



SOUTH HOLLAND DISTRICT COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE

LICENSING PROCEDURES

POLICY

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Introduction

- 1.1 South Holland District Council (SHDC) is situated in the county of Lincolnshire, which contains 7 district councils in total. The council area has a population of 84,100 making it the second smallest district in the county in terms of population.
- 1.2 SHDC covers a geographical area of 74,238 hectares and is situated in the south eastern corner of Lincolnshire also boarding the counties of Norfolk and Cambridgeshire. The District is mainly rural but comprises of a total of 47 towns and villages including the main town of Spalding.

The Council's Role in Taxi Licensing

- 2.1 The authority has adopted the Local Government (Miscellaneous Provisions) Act 1976, Part II, Section 45; The Town Police Clauses Act 1847, Section 68 and the Public Health Act 1875, Section 171.(The Act) This took effect from 8th November 1986.
- 2.2 SHDC adopted policies, procedures and conditions contained in this handbook at a meeting of its Licensing Committee on 19th November 2013.
- 2.3 SHDC is responsible for licensing all hire vehicles which operate in South Holland district, which are provided with a driver and operated with less than nine passenger seats.
- 2.4 There are two types: public hire vehicles (**hackney carriages**) and vehicles which are only available by prior booking (**private hire vehicles**).
- 2.5 Although the description 'taxi' should only be applied to a hackney carriage, any hire vehicle is usually known as a 'taxi' by the public.
- 2.6 Before any vehicle is licensed it is tested at one of the Council's nominated garages. The test covers the vehicle's mechanics, general appearance which includes the comfort for passengers and the reliability of any meter fitted.
- 2.7 Private Hire vehicles may only undertake journeys in response to advance bookings. SHDC is also responsible for granting private operators licences for the premises at which these bookings are made.
- 2.8 SHDC is responsible for the licensing of the drivers of both classes of vehicle. Within the scope of legislation the Council ensures that all drivers are 'fit and proper persons' to be licensed by carrying out checks on an applicant's background.
- 2.9 As part of ensuring drivers are suitable to be licensed, SHDC carries out criminal record checks. For more information, visit the Disclosure Barring Service website at www.disclosure.gov.uk. To ensure public safety we also intend to require new applicants to pass a Driving Standards Agency (DSA) Test.
- 2.10 SHDC has a responsibility as the 'Enforcement Agency' of the drivers, vehicles and operators it has licensed. Enforcement covers offences related to 'taxi' legislation, drivers' behaviour, the condition of the vehicles and the investigation of complaints made by the public against any licence holder.

- 2.11 As well as granting and issuing licences, the Council can also suspend or revoke licences and take legal action if necessary against any offending licence holder.
- 2.12 Licensing and enforcement is carried out by Council officers appointed 'Authorised Officers' for that purpose, and they have been issued with written authority to do so.

Hackney Carriage

- 3.1 A hackney carriage licensed by SHDC will be a purpose built vehicle, such as the TX4, Peugeot E7, or Metrocab, and should have an illuminated taxi sign on the roof, a 'for hire' sign, a white plate with yellow background fixed to the rear of the vehicle, an internal sticker showing the licence number of the vehicle displayed on the internal screen, and a meter inside the vehicle to show the fare being charged. They can be hired from a taxi rank or by being hailed in the street.
- 3.2 In addition a hackney carriage can also perform the work of a private hire vehicle and can also be booked over the phone or by visiting the vehicle's operating centre.

Private Hire Vehicle

- 3.3 A private hire vehicle **can only be hired by pre-booking** it either by phone/over the internet or by visiting the operating centre of the vehicle. The private hire vehicle will have a white plate with a red background fixed to the rear of the vehicle, and an internal windscreen disc displayed above the tax disc. The vehicle will also display a Council sticker showing the licence number on both sides of the vehicle.
- 3.4 A private hire vehicle will **not** have any signs on the roof or a 'for hire' sign, although it can have a meter. If a meter is fitted to the vehicle then the owner must inform the Council and this will be tested and sealed.
- 3.5 A private hire vehicle will normally be a saloon car or other passenger carrying vehicle with a maximum of eight passenger seats.

Hiring a vehicle

- 4.1 The person hiring either a hackney carriage or a private hire vehicle is entering into a contract with the driver of the vehicle or with a firm for them to provide a service.
- 4.2 It is up to the individual to ensure clear instructions are given regarding their requirements at the time of hiring the vehicle. If it is a pre-booked call, it is important to specify when the vehicle is needed and find out whether a meter is being used or get a quote for the cost of the journey. If a meter is being used in a hackney carriage the meter cannot be started until the journey begins.
- 4.3 Hackney carriages must not charge more than the maximum fare rate laid down by the Council. However they can charge less.. Each hackney carriage has to display the Council's list of maximum fares. Anyone in doubt should look at the meter and compare it with the list of fares. A copy of the current fare card is also available on the Council's website.

- 4.4 Private hire vehicles are not governed by a Council maximum fare rate and can charge their own rate. In the majority of cases the fares for journeys are quoted the same or less than hackney carriage fares. Copies of the current fare rate used by a private hire operator should be submitted to the licensing team.
- 4.5 All drivers of hackney carriage and private hire vehicles licensed by the Council must whilst working wear and display a licensed badge showing that they are a licensed driver.

Wheelchair accessible hire vehicles

- 5.1 All hackney carriages currently licensed by SHDC are wheelchair accessible vehicles.

Hackney Carriage/Private Hire Drivers Licences

- 6.1 In considering applications for Hackney Carriage/Private Hire Drivers Licences (dual licence) and any breaches during the currency of a licence, the Council must be satisfied that drivers are 'fit and proper' persons to hold a Licence.
- 6.2 In doing so, they must have regard to all convictions, (See Appendix C) driving convictions, complaints of unacceptable conduct/behaviour, breach of licence conditions and other convictions obtained during the course of a Licence.
- 6.3 When such circumstances occur the Driver will be referred to the Licensing Committee for their consideration.

Referral to Licensing Committee

- 7.1 Where an application is referred to the Licensing Committee for consideration, the applicant will be notified in writing of the reason and the date, time and venue of the Committee hearing.
- 7.2 The applicant will be advised that they may bring a representative to the Committee hearing. The representative may be a friend, legal representative or a representative from the trade whom they wish to assist them in addressing the Committee in support of their application/disciplinary hearing.
- 7.3 The Licensing Committee will appoint a panel from the Committee of The Licensing Authority. A Chairman is appointed to chair the Licensing Panel during the process. The Licensing Panel will be advised by a legal representative.
- 7.4 A licensing officer will attend the Licensing Panel and state the reasons for referral
- 7.5 Where the case arises from a complaint, the complainant, if present, will be asked to explain their complaint to the Panel. The applicant will then be given the opportunity to question the complainant.
- 7.6 The applicant or driver will be asked to present his case surrounding the convictions or incident concerned and asked to demonstrate to the Panel why they think they remain a 'fit and proper' person to hold a Hackney

Carriage/ Private Hire Drivers Licence or why they feel disciplinary action should not be taken.

- 7.7 Licensing Panel hearings are conducted in a quasi-judicial manner. This means that the Panel has to act in a similar fashion to a Court or Tribunal. It is therefore important that persons appearing before the Panel should behave in an appropriate manner.

The Decision

- 7.8 After hearing the evidence and representations from all parties, the Committee will retire to make their decision.
- 7.9 The Committee will be informed of all convictions and will have regard to unspent convictions and Home Office guidelines concerning the nature of offences and the time scales involved.
- 7.10 On reaching its decision the hearing will be convened, and the chairman shall inform the persons of the Licensing Panel decision. The person will also be advised of the decision in writing together with their rights of appeal.
- 7.11 The Committee may grant or refuse the application but then also may :
- Take no further action
 - Issue a verbal warning
 - Suspend or revoke Licence.
 - Apply conditions to a licence.
- 7.12 Applications for all licences relating to hackney carriages or private hire shall be determined according to their particular circumstances, but shall be subject to the following Policy unless good reasons can be shown why the Council should depart from it: The safety of the travelling public is the prime importance of SHDC.

Right of Appeal

- 7.13 If the Committee decide to refuse the grant of a Vehicle, Operator or Private Hire/Hackney Carriage Drivers Licence, or in the case of a disciplinary hearing, decide to suspend or revoke a Private Hire/Hackney Carriage Drivers Licence, the person will have the right of appeal to a Magistrates Court. In the case of refusal to grant a Hackney Carriage proprietors licence, appeal will be to the Crown Court.

How to make a 'Taxi' related complaint

- 7.14 To make any complaint regarding a licensed driver or vehicle please make your complaint in writing to the Council's Licensing Team using the contact details below.

Licensing Team
South Holland Council
Council Offices Priory Road
Spalding PE11 2XE

e-mail: licensing@sholland.gov.uk

Telephone 01775 761161

8. General Policy

8.1 These are the general requirements that need to be met by a vehicle, operator or driver, licensed by this Council. The policy is also made with consideration to the Council's priorities for the South Holland area of

- To be a forward looking Council
- To enable our communities
- To have pride in South Holland
- To support our local economy
- To develop stronger communities

PART A

8.2 All Vehicles

The Acts require that the Council must be satisfied that the vehicle is suitable in type, size and design for use as a hackney carriage or private hire vehicle, that it is in a suitable mechanical condition and is safe and comfortable. In the case of private hire vehicles, it is further required that they must not be of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage.

8.3 Duration of Licence

A vehicle licence, once granted, will be for one year.

8.4 Insurance

A vehicle must have a current certificate of insurance or cover note which complies with the requirements of Part VI of the Road Traffic Act 1988 and which clearly covers the use to which the vehicle is to be put. i.e. public hire or private hire. A private hire vehicle cannot be insured for public hire. (see 2.4)

8.5 Excise Licence (Road Tax)

There should be a valid excise licence for the vehicle.

8.6 Vehicle Registration Document (V5)

A vehicle registration document must be produced at the grant or renewal of a licence.

8.7 Age of vehicle

Hackney Carriage vehicles must be less than 5 years of age on first licensing. Once licensed, a vehicle licence may be renewed up to and including 10 years of age provided there is no break in licensing; Only vehicles of exceptional condition will be considered beyond this age

No current age restriction is in place for private hire vehicles.

8.8 Vehicle Specifications

- a. For private hire vehicles the vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior). Any vehicle with a capacity in excess of 4 passengers and including any vehicle with a tailgate shall have two 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).

In all vehicles licensed to carry more than 4 passengers (i.e. people carriers) any seat adjacent to the nearside door of the passenger compartment of a vehicle must be removed to permit clear and unobstructed entry to and exit from the back row seating of the compartment.

No person entering or exiting from a vehicle should have to remove or dismantle any seat or other obstacle, or to climb over any person being carried in the vehicle, or have any other person leave their seat to facilitate them entering or exiting the vehicle.

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, but exemption shall apply to stretch limousines (See Part E) and Executive vehicles (See part F)
- c. The vehicle must have EU Type Approval
- d. If c. cannot be satisfied then a Department of Transport Certificate of Single Vehicle Approval must be produced.
- e. In the case of Hackney Carriages a vehicle should not be of such a length which takes up excessive space on a taxi rank and in any case the vehicle must not be in excess of 5 metres in length.
- f. In the case of a Private Hire vehicle its appearance must not lead people to believe it is a Hackney Carriage.
- g. The vehicle must have seats with a minimum width of not less than 400mm (15-17 inches) per person.
- h. The vehicle shall be fitted with appropriate seatbelts to the front and rear seats of the vehicle. The number of seat belts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry plus the driver.
- i. All wheelchair accessible vehicles shall be properly equipped with properly mounted fittings for the safe securing of a wheelchair and a passenger seated in it, when carried in the vehicle.
- j. If a mechanical hoist is fitted to the vehicle this will be required to be inspected annually by the manufacturer or his approved agent and a LOLER certificate produced to that effect.

8.9 Passenger Limits

Vehicles capable of carrying up to eight passengers but without an aisle or free access to a door for each passenger will be licensed to carry four passengers on safety grounds.

9. Vehicle Test Standards

- a. The Authority will not grant/renew a vehicle licence unless the person examining it (for the Authority) has confirmed that it meets the standards specified in South Holland Council's Manual of Inspection Standards for vehicles at Appendix A, and at the same time the vehicle has been certified roadworthy to MOT standard and has a current Certificate of Compliance. In any exceptional circumstances where a vehicle, in an officers view that the garage has not complied with the Councils testing standards, then subject to any complaint being received, will be dealt with through the Councils formal complaints procedure.

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 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 shall be required to be tested every 12 months to ensure that it continues to meet the standards referred to in (a) above.-
- c. A vehicle which fails an inspection/safety check during the currency of a licence with SHDC will have the fault(s) rectified and the vehicle re-inspected within 2 months of the original inspection – failure to do so will lead to the automatic revocation of the vehicle licence.
- d. A vehicle may be inspected by an authorised officer of the Council or a Police Officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give written notice to the proprietor/operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the authorised officer or police officer is so satisfied.
- e. If the authorised officer or police officer is not satisfied within two months of the initial inspection the Vehicle licence shall be deemed revoked. An authorised officer or police officer may permit other persons to examine the vehicle on their behalf (e.g. VOSA).

9.1 Vehicle Inspections

All vehicles being presented for testing at the approved Council testing stations shall be internally and externally in a clean condition. The under chassis should have been cleaned to allow the tester to inspect the vehicle. The tester will refuse to test a vehicle that does not conform to this requirement.

9.2 Exterior Bodywork and Wheel trims

The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer. Wheel trims where fitted must be fitted to all road wheels.

9.3 Upholstery

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

9.4 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.

9.5 Roof and Floor Coverings

These should be clean and in good condition, with no tear or other damage.

9.6 Fire Extinguishers

A fire extinguisher must be provided in an easily accessible position capable of being reached without delay. Each extinguisher shall be identifiable to a specific vehicle..

9.7 Vehicles Powered by Liquid Petroleum Gas (LPG)

An applicant for a licence involving a vehicle which has been converted to run on LPG will be 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.

The vehicle will be required to undergo an annual service by a person competent in LPG powered vehicles in addition to the Councils Manual of Inspection Standards.

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 storage of a reasonable amount of luggage and any spare wheel displaced as a result must be stored in a location that does not impinge on the passenger carrying area of a vehicle.

9.8 Tinted Windows (Without prejudice to the Road Vehicles (Construction & Use) Regulations 1986)

The vehicle shall have windows fitted throughout on both sides of the vehicle and to the rear of the passenger compartment. A minimum of one window on each side shall be capable of being opened for the purpose of ventilation and passenger comfort.

All windows shall comply with European Directive 92/22/EC (as amended) and as required by The Road Vehicle (Construction and Use) Regulations 1986..

Private hire vehicles used solely for executive car hire are exempt from the council's criteria but these vehicles must comply with the Road Vehicles (Construction and Use) Regulations 1986: the windscreen must allow at least 75 per cent of light to be transmitted through it. The front side windows must allow at least 70 per cent of light to be transmitted through them.

For the avoidance of doubt the garage testing any vehicle shall use an approved tint meter to measure the percentage of light.

9.9 Taximeters

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 in 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 all passengers.

Taximeters fitted to Hackney Carriages (and Private Hire vehicles, if provided with one), which are to be licensed for the first time, must be one of the makes/types that is specifically approved by the Council.

For whatever reason, should a new meter be fitted to a vehicle, then it is the responsibility of the proprietor prior to any journeys being completed, to ensure that the new meter is tested and sealed by an authorised garage. Failure to do so could result in the suspension of the vehicle licence.

9.10 Unfit Vehicle Notices

These will be issued by Authorised Officers and Police Officers where vehicle defects give cause for concern.

Immediate Unfit Notices will be given if the vehicle appears to be unsafe to carry members of the public. Once a Notice is issued the vehicle must not be used for hire with immediate effect. The vehicle must be presented to either an officer or one of the Councils approved testing stations with the faults rectified. Only after this will the Notice be lifted and the vehicle can then be used for hire.

If the Notice is not lifted within 2 months revocation of the vehicle licence will take place.

Deferred Notices can be issued, which means the vehicle can continue to be used for the time specified and the faults rectified within a specified time. When the faults are rectified the vehicle must be presented within the timescale indicated within the suspension notice to a Council approved testing station for inspection, or if arranged, to an Authorised Officer for them to inspect and to lift the notice.

9.11 Advertising on outside of vehicle

Private hire vehicles may display advertising but any form of advertising shall not be of such appearance or design as to lead any person to believe it is a hackney carriage.

Whilst there are no specific restrictions relating to advertising on Hackney Carriage or private hire vehicles, operators/drivers should not place any form of advertising on windows which may impede the driver's or passenger's visual line of sight or cause discomfort.

Similarly proprietors/drivers are expected to ensure that any advertising material displayed on or in the hackney carriage or private hire vehicle is decent, non-controversial or non-offensive to any person or organisation).

On private hire vehicles no sign may include in the lettering any word whether in the singular or plural the words 'taxi', 'cab' or 'hire' or any word of a similar meaning or appearance to any of those words whether alone or as part of another word.

All private hire vehicles shall display on either the front or rear doors, an approved Council door sticker which shows the licence number of that vehicle.

9.12 Advertising on inside of vehicle

Advertising will be permitted on the inside of purpose built hackney vehicles but is limited to the base of the pull down spring seats subject to the following:

- a. All adverts shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority.
- b. No advertisement shall relate to or advertise alcohol, nudity, gambling, smoking materials or of a political nature. The council reserves the right to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard, or where a complaint has been received from a member of the public.

9.13 Licence Plate Content

Any external licence plate issued by the Authority will include the following information:

- a. Licence No.
- b. Registration No.

- c. Licence expiry date.
- d. No. of passengers.

9.14 Dual Plating

SHDC does not allow the dual plating of vehicles.

PART B

10.1 Trailers

A licensed vehicle will be permitted to tow a trailer provided that:-

- a. The proprietor presents the trailer for a compliance inspection at an approved Council testing station prior to its first use and again at each inspection of any vehicle on which the trailer is authorised to be used. If found to be satisfactory a permission will be allowed for one year. The trailer shall also be submitted for further inspections as the Council may require.
- b. The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use.
- c. The trailer must comply with all aspects of current legislation and is of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle.
- d. The trailer must be purpose built and manufactured for the purpose of which it was intended.
- e. The tow bar and fitting should be of a type approved by the manufacturer of the vehicle and fitted by an approved agent.
- f. No advertising will be permitted on any part of the trailer.
- g. The trailer shall carry an appropriate spare wheel and correctly inflated spare tyre at all times that it is in use.
- h. The trailer must be of a design that when close coupled to the prime mover (the vehicle towing it) it does not interfere in any way whatsoever with the operation of any rear door, emergency exits or wheelchair access ramps.
- i. The trailer must be hard bodied and be fitted with securely fastening covers, which can be hard top or canvas tarpaulin type, to prevent the ingress of liquid on to any luggage being carried. The trailer shall be covered at all times whilst in transit.
- j. The trailer must be plated by the manufacturer specifying the maximum load to be carried.
- k. Any defect or damage of any kind occurring on the trailer must be reported to the Council as soon as possible or in any case within 72 hours.
- l. A trailer is not permitted on a hackney carriage rank.

- m. When the approved trailer is used with the licensed vehicle, a SHDC licence plate should be affixed to the rear of the trailer and made clearly visible.
- n. The kerbside weight of the trailer when fully laden should not exceed that determined by the vehicle manufacturer as being the safe towing weight limit.
- o. It is the proprietor's responsibility to ensure that the trailer towed by his vehicle complies with the legislation and licensing conditions.
- p. It is the proprietor's responsibility to ensure the driver towing the trailer holds the appropriate category DVLA licence.

PART C –

11.0 Hackney Carriages

11.1 Restriction on Numbers of Licensed Vehicles

SHDC does not currently have a policy that restricts the number of licences that it issues.

11.2 Taximeters

The Council requires every vehicle licensed as a Hackney Carriage to be fitted with a taximeter. The Taximeter shall be of a type approved by South Holland Council.

11.3 Vehicle Licence

South Holland Council may suspend, revoke or refuse to renew a Hackney Carriage Vehicle Licence on the following grounds:

- a. The vehicle is unfit for use as a licensed Hackney Carriage.
- b. The proprietor or driver has committed an offence under, or failed to comply with the provisions of the relevant Acts.
- c. Any other reasonable cause.

The Council must give notice of the grounds for doing so within 14 days.

An applicant for a South Holland Council Hackney Carriage vehicle licence has a right of appeal to a Crown Court only, if aggrieved by any condition attached to a licence or by a refusal to grant a licence or by a decision to suspend, revoke or refuse to renew a vehicle licence. This appeal must be implemented within 21 days of receipt of the notice.

11.4 Hackney Carriage Stands

Hackney Carriage stands are provided by SHDC across the district. An up to date list of all current locations currently licensed is available on the Councils website.

Only South Holland District Council licensed Hackney Carriages may ply for hire from these stands.

PART D –

12.0 Private Hire Vehicles

12.1 Taximeters

A Private Hire vehicle may be fitted with a taximeter. If a taximeter is fitted it shall be of a type approved by SHDC.

12.2 Roof Signs

The Council will not permit a Private Hire vehicle be fitted with a roof-mounted sign of any kind.

12.3 Vehicle Licence

SHDC may suspend, revoke or refuse to renew a Private Hire Vehicle Licence on the following grounds:

- a. The vehicle is unfit for use as a licensed Private Hire vehicle.
- b. The proprietor or driver has committed an offence under, or failed to comply with the provisions of the relevant Acts.
- c. Any other reasonable cause.

The Council must give notice of the grounds for doing so within 14 days.

An applicant for a SHDC Private Hire Vehicle licence has a right of appeal to a Magistrates Court, if aggrieved by any condition attached to a licence or by a refusal to grant a licence or by a decision to suspend, revoke or refuse to renew a vehicle licence. This appeal must be implemented within 21 days of receipt of the notice.

12.4 Executive vehicles

In creating its 'Executive Vehicle Policy' SHDC does not seek to provide a definitive list of vehicles it considers to be suitable (subject to use) for exemption from the requirement to display external identification plates.

Applications for exemption from the requirement to display an external identification plate on the rear of a private hire vehicle may be considered where the following requirements are met;

The type of work undertaken is 'executive' in nature. This means that the vehicle is used specifically to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.

In view of the vast numbers of makes and models of vehicles available, it is preferred not to produce a definitive list that can be approved, but vehicles must be of a standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as 'S' and 'E' class Mercedes Benz, 7 Series BMW, Lexus 'GS' or 'LS' models, Audi A8 series, Jaguar, Rolls Royce and Bentley saloons.

Each application will be assessed on its own merit and each vehicle will be inspected by an authorised officer to ensure that it is fit for purpose.

Male drivers are required to wear a suit jacket and trousers plus shirt and tie at all times. Female drivers must follow an equivalent dress code but will not be required to wear a tie. This dress code shall be followed at all times the vehicle is being used to undertake a booking.

PART E –

13.0 Stretched Limousines

Vehicle Standards and Specifications for Limousines

These special conditions are set in conjunction with SHDC private hire vehicle-conditions of licence.

These specifications have been agreed to ensure that vehicles are suitable in type, size and design.

All applications for vehicle licensing will need to be supported by passing a compliance test carried out by the Council's approved vehicle examiners (this includes the cleanliness of the vehicle) . On successful completion of an MOT and a compliance test, a certificate of compliance will be issued.

Although the Council will give preference to right-hand vehicles, it will consider left-hand drive vehicles and such vehicles will be subject to the following additional conditions:-

(i) In the event that the vehicle is unable to be tested mechanically at the Council's approved garage due to the length of the wheel-base or weight, the vehicle must be presented for testing – for an MOT at an approved centre. The vehicle must be further presented for the physical test at the Council's approved garage

(ii) A Completed Importation Documentation - Single Vehicle Application must be submitted

(iii) The applicant must prove that the "stretch" of the limousine was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer. American limousines must have been built by an approved coachbuilder under the QVM programme for Ford vehicles or the CMC programme for Cadillac vehicles. The onus shall be upon the applicant to prove that the vehicle meets the prescribed standards

(iv) Evidence must be provided of the date of the manufacture of the vehicle

(v) The vehicle will be licensed to carry no more than 8 passengers

(vi) The licence holder shall not allow any passengers to be conveyed in the front seats of the said vehicle

(vii) The licensed vehicle will be exempt from displaying the licensed private hire plate under Section 75 (3) of the Local Government (Miscellaneous Provisions) Act 1976 provided it is registered as a limousine with DVLA and that the log book confirms this

(viii) Vehicles which are used for the carriage of passengers shall be equipped at all times with seat belts of an acceptable type in respect of front and rear facing seats. It is recommended that lap seat belts are fitted for sideways facing seats. Seat belts must comply with current legislation and be in proper working order at all times

(ix) All tyres (including the spare) must be suitable for the vehicle

(x) No alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the Council

(xi) The licensed vehicle must be fitted with two portable type fire extinguishers; 1kg or 2kg Multi-Purpose dry powder Fire Extinguishers to BS EN3 standard. One extinguisher shall be mounted on brackets in a convenient position in the driver's compartment, if practicable. The other extinguisher shall be mounted on brackets in a convenient position within the boot where it is readily accessible

(xii) Before licensing a limousine as a private hire vehicle a full policy of insurance for private hire purposes will be required.

The above specifications are a general guideline and as such it is important to note that the Council will consider each application on its own merits. It is therefore very important that applicants consider the needs of prospective customers when choosing a vehicle for use as a private hire vehicle.

Even if a vehicle meets the above criteria the Council may still refuse an application if it considers that the vehicle is not suitable in type, size and design or if it considers the vehicle is not in a suitable mechanical condition or is unsafe or appears uncomfortable.

PART F –

14.0 Dual Driver Licences

This Council only issue dual licences, which entitles the qualified driver to drive either a Hackney Carriage or Private Hire vehicle. Before a person is licensed, or renews a licence, the following requirements shall be met;

- 1a. All applicants/drivers must be in possession of a full driving licence authorising the person to drive a motor car in Great Britain for at least the preceding 12 months.
- 1b. Any applicant must be medically examined by a qualified medical practitioner at the practice where the applicant is registered, and must be considered fit enough to meet the **standards required for the grant of a Group II driving licence as recommended by the Driver Vehicle Licensing Agency.**
- 1c. 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 within the previous 3 years.
- 1d. To assist SHDC in determining the fitness of an applicant to hold a dual hackney carriage/private hire driver licence, applicants are required to undertake a communications test to challenge their understanding of the

English language and numeracy, and a test to challenge their knowledge of the area within the district of South Holland.

- 1e The knowledge test must be taken within 2 months of receipt of the DBS disclosure. If this test is not taken within the two months, the applicant will be required to re-apply as a new applicant.
- 1f. An enquiry shall be made of the Driver Vehicle Licensing Agency (DVLA) 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 will be required to authorise the Council to make such enquiries. The DVLA licence must cover the appropriate category for the vehicle being driven i.e. Class C1 for limousines.
- 1g. An applicant's conviction history shall be checked via the Disclosure Barring Service (DBS) at "enhanced" level in order to confirm that the applicant is a fit and proper person to hold a licence. The applicant will be required to complete the necessary forms for this purpose. The applicant will also be required to authorise the Council to make further such enquiries at any time during the period that a driver remains licensed. The applicant must provide a certificate of good conduct or equivalent (translated into english) from every country if the applicant has not been resident in the UK during the previous 5 years.
- 1h. Any applicant must make a declaration (by means of a form or questionnaire provided for the purpose) as to any criminal or motoring convictions, cautions, bind overs, reprimands, recorded or pending against him/her in order to confirm that the applicant is a fit and proper person to hold a licence.
- 1i. If applicable, a valid work permit / ID card / Visa, or definite right to remain in the UK.
- 1j All drivers newly licensed since the approval date of this policy, who intends to drive a wheelchair accessible hackney carriage shall, prior to commencement, complete the 'Hackney Wheelchair Enhanced Assessment' provided by The Driving Standards Agency, and shall produce evidence of this to the Licensing Department.
- 2. All applicants applying to be a dual licensed driver shall be required to take and pass a medical examination as described in 1(b) above.

This Certificate will cover you until your 45th birthday. You will need another Certificate on your 45th birthday and every five years until you are 65 years of age.

Once licensed drivers reach the age of 65, they must have a medical examination every year

If a medical certificate is not produced within a reasonable time when requested, the Council shall consider revocation of a Drivers licence. If there is a change in a drivers medical fitness to drive a vehicle, they must notify the Licensing Team as soon as practicable and no longer than 72 hours after the change in circumstances.

In the case of all new driver applications, a medical certificate shall remain valid for a period of 6 months from the date the medical is certified by the medical practitioner

If information is received by The Licensing Department that a persons fitness to drive may have been effected since the issue of the last certificate, a further new medical certificate may be requested to ascertain that a driver remains a fit and proper person to be licensed.

3. In relation to the consideration of convictions and cautions recorded against persons the Council has adopted the policy set out in Appendix C under Convictions Policy.
4. A dual driver licence shall be valid for a standard term of three years (unless a shorter period is appropriate).
5. If a Driver accrues 9 or more points in a 3 year period on his/her DVLA licence, they will be required to appear before the Licensing Committee for consideration as to whether they remain a 'fit and proper' person to drive a vehicle licensed by SHDC.
6. On receipt of any new driver application where the applicant declares, or it is established that he has 9 or more penalty points on his DVLA licence, then the application shall be referred to the Licensing Panel for determination.

PART G –

15.0 Private Hire Operators

1. A Private Hire Operators Licence shall be valid for a period of one year. South Holland Council will only grant an operator licence to an applicant whose operating base is within South Holland Council district, but will consider applications that are no further than three miles 'as the crow flies' outside of the Council district.
2. The applicant for the grant of a new licence or renewal of an existing licence will be required to provide a Basic level (unspent) criminal convictions certificate obtained from Disclosure Scotland www.disclosurescotland.gov.uk to aid in establishing if an applicant is a suitable person to hold an operator's licence.

This check is required as a Private Hire Operator will be in possession of information on members of the public whereabouts and will be dealing with the public face to face and/or over the telephone, and could possibly come into contact with vulnerable people.

If the applicant is a company the check should be carried out on each named person within the application form. If the applicant is a partnership both partners shall provide a criminal record check. The applicant is required to complete necessary forms for this purpose.

If a dual Drivers Licence is held an additional Basic check will not be necessary.

If an applicant has not been resident in the UK for the last 5 years a certificate of good conduct from an overseas embassy may be acceptable in place of a Basic level Criminal Record Check.

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, cautions,

bind overs, or reprimands recorded or pending against him/her in order to confirm that the applicant is a fit and proper person to hold a licence.

4. An Operator must not include in his trading title any reference to “taxi” or “cab”, and shall not allow any reference to the words ‘taxi’ or ‘cab’ on any licensed vehicle operated by him.
5. An Operator must ensure that all vehicles and drivers working for them are licensed by SHDC..
6. An Operator must keep records of all bookings for a minimum of 12 months, and produce these to an authorised officer or police officer on request. The content of these will be as prescribed by the Council.
7. The Operators licence must be produced on request of an authorised officer or police officer on request.
8. An operator must accept a booking for a Private Hire vehicle if the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him/her.
9. An operator may not make an additional charge for the carriage of an assistance dog.

The Council has produced Private hire operator conditions, please see Appendix H

PART H –

16.0 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 attached at Appendix D.

APPENDIX A-

South Holland District Council Vehicle inspection standards

Introduction

All vehicles must pass a compliance test at the Council's nominated contractor's garage before they can be licensed. The compliance test incorporates both Department of Transport MOT and Council condition criteria, including a test of the operation of the fare meter.

The council requires vehicles to be submitted for compliance testing at 6 monthly intervals. The day after compliance testing, you must submit your certificate of compliance, vehicle registration document and valid insurance certificate to the council offices.

THE FOLLOWING STANDARDS SHALL APPLY IN CONNECTION WITH THE MECHANICAL, PHYSICAL AND METER TESTING OF TAXIS AND PRIVATE HIRE VEHICLES LICENSED BY SOUTH HOLLAND DISTRICT COUNCIL.

1.0 Lighting Equipment

- 1.1 Operation of front side and rear lamps, stop lamps, front and/or rear fog lamps, hazard warning lamps, number plate lamps, direction indicators, interior lighting and reflectors.
- 1.2 Head lamp/head lamp aim.

2.0 Steering and Suspension

- 2.1 Security of wheel and free play in system. Security of column, box and ease of operation. Security of arms, ball joints, track-rod and drag link ends (wheel alignment).
- 2.2 Adjustment of wheel bearings, king pins.
- 2.3 Wheels do not foul.
- 2.4 Operation of power steering.
- 2.5 Springs for cracks or worn leaves, loose spring clip.
- 2.6 Security of holding-down bolts and brackets, shock absorbers and leaks.
- 2.7 Wear in shackle pins and bushes. Condition of torque rods, trunnions and balance beams.

3.0 Brakes

- 3.1 Operation and effectiveness of ABS System.

- 3.2 Operation and effectiveness of brake drums, shoes, linings, adjusters and expanders. Operation and effectiveness of discs, disc pads, holders/expanders and adjusters. Freedom from leaks (hydraulic, vacuum, air). Security and condition of hydraulic cylinders, servos and diaphragms, linkage, clevis pins, cables, hoses, feed pipes and connections.
- 3.3 Pedal reserve travel, creep under pressure, wear in pivot.
- 3.4 Hand brake lever, reserve travel, wear in pivot. Operation of pawl and ratchet.
- 3.5 Hand operated air/vacuum control valve.

4.0 Wheels and Tyres

- 4.1 Wheel discs for damage/fracture/wear. Flanges for correct bedding and fitting. Wheel studs and nuts for security. Axle shaft bolts. A full set of wheel trims in a good condition shall be fitted to the vehicle where appropriate.
- 4.2 Tyres for pressure, legal tread depth, pattern, mating, damage and correct size, including spare.

5.0 Seatbelts

- 5.1 All driver and passenger seats shall have a seatbelt fitted according to the requirements of the Road Traffic Act.
- 5.2 Mountings, condition and operation.

6.0 General

- 6.1 Drivers view of road.
- 6.2 Horn – operational
- 6.3 Exhaust and emissions – Operation and security of pipes, catalyst, silencer. Free from leaks etc. Emissions in compliance with UK and EC requirements.
- 6.4 General vehicle condition – internal and external.
 - 6.4.1.i All passenger seats shall have a minimum cushion size of 400mm width and 350mm front to back and be fixed such that a minimum leg room of 660mm is provided, measured from the face of the backrest to the nearest part of the seat in front, measured in a horizontal plane, excepting that where seats face each other, ie conference seating, the distance between the faces of opposing backrests shall be not less than 1300mm and the gap between the front edges of opposing seat cushions shall be not less than 425mm.
 - ii. All seats shall have minimum headroom of 900mm measured from the central point of the seat cushion where it meets the backrest, measured in a vertical plane.
 - iii. All seats shall have a minimum cushion height of 305mm measured

from the floor of the vehicle to the top of the seat cushion at its forward edge.

- iv. An allowed tolerance to the above dimensions will be allowed, as detailed in Appendix A to this document.

6.4.2 Condition and security of seats. Securing and operation of doors and other openings, hinges, bumpers, trim etc. The interior upholstery and seating should be free from grime and mud, the carpets clean and damage free. Seating should be firm and comfortable with no holes, tears or bad staining. Where seating is stained, use of good quality seat covers is permissible. The roof or covering must be watertight and sun roof operating effectively. Interior linings and upholstery to be free from burns, rips or tears.

6.4.3 Windows shall not be covered with any stickers or other materials so as to obstruct any field of view. The windows and windscreen shall be free from chips, scratches or any damage which would effect visibility of the driver or be a safety hazard.

i. The vehicle shall have windows fitted throughout on both sides of the vehicle and to the rear of the passenger compartment. A minimum of one window on each side shall be capable of being opened for the purpose of ventilation and passenger comfort.

ii. All windows shall comply with European Directive 92/22/EC (as amended).

iii. Only original manufacturers approved glazing shall be permitted. Aftermarket additions, eg film or spray coatings, shall not be permitted. All windows and glazing must achieve a minimum of 70% light transmission except where otherwise required by the Road Vehicle (Construction and Use) Regulations 1986

6.4.4 The exterior should have no untreated or unrepaired body or trim defects. All rust spots and scratches/dents and repairs with a measurement in excess of 10mm to be prepared and repainted with matching colour to ensure they are returned to as near original condition as possible so that no visible evidence of repair or restoration is detectable. No panels to have dents, tears or creases or be of odd colour. This is to ensure that it does not affect the passengers reasonable enjoyment to using the licensed vehicle. Decals or stickers or any other means must not be used to cover bodywork defects or damage. The vehicle tester reserves the right to ask that any such material be removed if he/she has reason to believe that any attempt has been made to cover up vehicle damage, so the vehicle bodywork can be properly inspected.

6.4.5 The boot/luggage area should be clean, tidy and sound, with tyre changing tools available or evidence provided of a contract with a tyre company in the event of breakdown. A spare wheel (where fitted) shall be fitted to and in accordance with the manufacturers original specification and carried at all times the vehicle is licensed. The spare wheel shall be to manufacturer original equipment specification. Both the spare wheel and tyre shall be serviceable and legal for road use at all times. The spare wheel shall be stored in accordance with the

original design of the vehicle in its purpose-designed carrier and in all cases, outside of any contact with passenger(s) travelling in the vehicle or ingress/egress from it. Where this necessitates an alternative locating point, it shall only be with the prior consent of the Council in writing.

6.4.6 All interior lighting shall automatically illuminate the passenger compartments upon the opening of the doors. Such lighting shall be of such a standard so as to enable passengers to safely access and egress the vehicle.

6.4.7 Mechanised passenger lifting equipment should be checked six monthly by a competent person and Lifting Operations and Lifting Equipment Regulations (LOLER) certification submitted every six months.

7.0 Mirrors

7.1 A minimum of two external mirrors and one internal mirror for use by the driver must be provided. An external mirror shall be fitted to the 'on' and 'off' side. All must be in good condition.

8.0 Fuel System

8.1 Tank, pipes and hoses should be checked for security and leaks. Operation of pump, injection/carburettor system.

9.0 Registration Plates

9.1 Registration plates of approved design, positioned and secured to meet the requirements of road traffic law including colour, font size and spacing. They should be undamaged and readable.

10.0 Speedometer

10.1 operation of speedometer.

11.0 Driving Controls

11.1 Check operation/condition of all fascia instrumentation and warning lights, driving controls/systems including engine, clutch, gear-box, transmission and final drive. Checks to include condition and security of mountings, clutch adjustment. Freedom from oil and fuel leaks. Condition of fuel filters. Condition of linkages, couplings and drive shaft bolts, wear in universal joints and shaft bearings etc.

12.0 Windscreen / Washer jets

12.1 Check windscreen for damage. Operation and effectiveness of wipers, washer jets and rear wash / wipe systems.

13.0 Appearance of taxi

- 13.1 A hackney carriage (or taxi) shall be a vehicle capable of carrying not more than eight passengers. The vehicle shall have a minimum of two means of exit from the passenger compartment behind the driver for use in emergency situations. The means of exit shall be free of any obstructions, reachable from all parts of the rear passenger compartment. Any gap through which a passenger can be expected to pass shall be of a minimum width of 400mm through which an adult can pass freely in a normal manner without undue difficulty. A mechanism shall be fitted that positively holds the door in the open position whilst in use such that requires a deliberate effort to close. It should have a roof sign fitted and capable of illumination. It should be positioned and secured and only show the word 'TAXI' to the front.
- 13.2 The taxi shall have a taximeter fitted, be calibrated with rates consistent with the Council's Table of Fares and such other rates as agreed provided they are not more than the Council's Table of Fares. Each taximeter shall be sealed by an appropriate seal after testing and seals checked at six monthly intervals for damage. Where a seal is found to be damaged or broken, the meter must be retested.
- 13.3 The vehicle shall be fitted with a standard roof light bearing the words "Taxi" only, and shall not display, neither internally or externally, any other sign, notice or advertising material, unless prior approval thereto has been obtained from the Council.

(NOTE: Under this paragraph, the Council has agreed that the proprietor's name, address and telephone number may be displayed on the side door panels; and on the rear of the vehicle in letters not exceeding 3" in height).

14.0 Appearance of Private Hire Vehicle

- 14.1 A private hire vehicle shall be a vehicle capable of carrying not more than eight passengers. The vehicle shall have a minimum of two means of exit from the passenger compartment behind the driver for use in emergency situations. The means of exit shall be free of any obstructions, reachable from all parts of the rear passenger compartment. Any gap through which a passenger can be expected to pass shall be of a minimum width of 400mm through which an adult can pass freely in a normal manner without undue difficulty. A mechanism shall be fitted that positively holds the door in the open position whilst in use such that requires a deliberate effort to close. It shall not display a roof sign nor give the impression it is a taxi.
- 14.2 A private hire vehicle may have a taxi-meter fitted or it may charge its own rate of fares which will have been previously agreed with and lodged with the Council.
- 14.3 The vehicle may display advertising but any form of advertising so displayed shall not be of such appearance or design as to lead any person to believe it is a hackney carriage.

(NOTE: Whilst there are no specific restrictions relating to advertising on private hire vehicles, operators/drivers should not place any form of advertising on windows which may impede the driver's or passenger's visual line of sight or cause discomfort. Similarly proprietors/drivers are expected to ensure that

any advertising material displayed on or in the private vehicle is decent, non-controversial or non-offensive to any person or organisation).

15.0 Taxi Meter Testing

15.1 Taxi meters are required to be fully tested:

- When a vehicle is first licensed as a taxi or private hire vehicle
- When a licensed vehicle is changed
- When a taxi meter is changed
- When the Table of Fares is changed
- When the seal is found to be broken/irregular during a six monthly check
- When an irregularity is reported/found as a result of a customer complaint or enforcement spot check

15.2 Testing shall take place over a measured mile marked out by Trading Standards on South Drove, Spalding (off Horseshoe Bridge).

15.3 Taximeters shall be checked against the Council's/agreed Table of Fares over the measured distance and also for time against a stopwatch. Any meter fitted shall be of the type approved by the council and set in accordance with the councils agreed rates. Once the meter has been tested it shall be sealed with an identifiable seal and must not be altered or tampered with.

15.4 The meter seal only requires to be checked for security on any other occasion.

16.0 Licence plates

16.1 All licensed taxis and private hire vehicles shall have fitted, in a visible and securely fixed position to the rear exterior of the vehicle, a licence plate issued by the Council. An additional smaller licence shall also be securely fitted to the front windscreen in private hire vehicles and to the screen divider in hackney carriages so that the information upon it can be viewed both internally and externally.

16.2 Vehicle licence plates shall be of the VIP type which will contain, registration number, licence number and licence expiry date.

16.3 Broken/unserviceable licence plates should be recorded on the inspection sheet so that replacements can be ordered by Council staff.

17 Fire Extinguisher

17.1 Each taxi or private hire vehicle shall be fitted with an efficient and effective fire extinguisher appropriate to the size of the vehicle. It shall be secured in a position readily available for emergency use by the driver.

18.0 First Aid Kit

18.1 Each taxi or private hire vehicle shall carry a basic first aid kit with

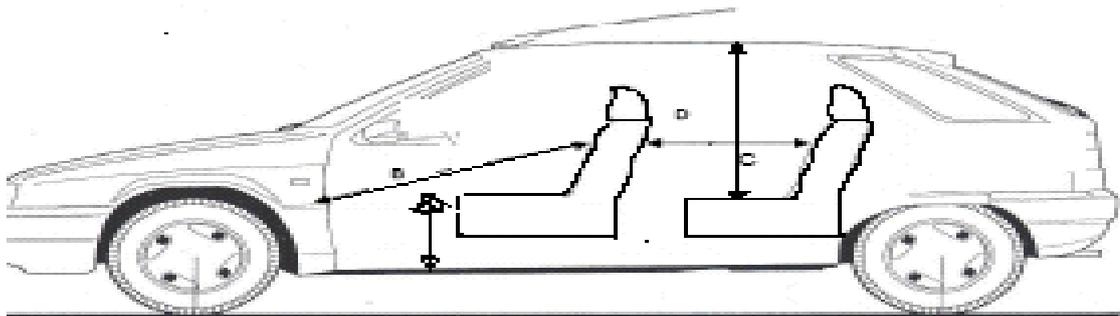
contents appropriate to the number of passengers it is licensed to carry.

19.0 Luggage

19.1 The luggage compartment shall have sufficient capacity to accommodate a reasonable quantity of luggage (eg a 20kg suitcase) for each of the maximum number of passengers that can be carried. The luggage compartment must be divided off by a barrier capable of preventing any luggage from entering the driving compartment or rear passenger compartment. A suitable restraint system shall be provided as to minimise any movement of luggage whilst in transit. The luggage compartment shall have a permanently fitted light for illumination which operates automatically on opening the door/boot lid.

PRIVATE HIRE SPECIFICATIONS

ALL VEHICLES MUST HAVE THE FOLLOWING MINIMUM DIMENSIONS:



	DESCRIPTION	MM	TOLERANCE
A	CUSHION NOT COMPRESSED. FLOOR TO	305	30MM
B	FRONT SEAT FULLY REARWARD	940	30MM
C	CUSHION NOT COMPRESSED	900	30MM
D	LEG MEASURED FROM THE FACE OF THE ROOM BACKREST TO THE	660	10MM

NOTE: Vehicles must comply with dimensions 'B' and 'D' together

APPENDIX B

SHDC SPECIFICATION FOR VEHICLES TO BE LICENSED AS HACKNEY CARRIAGES.

1. Vehicle Type

- i. Any new vehicle to be licensed must accommodate a passenger with a disability confined to a wheelchair. The vehicle shall have been tested, or retested, to meet the European Community Whole Vehicle Type Approval standards in the M1 category.

Certification from the Vehicle Certification Agency (VCA) shall be required in all instances together with the relevant drawings/photographs bearing the VCA authentication stamp. The relevant certificate(s) and documentation must be produced before such a vehicle can be licensed.

There will be no specified external or interior colour.

- ii. All vehicles including purpose built taxis shall be subject to the following additional requirements:
 - 4 doors (excluding rear doors/tailgate unless accessible without the need to move seats);
 - Minimum 1560 cc engine capacity;
 - Right hand drive
 - All vehicles must comply with the Euro Emissions 3 Standard at the time of first licensing and will be expected to remain at this standard throughout its licensing life.
 - All existing licensed vehicles shall not be licensed after 1 January 2011 unless they meet the Euro Emissions 3 Standard and fully comply with this policy.
 - All vehicles shall be subject to an initial compliance inspection and then at 6 monthly intervals.

A vehicle will only be licensed on:

- Presentation of a Valid Certificate of Compliance
 - b) Valid Insurance Certificate (as deemed by this Authority)
 - c) Presentation of a valid Vehicle registration document and/or proof of ownership. Vehicles must be less than 5 years of age on first licensing. Once licensed, a vehicle licence may be renewed up to and including 10 years of age provided there is no break in licensing; Only vehicles of exceptional condition will be considered beyond this age
- iii. Once a vehicle has been approved it must remain in that form and no change in the specification, design, condition or appearance of the vehicle shall be made throughout its licensing life without prior written approval from the Council.
 - iv. It is a requirement that all drivers of accessible taxis are able to demonstrate that they are competent at loading and securing disabled

passengers and wheelchair users safely. Drivers of accessible vehicles must specify what training they have received.

Seating Capacity

- v. The vehicle shall have a minimum seating capacity of 4 passengers up to a maximum of 8 passengers and be capable of accommodating at least one passenger confined to a wheelchair. A vehicle where a wheelchair occupant reduces the overall capacity shall be permitted, subject to fulfilling all other requirements.
- vi. Only forward and/or rearward facing passenger seats shall be fitted.
- vii. All passenger seats and the devices used to secure them to the vehicle shall comply to the relevant M1 standards contained in European Directive 74/408 EC (as amended).
- viii. All passenger seats shall be permanently fixed to the vehicle. Demountable seats that are capable of being removed for the purpose of providing space for wheelchair passengers shall not be allowed. Fold-away tip-up type seats, shall be permitted providing they remain attached to the vehicle and comply with the requirements of 2.iii above.
- ix. Each passenger seat shall have a minimum cushion size of 350mm front to rear and 400mm side to side.
- x. All passenger seats shall be fixed such that a minimum leg room of 660mm is provided, measured from the face of the backrest to the nearest part of the seat in front, measured in a horizontal plane, excepting that where seats face each other, ie conference seating, the distance between the faces of opposing backrests shall be not less than 1300mm and the gap between the front edges of opposing seat cushions shall be not less than 425mm.
- xi. All seats shall have a minimum headroom of 900mm measured from the central point of the seat cushion where it meets the backrest, measured in a vertical plane.
- xii. All seats shall have a minimum cushion height of 305mm measured from the floor of the vehicle to the top of the seat cushion at its forward edge.
- xiii. Every passenger seat shall have the forward edge highlighted in a contrasting colour so as to assist passengers with visual impairment.
- xiv. A swivel facility may also be fitted to the nearside rear tip seat to assist disabled passengers.

2. Seat belts

- i. All passenger seats shall be provided with a lap and diagonal 3 point seat belt which comply with the strength requirements specified in European Directive 76/115 EC (as amended by Directive 96/38 EC) and Regulations 46 and 47 of the Road Vehicle (Construction and Use) Regulations 1986, whether or not those Directives or Regulations apply to that particular seat or the vehicle.

- ii. Each passenger confined to a wheelchair shall be provided with a disabled persons seat belt which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings appropriate to the position of the wheelchair as laid down in European Directive 76/115 EC (as amended by Directive 96/38 EC) and Regulations 46 and 47 of the Road Vehicle (Construction and Use) Regulations 1986, whether or not those Directives or Regulations apply to that particular seat or the vehicle.
- iii. All seat belts fitted and available for use shall comply with European Directive 77/541/EC (as amended).
- iv. All seat belts shall be fitted to the vehicle with the number of anchorage points appropriate to the type of seat belt. All anchorage points shall comply with M1 standards laid down in European Directive 76/115 EC (as amended by Directive 96/38 EC) or ECE Regulation 14 whether or not those requirements apply to that particular anchorage or vehicle.

3. Wheelchair Restraint(s)/Passenger Safety Equipment

- i. A system for the effective anchoring of wheelchairs shall be provided within the vehicle for all spaces designated as wheelchair spaces in accordance with 5 below. The system and the devices used to secure the wheelchair to the vehicle shall comply with the strength requirements for M1 standards laid down in European Directive 76/115 EC (as amended by Directive 96/38 EC) whether or not those Directives apply to those devices or vehicle. Wheelchair(s) must only face forward or rearward when the vehicle is in motion.
- ii. A full set of restraints shall be available in the vehicle for each wheelchair capable of being carried as permitted by the vehicle licence.

4. Wheelchair Space

- i. The vehicle shall have a designated space capable of accepting a reference wheelchair, of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger confined to a wheelchair. The space(s) shall be immediately adjacent to a vehicle door fitted with the wheelchair access equipment (see 6 below) so as to allow the passenger confined to a wheelchair to board the vehicle and use the anchoring equipment with the minimum of manoeuvring.

5. Wheelchair Access Equipment

- i. The vehicle shall be fitted with the following form of wheelchair access equipment.

RAMP: A purpose-designed wheelchair single-plate access ramp which must be permanently installed in the vehicle and be lightweight and easy to deploy. An add-on removable section would be deemed to meet this requirement. The ramp must provide a continuous surface of not less than 700mm in width and shall not exceed 1900mm in length when fully deployed. On level ground the ramp shall have a maximum gradient of no more than 20% in the fully deployed position. The installed ramp must have a minimum safe working load of 300kgs and shall be tested to 10% overload and a certificate obtained from the manufacturer/installer. Ramps and fittings must comply with British Standards 6109.

- ii. The wheelchair access equipment shall only be fitted to the nearside access doorway of the vehicle i.e. kerbside on a normal two-way road. Rear loading of wheelchairs will not be permitted.
- iii. The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow for smooth ingress/egress without the need to negotiate any step etc.
- iv. The aperture of the door into which the access equipment is fitted shall have a minimum clear headroom in its central third of 1200mm. The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised lift platform, or the upper face of the ramp when fully deployed on level ground.
- v. The aperture of the door into which the access equipment is fitted shall have a minimum width of 750mm at and below window height so as to allow the easy ingress/egress of a reference wheelchair.
- vi. A mechanism shall be fitted that positively holds the access door in the open position whilst in use particularly if the vehicle is on a slope and such that requires a deliberate effort to close.

6. Bulkhead/Drivers Safety Screen

- i. A bulkhead/drivers safety screen must be fitted and it shall be a full width, full height screen fitted in the vehicle directly behind the drivers seat. The upper section of the bulkhead/safety screen shall consist of a clear vision panel sufficient for the driver to be able to see a substantial amount of the passenger compartment which must include vision of all access doors. A means of payment shall be incorporated into the screen to enable payment to be made from within the vehicle. The bulkhead/safety screen shall have no discontinuities such that a passenger could reach into the driver's compartment from the passenger compartment.
- ii. The vision panel section of the bulkhead/safety screen shall be constructed of safety glass without tint to the standard required for windscreens laid down in Regulations 30,31 & 32 of The Road Vehicles (Construction and Use) Regulations 1986 or any clear material with at least the same impact resistance and safety qualities as that of safety glass eg polycarbonate.
- iii. In addition to 7.i and 7.ii above, where seats are mounted onto the bulkhead or a wheelchair is secured against it, the remainder of the bulkhead shall have been subjected to a separate static pull-test consistent with the number of seats and seat belts fixed to it. Certification to this standard must be produced at the time the application is made for a licence.
- iv. Any bulkhead/safety screen system must allow verbal communication between the driver and passenger by way of an intercom system which can be operated by the passenger.

An induction loop facility must be installed and clearly signed for the use of passengers with hearing aids.

7. General Entry and Exit Requirements

- i. The vehicle shall have a minimum of 2 means of exit from the passenger

compartment behind the driver for use in emergency situations. The means of exit shall be free of any obstructions, reachable from all parts of the rear passenger compartment. Any gap through which a passenger can be expected to pass shall be of a minimum width of 400mm through which an adult can pass freely in a normal manner without undue difficulty.

8. Floor Height, Steps and Handrails

- i. At the main access door into the passenger area of the vehicle, steps shall be provided to aid ingress/egress as follows:
 - a. Where the internal floor height of the vehicle exceeds 380mm an intermediate step shall be fitted every 250mm from road level up to the internal floor height. All steps must be capable of supporting a minimum weight of 150kg.
 - b. The tread area of all steps must have a minimum depth of 150mm and shall have a slip resistant surface. All steps, both internally and externally, shall have all open edges highlighted in a contrasting high-visibility colour to match handrails and seat markings.
 - c. Handrails must be fitted in appropriate positions in all passenger access doors so as to assist (intending) passengers and to facilitate the use of steps where provided. All handrails fitted shall be highlighted in a contrasting high-visibility colour to match seat markings as shown at 2.ix above and be of a non-slip finish.

9. Windows/Ventilation

- i. The vehicle shall have windows fitted throughout on both sides of the vehicle and to the rear of the passenger compartment. A minimum of one window on each side shall be capable of being opened for the purpose of ventilation and passenger comfort.
- ii. All windows shall comply with European Directive 92/22/EC (as amended).
- iii. Only original manufacturers approved glazing shall be permitted. Aftermarket additions, eg film or spray coatings, shall not be permitted. All windows and glazing must achieve a minimum of 70% light transmission except where otherwise required by the Road Vehicle (Construction and Use) Regulations 1986.

10. Floors and Passageways

- i. All floor areas and passageways between seats through which passengers may be expected to pass shall be free of all steps, encumbrances or trip hazards and shall have a slip resistant surface securely fitted to the floor. Integral step(s) at doorways will not count towards this requirement.
- ii. Any gap through which a passenger can be expected to pass shall be of a minimum width of 400mm through which an adult can pass freely in a normal manner without undue difficulty.

11. Interior Lighting

- i. The vehicle shall have interior lighting fitted in the passenger

compartment sufficient to illuminate the whole of that compartment. The light(s) shall be switched such that they may be turned on and off from both the driving and passenger compartments and shall operate automatically when a door is opened.

- ii. A means of illuminating the entrance steps at all access doors into the passenger compartment shall be fitted and switched such that they operate automatically when a door is opened.

12. Rear Doors and Mandatory Rear Lights

- i. Rear door(s) must not obscure any mandatory rear light when luggage is being loaded or unloaded
- ii. Rear door(s) when in the open position must not be a hazard to other road users.
- iii. When in the open position the aperture of the door(s) must have a minimum width of 780mm at and below window height so as to allow for easy access. such that requires a deliberate effort to close.
- iv. A mechanism shall be fitted that positively holds the door in the open position whilst in use

13. Luggage Space

- I. There shall be a luggage compartment situated at the front or rear of the vehicle. If at the front it must be forward of a bulkhead/safety screen and on the opposite side of the driving compartment. The luggage compartment must be divided off by a barrier capable of preventing any luggage from entering the driving compartment or rear passenger compartment.
- ii. The luggage compartment shall have sufficient capacity to accommodate a reasonable amount of luggage for each of the maximum number of passengers that can be carried.
- iii. Unoccupied wheelchairs etc carried as luggage shall be securely loaded outside of the main passenger compartment.
- iv. A suitable restraint system shall be provided so as to minimise any movement of luggage whilst in transit.
- v. The luggage compartment shall have a permanently fitted light for illumination which operates automatically on opening the door/boot lid.

14. Taximeter and Fare Card

- I. The vehicle shall be equipped with a calendar-controlled taximeter that is fully activated and calibrated to the correct fare rates (as amended) so as to be capable of charging no more than the permitted rate of fare at anytime.
- ii. The taximeter shall be securely fitted in a position such that the fare can be easily and clearly read by any passenger inside the vehicle.
- iii. The current fare card shall be displayed in the vehicle so as to be easily

and clearly read by any passenger.

15. Fire Extinguisher

- I. The vehicle shall have securely fitted in the driving compartment an appropriate fire extinguisher approved for use in a motor vehicle, so as to be readily available in an emergency. Proprietors are recommended that all drivers attend a relevant training course provided by the Fire and Rescue Service or other service provider in the use of such equipment.

16. First Aid Kit

- I. The vehicle shall have available in the driving compartment an appropriately stocked first aid kit, so as to be readily available in an emergency. Proprietors are recommended that all drivers attend a relevant training course provided by St John's Ambulance, British Red Cross or other service provider and obtain a First Aid Certificate.

17. Spare Wheel

- I. A spare wheel shall be fitted and carried at all times the vehicle is licensed. The spare wheel shall be to manufacturers original equipment specification. Both the spare wheel and tyre shall be serviceable and legal for road use at all times.
- ii. The spare wheel shall be stored in accordance with the original design of the vehicle in its purpose-designed carrier and in all cases outside of any contact with passenger(s) travelling in the vehicle or ingressing/egressing from it. Where this necessitates an alternative locating point, it shall only be with the prior consent of the Council in writing.

NOTES

- I. **Any vehicle approved and licensed by the council, in addition to the above requirements, will also be subject to conditions attached to licences (as amended) and to byelaws in respect to hackney carriages (as amended).**

Appendix C

Convictions Policy

A Policy as to the relevance of convictions and cautions in relation to the consideration of whether a person is 'fit and proper' to hold a hackney carriage or private hire drivers licence

1. Each case shall be decided on its own merits having regard to this policy, the provisions of Rehabilitation of Offenders Acts and amendments and the protection of the public. Hackney Carriage and Private Hire drivers are expected to be persons of trust and therefore the principal considerations of any case will be whether the property or well being of the public may be at risk.
2. Sentences imposed by the Courts reflect the seriousness of an offence and/or a person's past history; for that reason South Holland Council regards a crime as a '**serious crime**' where indicated in this Policy as: -

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

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

A conviction for "serious crime" shall not permanently bar an applicant from obtaining a licence but he/she is expected to have remained free of conviction for any criminal offence, other than minor traffic offences, for three to five years from the end of a served sentence for a "serious crime". The circumstances of the offence, the sentence imposed by the Court or the fact an offence is an isolated one, may be sufficient in part in allowing discretion when considering the issue of a licence but the overall protection of the public must remain the paramount issue.

Where a person has been sentenced to over 5 years imprisonment at any one time the Council regards a sentence of this length as indicating that the offence was very serious. It is unlikely that a licence will be granted or maintained. It must be for a Court to decide the outcome if an applicant with such a history wishes to pursue an appeal against refusal of a licence.

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

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

Stances on specific types of offences;

a. Minor Traffic Offences

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

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

If an existing licence holder reaches nine points on their licence, they will have to appear before the licensing Committee for their licence to be reviewed.

b. 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. They will have to appear before the licensing Committee.

The Council will regard any such conviction as indicating that they have fallen below the standards required for licensed drivers.

c. Drunkenness with motor vehicle

A serious view is taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An applicant who has an isolated conviction may not necessarily be debarred from holding a licence but strict warnings may be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to the applicant's fitness to hold a licence.

At least three years shall elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that

the applicant is an alcoholic, a special medical examination shall be arranged before the application is entertained. If an applicant is found to be an alcoholic a period of five years shall elapse after treatment is complete before a further licence application is considered.

In relation to existing licence holders any conviction for drunkenness in a motor vehicle shall cause their "fit and proper" status to be reviewed immediately. They will have to appear before the Committee.

The Council will regard any such conviction as indicating that they have seriously fallen below the standards required for licensed drivers.

d. Drunkenness not in motor vehicle

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

e. Drugs

An applicant with a conviction for any offence where drugs have been used, supplied or stolen shall be required to show a period of at least five years free of conviction following the serving of any sentence imposed by a court before an application is entertained, or seven years after detoxification treatment has been successfully completed if he/she was deemed to be an addict.

The fact that a person has a 'Police Caution' for such an offence shall indicate that although it is to be taken into consideration when deciding the fitness of an applicant for a licence it alone should not debar the issue of a licence.

In relation to existing licence holders any conviction related to drugs shall cause their "fit and proper" status to be reviewed immediately. They will have to appear before the Committee.

f. Offences of Indecency

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

In relation to existing licence holders any conviction relating to offences of indecency shall cause their "fit and proper" status to be reviewed immediately. They will have to appear before the licensing Committee.

g. Dishonesty

Hackney carriage and private hire drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency

and become easy prey for an unscrupulous driver. For these reasons any conviction involving dishonesty shall be classed as a serious offence and a period of 3-5 years free of conviction shall be required.

g. 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.

Appendix D

South Holland District Council Hackney Carriages Byelaws

Byelaws made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the District Council of South Holland with respect to hackney carriages in South Holland district.

Interpretation

1. Throughout these byelaws "the Council" means the District Council of South Holland and "the district" means South Holland district.

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 or marked on affixed thereto, to him in respect of the carriage to be legibly painted the outside and inside of the carriage, or on plates
- 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 a means of opening and closing not less than one window on each side;
 - d. cause the seats to be properly cushioned or covered;
 - e. cause the floor to be provided with a proper carpet, mat, or other suitable covering;
 - f. cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - g. provide means for securing luggage if the carriage is so constructed as to carry luggage;

- h. provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - i. provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause 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 operation 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 in pursuance of the tariff fixed by the Council in that behalf;
 - d. the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - e. the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - f. the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances and 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;
 - c. cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.

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

- a. convey a reasonable quantity of luggage;
- b. afford reasonable assistance in loading and unloading;
- c. afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

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

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council the rate or fare being calculated by distance 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 the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter. '

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

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

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

17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
- a. carry it as soon as possible and in any 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;
 - b. be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

18. Every person who shall offend against any of these byelaws shall be liable on conviction to a fine not exceeding level 2 and in the case of a continuing offence to a further fine of £2.00 per day for each day during which the offence continues after conviction.

APPENDIX E

DISTRICT OF SOUTH HOLLAND

HACKNEY CARRIAGE VEHICLE - CONDITIONS OF LICENCE

The following conditions shall be attached to the grant of a hackney carriage vehicle licence, and the proprietor(s) of such a vehicle shall when making application for a licence, declare his/her intention to comply with such conditions.

1. The proprietor shall NOT be a person who by reason of a conviction(s) recorded against him/her, would be refused a driving licence or insurance cover.
2. The proprietor shall be in direct control of the day to day running of the vehicle, and shall make that vehicle available for hire at all reasonable hours.
3. The vehicle shall be of suitable size (up to a maximum of eight seats), type and design for use as a hackney carriage vehicle, and shall be maintained in a safe, clean and comfortable condition.
4. The proprietor shall produce with his application and at other times when required, the vehicle's registration document, certificate of insurance and Certificate of Compliance/vehicle test report.
5. The vehicle shall be fitted with a 1kg or 2kg Multi-Purpose dry powder Fire Extinguisher to BS EN3 standard, a first aid kit and any other equipment considered necessary, and submit the same for examination when required. Such equipment is to be carried in a position in the vehicle as to be readily visible and available for immediate use in an emergency. It is recommended that the best location for a fire extinguisher is in front of the passenger seat, away from passing cables and away from the passengers feet, with the carrying handle nearest to the driver (if in doubt seek professional help).
6. The vehicle shall be submitted for physical and mechanical examination to a contracted garage as and when required by the Council. Ordinarily, this will be twice a year. On application for licensing or renewal of a licence, the application form, fee, vehicle registration document, insurance certificate and Certificate of Compliance/vehicle test report shall be presented to the Council for inspection and processing.
7. The proprietor shall display inside the vehicle a current scale of fares, and shall keep available a copy of the current byelaws, for inspection by passengers.
8. The vehicle shall be fitted with a standard roof light bearing the words "SHDC - TAXI" only, and shall not display, neither internally nor externally, any other sign, notice or advertising material, unless prior approval thereto has been obtained from the Council.

(NOTE: Under this paragraph, the Council has agreed that the proprietor's name, address, and telephone number may be displayed on the side door panels; and on the rear of the vehicle in letters not exceeding 3" in height).

9. The Council shall provide the vehicle with two plates indicating the hackney carriage licence number of that vehicle, one of which should be fitted externally to the rear off-side of the vehicle, and the other should be fitted internally facing the front passenger position. The proprietor or driver of the vehicle shall ensure that the plates are kept in such a position and manner as to allow the number thereon to be distinctly and plainly visible at all times.
10. The licence plates referred to shall remain the property of the Council and may be recalled within seven days of the hackney carriage licence being terminated.
11. An authorised officer of the Council or any Police Constable shall have power at all reasonable times to inspect and test any hackney carriage vehicle licensed by the Council, for the purpose of ascertaining its fitness. A vehicle licence may be suspended if the officer or constable is not satisfied with the fitness of the licensed vehicle.
12. The proprietor shall not assign or in any way part with the benefit of the licence without prior written consent of the Council.
13. The proprietor shall at all times operate the vehicle in compliance with the relevant terms of the Town Police Clauses Act 1847, the Public Health Act 1875, the Local Government (Miscellaneous Provisions) Act 1976 and the appropriate byelaws made there under, and failure so to do may result in the licence being suspended or revoked.

14. Change of Address

The proprietor shall notify the Council in writing of any change of his/her address during the period of the licence, within seven days of such change taking place.

15. Convictions

The proprietor shall, within seven days, disclose to the Council in writing, details of any conviction imposed on him or, if the proprietor is a company or partnership, on any of the directors or partners, during the period of the licence.

16. Complaints

Where any complaint is made against a hackney carriage driver then the complainant shall be requested to put that complaint in writing immediately and submit it to the Council or the proprietor who shall in turn within 48 hours of receipt of the complaint notify the licensing authority.

17. Deposit of Drivers' Licences

If the proprietor permits or employs any person to drive the vehicle as a hackney carriage, the proprietor shall, before that person commences to drive the vehicle, cause the driver to deliver the Hackney Carriage driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of the proprietor.

As amended September, 2002

APPENDIX F

South Holland District Council

Conditions In Respect Of Driving Hackney Carriage & Private Hire Vehicles

PLEASE READ THESE CONDITIONS CAREFULLY AS ALL CONDITIONS
MUST BE COMPLIED WITH

HACKNEY CARRIAGES

1. When driving a hackney carriage the driver is required to attach the badge issued by the Council to his/her jacket or similar garment, in such a position and manner to be plainly and distinctly visible to the passengers.
2. The badge remains the property of the Council and must be returned to the Licensing and Business Support Manager at South Holland District Council, Council Offices, Priory Road, Spalding, Lincolnshire, PE11 2XE, (a) at the termination of this licence; or (b) when ceasing to be employed/engaged as a hackney carriage driver.
3. **Any change in the driver's address or employer must be notified immediately** to the Licensing and Business Support Manager at the above address.
4. If a driver's badge and/or licence is misplaced or lost the driver must notify the Licensing and Business Support Manager immediately.
5. The driver shall at the request of any authorised officer of the Council or any Constable produce for inspection his/her official driver's licence forthwith, or;
 - (a) in the case of a request by any authorised officer, before the expiration of the period of five days beginning with the day following that on which the request was made at the Licensing section at the above address;
 - (b) in the case of a request by a Constable before the expiration of the period aforesaid at any police station which is within the District and is nominated by the driver when the request is made.
6. The driver shall comply at all times with the Bylaws made by the Council under Section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act, 1875, and on no occasion shall charge any fares in excess of those authorised by the Council. The current fare scale is available for inspection at the Council Offices and must be displayed in every hackney carriage.
7. The driver shall at all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.
8. **The driver shall notify to the Council details in writing within 7 days of any convictions, penalty notices, endorsements and/or cautions imposed on him/her during the period of the licence.**

9. The driver shall notify the Council of any changes in their medical condition and may be required to undergo a further medical examination, as required by the Council.

PRIVATE HIRE VEHICLES

1. When driving a private hire vehicle the driver is required to attach the badge issued by the Council to his/her jacket or similar garment, in such a position and manner to be plainly and distinctly visible to the passengers.
2. The badge remains the property of the Council and must be returned to the Licensing and Business Support Manager, Licensing Team at South Holland District Council, Priory Road, Spalding, Lincolnshire, PE11 2XE (a) at the termination of this licence; or (b) when ceasing to be employed/engaged as a private hire driver.
3. **any change in the driver's address or employer must be notified immediately** to the Licensing and Business Support Manager at the above address.
4. If a driver's badge and/or licence is misplaced or lost the driver must notify the Licensing and Business Support Manager immediately.
5. The driver shall at the request of any authorised officer of the Council or any Constable produce for inspection his/her official driver's licence forthwith, or;
 - (a) in the case of a request by any authorised officer, before the expiration of the period of five days beginning with the day following that on which the request was made at the Licensing section at the above address;
 - (b) in the case of a request by a Constable before the expiration of the period aforesaid at any police station which is within the District and is nominated by the driver when the request is made.
6. The driver of a private hire vehicle shall **NOT** permit that vehicle to wait on stands appointed for hackney carriages **NOR** proceed along the highway for the purpose of plying for hire.
7. The driver shall:
 - (a) when requested by the hirer, convey a reasonable quantity of luggage, and afford reasonable assistance with the loading and unloading thereof.
 - (b) at all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.
 - (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.
 - (d) not without the express consent of the hirer, drink or eat in the vehicle.
 - (e) not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.

- (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person whether inside or outside the vehicle.
8. The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
9. The driver shall not allow there to be conveyed in the front of a private hire vehicle:
- (l) any child below the age of ten years; or
- (ii) more than one person above that age.
10. The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.
11. a) The driver shall immediately after the termination of any hiring of a private hire vehicle or as soon as possible thereafter carefully search the vehicle for any property which may have been accidentally left there.
- b) If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, he shall take it as soon as possible and in any event within twenty-four hours to a convenient police station and leave it in the custody of the officer in charge on their giving receipt for it.
12. **The driver shall notify to the Council details in writing within 7 days of any convictions, penalty notices, endorsements and/or cautions imposed on him/her during the period of the licence.**
13. The driver shall notify the Council of any changes in their medical condition and may be required to undergo a further medical examination, as required by the Council.
14. **Written receipts**
- The driver shall if requested by the hirer of a private hire vehicle provide a written receipt for the fare paid.
15. **Attendance and Distance**
- The driver of a private hire vehicle shall, unless delayed or prevented by some sufficient cause, punctually attend at the time and place appointed by the hirer, and shall not without reasonable cause, prolong in distance or in time, the journey for which the vehicle has been hired.
16. **Taximeter**
- If a private hire vehicle being driven by a driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).
17. **Fares to be demanded**

The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter. The operator or driver shall display visibly inside the vehicle a current list of his/her scale of charges for inspection by passengers.

18. Where any complaint is made against a private hire vehicle driver, then the complainant shall be requested to put that complaint in writing immediately and submit it to the Council or the proprietor who shall in turn within 48 hours of receipt of the complaint notify the Licensing Authority.

Disability Discrimination Act 1995 Section 37 & 37A - Carriage Of Guide, Hearing And Other Assistance Dogs In Hackney Carriage & Private Hire Vehicles

19. Under section 37 and 37A of the above Act, it is mandatory for Hackney Carriage and Private Hire drivers to carry guide, hearing and other assistance dogs accompanying disabled people and to do so without additional charge. The dog must be allowed to remain with the passenger.

Only in cases where a driver has been issued with a Notice and Certificate of Exemption on medical grounds will they be exempt. Where a Notice of Exemption has been issued to a driver, it must be exhibited in the vehicle by fixing it facing outwards, either to the windscreen or in a prominent position on the dashboard.

Failure to comply with these duties is an offence and if found guilty you may be liable of a fine currently up to £1,000.

It is also an offence under Section 49(2) of the Act if, with intent to deceive, you

- (a) forge, alter or use a Certificate or Notice of Exemption
- (b) lend a Certificate or Notice of Exemption to any other person
- (c) allow it to be used by any other person; or
- (d) make or have in your possession any document which closely resembles a Certificate or Notice of Exemption.

Types of Dogs covered:

- **Guide dogs:** trained by Guide Dogs for the Blind Association to guide a visually impaired person. These dogs wear a harness.
- **Hearing dogs:** trained to assist a deaf person. These dogs wear a jacket with the words 'Hearing Dogs for Deaf People'.
- **Other assistance dogs:** those trained by 'Dogs for the Disabled', 'Support Dogs', or 'Canine Partners' to assist a disabled person with a physical impairment. These dogs should be wearing a jacket inscribed with the name of the relevant charity.

In addition, the owners of all these dogs will carry an identity card with the name of the relevant charity.

20. **Other animals**

The driver shall not convey in a taxi any animal belonging to or in the custody of him/herself or the proprietor or operator of the vehicle. The driver should ensure that any animal belonging to, assisting, or in the custody of any passenger, is conveyed in a manner appropriate to its size. At the termination of any such hiring the driver will ensure that the seat(s) are cleared of all fur, hair and mud before accepting another fare.

Revised September 2012

APPENDIX G

DISTRICT OF SOUTH HOLLAND

PRIVATE HIRE VEHICLE – CONDITIONS OF LICENCE

The following conditions shall be attached to the grant of a private hire vehicle licence, and the operator(s) shall, when making application for a licence, declare his/her intention to comply with such conditions.

1. Vehicle

- (a) The vehicle shall be a motor vehicle constructed or adapted to set up to eight passengers, other than a hackney carriage or public service vehicle and which is provided for hire with the services of a driver for the purpose of carrying passengers.
- (b) The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with.
- (c) No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.
- (d) The vehicle shall be fitted with a 1kg or 2kg Multi-Purpose dry powder Fire Extinguisher to BS EN3 standard, a first aid kit and any other equipment considered necessary, and submit the same for examination when required. Such equipment is to be carried in a position in the vehicle and is to be readily visible and available for immediate use in an emergency. It is recommended that the best location for a fire extinguisher is in front of the passenger seat, away from passing cables and away from the passengers feet, with the carrying handle nearest to the driver (if in doubt seek professional help).
- (e) The vehicle shall NOT be fitted with a roof sign, or be of such an appearance or design so as to lead any person to believe it to be a hackney carriage.
- (f) The vehicle may display advertising but any form of advertising so displayed shall not be of such appearance or design as to lead any person to believe it to be a hackney carriage.

(NOTE: Whilst there are no specific restrictions relating to advertising on private hire vehicles, operator/drivers should not place any form of advertising on windows which may impede the driver's or passenger's visual line of sight or cause discomfort. Similarly proprietors/drivers are expected to ensure that any advertising material displayed on or in the private hire vehicle is decent, non-controversial or non-offensive to any person or organisation).

2. **Licence Plates**

- (a) The Council shall provide the vehicle with two plates indicating the private hire vehicle number of that vehicle, one of which should be fitted externally to the rear off-side of the vehicle and the other smaller plate should be fitted internally facing the front passenger position.
- (b) The operator or driver of the vehicle shall ensure that the plates provided are kept in such a position and manner as to allow the number thereon to be distinctly visible at all times.
- (c) The licence plates referred to shall remain the property of the Council and may be recalled within seven days of the private hire vehicle being terminated.

3. **Taximeters**

The operator is not required to fit a taximeter to a private hire vehicle, but any vehicle so equipped shall **NOT** be operated unless the taximeter has been previously tested and sealed by a tester authorised in writing by the Council and a certificate of compliance/vehicle test report lodged with the Council.

4. **Fares**

- (a) The operator may charge whatever fare has been agreed between him/herself and the hirer before the commencement of the journey. However he/she shall inform the Council of the basic scale of fares intended to be charged and give the Council at least one calendar month's notice of any changes proposed thereto.
- (b) The operator shall display visibly inside the vehicle a current list of his/her basic scale of charges for inspection by passengers.

- 5. (a) The operator or driver shall produce when required, the vehicle for inspection, together with the vehicle registration document, certificate of insurance, and certificate of compliance/vehicle test report.
- (b) An authorised officer of the Council or any Police Constable shall have power at all reasonable times to inspect any private hire vehicle licensed by the Council, for the purpose of ascertaining its fitness. A vehicle licence may be suspended if the officer or constable is not satisfied with the fitness of the licensed vehicle.

6. **Operation of the Vehicle**

- (a) The operator shall be in direct control of the day to day running of the vehicle and shall make that vehicle available for hire at all reasonable hours.
- (b) No private hire vehicle shall wait on stands appointed for hackney carriages, nor proceed along the highway for the purposes of plying for hire.

7. **Vehicle Drivers' Licences**

If the operator permits or employs any other person to drive the vehicle as a private hire vehicle, he/she shall before that person commences to drive

the vehicle cause the driver to deliver to him/her his/her private hire driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle belonging to the operator.

8. **Change of Address**

The proprietor shall notify the Council in writing of any change of his/her address during the period of the licence, within seven days of such change taking place.

9. **Convictions**

The proprietor shall, within seven days, disclose to the Council details in writing of any conviction(s) imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners).

10. **Vehicle Licence**

- (a) The operator shall not assign or in any way part with the benefit of the vehicle licence without prior written consent of the Council.
- (b) The operator shall at all times operate the vehicle in compliance with the terms of Part II of the Local Government (Miscellaneous Provisions) Act 1976, and failure so to do may result in the vehicle licence being suspended or revoked.

As amended September 2002
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APPENDIX H

DISTRICT OF SOUTH HOLLAND

PRIVATE HIRE OPERATOR - CONDITIONS OF LICENCE

The following conditions shall be attached to the grant of a private hire operator's licence, and the operator shall, when making application for such a licence, declare his/her intention to comply with such conditions.

1. Records

- (a) The licensed operator shall keep a record in a suitable book or log, the pages of which are numbered consecutively and shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicles invited or accepted by him/her:-
- booking
- (1) The time and date of the booking
 - (2) The name and address of the hirer
 - (3) Method of booking (phone, personal call, etc)
 - (4) The time of pick-up
 - (5) The point of pick-up
 - (6) The destination
 - (7) The time at which a driver was allocated to the booking
 - (8) The registration number of the vehicle allocated for the
- (9) Remarks (including details of any sub-contract work)
- (b) The operator shall also keep a separate record of the particulars of all private hire vehicles operated by him/her, which particulars shall included details of the owners, registration numbers and drivers of such vehicles., together with any radio call sign used.
- (c) All records whether manual or computerised kept by the operator shall be preserved for a period of not less than 12 months following the date of the last entry.
- (d) Such records shall be made available for immediate inspection by an authorised official of the Council when requested to do so.

2. Standards of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access. whether for the purpose of booking or waiting.
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities.

- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- (e) Ensure that any radio equipment provided by the operator is inspected at his expense at least once a year by a company approved by the Council and that a certificate that the equipment is in sound condition is submitted to the Council within one month of the inspection.

3. **Fares**

The operator may charge whatever fare has been agreed between him/herself and the hirer before the commencement of the journey. However, he/she shall inform the Council of the basic scale of fares intended to be charged, and give the Council at least one calendar month's notice of any changes proposed thereto.

4. **Taximeters**

The operator is not required to fit a taximeter to a private hire vehicle, but where such a vehicle is so equipped, the meter shall not be operated unless it has been previously tested and sealed by a tester authorised in writing by the Council and a Certificate of Compliance/vehicle test report lodged with the Council.

5. **Unauthorised Hiring**

No private hire vehicle shall wait on stands appointed for hackney carriages, nor proceed along the highway for the purposes of plying for hire.

6. **Authorised Checks**

The operator shall be aware that any authorised officer of the Council or any Police Constable shall have the power at all reasonable times, to inspect any private hire vehicle licensed by the Council, for the purpose of ascertaining its fitness.

7. **Complaints**

Where any complaint is made against a private hire vehicle driver., then the complainant shall be requested to put that complaint in writing immediately and submit it to the Council or the proprietor who shall in turn, within 48 hours of receipt of the complaint, notify the licensing authority.

8. **Change of Address**

The operator shall notify the Council in writing of any change of his/her address (including any address from which he/he operates or otherwise conducts his/her business as an operator) during the period of the licence within seven days of such change taking place.

9. **Convictions**

The operator shall within seven days disclose to the Council in writing details of any conviction imposed on him/her (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

10. **Operator's Licence**

The operator shall not assign or in any way part with the benefit of his/her operator's licence without prior written consent of the Council.

11. The operator shall at all times operate his/her private hire business in compliance with the terms of Part II of the Local Government (Miscellaneous Provisions) Act 1976 , and failure so to do may result in the licence being suspended or revoked.

As amended April 2002

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