



North
Northamptonshire
Council

Proposed Hackney Carriage and Private Hire Licensing Policy

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This Policy has been produced under powers set out in the Town Police Clauses Act 1847 and The Local Government (Miscellaneous Provisions) Act 1976, as amended, which place a duty on North Northamptonshire Council (the 'Council') to carry out its licensing functions in respect of hackney carriage and private hire vehicles, drivers and private hire vehicle operators. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy document. Where it is necessary for the Council to depart from its Policy, reasons will be given for so doing.

By adopting this policy and all appendices on **xx** of **xxxx 2022**, North Northamptonshire Council is deemed to have adopted the separate previous sovereign authorities arrangements in place for the purposes of regulating Hackney Carriage and Private Hire licensing activities in North Northamptonshire and it is resolved that in pursuance of Section 45 of the Local Government (Miscellaneous Provisions) Act 1976, that Sections 46-80 inclusive of the said Act shall apply throughout the area of the District.

This policy has also been produced with full regard to the Department of Transport Statutory Taxi & Private Hire Vehicle Standards (July 2020), the Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades (April 2018) and the Department for Transport – Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (2010).

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Glossary of Terms

In these conditions:

'the 1976 Act'	means the Local Government (Miscellaneous Provisions) Act 1976 (as amended)
'the 1847 Act'	means the Town Police Clauses Act 1847
'the Council'	means North Northamptonshire Council.
'applicant'	means new applicants and applicants for renewal of existing licences.
'authorised Officer'	means a Licensing Officer authorised in writing by North Northamptonshire Council.
'conviction'	means any conviction, caution, formal warning or reprimand
'North Northamptonshire'	The geographical area of North Northamptonshire is the 'district' for the purposes of private hire licensing. All private hire vehicle, driver and operator licences will relate to that area.
'hirer'	means any person who, from time to time, hires or books the vehicle.
'licensee'	means the person(s) named in the licence.
'driver'	means the person(s) named in the licence
'operator'	means any person or company or partnership licensed by the Council to operate private hire vehicles.
'vehicle'	means the vehicle named in the licence.

Acronyms

CCTV	Closed Circuit Television
DBS	Disclosure & Barring Service
DFT	Department for Transport
DPA	Data Protection Act 2018
DVLA	Driver and Vehicle Licensing Agency
DVSA	Driver and Vehicle Standards Agency
GDPR	UK General Data Protection Regulations 2018
GP	General Practitioner (Medical)
IOL	Institute of Licensing
MOT	Ministry of Transport annual motor vehicle inspection
NR3	National Register of Taxi Licence Refusals and Revocations

1.0 Introduction

- 1.0.1 North Northamptonshire Council has responsibility for licensing hackney carriages and private hire vehicles (licensed vehicles), drivers and private hire operators within the district of North Northamptonshire. As the Council, our key objective is ensuring public safety and protection of residents and visitors. The Council expects high professional standards across all aspects of the taxi and private hire trade.
- 1.0.2 The Council covers an area of 381 square miles with a total population of 348,000 (2011 mid-year population estimate). The main towns of the Council include Corby, Irthlingborough, Kettering, Rushden, Thrapston, and Wellingborough.
- 1.0.3 The area is a mixture of both rural and urban communities and combines a varied range of attractions, festivals, events and shopping experiences for both residents and tourists.
- 1.0.4 Hackney carriage and private hire vehicles, proprietors, drivers and operators have a major role to play in maintaining an integrated transport system designed to provide an efficient and safe public service. They play a vital part in local transport, connecting residents to the local economy and in enabling businesses and residents to reach wider transport networks. All social groups use taxis and private hire vehicles. Groups that use them the most are low-income young women, amongst whom car ownership is low, and those with mobility difficulties. They also have a particularly important role in the night-time economy getting people home safely late at night.
- 1.0.5 The taxi and private hire vehicle sector is entirely demand-led. Though taxis are most often associated with journeys for leisure, social and business purposes, they are an important part of the transport network. Taxis and private hire vehicle services reduce the need for private car ownership, enable key workers to commute when other modes are unavailable, provide door-to-door transport for those that are not able to travel via other modes and assist on meeting the needs for home-to-school transport provision. Taxis and private hire vehicles have a particularly important role in the night-time economy getting people home safely late at night.
- 1.0.6 The primary and overriding objective must be to protect the public. Ensuring high safeguarding requirements and processes is only one way in which the licensing authority can help to ensure the personal safety of passengers. Ensuring local residents understand the distinction between the taxi and private hire vehicle trades and how each service can be legally engaged is very important. The key message needs to be that, unless you are hailing a locally licensed taxi in the street or at a stand, you should not get in any other vehicle unless you have pre-booked it and have received information from the operator to identify it. This policy aims to support that message.
- 1.0.7 In developing this policy the Council has had regard to the following:
- Local Government (Miscellaneous Provisions Act) 1976 (as amended)
 - Town Police Clauses Act 1847
 - The Road Vehicles (Construction and Use) Regulations 1986 (as amended)

- The Disability Discrimination Act 1995
- The Equality Act 2010
- Public Health Act 1875
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders – 2103
- Taxi and PHV Licensing Criminal Convictions; Policy, Local Government Regulation, Sept 2010
- Regulators Code 2014
- Road Traffic Acts
- Crime & Disorder Act 1998
- Health Act 2006
- The Department of Transport 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (Currently under review)
- Jay Report into Child Sexual Exploitation (CSE) in Rotherham
- Department for Transport Statutory Taxi & Private Hire Vehicle Standards (Issued under the Policing & Crime Act 2017 and published on 21st July 2020)
- Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades (April 2018)
- Other relevant legislation

1.0.8 This policy was widely consulted upon prior to being formally adopted. Consultees included amongst others:

- Current licence holders;
- Elected members of the Council;
- Northamptonshire Constabulary
- Local businesses and their representatives;
- Residents and representative bodies.
- Local transport providers;
- Disability groups;
- Service users.

1.0.9 Consultation will be undertaken before any significant changes are made to the policy. Amendments to the attached Appendices may be permitted following consultation and authorisation by the executive member and chair of Licensing and Appeals Committee. The extent of any consultation will be determined by the scope of proposed amendment(s).

1.0.10 The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (as amended) provide the legislative framework for the licensing of hackney carriages and private hire vehicles, hackney carriage and private hire drivers and private hire operators. Naturally, because of the age of this legislation, it has been augmented by caselaw to take account of technological advances.

2.0 Scope

2.1 This policy applies to the following:

- I. **Hackney Carriages:** A vehicle available to transport members of the public that has no more than eight seats for hirers, which is licensed to stand or ply for hire. A hackney carriage may stand at designated taxi ranks and also on the street, and/or be hailed in the street by members of the public within their designated zones. They may also undertake pre booked journeys.
- II. **Private Hire Vehicles:** These are licensed to carry no more than 8 hirers and must be booked in advance through a licensed private hire operator. They cannot stand or ply for hire nor use any designated taxi ranks. They include a range of vehicles such as minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services.
- III. **Private Hire Operators:** are required to take and record the bookings for private hire vehicles. Bookings must be recorded, and records be made available for inspection. The private hire operator is also responsible for the actions of the drivers that they use and the condition of the vehicles that they use.
- IV. **Hackney Carriage, Private Hire and Dual Licence holder Drivers:** Licensed individuals who have undertaken required tests and checks. Only a licensed driver can drive a licensed vehicle.

- 2.2. The policy sets out a framework for the Council to discharge its regulatory functions for private hire or hackney carriage related licences. It includes provisions in relation to obtaining and holding a licence, the conditions attached to licences, and how enforcement action will be addressed. However, the Council retains discretion in exercising its regulatory functions therefore each application or enforcement action will be considered on its own merits, having regard to this policy.
- 2.3 The Council may also have regard to other policies, strategies, guidance and case law in its decision making, and can take account of wider considerations affecting visitors, employers and residents such as pollution, crime, availability of private hire and hackney carriage vehicles late at night and its public sector equality duty.
- 2.4 The policy will be formally reviewed by the Council at least once every five years and informally reviewed as necessary to reflect minor changes in legislation etc. If any changes are made to the policy, the Council will publish a statement of revisions and the updated policy. If the Council wishes to depart from the policy, clear and compelling reasons will be given for doing so.
- 2.5 Upon adoption, unless an alternative date has been specified for commencement, this policy will come into effect and supersede any earlier policy. Any changes to the policy will similarly take immediate effect unless otherwise specified.
- 2.6 Any changes in licensing requirements will be followed by a review of the licences already issued. If a need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not, however, to suggest that licences will be automatically revoked overnight. The implementation schedule of any changes that affect

current licence holders will be transparent and communicated promptly and clearly.

- 2.7 The Licensing Authority will consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, then it will consider doing so. It will record the reasons for any deviation from the policies that are in place.

3.0 Policy Objectives

3.1 The aims of this policy are:

- To ensure the public can travel safely in hackney carriages and private hire vehicles licensed in North Northamptonshire
- To encourage a sustainable mixed fleet of vehicles
- To ensure all licence applications are administered and scrutinised fairly
- To ensure that appropriate enforcement measures are used when required
- Those driving, operating and using licensed vehicles know what to expect from the Council in respect of licensing and the application of all relevant legislative requirements.
- to pay regard to the need to eliminate conduct prohibited by the Equality Act 2010, to promote equality of opportunity and to foster understanding between people who share a protected characteristic and those who do not.

3.2 The Council will achieve these outcomes by:

- Setting the standards for the licensing of drivers, vehicles and operators;
- The licensing and routine inspections of vehicles, with appropriate follow up action;
- Routine inspection of insurance policies, with appropriate follow up action.
- Assessing applicants to ensure they are 'fit and proper' persons and so entitled to hold a licence. This will include consideration of medical suitability, criminal record (if any), driving standards, relevant intelligence and knowledge of the relevant law and locations in North Northamptonshire.
- Investigation of complaints with appropriate follow up action.
- Liaison with the Police, other local authorities and other relevant agencies regarding issues of mutual concern in relation to offences or the conduct of licence holders / applicants;
- Taking enforcement and / or disciplinary action including prosecution proceedings, verbal and written warnings, written cautions, notices, suspension or revocation of licences or applying NNC Licensing Penalty Points to licences, for breaches of legislation or conditions and / or in

connection with reports or incidents of poor conduct;

- Applying the provisions of the North Northamptonshire Enforcement Policy.

4.0 Background

4.0.1 The Town Police Clauses Act 1847 and The Local Government (Miscellaneous Provisions) Act 1976 (as amended) provide the legislative framework around the licensing of Hackney Carriages and Private Hire vehicles, hackney carriage and private hire drivers and private hire operators. Naturally, because of the age of this legislation, it has been augmented by caselaw from various court cases over the years.

4.1 Implementation

4.1.1 This policy was first implemented on [1st April 2023](#) to replace the four separate district and borough council policies in place previously and will be applicable to all existing and new licences from that date. The policy will be fully reviewed every five years. However, the Council may consider interim reviews should there be any legislative changes or other external factors which require this, or where local factors indicate review is required. Amendments to this policy involve consultation (commensurate to the potential impact of the proposed changes) and will require review and approval by the relevant committee. Where policy amendments are required due to non-negotiable changes to statutory obligations, consultation may be omitted.

4.1.2 The Council recognise that vehicle owners and operators have made significant investments in their vehicles. Due to this, there will be a transition period whereby grandfather rights will apply and existing vehicle owners/operators will be able to continue to operate their current vehicles under the terms and conditions of their old Council licensing area for a maximum period of five years from the date this policy comes into effect (???????). To claim this transition arrangement, the vehicle must be continuously licensed, [maintained in a good condition](#) and continue to meet the predecessor Council policy terms and conditions requirements, as applicable on the date of original issue of the licence. The transitional period ends on ???????.

4.1.3 This transitional arrangement for vehicles will not apply where a licence is not renewed before the previous one expires.

4.1.4 All other licences (that do not relate to a vehicle) will be issued under this policy and associated conditions from the date it comes into effect.

4.1.5 After the transition period ends, all applications for vehicle licences will be required to comply with the vehicle standards set out in the relevant sections of this policy. For the avoidance of doubt, this includes both new applications and renewals.

4.1.6 The geographical area of North Northamptonshire is the 'district' for the

purposes of private hire licensing. All private hire vehicle, driver and operator licences will relate to that area.

4.1.7 For hackney carriage vehicles, the Council is currently retaining four Zones (prescribed areas) within North Northamptonshire. The four zones replicate the four former district / borough areas within North Northamptonshire:

- Zone One – former East Northamptonshire Council district
- Zone Two – former Corby Borough Council district
- Zone Three – former Kettering Borough Council district
- Zone Four – former Borough Council of Wellingborough district

Retention of these zones will be reviewed following adoption of this policy.

4.1.8 All existing bylaws and fares will carry forward within these zones. It is acknowledged that vehicle requirements and some other matters may differ between these zones.

4.1.9 Hackney carriage vehicles currently licensed in these zones will continue to be able to ply for hire only in the zone they are licensed for but will still be able to undertake pre-booked work anywhere.

4.1.10 Drivers must complete and pass a knowledge test which covers the area within each zone for which they wish to work in. The test will include geographical knowledge and shortest route knowledge including street names, and questions on relevant licensing matters. Drivers holding an existing Hackney Carriage Drivers licence at the time that this policy is implemented, will not need to complete and pass that part of the test which relates to geographical knowledge of the area for the licence they currently hold. Drivers will still need to complete the test for any other new zones that they wish to work in and all other parts of the new tests.

4.2 Applications and Licence Periods (Grant and Renewal)

4.2.1 The Council recognises the importance of processing licence applications efficiently to ensure continuity of licence/employment. Therefore, all properly made applications will be processed without delay. The Council cannot be responsible for any delays where the application process involves a third party. Once all elements of an application are complete, a licence will be issued within 10 days.

4.2.2 Each application will be considered on its own merits.

4.2.3 Hackney carriage and private hire vehicle driver's licences will be granted for three years or for such lesser period, specified in the licence, as the Council think appropriate in the circumstances of the case.

4.2.4 Hackney carriage and private hire vehicle licences will be granted for such period not being longer than one year, as the Council may specify in the licence.

4.2.5 Private hire operator licences shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.

4.2.6 The Council will endeavour to remind all licence holders to renew their licences. However, not having received any reminder will not be accepted as a reason for non-renewal. It is the licence holder's responsibility to ensure that their licence is renewed before expiry. Any licence that is not renewed prior to expiry will be deemed to have expired, and any subsequent application will then be treated as a totally new application.

4.2.7 Where any valid application meets all policy requirements, it will normally be granted using delegated powers. Any application for any type of licence which does not meet policy requirements cannot be granted by officers and will require referral to the Licensing Sub Committee, should the applicant wish to pursue the application. It should be noted that should an applicant wish to withdraw an application at any time, there will be no refund of any application fee.

5.0 Hackney Carriage and Private Hire Drivers

5.0.1 Hackney carriage and private hire driver licences permit a person to drive a licensed vehicle. The holder of a North Northamptonshire licence is considered to be a professional driver and is expected to demonstrate high professional standards at all times.

5.0.2 Applicants can apply for one of the following:

- Hackney Carriage Driver Licence
- Private Hire Driver Licence
- Dual (Combined) Hackney Carriage and Private Hire Driver Licence

5.0.3 All applications for any of the above driver licences are to be made on the Council's official forms and must be submitted together with all necessary supporting documentation and the appropriate fee. Applications will only be considered valid once all necessary documentation is submitted and fees paid.

5.0.4 The process for applying for a driver's licence will be set out in an application pack. Applicants should review this process prior to application and renewal to ensure that they provide all information requested at the right time. Failure to do so will result in the application being returned as invalid or potentially refused.

5.0.5 All applicants must have held a full UK DVLA, Northern Ireland, European Economic Area ("EEA") or Exchangeable driving licence for a period of at least one year prior to the date of application and are required to produce such licence with the initial application and each subsequent application for renewal. The driving licence must specify the applicant's current home address.

5.0.6 Applicants must provide proof of entitlement to work in the United Kingdom at time of application. This will include providing a code for the Council to check online records with the Home Office.

5.0.7 Any EU Nationals who are already licensed with North Northamptonshire

Council with a European Driving Licence (and who have leave to remain in the UK) can continue to drive, however a full UK DVLA driving licence must be applied for within 12 months from the date this policy is published.

Please note that you can only drive in Great Britain for 12 months if you got your EU licence by exchanging a non-EU licence.

** This information is subject to change depending on Government Guidance; therefore drivers are advised to apply for a UK driving licence as soon as possible.*

5.0.8 Applications and fees for these licences are for a three year period only. The decision to issue a driver licence for less than three years shall only be for the following reasons:

- at the applicant's request;
- ii) where the applicant's right to remain in the UK is for less than the three year period. The licence application if otherwise acceptable shall only be issued for no longer than the same period as the leave to remain.
- iii) where the medical has identified a requirement for review within the three year period

There will be no reduction in fee for a licence granted for a shorter term.

5.0.9 All drivers must satisfy the Council that they are a fit and proper person to hold a Hackney Carriage, Private Hire Driver or dual licence. Once the licence has been granted, they must remain a fit and proper person throughout the duration of the licence. The fitness and propriety of the licensed driver will be monitored and assessed throughout the licence period. Where licence holders have contravened any licence conditions, or any other complaints; criminal behaviour; medical fitness; or other concerns are brought to the attention of the Council, or where their continued fitness and propriety is called into question the matter may be referred to the Licensing Sub Committee for consideration.

5.0.10 Examples of matters that might trigger referral to the Licensing Sub-Committee include:

- New convictions or cautions
- Arrest or being placed on bail pending investigation by the police
- Contravening the NNC Licensing Penalty Points scheme or an appeal against points being issued by an officer
- A one-off complaint which might be considered serious or involve concerns over public safety or misconduct
- A number of complaints which in themselves may not be considered sufficient, but when taken as a whole, indicate a potential pattern of undesirable behaviour
- Change in medical fitness
- Any other matter determined appropriate for referral by the Assistant Director

5.0.11 Where there is considered to be an immediate risk to public safety, a driver's licence can be suspended or revoked with immediate effect by an authorised officer (in accordance with the Council's constitution).

5.0.12 Examples of matters that might warrant immediate suspension or revocation of a driver licence include (but are not limited to):

- A driver appearing to be under the influence of alcohol or drugs, or whose judgement appears impaired by a medical or other condition
- Concerns supported by a reasonable belief of an authorised officer that a driver may pose a public safety risk (based on information, evidence or circumstances that has come to the attention of that officer)
- Loss of a DVLA drivers licence

5.0.13 All applicants for a driver's licence must act with honesty and integrity and ensure all information provided is accurate and up to date. Throughout the application process the applicant must provide and disclose all necessary information in a timely manner. This includes information relating to previous convictions, warnings, cautions and any current or pending criminal investigations being undertaken. Failure to do so is likely to have a negative impact on the assessment of the application and may result in the licence (if already granted) being recalled to the Licensing Sub Committee for determination. Other formal action may also be considered in cases of suspected fraud or deception.

5.0.14 The Council reserves the right to require further additional checks or information to ensure the applicant is a fit and proper person.

5.0.15 The Council expects all drivers to behave in a civil and orderly manner, be polite, helpful and respectful to members of the public, the Police, Council employees and other public officials. Failure to do so may result in a referral to the Council's Licensing Sub-Committee

5.0.16 Whilst using any licensed vehicle, drivers must not engage in any sexual activity with or without the hirers consent, nor make inappropriate physical contact or make comments of a sexual or otherwise inappropriate nature.

5.0.17 The Council reserves the right to delay determination of driver applications where there are any outstanding legal proceedings until such proceedings are disposed of. This includes ongoing investigations, pending cases and appeals. The Council will endeavour to refer any application where there are any outstanding legal proceedings to the next available licensing committee for initial consideration.

5.0.18 It is not the Council's role to review the facts of a case which resulted in a conviction or to question the decision of a medical practitioner. It is for the Council to consider these matters at their face value and to decide what weight to give to them in the decision making process of whether an individual is fit and proper to hold a licence with the Council

5.1 Applications

5.1.1 The process for applying for a driver's licence will be set out in an application pack. It is essential that all applicants review this process prior to application and renewal to ensure that they provide all information requested, and within the required timescales. Failure to do so will result in the application being returned as invalid or potentially refused.

5.1.2 All drivers are required to subscribe to the Disclosure and Barring Service's

Update Service. This enables the Council to routinely check for new information every six months.

5.1.3 The Council has adopted a penalty points scheme (known as the NNC Licensing Penalty Points Scheme) in respect of Hackney Carriage and Private Hire licensing and failure to subscribe to the DBS update service will be treated in accordance with that scheme.

5.1.4 Notwithstanding the above, when an application for a renewal is dependent on the Council receiving a Disclosure and Barring Service disclosure of criminal convictions, this must be applied for a minimum of six weeks before expiry of the licence.

5.2 Licence Conditions on Grant of Licence

5.2.1 Conditions are attached to all Private Hire and Dual driver licences at the time the licence is issued (Hackney Carriage driver licences cannot have conditions imposed on them). These conditions can be found in Appendix B of this policy. Licence holders must be familiar with these conditions and adhere to them at all times throughout the duration of their licence. Failure to do so may result in NNC Licensing penalty points being issued and/or referral to the Licensing Sub Committee.

5.2.2 All licensed drivers are additionally expected to have read, understood and adhere to all conditions attached to the licences of the vehicle(s) they drive.

5.3 Right to work in the UK

5.3.1 All applicants must provide evidence of their right to work in the UK. This is required for the first application and all renewals.

5.3.2 Below is a list of evidence that can be provided to prove the applicant has a right to work in the UK, this list is not exhaustive and other documents may be accepted, however this must be discussed with the Council in advance of the application being submitted. Any issues with the documentation provided may result in a delay in issuing the licence or renewal of an existing licence.

- A UK passport confirming that the holder is a British Citizen
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth / Adoption Certificate,
- An Immigration Document issued by the UK Visas and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment,
- A work permit or other approval to take employment issued by the Home Office or the UK Visas and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment. The work permit may be restrictive and must allow for the driving of a hackney carriage or private hire vehicle in order to support this application.
- Some applicants may need to provide us with a 9-digit share code from the Home Office online right to work checking service to demonstrate

your entitlement to work in the UK. This must be provided if requested to do so in support of your application or renewal.

- 5.3.3 Where an applicant is subject to immigration controls the application will only be granted if all requirements have been met. The term of the licence will be determined based on the length of time permission to work has been granted. This may be for a period less than the three year licensing term. In this instance there will be no reduction in the licence fee.

5.4 Fit and Proper Person and Suitability

- 5.4.1 Sections 51 (in relation to private hire drivers) and Section 59 (in relation to Hackney carriage drivers) of the Local Government (Miscellaneous Provisions) Act 1976 require that all applicants and licence holders are and remain fit and proper persons to hold a licence.

It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.

- 5.4.2 The Council has a duty to ensure that any person to whom they grant a hackney carriage or private hire vehicle driver licence is a 'fit and proper' person to be a licensee. When considering whether an applicant or licensee is a fit and proper the Council (whether as officers or members of the Licensing Sub Committee) considers the following question:

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

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

(Department for Transport **Statutory Taxi & Private Hire Vehicle Standards July 2020**)

- 5.4.3 If however, the answer to the question is an unqualified 'yes', then the person may be considered to be fit and proper.

- 5.4.4 In addition to physical and mental wellbeing, this test can also be applied to an applicant's handling of a person's sensitive information such as personal data, holiday plans, medical conditions, travel arrangements etc, in respect of all licences the Council issues. The public and the trade are entitled to expect that those licensed by the Council will operate in accordance with the standards set out by the Council and not take advantage of their position of trust for criminal or unacceptable purposes.

- 5.4.5 If an officer has concerns as to whether an individual is a fit and proper person for reasons other than those stated within the policy, then the application shall be referred to the Licensing Sub Committee for consideration.

- 5.4.6 It is important to note that any issues with current licence holders are dealt with on a case by case basis. Each application or renewal is considered on

its merits. Officers will take account of cautions and convictions, but only in so far as they are relevant to an application for a licence.

- 5.4.7 The Council will take into consideration the following when determining if an individual is a fit and proper person:
- Criminality – details provided from the Disclosure and Barring Service Certificate or intelligence from the Police or any other legitimate source
 - Number of endorsed DVLA driving licence penalty points – as detailed in the DVLA licence check;
 - Standard of driving/driving ability
 - Right to work – Evidence that the applicant is eligible to work in the UK must be provided within the application. If the leave to work is less than the driver's licence (three years) the licence will only be issued for that reduced period. The fee however remains the same.
 - Medical fitness – An applicant must attend a medical appointment with a Registered Medical Practitioner who has full access to the applicant's medical records and history. The assessment is to check compliance with the DVLA Group 2 Medical Standards for Driver Licensing. The required medical form, once completed and signed, must be submitted with the application. In the event of any doubt or concerns, further assessments may be required (at the cost to the applicant).
 - The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process) – For example, where an applicant has not disclosed all criminal convictions on the application form as requested but the DBS Certificate details convictions or the applicant makes a false declaration or withholds any other relevant information that would reasonably be expected to be disclosed, this will be considered to be dishonest and the application may not be looked on favourably
 - The previous licensing history of existing / previous licence holders. The National Register of Refusals and Revocations' (NR3 database) will be checked and Information may be sought from other licensing authorities, where the applicant may have previously, or still does, hold a licence.
 - The applicant's knowledge and understanding of the licensing requirements and responsibilities of a licensed driver
 - Any other information or relevant matters
- 5.4.8 In addition, the Council will consider any further information provided by any internal departments or external agencies that may have a bearing on the fit and proper status of the individual.
- 5.4.9 The Council may, at any time throughout the duration of the licence access the DVLA records of the applicants to ensure their driver standard meets the requirements of this policy. The North Northamptonshire Criminal Records Policy (Appendix A) and conditions on the licence require all licensed drivers to notify the Council within seven days of any DVLA penalty points issued. Failure to do so will result in the licence holder receiving NNC Licensing Penalty Points, under the NNC Licensing Penalty Point Scheme (See Appendix G).
- 5.4.10 In submitting an application to the Council for a driver licence, the applicant will be required to sign certain disclosures relating to the application form and their information. Details contained within the application may be shared with

other agencies including but not limited to the Police, Immigration and HM Revenue & Customs. In addition, declarations must be signed that agree for the applicants DVLA record to be reviewed throughout the duration of the licence and their DBS record through the online update service.

- 5.4.11 An individual will not be considered to be a fit and proper person to hold a licence if there is any evidence that they were dishonest in making their application or that an applicant or an existing licence holder has misled or attempted to mislead the Council (officers or elected members of the licensing committee) intentionally or otherwise, during any part of the application process or with the administration of the licence, or throughout its duration.
- 5.4.12 In this policy the word 'applicant' refers to new applicants, existing licence holders who are seeking renewal, and existing licence holders who are the subject of periodic auditing or having their licence reviewed by the Council as part of the policy implementation process. It also includes existing licence holders who are being considered by the Council by virtue of offending or other unacceptable activity having recently come to light.
- 5.4.13 Where an application meets all policy requirements, officers will grant the licence. In the event there are any matters disclosed in an application, renewal, or at any other time during the life of a licence, which are not in compliance with the policy, officers will refer the matter for consideration by the Licensing Sub Committee.
- 5.4.14 When determining whether an applicant is a fit and proper person to hold a hackney carriage, private hire or dual driver licence, a Licensing Sub Committee will work on the principle of 'balance of probabilities'. This is a lower evidential test than the 'beyond all reasonable doubt' requirement for criminal convictions. The Licensing Sub Committee will consider all evidence and decide which version on balance is most probably true.
- 5.4.15 This policy applies to all current licences from the date published and to all new and renewal applications after the publication date.
- 5.4.16 In any situation which is not addressed under this policy, the matter will be considered from first principles. Whatever the situation, an applicant/licensee must always satisfy the Council that they are or remain a fit and proper person to hold the licence.
- 5.4.17 For clarity, in this policy the term 'conviction' is defined as any convictions, cautions, formal warnings or reprimands. Also, where the policy states 'from date sentence has ended' this will be taken to mean the date by which the whole length of time sentenced by the court would have elapsed and not necessarily the length of time the individual actually served. For example, if a sentence of five years imprisonment was given then the end date will be five years from the date sentenced. If the applicant has only served 2 and was released, a further three years is still required. The term 'since completion of the sentence' is to be taken in the same way.
- 5.4.18 The Council reserves the right to review a decision that has previously been made, or refuse a renewal of a licence, where clear errors or omissions are identified, or new information or evidence comes to light.

- 5.4.19 An applicant who has had a previous conviction for a serious offence may not necessarily be automatically barred from obtaining a licence, however it would normally be expected that the applicant be required to:
- Remain free from convictions for an appropriate period as specified below; and
 - Provide evidence to support their case that that they are a fit and proper person to hold a licence. It is the applicant's responsibility to produce any evidence they think relevant to assist in the determination of whether they are considered to be 'fit and proper'. Simply remaining free from convictions is not necessarily enough to prove this. Where there is evidence and/or the Council has received complaints about the applicant's driving or behaviour this will also be taken into consideration.
- 5.4.20 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975: allows the Council to take into account **all** convictions recorded against an applicant or the holder of a Hackney Carriage, Private Hire or Dual driver's licence, whether spent or not. The Council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, **all** convictions, cautions, warnings, fixed penalty notices and reprimands must be declared.
- 5.4.21 It is an offence for any person to knowingly or recklessly make a false statement or to omit any material particulars in giving information required by the application for a licence (S57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or an omission on their application for the grant or renewal of a licence, the licence will normally be refused.
- 5.4.22 If an applicant has any ongoing investigations convictions, warnings, cautions or charges awaiting trial, the Council will look into:
- How relevant the offence(s) are to the licence being applied for
 - How serious the offence(s) are/were
 - When the offence(s) were committed
 - The date of the conviction, warning, caution etc.
 - Circumstances of the individual concerned
 - Any sentence imposed by the court or any potential sentence that may be imposed
 - The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.
 - Whether they form part of a pattern of offending
 - Any other character check considered reasonable (e.g. personal references)
 - Any other factors that might be relevant, for example:
 - The previous conduct of an existing or former licence holder,
 - Whether the applicant has intentionally misled the Council or lied as part of the application process,
 - Information provided by other agencies / Council departments
- 5.4.23 Any offences or behaviour not expressly covered by this Policy will not

prevent the Council from taking into account those offences or behaviours.

- 5.4.24 Section 61 of the Local Government Miscellaneous Provisions Act 1976: Allows the Council to suspend, revoke or refuse to renew a licence if the application/licence holder has, since the grant of the licence, been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 5.4.25 In assessing the action to take, the safety of the travelling public must be the paramount concern. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and their family is not a consideration to be taken into account.
(Leeds City Council v Hussain [2002] EWHC 1145 (Admin), [2003] RTR 199 and Cherwell District Council v Anwar[2011] EWHC 2943 (Admin))
- 5.4.26 Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the Council is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal, revocation or suspension.
[Local Government (Miscellaneous Provisions) Act 1976, S 77 (1)].

5.5 DVLA Licence Checks

- 5.5.1 Checks will be undertaken with the DVLA during each application and renewal. This check confirms whether the individual is licensed to drive and provides details regarding the number of DVLA penalty points and endorsements present on their DVLA driving licence.
- 5.5.2 The Council requires licensed drivers to assist them in undertaking these checks with the DVLA at application and for routine monitoring during the term of the licence, or where there is any doubt that the driver remains a fit and proper person to hold a private hire and hackney carriage drivers licence.
- 5.5.3 Failure to undertake a check when required to do so without good cause will result in suspension of licence(s) until such time as the results of a check are received and accepted as satisfactory
- 5.5.4 Excessive DVLA penalty points on a DVLA drivers' licence may lead to the matter being referred to the Licensing Sub Committee, or NNC Licensing penalty points being issued to the driver. See Appendix A, B and G. Licence holders are also required to notify the Council of any points being added to their DVLA driving licence points.

5.6 Criminal Record Checks

- 5.6.1 A criminal record check for any new and existing driver is essential and is an important safety measure in ensuring they are a fit and proper person (as detailed in section 5.4 above) to protect public safety. All drivers will be required to undergo an Enhanced Disclosure through the Disclosure and Barring Service. Each driver will also be checked against the Adult and Child Barred Lists. This will list information on all live and spent convictions, police cautions, and other information that may be relevant. Details of the DBS

application process can be will be set out in an application pack available as part of the driver's application process.

- 5.6.2 All Hackney Carriage, Private Hire and Dual licence Drivers are included as "exceptions" within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. As such all drivers will be asked to accurately disclose on their application form any conviction or cautions no matter how old. The DBS certificate will highlight all relevant convictions and cautions and where these have not been disclosed on the application form by the applicant the integrity and honesty of the applicant will be questioned. All licence holders must notify the Council of any arrest, convictions or cautions received during their licence period as stated in the licence conditions. Failure to do so may result in suspension or revocation of the licence.
- 5.6.3 All information must be disclosed and the information from DBS and DVLA must not be relied on to answer these questions. Failure to properly complete the application form may result in the application being considered by the Licensing Sub- Committee especially if the checks reveal further matters for consideration.
- 5.6.4 All applicants for the grant or renewal of a drivers licence will be responsible for the costs of obtaining a DBS certificate. Licensed drivers must also be signed up to the DBS Online Update Service, as a condition of the licence. The subscription costs are the responsibility of the applicant or licence holder and permission must be given to the Council to undertake routine checks of their DBS status.
- 5.6.5 This update service will be used to monitor the criminal record of licensed drivers and will be checked at least every 6 months in accordance with the DfT Statutory Taxi & Private Hire Standards guidance. Checks will also be made at the time of licence renewal. If where changes are recorded, an updated enhanced DBS check may be required. The cost of this is to be paid by the driver. If no changes have been recorded on the DBS certificate, a further enhanced DBS check will not be required.
- 5.6.6 In order to sign up to the Update Service the applicant on receipt of their completed Enhanced DBS Certificate, must register for the service within 30 days of the original DBS certificate date of issue. Upon licence renewal the driver must provide the Council with their original certificate in order for the update service to be checked.
- 5.6.7 Only DBS Certificates which have been applied for through North Northamptonshire Council or printed off from the Update Service within the last 4 weeks will be accepted when submitting an application. Once submitted, any DBS certificate will only be considered valid for 3 months in the event that an application is delayed for any other reason, including referral to the Licensing Sub-Committee.
- 5.6.8 A licence will not be issued without a current Enhanced DBS Disclosure Certificate being checked by the Council.
- 5.6.9 Upon receipt of a disclosure from the Disclosure and Barring Service, officers acting under delegated powers will refer to the North Northamptonshire Criminal Records Policy and determine whether the application can continue

through the application process with a view to being granted, or whether it requires referral to the Licensing Sub Committee if it does not meet the policy requirements.

- 5.6.10 Applications will be referred to the Licensing Sub Committee where the application does not meet the policy requirements or where the applicant's fitness and propriety is in question for any other reason.

5.7 Convictions and Cautions

- 5.7.1 Where convictions and cautions have been declared by the applicant or disclosed on the DBS Certificate, or otherwise come to the attention of the Council either upon application or renewal, or at any other time during the life of a licence, the Council must ensure that they are or remain satisfied that the applicant is a fit and proper person to hold a licence.

- 5.7.2 Therefore, any convictions and cautions specified within the application process or at any other time may require the application to be determined by the Licensing Sub Committee.

- 5.7.3 The Council has adopted the Institute of Licensing (IOL) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades for assessing applications, renewals and convictions that come to light during the course of any licence.
This can be found in Appendix A (Criminal Records) or can be downloaded at: [https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)

- 5.7.4 Where convictions and cautions have been imposed on a current licensed driver, or they are under a live investigation by the Police, the licence holder may be referred to the Licensing Sub Committee for review, in order to determine whether they remain a fit and proper person to continue to hold the licence.

5.8 Applicants with Residency Periods Outside of the UK

- 5.8.1 Where an applicant has spent six months or more continuously outside the UK in the last five years, evidence of a criminal record check from the country/countries visited covering the duration overseas will be required. Where such checks are not available, a certificate of good character (previously named certificate of good conduct) is required to be authenticated by the relevant embassy. The certificate of good character must be in English.

5.9 Police Notifications

- 5.9.1 When a driver comes to the attention of the police, they must disclose their occupation as a hackney carriage or private hire driver. The police will where appropriate, notify the relevant Council of arrest, charging, convictions and any other relevant information relating to a potential risk to public safety.

- 5.9.2 Any circumstances affecting the suitability of a holder of a drivers licence or private hire operator's licence, to continue to hold that licence will be considered and may be referred to the Licensing Sub Committee.

5.10 The National Register of Taxi Licence Revocations and Refusals

- 5.10.1 The Council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3). This register holds details of individuals who have had a driver's licence revoked, or an application for one refused.
- 5.10.2 Where a Hackney Carriage, Private Hire or Dual driver licence is revoked, or an application for one refused, the Council will automatically record this decision on NR3.
- 5.10.3 All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the Council will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.
- 5.10.4 The Council has a published policy on the approach it will take to requests by other authorities for further information and entries on NR3, and about the use it will make of any further information provided to it. This can be found at Appendix H.

5.11 Medical Fitness Assessments

- 5.11.1 It is essential that licensed drivers are in good health and to ensure this is the case the Council uses the DVLA Group 2 Standards of Medical Fitness. Licensed drivers are expected to carry hirers' luggage, will drive on the road for longer periods than most car drivers and may have to assist disabled hirers and therefore the Council must be satisfied that applicants are fit enough to undertake these tasks. Pre-existing medical conditions must be disclosed and confirmed to be under control to the satisfaction of a General Practitioner and the Council.
- 5.11.2 Applicants shall submit the Council's prescribed medical form, completed and signed by their own Registered General Practitioner, or a GP who has full access to, and reviews, the applicant's full medical records, at the time of their application.
- 5.11.3 A medical examination form will be required upon first application, then on every renewal application until the applicant reaches 65 when an annual medical fitness assessment is required. Where an applicant has applied for their licence at the age of 64 and turns 65 within the first year they will not be required to complete another medical assessment on the date of their birthday but on the anniversary of the previous medical.
- 5.11.4 All licence holders must notify the Council in writing, if any of their pre-existing medical conditions deteriorate or their health has changed in any way that may affect their fitness to drive at any point during a licence period and at renewal.
- 5.11.5 The following medical condition(s) must be notified to the Council, in writing, as soon as reasonably practicable, and in any instance within seven days of that condition becoming known to the driver:

- Heart condition
- Deterioration of eyesight or hearing
- Abnormal blood pressure
- Alcohol or drug dependency
- Diabetes
- Mental or psychological disorders
- Epilepsy
- Serious physical injury or disability
- Sudden attacks of giddiness or fainting
- Any other condition affecting the ability to drive

- 5.11.6 No medical fitness assessment form will be accepted where the person completing the form does not have access to the applicant's patient records.
- 5.11.7 Should any doubt remain as to the medical fitness of the applicant; the Council may request further medical assessments be undertaken by a registered medical practitioner nominated by them. In the event of doubts as to the medical fitness of the applicant, the application may be referred to the Licensing Sub Committee for consideration. The Sub Committee will review all the medical evidence and make the final decision.
- 5.11.8 Once submitted, any medical assessment will only be considered valid for three months in the event that an application is delayed for any other reason, including referral to the Licensing Sub-Committee.
- 5.11.9 All licensed drivers are under a legal duty to carry guide, hearing and any other assistance dogs in their vehicles without any additional charge to the hirer. Drivers may only refuse to carry assistance dogs where they have a medical exemption certificate issued by the Council. A medical exemption may be granted by the Council where the driver has provided detailed medical evidence that shows a medical condition will be aggravated by exposure to dogs. If the application for medical exemption is successful, the driver will be issued with an exemption certificate and a notice of exemption. The notice must be displayed in the vehicle by fixing it in a prominent position facing outwards on the dashboard.

5.12 Driver Training

5.12.1 Knowledge Test

5.12.1.1 The Council has developed two Driver Knowledge Tests, one or both of which are a compulsory pre-requisite for drivers applying for a new licence. Additionally, any driver renewing a licence for the first time under this policy will also be required to sit and pass the relevant knowledge test(s). Part 1 must be completed and passed by all driver applicants. Part 2 must be completed by all Hackney Carriage and Dual licence applicants. Part 2 is relevant to the geographical zone the driver wishes to work in. The Licensing Sub Committee may also require anyone appearing before them to re-sit and pass one or both tests.

5.12.1.2 The tests are:

Part 1 (All Drivers)

- English language proficiency – both oral and written
- General knowledge of local locations
- Driver and vehicle conditions / Highway code / Basic arithmetic

Part 2 (Additional Test for Hackney Carriage and Dual Licence Drivers only)

- Detailed knowledge of local areas by zone
- Route planning
- Byelaws

5.12.1.3 If a Hackney Carriage or Dual licence driver wishes to work in more than one zone, a separate Part 2 test must be taken and passed for each additional zone, as these tests relate to the local geography of each zone. A separate fee will be payable for each test.

5.12.1.4 Details of the administration of the knowledge tests will be set out in an application pack.

5.12.2 Safeguarding Training

5.12.2.1 All applicants for a driver's Licence must attend and pass a Council approved training session on Safeguarding. All costs associated with this training are to be paid for by the applicant.

5.12.2.2 This training must be completed and passed by all new applicants before a licence can be granted. All existing licensed drivers at the time this policy comes into force, will be required to complete this training and pass the test at time of first licence renewal under this policy. The Licensing Sub Committee may also require anyone appearing before them to undertake this training again and pass the test.

5.12.2.3 Details of the administration of the Safeguarding training will be set out in an application pack.

5.12.3 Driving Assessment – Practical Test

5.12.3.1 All applicants for a driver's licence must attend and pass the Taxi Drivers Standard Assessment, or Enhanced Assessment for wheelchair accessible vehicles test, prior to applying for a licence. Any driver who will be driving a wheelchair accessible vehicle must undertake the wheelchair assessment prior to driving that vehicle.

5.12.3.2 The Council will determine which providers can administer the tests.

5.12.3.3 This test is to be taken at the applicant's own expense and the Council does not get involved in the administration of this. Applicants wanting information on the test content or to arrange a test will need to contact the providers direct.

5.12.3.4 As this is an advanced driving test the applicant may wish to consider additional training before undertaking the test.

5.12.3.5 All new driver licence applicants must pass the test prior to applying for a driver's licence. Existing drivers renewing for the first time after this policy takes effect must pass the test prior to submitting the first renewal application, unless they have already completed the test and can produce their certificate. ~~they have already completed and passed this test within the last three years and provide evidence of this in support of their renewal application.~~

5.12.3.6 The Licensing Sub Committee may also require anyone appearing before them to undertake or retake either the standard or enhanced test.

5.12.4 Equality & Diversity Training

5.12.4.1 All applicants for a driver's licence must attend and pass a Council approved training session on Equality & Diversity. All costs associated with this training are to be paid for by the applicant.

5.12.4.2 This training must be completed and passed by all new applicants before a licence can be granted. All existing licensed drivers at the time this policy comes into force, will be required to complete this training and pass the test at time of first licence renewal under this policy. The Licensing Sub Committee may also require anyone appearing before them to undertake this training again and pass the test.

5.12.4.3 Details of the administration of the Equality & Diversity training will be set out in an application pack

5.13 Accessibility

5.13.1 The Licensing Authority recognises that disabled people are particularly reliant on taxi and private hire vehicle services, either because they may not have access to a private car, are unable to use public transport, or because the built environment is insufficiently accessible to meet their needs. This can mean that the availability of an accessible, affordable taxi or private hire vehicle service can make the difference that allows them to live their life the way they want to, and ultimately, to fulfil their potential.

5.13.2 The Government wants disabled people to be able to travel easily, confidently and without additional cost, and it is important that all transport services play their part in making this a reality.

5.13.3 The way in which people are disabled and the specific barriers they face may not always be obvious. This Authority and the providers of taxi and private hire vehicle services that it licences must therefore anticipate the needs of people whose access needs may be more apparent, such as wheelchair users and assistance dog owners, as well as those with less visible impairments, including people with autism or mental illness.

5.13.4 The Licensing Authority is uniquely placed to ensure that taxi and private hire vehicle services within its jurisdiction actively promote equality and independence for disabled people. By ensuring drivers and operators understand how to provide every customer with the assistance they need, the authority can ensure disabled people can travel with confidence that their needs will be met.

- 5.13.5 By taking action to ensure there are sufficient wheelchair accessible vehicles to satisfy passenger demand, the Authority can ensure that wheelchair users need no longer structure their lives around the times and locations when vehicles accessible to them are likely to be available. And, by taking prompt and robust action to investigate and prosecute licensees in response to cases of discrimination, authorities can ensure that every operator and driver treats seriously their role in providing an inclusive service.
- 5.13.6 Supporting an accessible service is an integral aspect of the Licensing authority's role, therefore, it is important that the Authority makes the provision of an inclusive service a core strategic aim, and that it considers the factors which can influence the extent to which such services meet the needs of all passengers.

Guide and Assistance Dogs

- 5.14.1 All licensed drivers are under a legal duty in the Equalities Act 2010 to carry assistance dogs in their vehicles without any additional charge to the hirer. Drivers may only refuse to carry assistance dogs where they have a medical exemption certificate issued by the Council.
- 5.14.2 A medical exemption may only be granted by the Council where the driver has provided detailed medical evidence that shows a medical condition will be aggravated by exposure to dogs. If the application is successful, the driver will be issued with an exemption certificate and a notice of exemption. The notice must be displayed in the vehicle by fixing it in a prominent position facing outwards on the dashboard.
- 5.14.3 When hired to carry an assistance dog, the owner should be asked where they would prefer their dog to be and their request should be accommodated by the driver.

5.15 Wheelchairs

- 5.15.1 All drivers of wheelchair accessible vehicles are under a legal duty in the Equalities Act 2010 to carry a disabled person who is in a wheelchair in their vehicle without any additional charge to the hirer. They are required to:
- carry the passenger in the vehicle while in the wheelchair;
 - not to make any additional charge for doing so;
 - to carry the wheelchair if the passenger chooses to sit in a passenger seat;
 - take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
 - give the passenger such mobility assistance as is reasonably required.

Mobility assistance is assistance—

- to enable the passenger to get into or out of the vehicle;
- if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- to load the passenger's luggage into or out of the vehicle;
- if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

5.16 Assistance for all passengers

- 5.16.1 Drivers and operators have specific duties not to discriminate against passengers in wheelchairs or who are accompanied by assistance dogs. However, they also have general duties not to discriminate against anybody on account of their protected characteristics and to provide proactively reasonable adjustments that permit disabled passengers specifically to access their services. Although such duties are enforced by disabled people through the Civil Courts, the Licensing Authority has a role to play in creating an expectation that every potential passenger should be valued, regardless of any protected characteristic, and that any passenger requiring reasonable assistance is provided with it. As a matter of course, drivers should help passengers to stow mobility aids, pushchairs and luggage, to ensure that vulnerable passengers leave the vehicle safely away from traffic, and support customers to use card readers or count their change.
- 5.16.2 Where alleged instances of discriminatory behaviour are received The Authority will take proactive steps to investigate allegations, interview passengers, and seek relevant evidence from operators and partner agencies.
- 5.16.3 Cases will be prosecuted where there is sufficient evidence to identify the driver and substantiate the claims made. Where a licence holder is convicted of such an offence, the licence will be dealt with in accordance with the convictions policy.
- 5.16.4 Where a complaint about discrimination is received that will not result in a conviction, the Licensing Authority will consider a range of outcomes and take appropriate action based on the balance of probabilities. Licensing sanctions will be considered, such as suspension or revocation. The licensing authority will give full consideration to the available evidence before any decision is made and the licensee will be given the opportunity to state their case. This may mean no action is taken and the complaint recorded, a suspension until disability and equality awareness training/assessment is completed, or revocation of a licence and a refusal to issue another for a lengthy period.

6.0 Hackney Carriage and Private Hire Vehicles

- 6.0.1 Although both hackney and private hire vehicles undertake a similar role in the carriage of paying hirers, the method of engagement is different, and their roles are separate and distinct, covered by separate legislation. The Council's policy is to ensure that the conditions, markings and signage on the vehicles clearly distinguish hackney carriages from private hire vehicles.
- 6.0.2 The procedure for applying for a Vehicle Licence will be set out in an application pack.
- 6.0.3 In order for an application to be considered the applicant must submit the following to the Council:
- The completed vehicle licence application form
 - Application Fee

- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence of purchase / ownership will be required i.e. a receipt of purchase or similar). Licences will not be renewed unless the full V5 document is made available to the Council at the time of renewal application)
- The original insurance certificate or insurance cover note for the vehicle (if insured at time of application) If the vehicle is not insured at time of application. the certificate of insurance must be provided to the Council prior to any licensed activity taking place. The document must state that the vehicle is insured for private hire (hire and reward) or hackney (public hire)
- Confirmation from the Council appointed testing stations that the vehicle has passed the Council test and vehicle examination requirements
- Current MOT Certificate
- A basic DBS disclosure for any vehicle owner who is not a licensed driver

6.0.4 Part or incomplete applications, including non-payment of licence fees, will result in an application being treated as invalid, and may result in the application being rejected. Only when a complete application has been submitted, and the full fee paid, will the application be considered valid and be processed.

6.0.5 All vehicle licence holders must satisfy the Council that they are a fit and proper person to hold a hackney carriage or private hire vehicle licence. Once the licence has been granted, they must remain a fit and proper person throughout the duration of the licence. The fitness and propriety of the licence holder will be monitored and assessed throughout the licence period. Where licence holders have contravened any licence conditions, or any other complaints, criminal behaviour or other concerns are brought to the attention of the authority, or where their continued fitness and propriety is called into question the matter may be referred to the Licensing Sub Committee for consideration.

Where it is considered to be an immediate risk to public safety, a vehicle licence can be suspended with immediate effect by an authorised officer (in accordance with the Council's constitution).

Examples of matters that might warrant immediate suspension of a vehicle licence include (but are not limited to):

- A serious vehicle defect putting safety at risk. Including but not limited to:
 - A tyre worn below the legal limit or with another defect
 - Defective external lights
 - Damage to a windscreen which in the view of the officer has potential to shatter or affect visibility etc of the driver
 - Defective or damaged seatbelts
 - Any damage to the vehicle, that potentially puts hirers, pedestrians or other road users at risk

- Loose fixtures or fittings inside the vehicle that pose potential risk of injury
- Seatbelt(s) or their fastenings that do not operate as intended or which are damaged
- Non-display of licence plates

6.1 Vehicle Specifications, Age, and Testing Requirements for Hackney Carriages and Private Hire Vehicles

6.1.1 Vehicle Age

- 6.1.1.1 This policy requires that vehicles must be no older than four years from the first day of registration on initial application to North Northamptonshire Council for a Private Hire or Hackney Carriage Vehicle Licence.
- 6.1.1.2 For licensing purposes, the age of a vehicle will be determined by the date of first registration in the country of origin, if this is not recorded on the V5 document (Log Book), it will be the responsibility of the registered keeper to supply suitable documentary evidence to prove the date of first registration.
- 6.1.1.3 Once licensed, a vehicle which is older than four years and which has not passed its annual test on or before the date of expiry of its current vehicle licence will not be reconsidered for renewal of the vehicle licence.
- 6.1.1.4 This policy requires that any licensed vehicle cannot be more than ten years old (from date of registration). There will be an exception for London style cabs (TX series), which by their design will have a longer life than other vehicle types and these vehicles cannot be more than fifteen years old (from date of registration).
- 6.1.1.5 For clarity, ~~the age restrictions above apply equally to all vehicles, including Executive, Novelty and Special Occasion vehicles will be permitted to exceed the age limit provided that they are kept and maintained in excellent condition throughout their life as a licensed vehicle. Similarly vintage and similar vehicles kept in an excellent condition will be considered for licensing outside of the vehicle age requirements. Vintage and similar vehicles, subject to the legislation of the day, will also be able to be licensed after 1 January 2030. Note that there is no requirement for a vehicle used for a funeral or wedding to be licensed~~

6.1.2 Vehicle Testing and Inspection

- 6.1.2.1 All vehicles put forward for licensing are required to pass the Council's licensed vehicle test before being licensed or renewed. The test must be conducted at a Council approved garage. The test is in the form of a checklist that allows for a simple pass or fail. It is therefore important that vehicles are presented in a condition to meet the requirements for a pass.
- 6.1.2.2 Vehicles may be tested (MOT and the Council's licensed vehicle test) at any testing station approved by the Council, provided the testing station is familiar with the relevant grandfather rights for all vehicles and the zone requirements in the case of Hackney Carriages. Notwithstanding the above, the Council retains the right to direct a licensee to take their vehicle to a specific nominated testing station for testing at any time. It expects vehicles to remain

compliant with the test standard at all times between tests.

- 6.1.2.3 Two combined MOT and Council tests are required annually for all vehicles up to ten years of age.
- 6.1.2.4 The operator of any vehicle requiring a MOT test other than a Class 4 must arrange the test at an appropriate DVSA MOT testing station for the class of vehicle. Because of the different MOT class the testing station may not be included in the testing stations contracted to North Northamptonshire for the purpose of testing licensed vehicles. This will relate to vehicles such as stretched limousines which require a Class 6 MOT.
- 6.1.2.5 Any vehicle that fails to pass the Council compliance test is not considered to be fit for use as a licensed vehicle and must be withdrawn from service until the vehicle has been re- tested and passed as fit. The person licensing a vehicle must ensure that it is submitted for compliance testing on or before the relevant renewal dates and that vehicles remain fit for service at all times.
- 6.1.2.6 Any vehicle found during testing to have faults which may render it unsafe or unsuitable for licensed work may have its vehicle licence suspended with immediate effect.
- 6.1.2.7 Vehicles shall be liable to being inspected and tested at any time (in accordance with the requirements of the 1976 Act). If, upon inspection, it is discovered that a vehicle is not being properly maintained or kept in good order, a notice may be served on the owner to this effect setting out the defects to be remedied. If public safety is compromised by the defects, further use of the vehicle may be prohibited (by suspension of the licence) until the defects have been addressed and the vehicle has successfully undergone a further inspection / Council test to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid for by the proprietor. If the licensed vehicle is not brought up to standard within two months without good reason, the Council will deem the licence revoked.
- 6.1.2.8 On revocation or expiry of the notice of suspension of a licensed vehicle, the Council may issue further notices, requiring the proprietor of that vehicle licensed by them, to return the licence plate within seven days after service of service of the notice. Failure to comply with the requirement to return the licence plate is a criminal offence which on conviction could render a proprietor liable to a fine.

6.2 Private Hire Vehicle Specifications

- 6.2.1 All vehicles shall have an appropriate 'type approval' in place (prior to being licensed) which is either a:
- European Whole Vehicle Type Approval;
 - British National Type Approval; or
 - Individual Vehicle Approval
- 6.2.2 Any model of vehicle being considered for licensing which has been subject to Euro NCAP rating must meet at least a 4 star rating.
- 6.2.3 It is the policy of the Authority not to licence any vehicle which has been the

subject of any category of write off by an insurance company.

For information there are 4 categories of write off.

Category A - Scrap only. For cars so badly damaged they should be crushed and never re-appear on the road. Even salvageable parts must be destroyed.

Category B - Body shell should be crushed. Signifies extensive damage, although some parts are salvageable. Should never re-appear on road, although reclaimed parts can be used in other road-going vehicles.

Category S (formerly Category C) - The new Category S means the vehicle has suffered structural damage. This could include a bent or twisted chassis, or a crumple zone that has collapsed in a crash. Category S damage is more than just cosmetic, therefore, and the vehicle will need to be professionally repaired.

Category N (formerly Category D) - Vehicles graded accordingly haven't sustained structural damage, so the issue may be cosmetic, or a problem with the electrics that isn't economical to repair. However non-structural faults may include brakes, steering or other safety-related parts.

- 6.2.4 All vehicles which are the subject of a licence application must be manufactured or adapted to carry up to eight hirers not including the driver; this number includes any hirers who may be seated in wheelchairs if the vehicle is capable of transporting such hirers. Where a vehicle has been altered, adapted or modified ONLY Type Approval Certificates granted after alteration, adaptation or modification will be accepted.
- 6.2.5 Vehicles adapted to take disabled persons in wheelchairs will be considered and are to be welcomed where they meet the prescribed safety and other required standards.
- 6.2.6 Vehicles which have been modified in any way from the manufacturer's standard construction will not be considered suitable for licensing purposes.
- 6.2.7 Licensed private hire vehicles shall be either: -
- a 4-door saloon car designed and manufactured to seat up to four adults in addition to the driver; or
 - a 5-door estate or hatchback designed and manufactured to seat up to four adults in addition to the driver. Estate vehicles must be fitted with a luggage screen or guard to prevent luggage encroaching into the hirer compartment in the event of an accident;
 - Stretched Limousines carrying 8 passengers MAXIMUM in their original configuration plus the driver and, if imported into the UK, must have an IVA;
 - Multi-Purpose Vehicle (MPV), including those manufactured or suitably adapted to carry wheelchair users, with adequate seating accommodation for between 4 and 8 adult hirers inclusive of any hirers who may be seated in wheelchairs, in addition to the driver. Such vehicles must be provided with a means of securing any luggage carried. In the case of a vehicle which has been adapted for carrying wheelchair users after the vehicle has been manufactured it must have

been granted the relevant M1 Type Approval Certificate,

- a mini-bus type vehicle, including those manufactured or suitably adapted to carry wheelchair users, with adequate seating accommodation for, between 4 and 8 adult hirers inclusive of any hirers who may be seated in wheelchairs, in addition to the driver. Such vehicles must be provided with a means of securing any luggage carried. In the case of a vehicle which has been adapted for carrying wheelchair users after the vehicle has been manufactured it must have been granted the relevant M1 or M2 Type Approval Certificate.
- Some vehicles may be permitted to have less than 4 adult hirer seats if it is purposely designed and constructed or adapted after manufacture, to carry wheelchair users. The vehicle must however have the relevant M1 or M2 Type Approval.

Any vehicle that has been adapted or modified to accommodate disabled hirers must be re-certified, after adaptation or modification, to meet the European Whole Vehicle (M1 or M2) Type Approval standard, the British National Low Volume Type (M1 or M2) Approval standard or the British National Single Vehicle (M1 or M2) Type Approval in respect of all such adaptations or modifications. The relevant certificate will be required before such a vehicle can be licensed.

- Any minibus or other vehicle in which the seating is intended to be fixed in one place, and which has potential for capacity for over 9 seats, which has had excess seating removed to allow not more than 8 hirer seats, must have any excess seating fixings permanently removed and holes or other fixings permanently capped (i.e. welded over or similar) before a licence can be issued.

- 6.2.8 The TX series, Metro Cab, and other similar makes / models that are manufactured to operate as, or look similar to, London style Hackney Carriage, or any large vehicle having the appearance of a hackney carriage will not be considered for licensing as a private hire vehicle.
- 6.2.9 Seating in private hire vehicles must be permanently available, not capable of being folded away and accessible by either dedicated doors for the seats or via a clear route within the vehicle without the need for seats needing to be folded forward to provide access.
- 6.2.10 All private hire vehicles must be of any standard manufacturer's colour **other than yellow** (due to Zone 4 having some yellow hackney carriage vehicles) or black. The colour of the vehicle must be one solid colour and not altered during the period that the vehicle is licensed.
- 6.2.11 The engine power output as quoted by the manufacturer for any vehicle shall be not less than 90BHP or equivalent.
- 6.2.12 Each hirer must have available 400mm of seating width or multiple thereof measured at the narrowest point with the doors closed. For example any fixtures or fittings significantly protruding into the passenger space such as armrests must be deducted from the width measurement.

- 6.2.13 The vehicle must be capable of carrying a reasonable amount of luggage per hirer (at least one medium sized suitcase per person) in the luggage compartment.
- 6.2.14 A vehicle converted to run on LPG shall be fitted with a multi-valve tank contained within a sealed tank box made from aluminium and vented to the atmosphere. On a vehicle fitted with a 'doughnut' style tank in the spare wheel well the spare wheel (where supplied by the manufacturer) shall be securely fixed in a suitable position where it does not obstruct the whole of the luggage space. Where retrospective conversions are undertaken a conversion certificate must be provided upon application.
- 6.2.15 The standard conditions attached to all private hire vehicle licences can be found in Appendix C. The only variation to these will be following any individual decision by the Licensing Sub Committee.
- 6.2.16 Notwithstanding any of the above vehicle specifications, the Council is through this policy taking steps to improve the air quality in its area and deal with climate change. Road transport is an important source of both greenhouse gases and air pollutants, being responsible for significant contributions to emissions of carbon dioxide, nitrogen oxides, particulate matter (PM)10 and PM2.5. The extent to which the population and environment are exposed to harmful levels of air pollution is dependent upon various factors. However, as road transport emissions tend to occur in areas frequented by people, they are, relatively, more harmful than those from other sources.

The Council is able to act directly on emissions from one sector of road transport and so the following will come into effect at the specified periods below, and supersedes any other conflicting requirements:

- New and replacement vehicle licence applications between the date of this policy coming into force and 31 March 2025 must meet Euro 6 emission standards.
- No new applications for vehicles fuelled by diesel only or petrol only will be processed after 31 March 2025
- ~~From 1 April 2025 all new vehicle licence applications must be for zero emission vehicles, such as self-charging hybrids, fully electric vehicles or hydrogen-fuelled vehicles. At time of writing, plug-in hybrids are not deemed appropriate as they do not have sufficient range to support licensed vehicle use and will spend more time on the fossil fuel engine undermining the aims of this policy.~~
- No licences for vehicles fuelled by petrol only or diesel only will be renewed after 31 December 2030. This overrides the upper age policy so whatever the age of the vehicle, the licence will not be renewed when the licence expires after this date.
- All private hire licences for petrol only and diesel only fuelled vehicles will expire on 31 December 2030.
- Vintage special occasion vehicles, subject to the legislation of the day,

can be licensed after 1 January 2030 provided that they meet all other licensing requirements.

6.3 Hackney Carriage Vehicle Specifications

6.3.1 All vehicles shall have an appropriate 'type approval' in place (prior to being licensed), which is either a:

- European Whole Vehicle Type Approval;
- British National Type Approval; or
- Individual Vehicle Approval

6.3.2 Any model of vehicle being considered for licensing which has been subject to Euro NCAP rating must meet at least a 4 star rating.

6.3.3 It is the policy of the Authority not to licence any vehicle which has been the subject of any category of write off by an insurance company.

For information there are 4 categories of write off.

Category A - Scrap only. For cars so badly damaged they should be crushed and never re-appear on the road. Even salvageable parts must be destroyed.

Category B - Body shell should be crushed. Signifies extensive damage, although some parts are salvageable. Should never re-appear on road, although reclaimed parts can be used in other road-going vehicles.

Category S (formerly Category C) - The new Category S means the vehicle has suffered structural damage. This could include a bent or twisted chassis, or a crumple zone that has collapsed in a crash. Category S damage is more than just cosmetic, therefore, and the vehicle will need to be professionally repaired.

Category N (formerly Category D) - Vehicles graded accordingly haven't sustained structural damage, so the issue may be cosmetic, or a problem with the electrics that isn't economical to repair. However non-structural faults may include brakes, steering or other safety-related parts.

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

6.3.5 Vehicles which have been modified in any way from the manufacturer's standard construction will not be considered suitable for licensing purposes.

6.3.6 All new hackney carriage vehicles must be black in colour; must be wheelchair accessible and be either:

- A purpose constructed Hackney Carriage (i.e. of the London Taxis International TX series, Metro Cab or similar London cab style vehicles)
- A multi-Purpose Vehicle (MPV), including those manufactured or suitably adapted to carry wheelchair users, with adequate seating

accommodation for 4 and 8 adult hirers inclusive of any hirers who may be seated in wheelchairs, in addition to the driver. Such vehicles must be provided with a means of securing any luggage carried. In the case of a vehicle which has been adapted for carrying wheelchair users after the vehicle has been manufactured it must have been granted the relevant M1 Type Approval Certificate,

- A mini-bus type vehicle, including those manufactured or suitably adapted to carry wheelchair users, with adequate seating accommodation for, between 4 and 8 adult hirers inclusive of any hirers who may be seated in wheelchairs, in addition to the driver. Such vehicles must be provided with a means of securing any luggage carried. In the case of a vehicle which has been adapted for carrying wheelchair users after the vehicle has been manufactured it must have been granted the relevant M1 or M2 Type Approval Certificate.

Some vehicles may be permitted to have less than 4 adult hirer seats if it is purposely designed and constructed or adapted after manufacture, to carry wheelchair users. The vehicle must however have the relevant M1 or M2 Type Approval.

Any vehicle that has been adapted or modified to accommodate disabled hirers must be re-certified, after adaptation or modification, to meet the European Whole Vehicle (M1 or M2) Type Approval standard, the British National Low Volume Type (M1 or M2) Approval standard or the British National Single Vehicle (M1 or M2) Type Approval in respect of all such adaptations or modifications. The relevant certificate will be required before such a vehicle can be licensed.

Any minibus or other vehicle in which the seating is intended to be fixed in one place, and which has potential for capacity for over nine seats, which has had excess seating removed to allow not more than eight hirer seats, must have any excess seating fixings permanently removed and holes or other fixings permanently capped (i.e. welded over or similar) before a licence can be issued.

- 6.3.7 The engine capacity for any vehicle shall be not less than 90BHP or equivalent
- 6.3.8 Seating width of not less than 400mm of seating accommodation per hirer (with the doors closed and with no other obstructions) must be provided.
- 6.3.9 The vehicle must be capable of carrying a reasonable amount of luggage per hirer (at least one medium sized suitcase per person) in the luggage compartment.
- 6.3.10 A vehicle converted to run on LPG shall be fitted with a multi-valve tank contained within a sealed tank box made from aluminium and vented to the atmosphere. On a vehicle fitted with a 'doughnut' style tank in the spare wheel well the spare wheel (where supplied by the manufacturer) shall be securely fixed in a suitable position where it does not obstruct the whole of the luggage space. Where retrospective conversions are undertaken a

conversion certificate must be provided upon application.

- 6.3.11 The standard conditions attached to all hackney carriage vehicle licences can be found in Appendix D. The only variation to these will be following any individual decision by the Licensing Sub Committee.
- 6.3.12 All hackney carriage vehicles being licensed for the first time within North Northamptonshire must be wheelchair accessible.
- 6.3.13 Notwithstanding any of the above vehicle specifications, the Council is through this policy taking steps to improve the air quality in its area and deal with climate change. Road transport is an important source of both greenhouse gases and air pollutants, being responsible for significant contributions to emissions of carbon dioxide, nitrogen oxides, particulate matter (PM)10 and PM2.5. The extent to which the population and environment are exposed to harmful levels of air pollution is dependent upon various factors. However, as road transport emissions tend to occur in areas frequented by people, they are, relatively, more harmful than those from other sources.

The Council is able to act directly on emissions from one sector of road transport and so the following will come into effect at the specified periods below, and supersede any other conflicting requirements:

- New and replacement vehicle licence applications between the date of this policy coming into force and 31 March 2025 must meet Euro 6 emission standards.
- No new applications for vehicles fuelled by diesel only or petrol only will be licensed after 31 March 2025
- ~~From 1 April 2025 all new licence applications must be for zero emission vehicles such as self-charging hybrids, fully electric vehicles or hydrogen fuelled vehicles only. At time of writing plug-in hybrids are not deemed appropriate as they do not have sufficient range to support licensed vehicle use and will spend more time on the fossil fuel engine undermining the aims of this policy.~~
- No licences for vehicles fuelled by petrol only or diesel only will be renewed after 31 December 2030. This overrides the upper age policy so whatever the age of the vehicle, the licence will not be renewed when the licence expires after this date.
- All licences for diesel only and petrol only fuelled hackney carriage vehicles will expire on 31 December 2030.

6.4 Wheelchair Accessible Vehicles

- 6.4.1 All vehicles which are built or adapted for the carriage of wheelchair users and are the subject of a licence application, must be designed to ensure that any wheelchair is loaded and unloaded from the nearside of the vehicle for hackney carriages or either the side or rear for private hire vehicles. Rear loading will only be permitted where a suitable tail lift is in use.

- 6.4.2 Any vehicle that is adapted or modified in any way, including vehicles that have been adapted or modified to carry one or more wheelchair users, must meet an acceptable/approved standard. Such vehicles may require additional testing or certification from the manufacturers, VOSA or an accredited qualified vehicle engineer. The cost of obtaining this will be payable by the applicant.
- 6.4.3 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). Any such equipment must be maintained in efficient working order so as to be available for use at all times.
- 6.4.4 Drivers of wheelchair accessible vehicles must be trained to load/unload and convey wheelchair users in safety and comfort. Evidence of this training must be provided upon request by an authorised officer.

6.5 Grant and Renewal of Vehicle Licences

- 6.5.1 The licensee shall submit an application for the renewal of a hackney carriage or private hire vehicle licence, including all required original documentation, to the Council at least six weeks prior to the expiry of the current licence. Photocopies of documents will not be accepted. There is a twenty eight day turnaround time for processing vehicle licence applications.
- 6.5.2 Prior to grant or renewal of any vehicle licence that vehicle must attend and pass the Council's vehicle test at one of the Councils appointed testing stations for a combined Council test and MOT test.
- 6.5.3 Details of the Council's test will be set out in an application pack. All vehicles must be and remain safe and roadworthy for hirers and drivers. Vehicles are to be presented to the garage in such a condition that they pass.
- 6.5.4 The Council test is a checklist that allows for a simple pass or fail. Any failure will result in a licence not being granted or renewed until the matter is rectified and a retest is passed.
- 6.5.5 Vehicle licences are for a period of one year and will be subject to testing throughout that period. This is non-negotiable. Any vehicle that fails the Council test will be required to re-submit the vehicle for retesting at the appointed garage at the applicant's own expense.
- 6.5.6 All new vehicles must pass a combined Council test and MOT test before they can be licensed.

6.6 Transfer of Ownership

- 6.6.1 If the owner / proprietor of a licensed hackney carriage or private hire licensed vehicle wishes to transfer his/her interest in the vehicle to another, he/she is required to complete a transfer of ownership form and submit this to the Council within seven days of the transfer taking place.
- 6.6.2 New owners / proprietors are required to submit a transfer of ownership

application to the Council prior to any transfer taking place. There is a charge for this to cover the administration.

6.6.3 Please note that transitional arrangements will not apply to any vehicle subject to transfer of ownership during the five year transitional period.

6.7 Vehicle Insurance

6.7.1 A licence will not be granted until a valid vehicle insurance certificate is submitted to the Council. Where possible, this should be provided at the time of submitting an application.

6.7.2 In order to satisfy the Council that appropriate insurance is in place for the vehicle the following is required:

- A valid certificate of insurance or cover note. This must confirm that insurance is in place for each driver of the vehicle and specify that it is covered for its use as a hackney carriage or private hire vehicle
- A hackney carriage vehicle requires insurance to cover public hire
- A private hire vehicle requires insurance to cover private hire and hire and reward
- A cover note will be accepted, and the licence issued on the understanding that a certificate of insurance will be presented as soon as possible.

6.8 CCTV

6.8.1 The Council recognises that some proprietors may wish to install CCTV security cameras in their vehicle for the benefit and protection of both drivers and hirers.

6.8.2 The Council considers acceptable use of CCTV / Dash Cams or similar recording systems in licensed vehicles would include:

- Forward or rear facing cameras for external monitoring of the vehicle (whether temporarily or permanently) with the intention of the recording being used in the event of an accident or incident.

6.8.3 All vehicle owners, operators and drivers using any audio or visual recording equipment in their vehicle must ensure full compliance with all current Data Protection Act and Information Commissioner requirements in respect of audio or visual recordings in licensed vehicles, and the storage and use of all recordings.

6.8.4 Due to the potential sensitivities of making audio or visual recordings in licensed vehicles, any breach of the requirements of the Data Protection Act or Information Commissioner Guidance on audio or visual recordings will be considered a breach of the conditions of licensing and will be taken extremely seriously.

6.8.5 Notwithstanding 6.8.3 above, where any audio or visual recording device is fitted or used in a licensed vehicle, clear signage must be displayed in all hirer compartments of the vehicle notifying hirers that audio and/or visual recording device(s) are being used.

6.9 Age and Condition Policy

- 6.9.1 Vehicles must be no older than four years from the first day of registration (in any country) on the initial application to North Northamptonshire Council for a Private Hire or Hackney Carriage Vehicle Licence. The first date of registration will be as shown on the vehicle registration document, which may not necessarily be the first date it is registered with the DVLA (e.g. may previously have been registered abroad.)
- 6.9.2 An exemption to 6.9.1 may be allowed at the discretion of the Licensing Manager, for Executive Cars or Special Occasion vehicles used on an infrequent basis. See Executive and Special Occasion Vehicles details at Appendix F.
- 6.9.3 Once licensed the Council's policy is that a vehicle will cease to be licensed once it is ten years of age, subject to the restrictions described above in relation to emission conditions. There will be an exception for London style cabs (TX series), which by their design will have a longer life than other vehicle types and these vehicles cannot be more than fifteen years old (from date of registration).
- 6.9.4 The term "exceptional condition" is used to describe vehicles which are over any age limit set by the Council, but that may continue to be licensed because they have been maintained to a very high standard and condition.
- 6.9.5 Any Council which imposes an age limit on its vehicles must be prepared to consider applications from vehicles that are in "exceptional condition". The Council will therefore only licence a vehicle after it is ten years old, if it meets policy requirements to be considered to be in an "exceptional condition".
- 6.9.6 A vehicle of "exceptional condition" is one where the components i.e. mechanical, body panels, paint, trim and fittings etc are maintained in an exceptional condition with regard to the age of the vehicle. It is essential that the image of an exceptional older vehicle upholds the standards normally set by a much younger vehicle.
- 6.9.7 General conditions applicable to this exceptional condition policy are:
- The owner of a hackney carriage or private hire vehicle whose vehicle is approaching its age limit will be required to notify the Council in writing at the time of making an application for the grant of a licence that they wish to extend the operating life of their existing vehicle by twelve months. They must continue to do so, on each subsequent renewal application.
 - Should the vehicle fail any test for any reason it will not be licensed and will not be considered for relicensing, so it is extremely important that licensees ensure a vehicle subject to the exceptional age policy is maintained in exceptional mechanical and cosmetic condition at all times.
- 6.9.8 The criteria detailed below are in addition to all current standard vehicle test criteria requirements.

- 6.9.9 The Council's nominated testing station in conjunction with an authorised officer of the Council will undertake an inspection of the vehicle to assess its general condition and appearance in accordance with the criteria detailed below:
- I. In order for a vehicle to be considered suitable for an operating extension under this policy it must have successfully passed two of its last four standard fitness tests on first submission.
 - II. Bodywork should be in near perfect condition with no signs of panel age deterioration, dents or any other abrasions that may detract from the overall appearance of the vehicle.
 - III. Mechanical condition is such that there should be no item that may show age, deterioration or cause or contribute to a less than safe, comfortable hirer ride.
 - IV. The underside condition of the vehicle does not show any signs of rusting or age, or deterioration.
 - V. General paint condition should not show signs of fading, discolouration or mismatching and retain a finish generally found on much younger vehicles. The exterior trim must be complete and fully intact.
 - VI. Interior trims, panels, seating and carpets etc. should be of a condition that is free from frayed, discoloured, faded or torn components.
 - VII. All seatbelts, airbags, grab rails and other safety devices are in good condition and repair and fully operational.
 - VIII. The boot and luggage compartment must be clean, uncluttered and watertight.
 - IX. There shall be no evidence of leakage of fuel from the vehicles fuel filler cap.
 - X. The hirer compartment should be free from damp or any other odours that may cause hirer discomfort.
 - XI. For wheelchair accessible vehicles only: Ramps and restraining straps will be complete and serviceable and maintained in good repair
- 6.9.10 Ultimately, the decision on whether or not a car can continue to be licensed under the proviso that it is in "exceptional condition" would have to be judged on the merits of each vehicle. Consideration would also have to be given to the type of vehicle, engine size, mileage and the fact that it is going to be used as a licensed vehicle rather than a family saloon.
- 6.9.11 A vehicle that passes an 'exceptional vehicle check' will be licensed for one year. This check is required every year and is in addition to the MOT and

two Council tests.

6.10 Vehicle Signage & Licence Plates

- 6.10.1 Appropriate signage is necessary to identify key information about licensed vehicle to assist identify reassure hirers that vehicles are properly licensed and regulated within North Northamptonshire. Clear signage also assists enforcement officers and others to identify vehicles and help protect the trade from unlicensed or non-compliant vehicles.
- 6.10.2 Hackney carriage and private hire vehicles are required to display a licence plate on the front and rear of the vehicle. Plates must be mounted securely on the bodywork or on the brackets supplied by the authority. All licensed vehicles are also required to display a small licence plate inside the front windscreen of the vehicle. The licence plates remain the property of the Council at all times and must be removed and surrendered within seven days of a request by an authorised officer of the Council, in the event that the licence has expired or has been suspended or revoked.
- 6.10.3 Conditions relating to signage shall be attached to individual vehicle licences and details of those conditions can be found in Appendix C for private hire vehicles and Appendix D for hackney carriage vehicles.
- 6.10.4 For Executive and Special Occasion vehicles and discreet plated vehicles see Appendix F.

6.11 Advertising and Additional Signage

- 6.11.1 Limited commercial advertising is permitted on licensed vehicles. The size and position and content of such information will be specified by the Council. The specifications can be found in Appendix C for private hire vehicles and Appendix D for Hackney Carriages.
- 6.11.2 No advertisements suggesting that a private hire vehicle is available for immediate hire without pre-booking, will be allowed.
- 6.11.3 Advertising and additional signage must not be prejudicial or discriminatory against any group or individual – including, but not limited to; age, race, religion, disability, gender, sexual orientation or nationality, is likely to mislead, is inflammatory, offends or creates barriers between the driver of the vehicle and hirers, the public or other road users. The interpretation of the content of any advert shall be at the sole discretion of the Council.
- 6.11.4 All advertisements must meet current advertising standards requirements.
- 6.11.5 One advertising panel is permitted on each rear hirer door of a licensed vehicle. Each panel must not exceed 45cm in height and 60 cm in width.

7.0 Application Procedures

- 7.1 The Council's application procedures for hackney carriage or private hire vehicle licences, drivers and private hire vehicle operators will be set out in the relevant application pack for that licence. The application procedures

must be followed by applicants and must be made on the prescribed forms and submitted with all supporting documentation.

8.0 Executive & Special Occasion Vehicles and Discreet Plate Policy

8.10 Limousines and other Special Occasion Vehicles

- 8.1.1 The Council will consider licensing limousines, stretch vehicles, and other types of novelty and special occasion vehicle where these meet all current safety standards for use on UK roads.
- 8.1.2 The age restrictions at Section 6.1 above apply equally to all types of special occasion vehicles.
- 8.1.3 Applicants wishing to licence an imported vehicle must produce documentary evidence to the Council that any imported or novelty vehicle has been legally imported into the UK and that the vehicle has an IVA certificate.
- 8.1.4 Owners of vehicles converted from a standard production model must retain the original documentation to confirm that the conversion was approved by the original manufacturer and that the conversion was undertaken by a converter/modifier under an approved Scheme. This must be submitted with the licence application.
- 8.1.5 Any proprietor who wishes to licence an American stretched limousine as a private hire stretched limousine vehicle, will need to prove the vehicle has been converted by an approved converter under a professional modification certification scheme such as the Ford, Quality Vehicle Modifier (QVM) programme or the Cadillac Master Coachbuilders (CMC) programme. It is the responsibility of the proprietor to prove the stretch conversion has been carried out by an approved converter. The vehicle must display a QVM or CMC plate (or equivalent) which specifies the plated weights of the vehicle, if no plated weight is visible then a weight certificate from a registered Vehicle & Operator services Agency (VOSA) weigh bridge must be produced
- 8.1.6 Vehicles may be required to undergo a metal fatigue test or other additional tests at the discretion of this Council. The cost of such tests must be paid for by the operator/proprietor
- 8.1.7 The V5 logbook must list the vehicle body type as 'Limousine' and a seating capacity of up to eight hirers (plus the driver). If this information is not recorded on the V5 registration document the proprietor will be required to apply for an Individual Vehicle Approval (IVA) inspection at a suitable Vehicle & Operator Services Agency (VOSA) testing station, the vehicle should be entered as a left hand drive limousine to carry eight hirers. The certificate must then be produced to the Driver & Vehicle Licensing Agency (DVLA) for registration. A copy of the IVA certificate must be retained and produced with all other documents at the point of application for a private hire stretched limousine licence
- 8.1.8 Because every limousine is bespoke, before a licence can be issued to a limousine, the vehicle will be required to undergo an inspection by an

Authorised Officer of the Council to ensure compliance with the requirements listed above and conditions attached to the grant of the private vehicle licence. This is in addition to passing the Council test.

- 8.1.9 Due to the added weight and length of such vehicles, critical components wear at a greater rate than that of conventional vehicles. The proprietor of a vehicle licensed as a private hire stretched limousine will be required to maintain a detailed maintenance plan.
- 8.1.10 All Executive & Special Occasion Vehicles will be expected to comply with all standard private hire vehicle licensing requirements and conditions.
- 8.1.11 The vehicle will be licensed to carry no more than eight hirers with a minimum space of 400mm seating available for each hirer with doors closed and no other obstructions. Where the vehicle is fitted with an L shaped seating arrangement, space for one passenger will be discounted in the corner of the seats to allow sufficient legroom for occupants. All forward facing seats must be fitted with three point all age inertia reel, lap and diagonal seat belts. All other seatbelts fitted to any other seat by the converting company must be present and working correctly.
- 8.1.12 Vehicles with a partition between the driver and hirer compartment must only be fitted with a clear glass partition to enable full visibility into the rear of the vehicle. The glass should meet the relevant British/ European Standard or its American equivalent. Solid partitions will not be permitted.
- 8.1.13 Due to the design and use of such vehicles, they will be required to provide enhanced safety features, including additional fire extinguishers and 'Life' safety / break glass hammers.
- 8.20 Exemption from Display of Licence Plates (Discreet Plates)**
- 8.2.1 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display a licence plate and drivers wear a driver's badge. The same legislation also allows a Council to exempt the display of vehicle licence plates and, where that exemption applies, the requirement to wear a private hire driver's badge.
- 8.2.2 There has been a change in the market relating to private hire vehicles in recent years with limousines, executive cars and other special occasion vehicles becoming a more popular means of travel. This coupled with changes in the legislation has led to the trade wanting a more discreet plate for these types of vehicles, particularly if they are chauffeuring people where security issues exist or aesthetics are important.
- 8.2.3 This however must be balanced against public safety when using licensed vehicles, so this policy has been developed to allow private hire vehicles that meet strict criteria to display discreet plates.
- 8.2.4 Applicants for exemptions from displaying licence plates would be expected to demonstrate the corporate/business nature of work being undertaken, for example requests from clients wishing to enter into contracts for private hire vehicles without markings. Consideration will also be given to the nature and length of

contracts and billing arrangements. Cash payment direct to the driver would not be acceptable as the norm, account or prepayment is expected. Applicants would also be required to demonstrate how they intend to advertise their private hire services. A clear distinction must be made between executive hire utilising 'discreet plated' vehicles and 'normal' private hire utilising vehicles exhibiting plates and signage in order to minimise confusion and protect public safety.

8.2.5 It is not intended that all private hire vehicles should be able to obtain exemptions from displaying licence plates. Only those meeting the criteria below will be considered.

8.2.6 An exemption from the display of licence plates will be considered where the following requirements are met:

- Vehicles accepted include luxury brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus. The highest specification executive type cars from other manufacturers may also be considered. American style stretched vehicles and limousines will not normally qualify for discreet plates, as may other special occasion or novelty type vehicles.
- The maximum length of the 'stretch' shall not exceed 120"/3048mm
- The vehicle must be in immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim.
- The type of work undertaken is 'executive' in nature. This would mean that the vehicle is used specifically for clients that for security, commercial, aesthetic or similar reasons would not want the vehicle to be identifiable.
- Any vehicle with an exemption from displaying licence plates is not used for more routine private hire work at any time.

8.2.7 Owners of vehicles converted from a standard production model must retain the original documentation to confirm that the conversion was approved by the original manufacturer and that the conversion was undertaken by a converter/modifier under an approved Scheme. A copy of this must be submitted with the licence application and discreet plate application.

8.2.8 Licensed drivers of any licensed vehicle which has been granted an exemption from displaying the licence plates will automatically be exempt from wearing their drivers licence badge. However, they must carry their badge on their person at all times whilst driving the vehicle and must produce it on request by an authorised officer of the Council or a police officer.

8.30 Applications for Exemption from Displaying Licence Plates

8.3.1 Application for exemption from display of licence plates must be made in writing to the Council by a person holding a Private Hire Operator Licence issued by the authority. The application must set out:

- the grounds for applying for an exemption
- details of the business model
- the vehicle make, model, age and registration number

- a description of the current condition of the vehicle, with supporting photographs
- confirmation that the applicant will comply with the terms of this policy and the conditions set out in in Appendix F.

- 8.3.2 Each case will be considered on its own merit by the Licensing Manager. The applicant may be asked to bring the vehicle to the Council offices for inspection prior to a decision being made.
- 8.3.3 The decision will be communicated in writing (where possible within fourteen days of an application being submitted). There is no automatic right of appeal against this decision. However, anyone aggrieved by a decision is at liberty to use the Council’s complaints procedure.
- 8.3.4 Where a written exemption is confirmed, the applicant will be issued with a discreet plate which is required to be displayed in the nearside front windscreen at all times.

9.0 Private Hire Operators and Vehicle Proprietors

- 9.0.1 The objective in licensing private hire vehicle operators is to protect the public, who may be using operators’ premises and trusting that the drivers and vehicles dispatched are above all else safe
- 9.0.2 It is important therefore that the Council is assured that those that are granted a private hire vehicle operator licence pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with hirers, they are still entrusted to ensure that the vehicles and drivers used to carry hirers are appropriately licensed and so maintain the safety benefits of the driver licensing regime, particularly considering the fact that those involved in taking bookings and undertaking journeys will be likely to be party to sensitive personal information.
- 9.0.3 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for Private Hire Operators and a suitable variation on the test for drivers can be used:
- “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?” *
- * Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 12.35
- 9.0.4 Applications for private hire operator’s licences must be made on the Council’s official application form and in accordance with the stated timescales. A basic disclosure from the Disclosure and Barring Service (DBS) will be required. The application procedure for an Operator’s Licence will be set out in an application pack.
- 9.0.5 A Private Hire Operator Licence may be applied for by a company or partnership. In this instance a basic disclosure from the DBS will be required for each director / partner.

- 9.0.6 Conditions which will be attached to all Operators licences are contained in Appendix E
- 9.0.7 Applications and fees for these licences are for a five year period only. The decision to issue an operator licence for less than five years shall only be determined by the Licensing Sub-Committee. The only exemption to this is those applicants whose right to remain in the UK is for less than the three year period. The licence application if otherwise acceptable shall only be issued for no longer than the same period as the leave to remain. There will be no reduction in fee for a licence granted for a shorter term.
- 9.0.8 All operator applicants must satisfy the Council that they are a fit and proper person to hold a Private Hire Operator Licence. To grant the licence there must be no doubts as to the applicant's fitness or propriety. Any application that raises any relevant concern will be referred to the Licensing Sub Committee for determination.
- 9.0.9 Once the licence has been granted, the Operator must remain a fit and proper person throughout the duration of the licence. The fitness and propriety of the licensed Operator will be monitored and assessed throughout the licence period. Where licence holders have contravened any licence conditions, or any other complaints, criminal behaviour or other concerns are brought to the attention of the authority, or where their continued fitness and propriety is called into question the matter may be referred to the Licensing Sub Committee for consideration.

Examples of matters that might warrant immediate suspension of a private hire operator licence include (but are not limited to):

- Concerns supported by a reasonable belief of an authorised officer, that an operators ongoing activities may pose a public safety risk (based on information, evidence or circumstances that has come to the attention of that officer) and where no other reasonable control measures are likely to mitigate that potential risk

- 9.0.10 Any vehicle proprietors or person(s) applying for a private hire operator licence are required to provide a basic disclosure from the DBS to ensure they meet the 'fit and proper' threshold.
- 9.0.11 An operator licence may be applied for by a company or partnership. In this instance a basic disclosure from the DBS will be required for each director and secretary in respect of a limited company and each partner in a partnership. Further DBS disclosures will be required prior to any additional director or secretary being appointed.
- 9.0.12 If granted a licence, a basic disclosure from the DBS, as above, must be provided to the Council on an annual basis for each individual / director / secretary.
- 9.0.13 Any private hire operator or vehicle proprietor who is also licensed as a driver will not be required to provide a DBS basic disclosure as the required enhanced disclosure for drivers is sufficient.

10.0 Fees & Charges

- 10.0.1 The Council reviews all fees and charges on an annual basis although it may review these at any time it feels necessary. All fees are calculated to ensure that the Council's costs are recovered and that the service is not being subsidised by the public. Licence fees include the cost of administering applications, and monitoring compliance of licences granted.
- 10.0.2 All fees are published on the Council's website at: **xxxxxxx**

11.0 Enforcement and Compliance

11.10 General

- 11.1.1 The purpose of licensing the taxi and private hire trade is to protect the public and promote public safety. The Council will utilise all legislative powers available to them to ensure the public are protected. North Northamptonshire Council has an Enforcement Policy in place that sets out our approach to enforcement. to ensure that any action is efficient, targeted, proportionate and transparent. The Enforcement Policy is available on the Council's website.
- 11.1.2 The Council liaise and work in partnership with other Council departments, the Police, officers of other local authorities and partner agencies to carry out its enforcement duties effectively. Where appropriate, the UK Border Agency, Department of Work and Pensions, HM Revenue and Customs, Driver and Vehicle Standards Agency and other Government Departments may assist with targeted enforcement campaigns.
- 11.1.3 The Council may use spot checks and "mystery shopping" to identify drivers and operators that are not complying with the requirements and standards the authority expects of its licensees. It is recognised as being particularly useful in identifying those who discriminate against disabled passengers, particularly when evidencing ad hoc incidents can be difficult for the passengers concerned.
- 11.1.4 The Council will suspend the vehicle licence or refuse to issue a licence to any vehicle where the vehicle excise duty has not been paid, or any other prerequisite legal requirement has not been complied with.
- 11.1.5 The Council will not routinely suspend vehicle licences at the request of insurers, when vehicles are temporarily taken off the road for accident repairs, as suspension of any licence should only be used where there are public safety or other licensing concerns. In this situation, a temporary licence transfer can be applied for to transfer the licence to another vehicle temporarily. Temporary transfers will usually only be granted for one period of up to three months.
- ### **11.20 Delegated Authority**
- 11.2.1 The Council's Constitution sets out delegated responsibility and authority

within the Council for the purposes of decision making and enforcement action. The Council's constitution can be viewed on the Council's website at:

<https://www.northnorthants.gov.uk/councillors-and-democracy/constitution>

A copy of the Regulatory Services Scheme of Delegation can be provided on request. This document sets out delegations to individual officer level.

For the purposes of this policy, the Licensing Sub Committee has authority to make decisions relating to taxi licensing matters at the application stage and at review following complaints or enforcement action undertaken. An application or licence may be brought in front of the Licensing Sub Committee for determination should it be necessary, for example where previous criminal convictions have been disclosed. The Sub Committee is made up of three members from the Licensing Committee.

- 11.2.2 The Licensing Sub Committee will treat each case on its own merits and will have due regard to this policy and its appendices when considering hackney carriage and private hire licensing matters. Information on appeals against a decision of the Licensing Sub Committee will be provided to the applicant/licence holder with the decision notice, within the prescribed period following a hearing.

11.30 NNC Licensing Penalty Points Scheme

- 11.3.1 Where breaches of the terms and conditions of any licence (drivers, vehicle or operator) are determined by the Council, penalty points may be issued. Details of the NNC Licensing penalty points scheme can be found in Appendix G.
- 11.3.2 The scheme is a way of formalising warnings being issued. The scheme is set up to be transparent in the number of penalty points which are attributable to the range of breaches covered. Whilst all breaches of licence conditions are serious, there is a sliding scale of points with a larger number of points attached to those which are considered the most serious, or which put public safety at potential risk, over those which might be seen as an administrative breach.
- 11.3.3 Penalty points are issued per incident and are cumulative. If one incident has resulted in several breaches of the licence conditions, the points issued may reach a trigger level that would require the licence to be referred to the Licensing Sub Committee for review. For clarity, an incident is considered as one point in time. It therefore stands that potentially a driver may be involved in more than one incident in any day, which could each result in points being issued.
- 11.3.4 Points incurred will remain on the licence holder's record for a fixed period. The usual duration of a driver and private hire vehicle operator licence is three and five years respectively. To ensure that all past behaviour is taken into account when considering whether to grant a new licence, the Council will require that points remain on the record from the date of the incident for 3 years for drivers and 5 years for private hire vehicle operators.. The Licensing Authority will however consider whether a review is undertaken in situations where points are incurred within a shorter period; for example, a

year as this may indicate rapidly deteriorating standards or unsatisfactory conduct.

- 11.3.5 Twelve points being issued within any rolling two year period is the trigger level for a licence to be referred for review by the Licensing Sub Committee. The Sub Committee will carry out a review of the conduct of the licensee and consider whether further action is necessary to address any concerns. Such action might be undertaking additional training or a further driving test, not just a suspension or revocation
- 11.3.6 All authorised officers undertaking licensing work are permitted to issue penalty points under the NNC Licensing Penalty Points Scheme
- 11.3.7 The Council will periodically undertake interventions to assess the conditions of the hackney carriage and private hire vehicle fleets. These interventions will include the occasional inspection of stationary vehicles or moving vehicles during joint operations with the Police or DVSA. Any breaches of conditions found at these times will be awarded the appropriate number of penalty points, and if they exceed twelve points at any time, this would trigger the matter being referred to the Licensing Sub Committee for their consideration. Failure to allow such checks to be carried out will be considered as obstruction and acted upon accordingly.

11.40 Appeals Against NNC Licensing Penalty Points

- 11.4.1 Where NNC Licensing penalty points have been issued an appeal can be submitted. Any appeal must be set out in writing to the Licensing Manager and submitted for consideration within twenty one days of the penalty points being issued. The appeal will be considered by the Licensing Sub Committee, and their decision will be final.

It should be noted that where an appeal is submitted to the Licensing Sub Committee, the points may be reduced or removed, but they can also be increased. The Sub Committee may also consider further action might be appropriate in respect of the licence during an appeal.

- 11.4.2 For any other enforcement actions, the right of appeal will be disclosed with the decision where an appeal process exists.

12.0 Service Requests and Complaints

- 12.0.1 The Council has a discretion to investigate complaints made to them by members of the public or partner agencies. Any complaint received will be recorded and a decision will be made by the officer who is allocated the complaint, as to what level of investigation may be undertaken. This will take account of the seriousness of the complaint, the level of evidence available, witness credibility, driver compliance history, and other relevant information.
- 12.0.2 In determining the most appropriate course of action the Council will have regard to the evidence collated, the credibility of both the licence holder and the complainant, along with the driver's compliance history and any other relevant information.

- 12.0.3 Should a person wish to complain about the service they have received from the Council they can either submit an informal complaint to the officer dealing with the matter, or their line manager; or alternatively they may submit a formal complaint using the Council's complaints procedure.

13.0 Disclosure of Information

- 13.0.1 All information held on files and databases shall only be disclosed to other internal departments and external agencies where there is a legal gateway and an obligation to do so. In addition, the Council may seek information from other agencies or third parties where there is considered to be reasonable grounds and a legal gateway for doing so.

Appendices

Appendix A – Criminal Records and Suitability

Appendix B – Private Hire Driver Conditions

Appendix C – Private Hire Vehicle Conditions

Appendix D – Hackney Carriage Vehicle Conditions

Appendix E – Operator Licence Conditions

Appendix F - Executive & Special Occasion Vehicles and Discreet Plate Conditions

Appendix G – NNC Licensing Penalty Points Scheme

Appendix H – National Taxi Database Policy

Appendix I – Exemptions from Displaying Licence Plates

Appendix J - CCTV in Hackney Carriage and Private Hire Vehicles

Appendix A- Criminal Convictions and Suitability Policy

- 1.1 Guidance on the relevance of arrest, conviction, caution or any other relevant information including complaints and intelligence.
- 1.2 Every person licensed by the Council in respect of the hackney carriage or private hire trade must demonstrate at application, renewal and all other times, that they are, and remain, a fit and proper person to hold one or more of the following:
 - a. Licence to drive a licensed vehicle as a:
 - hackney carriage driver;
 - private hire driver;
 - dual driver;
 - b. Private Hire operator's licence;
 - c. Vehicle licence:
 - hackney carriage;
 - private hire vehicle.
- 1.3 Commonly, the test as to whether a person is suitable to hold a licence is expressed to be:

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

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

(Department for Transport Statutory Taxi & Private Hire Vehicle Standards July 2020)

It must be noted that this is not the same test as would be applied by a criminal court and matters which may have been dismissed by that judicial process will still be considered by the Council in considering the Fit and Proper Test.

- 1.4 In addition to physical and mental wellbeing, this test can also be applied to an applicant's handling of a person's sensitive information such as personal data, holiday plans, medical conditions, travel arrangements etc, in respect of all licences the Council issues. The public and the trade are entitled to expect that those licensed by the Council will operate in accordance with the standards set out by the Council and not take advantage of their position of trust for criminal or unacceptable purposes.

2.0 Relevant Factors

- 2.1 The Council may take into account any other matter or matters that may affect whether an applicant or licence holder is a fit and proper person, such factors include but are not limited to:
 - Convictions / Cautions for an offence;
 - Any diversion scheme offered as an alternative to conviction (i.e. "checkpoint" or restorative approach);
 - Mental Health Act Orders;
 - Inclusion on any register maintained for the purposes of safeguarding the public;
 - Police intelligence/information;
 - Drug/alcohol use and Detoxification;
 - Other relevant information disclosed;

- Any complaints or the accumulation of complaints regarding a licence holder's conduct;
- Surrender of a licence prior to an appearance before the Licensing Committee;
- Matters contrary to the requirements of this policy;

2.2 The Council will, in considering whether an applicant is suitable to hold a licence, require applicants and those renewing a licence to meet the criteria identified below:

	Drivers			Private Hire Operator	Vehicles	
	Hackney Carriage	Private Hire	Dual		Hackney Carriage	Private Hire
Child sexual exploitation awareness	✓	✓	✓	✓	✗	✗
Entitled to work in UK	✓	✓	✓	✓	✗	✗
Driving licence	✓	✓	✓	✗	✗	✗
Driving assessment	✓	✓	✓	✗	✗	✗
Theory test	✓	✓	✓	✓	✓	✓
Geography test (per zone)	✓	✓	✓	✗	✗	✗
Medical fitness	✓	✓	✓	✗	✗	✗
Fit & proper person	✓	✓	✓	✓	✓	✓
DVLA check	✓	✓	✓	✓	✗	✗
DBS check	✓	✓	✓	✓	✓	✓

2.3 Any applicant who is the subject of an outstanding charge or summons may have their application held in abeyance or referred to the Licensing Sub Committee until the matter is resolved. This decision will be made on a case by case basis.

2.4 The Council will also take into account relevant situations, information and circumstances that have not led to a conviction. This will include:

- acquittals;
- circumstances in which convictions were quashed due to misdirection to the jury;
- circumstances where the decision was taken not to prosecute;
- information from other sources such as Council officers or partner agencies;
- complaints from the public

2.5 In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of the witness / complainant and the licence holder will be taken into account.

2.6 If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests they could be a danger to the public, consideration should be given to refusing the application. Such offences might include dishonesty, violence and / or sexual offences, amongst others.

- 2.7 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn.
- 2.8 Failure to disclose all arrests; bail arrangements; convictions; fixed penalty notices; cautions (subject to the Exceptions Order); ongoing investigations; and / or pending prosecutions, may affect the grant of a licence or may lead to the revocation of a licence.
- 2.9 In assessing the action to take, the safety of the travelling public must always be the paramount concern.
- 2.10 Licence holders and applicants for driver, vehicle and operator licences are required to disclose all convictions, fixed penalty notices and cautions, including those that would in other circumstances be regarded as spent under the Rehabilitation of Offenders Act 1974, subject to Schedule 2 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended. This order creates categories of 'protected cautions' and 'protected convictions', which applicants and licence holders must be treated as not having committed, or been charged with, or prosecuted for, or convicted of, or sentenced for, even though 'spent' cautions and convictions may be taken into account.
- 2.11 Licence holders and applicants must also disclose details of any ongoing investigations and any pending prosecutions. This is to include any arrest and subsequent bail where charges have not been laid.
- 2.12 Existing licence holders are required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so.
- 2.13 This will not however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities.
- 2.14 A failure by a licence holder to disclose an arrest that the issuing 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.
- 2.15 The disclosure of a criminal record or other information will normally prevent an applicant from obtaining a licence until such time, in accordance with the table below, has elapsed since the completion of any sentence imposed.
- 2.16 In making its decision the Council will consider each matter referred to it on its own merits, having regard to the relevance of any offence, the seriousness of the offence, the length of time since the offence occurred and any pattern of offending behaviour or other complaints.
- 2.17 The Council considers all offences to be relevant offences (subject to the above Exemptions Order) when considering the suitability of a person to hold or retain a licence.
- 2.18 The following types of offence will be viewed as serious (in no particular order):
 - a. Dishonesty;

- b. Violence (including Criminal Damage & Sexual Offences);
- c. Alcohol Related Offences;
- d. Public Order Offences;
- e. Motoring Offences;
- f. Possession of or Possession with the Intent to Supply controlled substances;
- g. Obscenity (which includes the possession, making or distribution of unlawful obscene images / materials on computer or the internet);
- h. Racially or Religiously aggravated offences;
- i. Offences of a discriminatory nature;
- j. Offences involving Indecency or other offences of a Sexual Nature;
- k. Contravention of Licensing Laws or Conditions;
- l. Disqualification from driving a motor vehicle at any time in the three years prior to applying for a licence;
- m. Offences involving animal cruelty;
- n. Criminal Behaviour Orders;
- o. Failing to declare convictions etc. on application;
- p. Or similar offences or offences which replace the above offences

2.19 To assist with determination of suitability beyond skills and competence, particularly in relation to the fit and proper person test, and to provide assurance to the public and the trade that the Council operates a transparent, fair and consistent approach to assessing suitability of an individual to be licensed, the Council adopts the provisions of the Institute of Licensing (IOL) Guidance for determining the suitability of applicants and licensees in the hackney and private hire trades (“the IOL Guidance”). This guidance was widely consulted upon prior to adoption and is accepted as the national standard for local authorities making such assessments. The IOL Guidance can be found at: [https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)

[2.20 A summary of the policy in relation to criminal, convictions and the period of time before a licence may be granted are detailed at Table 1 below.](#)

3.0 Referrals to the Disclosure and Barring Scheme

- 3.1 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for the Authority to make a referral to the DBS. The Authority will make a referral where a decision is made to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult.
- 3.2 The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Other situations where a referral is likely to be made are when it is thought that:
- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
 - an individual has satisfied the ‘harm test’; or
 - received a caution or conviction for a relevant offence and;
 - the person they are referring is, has or might in future be working in regulated activity;
- 3.3 If the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

Table 1: Summary of IOL Guidance (completion of sentence to licence granted)

	5 years	7 years	10 years	Never
Conviction for drink driving or driving under the influence of drugs,		✓		
Conviction for possession of drugs, or related to the possession of drugs	✓			
Conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply			✓	
conviction for an offence of violence, or connected with any offence of violence,			✓	
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				✓
Conviction 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				✓
Conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence,		✓		
Conviction for any offence involving or connected with illegal sexual activity or any form of indecency				✓
On the Sex Offenders Register or on any 'barred' list.				✓
Conviction for possession of a weapon or any other weapon related offence,		✓		
conviction involving or connected with discrimination in any form		✓		
Conviction for using a held-hand mobile telephone or a hand-held device whilst driving,	✓			
Minor traffic / vehicle related offence (i.e. all offences other than those involving loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone) which did not result in injury to any person or damage to any property (including vehicles) resulting in 7 or more points on the DVLA licence	✓			
Major traffic offence, including offences resulting in injury to a person or damage to property			✓	
Conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use),			✓	
Conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles),			✓	

Appendix B - Private Hire and Dual Licence Driver Conditions

1. Requirements and Conditions for licensed drivers (private hire)

- 1.1 The following conditions are considered to be reasonably necessary by North Northamptonshire Council in relation to private hire and dual drivers' licences and all private hire and dual drivers' licences will be granted subject to these conditions. The power to attach conditions to a private hire drivers' licence is contained in section 51(2) Local Government (Miscellaneous Provisions) Act 1976. (as amended).
- 1.2 In determining these conditions the Council has had regard to the Department of Transport Statutory Taxi & Private Hire Vehicle Standards July 2020.
- 1.3 These conditions are ancillary to and should be read in conjunction with applicable statutory legislation. The following list is not exhaustive: -
- The North Northamptonshire Hackney Carriage and Private Hire Licensing Policy
 - The Town Police Clauses Act 1847 (as amended)
 - The Local Government (Miscellaneous Provisions) Act 1976 (as amended)
 - The Disability Discrimination Act 1995
 - The Equality Act 2010
 - Public Health Act 1875
- 1.4 The conditions of licence are made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976,
- 1.5 Failure to comply with any of the conditions attached to this licence may result in Penalty Points being issued to the licence holder, or other action such as referral to the Licensing Sub Committee, with a view to potential suspension or revocation of the licence.

1.6 Definitions

In these conditions:

- 'the 1976 Act' means the Local Government (Miscellaneous Provisions) Act 1976 (as amended)
- 'the Council' means North Northamptonshire Council
- 'Authorised Officer' means a Licensing Officer authorised in writing by North Northamptonshire Council
- 'the hirer' means any person who, from time to time, hires or books the vehicle.
- 'the licensee' means the person(s) named in the licence.
- 'the driver' means the person(s) named in the licence
- 'the operator' means any person or company or partnership licensed by the Council to operate private hire vehicles.

'the vehicle' means the vehicle named in the licence.

2 Driver Licence and Badge

- 2.1 The driver will be issued with one driver badge and must at all times, when driving a licensed vehicle, wear the badge in a prominent visible place on their outer clothing.
- 2.2 Badges remain the property of the Council and must be returned upon expiry, surrender, suspension or revocation.
- 2.3 The badge must not be covered, concealed or defaced in any way.
- 2.4 The drivers badges, to which these conditions refer, must be made available for inspection, on request, by any authorised officer of the Council or Police; or any passenger or potential passenger, or any other member of public who may have reason to request sight of the badge (such as in the case of a road traffic accident or complaint situation).
- 2.5 The driver must notify the Council in writing, within seven days of being engaged or employed to drive a private hire vehicle, of the name of the proprietor (licensee) of the vehicle, the operator of the vehicle (if different) and the date when such engagement or employment commenced. The driver must also notify the Council in writing within seven days of any termination of engagement or employment with an operator.
- 2.6 The driver must not lend the badge to any other person or permit any other person to wear it.
- 2.7 The driver's badge remains the property of the Council. The badge must be returned to the Council immediately if the licence is suspended or revoked. Upon expiry the badge must be returned to the Council within seven days.
- 2.8 The driver of a private hire or hackney carriage vehicle must hand his original Private Hire Driver Licence to his employer or the Private Hire Operator who engages him, before he commences his employment or engagement. The driver must take the licence from the operator if he ceases to be employed or engaged by them.
- 2.9 Drivers must notify the Council in writing immediately in the event that a badge or licence is lost.
- 2.10 Private hire vehicles must not be driven by unlicensed drivers under any circumstances.

3.0 Conduct of Driver

- 3.1 The driver of a private hire vehicle must be clean and dressed in clean, smart clothes at all times when the private hire vehicle is being driven for hire.
- 3.2 The driver must not at any time behave in an abusive, aggressive or threatening manner to any passenger, officer of the Council, contracted garage personnel or any

other person.

- 3.3 The licensed driver of a private hire vehicle must not ply or stand for hire and cannot use hackney carriage stands for any purpose, including dropping off passengers.
- 3.4 The driver must not convey, or permit to be conveyed, in a private hire vehicle any greater number of persons than the number of persons specified on the vehicle licence (plate).
- 3.5 The driver must at all times ensure the safety and welfare of all passengers and ensure additional care is taken when dealing with potentially vulnerable passengers.
- 3.6 Good safeguarding practices are essential for all drivers working with passengers. These standards are equally applicable when working with vulnerable and non-vulnerable passengers. The following safeguarding principles must be observed at all times:
- The driver / operator must confirm that any necessary safeguarding or assistance provisions have been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures but is responsible for checking that any such measures are in place. However if appropriate measures are not in place then the driver / operator must not undertake the journey.
 - Drivers must always ask if a passenger (whether considered vulnerable or not) needs help and should not make assumptions.
 - Drivers must remain professional at all times and must not:
 - Touch a person except in an emergency or when requested to do so by the person concerned for assistance, etc.
 - Make offensive or inappropriate comments (such as the use of swearing, sexualised or discriminatory language)
 - Solicit or engage in any inappropriate conversations
 - Behave in a way that may make a passenger feel uncomfortable, intimidated or threatened
 - Attempt to misuse personal details obtained via the business about a person
 - Drivers must remain alert to issues around the safeguarding of children and vulnerable adults. Drivers must ensure that children and vulnerable adults leave the private hire vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).
 - If a driver is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in appropriate cases by calling 999).
- 3.7 If a driver is concerned about someone else's conduct, they should report their concerns to the Council's licensing department, Police, or Crimestoppers.
- 3.8 The driver must comply with all reasonable requirements and requests of any person hiring or being conveyed in the private hire vehicle.

- 3.9 The driver must afford all reasonable assistance with passenger luggage or other items being carried as may be required. At the conclusion of the journey the driver must similarly offer all reasonable assistance to passengers leaving the private hire vehicle and assist them with luggage or any disability aids or wheelchair etc.
- 3.10 The driver must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the private hire vehicle, especially those passengers who are vulnerable.
- 3.11 The driver must not smoke tobacco or any other substance, nor use E-Cigarettes / Vaping Cigarettes/or any electronic smoking device in the private hire vehicle at any time. In addition, the driver must take all reasonable steps to prevent any passengers smoking or using similar devices.
- 3.12 The driver must comply with any hirer's request not to drink or eat in the vehicle, or play any radio or sound equipment, which is not connected with the operation of the vehicle as a private hire vehicle.
- 3.13 The driver must at all times when driving a private hire ensure that the vehicle is maintained in a roadworthy and clean condition.
- 3.14 Every driver must undertake an inspection of any private hire vehicle that they are driving at the start of their shift whilst working as a private hire driver to ensure the vehicle is in a suitable and roadworthy condition and is compliant with all licensing requirements. This inspection must be undertaken at least daily and before the first carriage of passengers in the vehicle. A record must be made by the driver to confirm that the checks have been undertaken; this record must be retained for a period of six months and must be made available for inspection by an authorised officer of the Council upon request.
- 3.15 The driver of a licensed vehicle must ensure that none of the markings / signs / notices that are required to be displayed on the private hire vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.
- 3.16 The driver of a private hire vehicle that has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator of the vehicle to be in attendance at an appointed time and place punctually attend at the appointed time and place unless delayed or prevented by sufficient cause.
- 3.17 The driver, when hired to drive to a particular destination, must proceed to that destination by the shortest available route, unless a different route has been agreed with the hirer before the commencement of the journey. If traffic delays (e.g. congestion, road works) mean that the shortest available route may not be the quickest, that should be explained to the passenger who can then make an informed decision as to which route they would like the driver to take.
- 3.18 Drivers are permitted to use one Bluetooth earpiece only, in one ear, which does not require any direct contact with the mobile telephone to operate, and which does not interfere with their ability to drive safely. Any such equipment must only be used in compliance with all other relevant legislation. Drivers are not permitted to wear or use earphones or other devices on/in two ears. Equipment or devices that require any contact whatsoever with the mobile phone to operate or activate them, are not

permitted. Wired earpieces or headphones etc are not permitted to be used.

4.0 Change of Address

- 4.1 The licensee must notify the Council in writing within seven days of any change of their address taking place during the period of the licence, whether permanent or temporary.

5.0 Customer and other Personal Information

- 5.1 Drivers must comply with all Information Commissioner / Data Protection obligations regarding all personal data provided to them in the course of their work.
- 5.2 Personal information must not be used for any purpose other than that for which it was collected without the express permission of the individual to which the information relates.
- 5.3 For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

6.0 Accidents

- 6.1 If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 72 hours (by telephoning XXXXXX or emailing xxxxxx). An accident report form (available from the licensing office) must then be completed and submitted to the Council within seven days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the seven day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).
- 6.2 Any damage to a licensed vehicle which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons using the vehicle, must be reported immediately.

7.0 Fares

- 7.1 The driver must not, if driving a licensed vehicle fitted with a taximeter which is being used to calculate the fare for the private hire journey, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.
- 7.2 The driver must not demand from any passenger a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter or calculated by the means determined by the operator.
- 7.3 The operator of a private hire vehicle will have entered into a contract with the hirer

which will determine the fare to be charged for a particular journey. This must be honoured by the private hire driver

7.4 The driver must, if requested by the hirer, provide the hirer with a written receipt for the fare paid. The receipt must include the following information in a legible format:

- The name and address of the operator of the vehicle
- The time and date of the journey
- The start and destination points of the journey
- The drivers name (in capitals)
- The drivers badge number
- The vehicle licence plate number or registration
- The fare paid
- The drivers signature

8.0 Identification plates

8.1 The driver must not conceal or remove or allow to be concealed or removed, the exterior identification plates and other required markings of the private hire vehicle or the details painted or marked thereon, from public view, and will always keep these items in a clean condition during the period of the licence.

9. Passengers

9.1 The driver must not allow to be conveyed in the front of a licensed vehicle:-

- more than one person, unless the vehicle is manufactured to carry two front seat passengers, and seat belts are fitted for both passengers,
- any child under the age of 13 years old unless this is part of a school contract,
- any person between the ages of 13 and 18 years old, unless the passenger is part of a group that includes at least one person over the age of 18, or all other passenger seats in the vehicle are occupied by persons under the age of 18.

9.2 The driver must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.

10.0 Duty to assist passengers in Wheelchairs

10.1 Section 165 of the Equality Act 2010 places a duty on the driver of a designated* wheelchair accessible private hire vehicle to:

- carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

Drivers must:

- be fully aware of the correct method of operation of all ramps, lifts, wheelchair restraints and any ancillary equipment provided for the purpose of conveying wheelchair bound passengers;
- before the vehicle is put into motion, ensure that all wheelchairs and occupants are firmly secured to the vehicle by use of an approved restraint system and seatbelt(s). The wheel brakes of any wheelchair should be set before the private hire vehicle is put into motion;
- ensure that any wheelchair(s), equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to any other person, and in accordance with any statutory legislation or regulations;
- be physically capable of loading and unloading passengers confined to an un-powered wheelchair.

10.2 Designated vehicles are those listed by the Licensing Authority under section 167 of the Equality Act 2010 as being a 'wheelchair accessible vehicle'

11.0 Carriage of Animals

11.1 A driver must not carry in a licensed vehicle any animal which belongs to or is being looked after by themselves, the owner of the vehicle or the operator whilst it is being used for hire by paying passengers.

11.2 Animals in the custody of passengers may be carried, at the driver's discretion, provided that they are restrained in a safe manner.

12.0 Duty to Carry Assistance Dogs

12.1 The driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a current Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner on the vehicle.

12.2 Medical Exemption Certificates must be displayed in the vehicle by fixing it in a prominent position facing outwards on the dashboard.

12.3 When hired to carry an assistance dog, the owner should be asked where they would prefer their dog to be and their request should be accommodated by the driver.

12.4 Most assistance dogs are trained to lie in the front passenger foot well between the feet of their owner. If the vehicle is fitted with front and side air bags, it is essential that the dog is lying down at all times. Drivers should inform the passenger of this. The dogs are trained not to move and will not harm the driver in any way.

12.5 If the front foot well is not large enough to accommodate the dog, the assistance dog owner should be advised to travel in the rear of the vehicle with the dog in the foot well behind the front passenger seat. The seat should be pushed forward to make room for the dog. Ultimately, the passengers preference should be accommodated by the driver wherever possible.

12.6 Any animal belonging to or in the custody of any passenger should remain with that

passenger and be conveyed in the front or rear of the vehicle.

- 12.7 If the person needs assistance for themselves or their assistance dog to access or exit the vehicle, this should be provided by the licensed driver.

13.0 Lost and Found Property

- 13.1 The driver must, following the termination of any hiring, or as practicable thereafter, ascertain if any property belonging to the hirer(s) has been left in the vehicle. If not immediately able to return any such property, the driver must hand any property to their operator. It is the operator's responsibility to notify the ~~local police~~ [Licensing Authority](#) of the item(s) within 24 hours, unless an alternative arrangement has been made with the owner of the property.

14.0 Medical Conditions

- 14.1 The driver must notify the Council in writing without undue delay of any change in their medical condition that may affect their ability to safely drive a vehicle. This also includes the taking of any newly prescribed medication that carries the warning not to drive or operate any machinery or following the advice from a registered medical practitioner or other medical expert of a similar nature.
- 14.2 The following medical condition(s) must be notified to the Council, in writing, as soon as reasonably practicable after the driver becomes aware of any matter:
- Heart condition
 - Deterioration of eyesight or hearing
 - Abnormal blood pressure
 - Alcohol or drug dependency
 - Diabetes
 - Mental or psychological disorders
 - Epilepsy
 - Serious physical injury or disability
 - Sudden attacks of giddiness or fainting
 - Any other condition affecting the ability to drive

- 14.3 The Driver must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council signed by a registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a private hire/hackney carriage vehicle.

15.0 Convictions, Cautions, Arrest etc.

- 15.1 The driver must notify the Council in writing within seven days providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on them during the period of the licence. This includes any driving convictions or points endorsed on the drivers DVLA driver's licence. This also includes any fixed penalty notice, community protection notice,

injunction, restraining order, or any other penalty imposed. Failure to do so may result in action being taken against the licence.

- 15.2 Drivers must also notify the Council in writing within seven days of any action taken by any other licensing authority in respect of any licences held elsewhere, including suspension or revocation.

16.0 Disclosure and Barring Service Online Update Service and Online DVLA system

- 16.1 All drivers must subscribe to the Disclosure and Barring Service Online Update Service at time of initial DBS disclosure and maintain this subscription ongoing whilst a licensed driver. The subscription to this service must be activated within the prescribed timescale set out by the DBS service. Any costs associated with maintaining this subscription must be met by the driver.
- 16.2 The driver must give permission for the Council to undertake checks of their DBS and DVLA status should the Council consider it necessary to do so. The Council will use the update service to monitor the criminal record of licence holders at least every six months.

Appendix C - Private Hire Vehicle Conditions

1.0 Introduction

1.1 All licensed private hire vehicles shall comply, in all respects, with the conditions of licensing set out below. The conditions of licence are supplementary to, and should be read in conjunction with, applicable statutory legislation

The conditions are considered to be reasonably necessary by North Northamptonshire Council in relation to private hire vehicles and all private hire vehicle licences will be granted subject to these conditions.

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

1.3 In determining these conditions the council has had regard to the Department of Transport Statutory Taxi & Private Hire Vehicle Standards July 2020.

1.4 These conditions are ancillary to and should be read in conjunction with applicable statutory legislation and policies.

1.5 Failure to comply with any of the conditions attached to a private hire vehicle licence may result in NNC Licensing Penalty Points being issued to the licence holder, or other action such as referral to the Licensing Sub Committee, with a view to potential suspension or revocation of the licence, or other action.

2.0 General Conditions

2.1 The licensee must notify the Council of the location where the vehicle is kept regularly when not in use and any authorised officer must be afforded such facilities as may be reasonably necessary to inspect and test the vehicle there.

2.2 After the vehicle has passed the Council test and has been licensed, no material alteration or change in the specification, design, condition or appearance of the vehicle can be made without written approval from the Council. At all times the vehicle must comply with the specifications for a licensed private hire vehicle detailed in the Hackney Carriage and Private Hire Licensing Policy.

2.3 The application of aftermarket tinted film to any window is not permitted.

3.0 Doors

3.1 All doors designed by the manufacturer to allow the access or egress of passengers must function correctly and be capable of being opened from the inside and the outside.

3.2 Tailgates and rear doors must only to be used for loading/unloading luggage or as an emergency exit, unless the vehicle has been designed, modified or adapted to carry wheelchair bound passengers, and has the relevant M1 or M2 Type Approval Certificate, in which case the rear doors may be used for loading those passengers only.

4.0 Ventilation

- 4.1 The vehicle must have windows at the rear and on each side adjacent to any passenger seating.
- 4.2 The driver's window and all passenger windows must function correctly and be capable of being opened and closed by the driver and passengers.

5.0 Wheelchair Accessible Vehicles (WAV's)

- 5.1 All equipment and devices used for or involved in the loading, unloading and secure transportation of wheelchair bound passengers must at all times function correctly and must be used in accordance with the manufacturer's instructions.
- 5.2 Access to and egress from the wheelchair carrying position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus.
- 5.3 Wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and comply with the M1 or M2 standards as specified in European Directive 76/115 EEC (as amended by 90/629 EEC) and not altered or modified in any way.
- 5.4 A suitable, separate, restraint (seat belt) must be available for the occupant of the wheelchair.
- 5.5 All access ramps or lifts must be able to support the weight of any wheelchair, occupant and helper and all such devices must have a minimum load rating of 300kg. Relevant information and manufacturers markings must be displayed on all lifting equipment and ramps.
- 5.6 Ramps, steps and lifts must be securely stored in the vehicle before driving off.
- 5.7 The vehicle must be fitted with a locking mechanism, or other device, that holds the wheelchair access door in the open position whilst a wheelchair is being loaded or unloaded.
- 5.8 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). Any such equipment must be maintained in efficient working order so as to be available for use at all times.
- 5.9 The licence holder must ensure that all drivers of wheelchair accessible vehicles have received sufficient training to be able to load/unload and convey wheelchair bound passengers in safety and comfort, with refresher training taking place as necessary. Records of this training must be kept and made available upon request from an authorised officer.

6.0 Seatbelts

- 6.1 All private hire vehicles must be fitted with fully operational seat belts, one for each passenger to be carried. Each seat belt to be fully compliant with any relevant legislation and British Standard, except where the law specifically provides for an exemption. Seat belts must be used in accordance with the requirements of the legislation that is applicable
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at the relevant time.

7.0 Fire Extinguishers

~~7.1 The National Fire Chief Council (NFCC) recommend that licensing authorities requiring fire extinguishers to be provided in vehicles, should ensure that suitable and sufficient training is received by the drivers.~~

~~7.2 The NFCC's advice is that if a licensing authority elects not to require drivers to undertake training on the safe way to tackle a vehicle fire, vehicles should not be required to carry fire extinguishers and drivers advised to get out and stay out of the vehicle and call 999, rather than attempting to firefight.~~

~~7.3 Operators wishing to install fire extinguishers must ensure that their drivers are trained in accordance with 7.1 above. Operators not installing fire extinguishers must advise their drivers as in 7.2 and be able to provide evidence that they have done so.~~

7.1 The vehicle must be equipped with a fire extinguisher marked with the registration number or licence number of the vehicle. This must be securely mounted in a bracket, affixed to the vehicle, in the boot/luggage area of the vehicle where it is readily accessible to the driver and carried at all times. A notice indicating its location must be displayed within the vehicle where it can be clearly seen by passengers carried in the vehicle.

7.2 The fire extinguisher must be a 1.0kg dry powder or 1.0 litre AFFF (Aqueous Film Forming Foam) fitted with a gauge and conforming to BS EN3 1996.

7.3 The extinguisher must be checked every 12 months by a competent person, to ensure that it is in good working order. The certificate of inspection must be retained by the vehicle proprietor for at least 12 months and made available upon request by an authorised officer.

8.0 First Aid Kit

8.1 A first aid kit must be readily available at all times.

8.2 The first aid kit must be of a suitable and comprehensive type that meets the requirements of British Standard BS8599-2 (medium sized kit) and be permanently and legibly marked with the registration number or licence number of the vehicle.

8.3 The contents of the first aid kit must be reviewed regularly to ensure that contents are within date and complete.

9.0 Tyres

9.1 All tyres on the licensed vehicle must be in good condition and conform with the minimum legal requirements subject to an additional requirement that there must be at least 2mm tread depth at all times.

9.2 Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.

9.3 The vehicle must be equipped at all times with, a spare wheel or other manufacturers

standard equipment for the vehicle to deal with a punctured or damaged wheel or tyre (such as a gel or foam repair kit).

- 9.4 All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle), meet the vehicle manufacturers minimum specification for tyres and must have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.
- 9.5 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey carrying passengers commences. NOTE Space saver wheels have a maximum speed and distance restriction on them which must be adhered to.

10.0 Luggage

- 10.1 Luggage and storage areas must be kept as free space for passenger's luggage.
- 10.2 Luggage must be suitably secured in place and must not obstruct any exit, or emergency exit.
- 10.3 Vehicles with open luggage space such as estate cars must be fitted with a suitable guard or cover between the luggage space and the passenger compartment, which must be in use whenever passengers are carried.
- 10.4 Vehicles with no clear demarcation between the passenger and luggage areas must be fitted with suitable restraining straps or other approved devices to secure the luggage and prevent it coming into contact with any passenger at any time (including in the case of an accident). These restraining straps or devices must be used whenever passengers luggage is being carried.

11.0 Maintenance and Condition of a Private Hire Vehicle

- 11.1 No material alteration or change to the specification of the vehicle can be made without the prior written approval of the Council at any time.
- 11.2 The interior and exterior of the vehicle must be maintained in a clean, safe and proper manner, to the reasonable satisfaction of the Council.
- 11.3 Bodywork must be maintained to a good condition, paintwork must be sound, uniform across the vehicle, well maintained and free of corrosion, dents, scratches, chips and other signs of wear or deterioration, inferior re-spray work and 'cover up' temporary repairs.
- 11.4 The roof (including any sunroof or removable covering) must be watertight.
- 11.5 Fittings, furniture and additional equipment fitted in the vehicle must be kept in an acceptably clean condition, well maintained and in every way fit for public service. Items such as taxi-meters, radios, Sat-Nav's, PDA's, mobile phone holders and other ancillary items must be securely mounted in the vehicle in such a position as to not hinder or obstruct the driver's operation of, or view out of, the vehicle, or impede the seating of any passenger.
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- 11.6 The seats must be properly cushioned, covered and free from cigarette burns, rips, splits, tears, stains or any other signs of deterioration or wear.
- 11.7 The floor must be covered with carpet, mat or other suitable material, properly secured and be free from cigarette burns, rips, splits, tears, stains, deterioration and wear.
- 11.8 The vehicle must be equipped with a suitable bulb-kit indelibly marked with the registration number or licence number of the vehicle to provide for the replacement of defective bulbs
- 11.9 The doors, windows and seats must function in accordance with the original manufacturer's specification.

12.0 Vehicle Safety Checks

- 12.1 The proprietor/driver must undertake a daily safety check of the vehicle. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors, seat belts and cleanliness. A written record must be made of each safety check, details of faults recorded, and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of thirty days and then for a further six months by the proprietor. Template Daily Check Sheets are available on the councils website at: xxxxxx
- 12.2 If required by a Police Officer or authorised officer the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

13.0 Seats and Passengers

- 13.1 The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.
 - 13.2 In all licensed vehicles provided with a passenger side air bag, no child will be carried in a rear-facing carrier in the front passenger seat.
 - 13.3 A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.
 - 13.4 Assistance dogs must be conveyed in a licensed vehicle when requested by the dog's owner. Any dog so conveyed shall count as one person and no charge shall be levied for any such dog.
 - 13.5 Any excess seating fixings which were removed or permanently capped before the vehicle was licensed, must not be replaced or exposed during the currency of the licence.
 - 13.6 Any minibus or other vehicle in which the seating is intended to be fixed in one place, and which has potential for capacity for over nine seats, which has had excess seating removed to allow not more than eight passenger seats, must have any excess seating fixings permanently removed and holes or other fixings permanently capped (i.e. welded over or similar) before a licence can be issued. This requirement will not apply to vehicles purposely designed to allow for regular flexible changes in seating configurations, including accommodating wheelchairs, and seating that is fitted onto manufacturers purpose designed and installed runners or tracks.
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14.0 Taxi-Meter

- 14.1 The licence holder must ensure that where a private hire vehicle is fitted with a taxi meter: that the following conditions are complied with.
- 14.2 The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter including a statement that the Council has no control over the table of fares.
- 14.3 The vehicle licence holder must obtain and retain written certification of such calibration and sealing. This certification must be provided to an authorised officer of the Council upon request.
- 14.4 The taxi-meter must be located so that all letters and figures on the face are at all times plainly visible to any passenger;
- 14.5 A notice must be displayed within the vehicle in such a position as to be visible to passengers stating that if the meter is not used, the fare should have been agreed between the passenger(s) and operator before commencement of the journey. Any fare agreed in this way must be the fare that is charged at the end of the journey, unless the customer agrees to it being varied.
- 14.6 If a fare has not been agreed between the operator and the customer, then the fare charged must be that which is shown on the meter (if fitted).

15.0 Identification (Licence) Plate

- 15.1 The identification plates issued by the Council, bearing the number of the licence granted in respect of the vehicle, must be:
- securely fixed on the outside rear and outside front of the vehicle.
 - kept in such a condition that the information shown is clearly visible to public view.
 - must be fixed in such a manner that they can be removed by an authorised officer of the Council or Police without causing damage to the vehicle.
- 15.2 The interior sign provided by the council must be displayed inside the windscreen of the vehicle, in such a position as to be clearly visible at all times to passengers.
- 15.3 Vehicle licence plates remain the property of the Council at all times and must be returned on surrender, suspension, revocation or expiry of the licence or if the vehicle is sold, or disposed of, out of the licensed trade. If a plate is lost or stolen it must be reported to the Police and evidence of this must be provided upon request by an authorised officer. Written notification of the lost or missing plates must also be submitted to Licensing Office within 24 hours of the lost or stolen plates being noted.

16.0 Signs, Notices and Advertising

- 16.1 Members of the public can often confuse private hire vehicles with taxis, failing to realise that they are not available for immediate hire and that a private hire vehicle
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driver can only fulfil pre-booked requests. This Authority considers that greater differentiation in signage will help the public to distinguish between the two elements of the trade.

- 16.2 Unless an exemption has been granted in writing, all private hire vehicles must display two permanently affixed standard design North Northamptonshire Council door signs in the upper-central area of both front doors. This signage will be supplied by the Council and must not be adapted, modified or obscured in any way.
- 16.3 No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever can be displayed in, on or from a private hire vehicle apart from the registration number, Council licence plates and signage permitted by this policy and Appendices. A private hire vehicle must not display any sign or notice which consists of or includes the word 'taxi' or 'cab' whether in the singular or plural or 'hire' or any word of similar meaning or appearance to any of those words whether alone or as part of another word. This includes any business names.
- 16.4 The standard door signs must be displayed in the correct orientation and must be maintained in good condition. If damage, defacing or wear etc is incurred the Licence holder must purchase replacement signage from the Council and replace the damaged / defaced / worn signs immediately.
- 16.5 In addition to the two standard door signs, vehicles will be permitted to display one small sign on the rear of the vehicle, stating the company name and telephone number only. The dimensions of this sign must not exceed 10cm by 10cm
- 16.6 Magnetic or other temporary type signage is not permitted.
- 16.7 No roof sign may be attached to or displayed on the licensed vehicle.
- 16.8 The foregoing provisions, of this condition, shall not apply to a sign in, on or from a private hire vehicle which:
- indicates membership of the AA, RAC or other similar motoring organisation; or
 - indicates that passengers should not eat or smoke in the vehicle. Signage in accordance with the Smoke free Workplace Regulations, vehicle requirements, must be affixed to the outside, or inside, of the vehicle indicating that smoking is prohibited in the vehicle; or
 - indicates that in-car CCTV surveillance is in use in the vehicle; or
 - indicates that the vehicle is suitable, and equipped, for the carriage of wheelchair bound passengers;
 - indicates that the driver of the vehicle is exempted through medical grounds from the requirement to carry assistance dogs.
 - Is required to be displayed by North Northamptonshire Council
- 16.9 In addition to the prescribed North Northamptonshire Council signage on both front doors, one commercial advertising panel is permitted on each rear passenger door of a licensed vehicle. Each panel must not exceed 45cm in height and 60 cm in width.
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- 16.10 No advertisements suggesting that a private hire vehicle is available for immediate hire (or any similar wording) are permitted.
- 16.11 Advertising and additional signage must not be prejudicial or discriminatory against any group or individual – including, but not limited to; age, race, religion, disability, gender, sexual orientation or nationality, is likely to mislead, is inflammatory, offends or creates barriers between the driver of the vehicle and passengers, the public or other road users. The interpretation of the content of any advert shall be at the sole discretion of the Council.
- 16.12 All advertisements must meet current advertising standards requirements.
- 16.13 No other recognition symbols may be affixed to the licensed vehicle.

17.0 Vehicles Converted to run on Liquefied Petroleum Gas (LPG)

- 17.1 A vehicle converted to run on LPG must display a warning sticker on the front and rear screens stating that the vehicle is fitted with an LPG tank

18.0 Copy of Licence Conditions

- 18.1 A copy of these conditions must be carried in the vehicle at all times and must be available for inspection on request by any authorised officer, Police officer, hirer or passenger.

19.0 Change of Address

- 19.1 The licence holder must notify the Council in writing, of any change of their home or business address during the period of the licence, within seven days of such change taking place.

20.0 Transfer of Private Hire Vehicle Licence

- 20.1 Where a proprietor transfers their interest in respect of a private hire vehicle, written notice of such transfer, giving the name and address of the new proprietor, together with the original licence document, for endorsement with respect to the transfer must be submitted to the Licensing Office on the Councils prescribed form within seven days of the date of the transfer with the appropriate fee.

21.0 Insurance

- 21.1 All licensed vehicle owners / operators are required to maintain adequate motor vehicle insurance cover at all times whilst a vehicle is licensed. This insurance must either name all individual licensed drivers of that vehicle, or provide full insurance cover for unnamed licensed drivers (such as a fleet policy) for that vehicle.
- 21.2 Private hire insurance must comply with Part VI of the Road Traffic Act 1988 and must be in force at all times for the duration of the licence. Public Liability Insurance (minimum cover £2m) is also required in respect of those vehicles licensed to carry passengers in wheelchairs.
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21.3 The licence holder must produce, on request, a current, valid, Certificate of Motor Vehicle Insurance (or insurance cover note) which satisfies paragraph 22.1 and 22.2 above.

22.0 Vehicle Damage

22.1 The proprietor must, as soon as reasonably practicable, but in any case within 72 hours, notify the Council of any accident involving the vehicle or, of any damage to the vehicle however caused, which affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. This notification must be in writing, on the Council's prescribed form and provide full details. The vehicle must not be used until the Council have inspected the vehicle.

22.2 A Council test may be necessary to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid by the proprietor. If the Council determined that the vehicle is unfit for use as a private hire vehicle, a suspension notice under section 68 will be issued.

23.0 Trailers

23.1 The Council does not permit the use of trailers on licensed vehicles.

24.0 Items Left in Private Hire Vehicles

24.1 The driver must search the vehicle after the completion of every journey carrying passengers, to establish whether any goods or property have been left behind.

24.2 If any property is found following such a search, drivers must wherever possible, make reasonable attempts to reunite lost property with its owner. In the event that this is not possible, the property should, as soon as possible be given to the Operator for safe keeping and written notification of the details and circumstances of the lost property submitted to the Licensing Authority.

Appendix D - Hackney Carriage Vehicle Conditions

1.0 Introduction

1.1 All licensed hackney carriage vehicles shall comply, in all respects, with the conditions of licensing set out below. The conditions of licence are supplementary to, and should be read in conjunction with, applicable statutory legislation

The conditions are considered to be reasonably necessary by North Northamptonshire Council in relation to hackney carriage vehicles and all hackney carriage vehicle licences will be granted subject to these conditions.

1.2 The conditions will be attached to every hackney carriage vehicle licence unless specifically altered by the council. Additional conditions that are reasonably necessary will be attached to vehicle licences on a case-by-case basis.

1.3 In determining these conditions the Council has had regard to the Department of Transport Statutory Taxi & Private Hire Vehicle Standards July 2020.

1.4 These conditions are ancillary to and should be read in conjunction with applicable statutory legislation and policies.

1.5 Failure to comply with any of the conditions attached to a hackney carriage vehicle licence may result in NNC Licensing Penalty Points being issued to the licence holder, or other action such as referral to the Licensing Sub Committee, with a view to potential suspension or revocation of the licence, or other action.

1.6 For the purpose of Hackney Carriage Licensing the district of North Northamptonshire is split into 4 Zones as below.

- Zone 1 - district previously known as East Northamptonshire
- Zone 2 – district previously known as the Borough of Corby
- Zone 3 – district previously known as the Borough of Kettering
- Zone 4 – district previously known as the Borough of Wellingborough

2.0 General Conditions

2.1 The licensee must notify the Council of the location where the vehicle is kept regularly when not in use and any authorised officer must be afforded such facilities as may be reasonably necessary to inspect and test the vehicle there.

2.2 The Council will only licence purpose built Hackney Carriage vehicles.

2.3 After the vehicle has passed the Council test and has been licensed, no material alteration or change in the specification, design, condition or appearance of the vehicle can be made without written authorisation from the Council. At all times the vehicle must comply with the specifications for a licensed hackney carriage vehicle detailed in the Hackney Carriage and Private Hire Licensing Policy.

2.4 The application of aftermarket tinted film to any window is not permitted.

3.0 Doors

- 3.1 All doors designed by the manufacturer to allow the access or egress of passengers must function correctly and be capable of being opened from the inside and the outside.
- 3.2 Tailgates and rear doors must only to be used for loading/unloading luggage or as an emergency exit.

4.0 Ventilation

- 4.1 The vehicle must have windows at the rear and on each side adjacent to any passenger seating.
- 4.2 The driver's window and all passenger windows must function correctly and be capable of being opened and closed by the driver and passengers.

5.0 Wheelchair Accessible Vehicles (WAV's)

- 5.1 All equipment and devices used for or involved in the loading, unloading and secure transportation of wheelchair bound passengers must at all times function correctly and must be used in accordance with the manufacturers instructions.
- 5.2 Access to and egress from the wheelchair carrying position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus.
- 5.3 Wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and comply with the M1 or M2 standards as specified in European Directive 76/115 EEC (as amended by 90/629 EEC) and not altered or modified in any way.
- 5.4 A suitable, separate, restraint (seat belt) must be available for the occupant of the wheelchair.
- 5.5 All access ramps must be able to support the weight of any wheelchair, occupant and helper and all such devices must have a minimum load rating of 300kg. Relevant information and manufacturers markings must be displayed on all ramps.
- 5.6 Ramps and steps must be securely stored in the vehicle before driving off.
- 5.7 The vehicle must be fitted with a locking mechanism, or other device, that holds the wheelchair access door in the open position whilst a wheelchair is being loaded or unloaded.
- 5.8 The licence holder must ensure that all drivers of wheelchair accessible vehicles have received sufficient training to be able to load/unload and convey wheelchair bound passengers in safety and comfort with refresher training taking place as necessary. Records of this training must be kept and made available upon request from an authorised officer.

6.0 Seatbelts

- 6.1 All hackney carriage vehicles must be fitted with fully operational seat belts, one for each passenger to be carried. Each seat belt to be fully compliant with any relevant legislation and British Standard, except where the law specifically provides for an exemption. Seat belts must be used in accordance with the requirements of the legislation that is applicable at the relevant time.

7.0 Fire Extinguisher

- 7.1 The vehicle must be equipped with a fire extinguisher marked with the registration number or licence number of the vehicle. This must be securely mounted in a bracket, affixed to the vehicle, in the boot/luggage area of the vehicle where it is readily accessible to the driver and carried at all times. A notice indicating its location must be displayed within the vehicle where it can be clearly seen by passengers carried in the vehicle.
- 7.2 The fire extinguisher must be a 1.0kg dry powder or 1.0 litre AFFF (Aqueous Film Forming Foam) fitted with a gauge and conforming to BS EN3 1996.
- 7.3 The extinguisher must be checked every 12 months by a competent person, to ensure that it is in good working order. The certificate of inspection must be retained by the vehicle proprietor for at least 12 months and made available upon request by an authorised officer.

8.0 First Aid Kit

- 8.1 A first aid kit must be readily available at all times.
- 8.2 The first aid kit must be must of a suitable and comprehensive type that meets the requirements of British Standard BS8599-2 (medium sized kit) and be permanently and legibly marked with the registration number or licence number of the vehicle.

9.0 Tyres

- 9.1 All tyres on the licensed vehicle must be in good condition and conform with the minimum legal requirements subject to an additional requirement that there must be at least 2 mm tread depth at all times.
- 9.2 Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.
- 9.3 The vehicle must be equipped at all times with, a spare wheel or other manufacturers standard equipment for the vehicle to deal with a punctured or damaged wheel or tyre (such as a gel or foam repair kit).
- 9.4 All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle), meet the vehicle manufacturers minimum specification for tyres and must have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any
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tyre that is purchased meets this requirement.

- 9.5 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but only for the maximum distance and at the maximum speed permitted for such a wheel. The wheel must be replaced at the earliest available opportunity.

10.0 Luggage

- 10.1 Luggage and storage areas must be kept as free space for passenger's luggage.
- 10.2 Luggage must be suitably secured in place and must not obstruct any exit, or emergency exit.
- 10.3 Vehicles with open luggage space must be fitted with a suitable guard or cover between the luggage space and the passenger compartment which must be in use whenever passengers are carried.
- 10.4 Vehicles with no clear demarcation between the passenger and luggage areas must be fitted with suitable restraining straps or other approved devices to secure the luggage and prevent it coming into contact with any passenger at any time (including in the case of an accident). These restraining straps or devices must be used whenever passengers luggage is being carried.

11.0 Maintenance and Condition of a Hackney Carriage Vehicle

- 11.1 No material alteration or change to the specification of the vehicle can be made without the prior written approval of the Council at any time
- 11.2 The interior and exterior of the vehicle must be maintained in a clean, safe and proper manner, to the reasonable satisfaction of the Council
- 11.3 Bodywork must be maintained to a good condition, paintwork must be sound, uniform across the vehicle, well maintained and free of corrosion, dents, scratches, chips and other signs of wear or deterioration, inferior re-spray work and 'cover up' temporary repairs.
- 11.4 The roof (including any sunroof or removable covering) must be watertight.
- 11.5 Fittings, furniture and additional equipment fitted in the vehicle must be kept in an acceptably clean condition, well maintained and in every way fit for public service. Items such as taxi-meters, radios, Sat-Nav's, PDA's, mobile phone holders and other ancillary items must be securely mounted in the vehicle in such a position as to not hinder or obstruct the driver's operation of, or view out of, the vehicle, or impede the seating of any passenger.
- 11.6 The seats must be properly cushioned, covered and free from cigarette burns, rips, splits, tears, stains or any other signs of deterioration or wear.
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- 11.7 The floor must be covered with carpet, mat or other suitable material, properly secured and be free from cigarette burns, rips, splits, tears, stains, deterioration and wear.
- 11.8 The vehicle must be equipped with a suitable bulb-kit indelibly marked with the registration number or licence number of the vehicle to provide for the replacement of defective bulbs. Any bulbs used must be replaced in the kit as soon as is reasonably practicable
- 11.9 The doors, windows and seats must function in accordance with the original manufacturer's specification.

12.0 Vehicle Testing

- 12.1 The proprietor/driver must undertake a daily safety check of the vehicle. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors, seat belts and cleanliness. A written record must be made of each safety check, details of faults recorded, and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for ~~a minimum of thirty days~~ the day of the inspection and then for a further six months by the proprietor. Template Daily Check Sheets are available to download at: xxxxxxx
- 12.2 If required by a Police Officer or Authorised Officer the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

13.0 Seats and Passengers

- 13.1 The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.
- 13.2 In all licensed vehicles provided with a passenger side air bag, no child will be carried in a rear-facing carrier in the front passenger seat.
- 13.3 A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.
- 13.4 Assistance dogs must be conveyed in a licensed vehicle when requested by the dog's owner. Any dog so conveyed shall count as one person and no charge shall be levied for any such dog.

14.0 Taxi-Meter

- 14.1 The licence holder shall ensure that the vehicle is fitted with a taxi meter and that the following conditions are complied with:
 - 14.2 Any meter fitted to the vehicle must be installed in accordance with the manufacturer's instructions. The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers.
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- 14.3 All taxi meters shall be so constructed, or programmed, that it is not possible for any person to manually alter the tariff rate without breaking affixed seals. Each meter must be set, calibrated, and sealed with a tamper-proof seal by a competent meter installer. The vehicle licence holder must obtain and retain written certification of such calibration and sealing. This certification must be provided to an authorised office of the Council upon request. The meter settings may be verified during the Council's vehicle test.
- 14.4 The taxi-meter shall be fitted with a key, flag or other device, the operation of which shall bring the machinery of the taxi-meter into action and cause the word "HIRED" to appear on the face of the taxi-meter.
- 14.5 Such key, flag or other device shall be capable of being located 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 taxi-meter.
- 14.6 When the machinery of the taxi-meter is in action there shall be recorded on the face of the taxi-meter, in figures clearly legible and free from ambiguity, the fare which the proprietor or driver is entitled to demand, and take, for the hire of the vehicle.
- 14.7 When the machinery of the taxi-meter is in action there shall be recorded on the face of the taxi-meter, in figures clearly legible and free from ambiguity, the fare which the proprietor or driver is entitled to demand, and take, for the hire of the vehicle.
- 14.8 The word "FARE" shall be printed on the face of the taxi-meter in plain letters so as to clearly apply to the fare recorded thereon.
- 14.9 The taxi-meter shall be so placed that all letters and figures on the face shall be, at all times plainly visible to any person travelling in the vehicle and, for that purpose, the letters and figures shall be suitably illuminated during any period of hiring. The switch for operating the light provided and the said illumination shall be incorporated in and operated in conjunction with the key, flag or other device which brings the machinery of the taxi-meter into action. No other method of operating the said light shall be employed.
- 14.10 The taxi-meter and all the fittings thereof shall be affixed to the vehicle with seals or other appliances so 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.
- 14.11 If a fare has not been agreed between the driver (or operator) and the customer then the fare charged must be that which is shown on the meter. For all journeys starting and ending within North Northamptonshire, any agreed fare cannot be higher than the metered fare.
- 14.12 The taxi-meter tariff shall be set at a fare, no higher than that published within the Zone Area in North Northamptonshire where the vehicle is licensed. All vehicles fitted with a taxi-meter must display the appropriate tariff of fares in a place where it is clearly visible to passengers travelling in the vehicle, at all times whilst the vehicle is available for hire.

15.0 Identification (Licence) Plate

- 15.1 The identification plates issued by the Council, bearing the number of the licence
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granted in respect of the vehicle, must be:

- securely fixed on the outside rear and outside front of the vehicle.
- kept in such a condition that the information shown is clearly visible to public view.
- must be fixed on the bracket supplied by the Council unless alternative arrangements have been approved in writing the Council. Plates supplied for external display must not be displayed from inside the vehicle and in such a manner that they can be removed by an authorised officer of the Council or police without causing damage to the vehicle.

15.2 The interior sign provided by the Council must be displayed inside the windscreen of the vehicle, in such a position as to be clearly visible at all times to passengers.

15.3 Vehicle licence plates remain the property of the Council at all times and must be returned on surrender, suspension, revocation or expiry of the licence or if the vehicle is sold, or disposed of, out of the licensed trade. If a plate is lost or stolen it must be reported to the Police and evidence of this must be provided upon request by an authorised officer. Written notification of the lost or missing plates must also be submitted to Licensing Office within 24 hours of the lost or stolen plates being noted.

16.0 Signs, Notices and Advertising

16.1 All Hackney Carriage vehicles must display two permanently affixed standard design North Northamptonshire Council door signs in the upper-central area of both front doors. This signage will be supplied by the Council and must not be adapted, modified or obscured in any way.

16.2 No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever can be displayed in, on or from a hackney carriage vehicle apart from the registration number, licence plates and signage permitted by this policy and Appendices.

16.3 The standard door signs must be displayed in the correct orientation and must be maintained in good condition. If damage, defacing or wear etc is incurred the licence holder must purchase replacement signage from the Council and replace the damaged / defaced / worn signs immediately.

16.4 In addition to the two standard door signs, vehicles will be permitted to display one small sign on the rear of the vehicle, stating the company name and telephone number only. The dimensions of this sign must not exceed 10cm by 10cm

16.5 Magnetic or other temporary type signage is not permitted.

16.6 The foregoing provisions, of this condition, shall not apply to a sign in, on or from a Hackney Carriage vehicle which:

- indicates membership of the AA, RAC or other similar motoring organisation; or
 - indicates that passengers should not eat or smoke in the vehicle. Signage in accordance with the Smoke-free Workplace Regulations, vehicle requirements, must be affixed to the outside, or inside, of the vehicle indicating that smoking is
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prohibited in the vehicle; or

- indicates that in-car CCTV surveillance is in use in the vehicle; or
- indicates that the vehicle is suitable, and equipped, for the carriage of wheelchair bound passengers;
- indicates that the driver of the vehicle is exempted through medical grounds from the requirement to carry assistance dogs.

16.7 In addition to the prescribed North Northamptonshire Council signage on both front doors, one commercial advertising panel is permitted on each rear passenger door of a licensed vehicle. Each panel must not exceed 45cm in height and 60 cm in width.

16.8 Advertising and additional signage must not be prejudicial or discriminatory against any group or individual – including, but not limited to; age, race, religion, disability, gender, sexual orientation or nationality, is likely to mislead, is inflammatory, offends or creates barriers between the driver of the vehicle and passengers, the public or other road users. The interpretation of the content of any advert shall be at the sole discretion of the Council.

16.9 All advertisements must meet current advertising standards requirements.

16.10 No other recognition symbols may be affixed to the licensed vehicle.

16.11 The licence holder shall affix and maintain, whilst the vehicle is licensed as a hackney carriage an illuminated roof sign, of a design and construction previously approved by the Council, bearing the word 'TAXI' and, if desired, a telephone number through which the vehicle may be hired. The sign is to be operated through the setting of the taxi-meter and must only be illuminated when the vehicle is available for hire.

17.0 Vehicles Converted to run on Liquefied Petroleum Gas (LPG)

17.1 A vehicle converted to run on LPG must display a warning sticker on the front and rear screens stating that the vehicle is fitted with an LPG tank

18.0 Copy of Licence Conditions

18.1 A copy of these conditions must be carried in the vehicle at all times and must be available for inspection on request by any authorised officer, Police officer, hirer or passenger.

19.0 Change of Address

19.1 The licence holder must notify the Council in writing, of any change of their home or business address during the period of the licence, within seven days of such change taking place.

20.0 Transfer of Hackney Carriage Vehicle Licence

20.1 Where a proprietor transfers their interest in respect of a hackney carriage vehicle, written notice of such transfer, giving the name and address of the new proprietor, together with the original licence document, for endorsement with respect to the transfer must be submitted to the Licensing Office on the Councils prescribed form within seven days of the date of the transfer with the appropriate fee.

21.0 Insurance

21.1 All licensed vehicle owners / operators are required to maintain adequate motor vehicle insurance cover at all times whilst a vehicle is licensed. This insurance must either name all individual licensed drivers of that vehicle, or provide full insurance cover for unnamed licensed drivers (such as a fleet policy) for that vehicle;

21.2 Hackney carriage insurance must comply with Part VI of the Road Traffic Act 1988 and must be in force at all times for the duration of the licence. Public Liability Insurance (minimum cover £2m) is also required in respect of those vehicles licensed to carry passengers in wheelchairs

21.3 The licence holder must produce, on request, a current, valid, Certificate of Motor Vehicle Insurance (or insurance cover note) which satisfies paragraph 22.1 and 22.2 above

22.0 Vehicle Damage

22.1 The proprietor must, as soon as reasonably practicable, but in any case within 72 hours, notify the Council of any accident involving the vehicle or, of any damage to the vehicle however caused, which affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. This notification must be in writing, on the Council's prescribed form and provide full details. The vehicle must not be used until the Council have inspected the vehicle.

22.2 A Council test may be necessary to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid by the proprietor. If the Council determined that the vehicle is unfit for use as a private hire vehicle, a suspension notice under section 68 will be issued.

23.0 Trailers

23.1 The Council does not permit the use of trailers on licensed vehicles.

24.0 Items Left in Hackney Carriage Vehicles

24.1 The driver must search the vehicle after the completion of every journey carrying passengers, to establish whether any goods or property have been left behind.

24.2 If any property is found following such a search, drivers must wherever possible, make

reasonable attempts to reunite lost property with its owner. In the event that this is not possible, the property should be retained by the driver for safe keeping and written notification of the details and circumstances of the lost property submitted to the Licensing Authority.

Appendix D - Hackney Carriage Vehicle Conditions

Zone 1 - District previously known as East Northamptonshire Council

In the area of zone 1 (previously known as the district of East Northamptonshire), all newly licensed hackney carriages shall comply, in all respects, with the conditions of licensing set out within Appendix D of this policy.

There are no limits to the number of new hackney carriage plates that can be applied for in zone 1.

Thirty five hackney carriage plate numbers have been reserved for vehicles with grandfather rights. These grandfather rights are for five years and are provided for only those vehicles currently licensed with the Council. These grandfather rights do not include vehicles subject to change of ownership during this period.

Provisions Fixing the Stands of Hackney Carriages

Within zone 1 there are hackney carriage stands in the following locations:

- College Street, Rushden on the south side between the point situated at 16.15m and 44.2 m respectively, in a westerly direction from the line of the curb on its junction with the west side of Alfred Street, for 5 vehicles with any overflow at:
- Alfred Street, Rushden additional hackney carriage stand west side of Alfred Street from a point 7.32m south of its junction with College Street for a distance of 27.43m in a southerly direction, for 6 vehicles
- John Street, Rushden east side from a point 10.06m north of its junction with Church Street for a distance of 11.89m in a northerly direction, for 2 vehicles

Fares Table

Applications for an increase in fares are to be submitted to the Licensing and Appeals Committee for consideration and determination.

Section 67 of the 1976 Act provides that when licensed hackney carriages are used in the district of zone 1 for private hire/hackney carriage purposes, the fares charged shall not be greater than as prescribed in the approved Fares Table.

Byelaws

The byelaws made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the East Northamptonshire District Council apply to hackney carriages in zone 1. These are reproduced below.

Zone 1 Byelaws

Interpretation

1. Throughout these Byelaws “The Council” means the East Northamptonshire District Council and “The District” means the District of East Northamptonshire.

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

2. (a) The proprietor of a hackney carriage shall cause the plates bearing the name of the Licensing Authority, the permitted number of persons carried and the number of the licence granted to him in respect of the carriage to be affixed to the outside and inside respectively of the carriage.

(b) A proprietor or driver of a hackney carriage shall:
 - (i) not wilfully or negligently cause or suffer any such plate to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions Regulating How Hackney Carriages are to be Furnished or Provided.

3. The proprietor of a Hackney Carriage shall;
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and the furniture generally and the exterior coach work to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
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4. Every proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter fitted with a flag or other device bearing the words "FOR HIRE" and so constructed, attached and maintained as to comply with the following requirements, that is to say;
- (a) The words "FOR HIRE" shall be exhibited on each side of the flag or other device in plain letters and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible.
 - (b) When the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible.
 - (c) When the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter.
 - (d) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of the bylaw in that behalf for the hire or the carriage by distance.
 - (e) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded therein.
 - (f) 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.
 - (g) 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.
5. The proprietor or driver of a Hackney Carriage shall secure that no advertisement whatsoever shall be displayed on the exterior of the carriage without written consent of the licensing authority.

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

6. Every driver of a Hackney Carriage provided with a taximeter shall:
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the bylaw 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 commencing 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 purpose of the Road Traffic Act 1972 and also at any other time at the request of the hirer.

7. 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.
 8. 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 Bylaw in that behalf;
 - (b) if a stand at the time of his arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
 - (e) if a Hackney Carriage occupies the first or second position on one of the stands fixed by these Bylaws, the driver shall remain with the carriage ready to be hired at once.
 9. 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.
 10. 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.
 11. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at the appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
 12. 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.
 13. 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.
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14. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear the badge in such a position and manner as to be plainly visible.
15. The driver of a Hackney Carriage so constructed 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 or unloading;
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

Provisions Fixing the Stands of Hackney Carriages

16. Each of the several places specified in the following list shall be a stand for such number of Hackney Carriages as is specified in the list:
 - Rushden College Street, on the south side between the points 5 situated at 16.15m and 44.2m respectively, in a westerly direction from the line of the kerb on its junction with the west side of Alfred Street.
 - West side of 6 Alfred Street from a point 7.32m south of its junction with College Street for a distance of 27.43m in a southerly direction.
 - John Street, east side from a point 10.06m north of its junction with Church Street for a distance of 11.89m in a northerly direction.

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

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

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

Fares for Distance

See below;

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

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.

19. 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.
20. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him,
 - (a) carry it as soon as possible and in any event within 38 hours, if not sooner claimed by or on behalf of its owner, to the Police Station, and leave it in the custody of the officer in charge on his giving a receipt for it.
 - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence 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 five pounds.

Penalties

- 21 Every person who shall offend against any of these bylaws shall be liable on summary conviction to a fine not exceeding [Level 2 on the Standard Scale].

Fares currently set as:

Mileage:

If the distance does not exceed 1/2 of a mile (804.68m.) for the whole distance £2.80

If the distance exceeds 1/2 of a mile (804.68m.) for the first 1/2 of a mile £2.80

For each subsequent 1/15.5 of a mile (113.55yds/103.8m) or uncompleted part thereof 10 pence

Waiting time

For each period of 30 seconds or uncompleted part thereof 10 pence

Extra charges

For hiring commenced between midnight and 2am and 6am to 7am 50% of the fare

For hiring commenced between 2am and 6am 100% of the fare

For hiring between 6pm on Christmas Eve and 6am on the day following Boxing Day and 6pm on New Year's Eve and 6am on the day following New Year's Day	100% of the fare
For hiring on Sundays and Bank Holidays	50% of the fare
For each bicycle, perambulator, or any other package conveyed outside the carriage	10 pence
Soiling charge	£31.50

Dated: February 2022

ZONE 2

District previously known as Corby Borough Council

Hackney Carriage

Within the area of Zone 2 all hackney carriage vehicles will be wheelchair accessible.

All hackney carriage vehicles must be black in colour.

Section 16 of the Transport Act 1985 provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed taxis if there is no significant demand for the services of hackney carriages which is unmet. In Zone 2 there is a limit on the total number of licensed Hackney Carriage vehicles and this has been set at a maximum of 114.

Provisions Fixing the Stands of Hackney Carriages

Each of the several places specified in the following list shall be a stand for such number of Hackney Carriages as is specified in the list:

Position of Stand and Number of Hackney Carriages Permitted

Elizabeth Street - westerly side between Corporation Street and the exit from Market Square	6
Corporation Street - westerly end at junction with George Street	16
George Street - easterly side outside Social Club	10
Sports & Leisure Club 10pm to 2.30am	12

Fares Table

Application for fares increase will be submitted to the Licensing Sub Committee for initial consideration and determination.

Section 67 of the 1976 Act provides that when licensed Hackney Carriages are used in the District of Zone 2 of North Northamptonshire Council for private hire/hackney carriage purposes, the fares charged shall not be greater than as prescribed in the approved Fares Table.

Byelaws

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

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Corby Borough Council adopted the provisions of Part II of the Local (Miscellaneous Provisions) Act 1976 on 4 February 1978, to be applied in the Corby Borough from 1 April 1978.

Interpretation

1. Throughout these bye-laws “the Council” means Corby Borough Council and “the Borough” means the Borough of Corby.

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

2. a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the inside of the carriage, on a plate affixed outside the carriage at the rear and by means of 3 inch high adhesive numbers affixed to the top near side corner of the windscreen.

b) A proprietor or driver of a hackney carriage shall:-
 - i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - ii) not cause or permit the carriage to stand or ply for hire with any such painting or marking so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided.

3. The proprietor of a hackney carriage shall:-
 - a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - b) cause the roof or covering to be kept watertight;
 - c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - d) cause the seats to be properly cushioned or covered;
 - e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - g) provide means for securing luggage if the carriage is so constructed so 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; and
 - i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say:-

a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and ensure that the roof mounted light and "For Hire" sign are no longer illuminated;

b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;

c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;

d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and

f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

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

5. The driver of a hackney carriage provided with a taximeter shall:-

a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the bye-law in that behalf locked in the position in which no fare is recorded on the face of the taximeter;

b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the roof mounted light, and 'For Hire' sign are no longer illuminated and keep the machinery of the taximeter in action until the termination of the hiring; and

c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise, and also at any other time at the request of the hirer.

6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
 - a) proceed with reasonable speed to one of the stands appointed by the Council;
 - b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
 - d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage by calling out or otherwise.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. 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:-

Provided that the limit so imposed may (a) be exceeded by one person if the total number of persons conveyed include at least two children who are each under the age of twelve years, or (b) be exceeded by two persons if all of the persons conveyed are each under the age of twelve years.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. 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; and
 - c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

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

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

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

15. a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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

16. 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.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
 - a) carry it within 24 hours, if not sooner claimed by or on behalf of its owner, to the Corby Police Station and leave it in the custody of the officer in charge of the office on his being given a receipt for it; and
 - b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the Corby Police Station, whichever be the greater) but not more five pounds.

Penalties

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

Repeal of Bye-laws

19. The bye-laws relating to hackney carriages which were made by the Council on the 7th day of April 1983 and confirmed by one of Her Majesty's Principal Secretaries of State on the 15th day of July 1983 are hereby repealed.

The foregoing byelaws were made by the Council pursuant to due notice and the Council's Common Seal was hereunto Affixed the day of one thousand nine hundred and ninety-nine in the presence of:

..... Mayor
.....

N Rudd
Chief Executive

Fares For Distance

See attached sheet:

The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by the bylaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.

The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this bylaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

- a) Fares for Distance - See attached sheet

CORBY
WITH EFFECT FROM 24 NOVEMBER
2017
THE FOLLOWING FARES ARE
AUTHORISED
HACKNEY CARRIAGE FARES

HACKNEY CARRIAGE NO

H/C

a) **MILEAGE**

If the distance does not exceed 387 yards (354 metres) for the whole distance.

£2.20

If the distance exceeds 387 yards (354 metres) for the first 387 yards (354 metres)

£2.20

Then for each subsequent 119 yards (109 metres) or uncompleted part thereof

10p

(b) **WAITING TIME**

For each period of 20 seconds
or uncompleted part thereof

10p

(c) **EXTRA CHARGES**

- | | | |
|-------|---|--------------------------------------|
| (i) | For hiring commenced between the hours of 11.00pm and 5.00am | 50% of the rate or fare at (a) above |
| (ii) | For each hiring affected on all Bank Holidays | 50% of the rate or fare at (a) above |
| (iii) | A soiling charge of £25 will be applied where Hackney Carriage is soiled during operation. | |

Journeys Ending Outside The Borough Of Corby

The fare for a journey ending outside the Corby Borough must be agreed between the passenger and the driver BEFORE the journey is started, if no prior agreement is reached the fare must be calculated using the above table.

Complaints

Please refer any complaints to the Regulatory Services Section giving the number of the taxi and the Drivers Badge Number.

For the purpose of clarification bank holidays to which c) ii) applies are: New Year's Day, Good Friday, Easter Monday, May Bank Holiday, Spring Bank Holiday, August Bank Holiday, Christmas Day and Boxing Day (including official bank holidays when any of these fall at weekends) and any other national Bank Holiday recognised by Her Majesty's Government.

Appendix D - Hackney Carriage Vehicle Conditions

Zone 3 - District previously known as Kettering Borough Council

In the area of zone 3 (previously known as Kettering Borough Council), all newly licensed hackney carriages shall comply, in all respects, with the conditions of licensing set out within Appendix D of this policy.

Provisions Fixing the Stands of Hackney Carriages

Within zone 3, there are hackney carriage stands in the following locations:

- Horsemarket, Kettering east side of the central island in Horsemarket, in the bus bays between 20:00 and 06:00 only on any day for 10 taxis.
- Sheep Street, Kettering on the west side of Sheep Street immediately to the south of the junction with George Street (outside the hotel) for 3 taxis.
- Silver Street, Kettering on the west side of Silver Street immediately to the south of the junction with Gold Street for 4 taxis.
- Dalkeith Place, Kettering on the east side of Dalkeith Place 25 metres south of the junction with School Lane for 3 taxis.
- Newland Street, Kettering on the east side of Newland Street 25 metres north of the junction with Gold Street for 2 taxis.
- Tanners Lane, Kettering on the south side of Tanners Lane adjacent to the entrance to the shopping centre for 3 taxis.

Fares Table

Applications for an increase in fares are to be submitted to the Licensing and Appeals Committee for consideration and determination.

Section 67 of the 1976 Act provides that when licensed hackney carriages are used in the district of zone 3 for private hire/hackney carriage purposes, the fares charged shall not be greater than as prescribed in the approved Fares Table.

Byelaws

The byelaws made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by Kettering Borough Council apply to hackney carriages in zone 4. These are reproduced below.

Zone 3 Byelaws

Interpretation

1. Throughout these byelaws:-

“the Council means Kettering Borough Council”; and “the Borough” means the Borough of Kettering which comprises of the town of Kettering, and the parishes of Ashley, Brampton Ash, Braybrooke, Broughton, Burton Latimer, Cranford, Cransley, Desborough, Dingley, Geddington, Grafton Underwood, Harrington, Loddington, Newton, Orton, Pytchley, Rothwell, Rushton, Stoke Albany, Sutton Bassett, Thorpe Malsor, Warkton, Weekley, Weston-by-Welland and Wilbarston.

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

2. (i) The proprietor of a hackney carriage shall cause the number of the licence granted in respect of the carriage to be legibly painted or marked on the inside of the carriage, and on a plate affixed outside the carriage at the rear.
- (ii) A proprietor or driver of a hackney carriage shall:-
- a) 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;
 - b) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:
- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept watertight;
 - (c) provide any necessary windows and 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;
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- (f) cause the fittings and furniture generally and the exterior of the coachwork to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of 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:-
- (i) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-
 - (a) the words "FOR HIRE" shall be exhibited on each side of the flag or other device in plain letters at least 38mm in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;
 - (b) when the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;
 - (c) when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter.
 - (ii) If the taximeter shall be fitted with a key or other device bearing the words "FOR HIRE":-
 - (a) the taximeter shall be fitted with a key or other device the tuning 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 or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter.
 - (iii) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of the byelaw in that behalf for the hire of the carriage by distance.
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- (iv) 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.
 - (v) The taximeter shall be so placed that all letters and figures on the face thereof may be 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.
 - (vi) 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.
5. The proprietor of a hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:-
- (a) the sign shall bear the words "FOR HIRE" in plain letters at least 38mm in height;
 - (b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

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 wear any and what badges

6. The driver of a hackney carriage shall:-
- (i) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-
 - (a) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
 - (b) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring.
 - (ii) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":-
 - (a) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and
-

operate the sign provided in pursuance of byelaw number 5 so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage;

- (b) as soon as the carriage is hired whether by distance or by time, operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage;
- (c) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or device fitted for the purpose 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.

(iii) 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.

7. The driver of a hackney carriage for which stands are fixed by any byelaw in that behalf shall, when plying for hire in any street and not actually hired:-

- (a) proceed with reasonable speed to one of such stands;
- (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 cause their carriage to be moved forward so as to fill the place previously occupied;
- (e) the driver of a hackney carriage shall not leave the taxi stand whilst the hackney carriage in their carriage is parked on the taxi stand and the said hackney carriage shall be available for hire at all times whilst parked on the taxi stand.

8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other persons for the purpose.

9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting the vehicle.

10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless

delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

11. The driver of 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.
12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing, plying or driving for hire wear that badge in such a position and manner as to be plainly and distinctly visible. On termination or surrender of a driver's licence the driver shall return to the Council any badge which has been issued to them.
14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any persons hiring or seeing 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 house, station or place at which they may take up or set down such a person.

Provisions fixing the stands of hackney carriages

15. Each of the several places specified in the current list of stands shall be a stand for such number of hackney carriages as is specified in that list.

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

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

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

17. The proprietor of a hackney carriage for which any fares are fixed by any byelaw in that behalf shall:-
- (i) cause a statement of such fares to be painted or marked on the inside of the carriage, or on a plate affixed thereto, in clearly distinguishable letters and figures.
 - (ii) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letter or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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

18. The proprietor or driver of a hackney carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
19. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to them:-
- (i) carry it within 24 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 station on their giving a receipt for it;
 - (ii) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station at which the property was left, whichever be the greater) but not more than five pounds.

Penalties

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

Fares For Distance

See attached sheet:

- a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by the bylaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
-

- b) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this bylaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.
 - c) Fares for Distance - See attached sheet
-

Fares currently set as:

HACKNEY CARRIAGE FARE STRUCTURE

FARES FOR DISTANCE

Tariff 1 Mileage: If the distance does not exceed 6/12ths of one mile:- for the whole distance	Fare £2.40
If the distance exceeds 6/12ths of one mile:- for the first 6/12ths of one mile of the distance for each subsequent twelfth of a mile or uncompleted part thereof	£2.40 £0.20
Waiting Time:- Initial Waiting Time of 216 seconds Then for each period of 36 seconds	£0.20 £0.20
<u>Extra Charges</u>	
Tariff 2 For hirings begun after 6am on a Sunday For hiring's begun between 11pm and 6am except on Christmas Day, Boxing Day and New Year's Day For hirings on Bank Holidays and other nationally recognized Public Holidays other than Christmas Day, Boxing Day and New Year's Day For journeys carrying more than 4 people, providing they are licensed accordingly	+ 50% of the above rates
Tariff 3 For hirings begun 6pm on Christmas Eve to 6am the day following Boxing Day and 6pm on New year's Eve to 6am the day following New Year's Day If these days fall on a Saturday or Sunday then this rate to extend to 6am following the appointed extra bank holiday days	+ 100% over the above rate
ONLY <u>ONE</u> OF THE ABOVE EXTRA CHARGES PERMISSIBLE AT ANY TIME	
Soiling charge (may be charged in addition to the above extra charges)	£50.00 (subject to extra tariff charges)

Appendix D - Hackney Carriage Vehicle Conditions

Zone 4 - District previously known as the Borough Council of Wellingborough

In the area of zone 4 (previously known as the Borough of Wellingborough), all newly licensed hackney carriages shall comply, in all respects, with the conditions of licensing set out within Appendix D of this policy.

Hackney carriage plate numbers 1-29 are currently reserved for yellow saloon / estate / multi-purpose vehicles with grandfather rights. These grandfather rights are for five years and are provided for only those vehicles currently licensed with the Council. These grandfather rights do not include vehicles subject to change of ownership during this period.

Provisions Fixing the Stands of Hackney Carriages

Within zone 4 there are hackney carriage stands in the following locations:

24 hour ranks:

- Orient Way, Wellingborough;

Main Rank	6 vehicle spaces
Overflow Rank	4 vehicle spaces
- Commercial Way, Wellingborough 2 vehicle spaces

Night-time only ranks:

- Sheep Street, Wellingborough 2 vehicle spaces
- Silver Street, Wellingborough 2 vehicle spaces

Fares Table

Applications for an increase in fares are to be submitted to the Licensing and Appeals Committee for consideration and determination.

Section 67 of the 1976 Act provides that when licensed hackney carriages are used in the district of zone 4 for private hire/hackney carriage purposes, the fares charged shall not be greater than as prescribed in the approved Fares Table.

Byelaws

The 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 Wellingborough apply to hackney carriages in zone 4. These are reproduced below.

Zone 4 Byelaws

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the council of the Borough of Wellingborough with respect to hackney carriages in the Borough of Wellingborough

Interpretation

1. Throughout these byelaws “the Council” means the Council of the Borough of Wellingborough and “the district” means the Borough of Wellingborough

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

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A proprietor or driver of a hackney carriage shall:-
 - (i) not willfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

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

to carry luggage;

- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

4. The proprietor of a hackney carriage shall cause 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 taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

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

5. The driver of a hackney carriage provided with a taximeter shall:-

- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- (b) before beginning a journey for which a fare is charged for distance and time, 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; and

- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
 - (a) proceed with reasonable speed to one of the stands appointed by the Council;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
 - (d) from time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. 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.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. 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; and

- (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

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

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

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

- 15. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

(b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not willfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof

- 16. 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.

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

(a) carry it as soon as possible and in any even 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 station on his giving a receipt for it; and

(b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence 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 five pounds.

Penalties

- 18. Every person who shall offend against any of these byelaws shall be liable on

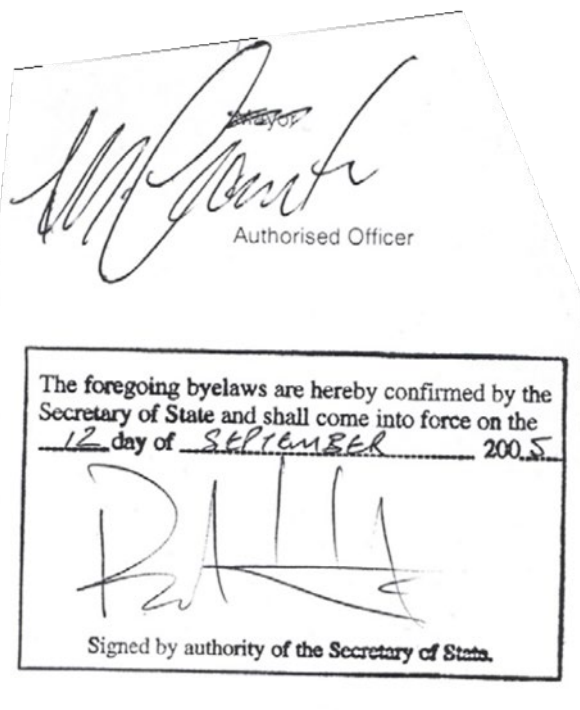
summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

Repeal of Byelaws

19. The byelaws relating to hackney carriages which were made by the Borough Council of Wellingborough on the 26th day of November 1976 and which were confirmed by the Secretary of State on the 14th day of January 1977 are hereby repealed

THE COMMON SEAL of THE BOROUGH COUNCIL OF WELLINGBOROUGH was

Hereunto affixed in the presence of:-



Fares currently set as:

If the distance does not exceed 541.54 yards:- for the whole distance	£2.30
If the distance exceeds 541.54 yards:- for the first 541.54 yards	£2.30
for each subsequent 117.33 yards	10 pence

Waiting Time

For each period of 35 seconds or uncompleted part thereof including periods during the journey when the vehicle is stationary	10 pence
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Extra charges

For hirings begun between 6am and 11pm on a Sunday	25% of the fare
For hirings begun between 11pm and 6am	50% of the fare
For hirings begun on Bank Holidays	50% of the fare

For hirings begun between 6pm on Christmas Eve and 6am on the day following Boxing Day and 6pm on New Year's Eve and 6am on the day following New Year's Day	100% of the fare
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When conveying more than 4 passengers between the
hours of 6am and 11pm to increase the fare by 50%

When conveying more than 4 passengers between the
hours of 11pm and 6am to increase the fare by 100%

Only one of the above extra charges is permissible at any time

Journeys ending outside the Borough of Wellingborough will be metered unless an
alternative tariff is agreed prior to the commencement of the journey.

No charge in excess of fifty pounds (£50) shall be made in the event
of any hirer causing any damage to or soiling the vehicle hired in
any way whether by vomiting, urinating, spitting or otherwise.

Appendix E – Private Hire Operators

1.0 Conditions for Private Hire Operators

- 1.1 The following conditions are considered to be reasonably necessary by North Northamptonshire Council in relation to private hire operator licences and all private hire operator licences will be granted subject to these conditions. These conditions are made by the Council in pursuit of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).
- 1.2 In determining these conditions the Council has had regard to the Department of Transport Statutory Taxi & Private Hire Vehicle Standards July 2020.
- 1.3 These conditions are ancillary to and should be read in conjunction with applicable statutory legislation.
- 1.4 Failure to comply with any of the conditions attached to this licence may result in NNC Licensing Penalty Points being issued to the licence holder, or other action such as referral to the Licensing Sub Committee, with a view to potential suspension or revocation of the licence.

2.0 Operator's Licence

- 2.1 The objective in licensing private hire vehicle operators is the safety of the public, who will be using operators' premises and the vehicles and drivers arranged through them.
- 2.2 Operator licences are not transferable. The operator must notify the Council in writing of any change in partnership, directorship, management or control of the business within five working days.
- 2.3 The standard length of a licence is five years for private hire vehicle operators. Any shorter duration licence will only be issued when the Council thinks it is appropriate in the specific circumstances of the case. For example, the licence holder's leave to remain in the UK is time-limited, the licensee has requested a shorter duration, or the licence is only required to meet a short-term demand. Private hire vehicle operator licences will not be issued on a 'probationary' basis.
- 2.4 The operator must notify the Council in writing within five working days of any other material change affecting the licence during its validity.
- 2.5 The operator must notify the Council, providing full details, of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on the licence holder (or if the operator is a company or partnership on any of the directors, secretary or partners) during the period of the licence, within fourteen days of the offence.

- 2.6 The operator must notify the Council in writing within fourteen days of any change of home address whether permanent or temporary.
- 2.7 The operator must inform the Council if they are going to be absent from the day to day running of the business for a period of two consecutive months or more. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf.

3.0 Operator checks

- 3.1 Licensed operators (and in the case of a limited company, every director) must undertake a basic criminal record (DBS) disclosure check annually and submit the original disclosure certificate to the licensing authority. In the event that a basic disclosure certificate is not submitted annually, the private hire operator licence will be suspended until the basic disclosure(s) are received. This does not apply to any private hire operator who is also licensed as a driver, as the required enhanced disclosure for drivers is sufficient. However where the reliance is on the driver licence DBS check and this is not done, then both licences will be suspended until the results of a check are received.
- 3.2 The Council also considers it appropriate to ensure that private hire vehicle operators administer their business correctly. The Council will check open source information, cross checking information with Companies House and will request financial records to assist the Council in assuring itself that the company is suitable to be licensed.
- 3.3 Evidence of appropriate public liability insurance must be provided with the application.

4.0 Booking and dispatch staff

- 4.1 Licensed operators must maintain a register of all staff that take bookings and/or dispatch vehicles. This register is to be available for inspection by an authorised officer.
- 4.2 Operators are required to obtain and review a basic criminal record check (DBS) on all individuals listed on their register of booking and dispatch staff (4.1 above) and this must be compatible with their policy on employing ex-offenders.
- 4.3 When individuals are employed to take bookings or dispatch vehicles for an operator they should be required, as part of their employment contract, to notify the operator of any convictions while they are employed in this role.
- 4.4 The booking and dispatch staff register is to be a 'living document' that maintains records of all those in these roles. The disclosure certificate should be no older than four weeks when viewed by the operator.

- 4.5 Where staff leave, their individual record is to be retained for a minimum of three years. All records in the register must be made available for inspection when requested by an authorised officer. This is to allow for the cross-referencing between the register and booking information.
- 4.6 A record that the operator has had sight of a DBS basic disclosure certificate is to be retained for the duration that the individual remains on the register. If an individual ceases to be on the register and is later re-employed, a new DBS basic disclosure certificate is to be requested and sight of this recorded.
- 4.7 Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children, vulnerable adults, or protection of personal data. Operators are required to evidence that comparable protections are applied by the company to which they outsource these functions.
- 4.8 Operators must have a documented policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operator's licence, those with a conviction for offences provided in the North Northamptonshire Criminal Records Policy may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car, or for handling sensitive personal information.
- 4.9 The operator shall ensure that they only make use of drivers and vehicles licensed by North Northamptonshire Council (except when sub-contracting bookings) and shall ensure that all drivers and vehicles engaged or employed by them comply with all licence requirements laid down by North Northamptonshire Council.
- 4.10 The operator shall notify the Council, in writing, within seven days of the engagement or employment of a new private hire driver, and of any additional private hire vehicles. The operator shall also inform the Council of the termination of engagement, employment or operation of such hackney carriage or private hire drivers or vehicles within seven days of the event.
- 4.11 All staff in customer facing roles 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.
- Legal obligations towards disabled passengers and the consequences of not complying with them.
- An assessment of the trainee's knowledge and skills.

5.0 Conditions

- 5.1 The licence is not transferable and only applies to the premises specified on the licence.
- 5.2 Should the operator cease to carry on a private hire vehicle business they shall return their operator's licence to the Council within seven days.
- 5.3 The operator shall ensure that each private hire vehicle operated by them is:
- in a suitable mechanical condition
 - safe, comfortable, clean and presentable
 - at all times covered under a suitable valid motor vehicle insurance policy for the type of activity being undertaken and for the drivers using the vehicle
 - displaying the current vehicle licence plates in the manner required.
 - only driven by drivers licensed by North Northamptonshire Council.
- 5.4 While the driver of a vehicle is always legally responsible for its condition while in use, the Operator should have in place systems to ensure that vehicles are in sound condition and meet the requirements of this Council's conditions prior to being taken on the road. Drivers must be required to conduct a daily walkaround check as part of their core role, irrespective of their employment status with the company and complete the vehicle condition checklist (Appendix A) .
- 5.5 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.
- 5.6 Drivers must be required to retain the vehicle checklist as proof that they have undertaken the required vehicle check and produce it on request to an officer of the Council or a police officer. Operators must regularly audit that checks are taking place and record the audit together with any sanctions for failure to comply. Drivers should be made aware that they may be subject to sanctions if they are unable to produce this. Further sanctions may result against them, as well as vehicle operators / 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 a number of days.
- 5.7 The private hire operator licence granted by North Northamptonshire Council must be on display at all times, at the premises designated in the licence and a copy of these conditions must also be retained at the premises. The

operator shall make the licence and these conditions available for inspection by actual or potential fare paying passengers on request.

- 5.8 Where any property is left by a customer in the business premises the operator must endeavour to arrange to return such property to its rightful owner, failing which it must be dealt with in accordance with legal requirements and the police must be notified within twenty four hours.
- 5.9 The vehicles register (7.0) below) will be kept by the operator at the licensed operating address. The operator shall record detailed particulars of private hire vehicles operated by the operator. This register must be kept up to date at all times.
- 5.10 The operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog', when the reason for failure or refusal is that the disabled person will be accompanied by the 'assistance dog'.

6.0 Operator Vehicle Register

- 6.1 The operator shall keep legible, hand-written or computerised records of the particulars of all private hire vehicles operated by him in accordance with Section 56(3) of the Local Government (Miscellaneous Provisions) Act 1976, including the:
- Vehicle registration mark
 - Make, model, colour
 - Number of passenger seats. (As authorised by the hackney carriage/private hire vehicle licence)
 - The hackney carriage/private hire licence number
 - The company call-sign for the vehicle
 - The vehicle proprietors name and address
 - Insurance particulars of all vehicles working on behalf of the operator
 - The date the vehicle was added to the operator's fleet
 - The date the vehicle was withdrawn from the operator's fleet

7.0 Operator Driver Register

- 7.1 The operator shall keep legible, hand-written or computerised records of the particulars of all drivers of hackney carriage and/or private hire drivers operated by them, including:
- The name, address and company call-sign assigned to the driver
 - The date the driver starts working for the operator
 - The date the driver stops working for the operator
 - Any change of address of a driver during the course of his service with the operator

- Any illness, disability or condition which may affect a driver's ability to safely carry out their duties, where the operator becomes aware of any such condition
 - The North Northamptonshire Council hackney carriage/private hire driver licence number and expiry date of same
- 7.2 The operator shall retain the licence of any driver engaged by them, until such time as the driver ceases to be so engaged. Such licenses shall be made available for inspection by the Council or the Police at all reasonable times. The operator shall also ensure that all drivers engaged by them are in possession of the appropriate driver badge issued by North Northamptonshire Council.
- 7.3 All entries made in the private hire bookings register, the driver register and the vehicles register must be made in ink and all such entries must be legible and understandable to an authorised officer of the Council.
- 7.4 Any accidents or damage sustained to a private hire vehicle which materially affects the safety, performance or appearance of the vehicle must be notified to the Council on the official accident form as soon as practicable and in any case within seventy two hours.

8.0 Business Premises

- 8.1 The operator must only conduct business from the office at the address specified on the licence. Any operator wishing to conduct business from any additional address(es) (e.g. secondary booking offices) must make application in writing to the Council's licensing team and await approval before making use of any additional premises. This is in addition to any other consents required. The Council reserves the right for an authorised officer to inspect all such premises for suitability and compliance with the requirements of these conditions.
- 8.2 The operator must not cause or permit the business premises to be used by any other person(s) for any other purpose than that connected with the conduct or operation of the private hire business. This condition will not apply if the business premises is the residential address of the licensed operator
- 8.3 The operator must not conduct his business, nor employ or utilise any person to conduct his business in any premises, the use of which have not been approved by the Council.
- 8.4 The licensed operating premises must be maintained in a suitable clean and safe condition at all times.
- 8.5 Any telephone facilities, radio equipment or PDA systems provided must be maintained in a sound condition and any defects must be repaired promptly.

9.0 Record keeping

9.1 The operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of records by theft or otherwise must be reported to the Council in writing within twenty four hours, and immediately to the police in the event of theft being suspected. Separate records must be kept at each premises from which the operator conducts business. The records must always be kept at the business premises and not removed.

9.2 All such records must be in English, permanent, legible and preserved for a period of 3 years following the date of the last entry. Records must be kept in one of the following forms: -

- a bound book with consecutively numbered pages (loose leaf registers are not acceptable) written in ink
- or on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system. The operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained, and that the printer is always appropriately replenished to ensure that full and legible booking details are printed, or
- a computerised recording system which automatically generates a permanent entry that cannot be modified after the booking has been made. All computerised records must be available for inspection on request.
- any electronic records must be backed up at least every twenty four hours to a separate secure data storage and retrieval system.

9.3 Irrespective of the system used, the operator must, at the time the booking is taken ensure that the following information is recorded:

- the name, address and telephone number of the hirer;
- the date and time the booking was received (and any subsequent cancellation);
- the time of the journey, together with the journey date (if different from the booking date);
- the address or name of the premises from which it is to commence (i.e. the point of pick up of the passenger(s));
- the address or place of destination;
- the name of the driver;
- the driver's licence (badge) 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;
- remarks (including details of any sub-contracting to another licensed operator)

- 9.4 These booking records are to be retained for a minimum of three years and are to be made available for inspection when requested by an authorised officer or Police Officer.
- 9.5 Where any bookings are sub-contracted either by the operator to another licensed operator or are accepted by the operator from another operator, a full record of the booking (in line with ~~10.4~~ 9.3 above) and notes must be included; including the name of the sub-contractor and contact information.
- 9.6 No alterations to records may be made – any amendment must be made to the original record by way of an addition.
- 9.7 The records of bookings must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such officers must be permitted to photograph and / or remove such records from the premises if so required. Printed copies of records must be made available on request.
- 9.8 Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.
- 9.9 Telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the operator other than within the register after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).
- 9.10 Private hire operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

10.0 Complaints

- 10.1 Operators are to have a written complaints procedure. The procedure must state that all written complaints must be responded to within a maximum of twenty eight days. The procedure is to appear on the operator's website (where used) and is to be displayed in any premises to which the public have access.
- 10.2 The operator must keep a register of all complaints made to them.
- 10.3 The register is to be readily available at all times and must be produced for inspection on request by an authorised officer. Records shall be retained for a minimum of three years.
- 10.4 The register shall contain the following details:

- name, address and telephone number of the complainant
 - nature of complaint
 - any action taken as a result of the complaint
- 10.5 The operator is to inform the Council immediately of any complaints received (verbal or written) relating to a driver or dispatcher at the company, whether employed or self-employed of a serious nature (including but not limited to sexual matters, violence or verbal abuse including racial).
- 10.6 The operator shall be ultimately held accountable for the conduct of their licensed drivers and staff. Where repeated complaints are received about an individual driver or member of staff in their employ, the operator is required to take appropriate action to ensure further complaints are not received and record the action taken.

11.0 Hiring

- 11.1 All private hire bookings accepted by the operator shall be carried out promptly at the appointed time, date and place.
- 11.2 The operator shall make provision for his private hire drivers to convey any assistance dog(s) accompanying a passenger, at the hirer's request unless any approved exemptions are in place.
- 11.3 The operator must not accept any booking for a particular private hire vehicle which would require the vehicle to carry more passengers than it is licensed to carry. This includes all school contracts. ~~Where a contract is in place for transporting children under 13 they must not sit in the front passenger seat at any time.~~ The operator must ensure that seat belt legislation is complied with at all times.
- 11.4 The operator must not operate a private hire vehicle without the driver of such being licensed by North Northamptonshire Council. The operator must personally examine the drivers' licences issued by the Council and satisfy themselves as to their validity.

12.0 Insurance

- 12.1 The operator must ensure that public liability insurance is in force throughout the validity of the licence for each and every operating base open to the public to a minimum cover of £5 million.
- 12.2 Where the operator directly employs licensed taxi drivers, employer's liability insurance should also be in place.
- 12.3 Certificates of valid liability insurance must be produced on demand to any authorised officer.

Appendix F – Special Occasion Vehicles

- 1.1 The following conditions are considered to be reasonably necessary by North Northamptonshire Council in relation to private hire vehicle licence applications for Executive / Special Occasion Vehicles licences and applications for exemptions from displaying licence plates. All licences for such vehicles will be granted subject to these conditions.
- 1.2 In determining these conditions the Council has had regard to the Department of Transport Statutory Taxi & Private Hire Vehicle Standards July 2020.
- 1.3 These conditions are ancillary to and should be read in conjunction with applicable statutory legislation.
- 1.4 The conditions of licence are made pursuant to Section 48 of the Local Government (Miscellaneous Provisions) Act 1976,
- 1.5 Failure to comply with any of the conditions attached to this licence may result in NNC Licensing Penalty Points being issued to the licence holder, or other action such as referral to the Licensing Sub Committee, with a view to potential suspension or revocation of the licence.

2.0 Conditions

- 2.1 The vehicle will be inspected annually to ensure that the vehicle remains in immaculate condition internally and externally. This inspection is by an authorised officer of the Council and is in addition to the standard Council tests.
- 2.2 The normal conditions applying to the licensing of vehicles, operators and drivers will apply, except where inconsistent with these special conditions.
- 2.3 Owners of vehicles converted from a standard production model must retain the original documentation to confirm that the conversion was approved by the original manufacturer and that the conversion was undertaken by a converter/modifier under an approved Scheme. This documentation must be produced on request by an authorised officer of the Council.
- 2.4 Any imported vehicle must get vehicle approval to show that the vehicle meets environmental and safety regulations. This approval is required to register the vehicle. The registration certificate indicates the approval status of the vehicle. Where a registration certificate does not show an approval status the vehicle will not be considered for licensing.
- 2.5 Vehicles with a partition between the driver and passenger compartment must only be fitted with a clear glass partition to enable full visibility into the rear of the vehicle. The glass should meet the relevant British/ European Standard or its American equivalent. Solid partitions will not be permitted. Where a partition is fitted, the front passenger seat will not be included in the seating capacity and must not be used for the transport of passengers. This requirement is to prevent the driver from risk of attack.

- 2.6 Partitions must not be installed after the vehicle has been tested.
- 2.7 Stretched Limousine style vehicles must be fitted with a 'Life' safety hammer which must be securely located in the driver's compartment.
- 2.8 All forward facing seats must be fitted with three point all age inertia reel, lap and diagonal seat belts. All other seatbelts fitted to any other seat must be present and working correctly. Appropriate conformity certification for a seatbelt may be required at the discretion of an authorised officer of the Council.
- 2.9 No fare paying passengers are to be carried in the front of the vehicle.
- 2.10 No form of entertainment shall be permitted without written consent from this Authority. The proprietor must ensure that the appropriate licences are held for any form of entertainment to be provided for passengers (such as a premises licence for film, music etc and a Performing Rights Society licence for recorded music).
- 2.11 The following activities are prohibited in the vehicle:
- Striptease
 - Lap dancing
 - Pole dancing
 - Any other activity or performance of a similar kind
- 2.12 Any alcoholic drinks provided in the vehicle shall only be sold/supplied under the terms of an appropriate licence. Alcohol shall only be served whilst the vehicle is stationary in non-breakable receptacles (e.g. plastic). At all other times, bottles are to be stored in a secure manner.
- 2.13 Alcohol shall not be available in the vehicle when used for bookings for groups of passengers under 18 years. Bookings for groups of passengers under 18 years shall only be provided with non-alcoholic beverages from plastic glasses and bottles.
- 2.14 Children under the age of 16 years must be accompanied by either a parent/guardian or an appropriate adult. Any person/escort provided by the licence holder must be Disclosure and Barring Service (DBS) checked. The details of the persons travelling and the name and contact details of the person responsible for the booking must be completed and maintained by the driver. A copy of the form must be carried by the driver.

Appendix G – Penalty Points System

- 1.1 North Northamptonshire Council operates a points-based system, which allows minor breaches of the rules to be recorded and considered in context, while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time. North Northamptonshire Council's Enforcement Policies will be fully considered by the enforcing officer when determining the manner in which any breach of the legislation or the requirements of this policy are dealt with. Where it is decided that the use of penalty points is appropriate, they will be issued in accordance with the rate in the attached schedule.
- 1.2 Before penalty points are issued there must be sufficient evidence to prove the offence or breach of conditions. Evidence for penalty points is considered 'on the balance of probability', not the higher threshold of 'beyond reasonable doubt'.
- 1.3 Each case will be considered on its merits.
- 1.4 When points are issued by an authorised officer, the owner or driver will be sent written confirmation within five working days. There is a right of appeal to the Licensing Sub Committee. However, anyone wishing to appeal should be aware that the committee may decide to increase points or apply another sanction, should they feel there is merit in doing so.
- 1.5 Points incurred will remain on the record for a fixed period. The usual duration of a driver and private hire vehicle operator licence is three and five years respectively. To ensure that all past behaviour is taken into account when considering whether to grant a new licence, the points will remain on the record from the date of the incident for 3 years for drivers and 5 years for private hire vehicle operators. The Council will however consider whether a review is undertaken within a shorter period for example, a year in situations where points are incurred; as this may indicate rapidly deteriorating standards or unsatisfactory conduct.1.6 Any driver, proprietor or operator accumulating twelve points within the designated period will be required to appear before a hearing of the Licensing Sub Committee for a review of the conduct of the licensee and whether further action is necessary to address any concerns..
- 1.6 When a driver, proprietor or operator is brought before a Licensing Sub Committee that Panel may exercise one of the following options:-
 - (i) Extend the two year period in which points remain live;
 - (ii) Issue written warning;
 - (iii) Suspension of licence(iv)
 - (v) Undertaking additional training as well as or instead of any of the above
 - (vi) Revoke the licence;
 - (vii) Take no further action;
 - (viii) Any other action the sub committee deems appropriate

- 1.8 Any driver, operator or proprietor required to appear before a Licensing Sub Committee having accumulated twelve points shall be entitled to make representations to the Panel or be legally represented at the hearing.
- 1.7 Any driver, proprietor or operator given a period of suspension or having their licence revoked shall be entitled to appeal to Magistrates Court within twenty one days of notification of the Sub Committee's decision.
- 1.8 When a Licensing Sub Committee hearing has been held, any points accumulated will be deemed as spent unless the Licensing Sub Committee decides otherwise.
- 1.9 If the Licensing Sub Committee decides that any points will remain live they must stipulate the point (date) at which they will expire.
- 1.10 Nothing in this penalty points system will stop the Council from taking action under any other appropriate legislation.
- 1.11 This penalty points system will be reviewed two years after implementation and as necessary thereafter.
- 1.12 Any breaches of the vehicle licence conditions which result in penalty points being awarded, will be applied to the driver and/or the operator / proprietor as deemed appropriate in that particular case.

Private Hire/Hackney Carriage Vehicle Licences

Will be issued to the vehicle owner or operator

Failing to display clearly licence plates on exterior of vehicle.	4
Failing to display clearly interior licence plate so that it is visible to passengers.	4
Carrying more persons than permitted by the vehicle licence.	8
Fixing the exterior licence plates to the vehicle other than in a manner authorised by the Council when not undertaken by the Council.	4
Failing to notify changes affecting the particulars on the vehicle registration document in writing to the Council e.g. change of address.	4
Proprietor of a licensed vehicle exhibiting business advertising details on rear doors exceeding the prescribed limits.	3
Fixing any form of advertising on the inside of the vehicle without written consent.	4
Failing to have a dry powder fire extinguisher in vehicle in such a position affixed by a bracket to be readily available for use with the vehicle registration number clearly marked and legible.	4
Failing to provide a first aid kit in the vehicle in such a position to be readily available for use with the vehicle registration number clearly marked and legible.	4
Affixing a roof sign on a licensed private hire vehicle.	6
Failing to display notice in vehicle requiring passengers to wear the seat belts provided.	3
Permitting a child under the age of 13 years to use a front passenger seat.	6
Permitting a child to be carried in a rear facing carrier in the front passenger seat in a vehicle fitted with a passenger side airbag.	6
Licensed vehicle proprietors failing to ensure the seats are clean and in a good state of repair.	3
Licensed vehicle proprietor failing to ensure the vehicle floor and coverings are clean and in a good state of repair.	3
Licensed vehicle proprietor failing to ensure the fittings, furniture and the vehicle exterior are kept in a clean and well maintained condition.	3
Failing to permit inspection and test by a Council authorised officer at any time.	6

Failure to return a plate after notice has been given following expiry, revocation, or suspension of a private hire vehicle licence.	6
Failure to undertake daily vehicle checks recorded on the inspection form.	4
The driver of a licensed vehicle failing to ensure the safety of persons conveyed in or entering or alighting from the vehicle.	6
Failing to carry out necessary repair work after road side check reveals the need for some.	6
Hackney Carriage Vehicles Only	
Proprietor of a hackney carriage vehicle failing to notify the Council within 24 hours of taximeter being broken.	6
The proprietor of a hackney carriage vehicle transferring hackney carriage plate to another vehicle without advising the Council within 14 days	6
Hackney carriage proprietor failing to provide sufficient means by which any person in the carriage may communicate with the driver.	3
Proprietor of a hackney carriage failing to provide taxi meter bearing the words 'For Hire' and so constructed, attached and maintained to comply with requirements	3
Failing to ensure that the word 'Taxi' is exhibited on the roof sign in plain letters which are legible.	3
Proprietor of a hackney carriage failing to ensure that taxi meter is not in operation when the 'Taxi' sign is illuminated.	3
Proprietor of a hackney carriage failing to ensure that correct fare and the word FARE is displayed clearly and legibly on the meter including in the hours of darkness.	6
Proprietor of a hackney carriage failing to ensure that a meter fixed to a hackney carriage shall be sealed so that no person can tamper with the meter except by breaking the seal.	6
A proprietor or driver of a hackney carriage vehicle, when standing or plying for hire shall not call out or otherwise importune any person to hire a carriage.	3
The proprietor of a hackney carriage vehicle failing to cause a statement of fares to be exhibited inside the carriage in clearly distinguishable letters and figures.	3

Hackney Carriage/Private Hire Driver Conditions

Using vehicle as private hire vehicle without a licence for that vehicle.	12
Lending or parting with a hackney carriage driver's licence.	8
Failure to present a hackney carriage or private hire vehicle for inspection on request by an authorised officer of the Council.	6
Making a false statement or withholding information to obtain a hackney carriage/private hire driver's licence.	12
Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	12
Private hire drivers and vehicles, using or waiting on a Hackney Carriage rank.	4
Obstruction of an authorised officer of the Council or a Police Officer.	12
Failure to comply with a requirement of an authorised officer of the Council or a Police Officer.	6
Failure to give information or assistance to an authorised officer of the Council or a Police Officer.	6
Giving false information on an application for a hackney carriage/private hire drivers licence.	12
Failure to notify change of address of a licensed driver within 7 days.	4
Failing to take a hackney carriage fare.	6
Carrying other persons in a private hire vehicle or hackney carriage vehicle other than with the consent of the hirer.	4
Being under the influence of alcohol or drugs when driving a hackney carriage or private hire vehicle.	12
Failure to return licence and licence plates when vehicle ceases to be used as a hackney carriage or private hire vehicle.	6
Recklessly and dangerous driving of a hackney carriage or private hire vehicle leading to injury or danger.	12
Licensed driver failing to notify the Council of any cautions, convictions, including any pending convictions or fixed penalties within 7 days of notification. This includes any Road Traffic Act offences.	8
Driver failing to ensure that at all times when driving for hire that the driver is clean and smartly dressed.	4

The driver behaving in an abusive, aggressive, threatening or intimidating manner to any passenger, officer of the Council or contracted garage personnel.	6
The proprietor or driver of a hackney carriage hired to be at a certain place and time failing so to be without sufficient cause or failing to notify the hirer in good time that they will be unable to keep the booking.	4
The driver of a hackney carriage failing to take the shortest route to any destination unless given other directions by the hirer.	6
Proprietor or driver of a hackney carriage or private hire vehicle carrying more than the prescribed number of persons specified on the plate.	8
Licensed driver failing to wear the provided badge in a position and manner to be plainly visible.	4
Licensed driver refusing or failing to carry, load or unload a reasonable quantity of luggage when requested by the hirer.	4
Interfering with a taxi meter with intent to mislead.	12
The driver of a hackney carriage when plying for hire on a rank and not actually hired failing to remain with the vehicle	6
Hackney carriage and/or private hire driver failing or refusing to carry an assistance dog for the disabled or visually impaired when requested by the dog's owner unless the driver holds an Exemption Certificate issued by the Council.	8
Charging a fare for the carriage of an assistance dog or wheelchair for the disabled or visually impaired.	6
Failing to provide reasonable assistance to passengers with a disability.	4
Failure to report an accident to the Council within 72 hours or failure to subsequently submit the completed accident form within 7 days	6
Failure to return a plate after notice has been given following expiry, revocation, or suspension of a private hire vehicle licence.	6
Licensed driver failing to check the vehicle after a hiring for property inadvertently left and failing to notify the lost property to their Operator or to the Police station within 24 hours when not claimed sooner by the owner.	3
Smoking in the licensed vehicle.	12
Using or permitting the use of an E-cigarette/vaping cigarette or equivalent in the licensed vehicle.	6
Using personal information such as mobile phone numbers inappropriately.	6

Hackney carriage and/or private hire driver failing to keep the Council informed within 7 days of the Operator he/she is working for.

4

Private Hire Licensed Operator

Proprietor of private hire vehicle using an unlicensed driver.	12
Operating a vehicle as a private hire vehicle without a Private Hire Operator Licence.	12
Operating a vehicle as a private hire vehicle when the driver is not licensed as a private hire driver.	12
Operator refusing to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or refusal is that the disabled person will be accompanied by the 'assistance dog'.	6
Failure to have in place suitable public liability insurance on display in the public waiting area.	6
Failure to report an accident to the Council within 72 hours or failure to subsequently submit the completed accident form within 7 days.	6
Failure of a Private Hire Operator to keep proper and legible (in ink or computerised) records of all bookings, or failure to produce them on request of an authorised officer of the Council or a police officer, or failure to keep above records for a period of 3 years after the last entry.	8
Failure of a Private Hire Operator to keep the up to date, legible (in ink or computerised) private hire vehicles register, or failure to produce them on request of an authorised officer of the Council or a police officer, or failure to keep above records for a period of 3 years after the last entry.	8
Failure of a Private Hire Operator to keep the up to date, legible (in ink or computerised) booking staff register, or failure to produce them on request of an authorised officer of the Council or a police officer, or failure to keep above records for a period of 3 years after the last entry.	8
Failure of a Private Hire Operator to produce his/her licence on request.	4
Failure to return a plate after notice has been given following expiry, revocation, or suspension of a private hire vehicle licence.	6
Private Hire Operator who ceases to carry on a private hire vehicle business failing to return the operator's licence to the Council without delay.	12
Private Hire Operator failing to notify the Council within 10 working days of any change of home address, whether permanent or temporary.	6
Private Hire Operator failing to notify the Council, providing full details, of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or if the Operator is a Company or Partnership on any of the Directors, Secretary or Partners) during the period of the licence within 10 working days of the offence.	8

Private Hire Operator failing to notify the Council, in writing, within 7 days of the engagement or employment of a new hackney carriage / private hire driver.	4
Private Hire Operator failing to notify the Council in writing, within 7 days of the termination of engagement or employment of hackney carriage / private hire drivers.	4
Private Hire Operator failing to inform the Council if they are going to be absent from the day to day running of the business for a period of 2 consecutive months or more. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf.	6
Operator of private hire vehicle failing without good reason to ensure that a booked vehicle attends at the appointed time and place.	4
Operator of private hire vehicle failing to retain Private Hire Driver Licence as long as the driver remains in his employ.	3
Private Hire Operator failing to make available for inspection at reasonable times original private hire driver licences held by him/her.	3
The operator of private hire vehicle failing to maintain vehicles used under the licence in a very high standard of mechanical efficiency with the bodywork free from rust and dents; the interior and exterior in a good state of repair and cleanliness.	4
Operator failing to ensure that their licensed drivers are clean or smartly dressed.	4
Private Hire Operator failing to ensure that the drivers of private hire vehicles do not ply the streets for hire or use hackney carriage stands.	4
Private Hire Operator failing to ensure that the conduct of their licensed drivers remains free from repeated complaints.	4
Private Hire Operator failing to return the Private Hire Driver Licence to the licensed driver when no longer employed by the operator.	6
Private Hire Operator failing to notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business within 5 working days.	6
Private Hire Operator failing to notify the Council in writing within 5 working days of any other material change affecting the licence during its validity.	4

Appendix H - National Taxi Database (NR3)

1.0 Introduction

- 1.1 The Local Government Association has commissioned the development of a national register of hackney carriage and private hire vehicle driver licence refusals and revocations, the 'National Register of Refusals and Revocations' or NR3. The NR3 contains information relating to any refusal to grant, or revocation of, a private hire, hackney carriage or dual drivers' licence. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past. North Northamptonshire Council has signed up to use NR3. This means that when an application for a private hire, hackney carriage or dual drivers' licence is refused, or when an existing drivers' licence is revoked, that information will be placed upon the register.

2.0 Scope

- 2.1 This document covers how North Northamptonshire Council will use NR3 and how the Council will comply with data protection requirements.
- 2.2 In this document, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

3.0 General Principles

- 3.1 When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, the Council will make a search of the NR3. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.
- 3.2 Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes. Any such data will be kept for a period of no more than thirty five days from the date of the service of the written notification of the determination of the application.

- 3.3 Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than thirty five days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated. Accordingly, the data will be retained for a period of no more than thirty five days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.
- 3.4 The data will be held securely in accordance with the Council's general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with the Council's data protection policy at: <https://www.northnorthants.gov.uk/your-council/information-governance-policies>

4.0 Searching NR3 for new applicants or renewals

- 4.1 When an application is made to North Northamptonshire Council for the grant of a new, or renewal of a Hackney Carriage and/or Private Hire Driver Licence, the Council will carry out a search on NR3.
- 4.2 The Council will then retain a clear written record of every search that is made of the register. This will detail:
- the date of the search;
 - the name or names searched;
 - the reason for the search (new application or renewal);
 - the results of the search; and
 - the use made of the results of the search (this information will be entered to the register at a later date).
- 4.3 This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of twenty five years.
- 4.4 If the Council discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of North Northamptonshire Council's data protection policy in relation to the use of any data that is obtained as a result of this process.

4.5 This request will be made in writing in accordance with the form at the end of this document. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

5.0 Responding to a request made for further information regarding an entry on NR3

5.1 When the Council receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of twenty five years.

5.2 The Council will then determine how to respond to the request and will not simply provide information as a blanket response to every request.

5.3 The Council will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

5.4 If the Council is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory; consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function. Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a hackney carriage and/or private hire driver. Data is held on the NR3 register for a period of twenty five years, but North Northamptonshire Council (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

5.5 The Council will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within North Northamptonshire Council's policy. Where the reason for refusal to grant or revocation relates to a conviction which is within the timescales determined in this policy (Appendix A - Criminal Records and Suitability), the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction which is outside the timescales determined in these guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

5.6 Any information about convictions will be shared in accordance with this policy under schedule 1, part 2, paragraph 12 of the Data Protection Act (DPA) 2018; that is:

Regulatory requirements relating to unlawful acts and dishonesty etc

12(1) This condition is met if—

(a) the processing is necessary for the purposes of complying with, or assisting other persons to comply with, a regulatory requirement which involves a person taking steps to establish whether another person has—

(i) committed an unlawful act, or

(ii) been involved in dishonesty, malpractice or other seriously improper conduct,

(b) in the circumstances, the controller cannot reasonably be expected to obtain the consent of the data subject to the processing, and

(c) the processing is necessary for reasons of substantial public interest.

(2) In this paragraph—

“act” includes a failure to act;

“regulatory requirement” means—

(a) a requirement imposed by legislation or by a person in exercise of a function conferred by legislation, or

(b) a requirement forming part of generally accepted principles of good practice relating to a type of body or an activity.

5.7 The officer will keep a clear written record of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

This record will not be combined with any other records and will be retained for the retention period of twenty five years

6.0 Using any information obtained as a result of a request to another authority

- 6.1 When the Council receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a hackney carriage and/or private hire driver licence. This will be in accordance with the usual process for determining applications.
- 6.2 The Council will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above). Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that the Council will make in relation to the application.

Appendix I - Exemptions from Displaying Licence Plates

1.0 Exemptions from Displaying Licence Plates

- 1.1 Under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may in certain circumstances exempt a vehicle from displaying licence plates and at the same time exempt the driver from displaying a badge.
- 1.2 Plate exemption will only be available for certain vehicles operating in certain circumstances. The licence plate is there as a readily visible method to identify a licensed vehicle and to protect public safety. However it is acknowledged that there may be grounds where the display of plates may work to the disadvantage of the customer, a situation acknowledged by the Council.
- 1.3 The Council will therefore accept applications for the display of plates to be exempted where the vehicle is considered to be a luxury class vehicle providing corporate services to businesses and individuals. Exemptions will not be given to vehicles carrying out normal private hire duties which includes vehicles such as limousines used for parties, proms, etc.
- 1.4 If an exemption is granted from displaying licence plates, the following additional conditions will be added to the private hire vehicle licence, in addition to the relevant standard licence conditions for all private hire vehicles:
 - When operating under the discreet plate policy the windscreen badge issued by the Council will be displayed at the nearside of the front windscreen at all times.
 - The Exemption Notice issued by the Council in respect of the licensed private hire vehicle will be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Council or any Police Officer.
 - Other than the windscreen badge, 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.
 - When issued with an Exemption Notice, the vehicle will not be required to display any other signs which the Council may at any time require private hire vehicles to display other than one smoke free sign. This sign must be placed discreetly but visible to occupants of the vehicle.
 - If a taximeter is installed within the vehicle and is used to calculate the fare, it shall be installed in such a manner that it can be concealed from normal view when operating under plate exemption.

- During the period of the exemption notice, the driver shall not wear the private hire driver's badge but will have it on their person and make it available for inspection by an authorised officer of the Council, a Police Officer or a passenger, on request.

- 1.5 At all times during the period of the exemption notice, the driver of the vehicle will be a member of the Chauffeur's Guild and will be appropriately dressed in either a formal chauffeur's uniform or a business suit with collar and tie. The Authority will accept more informal clothing where there is evidence to show that this was requested by the hirer.
- 1.6 When issued, the discreet plate is required to be displayed in the lower nearside corner of the front windscreen at all times. The licence plates are to be carried in the boot of the vehicle at all times.
- 1.7 The exemption only applies to work for business clients or similar and not routine private hire work including events such as prom nights.
- 1.8 Failure to comply with these requirements will result in the exemption being rescinded.

APPENDIX J - In-Vehicle Visual and Audio Recording – CCTV in Hackney Carriage and Private Hire Vehicles

1.0 Introduction

- 1.1 This appendix relates to the use of surveillance cameras, also known as Closed Circuit Television (CCTV), in licensed vehicles. The content is designed to facilitate the use of surveillance cameras in licensed vehicles, to protect drivers and passengers, whilst ensuring licence holders respect passenger privacy.
- 1.2 Proprietors / Operators of vehicles licensed by North Northamptonshire Council will be permitted to voluntarily install CCTV, upon approval under this policy and subject to adherence with this policy throughout the duration of the proprietor's / operator's licence.
- 1.3 Licence holders are advised that school transport contracts may preclude the installation of CCTV in their vehicle.
- 1.4 This protection is intended to come from:
 - Visible surveillance cameras deterring individuals from committing a crime through the knowledge that evidence of it will be recorded.
 - Occupants of the vehicle feeling reassured that crimes, as well as malicious complaints against drivers, are less likely to occur in an environment protected by surveillance cameras.
 - Informing investigations by the Council and police.
- 1.5 The absence of CCTV in a licensed vehicle does not indicate that the owner of the vehicle has failed to pay attention to passenger or driver safety.

2.0 Legality

- 2.1 The ICO and Surveillance Commissioner have given the strongest possible advice that mandatory CCTV is very difficult for licensing authorities to justify.
- 2.2 The Council considers that CCTV in licensed vehicles as a mandatory requirement would not be proportionate. As such, CCTV is not a licence requirement of North Northamptonshire Council; however this policy outlines the requirements for those wishing to voluntarily install CCTV.
- 2.3 This policy has been produced in consideration of The Data Protection Act (2018), General Data Protection Regulations (GDPR) and Article 8 of the European Convention on Human Rights. The policy has regard to The Local Government Association's 'Developing an approach to mandatory CCTV in licensed vehicles and PHVs'.

- 2.4 Data recorded by any CCTV system must be handled in accordance with The Data Protection Act and GDPR. The Information Commissioner's Office (ICO) is the UK regulator for all matters relating to the use of personal data.
- 2.5 It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the driver's view of the road through the windscreen.

3.0 Compliance, Regulation and Complaints

- 3.1 The Surveillance Camera Commissioner (SCC) works to encourage compliance with the 'Surveillance camera code of practice'. Licence holders should follow the Surveillance Camera Commissioner's 'Passport to Compliance' to plan, implement and operate a system which complies with the Surveillance Camera Code of Practice. Licence holders are also recommended to obtain third party certification with the Surveillance Camera Commissioner.
- 3.2 The Information Commissioner's Office (ICO) is the regulatory body responsible for enforcing compliance with privacy and data protection legislation. Licence holders should have regard to the Information Commissioner's Office Code of Practice, 'In the picture: A data protection code of practice for surveillance cameras and personal information'.
- 3.3 If a passenger wants to request CCTV footage relating to them, they should make a Subject Access Request (SAR) to the Data Controller detailed on the signage in the vehicle. Signage is covered in greater detail in this document, under the section 'Signage and Advising of CCTV'. Information on how to make a valid SAR is available at <https://ico.org.uk/your-data-matters/your-right-to-get-copies-of-your-data/>
- 3.4 If a passenger has an issue with their journey relating to the use of CCTV, they should contact the Data Controller in the first instance, using the details displayed on the CCTV signage within the vehicle.
- 3.5 If the Data Controller fails to resolve the issue, the complainant may escalate this to the ICO at <https://ico.org.uk/make-a-complaint/>

4.0 ICO Registration as Data Controller

- 4.1 The ICO defines a 'data controller' as the individual or organisation which has ultimate responsibility for how personal data is collected and processed.
- 4.2 For the purpose of the installation and operation of in-vehicle CCTV, the data controller is the vehicle licence holder. The licence holder must be registered with the Information Commissioner's Office and be able to evidence continuous registration throughout the lifetime of the licence.

4.3 Registration with the Information Commissioner's Office requires renewal on an annual basis, and payment of the appropriate fee.

5.0 Data Processors

5.1 A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. Where a service provider is authorised for the remote storage and/or management of CCTV data, they will act as a 'data processor'.

5.2 There must be a formal written contract between the data controller and data processor. The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

6.0 Audio Recording

6.1 The Council cannot justify audio recording within its licensed vehicles as a proportionate solution to prevent and record crime. As such, CCTV systems must not be used to record conversations as this is highly intrusive to people's data rights and unjustified in meeting the purpose of preventing and evidencing crimes. You should choose a system without this facility where possible and system that comes equipped with an independent sound recording facility must be turned off or disabled in some other way.

7.0 Signage and Advising of CCTV

7.1 Any vehicle fitted with CCTV must display clearly visible and readable signage informing passengers that such a system is fitted. This signage must be displayed so as to minimise obstruction but must be visible both outside and inside of the windows of every passenger door of the vehicle.

7.2 The signage must contain:

- The purpose for using the surveillance system, "in the interests of public safety, crime detection and crime prevention".
- The name and contact number of the Data Controller, which should be the vehicle licence holder. **North Northamptonshire Council is not the Data Controller.**
- The Data Controller's ICO Registration Number.

7.3 If signage is lost or removed, new signage must be installed prior to any licensable activities being undertaken.

7.4 The driver should also verbally advise passengers that CCTV is in operation where necessary e.g. where people may have visual impairments and/or hearing difficulties.

8.0 Storage of Data

8.1 Data must be handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

8.2 CCTV footage must be encrypted to prevent unauthorised access. Data should be deleted after thirty one days, unless it has been legitimately shared, in which case it should be deleted when appropriate on the conclusion of the request.

8.3 Digital screens within the vehicle for the purposes of viewing footage are prohibited.

9.0 Sharing Data

9.1 The licence holder must comply with valid information requests, in consideration of The Data Protection Act (2018) and General Data Protection Regulations (GDPR).

9.2 Data must be shared securely and requests must be fulfilled without charge.

9.3 Data must only be shared where there is a valid lawful reason, for example:

- where a crime report has been made involving the specific vehicle and the Police have formally requested that data.
- when a substantive complaint has been made to the licensing authority regarding a specific vehicle / driver and that complaint is evidenced in writing (and cannot be resolved in any other way).
- where a data request is received from an applicant e.g. Police or social services, that has a legal basis to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver.
- a Subject Access Request (SAR) compliant within the GDPR. The DPA gives individuals the right to see information held about them, including CCTV images of them. More information on the Data Controller's responsibilities relating to SARs is available on the ICO website.

9.4 This list is not exhaustive; it is the responsibility of the Data Controller to consider the lawfulness of requests to share information in line with UK Data Protection Law.

9.5 The uploading of footage to social media does not have a lawful basis and it is expressly prohibited by this policy. This includes, by way of examples, but is not limited to: YouTube, WhatsApp, Instagram, TikTok, Facebook and Twitter. Where licence holders have shared footage, they may be liable to criminal prosecution. Unlawful sharing is a breach of UK Data Protection law and is considered a breach of this policy.

10.0 Breaches of Policy

10.1 Failure to comply with this appendix to the policy may result in the operator, proprietor and/or vehicle licence being reviewed by the Council.