



**LICENSING COMMITTEE**  
**26 November 2011 at 6.00 pm**  
**CONFERENCE ROOM - COUNCIL OFFICE**

**AGENDA**

**Membership:**

Chairman: Cllr. A Pett

Cllrs: Cllr. L Abraham, Cllr. Mrs B Ayres, Cllr. L Ayres, Cllr. C Clark,  
Cllr. P Cooke, Cllr. R J Davison, Cllr. Mrs A Dawson, Cllr. Mrs A Firth,  
Cllr. M Fittock, Cllr. R Hogarth, Cllr. Mrs F Parkin, Cllr. R Piper,  
Cllr. S Raikes and Cllr. R Walshe

Apologies for absence

1. **Apologies for absence.**
2. **Minutes of the meetings of the Committee held on 22 June 2011 (Pages 1 - 8) and of the Sub-Committees held on 6 July 2011 and 12 July 2011.**
3. **Declarations of interest**
4. **Draft Taxi Licensing Policy (Pages 9 - 88)**  
*Claire Perry*

**EXEMPT ITEMS**

Recommendation: That, under section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the ground that likely disclosure of exempt information is involved as defined by the relevant paragraph as respectively identified of Schedule 12A to the Local Government Act 1972:

5. **Review of Private Hire Operator Licence (Pages 89 - 116)**
6. **Review of Hackney Carriage Drivers Licence (Pages 117 - 130)**
7. **Review of Hackney Carriage Drivers Licence (Pages 131 - 142)**

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual

information on items included on the Agenda are asked to enquire of the appropriate Director or Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

**The Democratic Services Team (01732 227241)**

**LICENSING COMMITTEE**

Minutes of the meeting of the Licensing Committee  
held on 22 June 2011 commencing at 6.00 pm

Present: Cllr. A Pett (Chairman)

Cllr. L Abraham, Cllr. Mrs B Ayres, Cllr. L Ayres, Cllr. C Clark,  
Cllr. R J Davison, Cllr. Mrs A Firth, Cllr. M Fittock, Cllr. Mrs F Parkin,  
Cllr. R Piper, Cllr. S Raikes and Cllr. R Walshe

Apologies for absence: Cllr. P Cooke

**1. APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Cllr. Cooke.

**2. MINUTES OF THE MEETINGS OF THE COMMITTEE HELD ON 22 MARCH 2011 AND OF THE SUB-COMMITTEES HELD ON 10 JUNE 2011**

Resolved: That, the minutes of the meeting of the Licensing Committee held on 22 March 2011 and the Sub-Committees held on 10 June 2011 be approved and signed by the Chairman as correct records.

**3. DECLARATIONS OF INTEREST**

All Councillors present declared a personal interest in Minute Item 7 by virtue of knowing Cllr. John Underwood, who was a taxi driver in the District.

Cllr. Clark declared a personal interest in Minute Item 7 by virtue of knowing Graham Maxted, who was a taxi driver in the District.

Cllr. Pett declared a personal interest in Minute Item 7 by virtue of knowing Colin Annetts, who was a taxi driver in the District.

**4. TERMS OF REFERENCE OF THE LICENSING COMMITTEE - ITEM FOR INFORMATION AND NOTING**

The Democratic Services Manager explained that the terms of reference were presented to clarify the role and remit of the Licensing Committee, especially to new Members.

The Committee noted its Terms of Reference.

**5. MEMBERSHIP OF LICENSING HEARING SUB-COMMITTEES**

The Democratic Services Manager informed the Committee that the Sub-Committees were organised for administrative convenience but that Members may occasionally be substituted between them.

Resolved: That the memberships of the Licensing Sub-Committees as set out in paragraph 1 of the Report be approved.

**6. OFFICER RESPONSIBILITIES AND DELEGATIONS - SEXUAL ENTERTAINMENT VENUES**

The Assistant Licensing Partnership Manager outlined the recent statutory changes to the regulation of sexual entertainment venues. Consultation would be required before any decision was made. Members were asked whether the consultation should be based on continuing to license them under the Licensing Act 2003 or based on adopting the new provisions introduced by the Policing and Crime Act 2009.

Following a question she clarified that if regulation continued under the Licensing Act 2003 then such venues could only be assessed according to the four licensing objectives. However, the new provisions allowed a wider range of factors. For example, Members would be allowed to consider the character of the relevant locality. In response to another Member the Officer stated that the current absence of venues did not mean that all localities would be inappropriate but the locality would still have to be considered in each individual case.

The consultation would take the Council's usual format. It would be publicised, including on the website and interested parties would be written to.

Resolved: That Members approve the proposed consultation set out in the Report, with Option 1 ("Adopt the new provisions relating to sexual entertainment venues") as the Committee's preference, to determine whether the Council should adopt the sexual entertainment licensing provisions contained in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

**7. TAXI POLICY (VERBAL UPDATE)**

The Assistant Licensing Partnership Manager gave the Committee an update on the review of the Taxi Licensing Policy. She believed a number of changes would be needed but there were still three outstanding items which needed to be resolved.

One item was still being considered by the Legal Services Team.

A second matter was the placing of identity badges and licence numbers inside vehicles. The current policy required badges to be worn around the neck of the driver. This was ineffective when passengers were sitting in the back of the vehicle. Officers were investigating options such as having licence numbers placed on the dashboard or on the meter. Officers were trying to keep costs low and avoid passing the costs onto the licensees.

Third, Officers had been advised that they could no longer insist that all applicants agree to an enhanced Criminal Records Bureau check, but only a

standard check. An Officers' Group was meeting on 7 July to discuss options and the Assistant Licensing Partnership Manager expected to have more information after that meeting.

She explained that the enhanced check would disclose more than just current convictions. It could include spent convictions and notes from the Police when a matter has not led to conviction. In the past it had been unusual for such checks to disclose unknown information about established drivers but it was particularly useful for learning about new applicant.

Kent County Council would still insist on enhanced checks for those drivers who worked with schools. She acknowledged that this may result in some applicants having to do a standard check for Sevenoaks District Council and then an enhanced one for KCC. She was interested in keeping the current policy of enhanced checks for all licensees because it could not be predicted who they might have as a passenger.

She confirmed that she was seeking legal clarification on the matter, together with the other teams in the Licensing Partnership. She believed there was a difference of opinion in licensing teams across Kent on whether they could still insist on enhanced checks. One Member was particularly concerned that the Council should not proceed with enhanced checks without full legal standing because it could breach human rights.

Several Members felt it important that the District have confidence in those it has licensed. They encouraged Officers to investigate continuing with the enhanced checks. The Assistant Licensing Partnership Manager said many drivers had commented to her that they were more than happy to perform the enhanced check and that some considered it part of their status.

THE MEETING WAS CONCLUDED AT 6.28 pm

Chairman

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**LICENSING HEARING**

Minutes of the meeting of the Licensing Hearing  
held on 6 July 2011 commencing at 10.00 am

Present: Cllr. C Clark and Cllr. Mrs F Parkin

Also present:

Mr. M. Khan	- Applicant
Mr. H. Peyrel	- Applicant
Mrs. A. Peyrel	- Applicant
Mr. D Goodall	- Objector (resident)
Ms. C. Goodall	- Objector (resident)
Cllr M. Short	- Objector (Member of Sevenoaks Town Council)
Cllr Mrs B. Ayres	- Sevenoaks District Council (Observer)
Cllr L. Ayres	- Sevenoaks District Council (Observer)
Mr M. Penn-Hughes	- Sevenoaks District Council (Observer)
Mrs. C. Perry	- Licensing Officer
Mr. A. Stanfield	- Legal Services Manager
Mr. N. Chapman	- Environmental Protection Officer
Mr. D. Lynch	- Democratic Services Officer

**7. APPOINTMENT OF CHAIRMAN**

Resolved: That Cllr. Pett be appointed Chairman of the meeting.

**8. DECLARATIONS OF INTEREST.**

Cllr Mrs. Parkin declared a personal interest as a trustee of Sevenoaks and District Age UK and CHIPS in respect of letters from these organisations tabled by applicants at the meeting.

**9. EL MATADOR, 49 LONDON ROAD, SEVENOAKS**

The Hearing gave consideration to a report by the Community and Planning Services Director giving details of an application under the Licensing Act 2003 for a premises licence from El Matador Restaurant, 49 London Road, Sevenoaks TN13 1AR. It was noted that objections had been received and that accordingly the application had been referred to the Sub-Committee for determination.

The Chairman agreed to the applicants tabling a written statement. The Chairman suspended the Hearing at 10.15 a.m. to enable the meeting to read the statement. The Chairman re-commenced the hearing at 10.25 a.m..

The Hearing heard from the applicants who stated that the written statement was a compromise proposal following consultation with local residents and the

## Agenda Item 2

Licensing Hearing - Wednesday, 6 July 2011

Environmental Protection Officer, in particular to address the issue of noise in Lime Tree Walk. The applicants also accepted the points made by Sevenoaks Town Council with the exception of point ii.

The Hearing heard from the objectors who raised the concerns of residents and Sevenoaks Town Council, in particular the issues of noise from events.

The Hearing heard from the Environmental Protection Officer who raised concerns regarding noise breakout from the premises and the area to be used for smoking.

At 11.05 a.m. the Hearing Members withdrew to consider the issues raised.

At 11.29 a.m. the Hearing Members returned to the Council Chamber.

It was unanimously,

Resolved: That the Premises Licence in respect of El Matador, 49 London Road, Sevenoaks TN13 1AR subject to the conditions contained in the licence attached as an appendix to these minutes, be granted.

**06.07.11 - El Matador**

THE MEETING WAS CONCLUDED AT 11.38 am

Chairman

**LICENSING HEARING**

Minutes of the meeting of the Licensing Hearing  
held on 12 July 2011 commencing at 2.00 pm

Present: Cllr. L Abraham and Cllr. C Clark

Also present:

Mrs D Shirtcliff	- Applicant
Mr B Wiltshire	- Applicant
Mrs L Pitcairn-Knoles	- Applicant
Mrs T Pound	- Applicant
Mrs A King	- Applicant
Mr P Baignet	- Objector (resident)
Mr & Mrs Newman	- Objector (resident)
Mrs R Ware	- Objector (resident)
Mr A Russ	- Objector (resident)
Mrs M Fry	- Objector (resident)
Mr C Hathway	- Objector (resident)
Mrs M Holman	- Objector (resident)
Mrs C Perry	- Assistant Licensing Partnership Manager
Mr C Ormondroyd	- Legal Advisor
Mrs C Beaumont	- Democratic Services Office

**10. APPOINTMENT OF CHAIRMAN**

Resolved: That Cllr. Davison be appointed Chairman of the meeting.

**11. DECLARATIONS OF INTEREST.**

There were no declarations of interest in respect of any matter discussed or voted on at the meeting.

**12. APPLICATION FOR A PREMISES LICENCE FROM AMHERST SCHOOL PARENTS TEACHER ASSOCIATION, WITCHES LANE, SEVENOAKS, KENT TN13 2AX UNDER THE LICENSING ACT 2003**

The Hearing gave consideration to a report by the Community and Planning Services Director giving details of an application under the Licensing Act 2003 from Amherst School Parents Teacher Association, Witches Lane, Sevenoaks, Kent TN13 2AX. It was noted that objections had been received and that accordingly the application had been referred to the Sub-Committee for determination.

The Hearing heard from the applicants who explained that the application had been motivated by wishing to employ a circus to replace the current summer party which took place annually. The Parents Teacher Association (PTA) intended to use the licence for a number of indoor events and no more than

two outdoor events each year. They apologised for any upset that the application had caused to local residents and stated that there was no intention to increase the number of events carried out by the PTA.

The Hearing heard from the objectors who raised the concerns of residents, in particular the suitability of the school for social events and potential noise nuisance to neighbours. They were also concerned regarding the number of people using cars to attend the events and the potential noise nuisance this would cause. They questioned whether the PTA needed a permanent licence and suggested that they could apply for Temporary Event Notices as required. The objectors were concerned regarding the 'all encompassing' nature of the licence and asked that the Sub-Committee look at their concerns sympathetically.

At 3.20 p.m. the Hearing Members withdrew to consider the issues raised.

At 4.10 p.m. the Hearing Members returned to the Council Chamber.

It was unanimously

Resolved: That, subject to the conditions contained in the licence attached as an appendix to these minutes, a premises licence for Amherst School Parents Teacher Association, Witches Lane, Sevenoaks, Kent TN13 2AX be granted.

THE MEETING WAS CONCLUDED AT 4.15 pm

Chairman

**LICENSING COMMITTEE – 26 OCTOBER 2011**

**HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

Report of the: Community and Planning Services Director

Status: For Decision

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**Executive Summary:**

This report gives detailed feedback from the consultation period for the Draft Statement of Hackney Carriage and Private Hire Policy which ran for six weeks from the 26 August 2011 until the 7 October 2011.

The proposed policy amends the current policy that Sevenoaks District Council has in operation which was last issued in January 2008.

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**This report supports the Key Aim of safe communities**

**Portfolio Holder** Cllr. Mrs. Bracken

**Head of Service** Head of Environmental and Operational Services – Mr. Richard Wilson

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**Recommendation:** To consider all representations/comments that have been received following the consultation and agree the final policy to be adopted by the Committee then to be approved and adopted by Full Council.

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**Background**

1. Sevenoaks District Council's last adopted Hackney Carriage and Private Hire Licensing Policy was approved and adopted by Full Council on the 5 February 2008.
2. There is no statutory requirement for a Licensing Authority to produce a Hackney Carriage and Private Hire Licensing Policy. However the Department for Transport "Best Practice" recommends one is in place.
3. Hackney Carriage and Private Hire Licensing Policy is an integral part of the decision making process, informing all stakeholders as to the policy resulting in consistent decision making in the processing of applications and enforcement.
4. A policy is not a fetter on the discretion of the local authority where each case must be considered on its own merits.

**Consultation**

5. The Hackney Carriage and Private Hire Policy was sent out for consultation for six weeks from the 26 August 2011 until the 7 October 2011 (Appendix A).
6. Each Hackney Carriage Proprietor, Hackney Carriage Driver, Public Hire Operator, Public Hire Vehicle licensee and Private Hire Driver was written to in August 2011 and was given a copy of the draft Hackney Carriage and Private Hire Policy to comment on. The Policy was also sent to interested persons such as the Access Group, the Council's Vehicle Compliance testers, officers from neighbouring authorities and officers within the Council. In addition a copy was available to download from the Council's website.
7. As a result of the consultation twelve representations were received which are detailed in (Appendix B).

**Key Implications**

Financial

8. The Council's budget for the licensing of Taxis is set on a cost recovery basis and the cost of this consultation is covered within the licensing administration budget.

Legal, Human Rights etc.

9. Decisions in relation to a licence are likely to amount to consideration of civil rights and obligations with the result that Article 6(1) of the Human Rights Act 1998 is engaged.

**Sources of Information:** Local government (Miscellaneous Provisions) Act 1976.  
Hackney Carriage Driver Byelaws  
Town and Police Clauses Act 1947  
Department of Transport Best Practice

**Contact Officer(s):** Leeann Leeds Ext. 7270

**COMMUNITY AND PLANNING SERVICES DIRECTOR  
KRISTEN PATERSON**



**SEVENOAKS DISTRICT COUNCIL**  
**DRAFT STATEMENT OF HACKNEY CARRIAGE**  
**AND PRIVATE HIRE POLICY**



**DRAFT STATEMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY**

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## 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

Wheelchair 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.

**Environmental Considerations**

*The Best Practice Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they have adopted, bearing in mind the need to ensure that the benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.*

*It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the District by, in particular, reducing the levels of CO2 emitted. There is a movement towards the use of alternative fuels and in many areas LPG conversions to vehicles are perfectly acceptable and encouraged. This will, however, be dependent on supplies of such fuel being made readily available. It may also be the case that the installation of storage tanks into vehicles may affect the ability to carry luggage.*

*Clearly, emissions from hackney carriages and private hire vehicles could be reduced further, by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at hackney carriage ranks. It is proposed that this aspect be tackled through education and promotion.*

*In view of the above detail, unless more urgent measures are introduced by central government in the meantime, this Council will monitor any research published and Government guidelines with a view to specifying vehicle emissions standards and promoting cleaner vehicles.*

*To help consider the environmental impact, any petrol electric vehicle with an engine size under 1500cc will be considered to be licensed on a case by case basis. Sevenoaks District Council suggests that, in order to promote a greener environment, any vehicle that promotes cleaner fuel emissions may be entitled to pay a reduced fee at the time of having the vehicle tested by Sevenoaks District Council's appointed workshop.*

**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 and internal 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 'EU 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**

***Accessibility***

*This section of the policy also takes into account the 2007 report published by the European Conference of Ministers of Transport and the International Road Transport Union which recognised that it is impossible to provide for 100% of wheelchair users without reducing the operational viability of the vehicle for the taxi operator and other passengers. There will be a small proportion of people who, because of the size of their wheelchair or the nature of their disability, are unable to access taxis or indeed other forms of mainstream public transport. They will continue to need specialist door-to-door services.*

*Sevenoaks District Council is committed to promoting inclusive and accessible environments and ensuring a wide range of opportunities are available to residents with disabilities to enjoy a high quality of life. Without the ability to travel, people with disabilities are denied access to life opportunities. Their access to education, shopping, employment, healthcare as well as social and family life is significantly improved when journeys become accessible. For this reason, Sevenoaks District Council considers it important that people with disabilities have access to all forms of public transportation. Accessibility is an important consideration in respect of vehicles licensed as hackney carriages. This Authority will therefore keep this section of the policy constantly under review.*

*Sevenoaks District Council is aware of the Government's proposals to implement the provisions of the Equality Act 2010 in relation to hackney carriages. The Government*

*announced its proposals for taxis in 2003 and since that time has been consulting and gathering further information.*

*The Government is now considering how best to bring forward requirements for accessible taxis, and this includes evaluation of all options, both regulatory and non-regulatory approaches are being considered.*

*The ECMT-IRU recommendations for taxi vehicle accessibility are based on two design levels:*

- *Type One: Wheelchair Accessible Taxis: accessible vehicles capable of carrying the majority, but not all, passengers who travel in their wheelchair as well as people with other disabilities;*
- *Type Two: Standard Accessible Taxis: vehicles with features designed to make use by disabled people easier, but which would only be able to carry a wheelchair user who can transfer to a taxi seat.*

*Until such time as Regulations are introduced, the Council will monitor the percentage of wheelchair accessible vehicles in the District and will encourage proprietors and operators to introduce a higher proportion of accessible vehicles. However, the question of whether or not to require all hackney carriages to become wheelchair accessible will not be addressed until the next review of this policy.*

### **Restriction on Numbers of Licensed Vehicles**

Although at the moment there is no restriction on how many hackney carriage vehicles can be licensed, Sevenoaks District Council will seek to address this matter when the need arises and may carry out a demand survey to seek clarification whether there is unmet demand for Hackney carriage vehicles within the whole district.

### **Re-allocation of Expired Hackney Carriage Vehicle Plates**

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 will be re-allocated. A letter will be sent to the owner of the vehicle advising them that the plate will 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 EU approved or specifically authorised by the Council.

### **Roof Signs**

The Authority requires all Hackney Carriage vehicles to be fitted with roof-mounted signs. If the illuminated roof lights have red in them, they must be fitted so that the red light is visible from the rear.

*This section has been removed from the new policy –*

*When illuminated the sign must show a red light to the rear and a white light to the front of the vehicle. It is Sevenoaks District Council's intention to remove this part from the policy as many roof signs are now made using LED lights and are no longer fitted as standard with the red light to the rear and the white light to the front.*

## **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 EU 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 Hackney carriage driver 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. 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.

f. 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.

g. Applicants for Hackney carriage drivers and Private Hire drivers should provide documentary evidence confirming their right to live and work in the UK. Any licence granted to drivers whose leave to remain in the UK is time limited will only be valid for the period which they are entitled to work in the UK. In order for the licence to be extended drivers must produce further evidence to prove that they have the right to work in the UK

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).  
5. *Any outstanding application older than 12 months will be destroyed. Should the applicant wish to pursue the application after 12 months a new application will need to be submitted with a fee and a new CRB application will also be required.*

#### **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 on pages 51 - 55

Appendix 1

**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);

Internal Plate - inside the rear quarter light or rear window.

Internal Drivers Badge - inside the vehicle on the left hand side of the front windscreen and in plain view of the passengers but avoiding the windscreen wiper area.

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 of the 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 EU 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 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

*After consulting with Kent Fire and Rescue services Sevenoaks District Council has decided to remove the requirement for a fire extinguisher in the vehicle. The driver's main priority would be to safely assist passengers out of the vehicle and to a safe area and then to call the Fire Services rather than trying to tackle the fire and possibly endangering themselves and passengers.*

**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 400mm 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 EU 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). 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.

*This section has been removed from the new policy –*

*When illuminated the sign must show a red light to the rear and a white light to the front of the vehicle. It is Sevenoaks District Council's intention to remove this part from the policy as many roof signs are now made using LED lights and are no longer fitted as standard with the red light to the rear and the white light to the front.*

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)

Appendix 2

**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**

*The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver or operator licence.*

*The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:*

- *That a person is a fit and proper person*
- *That the person does not pose a threat to the public*
- *That the public are safeguarded from dishonest persons*
- *The safeguarding of children and young persons*

*This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:*

- *Applicants for drivers' licences*
- *Existing licensed drivers whose licences are being reviewed*
- *Licensing officers*
- *Members of the licensing committee/ panel (or other relevant decision making body)*
- *Magistrates hearing appeals against local authority decisions*

*Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence.*

*There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.*

*A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:*

- a. *Remain free of conviction for an appropriate period; and*
- b. *Show adequate evidence that her or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.*

*Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].*

Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore, the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

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

### **Consideration of disclosed criminal history**

Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operators licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of conviction
- 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

Existing holders of drivers' licences are required to notify the licensing authority in writing within twenty-one days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).

Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing officer [insert details here] in confidence for advice.

*The licensing authority conducts disclosures from the Criminal Records Bureau (CRB) of any applicant for a driver licence. The licensing authority follows the CRB's Code of Practice on the fair use of disclosure information. A copy is available on request.*

*Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. The licensing authority abides by the CRB's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.*

*More information about the CRB can be found on their website at [www.disclosure.gov.uk](http://www.disclosure.gov.uk).*

*The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.*

*It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.*

#### **Serious offences involving violence**

*Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.*

*In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.*

*Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:*

- *Murder*
- *Manslaughter*
- *Manslaughter or culpable homicide while driving*
- *Terrorism offences*
- *Or any similar offences (including attempted or conspiracy to commit) offences which replace the above*

*A licence will not normally be granted where the applicant has a conviction for an offence **or** similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:*

- *Arson*
- *Malicious wounding or grievous bodily harm which is racially aggravated*
- *Actual bodily harm which is racially aggravated intent*
- *Grievous bodily harm with intent*
- *Robbery*
- *Possession of firearm*

- Riot
- Assault Police
- Common assault with racially aggravated intent
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

*A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 5 years prior to the date of application:*

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

*A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 3 years prior to the date of application:*

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

*A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.*

*In the event of a licence being granted, a strict warning both verbally and in writing should be administered.*

### **Possession of a weapon**

*If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.*

*Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.*

### **Sex and indecency offences**

*As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period (normally at least 5 years) free of conviction for such offences before a licence will be granted.*

*(a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:*

- *Rape*
- *Assault by penetration*
- *Offences involving children or vulnerable adults*
- *Or any similar offences (including attempted or conspiracy to commit) offences which replace the above*

*(b) Before an application is allowed, an applicant should be free of conviction for at least 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:*

- *Sexual assault*
- *Indecent assault*
- *Possession of indecent photographs, child pornography etc.*
- *Exploitation of prostitution*
- *Trafficking for sexual exploitation*
- *Or any similar offences (including attempted or conspiracy to commit) offences which replace the above*

*(c) Before a licence is granted, an applicant should be free of conviction for at least 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:*

- *Indecent exposure*
- *Soliciting (kerb crawling)*
- *Or any similar offences (including attempted or conspiracy to commit) offences which replace the above*

*In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.*

*A licence will not normally be granted if an applicant has more than one conviction for a sex or indecency offence.*

### **Dishonesty**

*A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. PHV drivers must pass lost property to the operator. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc.*

*Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.*

*In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:*

- *theft*
- *burglary*
- *fraud*
- *benefit fraud*
- *handling or receiving stolen goods*
- *forgery*
- *conspiracy to defraud*
- *obtaining money or property by deception*
- *other deception*
- *taking a vehicle without consent*
- *Or any similar offences (including attempted or conspiracy to commit) offences which replace the above*

### **Drugs**

*A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.*

*A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.*

*A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.*

*An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.*

*If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.*

### **Driving offences involving the loss of life**

*A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.*

*A licence will not normally be granted unless the applicant is free of conviction for 7 years **or** (or at least 3 years must have passed since the completion of the sentence, whichever is longer) if he has a conviction for:*

- *Causing death by dangerous driving*
- *Causing death by careless driving whilst under the influence of drink or drugs*

- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

Before a licence is granted, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for:

- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers

#### ***Drink driving/driving under the influence of drugs***

As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 3 years, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

#### ***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.

#### ***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.

#### ***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.*

#### **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.*

#### **Outstanding charges or summonses**

*If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings. Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration will be made at committee.*

*If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.*

*A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]*

#### **Non-conviction information**

*If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. Such offences would include serious violent offences and serious sex offences.*

*In assessing the action to take, the safety of the travelling public must be the paramount concern.*

### **Cautions**

*Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.*

### **Licensing offences**

*Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since .*

### **Summary**

*To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.*

*Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.*

*While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.*

Appendix 3

**Enforcement and Penalty Points Scheme**

*Any vehicle that is approached by an Authorised Officer of Sevenoaks District Council in order to carry out a vehicle inspection/driver check must remain until the inspection has been carried out. An exemption to this is if a fare arrives, the driver of the vehicle is then obliged to take the fare.*

*Alternatively an Authorised Officer of Sevenoaks District Council may request that you attend the Council offices with the licensed vehicle in order to carry out an inspection.*

*It is Sevenoaks District Council's proposal to implement the Penalty points system in order to regulate enforcement and any action required.*

*This scheme will be used to enforce current legislation and any future bye laws in respect of Hackney Carriage Drivers and will be operated as follows:*

*1 The Council's Taxi Licensing and Enforcement Policy will be fully considered by an authorised officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.*

*(a) Where it is decided that the use of the penalty points system is appropriate, the points will be issued in accordance with this appendix. If this appendix allows a range of points for a particular incident, the authorised officer will determine the appropriate number of points proportionate to the offence.*

*(b) Penalty points will only be imposed where the licensee agrees the breach or offence has taken place. Where the licensee does not agree that the breach or offence has taken place, the matter will be referred in the first instance to the Licensing Manager for consideration regarding further action. The Licensee may be required to appear before the Licensing Committee.*

*(c) The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to his/her employer or operator. However the Council retains the discretion to issue penalty points to drivers, driver/proprietors and operators for a single contravention if the circumstances warrant it i.e. the breach is one against all these licences and it is considered joint responsibility is held.*

*(d) Points issued to either a proprietor or driver will be confirmed in writing within ten working days from the discovery of the contravention.*

*(e) When issued, the penalty points will remain "live" for a period of one year from the date they are imposed so that only points accumulated in a rolling twelve month period will be taken into account.*

*(f) There is no financial penalty associated with the system, and the licensee may continue to work. However, the licensee may be asked to attend either a meeting with the Licensing Manager or attend a hearing of the Licensing Committee if 12 penalty points are imposed on an individual licence in any one 12 month period, where appropriate action will be taken in accordance with this policy.*

*(g) Where a driver, proprietor or operator attains more than 12 penalty points, disciplinary options available to the Licensing Committee will include suspension or revocation of the driver's licence, where appropriate.*

*(h) If it is felt that the matter does not warrant suspension or revocation of the licence, the period for which the points are to remain "live" may be extended or a written warning may be issued to the driver as to his future conduct.*

*(i) Periods of suspension of a licence will be dependent on the nature of the breaches of the legislation or the requirements of this Policy and the compliance history of the licence holder.*

*(j) A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances he deems necessary.*

*(k) Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of appeal to the Magistrates Court against the suspension or revocation. All suspensions will therefore be subject to a 21-day appeals period prior to implementation to allow for the formal appeals process.*

*(l) The penalty points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by this policy.*

*(m) The penalty points system outlined below identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven.*

## **2. Penalty Points Tariff**

*Legislative offences and penalties:*

*Two statutes principally create offences relating to hackney carriages and private hire vehicles –*

- i) Town Police Clauses Act 1847*
- ii) Local Government (Miscellaneous Provisions) Act 1976*

*The offences are set out below under the relevant statute*

*In relation to the maximum penalties specified, the levels of fine are currently as follows:*

*Level 1 - £200*

*Level 2 – £500*

*Level 3 - £1,000*

*Level 4 - £2,500*

*Any subsequent amendments to the legislation will supersede the tables below and this appendix may be amended to reflect the revised legislation by way of an addendum to this policy.*

**Town Police Clauses Act 1847**

Section	Offence	Level of Fine	Penalty Points
40	Giving false information on a hackney carriage licence application.	1	12
44	Failure to notify change of address on a hackney carriage licence.	1	2
45	Plying for hire without a hackney carriage licence.	4	8-12
47	Driving a hackney carriage without a hackney carriage driver's licence.	3	8-12
47	Lending or parting with a hackney carriage driver's licence.	3	4
47	Hackney carriage proprietor employing an unlicensed driver.	3	8
48	Failure of a proprietor to hold a hackney carriage driver's licence.		6
48	Failure of a proprietor to produce a hackney carriage driver's licence.	1	3
52	Failure to display a hackney carriage plate.	1	4
53	Refusal to take a fare without a reasonable excuse.	2	6-12
54	Charging more than the agreed fare.	1	6-12
55	Obtaining more than the legal fare (including failure to refund).	3 and 1 month's imprisonment	6-12
56	Travelling less than the lawful distance for an agreed fare.	1	6
57	Failure to wait after a deposit to wait has been paid.	3	6

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58	Charging more than the legal fare.	1	12
59	Carrying persons other than with the consent of the hirer.	1	8
60	Driving a hackney carriage without the proprietor's consent.	1	6-12
60	Allowing a person to drive a hackney carriage without the proprietor's consent.	1	6-12
62	Driver leaving a hackney carriage unattended.	1	2
64	Hackney carriage driver obstructing other hackney carriages.	1	3

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

Section	Offence	Level of Fine	Penalty Points
46(1)(A)	Using an unlicensed private hire vehicle.	3	12
		by virtue of s76	
46(1)(b)	Driving a private hire vehicle without a private hire driver's licence.	3	12
		by virtue of s76	
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver.	3	8
		by virtue of s76	
46(1)(d)	Operating a private hire vehicle without a private hire operators' licence.	3	8
		by virtue of s76	
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle.	3	12
		by virtue	

of s76

46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver.	3	8
		by virtue of s76	
48(6)	Failure to display a private hire vehicle plate.	3	4
		by virtue of s76	
49	Failure to notify the transfer of a vehicle licence.	3	3
		by virtue of s76	
50(1)	Failure to present a hackney carriage or private hire vehicle for inspection upon request.	3	6-12
		by virtue of s76	
50(2)	Failure to inform the Council where a hackney carriage or private hire vehicle is stored, if requested.	3	3
		by virtue of s76	
50(3)	Failure to report an accident to the Council within seventy two hours.	3	6
		by virtue of s76	
50(4)	Failure to produce the vehicle and insurance documentation upon request.	3	8-12
		by virtue of s76	
53(3)	Failure to produce a driver's licence upon request.	3	3
		by virtue of s76	
54(2)	Failure to wear a private hire driver's badge.	3	4-6
		by virtue of s76	
56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them upon request of an	3	6

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	authorised officer of the Council or a police officer.		by virtue of s76	
56(3)	Failure of a private hire operator to keep proper records of all private hire vehicles, or failure to produce them on request of an authorised officer of the Council or a police officer.	3	by virtue of s76	6
56(4)	Failure of a private hire operator to produce his licence upon request.	3	by virtue of s76	4
57	Making a false statement or withholding information to obtain a hackney carriage/private hire driver's licence.	3	by virtue of s76	12
58(2)	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence.	3	by virtue of s76	6-12
61(2)	Failure to surrender a driver's licence after suspension, revocation, or refusal to renew.	3	by virtue of s76	6-12
64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage rank.	3	by virtue of s76	6
66	Charging more than the meter fare for a journey ending outside the District, without prior agreement.	3	by virtue of s76	6-12
67	Charging more than the meter fare when a hackney carriage is used as a private hire vehicle.	3	by virtue of s76	6-12
69	Unnecessarily prolonging a journey.	3	by virtue of s76	6-12

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71	Interfering with a taxi-meter with intent to mislead.	3	12
		by virtue of s76	
73(1)(a)	Obstruction of an authorised officer of the Council or a police officer.	3	12
		by virtue of s76	
73(1)(b)	Failure to comply with a requirement of an authorised officer of the Council or a police officer.	3	6-12
		by virtue of s76	
73(1)(c)	Failure to give information or assistance to an authorised officer of the Council or police officer.	3	6-12
		by virtue of s76	

## 2.2 Hackney Carriage and Private Hire Licensing Policy

### Hackney Carriage and Private Hire Licensing Policy

Breach of Policy Requirement	Points
Failure to wear a driver's badge.	4-6
Failure to ensure the safety of passengers.	8-12
Concealing or defacing a vehicle licence plate.	6
Failure to attend on time for a pre-arranged booking without reasonable cause.	2
Conveying a greater number of passengers than permitted.	6
Failure to give reasonable assistance with passenger's luggage.	3

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Private hire plying for hire or accepting a fare that is not pre-booked.	6-12
Operating/using a vehicle that is not clean and tidy and in a safe condition internally or externally.	3 - 6
Driving without the consent of the proprietor.	6
Drinking or eating in the vehicle whilst carrying passengers.	2
Smoking in the vehicle at any time.	6
Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand.	6
Allowing a hackney carriage vehicle to stand in a position, not being a hackney carriage stand, to suggest that is plying for hire.	6
Using a non-hands free mobile telephone whilst driving.	12
Failure to advise of a relevant medical condition.	6-12
Failure to provide a receipt for a fare when requested.	2
Failure to operate the meter from the commencement of the journey and /or charging more than the fixed charge for hire of a hackney carriage.	4-12
Failure to produce a licence upon request.	3
Failure to notify of starting or terminating employment, the name and address of the proprietor and the term of employment.	3
Failure to show a private hire driver's licence to the private hire operator at the commencement of employment.	2
Failure of a private hire operator to request and/or record details of a private hire driver's licence at the beginning of employment.	2
Failure to surrender a driver's licence, badge or plate upon request.	6-12
Failure of a licence holder to disclose convictions within twenty one days of conviction.	12

Carrying any animal other than a guide, hearing or other prescribed assistance dog or those owned by bone-fide fare paying passengers unless the driver of the vehicle has been granted a statutory exemption on medical grounds.	2
Failure to search a vehicle after a journey or failure to take found property to the Council within seventy two hours of finding.	3
Failure to report an accident within twenty four hours.	3
Failure to comply with requirements for the safe carrying of a wheelchair.	6
Operating a vehicle that does not comply with the Council's licensing policy where such a breach of policy requirements is not otherwise specified herein.	2-6
Operating/using a vehicle which is not maintained in a sound and roadworthy condition.	6-12
Modifying a vehicle without the consent of the Council.	12
Failure to display or maintain external plates as issued by the Council or displaying them incorrectly e.g. in the window of a vehicle.	4
Affixing or displaying a roof sign on a private hire vehicle.	12
Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the Council.	4
Carrying radio equipment or similar devices not in accordance with council requirements.	2
Using a taxi-meter that does not conform to Council requirements.	6
Driving with no insurance or inadequate insurance for the vehicle.	12
Permitting the vehicle to be used for any illegal or immoral purposes.	12
Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times.	3

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Failure of a private hire operator to keep the operating premises in accordance with council requirements.	3
Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured.	12
Failure of a private hire operator to obtain public liability insurance for the operating premises if the public are allowed access.	12

**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.

Plate etc	Position
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.
Internal licence Plate	inside the rear quarter light or rear window.
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 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.

*This section has been removed from the new policy –*

*When illuminated the sign must show a red light to the rear and a white light to the front of the vehicle. It is Sevenoaks District Council’s intention to remove this part from the policy as many roof signs are now made using LED lights and are no longer fitted as standard with the red light to the rear and the white light to the front.*

### 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 proprietor's 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 EU 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, the 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).

A fee and change of ownership form must also be submitted to the Council with a valid insurance document, V5 registration document and a current MOT test certificate whenever a vehicle is sold to another licensed driver.

**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 weatherproof 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) at all times windows that are designed to open shall do so in accordance with manufacturer's specifications.
- (d) 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%.

**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.

Plate etc	Position
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.
Internal Licence Plate	inside the rear quarter light or rear window.
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 2 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 EU 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, the 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 vehicle's manufacturer;
- (ii) provide secure and weatherproof 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) at all times windows that are designed to open shall do so in accordance with manufacturers specifications.

(d) 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 of 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.

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; 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.

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.*

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, 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.

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;

(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 **and** 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. At no time is smoking permitted in any Hackney Carriage or Private Hire Vehicle.

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, whichever 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 therefore.

**REPEAL OF BYELAWS**

## Agenda Item 4

Licensing Committee – 26 October 2011  
**Item No. 4 – Appendix A**

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

Feedback from the ‘Hackney carriage and Private Hire Policy’

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Contact	Comment	Ref	Officers comments and recommendation to include in final version for Full Council
Christopher Shepherd email	<p>A rule around the driver taxi light so:</p> <p>Fail to have light illuminated when plying for Hire – 3 Points</p> <p>Now it’s whether we have another all encompassing one which a lot of councils have which is:</p> <p>Fail to operate/conduct business in a fit and proper manner – 3 points to plate removal</p> <p>And lastly</p> <p>Behave in a disorderly/rambunctious/abusive/insulting/threatening manner whilst operating as licensed taxi which could bring discredit upon the industry or SDC – 3 points to disqualify</p> <p>TFL (Transport for London) have the one above</p>	N/A	<p>Officer would refer this to council but no objections in principal. Referred to the Committee for decision.</p> <p>Officers would suggest 3 points to suspension/revocation depending on the seriousness of the offence. Referred to the Committee for decision.</p> <p>Officers would suggest 3 points to suspension/revocation depending on the seriousness of the offence. Referred to the Committee for decision.</p>
Mick Elliot Taxi Proprietor	<p>Min number of passengers to be carried, have you considered reducing this to 1 (i.e. the smart car etc) for commuter use at the station or by companies with a booking to take 1 person in an effort to reduce emissions and being green, this is working in other councils.</p> <p>Drivers Licences. Would it be possible to include a statement that a Hackney can drive a Private Hire, but a Private Hire driver cannot drive a Hackney Carriage vehicle.</p> <p>Smoking. the "approved type" is it possible to include what is the approved type and size or where one finds the information.</p>	<p>Pg 3</p> <p>Pg 7</p> <p>Pg 10</p>	<p>Officers agree with this as it would support the environmental considerations that has been included in the policy. Referred to the Committee for decision.</p> <p>Officers agree as this is the case. Referred to the Committee for decision.</p> <p>See the example at the end of the document.. Officers are happy for this to be included in the policy subject to the</p>

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Feedback from the 'Hackney carriage and Private Hire Policy'

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Agenda Item 4

Contact	Comment	Ref	Officers comments and recommendation to include in final version for Full Council agreement of the Committee.
	<p>Fire Exit's If they are still stowed will they be checked and removed if below pressure, or are you saying they should be removed anyway .</p> <p>5. page 10, Number of passengers allowed, could you clarify the position for babies being carried by parent, also a clarification of the requirement of child seats and booster seats, I believe that any child under 12 yrs is the responsibility of the driver to be seat belted appropriately, and there is a difference between a pre booked job to a rank pick up or emergency job.</p> <p>Luggage space, there is no statement on the requirement of a spare wheel, as more cars are only having either a small (space saver) spare wheel or a tin of glue and a compressor as standard fitting.</p>	<p>Pg 10</p> <p>Pg 12</p> <p>Pg 13</p>	<p>Following advice from Kent Fire and Rescue the fire extinguishers should be removed.</p> <p>Child seats are not a requirement in a taxi.</p> <p>The requirement of a spare wheel is needed and should be included in the policy. <i>Not according to Mick &amp; Don – see their suggestion on this. I would state in this section</i> An amendment has been suggested by Don Worcester and Michael Madden, the Council's approved compliance testers (see comment later in the document) which officer's would recommend implementing.</p>
Graham Powell Taxi proprietor	<p>Environmental Considerations.</p> <p>In para 5 you suggest applying a reduced fee for 'hybrid' vehicles. Please note that my vehicle is wheelchair accessible and no suitable vehicle is available to me for the carriage of wheelchair passengers and, therefore, if this was implemented, I would be disadvantaged. In point of fact, the Council should perhaps consider a reduced fee for accessible vehicles especially as these vehicles are supporting the Council in implementing the Disability Discrimination Act.</p>	Pg 2	Officers agree with the principle but the reduced fee is with regards to the environmental factor. Although this could be applied to wheelchair accessible vehicles as a way of encouraging taxi proprietors to include these types of vehicles in their fleet which would allow



Feedback from the 'Hackney carriage and Private Hire Policy'

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Contact	Comment	Ref	Officers comments and recommendation to include in final version for Full Council
	<p>Dishonesty.</p> <p>Can you please advise whether substantiated complaints regarding overcharging are considered as dishonest and, if so, what do you mean when you state that 'a serious view' would be taken.</p> <p>Appendix 3 Enforcement and Penalty Points Scheme.</p> <p>Please confirm the authority's ability to police these matters out of office hours. What will you, as the enforcement agency, do to enforce these matters out of office hours in order that night and day drivers are treated in the same way in the detection of these offences. Please state how you will enforce these matters fairly and proportionately.</p> <p>Town Police Clauses Act 1847.</p> <p>Sections 45 and 47. Please state what action the authority has taken in regard to such offences already detected.</p> <p>Section 62 please state what view you would take if the driver of a Hackney Carriage leaves his vehicle unattended for a 'comfort break'.</p>	<p>Pg 23</p>	<p>Overcharging would be considered as serious and is something that would be investigating with a view to taking further action as appropriate to the case being investigated.</p> <p>SDC officers do carry out enforcement of taxis outside officer hours either early morning or late evening.</p> <p>Any instances where such an offence occurs would be investigated in conjunction with the Police and appropriate action such as suspension/revocation would be sought following a successful Police prosecution.</p> <p>Officers would not take action regarding vehicles left for short periods of time as long as the vehicle was not left in a</p>

Feedback from the ‘Hackney carriage and Private Hire Policy’

Contact	Comment	Ref	Officers comments and recommendation to include in final version for Full Council
	As the authority has already been party with Meteor Parking in enforcing the rank at Sevenoaks Station, please state what action is proposed to enforce the 15 cab rule on the station rank and feeder rank as this is not mentioned in your table of offences.		<p>dangerous position and any action taken would be proportionate to the offence committed.</p> <p>Officer’s have been in attendance at the rank at Sevenoaks at the same time as Meteor staff but our roles in enforcement are kept entirely separate. Meteor have jurisdiction in enforcing this rule.</p>
<p>Sally Viney Private Hire operator</p>	<p>Minimum number of passengers to be carried</p> <p>You have stated that “No vehicle will be licensed unless it can accommodate at least four passengers.”</p> <p>We have a BMW 730 LWB, registration number GJ10 ODG and plate number 20 licensed with Sevenoaks District Council. This vehicle was factory built due to our Corporate clients requiring additional space in the rear of the vehicle when they make long business trips. We have no reason to dispose of the above mentioned vehicle in the near future and we are concerned that the carriage of four passenger clause will cause this vehicle to be excluded from being licensed. The vehicle is an exception to the normal Private Hire vehicles as it only has two rear passenger carrying seats. I hope that you will take into account our special circumstances when discussing this paragraph within the consultation paper and I would ask you personally, Leeann for your support in allowing our BMW to continue to be licensed.</p>	Pg 3	<p>The vehicle in question does in fact have 4 seats although the operator chooses not to use it for this purpose. Therefore, there are no implications with respect to this vehicle.</p>
Andy Bracey	The District Council's Parking & Amenity team have no objections or points to		

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Agenda Item 4

Feedback from the ‘Hackney carriage and Private Hire Policy’

Contact	Comment	Ref	Officers comments and recommendation to include in final version for Full Council
Senior Engineer, Traffic and Parking	raise relating to the consultation on the Hackney Carriage and Private Hire Policy.		
Stewart Smith Streamline Business Development Manager	<p>Roof Signs – Page 5 Needs to state: “Hackney Carriage vehicles to be fitted with a working roof-mounted sign”. Currently at least 70% of the Hackney Fleet have a roof sign but not a “workable” roof sign as the merely place it on to go to work and remove when finished. It is imperative that these are lit at the correct times.</p> <p>Offences – Page 25 Hackney proprietor to hold a hackney carriage license needs removing as it is not relevant, anyone can own a plate, although must be licensed to drive the vehicle to which the plate is affixed.</p> <p>Hackney proprietor failing to produce a hackney carriage license – as above.</p> <p>Internal License Plate – Page 33 States inside rear quarter light or rear window – as is the case now, be displayed in the front of the vehicle either inside the windscreen (not in the sweep) or on the passenger side dashboard</p>	<p>Pg 5</p> <p>Pg 25</p> <p>Pg 33</p>	<p>Officers would agree that the roof sign must be working at all times and would suggest the following amendment to the wording of the policy: “The Authority requires all Hackney Carriage vehicles to be fitted with a working roof-mounted sign.”</p> <p>Officers would suggest amending the wording to “Failure of a proprietor of a Hackney Carriage vehicle to ensure that the person driving it holds a valid Hackney Carriage driver’s licence.”</p> <p>Officers would suggest amending the wording to “Failure of a proprietor of a Hackney Carriage vehicle to retain and produce a valid Hackney Carriage driver’s licence for the person driving the Hackney Carriage vehicle.”</p> <p>Currently SDC do not impose this, but it is something that will be enforced following commencement of new policy</p>

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Feedback from the ‘Hackney carriage and Private Hire Policy’

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Contact	Comment	Ref	Officers comments and recommendation to include in final version for Full Council
Ron Parker Streamline Director	<p>Dear Licensing</p> <p>Reading through the draft policy, I am drawn by a few points.</p> <p>Page 1.           Type Limitations I think the phrase in (a) “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” is a bit contentious, especially as you go on to say that it must have EU Type Approval (c). I think the vehicle either needs to conform, or it doesn’t, and assume that this is aimed at multi-seaters.</p> <p>Page 4.           Tinted Windows I think the whole matter of Tinted Windows needs to be reviewed, following decisions made elsewhere, and I can’t see why a PH vehicle or a HC vehicle should be treated differently. Also I note that there is no “offence” listed in your “Penalty Points Scheme” for non-compliance.</p> <p>Page 5.           Accessibility I think that an opportunity has been missed to pre-empt the likely findings of the Equalities Act, and at the same time deal with a possible restriction of HC</p>	<p>Pg 1</p> <p>Pg 4</p> <p>Pg 5</p>	<p>Officer disagree, this should remain unchanged</p> <p>Officers disagree, this should remain with regards to Public safety.</p> <p>This could be included under the points system. A vehicle would not pass a compliance test in the first place and if changes were made to the vehicle subsequent to the compliance test the vehicle licence would be suspended/revoked on discovery of the changes which at a minimum would be every 6 months. Therefore there is no need to include this within the Penalty Point Scheme.</p> <p>SDC consulted earlier this year with proprietors, drivers and operators on the</p>

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	<p>numbers, to which you make mention.                      When you delimited HC’s a number of years ago, the result was that there was an oversupply of HC’s at the mainline railway station, which is the main work source in the town.                      The way that you dealt with the problem, that the oversupply caused at the station, was to “encourage” the railway company to put a cap on the number of permits that they issued.                      This cap level is considerably lower than the number of permits currently on issue, and in tandem with this they (the railway company) have prevented them from being transferred.</p> <p>Page 7.                   Matters Relating to Drivers Licenses                      I am not sure how lawful it is to demand that drivers demonstrate that they can lawfully work in the UK, unless every applicant is treated the same.</p> <p>Page 8.                   Part F – Byelaws                      The byelaws are shown on page 46-50 !!!!!!!!!</p> <p>Page 9.                   Internal Plate/Internal Badge                      I think the internal plate should be displayed inside the vehicle and can’t see that it is helpful it’s in the back window, or in a rear quarter-light.                      Not sure what the “Internal Drivers” badge is !!</p>		<p>introduction of a demand feasibility study and licensees voted not instigate it. The Council exerted no such influence on Meteor Parking and we understand that the cap was as a result of their own investigations into safety and use of the taxi rack at Sevenoaks Train Station.</p> <p>Pg 7                   It is the responsibility of the employer to make sure that every employee is entitled to work in the UK. The Council will make appropriate checks when there is any doubt that an applicant has a right Amendments made.</p> <p>Pg 8                   This should be amended to read the correct page numbering which is currently 51 – 55 but may change again following the amendments agreed by the Licensing Committee.</p> <p>Pg 9                   This will probably make more sense to Licensees once they have a chance to see what is proposed. The information that will be provided on the internal plate is for use by the customer.</p>

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Contact	Comment	Ref	Officers comments and recommendation to include in final version for Full Council
Page 77	<p>Page 10. Ashtrays - Fittings I thought it was an offence to smoke in a PH or HC vehicle !!</p>	Pg 10	This should be removed from the Policy.
	<p>Page 14. Convictions Policy I thought that the appeal period for LGMPA 1976, was 28 days, please clarify.</p>	Pg 14	There has been no increase to the appeal period.
	<p>Page 23 etc. I have a big problem with LA's becoming the Judge, Jury and Executioner, and further it does nothing to get rid of the bad drivers from the trade. The simply get a licence elsewhere. Surely by using the Magistrates Court, the case will be dealt with impartially and leave the offender with a recorded offence.</p>	Pg 23	Every driver has the right to appeal any decision made by SDC to the Magistrates Court.
	<p>Page 25. (48) Does a "proprietor" need to hold a HC drivers licence, because I don't have one for Sevenoaks, but am the "proprietor of several HC vehicles.</p>	Pg 25	As long as the proprietor doesn't driver the vehicle there would be no need for an owner to hold a licence. See proposed amendment above.
Colin Annetts Taxi proprietor	<p>In response to your Consultation I would make the following observations and comments:</p> <p>a) Page 11 'Roof Signs' this suggests that the word TAXI must be shown facing both front and rear, but many existing roof signs only show the word TAXI <u>facing front</u>. The 'Hackney Carriage Vehicle Licence Conditions' (Page 33 Item 2 Roof Sign) suggests that the Roof Sign only needs to mention the word TAXI once. I would suggest that TAXI once on a Roof Sign is sufficient.</p>	Pgs 11 & 33	The wording on page 11 relates to the Vehicle Test Standards and page 33 relates to the conditions. For completeness officers would suggest replicating the words used within the test standards within the Hackney Carriage vehicle licence conditions.

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	b) Company Advertising - Private Hire (para 5) Page 12. Exclusion of the word "Hire" should allow the word 'Hire' when used in the phrase "Private HIRE" (Otherwise a Private Hire Operator cannot advertise that he is Private <u>Hire!</u>	Pg 12	This would seem sensible and officers would agree with this amendment.
	c) Appendix 3 Enforcement and Penalty Points Scheme Page 23 Para 1 The exemption to remain until the inspection is carried out <b>should also allow for ' a pre-booked fare'</b> (e.g. School Runs) when the driver of the vehicle is then obliged to leave to carry out the booking.	Pg 23	Officers would agree with this suggestion and propose the following amendment: "An exemption to this is if a fare arrives which the driver is obliged to take or the driver informs the officer of a pre-booked fare prior to the inspection taking place."
	d) Offence Section48 'Failure of Proprietor to hold a hackney carriage driver's licence' (Page 25) Does this mean that a person could not start a business of hiring out Taxi's to licensed hackney carriage drivers unless they themselves held a hackney drivers licence? <b>What if a person wanted to hire out Taxi vehicles but not want to be a taxi driver themselves?</b>	Pg 25	Please refer to the comment above with respect to the amended wording.
	e) Breach of Policy Requirement (Page 30) 'Failure to operate the meter from the commencement of the Journey' <b>Why should this incur Penalty Points or even be mentioned?</b> If the driver forgets to operate the meter immediately he will be losing part of the fare until such time that he remembers to engage the meter! However I fully agree that <u>charging more than the fixed charge</u> for hire of a hackney carriage should incur points.	Pg 30	Officer would recommend no change.
	f) Failure to notify starting and terminating employment (Page 30) <b>This needs clarification</b> as to when and how it applies.	Pg 30	Officers agree and would suggest the following amendment: "Failure of Private Hire Operators to maintain accurate records regarding the start and termination of employment of a driver."
	g) 'Carrying an animal' (Page 31 para. 1) <b>The wording is totally wrong.</b> There	Pg 31	Officer agrees and suggests the amended

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Contact	Comment	Ref	Officers comments and recommendation to include in final version for Full Council
	<p>should be a penalty for refusing to carry guide, hearing, and assistance dogs unless the driver has been exempted on medical grounds. And there should be a penalty for carrying any animal other than those owned by a bone-fide fare paying passenger.</p> <p>h) Failure to Search after a journey (Page 31 para 2.) This suggests that the vehicle should be searched after every journey which is totally impractical and contradicts 'Hackney Carriage Vehicle Licence Conditions - Lost Property' (Page 36 15a) final paragraph) which requires daily search the vehicle.</p> <p>i) 'Carrying radio equipment or similar devices not in accordance with council requirements' this requires explanation of its meaning as it is totally unclear.</p> <p>j) 'Hackney Carriage Vehicle Licence Conditions' (Page33) No.1 Fixing of Licence Plates etc. - External Licence Plate 'by means of a holder supplied by the Council' The Council do NOT supply holders to fix the Licence Plate! (or is this a new expense the Council will now incur?) - Internal Licence Plate 'inside the rear quarter light or rear window' The Council do NOT issue Internal Licence Plates! (or is this a new item and expense?)</p> <p>k) 'Taximeter' No.11 1(a) (Page35 penultimate paragraph ) Taxis are permitted to operate at <u>less than</u> the maximum Hackney Carriage Fare laid down by the Council, so why should the taximeter be calibrated at all times with the CURRENT Hackney Carriage Fare Tariff. (Swanley often operate at '<u>lower than the maximum fare</u>' for long periods. Why should they incur the cost of re-calibrating the meter long before they feel the need to charge a higher increased tariff? and to display a fare on the meter that they are NOT going to charge the passenger?). This paragraph should read: "Is calibrated at all times with a tariff NOT HIGHER THAN the</p>	<p>Pg 31</p> <p>Pg 31</p> <p>Pg 33</p> <p>Pg 35</p>	<p>wording: “Refusal to carry guide, hearing and assistance dogs unless the driver has been exempted on medical grounds. The second section of this should be excluded.</p> <p>Officer agrees and suggests the amended wording: Failure to conduct a daily search of a vehicle.”</p> <p>Officers would suggest that this is removed from the policy.</p> <p>Officer agrees that SDC do not provide holders for external plates but will be for the internal drivers badges and vehicle plates.</p> <p>Officer agrees with proposed change</p>

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Contact	Comment	Ref	Officers comments and recommendation to include in final version for Full Council
	<p>current Hackney Carriage Fare Tariff approved by the Council."</p> <p>l) In view of k) above 11 Taximeter Para No.2 (Page 36) should read: 'The proprietor must produce to the Council, if demanded, and after any changes to the calibration of the meter, a certificate of calibration issued by a competent taximeter installer.'</p>	Pg 36	Officer agrees with proposed change.
Gordon Crouchman Taxi Proprietor	<p>With regard to the consultation, I have just one observation.</p> <p>The fixing of licence plates on vehicles has often been an issue with some operators in the past, and I agree that there must be a degree of consistency on this subject.</p> <p>However, these holders that you propose have been supplied on a previous occasion, and were not entirely successful, in that they did not suit all vehicles, and were not at all automatic car wash friendly.</p> <p>They were of one size only, and tended to protrude at an inconvenient angle, and in some cases fouled bodywork when opening and closing the boot.</p> <p>Because of this, I would respectfully suggest that a choice of shape and size of both plate and holder be offered, which I think, would almost certainly solve any of these problems.</p>	Pg 33	The extra plate and drivers badges would be affixed inside the vehicle and therefore would not cause the problems anticipated.

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Geoff Bartlett Taxi Proprietor	<p>Thank you for the letter containing the draft statement of the Hackney Carriage and Private Hire policy. Having read through it, I have a few comments/queries.</p> <p>The main difference appears to be the inclusion of a penalty points system. As I understand the document, the proposed system is detailed in pages 29 to 32 (inclusive) and does not include financial penalties (fines) or imprisonment* threats. On that basis, I believe that the scheme will create a consistent penalty system that will encourage professional behaviour amongst drivers and operators.</p> <p>If the scheme were to include such fines and/aspects, then I would object</p> <p>As in principle I do not object to its inclusion. However, I do feel that the proposed scheme needs some refinement to ensure it is logical.</p> <p>For example, the proposed penalty system on pages 29 to 32 inc. lists:</p> <table border="0"> <tr> <td>1) Failure to wear a driver’s badge points</td> <td>4-6</td> </tr> <tr> <td>2) Carrying a greater number of passengers than permitted points</td> <td>6</td> </tr> <tr> <td>3) Driving with no insurance or inadequate insurance points</td> <td>12</td> </tr> <tr> <td>4) Affixing or displaying a roof sign on a private hire vehicle points</td> <td>12</td> </tr> <tr> <td>5) Smoking in the vehicle points</td> <td>6</td> </tr> </table> <p>Is 1) really as serious as 2)? Is 4) really as serious as 3)? Is 5) really as serious as 2)?</p>	1) Failure to wear a driver’s badge points	4-6	2) Carrying a greater number of passengers than permitted points	6	3) Driving with no insurance or inadequate insurance points	12	4) Affixing or displaying a roof sign on a private hire vehicle points	12	5) Smoking in the vehicle points	6	Pgs 29 – 32	Officer recommend no change to policy
1) Failure to wear a driver’s badge points	4-6												
2) Carrying a greater number of passengers than permitted points	6												
3) Driving with no insurance or inadequate insurance points	12												
4) Affixing or displaying a roof sign on a private hire vehicle points	12												
5) Smoking in the vehicle points	6												

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Contact	Comment	Ref	Officers comments and recommendation to include in final version for Full Council
	<p>Committing offence 2) will invalidate a driver's insurance. 2) &amp; 3) are therefore effectively the same thing but carry different penalties?</p> <p>There are some offences listed which I believe should not be included or need clarifying further:</p> <p>A) The council bylaws require that a driver wears their driver's badge in a position that is 'plainly visible' even 'when hired' (page 53). It is impossible for a driver to comply with that since whilst driving since the passengers view of the driver is blocked by the driver's seat and head rest. To have penalty points imposed for something that is impossible to comply with would be unfair. Either the penalty needs removing, or the byelaw needs amending.</p> <p>B) Failure to attended on time for a pre-arranged booking – this should not be included as there are all sorts of reasons beyond the driver's control (including customer mistakes) which could lead to a delay. Therefore it is unfair to penalise a driver.</p> <p>C) Failure to give reasonable assistance with passenger's luggage – too subjective to be fair.</p> <p>D) Failure to provide a receipt when requested – a customer can lose a receipt or forget to ask for one and blame a driver– too open to doubt to be fair</p> <p>*Item 55 on page 25 suggests that a driver could be imprisoned for 1 month overcharging. Imprisonment for that?!!!!!!!!!!</p>	Pg 25	<p>The Policy is seeking to introduce the display of driver's badges within the windscreen of the vehicle which will address this point.</p> <p>Each complaint would be investigated on its individual circumstances and points would only be apportioned where it is deemed appropriate to do so.</p> <p>Each complaint would be investigated on its individual circumstances and points would only be apportioned where it is deemed appropriate to do so.</p> <p>Each complaint would be investigated on its individual circumstances and points would only be apportioned where it is deemed appropriate to do so.</p> <p>This is the level of fine that may be imposed as a result of a prosecution not</p>

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Contact	Comment	Ref	Officers comments and recommendation to include in final version for Full Council the Penalty Point System.
	I hope you have found my comments constructive and helpful. I look forward to seeing a revised scheme and your confirmation that no fine or ridiculous imprisonment penalties are include.		
Michael Simmonds and other petioners	<p>Concerns about the Penalty Point Scheme:</p> <p>Some other Councils in the UK also tried to implement the same Penalty Point System which set to be scrapped before it even begins. Kirklees Council is one of them and Rossendale Borough Council another</p> <p>The scheme has lists of ‘minor breaches’ and ‘unacceptable behaviour’ that can result in a licence being revoked if a 12 point limit is reached within 12 months, is this to be the DVLA licence or the council issued licence? Is this to be a 12 month rolling period or annually April to April for example</p> <p>As per legal taxi specialist Mr. Oliver Gardner (Howards Solicitors), the penalty point is simply unworkable, unfair, and unlawful. The practicalities of the scheme don’t add up. It will require substantial resources to plan, police and administer at a time of swinging cuts as do the existing fine system which as a result of enquiries be scrapped forthwith</p>		<p>Officers disagree, by implanting the penalty point system this allows for effective and consistent enforcement that is fair to all. It is intended to ensure that we have a professional et of drivers, vehicle proprietors and operators working within the District of Sevenoaks.</p> <p>This scheme originated at Rother District Council and is in place in a number of Local Authority areas including our neighbours at Tonbridge &amp; Malling Borough Council.</p>

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Contact	Comment	Ref	Officers comments and recommendation to include in final version for Full Council
	<p>By introducing Penalty Point Scheme the council is effectively appointing itself as judge and jury without the appropriate qualification, training recognition or authority from the law society.</p> <p>It is like seeking accuse, investigate, try and then punish hard working people any regulating body or safeguard.</p> <p>The scheme does not follow the rule of law we expect to see in court based system. It really is building the foundations of this plan on legal quicksand.</p> <p>According to our knowledge there is no strong evidence that the council have to introduce this scheme to deal with any critical issues.</p> <p>We have no attention to break the law as it is or profession and our livelihood depends upon this business. In order to obtain a taxi drivers licence why go through CRB check, medical, DVLA test, knowledge test. Then there is high value £10.000 - \$20.000 investment of the purchase of vehicle which expires in a few years due to high mileage. The high insurance cost is another direct expenditure on a taxi driver. The actual job of a taxi driver is very hard, risky and challenging. After this entire burden if a taxi driver has a threat that any time they can loose their licence which will decrease level of confidence for performing their job.</p> <p>In Sevenoaks there is a very good relationship between customer and the taxi driver. There is no need to introduce a system to make hardworking people jobless.</p> <p>There is a serious risk that people will not choose to be a taxi driver as a profession when there is very high risk in the job security.</p>		<p>Unfortunately a few taxi drivers do break the law and by enforcing the points system this allows SDC to enforce in a consistent and fair manner.</p>

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Contact	Comment	Ref	Officers comments and recommendation to include in final version for Full Council
	<p>Some of the proposed points do not sound technically correct and controversial, e.g. 'using an unlicensed private hire vehicle' is it unlicensed? Or is it a private hire vehicle? It is impossible for it to be both at the same time.</p> <p>Some offences which were in Fine Level 1 category are proposed 6 -12 points which looks illogical.</p> <p>Some proposed breaches of policy articles are hard to justify as there is no criteria specified and taxi drivers can be easily victimised by simple false customer complain, for example 'refusing to carry a without reasonable cause' every taxi driver in the country has the right to refuse to carry any individual, the reasonable cause being at the discretion of the driver, not the council of the passenger.</p>		
Michael Madden and Don Worcester	<p>We would suggest the following wording:</p> <p>The Authority will not license a vehicle, for the first time, if it is more than 6 years old and/or has travelled greater than 100,000 miles</p> <p>Limousines, which must have a minimum engine capacity over 3,000 cc.</p> <p>...reducing the levels of CO<sub>2</sub> emitted from petrol vehicles and the equivalent from diesel vehicles.</p> <p>Where relocation of the spare wheel is not possible an acceptable alternative, as supplied by the conversion company, will be permitted.</p> <p>Word omitted – the sentence should read:</p> <p>If the vehicle is not licensed within fourteen days, then the plate will be</p>	<p>Pg 1</p> <p>Pg 1</p> <p>Pg 2</p> <p>Pg 4</p> <p>Pg 5</p>	<p>Officers would agree with this.</p> <p>Amendment has been made to the policy.</p>

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Contact	Comment	Ref	Officers comments and recommendation to include in final version for Full Council
Page 86	further allocated.		Officers would agree with this.
	If the illuminated roof lights have red in them, they must be fitted so that the red light is visible from the rear.		
	Also add to page 11, paragraph 4 after .....but manual off/on is acceptable).	Pg 11	
	Also add to page 33, Roof signs – insert after .....must have the word TAXI printed on it.	Pg 33	
	We would suggest removing the reference to ash trays as this is no longer relevant.	Pg 10	
	Page 11 end of 1 <sup>st</sup> paragraph .....visible to all passengers.	Pg 11	
	If a mechanical person lift is fitted to the vehicle a current test certificate showing compliance with the Lifting Operations Lifting Equipment Regulations 1998 B must be produced at the time of the vehicle compliance test.	Pg 11	Officers would agree with this.

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Example of a suitable no smoking sign. The width is 80 mm and the height is 100mm.



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