

LICENSING COMMITTEE

Minutes of the meeting of the Licensing Committee held on 21st January 2008 commencing at 5 p.m.

Present: Cllr. Loney (Chairman)

Cllrs. Darrington, Ms. Lowe, McInnes, Waller and Wigg.

1. **DECLARATIONS OF INTEREST**

All Members present made a declaration of personal interest in that they all were acquainted with Cllr. John Underwood who was a taxi driver.

2. **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING: LICENCE FEE INCREASES (AGENDA ITEM NO. 2 – 21.01.08)**

Members considered the appropriate licence fees and associated costs of hackney carriage and private hire licensing for the 2008/09 financial year to ensure that the 'Taxi Licensing' service remained self-financing, in accordance with the Council's Service and Budget Plan.

Members' attention was drawn to a 3% increase in charges in line with inflation. In response to a question from a Member, the Chairman stated that the consultation had been based on a 3% increase in charges. It had also been a policy decision for this service to be self financing so an increase in the percentage to attract a surplus or profit would not be appropriate.

Resolved: That from 1st April 2008 the list of fees and associated costs for licences in respect of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators be varied as follows:

New Fees

Hackney Carriage Driver's Licence

On initial application £140 for three years

Criminal Records Bureau Search Fee £36

On renewal £100 for three years

Criminal Records Bureau Search Fee £36

Hackney Carriage Vehicle Licence £254 for one year

Private Hire Operator's Licence

On initial application £265 for three years

On renewal £84 for three years

Private Hire Driver's Licence

On initial application	£140 for three years
Criminal Records Bureau Search Fee	£36
On renewal	£100 for three years
Criminal Records Bureau Search Fee	£36

<u>Private Hire Vehicle Licence</u>	£254 for one year
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Additional Costs

Change of Hackney Carriage to Private Hire	£59
Change from Private Hire to Hackney Carriage	£79
Replace Vehicle Plate	£30
Replace Identification Badge	£20
Vehicle Re-test	£50
Vehicle Partial Re-Test	Half the current MOT fee
Change of Ownership of Licensed Vehicle	£59
Attempting "Knowledge Test" after two failures	£45 for each attempt
Copies of existing licences	£5 each

3. REVIEW OF AND AMENDMENTS TO THE COUNCIL'S 'TAXI' LICENSING POLICY (AGENDA ITEM NO. 3 – 21.01.08)

The Committee was advised that it was a recommendation from the Department for Transport that any Taxi Licensing Policy be reviewed every three years. A consultation document had been prepared of proposed amendments to the District Council's existing taxi licensing policy and forwarded to all Members, all licensed hackney carriage and private hire drivers, the local Access Group, Kent County Council School Transport Services and Kent Highway Services. In addition, at a meeting in December, some fifty licensed drivers had been given the opportunity to comment on the proposals.

A list of comments and views received from persons who replied to the proposals in the consultation document are shown at Appendix A to the report. The proposals now shown in the report's recommendation reflected some of the views and comments made. The main proposals for amendment related in the first instance to the withdrawal of the restriction on the numbers of hackney carriages and at the same time introducing a policy where all newly licensed vehicles should be wheelchair accessible. The third subject raised related to tinted windows in private hire vehicles.

In relation to the withdrawal of the restriction, the Chairman explained that the Council's scheme had run for many years with up to ten unallocated plates. This number had recently reduced to two. Government advice was that all restrictions on the numbers of

licenses be lifted and the report's recommendation reflected this advice. Some objections to this proposal had been received but it had not been an overwhelming response.

With regard to disabled access, the Committee was advised that pressure was being put on local authorities by the Government and disabled access groups. The conclusion of the District Council had been to suggest that all owners and operators be given a two year notice period. All new vehicles licensed after this period would have to be accessible to the disabled. It was noted that a license could be applied for just before the end of the two year period and the vehicle could then be used for another eight years and not be accessible to disabled users. This would allow vehicles with disabled access to be introduced gradually.

The Chairman advised Members that heavily tinted windows in private hire vehicles were becoming increasingly popular with users and therefore owners and operators. There was a concern regarding the security of children using these vehicles for school runs etc. so the policy provided that written permission must be sought by the owner/operators from the parents/guardians of the children in question. One objection had been received to the permission proposal.

The Committee made the following comments on those three subjects:

Withdrawal of restriction on the numbers of hackney carriages:

- In response to a question, the Taxi Licensing Officer explained that in 1999 a survey had been undertaken which had shown that there was no need for a restriction. However, taxi drivers had lobbied the Council to introduce a restriction and the Council had agreed to do so. Government advice in the past had asked local authorities to reassess the need, and justify the reasons for, any restrictions. It was reported that the majority of local authorities in the country did not have such a restriction.
- A concern was expressed in relation to unlicensed taxis and the Officers responded that there were no unlicensed taxis operating in the District.
- The infrastructure of the taxi system in relation to the lifting of the restriction was raised. Members were advised that the District must be looked at as a whole as a Sevenoaks District Council licensed hackney carriage could operate anywhere in the District. Such ranks as the one at Sevenoaks Station were problematical as they were located on privately owned land. However a feeder bay had been proposed nearby as a contingency plan and the situation would be closely monitored.
- In response to a question in relation to staff resources, the Officer replied that existing resources would be able to cope with the lifting of the restriction as set out in the policy.

Disabled accessible hackney carriages:

- A suggestion to effect an immediate increase in the numbers of disabled accessible vehicles by removing the two year notice period and insisting that all newly licensed vehicles were accessible was put forward. It was noted that the

consultation document had not proposed a notice period and this had been recommended in response to objections received.

- The possibility of a financial incentive to owners/operators to change to vehicles which were disabled accessible was suggested. The Chairman proposed that this be considered in the Committee's review of licence fees next year.
- In response to a question on why there were only four disabled accessible vehicles operating in the District, Members were advised that the numbers were few because the policy did not require it. It was noted the such vehicles were expensive to buy or have adapted and therefore were unpopular with owners and operators. The demand for such a service by the public was also unknown. There was a page on the website that invited comments from the public on such issues. The Council had never received a comments from the public via this method.
- Members were advised that the advent of the equalities legislation meant the Council needed to be seen to be encouraging such actions as this.

Heavily tinted windows in private hire vehicles:

- National advice was that vehicles with heavily tinted windows should not be licensed. However, the Head of Environmental and Operational Services stated that he agreed with this advice with regard to hackney carriages which picked up unbooked passengers from ranks but felt that private hire vehicles should be able to have heavily tinted windows.
- Members noted that private hire vehicles operating in the District were not used as minicabs. These vehicles had a clientele who demand good class vehicles to be used as limousine or chauffeur service. As a result there was also a demand for more than 50% tinted glass or "privacy" glass.
- One Member disagreed that private hire vehicles should have anything darker than 50% tinted glass and moved a motion to this effect. The motion did not receive a seconder and was therefore not put to the vote.

ACTION 1: The introduction of a financial incentive to owners/operators to change to vehicles which were disabled accessible be considered as part of the Committee's review of the licence fees for 2009/10.

Resolved: That Council be recommended to approve and adopt the Council's 'Taxi Licensing Policy as attached as an appendix to these minutes.

THE MEETING WAS CONCLUDED AT 5.47 P.M.

Chairman

**SEVENOAKS DISTRICT COUNCIL
HACKNEY CARRIAGE AND PRIVATE
HIRE LICENSING POLICY**

Revised January 2008

TAXI LICENSING POLICY

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SECTION 1 - GENERAL LICENSING POLICY

The policy for licensing of vehicles and drivers - general requirements that need to be met before a vehicle or driver is licensed by the Authority.

Applications for all licences relating to hackney carriages or private hire vehicles will be determined according to their particular circumstances, but shall be subject to the following general policies.

PART A - MATTERS RELATING TO ALL VEHICLES

Licences: All Vehicle Licences shall be valid for a standard term of one year (unless for administrative reasons a shorter period is appropriate).

Age

Subject to the exceptions below;

The Authority will not license a vehicle, for the first time, if it is more than 6 years old.

The Authority will not re-license a vehicle if it is more than 10 years old.

Exceptions

Subject to a vehicle being considered mechanically fit for a further year of service the following types of vehicle are exempt

Purpose built taxis

Wheel Chair accessible vehicles

Limousines/Specialist Vehicles

Type Limitations

The Authority will not license a vehicle unless it meets the following criteria:-

- (a) The vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior) - any lift-up tailgate shall not be included; or a vehicle shall have three side opening doors (designed for the purpose of permitting persons access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons access to/from the interior). Any vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety.
- (b) The vehicle is right-hand drive unless the vehicle is one known as a 'stretched limousine' licensed for private hire use and paragraphs (a)(c) and (d) of this part of the policy will be construed accordingly.
- (c) The vehicle must have E.U. Type Approval
- (d) if (c) cannot be satisfied then a Department of Transport Certificate of Single Vehicle Approval must be produced.

Advertising etc

- (a) The Authority will allow advertisements to be placed upon a vehicle subject to the following conditions:
- (b) For saloons and estate cars all advertising/graphics etc must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area between the centres of the wheels (wheel base).
- (c) For transit and people carrier type vehicles all advertising/graphics etc must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of the front wheels and the rear light cluster.
- (d) Subject to the above a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E-mail address or Web site, but lettering height must be a minimum of 75mm and maximum of 150mm.
- (e) No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.
- (f) In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi", "cab" or "hire" the use of which is not permitted.
- (g) Advertising, not relating to the vehicle's proprietor or company, may, under certain circumstances, be allowed on a hackney carriage vehicle on submission of a written request and details of the advertisement to the Council. Each request will be considered entirely on its own merits and if approved the written authority must be carried in the vehicle. No such advertising is permitted on a private hire vehicle.

Licence Plate Content

The external licence plate issued by the Authority will include the following information;

- a. Licence No.
- b. Registration No.
- c. Vehicle make/Type.
- d. Licence expiry date.
- e. No. of passengers.

Minimum Number of Passengers to be Carried

No vehicle will be licensed unless it can accommodate at least four passengers

Vehicle Test Standards

- (a) The Authority will not license a vehicle unless the person examining it (for the Authority) has confirmed that it meets the standards specified in Appendix 1 and, at the same time, the vehicle has been certified roadworthy to MOT standard.

Vehicles of a class that are not subject to 'E.U. Type approval' and are being tested for the first time will be additionally tested to ensure tyres, weight limits and any other aspect of the vehicle are safe and mechanically sound as possible for the passenger. Costs of such testing must be paid by the person wishing to licence the vehicle. In addition the history of the vehicle will be taken into consideration when determining whether the vehicle should be licensed.

- (b) A vehicle is required to be re-examined, when the licence has been in force for six months, to ensure that it continues to meet the standards referred to in (a) above.

Vehicles Powered by Liquid Petroleum Gas (LPG)

An applicant for a licence involving a vehicle which has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming that the LPG installation conforms with the Association's Code of Practice and is therefore considered safe.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

TINTED WINDOWS (Without prejudice to the Road Vehicles (Construction & Use) Regulations 1986)

The Authority will not license a hackney carriage vehicle if any window of it contains glass which has been treated so that less than 50% of light is transmitted through it, unless it was first licensed prior to 1 November 2005.

Private hire vehicles with any tinted window of less than 50% transmission of light must not be used for the carriage of children and young persons who are, or will be, travelling without a parent or independent adult supervision. The only exception is that where a child or young person is to be carried as a passenger unaccompanied by an adult then it will be for the proprietor of the vehicle and/or the operator to satisfy themselves that such a journey in a vehicle with tinted windows is with the knowledge and consent of that child or young person's parent or guardian and the details of such knowledge and consent, whether verbal or written will form part of the Operator's Records required to be kept by licence condition. It is good practice to always advise a person making a booking for a private hire vehicle of the vehicle type and description including whether it has tinted windows.

PART B - MATTERS RELATING TO HACKNEY CARRIAGES

Restriction on Numbers of Licensed Vehicles

From 22 January 2008 the numbers of hackney carriage vehicle licences will not be restricted.

From 31 December 2009 any vehicle which has not previously been continuously licensed, and is seeking to be licensed as a hackney carriage, with the exception of a vehicle temporarily in use for a period not exceeding two months because of damage to the original licensed vehicle, must be wheelchair accessible and the drivers of such licensed vehicles must produce a certificate issued by the Driving Standards Agency that he/she has passed the Agency's 'Wheelchair Exercise Test'

If when a hackney carriage licence expires, the vehicle is not re-licensed within twenty-eight days and the owner does not take steps to inform the Council of his/her intentions, then the plate should be re-allocated.

A period of fourteen days to be given when a person is allocated a plate to be licensed as a hackney carriage, to enable the person to licence the vehicle. If the vehicle is not licensed within fourteen days then the plate be further allocated.

Taximeters

The Authority requires every vehicle licensed as a Hackney Carriage to be fitted with a taximeter. The Taximeter shall be of a type which is E.U. approved or specifically authorised by the Council.

Roof Signs

The Authority requires all Hackney Carriage vehicles to be fitted with roof-mounted signs.

PART C - MATTERS RELATING TO PRIVATE HIRE VEHICLES

Taximeters

A Private Hire vehicle may be fitted with a taximeter. If a taximeter is fitted it shall be of a type which is E.U. approved or specifically authorised by the Council.

Roof Signs

The Authority requires that no Private Hire vehicle be fitted with a roof-mounted sign of any kind.

D – MATTERS RELATING TO DRIVERS' LICENCES

1. Before a person is licensed, or renews a licence, as a Hackney Carriage or Private Hire driver the following requirements shall be met;
 - a. Any applicant must be medically examined, as allowed by section 57 (2) (a) (ii) of the Local Government (Miscellaneous) Provisions Act 1976, by a qualified medical practitioner, appointed by the Council, and considered fit enough to meet

at least the standards required for the grant of a Group II driving licence as recommended by the Driver Vehicle Licensing Agency

- b. A first time applicant, or an applicant whose previous licence expired more than 28 days previously, must produce a certificate issued by the Driving Standards Agency that he/she has taken and passed the agency's Taxi/Private Hire Driving Assessment Test. In addition from 31 December 2009 all licensed drivers of wheelchair accessible vehicles, which are to be licensed for the first time from that date, must undertake the Driving Standards Agency's 'Wheelchair Exercise Test' and be in possession of a certificate from the Agency for doing this, before they can use the vehicle.
 - c. A first time applicant must demonstrate, by means of a test, an acceptable knowledge of places, roads and routes within the Council's area.
 - d. An enquiry shall be made of the Driver Vehicle Licensing Agency to establish the validity of any applicant's UK driving licence and any motoring convictions recorded against him/her in order to confirm that the applicant is a fit and proper person to hold, or continue to hold, a licence. The applicant is required to authorise the Council to make such enquiries.
 - e. All drivers when being licensed, either as a new driver or when renewing their licence, will be given a copy of the 'Disabled Persons Traffic Advisory Committee's guidelines in relation to 'driver behaviour and understanding the needs of persons with disabilities when working as a licensed driver'.
 - f. Any applicant's criminal record shall be checked via the Criminal Records Bureau in order to confirm that the applicant is a fit and proper person to hold a licence. The applicant is required to complete the necessary forms for the purpose.
 - g. Any applicant must make a declaration (by means of a form or questionnaire provided for the purpose) as to any criminal or motoring convictions recorded or pending against him/her in order to confirm that the applicant is a fit and proper person to hold a licence.
2. All holders of Hackney Carriage and Private Hire Drivers' licences shall be required to take and pass a medical examination as described in 1(a) above when, re-applying for the grant of a standard term licence; annually from age 65 or at any other time that may be prescribed by a medical practitioner or at any time as may be required by the Council if it has reason to be concerned as to the medical fitness of a licensee.
 3. In relation to the consideration of convictions and cautions recorded against persons the Council has adopted the policy set out in Appendix 2 under Convictions Policy.
 4. A Hackney Carriage or Private Hire Driver's Licence shall be valid for a standard term of three years (unless, for administrative reasons, a shorter period is appropriate).

PART E – MATTERS RELATING TO PRIVATE HIRE OPERATORS

1. A Private Hire Operators Licence shall be valid for a period of three years (unless, for administrative reasons, a shorter period is appropriate).

2. The applicant's criminal record shall be checked via the Criminal Records Bureau in order to confirm that the applicant is a fit and proper person to hold a licence. The applicant is required to complete necessary forms for the purpose.

3. The applicant must make a declaration (by means of a form or questionnaire provided for the purpose) as to any criminal or motoring convictions recorded or pending against him/her in order to confirm that the applicant is a fit and proper person to hold a licence.

PART F – BYELAWS

1. The Council has adopted a national set model of byelaws which control the licensing enforcement of Hackney Carriage drivers and Hackney Carriage proprietors.

2. The byelaws are shown at Section 6.

VEHICLE TEST STANDARDS

Licence Plates - currently licensed vehicles

Where vehicles are presented with licence plates affixed such licence plates in the case of both Hackney Carriages and Private Hire vehicles shall be securely affixed as follows;

External Plate - under the rear number plate (or, if not practical to be fitted under the number plate, elsewhere on the rear exterior bodywork is acceptable (i.e. bumper, boot) subject to the agreement of the Council, provided always that the plate is fixed in the vertical plane);

Fare Plate or Chart - securely affixed inside the vehicle in such a position that it is clearly visible to passengers and shall contain a copy of the maximum Hackney Carriage Fare Tariff as currently adopted by the Council (or, if vehicle is Private Hire, the Operator's fares if they are displayed). The vehicle plate number will be shown on the fare chart together with details of how the passenger(s) can make a complaint regarding the vehicle or driver.

Insurance

A valid copy insurance certificate appertaining to the tested vehicle shall be available inside the vehicle.

The Standard of the Test

Any vehicle tested must reach the standards specified within this appendix and be certified roadworthy to MOT standards.

Vehicles of a class that are not subject to E.U. Type' approval, and are being tested for the first time will be additionally tested to ensure tyres, weight limits and any other aspect of the vehicle are safe and mechanically sound as possible for the safety of the passenger. Costs of such additional testing must be paid by the person wishing to licence the vehicle. In addition the history of the vehicle will be taken into consideration when determining whether the vehicle should be licensed.

Exterior Bodywork and Wheel Trims

The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer. Minor paint chipping, scuffmarks or very small dents may be accepted, provided that their extent does not impinge materially on the overall appearance of the vehicle. Wheel trims must be fitted to all road wheels where part of a manufacturer's original

Upholstery

All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable if greater than 25 mm in any dimension. Upholstery includes seats, headrests, armrests, carpets and other trim.

Fittings

All fittings shall be properly maintained and in good working order. Fittings include ashtrays, clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fittings where the vehicle is to be licensed to carry wheelchair bound passengers.

'No Smoking' signs

In accordance with legislative requirements a 'No Smoking' sign(s) will be exhibited within the vehicle and such sign(s) will be of the approved type.

Roof and Floor Coverings

Shall be clean and in good condition. No tear or other damage shall exceed 25 mm in length.

Fire Extinguishers

A fire extinguisher must be provided inside the vehicle or in the luggage space in an easily accessible position capable of being reached without delay. It must be secured and suitable for use with vehicle fires and have a capacity of at least 0.8kg with a gauge indicating that it is ready for use.

Number of Passengers allowed (the term "passenger" or "person" includes a child or young person)

At the time of testing a vehicle, the number of passengers which may be carried, (up to a maximum of 8 persons), will be calculated as follows subject to there being one seat belt provided per passenger:

- a. where separate seats for each person are provided, one person for each seat:
- b. where continuous seats are fitted, one person for each complete length of 400 mm measured along the front of each seat and this criterion also applies where there are folding arms;
- c. where there is no separate seat for the driver, i.e. there is a continuous seat, for a right hand drive vehicle, the driver's seat shall comprise so much of the seat as extends from the right hand edge of the seat to a point 450 mm left of the point on the seat directly in front of the centre of the steering column.

Taximeters (and Fare Tables for Private Hire Vehicles)

All Hackney Carriage vehicles licensed or to be licensed shall have a taximeter fitted. Private Hire vehicles, licensed or to be licensed, may have a taximeter fitted. Any vehicle fitted with a meter shall be tested on the road by reference to a measured distance to establish that the taximeter is accurate. In relation to Hackney Carriages the test shall be to establish that the meter does not produce a fare in excess of the maximums prescribed the current Hackney Carriage Fare Tariff approved by the Council. In relation to Private Hire vehicles the test shall be to establish that the meter does not produce a fare in excess of the operator's current fares. Where a Private Hire

Vehicle is fitted with a taximeter a table showing the current fares of the operator shall be displayed inside the vehicle in such a position that it is clearly visible to passengers. In all cases taximeters shall be fitted in such way that they are visible to passengers.

Taximeters fitted to Hackney Carriages (and Private Hire vehicles, if provided with one), must be E.U. approved or specifically approved by the Council.

Disabled Person's Facilities

Where a vehicle is fitted with any facilities to assist disabled persons in entering or exiting the vehicle (i.e. swivel seats or similar or wheelchair facilities) such facilities shall be checked for proper operation. Wheelchair lifting equipment must comply with the Lifting Operations Lifting Equipment Regulations 1998 B.

Roof Signs

A Hackney Carriage must have a roof "TAXI" sign. Such wording shall be displayed conspicuously in the front and rear of the roof mounted display facing front and rear. The sign may be in any position on the roof. The sign shall be illuminated and capable of being turned on and off (preferably via the meter but manual off/on is acceptable). A white light must be shown to the front and a red light shown to the rear. No "TAXI" sign is allowed inside a vehicle. In addition to the word "TAXI" the sign may also contain the words "for Hire" and a taxi firm's telephone number and name.

A Private Hire vehicle shall not have any roof-mounted sign, or any similar sign inside the vehicle, or any other "thing" which may be mistaken/construed as a Hackney Carriage sign.

Doors

A vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior) - any lift-up tailgate shall not be included;

or

A vehicle shall have three side opening doors (designed for the purpose of permitting persons access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons access to/from the interior)

Windows

All windows designed to open shall operate in accordance with manufacturer's specification.

'Tinted windows' – i.e. any treatment to a vehicle's windows, which allows less than 50% of light to be transmitted through them and has the effect of obscuring the glass, is only acceptable, if the vehicle was first licensed as a hackney carriage, prior to 1 November 2005 and has been continuously licensed or that the vehicle is to be used only as a licensed private hire vehicle.

Company Advertising

For saloons and estate cars all advertising/graphics etc must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area between the centres of the wheels (wheel base).

For transit and people carrier type vehicles all advertising/graphics etc must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of the front wheels and the rear light cluster.

Subject to the above a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E-mail address or Web site, or advisory notices to do with smoking but lettering height must be a minimum of 75mm and maximum of 150mm.

No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.

In the case of Private Hire Vehicles company advertising is subject to the specific exclusion of the words "taxi", "cab" or "hire" the use of which is not permitted.

Advertising, not relating to a hackney carriage vehicle's proprietor or company, is allowed under certain circumstances and will have been approved by the Council in writing. The written approval must be carried in the vehicle. No such advertising is permitted on a private hire vehicle

Excise Licence

There shall be displayed in the front windscreen of the vehicle a valid vehicle excise licence.

Luggage Space - Vehicle Boots (and spare wheel in LPG powered vehicles)

The space provided in the vehicle for luggage stowing whether or not the vehicle has a separate luggage boot shall be clean and tidy with space available for luggage to be stowed.

If the vehicle is powered by Liquid Petroleum Gas and the LPG fuel tank has been installed in the boot space there shall remain free an amount of space for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result of the tank installation must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

Any vehicle adapted or constructed for the use of liquid petroleum gas must be examined to ensure such adaptation or construction complies with the guide lines as laid down by the L P Gas Association and the appropriate certificate(s) and window display is shown.

Driving Position

The vehicle must be right hand drive unless the vehicle is a 'stretched limousine'(see page 1 of the Policy)

CONVICTIONS POLICY

POLICY AS TO THE RELEVANCE OF CONVICTIONS AND CAUTIONS IN RELATION TO THE CONSIDERATION OF WHETHER A PERSON IS ‘FIT AND PROPER’ TO HOLD A HACKNEY CARRIAGE OR PRIVATE HIRE DRIVERS LICENCE

1. Each case shall be decided on its own merits having regard to this policy, the provisions of Rehabilitation of Offenders Acts and amendments and the protection of the public. Hackney Carriage and Private Hire drivers are expected to be persons of trust and therefore the principal considerations of any case will be whether the property or well being of the public may be at risk.

2. Sentences imposed by the Courts reflect the seriousness of an offence and/or a person’s past history; for that reason the Council regards a crime as a **‘serious crime’** where indicated in this Policy as: -

Any offence where the term of sentence passed on conviction is a sentence which is excluded from the Rehabilitation of Offenders Act 1974 by virtue of section 5 of that Act. That is:

- (a) A sentence of imprisonment for life;
- (b) A sentence of imprisonment, youth custody, detention in a young offender institution or corrective training for a term exceeding 30 months.
- (c) A sentence of preventative detention.
- (d) A sentence of detention during Her Majesty’s Pleasure or for life under section 90 or 91 or the Powers of Criminal Courts (Sentencing) Act 2000, 205(2) or (3) of the Criminal Procedure (Scotland) Act 1975, or a sentence of detention for a term exceeding 30 months passed under section 91 of the said Act of 2000 (young offenders convicted of grave crimes) or under section 206 of the said Act of 1975 (detention of children convicted on indictment) or a corresponding Court-martial punishment; and
- (e) A sentence of custody for life.

A conviction for “serious crime” shall not permanently bar an applicant from obtaining a licence but he/she is expected to have remained free of conviction for any criminal offence, other than minor traffic offences, for three to five years from the end of a served sentence for a “serious crime”. The circumstances of the offence, the sentence imposed by the Court or the fact an offence is an isolated one, may be sufficient in part in allowing discretion when considering the issue of a licence but the overall protection of the public must remain the paramount issue. Where a person has been sentenced to over 5 years imprisonment at any one time the Council regards a sentence of this length as indicating that the offence was very serious. It is unlikely that a licence will be granted or maintained. It must be for a Court to decide the outcome if an applicant with such a history wishes to pursue an appeal against refusal of a licence.

In relation to persons whose name appears on the Sex Offenders Register it is unlikely that a licence will be granted or maintained. It must be for a Court to decide the outcome if an applicant with such a history wishes to pursue an appeal.

If an existing licence holder is convicted of any offence and is sentenced to any term of imprisonment, whether suspended or not, or their name is placed on the Sex Offenders Register, then (unless indicated otherwise in “Stances” below) their licence will be suspended immediately pending consideration of their “fit and proper” status.

Stances on specific types of offences:

(a) Minor Traffic Offences

An applicant whose ordinary driving licence is endorsed with a minor traffic offence, e.g. obstruction, waiting in a restricted street, speeding, etc., shall not be prevented from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's ordinary driving licence then a hackney carriage or private hire licence may be granted after its restoration (subject to statutory requirements), but a warning may be issued as to future conduct.

In relation to existing licence holders an isolated minor traffic offence shall not affect the validity of their licence but more than one such type of offence in a twelve month period may cause their “fit and proper “ status to be reviewed.

(b) Disqualification from Driving

Without prejudice to any other Council or legislative requirement, any currently licensed hackney carriage or private hire licensed driver, who is disqualified from driving, either by an accumulation of penalty points on their driving licence or by any conviction for any offence by a Court, will have their Council licence suspended or revoked given due consideration to the circumstances. Before a hackney carriage or private hire driver licence can be re-issued then the person will be required to pass the Driving Standards Agency ‘Driving Test for hackney carriage and private hire drivers.

(c) Major Traffic Offences

An applicant who has an isolated conviction for reckless driving or driving without due care and attention, etc., will normally be warned as to future driving and advice on the standard expected of Hackney Carriage and Private Hire drivers. More than one conviction for this type of offence within the last three years will merit refusal and no further application shall be considered until a period of one to three years free from a conviction of a similar nature has elapsed.’

In relation to existing licence holders any conviction for a major traffic offence shall cause their “fit and proper” status to be reviewed immediately as the Council will regard any such conviction as indicating that they have fallen below the standards required for licensed drivers.

(d) Drunkenness with Motor Vehicle

A serious view is taken of convictions of driving or being in charge of a vehicle while under the influence of drink.

An applicant who has an isolated conviction may not necessarily be debarred from holding a licence but strict warnings may be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to the applicant's fitness to hold a licence. At least three years shall elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination shall be arranged before the application is entertained. If an applicant is found to be an alcoholic a period of five years shall elapse after treatment is complete before a further licence application is considered.

In relation to existing licence holders any conviction for drunkenness in a motor vehicle shall cause their "fit and proper" status to be reviewed immediately as the Council will regard any such conviction as indicating that they have seriously fallen below the standards required for licensed drivers.

(d) Drunkenness not in Motor Vehicle

An isolated conviction for drunkenness may not debar an applicant or an existing licence holder from obtaining/continuing to hold a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination [see (c) above]. In some cases, a warning may be given and/or their "fit and proper" status may be reviewed as appropriate.

(f) Drugs

An applicant with a conviction for any offence where drugs have been used, supplied or stolen shall be required to show a period of at least five years free of conviction following the serving of any sentence imposed by a court before an application is entertained, or seven years after detoxification treatment has been successfully completed if he/she was deemed to be an addict. The fact that a person has a 'Police Caution' for such an offence shall indicate that although it is to be taken into consideration when deciding the fitness of an applicant for a licence it alone should not debar the issue of a licence.

In relation to existing licence holders any conviction related to drugs shall cause their "fit and proper" status to be reviewed immediately. The Council will regard any such conviction as indicating that such status is seriously in doubt and a licence(s) may well be suspended immediately pending consideration of this.

(g) Further Offences of Indecency

An applicant who has convictions or cautions for offences of Indecent Exposure or any other sexual related offence not previously mentioned shall not automatically be debarred from holding a licence. Each application must be considered in isolation and a guide of 'free from such conviction or caution for at least five years' shall be used. If the conviction relates to an offence against children then the offence shall be considered as if it were a "serious crime".

In relation to existing licence holders any conviction relating to further offences of indecency shall cause their “fit and proper” status to be reviewed immediately. The Council will regard any such conviction as indicating that such status is seriously in doubt and a licence(s) may well be suspended immediately pending consideration of this.

(h) All Other Crimes

All other applications where the applicant has convictions for criminal offences, where sentences of less than those previously mentioned are imposed, or where fines, probation, supervision orders or conditional discharges have been imposed and a significant period of time has elapsed since conviction, should be treated entirely on their own merits.

Any other offence, not previously mentioned, where a ‘Caution’ has been administered, should be treated solely on the circumstances of it.

In relation to existing licence holders if any person receives a conviction or caution for any criminal offence within the category of “all other crime offences” then the revocation or suspension of their licence will be imposed or considered giving due thought to their “fit and proper” status in the light of the offence, sentence and circumstances presented.

SECTION 2 - HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

MEANINGS

In these conditions, unless otherwise indicated,

“the Council” means the Sevenoaks District Council; and

“the district” means the area of the Sevenoaks District Council

“proprietor” means a person who is the holder of a licence issued by the Council under section 37 of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976

“vehicle “ means the vehicle that is specified on that licence

1. FIXING OF LICENCE PLATES ETC

The proprietor must ensure that the identification plate and fare chart, which have been supplied by the Council, are fixed and maintained in the positions specified and are kept in a clean and legible condition.

<u>P Plate etc</u>	<u>Position</u>
External Licence Plate	Under the rear registration number plate by means of a holder supplied by the Council or, in exceptional circumstances, another position near that location subject to the Council's prior approval.
Fare Chart With Plate Number	In a conspicuous position inside the passenger compartment of the vehicle so that it can be read by passengers.

2. ROOF SIGN

The proprietor must fix a sign on the roof of the vehicle of a design acceptable to the Council. The sign must be illuminated when the vehicle is available for hire within the Council's district and at no other time. When illuminated the sign must show a red light to the rear and a white light to the front of the vehicle. The sign must have the word TAXI printed on it. It may also have printed upon it the words FOR HIRE and the name and/or telephone number of the proprietor’s taxi firm.

3. ADVERTISING AND OTHER SIGNS

(a) The proprietor must not permit any advertising on or in the vehicle which is not advertising his/her taxi firm unless authorised to do so by the Council in writing.

(b) the proprietor must not permit any sign or mark other than those required or allowed in paragraphs 1 and 2 except with the express consent of the Council.

(c) advertisement of the proprietors taxi firm must be in accordance with the following criteria:

- (i) For saloons and estate cars all advertising/graphics etc must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area between the centres of the wheels (wheel base).
- (ii) For transit and people carrier type vehicles all advertising/graphics etc must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of the front wheels and the rear light cluster.
- (iii) Subject to (i) and (ii) the above a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E-mail address or Web site, or advisory notices to do with smoking but lettering height must be a minimum of 75mm and maximum of 150mm.
- (iv) No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.

4 NO SMOKING

No Smoking signs will be fitted inside the vehicle in accordance with legislative requirements.

5. SPOILAGE OF THE INTERIOR OF THE VEHICLE BY PASSENGERS

(a) Where a passenger has spoiled the interior of the vehicle any dispute in this respect including any claim for damages shall be a matter between the proprietor and the passenger.

(b) The wording in (a) above shall be reproduced in plainly visible lettering on the fare chart.

6. WHEELCHAIR SIGNS

Subject to the provisions of paragraph 4 above the proprietor may affix a sign on the outside of the vehicle indicating that it is able to convey passengers in wheelchairs provided the vehicle has been manufactured or properly adapted for that purpose.

7. CARRIAGE OF ANIMALS OTHER THAN GUIDE/HEARING/ASSISTANCE DOGS

The proprietor has discretion as to whether the vehicle is used to convey an animal other than a guide or hearing dog within the meaning of Section 37 of the Disability Discrimination Act 1995. When a guide/hearing/assistance dog etc is conveyed no extra charge shall be made. Conveyance of a guide or hearing dog etc may only be declined if the driver of the vehicle has been granted a statutory exemption on medical grounds.

8. PRODUCTION OF CERTAIN DOCUMENTS

The proprietor must at any time by demand of an officer of the Council produce for inspection any or all of the following documents;

- (a) A current, valid, certificate of motor insurance, or cover note valid for at least 28 days for the vehicle that provides insurance cover for it as a Hackney Carriage;
- (b) A current, valid, MOT test certificate for the vehicle as required by S47 of the Road Traffic Act 1988;
- (c) A current, valid, vehicle excise licence;
- (d) The current proprietor's Hackney Carriage Vehicle licence for the vehicle; and
- (e) The vehicle's V.5 Registration Document.

9. MOTOR INSURANCE CERTIFICATE

The proprietor must at all times ensure that the vehicle is properly insured for use as a Hackney Carriage and a copy of the insurance certificate should be available inside the vehicle whilst it is licensed as a Hackney Carriage.

10. DAMAGE TO THE VEHICLE

The proprietor must, in the event of any damage to the vehicle materially affecting its safety, performance, appearance or comfort or convenience of passengers, report the occurrence to the Council in accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 and the vehicle must not be used for hire again without the approval of the Council.

11. TAXIMETER

1. The proprietor must ensure that the vehicle is fitted with an E.U. or Council approved taximeter and the taximeter

- (a) Is calibrated at all times with the current Hackney Carriage Fare Tariff approved by the Council.
- (b) Is not tampered with in any way so as to effect the production of a fare that exceeds the maximum fare laid down by the current Hackney Carriage Fare Tariff approved by the Council.
- (c) When its machinery is in action, records on its face, in figures clearly legible and free from ambiguity, the fare which the driver is entitled to demand and take for the hiring of the carriage.
- (d) Has the word ' fare' printed on its face in plain letters so that the word clearly applies to the fare recorded thereon.
- (e) Is positioned so that all letters and figures on its face are plainly visible to any passengers and for that purpose the letters and figures are suitably illuminated during any period of hiring.

2. The proprietor must produce to the Council, if demanded, or after any changes to the calibration of the meter arising from the introduction, by the Council, of a revised Hackney Carriage Fare Tariff, a certificate of calibration issued by a competent taximeter installer.

12. MAXIMUM FARE

When the vehicle is hired the proprietor must not in any circumstances require or cause to be charged a fare which is greater than that authorised by the Council's current Hackney Carriage Fare Tariff.

13. DRIVERS

The proprietor must ensure that each person who drives the vehicle;

- (a) holds a current and valid Hackney Carriage Drivers Licence issued by the Council.
- (b) is acquainted with and understands their licence conditions and related statutory provisions.
- (c) observes Council Byelaws and related statutory provisions.

14. BREAKDOWNS ETC

If, whilst hired, vehicle breaks down or otherwise becomes unfit or unable to carry the hirer to his/her destination, the proprietor must;

- (a) secure, without delay, suitable alternative transport to carry the hirer to his/her destination unless the hirer voluntarily elects to wait until the vehicle is repaired or is otherwise able to continue the journey.
- (b) report the occurrence to the Council within 24 hours.

15. LOST PROPERTY

In relation to property which has been left, or may have been left, in the vehicle by passengers the proprietor must;

- (a) daily search the vehicle to establish whether or not there is any such property.
- (b) if any such property is found, notify the Council within 72 hours and provide a description of the property.
- (c) take reasonable steps to secure the return of the property to its owner.

16. PRESENTATION OF VEHICLE FOR INSPECTION

The proprietor must present the vehicle for inspection at any time and at any place required by the Council. If the vehicle is not presented at the place and time required by the Council then it may not be used as a Hackney Carriage without the Council's approval.

17. DISCLOSURE OF CONVICTIONS/CAUTIONS

The proprietor must notify the Council in writing of any convictions or cautions imposed on him/her whilst the licence is in force. Such notification must occur within 21 days of the imposition of a conviction/caution.

18. TRANSFER OF HACKNEY CARRIAGE INTEREST IN THE VEHICLE

If the proprietor, or part proprietor, transfers his/her Hackney Carriage interest in the vehicle to another person or persons the proprietor, or part proprietor, must notify the Council within 14 days of the date of the transfer and specify the name and address of each person to whom the interest has been transferred. (the Council may, with reasonable cause, revoke, suspend or review the licence if it considers any transferee is not a suitable person to hold a Hackney Carriage Vehicle Licence).

19. COMPLAINTS BY HIRERS

The proprietor of the vehicle must ensure that should any complaint be made regarding the vehicle or its driver then sufficient information must be given to the complainant for that person to be able to identify the driver and/or the vehicle and the means of pursuing such complaint with the Council if necessary by giving the details of the Officer Licensing 'Taxis' his/her office address, name and telephone number.

20. USE OF TRAILERS

A. The vehicle may tow a trailer only when one is required in order to convey a hirer's luggage. If a trailer is towed it shall;

- (i) comply with the towing weights specified by the vehicles' manufacturer;
- (ii) provide secure and weather proof stowage for the luggage. And
- (iii) have displayed, upon its rear, the vehicle's licence plate.

B. The vehicle is not permitted to have a trailer in tow whilst it is standing on a taxi rank.

21. OTHER MATTERS

The proprietor must ensure that;

- (a) the vehicle is provided with sufficient means by which passengers may communicate with the driver and such means of communication are maintained.
- (b) the vehicle is maintained in a clean, comfortable, safe, watertight, mechanically sound and roadworthy condition.
- (c) the vehicle is provided at all times with a functioning fire extinguisher suitable for use with vehicle fires and meeting appropriate British Standards. The extinguisher must have a capacity of at least 0.8kg with a gauge indicating that it is ready for use and be stowed securely in a position where it is easily available in the event that a fire breaks out.
- (d) at all times windows that are designed to open shall do so in accordance with manufacturers specifications.
- (e) that, at all times, the area designed for the stowage of luggage is kept clear and available for the purpose.

22. 'TINTED WINDOWS'

The Hackney Carriage, once it has been licensed, is not permitted to have any treatment to its windscreen or windows which would cause the light transmission through the glass to be less than 50%.

SECTION 3 - PRIVATE HIRE VEHICLE LICENCE CONDITIONS

MEANINGS

In these conditions, unless otherwise indicated,

“the Council” means the Sevenoaks District Council; and

“the district” means the area of the Sevenoaks District Council

“proprietor” means a person who is the holder of a licence issued by the Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976

“vehicle “ means the vehicle that is specified on that licence

1. FIXING OF LICENCE PLATES ETC

The proprietor must ensure that the following plates etc have been supplied by the Council and is responsible for their fixing and maintenance in the positions specified and keeping them in a clean and legible condition.

<u>Plate etc</u>	<u>Position</u>
External Licence Plate	Under the rear registration number plate by means of a holder supplied by the Council or, in exceptional circumstances, another position near that location subject to the Council's prior approval.
Fare Chart and Plate Number when meter fitted	In a conspicuous position inside the passenger compartment of the vehicle so that it can be read by passengers.

2. ADVERTISING AND OTHER SIGNS

(a) the proprietor must not permit any advertising on or in the vehicle which is not advertising his/her taxi firm.

(b) the proprietor must not permit any sign or mark other than those required or allowed in paragraph 1 except with the express consent of the Council.

(c) advertisement of the proprietors taxi firm must be in accordance with the following criteria

- (i) For saloons and estate cars all advertising/graphics etc must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area between the centres of the wheels (wheel base).
- (ii) For transit and people carrier type vehicles all advertising/graphics etc must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of front the wheels and the rear light cluster.

- (iii) Subject to (i) and (ii) the above a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E- mail address or Web site, or advisory notices to do with smoking but lettering height must be a minimum of 75mm and maximum of 150mm.
- (iv) No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.

3. NO SMOKING

'No Smoking' signs will be fixed inside the vehicle in accordance with current legislative requirements.

4. SPOILAGE OF THE INTERIOR OF THE VEHICLE BY PASSENGERS

- (a) Where a passenger has spoiled the interior of the vehicle any dispute in this respect including any claim for damages shall be a matter between the proprietor and the passenger.
- (b) The wording in (a) above shall be reproduced in plainly visible lettering within the vehicle (on or next to the fare chart if fitted).

5. WHEELCHAIR SIGNS

Subject to the provisions of paragraph 3 the proprietor may affix a sign on the outside of the vehicle indicating that it is able to convey passengers in wheelchairs provided the vehicle has been manufactured or properly adapted for that purpose.

6. CARRIAGE OF ANIMALS OTHER THAN GUIDE/HEARING/ASSISTANCE DOGS.

The proprietor has discretion as to whether the vehicle is used to convey an animal other than a guide/hearing or assistance dog within the meaning of Section 37 of the Disability Discrimination Act 1995. When a guide or hearing dog etc is conveyed no extra charge shall be made. Conveyance of a guide/hearing or assistance dog etc may only be declined if the driver of the vehicle has been granted a statutory exemption on medical grounds.

7. PRODUCTION OF CERTAIN DOCUMENTS

The proprietor must at any time by demand of an officer of the Council produce for inspection any or all of the following documents;

- (a) a current, valid, certificate of motor insurance or cover note valid for at least 28 days for the vehicle that provides insurance cover for it as a Private Hire Vehicle;
- (b) a current, valid, MOT test certificate for the vehicle as required by S47 of the Road Traffic Act 1988;
- (c) a current, valid, vehicle excise licence;
- (d) the current proprietor's Private Hire Vehicle licence for the vehicle; and

- (e) the vehicle's V.5 Registration Document.

8. MOTOR INSURANCE CERTIFICATE

The proprietor must at all times ensure that the vehicle is properly insured for use as a Private Hire Vehicle and a copy of the insurance certificate should be available inside the vehicle whilst it is licensed as a Private Hire Vehicle.

9. DAMAGE TO THE VEHICLE

The proprietor must, in the event of any damage to the vehicle materially affecting its safety, performance, appearance or comfort or convenience of passengers, report the occurrence to the Council in accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 and the vehicle must not be used for hire again without the approval of the Council.

10. TAXIMETER

If a taximeter is fitted to the vehicle;

1. The proprietor must ensure that the taximeter is E.U. type approved or specifically authorised by the Council and the taximeter;

- (a) is calibrated at all times to include the current fare tariff of the Operator.
- (b) is not tampered with in any way so as to effect the production of a fare that exceeds the maximum fare laid down by the current fare tariff of the Operator.
- (c) when its machinery is in action, records on its face, in figures clearly legible and free from ambiguity, the fare which the driver is entitled to demand and take for the hiring of the carriage.
- (d) has the word ' fare' printed on its face in plain letters so that the word clearly applies to the fare recorded thereon.
- (e) is positioned so that all letters and figures on its face are plainly visible to any passengers and for that purpose the letters and figures are suitably illuminated during any period of hiring.

2. The proprietor must produce to the Council, if demanded, or after any changes to the calibration of the meter arising from the introduction of a revised fare tariff of the Operator, a certificate of calibration issued by a competent taximeter installer.

11. DRIVERS

The proprietor must ensure that each person who drives the vehicle;

- (a) holds a current and valid Private Hire Drivers Licence issued by the Council.
- (b) is acquainted with and understands their licence conditions and related statutory provisions.
- (c) observes their licence conditions and related statutory provisions.

12. BREAKDOWNS ETC

If, whilst hired, vehicle breaks down or otherwise becomes unfit or unable to carry the hirer to his/her destination the proprietor must;

- (a) secure, without delay, suitable alternative transport to carry the hirer to his/her destination unless the hirer voluntarily elects to wait until the vehicle is repaired or is otherwise able to continue the journey.
- (b) report the occurrence to the Council within 24 hours.

13. LOST PROPERTY

In relation to property which has been left, or may have been left, in the vehicle by passengers the proprietor must;

- (a) daily search the vehicle to establish whether or not there is any such property.
- (b) if any such property is found, notify the Council within 72 hours and provide a description of the property.
- (c) take reasonable steps to secure the return of the property to its owner.

14. PRESENTATION OF VEHICLE FOR INSPECTION

The proprietor must present the vehicle for inspection at any time and at any place required by the Council. If the vehicle is not presented at the place and time required by the Council then it may not be used as a Private Hire Vehicle without the Council's approval.

15. DISCLOSURE OF CONVICTIONS OR CAUTIONS

The proprietor must notify the Council in writing of any convictions or cautions imposed on him/her whilst the licence is in force. Such notification must occur within 21 days of the imposition of a conviction/caution.

16. TRANSFER OF PRIVATE HIRE INTEREST IN THE VEHICLE

If the proprietor, or part proprietor, transfers his/her Private Hire interest in the vehicle to another person or persons the proprietor, or part proprietor, must notify the Council within 14 days of the date of the transfer and specify the name and address of each person to whom the interest has been transferred. (the Council may, with reasonable cause, revoke, suspend or review the licence if it considers any transferee is not a suitable person to hold a Private Hire Vehicle Licence).

17. COMPLAINTS BY HIRERS

The proprietor of the vehicle must ensure that should any complaint be made regarding the vehicle or its driver then sufficient information must be given to the complainant for that person to be able to identify the driver and/or the vehicle and the means of pursuing such complaint with the Council, if necessary, by giving also the details of the Officer licensing private hire vehicles, his/her office address, name and telephone number.

18. USE OF TRAILERS

The vehicle may tow a trailer only when one is required in order to convey a hirer's luggage. If a trailer is towed it shall;

- (i) comply with the towing weights specified by the vehicles' manufacturer;
- (ii) provide secure and weather proof stowage for the luggage. And
- (iii) have displayed, upon its rear, the vehicle's licence plate.

19. OTHER MATTERS

The proprietor must ensure that;

- (a) the vehicle is provided with sufficient means by which passengers may communicate with the driver and such means of communication are maintained.
- (b) the vehicle is maintained in a clean, comfortable, safe, watertight, mechanically sound and roadworthy condition.
- (c) the is provided at all times with a functioning fire extinguisher suitable for use with vehicle fires and meeting appropriate British Standards. The extinguisher must have a capacity of at least 0.8kg with a gauge indicating that it is ready for use and be stowed securely in a position where it is easily available in the event that a fire breaks out.
- (d) at all times windows that are designed to open shall do so in accordance with manufacturers specifications.
- (e) that, at all times, the area designed for the stowage of luggage is kept clear and available for the purpose.

20. 'TINTED' WINDOWS

Private Hire Vehicles with any tinted window of less than 50% transmission of light must not be used for the carriage or children and young persons who are, or will be, travelling without a parent or independent adult supervision. The only exception to this is that where a child or young person is to be carried as a passenger unaccompanied by an adult then it will be for the proprietor of the vehicle and/or the operator to satisfy themselves that such a journey in a vehicle with tinted windows is with the knowledge and consent of that child or young person's parent or guardian and the details of such knowledge and consent, whether verbal or written, will form part of the Operator's Records required to be kept by licence condition.

SECTION 4 - PRIVATE HIRE DRIVER LICENCE CONDITIONS

MEANINGS

In these conditions, unless otherwise indicated,

“the Council” means the Sevenoaks District Council; and

“the district” means the area of the Sevenoaks District Council

“driver of a private hire vehicle “ means a person who has been granted a licence by the Council under section 51 of the Local Government (Miscellaneous Provisions) Act 1976

1. A driver of a private hire vehicle shall: -
 - (a) not wilfully or negligently cause or suffer the licence plate of the vehicle to be concealed from public view while the vehicle is licensed; and
 - (b) not cause or permit the vehicle to be used, whilst licensed, with any such plate so defaced that any figure or material particular is illegible.
2. The driver of a private hire vehicle provided with a taximeter shall: -
 - (a) when not hired, keep the machinery of the taximeter inactive so that no fare is recorded on the face of the taximeter;
 - (b) before beginning a journey for which a fare is charged bring the machinery of the taximeter into action and keep the machinery of the taximeter in action until the termination of the hiring; an
 - (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.
3. A driver of a private hire vehicle shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.
4. Where a vehicle is equipped with a taximeter and where such taximeter is to be used to record the fare for a hiring, the driver shall -
 - (a) ensure, during the continuance of such hiring, that the dial of the taximeter is not concealed in any manner or by any means and that such dial is distinctly and plainly visible and legible to any person hiring or being conveyed in the vehicle;
 - (b) cause the dial of the taximeter to be kept properly illuminated throughout the hiring;
 - (c) report immediately to the Council and to the Operator any failure of the taximeter;
 - (d) not wilfully or negligently cause or suffer the table of the Operator’s fares to be inverted or detached or altered or the letters or figures on such table to be in any manner or by any means concealed at any time.

5. The driver of a private hire vehicle 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.

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

7. A driver of a private hire vehicle shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified on the licence plate affixed to the vehicle.

8. If a badge has been provided by the Council and delivered to the driver of a private hire vehicle he shall, when working as such and when hired, wear that badge in such position and manner as to be plainly visible.

9. The driver of a private hire vehicle so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the vehicle: -

- (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.

10. The driver of a private hire vehicle shall be entitled to demand and take for the hire of the vehicle only;

- (a) such fare as may be shown on the face of any taximeter provided in the vehicle (where the fare for the hiring is charged by reference to the Operator's table of fares) save for any extra charges authorised by the Operator which it may not be possible to record on the face of the taximeter; or
- (b) such other fare as may have been agreed with the hirer prior to the commencement of the hiring.

11. The driver of a private hire vehicle bearing a table of the Operator's fares shall not wilfully or negligently cause or suffer the letters or figures in that table to be concealed or rendered illegible at any time while the vehicle is licensed.

12. The driver of a private hire vehicle 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.

13. The driver of a private hire vehicle shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:

- (a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office 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 ten pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than twenty five pounds.

14. A Private Hire Driver must comply at all times with the current legislation relating to no smoking in the vehicle whether it is used for the conveyance of the public or not.

Informative

If you accept bookings for the private hire vehicle, which you are driving, direct from a hirer you must ensure that you have a Private Hire Operator's Licence, as it is unlawful for you to accept bookings without such licence.

SECTION 5 - PRIVATE HIRE OPERATORS LICENCE CONDITIONS

MEANINGS

In these conditions, unless otherwise indicated

"the Council" means the "Sevenoaks District Council",

"the Operator" means the holder of a licence and

"Licence" means a licence granted by the Council under section 55 of the Local Government (Miscellaneous Provisions) Act 1976 to operate private hire vehicles.

1. RECORD KEEPING

The operator shall keep (in a non-erasable form) comprehensive records as follows;

A. Drivers

The Operator must keep up to date records of the names and addresses of all licensed drivers who are used and shall notify the Council;

- (i) when any new driver begins service,
- (ii) when any driver's service ceases; and
- (iii) of any change of address of any driver in service.
- (iv) if he/she becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out his/her duties.

B. Vehicles

- (i) of all vehicles operated and the dates and times during which they are operated;
- (ii) the maintenance history of each vehicle, including details of all repairs carried out;

C. Bookings

All bookings made for private hire vehicles shall be recorded the same calendar day and kept for 6 months. The record of each booking must include;

- (i) the source from which the booking came and the time it was received
- (ii) pick-up point and the time the journey commenced;
- (iii) destination point and the time the journey ended;
- (iv) the vehicle used;
- (v) the driver employed;
- (vi) by whom the entry was made in the record

- (vii) the fare quoted (if quoted) at the time of booking
- (viii) the fare actually charged
- (ix) the reason(s) why the fare actually charged was different if it was different
- (x) any other relevant information.

2. DISCLOSURE OF CONVICTIONS

The operator shall immediately disclose to the Council in writing details of any convictions imposed on him during the currency of this licence.

3. TAXI METERS

Where a taximeter is used to record the fare for hiring the Operator shall ensure that a table showing his/her current fare scale is displayed inside the vehicle in a position so that it is plainly and easily visible to any person being conveyed in the vehicle and that the table is kept in clean and legible condition.

4. ADVERTISEMENT OF BUSINESS

The operator must not use in any advertisement of his/her business the words “Hackney Carriage”, “Taxi” or “Cab” if licensed Hackney Carriages cannot be supplied.

5. SURRENDER OF LICENCE

If at any time during the period of the licence the operator for any reason does not wish to retain the licence (which is not transferable) or if at any time during the period of the licence it is suspended or revoked he must immediately surrender and return the licence to the Council.

6. NOTIFICATION OF ACCIDENTS

If any vehicle (licensed by the Council) which is used by the Operator is involved in an accident the Operator must notify the Council within 72 hours.

7. RUNNING OF BUSINESS

The Operator shall;

- (a) provide a prompt, reliable and efficient service to the public at all reasonable times and in particular ensure that the premises to which the public have access for the purpose of making bookings or waiting for cars etc are kept clean and provided with adequate seating facilities;
- (b) ensure that the use of the premises which is used for the running of his/her business has no detrimental effect on the neighbourhood.
- (c) notify the Council within 21 days of any change of business address or change of company or trading name.

8. PUBLIC LIABILITY INSURANCE

If the Operator has premises to which the public have access, in connection with the hiring of vehicles, he shall ensure that there is public liability insurance in force which indemnifies him against any claim for loss, damage or personal injury by any person using those premises.

9. DRIVERS – MEDICAL FITNESS

The Operator must not knowingly permit a driver to drive a licensed vehicle if he/she is aware that the person is suffering from any illness, disability or condition which may affect their ability to safely carry out their duties.

10. VEHICLES WITH TINTED WINDOWS

If a Private Hire Vehicle with tinted windows which have less than 50% light transmission through any of them is used for the carriage of children or young persons without adult supervision then it is the responsibility of the Operator to ensure that when the booking for the vehicle is taken that the person accepting the booking has sought the knowledge and consent of the child or young persons parent or guardian for the journey and such knowledge and consent whether verbal or written is recorded in the Operator's 'Record of Journeys' as required by these licence conditions

Informative

The Operator shall be aware that a booking accepted by telephone, or otherwise verbally, is a lawful agreement and he/she may be liable for breach of contract if a booking is not honoured. The accurate recording of booking details is a means of protecting yourself if such circumstances arise.

SECTION 6 - BYELAWS

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

INTERPRETATION

1. Throughout these byelaws “the Council” means the District Council of Sevenoaks and “the district” means the District of Sevenoaks.

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 wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED.

3. The proprietor of a hackney carriage shall: -
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and 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 hackney carriage is so constructed as to carry luggage;

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- (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 distance and time 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 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. The driver of a hackney carriage shall not at any time when conveying a person hiring that carriage smoke or burn tobacco or any other material without the express permission of that person.
 9. 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.
 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 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.
 12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
 13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
 14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage: -

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading; 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.

15. 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.

16. (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 REDELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF.

17. 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.
18. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge on his giving a receipt for it; and
 - (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to ten pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, which ever is the greater) but not more than twenty five pounds.

PENALTIES

19. 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

20. The byelaws relating to hackney carriages referred to in the following schedule are hereby repealed.

SCHEDULE

<u>Date of Byelaws</u>	<u>By Whom Made</u>	<u>Date of Confirmation</u>	<u>By Whom Confirmed</u>
17th December 1964	Sevenoaks Urban District Council	5th April 1965	An Assistant Under Secretary of State

GIVEN under the COMMON SEAL
OF THE DISTRICT COUNCIL OF
SEVENOAKS this 7th day of October 2004