expiry date so it can be seen from the outside of the vehicle.

3.6 External licence plates will be issued and fixed to the rear of the vehicle and rear doors by the Council.

3.7 A paper licence will be issued.

3.8 Applicants must bring their vehicle to the Councils' Taxi Office for an officer of the Council to:

- To fix an external plate to the rear of the vehicle
- To fix rear door plates to the vehicle
- To fix a front windscreen internal plate

4. Application Process for Private Hire Vehicle Licence - Transfer of ownership

4.1 Applicants must telephone or email the licensing office to make an appointment to transfer the licence to another person.

4.2 Vehicles must comply with the conditions of licence outlined in Appendix D above.

4.3 Applications for a vehicle licence transfer of ownership must be submitted on the designated form.

4.4 Applicants must bring all their documents relating to the vehicle which includes:-

- Insurance for Hire and Reward
- Vehicle Registration Document (v5) or Bill of Sale
- Proof of Road Fund Tax

- MOT
- Garage inspection form
- Conditions of licence agreement (COLA) signed
- CCTV installation certificate
- Applicants must pay the appropriate fee before the licence can be issued.
- A signed transfer form from the existing licence holder authorising the transfer of the licence
- The Council will determine whether a replacement plate is required.

Appendix I

Hackney Carriage & Private Hire Driver Licence Procedures

1. Basic Principles

1.1 In determining an application for a Hackney Carriage or Private Hire Driver Licence applicants are required to declare all convictions / cautions / offences. The Council as Licensing Authority is entitled to consider all convictions whether or not they may be considered "spent" for other purposes.

1.2 A Worthing Borough Council Hackney Carriage or Private Hire Driver (PHD) must:

a) drive a vehicle licensed by this Authority
b) have the required insurance

1.3 Worthing licensed Private Hire Drivers (PHD) must drive on a circuit for a Worthing Borough Council licensed 'Operator', whilst on this circuit, all 'hire and/or reward' passengers must be pre- booked through the 'operator'. A PHD may not use or park a vehicle on or near (plying for hire) any appointed 'taxi' rank. A PHD may not drop-off or pick-up any passenger on or near an appointed 'taxi' rank and may not be 'hailed' in the street.

1.4 Following the grant of a licence, any breach of condition or action(s) contrary to the relevant legislation, any criminal or motoring record will be given due consideration by the Council and may result in the suspension, revocation or refusal to renew any such licence.

1.5 All applicants for the grant of a driver's licence must satisfy the criteria set out below.

2. Driving History

2.1 Applicants must have held or be in possession of a full UK or EU driving licence for at least 12 months and present the same for inspection at the time of application. If the licence consists of a photo card and counterpart, both parts must be provided.

2.2 The local authority must ensure that your licence is valid. To share your driving licence information, you will need to provide a DVLA Licence 'check code'. You can get a licence check code at www.gov.uk/check-driving-information to share your driving licence information you will need:

- Your driving licence number
- Your National Insurance Number
- The postcode on your driving licence

2.3 If a licence driver has their DVLA licence revoked or is disqualified for any reason, the Council may automatically revoke their Private Hire or Hackney Carriage Driver's Licence.

3. Medical Certificate

3.1 A medical must be carried out on the Council's prescribed form by the applicant's own GP or the council's authorised medical practitioner. The medical test will be carried out to PSV DVLA Group 2 specification. This medical must be completed to the satisfaction of the Council before a licence can be issued. The Council will accept a medical certificate produced on the Council's prescribed form from the applicant's GP or approved external GP provider. No other form of certificate will be accepted. The Medical Form will be provided at time of application. A medical is required on initial application. Further medicals are required every 5 years from the age 45. Then annually after age 65.

3.2 No driver of a hackney carriage or private hire vehicle may refuse to carry an assistance dog provided it is accompanied by a fare paying passenger, unless the driver has undergone allergy testing and can produce a medical certificate signed by a registered medical practitioner to the effect that the driver has an allergy to dogs as produced to the Council and an exemption certificate issued. No charge shall be made for the carriage of any assistance dog as defined in the Equality Act 2010.

4. DBS

4.1 You will be required to apply for an enhanced DBS check as part of your application with the council's provider.

4.2 The DBS disclosure will be posted to your home address, this is an official document that you should store safely.

5. Photographs

5.1 Two recent original passport sized photographs are required with the application and no copies will be accepted.

6. Driving Standards Test(s)

6.1 Hackney Carriage & Private Hire Driver applicants will be required to pass the Taxi/ Private Hire Driver Assessment Test by one of our approved providers.

6.2 The assessment report and certificated proof must be provided before the issue of the licence.

7. English Assessment

7.1 The cost of the English assessment is charged to the applicant by the council's approved provider.

7.2 Applicants must pass an English test with our provider or applicants can also pass by providing proof of a Grade C or higher in a GCSE English Language exam or an English language qualification like CEFR Level B.

8. Knowledge Test

8.1 All applicants are required to pass the Council's knowledge test which in addition to local geography and taxi regulations will require an applicant to demonstrate customer service, road signs and competency in Numeracy.

8.2 Hackney Carriage Geographical Knowledge Test

The test consists of 75 questions. An applicant must achieve 90% correct answers in the road section and 60% in all other sections in order to pass. The test is advanced and requires an excellent knowledge of Worthing streets, roads, closes, courts, terraces, walks, on places of interest this will include major buildings, pubs, hotels, public buildings, conditions of licence, Highway code, Road signs, Disability awareness, Safeguarding, and Numeracy.

Applicants for Hackney Carriage driver licences will need to pass a route test that involves correctly naming all the roads taken on the shortest route between 2 points within the Borough. A pass mark of 8 out of 10 on the routes test is required.

8.3 Private Hire Knowledge Test

This test consists of 35 questions. An applicant must achieve 60% correct answers in each section in order to pass. The test is advanced and requires an excellent knowledge of Worthing, on places of interest this will include major buildings, pubs, hotels, public buildings, conditions of licence, Highway code, Road signs, Disability awareness, Safeguarding and Numeracy.

9. Safeguarding and Disability Awareness Training

9.1 You are required to complete a Taxi Safeguarding course every 3 years. This is an online classroom course with our approved external training provider. There is a separate charge for this course paid directly to the training provider. The original pass certificate must be seen by the licensing office.

9.2 You are required to complete and pass disability awareness training every 3 years. This is an online classroom course with our approved external training provider. There is a separate charge for this course paid directly to the training provider. The original pass certificate must be seen by the licensing office.

10. Offences

10.1 Where the licence holder is arrested and or bailed they must notify the Council's Licensing Office of this fact in writing, by email or handwritten letter. The licence holder must ensure that the notification is delivered to the Council by the next day.

10.2 Where the licence holder is issued with a fixed penalty by a police officer for a driving related offence, they must notify the Council's Licensing Office of this fact in writing by email or handwritten letter. The licence holder must ensure that the notification is delivered to the Council within 3 days.

11. Knowledge Test - General Information

11.1 The knowledge test cannot be booked until all documentation has been checked and verified.

11.2 No mechanical/electrical devices or other means of assistance will be allowed into the test.

11.3 Applicants are required to provide photographic identification on the day of the test. (e.g. passport or photographic DVLA licence). If an applicant fails to bring a photographic ID their test will be cancelled.

11.4 The cost for the first knowledge test is included in the initial fee; subsequent tests are charged for. Tests cancelled because of failure to provide the required ID on the day are charged for.

11.5 The cost of the Safeguarding and Disability Awareness Training is charged by the council's approved provider to the applicant.

11.6 The cost of the English assessment is charged to the applicant by the councils approved provider.

11.7 Tests are conducted and controlled by Officers of the Council at the Licensing Office or at a training site. The applicant will be informed of the results from the computer test immediately but the Licensing Office has up to 10 days to inform an applicant of the route test. Providing all other criteria have been met and there are no outstanding issues, an appointment may be made to arrange the issue of the Licence applied for.

12. Proof of Identity

12.1 Applicants must submit at least 1 form of identification, one of which must be photo identification. The following documents may also help to support proof of identity; however, they will not be accepted as an alternative to adequate photographic identification (Please note only original documents/certified copies will be accepted).

- Driving Licence
- Passport
- Birth Certificate

12.2 Please ensure that the name, date of birth and address corresponds on all forms of identification provided. If names are not identical on each document the application will not be accepted until all the documents show the same name.

12.3 Applicants must provide printed proof of their National Insurance Number. E.g. Wage slip or P60.

13. Fees and Charges

13.1 The cost of the Council's Hackney Carriage & Private Hire licence fees and charges can be obtained from the licensing office or on the Councils website https://www.adur-worthing.gov.uk/licensing-and-permits/taxis/taxi-licensing-hackney-carriage-and-private-hire/

14. Border and Immigration

14.1 Applicants must satisfy Border & Immigration that the conditions of the applicant's passport and residency permission are compatible with the licence applied for.

14.2 Applicants are advised that it is the Council's policy to consult with Border & Immigration if it deems necessary, to ensure that the applicant's rights of residency are compatible with the licence applied for.

14.3 You must provide a right to work share code to prove your right to work in the UK if you're not a British or Irish citizen from: https://www.gov.uk/prove-right-to-work/get-a-share-code-online

14.4 At the current time, applicants who reside in the UK on the strength of a Student Visa cannot work on a self- employed basis. They must provide written confirmation that they intend to be employed and plan to work no more than 20 hours per week. They will also be required to provide details in writing of the Private Hire Operator intending to act as their employer, who will be required to complete the appropriate form. Copies of both forms are then forwarded to HM Revenue & Customs or any other organisations that the Council deems relevant.

15. Tax Conditionality

15.1 Applicants must confirm they are aware of their tax responsibilities if they are applying for a licence:

- For the first time
- If they already hold a licence but this has not been valid for a year or more

15.2 Applicants should provide a tax check code from https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence If they:

- Already have a licence of the same type that is still valid
- Have a licence of the same type that stopped being valid less than a year ago

16. General Guidance

16.1 Upon completion of an application for either a Hackney Carriage or Private Hire drivers licence the Licensing staff will check through the application to ensure that it has been completed correctly and in full. If the applicant does not complete the application fully then it will not be processed and the application will be returned, however the application fee is non-refundable.

16.2 When issued, the Enhanced DBS disclosure will detail all known offences to the Licensing Authority, any disclosed information may be used by the Council to determine whether an applicant is a 'fit and proper' person to be issued a Private Hire or Hackney Carriage driving licence.

16.3 The Council will give due consideration to the merits of each individual case and if further investigation is required, the 'disclosure form' certificate may be retained on the applicant's file until the outcome of the case or for a maximum period of 6 months. All files are kept in a secure area and are only available to the appropriate staff.

16.4 If the DBS or DVLA checks reveal relevant cautions, convictions, fixed penalties, or Border & Immigration have concerns, the Licensing Officer may contact the applicant to arrange for an interview. The interview will allow the Council to discuss the full circumstances concerning the incidents revealed. The applicant will then be offered the opportunity to put all explanations of such cautions, convictions or incidents in writing, to support the application. After the interview has been completed, a report will be submitted for the consideration of the Head of Service or it may be referred to the Licensing Committee for consideration at hearing. The applicant will be notified in writing of the Council's decision.

16.5 The Licence will be issued subject to the laws governing the licence and Council's own standard conditions. A copy of these conditions is included in the application pack and will be supplied on the grant of any licence issued.

16.6 Hackney Carriage and Private Hire driver licences will be granted for 3 years. However, the Council may licence for a shorter period, should this be appropriate in special circumstances.

16.7 Applicants are also required to advise the Council's Licensing Section of any change(s) to their circumstances i.e. medical condition, criminal incidents, driving licence, address etc., from the time the application is submitted, to the time of issue and during the period the licence is granted.

Appendix J

Private Hire Driver Conditions of Licence

1. A licensed driver shall behave in a civil and orderly manner and shall take reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the licensed vehicle.

2. The driver of a vehicle is always legally responsible for its condition while in use and should undertake a walkaround check before a vehicle is used. Where more than one driver will use the vehicle during the day's running, the driver taking charge of a vehicle should make sure it is roadworthy and safe to drive by carrying out their own walkaround check. The vehicle checklist shall be retained as proof that they have undertaken the required vehicle check for 6 months.
   The checklist can be found at the end of this handbook on page 76.

3. The driver shall be clean and tidy in appearance at all times and dressed appropriately so as not to cause offence eg, no football shirts/political attire. Suitable footwear for driving must be worn.

4. A licensed driver who has agreed to be in attendance at a certain time at a specified place or whose operator has informed them they must be in attendance at a certain time at a specified place shall, unless delayed or prevented by unpreventable circumstances, punctually attend with a licensed vehicle at the appointed time and place.

5. A licensed driver must:
   - carry in the vehicle any luggage which a passenger requests be carried in the vehicle provided that it can be properly secured with the luggage retrains fitted to the vehicle;
   - provide reasonable assistance in loading and unloading such luggage;
   - provide reasonable assistance in removing it to or from the entrance of any building, station or place at which they may take up or set down a passenger.
   - provide reasonable assistance to any passenger in alighting or entering the vehicle.

6. The licensed driver of a vehicle equipped with a taxi meter or PDA shall set the device into operation at the point at which the hirer commences their journey unless the hirer expresses at the time of hiring their desire to engage by time.

7. The licence holder shall at all times when acting as a Private Hire driver wear the badge issued by the Council around their neck on the lanyard or clip supplied by the Council.

8. Where any property is left in the vehicle by a passenger the licence holder must, in all cases, take reasonable steps to trace the owner and should report all unclaimed lost property on line to Sussex Police within 48 hours at:
   https://www.sussex.police.uk/ro/report/lp/lost-or-found-property/

9. The licence holder must not allow a passenger into their vehicle unless they have first confirmed that there is a booking in place for that passenger made by their operator.

10. Where the licence holder is arrested and or bailed they must notify the Council's Licensing Office of this fact in writing by email or handwritten letter. The licence holder must ensure that the notification is delivered to the Council by the next day.

11. Where the licence holder is issued with a fixed penalty by a police officer for a driving related offence, they must notify the Council's Licensing Office of this fact in writing by email or handwritten letter. The licence holder must ensure that the notification is delivered to the Council by the next day.

12. The driver must immediately and in any case within 3 days disclose to the Council in writing by email or handwritten letter, details of any reported motoring offence, motoring conviction or fixed penalty imposed upon them during the period of their hackney carriage or private hire driver's licence.

13. The licence holder must notify the Council, in writing by email or handwritten letter, of any change to the licence holder's personal details including home address, contact telephone number or email address within 7 days.

14. The licence holder must notify the Council, in writing by email or handwritten letter, if they are charged with any criminal offence including any motoring offence within 3 days of being notified of the offence.

15. The licence holder must notify the Council, in writing by email or handwritten letter, of any convictions or police cautions given for any criminal offence, including any motoring offence within 3 days.

16. The licence holder must notify the Council, in writing by email or handwritten letter, if they change from one Private Hire operator to another or have multiple operators within 7 days.

17. A licensed driver shall not at any time permit the noise from any radio or sound system in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle. The licensed driver must turn off their radio/stereo if requested by a passenger.

18. A licensed driver shall not between the hours of 23:30 and 07:00 sound their horn to notify the hirer of their presence.

19. A licensed driver shall not, without the consent of the hirer, convey any other person in the vehicle other than the hirer.

20. A licensed driver shall, if requested by the hirer, provide them with a written receipt for the fare paid.

21. A licensed driver must supply on request their badge number or plate number to any person who requires it.

22. Any occupied wheelchair being transported in a wheelchair accessible vehicle must be safely secured using the restraint system carried in the vehicle, provided such system is compatible with the wheelchair being transported.

23. A licence holder stopped by a Police or Licensing Officer, must be able to produce their licence on demand.

Appendix K

Private Hire Operator's Licence Conditions

1. Provision and Furnishings of Private Hire Vehicles

1.2 Should it come to the operator's attention that a vehicle on their circuit is not in a clean and tidy condition, they shall notify the proprietor and/or the driver and ensure that no jobs are given to the driver of that vehicle until the operator is satisfied that the vehicle is in a clean and tidy state.

2. Display of Licence Plates, Signs and Advertising

2.1 The operator shall ensure that the rear licence plate issued and allocated by the Council is affixed to the outside of the vehicle, on or adjacent to the rear bumper, or in such other position as may be approved by the Licensing Officer.

2.2 The operator shall ensure that the licence plates issued are affixed to the rear doors (by the handle) outside of the vehicle.

2.2 The operator shall ensure maintenance of such licence plates remain in a clean and legible condition and shall inform the Council immediately should it be lost or broken or become defaced.

2.3 The operator will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.

3. Records

3.1 The operator shall keep a permanent record of every booking of a Private Hire vehicle invited and accepted by them, whether direct from the hirer or by undertaking the bookings at the request of another operator. The records shall be made available for inspection by a Council Officer or Police officer upon request. The records shall be made available for inspection by a Council Officer or Police officer upon request. The record entries must be made before the commencement of each journey and shall include:

- The name of the passenger
- Name and contact details of the hirer
- The time of the booking
- Time and date of the pickup point
- Details of the destination
- Identify a passenger's accessibility needs prior to taking a booking, to ensure an appropriate vehicle is provided.
- The name of the driver
- The driver's licence number
- The vehicle registration number of the vehicle
- The name of any individual that responded to the booking request
- The name of any individual that dispatched the vehicle.
- Name of the driver allocated for the journey
- Drivers call sign (1-2 vehicle operators are exempt)
    -

3.2 All records kept by the operator pursuant to Condition 3.1 above shall be preserved for a period of at least 12 months from the date of the journey.

3.3 The operator shall keep written records of the particulars of all Private Hire vehicles operated by them and shall include a copy of the licensed driver's Private Hire licence, details of the proprietor of each vehicle, the registration number of each vehicle and driver/s of each vehicle together with any radio call sign used.

3.4 The operator shall ensure that each driver is allocated their own unique call sign except in the case of an operator licence issued for 1-2 vehicles.

3.5 The Operator will securely retain a copy of the licences of all drivers (whether Private Hire or Hackney Carriage) engaged to work for them and make them available for inspection by a Council officer or Police officer upon request.

3.6 The operator must ensure that every driver that works on their circuit holds a current Private Hire driver's licence at all times the driver is undertaking work on the circuit.

3.7 During all times that a vehicle is being operated by the licence holder under this licence, the licence holder must ensure that the vehicle has:

- Valid certificate of insurance for the vehicle to be used for hire and reward for those vehicles licensed as Private Hire vehicles or a valid public hire insurance policy for those vehicles with a Hackney Carriage vehicle licence.
- Valid Garage Certificate
- Valid MOT certificate.
- Valid Private Hire vehicle Licence or Hackney Carriage proprietor licence.
- The driver has a Private Hire or Hackney Carriage driver licence to drive the licensed vehicle.
- Valid road fund licence

The operator is required to keep a record of all the above and allow a Council officer or Police officer to inspect them upon request.

3.8 If any documents (as above in condition number 3.7) expire the operator must ensure the driver does not work on the circuit until valid documents have been submitted to the operator.

3.9 The operator must provide a register of staff taking bookings and dispatching vehicles monthly to the Council.

3.10 All staff taking bookings and dispatching vehicles must be DBS checked every 12 months.

3.11 The operator must supply a copy of their policy on employing ex-offenders.

3.12 The operator websites and digital booking apps comply with the WCAG 2.1 accessibility standard to Level AA and with the principles of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 as a minimum for digital content.

3.13 Use of passenger carrying vehicles (PCV) licensed drivers PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be

permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

3.14 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats are required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licensed driver will be used who is subject to different checks and not required to have an enhanced DBS check.

4. Conduct of Operator

4.1 The licence holder must not accept a booking by any person to hire a Private Hire vehicle unless the passenger or someone on their behalf previously requested the hiring by telephone, letter, email, text or personal call to the office or business premises of the licence holder.

4.2 The licence holder must not accept a request for hire (a booking) which has been communicated to them via a driver operating a Private Hire vehicle. To be clear: the licence holder must not accept a booking from a potential passenger made on that person's behalf by a driver in circumstances where the person approached the driver in the street seeking to hire the vehicle.

4.3 The operator must ensure that none of the office staff or agents touts for business on the street whether or not this is nearby the operator's offices. In this context, 'tout for business' means approaching any person on the street and asking if they want to book a vehicle where that person has not approached the operator's staff first.

5. Employees

5.1 The licensee and all staff in customer facing roles and people managing service delivery should be trained in disability awareness, or have their knowledge and skills assessed, and be encouraged through targeted and general communications to uphold the highest standards of customer service. Training or assessment should include but not be limited to:

- the features of an inclusive, high quality service
- appropriate attitudes, behaviours and skills
- assistance that can be provided to all passengers
- the protected characteristics, and related Equality Act 2010 duties
- understanding the different barriers that disabled people face when using private hire vehicles, and how they might be identified
- the role of private hire vehicles in enabling disabled people to be independent and the role of operators in facilitating this
- how to communicate with people with different communication needs
- how to assist people with a range of visible and less visible impairments
- the identification and role of assistance dogs
- legal obligations towards disabled passengers and the consequences of not complying with them
- an assessment of the trainee's knowledge and skills

6. Complaints

6.1 The operator shall notify the Council in writing of any complaints concerning a contract for hire arising from their business that they feels prudent to do so, for example for their own protection against frivolous or vexatious complaints. Such notification must include the action taken, or proposed, as a result of the complaint.

7. Miscellaneous

7.1 The operator may only operate from an address within the Borough of Worthing.

7.2 The Private Hire operator licence holder must notify the Council, in writing by email or handwritten letter, at least 7 days of any changes.

7.3 Any change to an operating address will require a new application.

7..4 A Private Hire operator licence cannot be transferred to a new licence holder. A new application would need to be submitted by the new licence holder.

7.5 The licence holder may only trade under this licence using one of the following names:

(a) their own name, or

(b) the trading name or one of the names which the licence holder included on the licence application form; or

(c) another trading name provided that the operator notifies the Council at least 7 days prior to the intended change to name under which the operator intends to trade.

7.6 This licence must be kept in the possession of the operator and must be produced when requested by a Council officer or any police officer.

7.7 In the event of loss or damage to this licence the Council's Licensing Office must be informed immediately so that a replacement licence can be issued at the cost to the licence holder.

7.8 This licence must not be altered or defaced in any way.

7.9 The operator must not refuse a booking because the person wishing to make the booking proposes when an assistance dog is to travel in the vehicle with them. The operator must not make an additional charge for the carriage of a passenger's assistance dog.

7.10 The operator must not operate more vehicles than the total number of vehicles specified in their licence.

7.11 Upon the grant of an operator's licence, the Council will specify the address from which the operator may operate. This will be the registered premises where the records are kept and where bookings are accepted.

7.12 Where the licence holder is a person, they must notify the Council in writing by email or handwritten letter if any of the following occur, and must do so within 7 days of the event occurring

- Any change to the licence holder's personal details including home address (or where the licence holder is a company, the registered address), contact telephone number or email address.
- If the licence holder is charged with any criminal offence including any motoring offence.

- Licence holders are required to notify the licensing authority within 3 days of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

7.13 Where the licence holder is a company, a director or the secretary, they must notify the Council in writing by email or handwritten letter if any of the following occur, and must do so within 7 days of the event occurring

- Any change to the licence holder's personal details including the registered address, contact telephone number or email address.
- If the licence holder is charged with any criminal offence.
- If any director or the company secretary is charged with any criminal offence or motoring offence.
- If any director or the company secretary is convicted or given a police caution for any criminal offence or motoring offence.
- Licence holders are required to notify the licensing authority within 3 days of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
- The details, including full name, home address and telephone contact number, of any director or company secretary appointed after the licence was granted.

8. Conditionality Tax check

8.1 Applicants must confirm they are aware of their tax responsibilities if they are applying for a private hire operator licence:

- For the first time
- If they have already held a private hire operator licence but it has not been valid for a year or more

Applicants should provide a tax check code from
https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence
If they

- already have a licence of the same type that is still valid
- have a licence of the same type that stopped being valid less than a year ago

If the applicant cannot provide a tax code then the application is not complete and the licence will not be issued.

Appendix L

Enforcement

In most cases where there are reasons to believe that enforcement action against a licence holder may be required the procedure to be followed is that set out in the Council's Environmental Health & Licensing Enforcement Policy (available on the Council's website at www.adur-worthing.gov.uk), in particular the procedure relating to enforcement reviews. The following should therefore be read in conjunction with, and is in addition to, the Council's General Enforcement Policy.

The duty to report any of the below matters applies to New applicants and those with an existing Private Hire & Hackney Carriage Drivers, Vehicle and Private Hire Operators Licence(s).

The Council has considered the Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. Department for Transport's 2023 Best Practice Guidance and in particular notes that in Section 5 councils are encouraged to have a clear policy for the consideration of criminal records.

Set out below are the factors, both in relation to criminal activity, other types of unacceptable behaviour and factors of concern, which will be considered when the delegated officer is considering whether or not they are satisfied that a person is a fit and proper person to hold a licence.

1. General matters

1.1 Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a licensing authority is made aware of a conviction, the period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

1.2 It is an offence to obstruct or not give assistance or information to any such Officer or Police Constable in relation to the performance of their duties for the purpose of the licensing of Private Hire or Hackney Carriages.

2. Relevance of convictions

2.1 A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 10 years, according to the circumstances, before an application will be entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the Council's overriding consideration should be the protection of the public.

2.2 Remaining free from convictions will not generally be regarded as sufficient evidence that a person is a 'fit and proper' person to hold a licence. The Council does not confine itself to convictions but also takes into account non-convictions. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public. The following

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

3. Dishonesty

3.1 It is essential for the public to have trust in Hackney Carriage and Private Hire drivers. The practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. However, there is scope for a dishonest driver to defraud a passenger by demanding more than the legal or agreed fare or by taking a longer route to a destination. Visitors are particularly at risk from an unscrupulous driver. For this reason, the Council will take a serious view of any offences involving dishonesty. The Council will generally not consider an application until a period of at least 7 years free from convictions has elapsed. More than one conviction for this type of offence within the last 5 years will raise serious doubts about the applicant's fitness to hold a licence. In such cases, the Council may reject the application.

3.2 In the case of a licensed driver convicted of an offence involving dishonesty, the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 7 years free from convictions of this type has elapsed.

3.3 Offences of dishonesty include:

- Theft
- Burglary
- Fraud including benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

4. Violence

4.1 The Council will take a serious view of any applicant convicted of an offence involving violence.

4.2 **Crimes resulting in death**

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

4.3 **Exploitation**

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 abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.
In the case of a licensed driver convicted of any of the above offences, unless there are exceptional circumstances, the Council will normally revoke the licence immediately.

4.4 **Offences involving violence against the person**

Where an applicant has a conviction for an offence of violence against the person, 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.

4.5 **Possession of a weapon**

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.

4.6 **Sexual offences**

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

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the sex offenders register or on any barred list.

5. Drugs

5.1 The Council will take a serious view of convictions for drug related offences.

a) 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.

b) 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 may also have to undergo drug testing for a period at their own expense to demonstrate that they are not using controlled drugs.

6. Motoring convictions

6.1 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

6.2 Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

7. Drink driving/driving under the influence of drugs

7.1 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 the case of driving under the influence of drugs, any applicant may also have to undergo drug testing at their own expense to demonstrate that they are not using controlled drugs.

8. Using a hand-held device whilst driving

8.1 Where an applicant has a conviction for using a held-hand mobile telephone or hand-held 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.

9. Major traffic offences

9.1 If an applicant has live endorsements or has been disqualified from driving in respect of one or more major traffic offences, for example reckless driving or driving without due care and attention etc., then the application will normally be refused until at least 5 years after the most recent such conviction.

10. Minor traffic offences

10.1 Convictions for minor traffic offences, for example obstruction, waiting in a restricted street, etc., will not necessarily prevent a person from being considered for a licence. If a new applicant has 6 live penalty points on their driving licence for such offences then the application may be granted subject to a strong written warning. If an applicant has more than 6 penalty points on their licence then the application will normally be refused and no further application will normally be considered until a period of at least 12 months free from convictions of this type has elapsed.

10.2 In the case of a licensed driver accumulating nine or more penalty points the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 12 months free from convictions of this type has elapsed.

11. Discrimination

11.1 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.

12. Offences by licensed drivers, proprietors or operators

12.1 Where a licensed driver is convicted of more than one offence for alcohol-related offence this will raise doubts about the person's fitness to hold a licence. In such cases, the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, the Council may require a medical examination to be undertaken and a report submitted to the Council to consider as part of a future re-application process.

12.2 Any conviction resulting from an offence committed by any person whilst working as a Hackney Carriage or Private Hire driver or operator, or when driving a Hackney Carriage or Private Hire vehicle even if not working as a professional driver, is regarded as extremely serious and may lead to a licence being suspended or revoked or an application to renew the licence being refused.

12.3 The Council also regards as extremely serious offences by licensed drivers and operators who commit licensing-related offences, especially the offence of illegally plying for hire, and may lead to a licence being suspended or revoked or an application to renew the licence being refused. Licensing-related offences in this context include any offences contrary to the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 or any breach of licence conditions or byelaws made under the relevant legislation, but especially the offence of illegally plying for hire.

12.4 More than one conviction for the above would almost certainly lead to the Council revoking the licence.

13. Cautions and Endorsable Fixed Penalties

13.1 For the purpose of these guidelines simple cautions and endorsable fixed penalty notices will be taken into consideration when deciding an applicant is fit and proper.

Appendix M

Penalty Points Scheme

1. The Scheme

1.1 Any breach of legislation or the requirements of this Licensing handbook will be fully considered by authorised officers when determining the use of the penalty point system. Where it is decided that the penalty point system is appropriate, the points will be issued in accordance to this appendix. If this appendix allows a range of points for the particular incident, the authorised officer will determine the appropriate number of points proportionate to the offence.

1.2 Before penalty points are issued, there must be sufficient evidence to prove, on the balance of probabilities, the offence or breach of licensing requirements. The licence holder will be given the opportunity to provide any mitigating circumstances to be considered. The issuing of penalty points is not a formal sanction in its own right; it is merely an open and transparent method of how a driver will be assessed in terms of the 'fit and proper person' test. The points system is predominantly an internal management tool for ensuring that licence holders who repeatedly contravene regulations and/or this Policy are assessed.

1.3 Points issued will be confirmed in writing within ten working days from the discovery of the contravention or the conclusion of an investigation into a complaint.

1.4 The maximum number of points that can be imposed in respect of any particular matter is 10 but it is possible for one incident or inspection to result in more than one set of points being issued.

1.5 If a licence holder accumulates 10 points or more within a rolling period of 12 months then their licence will be subject to a review by the Licensing Committee.

1.6 The penalty point system will operate without prejudice to the Council's ability to take other action under appropriate legislation.

1.7 There is no right of appeal against the award of penalty points by an Authorised Officer of the Council as this is not a formal sanction in its own right. As stated in paragraph 1.2 above, the licence holder's penalty offences will be considered in light of any mitigating circumstances that the licence holder wishes to offer.

1.8 The following tables list the breaches of legislation, bye laws and conditions of licence that attract penalty points.

Reference to HC is Hackney Carriage and PH is Private Hire.

Private Hire

A	Offences under the Local Government (Miscellaneous Provisions) Act 1976	Points
1	Vehicle not displaying plates. (Sec.48(6)(a)	5
2	Failure to notify vehicle transfer. (Sec.49(1)	5
3	Failure to present vehicle for inspection. (Sec.50(1)	5
4	Failure to inform Authority where the vehicle is stored. (Sec.50(2)	5
5	Failure to report an accident.(Sec.50(3)	5
6	Failure to produce a vehicle licence and insurance certificate.(Sec50(4)	5
7	Failure to wear driver badge.(Sec.54(2)	5
8	Failure by Operator to keep records of bookings.(Sec.56(2)	5
9	Failure by Operator to keep records of vehicles.(Sec.56(3)	5
10	Failure to produce a PH Operators licence.(Sec56(4)	5
11	Making false statement or withholding information to obtain a licence.(Sec.57(2)	5
12	Failure to return vehicle plate after notice given.(Sec.58(2)	5
13	Failure to surrender driver licence after suspension.(Sec.61(2)	5
14	Charging more than the meter fare when HC used as a PH.(Sec.67)	5
15	Unnecessarily prolonging a journey.(Sec.69)	5
16	Obstruction of an authorised officer or constable.(Sec.73(1)(a)	5
17	Failure to comply with requirement of an authorised officer or constable.(Sec73(1)(b)	5
18	Failure to give information or assistance to an authorised officer or constable.(Sec.73(1)(c)	5
B	**Offences under the Transport Act 1980**	**Points**
Section		
64 (2) (a)	Driving a vehicle with a sign above its roof which consists or includes the word 'taxi' or 'cab' whether alone or part of another word	5
64 (2) (b)	Causes or permits a vehicle to have a sign above its roof which consists or includes the word 'taxi' or 'cab' whether alone or part of another word.	5

C	Conditions of licence	
1	All breaches of licence conditions	**5**

Hackney Carriage

A	Offences under the Local Government (Miscellaneous Provisions) Act 1976	Points
1	Failure to notify vehicle transfer (Sec.49(1)	**5**
2	Failure to present vehicle for inspection. (Sec.50(1)	**5**
3	Failure to inform Authority where the vehicle is stored. (Sec.50(2)	**5**
4	Failure to report an accident.(Sec.50(3)	**5**
5	Failure to produce a vehicle licence and insurance certificate.(Sec50(4)	**5**
6	Failure to produce HC driver licence.(Sec.53(3)	**5**
7	Making false statement or withholding information to obtain a licence.(Sec.57(2)	**5**
8	Failure to return vehicle plate after notice given.(Sec.58(2)	**5**
9	Failure to surrender driver licence after suspension.(Sec.61(2)	**5**
10	Charging more than the fare shown on the meter for a journey ending outside the district without prior agreement	**5**
11	Charging more than the meter fare when HC used as a PH.(Sec.67)	**5**
12	Unnecessarily prolonging a journey.(Sec.69)	**5**
13	Obstruction of an authorised officer or constable.(Sec.73(1)(a)	**5**
14	Failure to comply with requirement of an authorised officer or constable.(Sec73(1)(b)	**5**
15	Failure to give information or assistance to an authorised officer or constable.(Sec.73(1)(c)	**5**

B	Offences under the town Police Clauses Act 1847	
Section	**Offence**	**Points**
48	Failure by HC Proprietor to hold a copy of HC driver licences of persons who use the vehicle	**5**
59	Carrying other person than the hirer without consent	**5**

C	**Offences under the Byelaws**	
1	All breaches of hackney carriage byelaws	**5**
D	**Conditions of Licence**	
1	All breaches of licence conditions	**5**
	Equalities Act 2010	
Section	**Offence**	**Points**
168	Refusal to carry a guide, hearing, or other assistance dog in a hackney carriage without a valid certificate of exemption	**10**
168	Charging an additional cost for the carrying of an assistance dog in a hackney carriage	**10**
170	Refusal to carry a guide, hearing, or other assistance dog in a private hire vehicle without a valid certificate of exemption	**10**
170	Charging an additional cost for the carrying of an assistance dog in a private hire vehicle	**10**
	Hackney Carriage and Private Hire Licensing Policy	
Breach of policy requirement		**Points**
Failure to provide the vehicle safety checklist		**5**
Failure to maintain vehicle to roadworthy standard		**10**
Failure to maintain the vehicle		**5**
Failure to wear a driver's badge		**5**
Failure to ensure the safety of passengers		**5**
Concealing or defacing a vehicle Licence Plate		**5**
Failure to attend on time for a pre-arranged booking without reasonable cause		**5**
Conveying a greater number of passengers than permitted		**5**
Failure to give reasonable assistance with passenger's luggage		**5**
Private hire vehicle soliciting for hire or accepting a fare that is not pre-booked		**5**
Operating a vehicle that is not clean and tidy		**5**
Driving without the consent of the proprietor		**5**
Drinking or eating in the vehicle whilst carrying passengers		**5**
Smoking in a licensed vehicle at any time		**5**
Cause excessive noise from any radio or sound-reproducing equipment		**5**

Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand	**5**
Failure to advise of a relevant medical condition	**5**
Failure to provide a receipt for a fare when requested	**5**
Failure to operate the meter from the commencement of the journey and/or charging more than the fixed charge for hire of hackney carriages	**5**
Failure to notify the Council of any amendment to the details of a licence within fourteen days	**5**
Failure to surrender a driver's licence, badge or plate upon request	**5**
Failure of a licence holder to disclose pending prosecution or convictions within seven days of notification	**5**
Failure to switch the CCTV on whilst working (If the first offence is serious the licence should be immediately referred to the Licensing & Control committee for a Review)	**5**
Breach of policy requirement	**Points**
Failure to trace the owner of lost property or report to the Police	**5**
Failure to report an accident within seventy two hours	**5**
Failure to comply with the requirements for the safe carrying of a Wheelchair	**5**
Operating a vehicle which is not maintained in a sound and roadworthy condition	**5**
Failure to carry an approved first aid kit	**5**
Operating a vehicle which is not maintained in a clean and/or safe condition internally or externally	**5**
Modifying a vehicle without the consent of the Council	**5**
Displaying a sign or advertisement on a licensed vehicle contrary to the Policy requirements or has not been approved by the Council	**5**
Driving with no insurance or inadequate insurance for the vehicle	**10**
Failure of a private hire operator to ensure that all vehicles operated by the operator are adequately insured	**5**
Any other contravention of the Policy not covered above	**5**

Vehicle condition checklist

The driver of a vehicle is always legally responsible for its condition while in use. Licensing authorities should require drivers to conduct a walkaround check as part of a driver's core role. Drivers can be fined up to £2,500, be banned from driving and get three penalty points for driving a vehicle in a dangerous condition. Annex 6 of the Highway Code provides information and rules about vehicle maintenance.

A driver should undertake a walkaround check before a vehicle is used. Where more than one driver will use the vehicle during the day's running, the driver taking charge of a vehicle should make sure it is roadworthy and safe to drive by carrying out their own walkaround check.

Drivers shall retain the completed vehicle checklists for 6 months as proof that they have undertaken the required vehicle check. **Drivers should be made aware that they may be subject to sanctions if they are unable to produce this or it is clear that while the form has been completed, the check has not. Further sanctions may result against them, as well as vehicle proprietors, if they are found using a defective vehicle, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over several days.**

Completed by_____ at ____:____ hours on _____/_____/_____

Vehicle Registration Mark: _____ and Plate Number: _____

Driver Badge Number: _____Today's Vehicle Mileage: _____

Area	Requirement	Faulty	Correct
Brakes	Foot/service brake works correctly and does not have any excess travel		
Brakes	Hand/parking brake works correctly and does not have any excessive travel		
Horn and steering	Horn control is easily accessible from driver's seat		
Horn and steering	Horn works when its control is operated		
Horn and steering	Steering has no excessive play		
Obligatory lights and lenses	All lights and indicators work correctly		
Obligatory lights and lenses	All lenses are present, clean, in good condition and are the correct colour		
Obligatory lights and lenses	Stop lamps come on when the service brake is applied and go out when released		

Area	Requirement	Faulty	Correct
Obligatory lights and lenses	All dashboard warning lamps work correctly, including (if fitted) automatic braking system (ABS) airbags - (SRS) main beam headlamp warning lamp parking brake warning lamp		
Mirrors and glass	All required mirrors are fitted and should be properly aligned and secure Your view of the road in all directions must not be obscured by damaged, excessively tinted or discoloured glass, or obstructions, i.e., stickers, advertisements All windows operational		
Seats and seat belts	All seats are secure All seat belts must operate correctly and must be free from cuts and any damage		
Washers and wipers	Wipers move as per manufacturer design when switched on Wiper blades must clear the windscreen effectively Washers point at the windscreen and are operational Washer fluid is topped up		
Battery	Battery is held securely in place by the correct means Battery is not leaking		
Battery	Battery terminals are secure and free from corrosion		
Bodywork and Doors	All doors must shut properly, must be secure when closed and must stay open when required for passenger entrance or exit. There must not be any sharp edges or excess corrosion. All body panels and sills must not be loose or in danger of falling off and free from excessive damage.		

Area	Requirement	Faulty	Correct
Fluids, Fuel and Oil	The brake fluid, engine coolant, engine oil, power steering fluid, windscreen washer fluid and water levels must be maintained at an effective level and without leaks. The fuel filler cap must be securely fitted and the seal is not torn, perished or missing. There must not be any brake fluid, power steering fluid or water leaks With the engine off, look for puddles on the ground - if leaks are detected, trace the cause before using the vehicle. With the engine on, check underneath the vehicle for any fuel and oil leaks - look for puddles on the ground.		
Exhaust (if applicable)	The exhaust is secure, free from leaks and must not emit excessive amounts of smoke..		
Tyres and Wheels	Check as much of your tyres and wheels as you can see. There must be: A minimum tread depth of 1.6mm across the centre 75% of the tread Correctly inflated No deep cuts in any tyre sidewall No cord visible anywhere on any tyre		
Tyres and Wheels	No missing or insecure wheel nuts Space saver tyres when fitted are not sufficient for use for hire and reward- can be used merely to get the vehicle to where a full-size tyre can be fitted.		
Licence Plates Discs and other identifiers	Drivers must ensure: All required plates and mandatory signs must be in place on the vehicle before use. When displayed the licence plate must not obstruct/ obscure the vehicle registration plate in such a way as to hide the name of the issuing authority or other identifying details. Taxi roof light is safe and operational (if fitted). Taxi meter (if fitted) seal is intact.		